

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

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

**March 9, 2010  
Council Chambers**

**6:15 P.M. - CLOSED SESSION**

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Initiation of litigation pursuant to subdivision (c) of California Government Code section 54956.9 (2 cases)

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

Present: Council Members Parsons, Moore, Kalinowski, Rocha  
Absent: Mayor Davis

**PLEDGE OF ALLEGIANCE**

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

City Attorney Nerland reported the City Council had been in Closed Session. Direction was given to staff. No reportable action was taken.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Gary Agopian and Walter Ruehlig invited the community to attend the Gateway Centers for Learning sneak peek at 10:00 A.M. on March 13, 2010 at the Prewett Family Water Park Community Center.

**PUBLIC COMMENTS**

Walter Ruehlig, representing the Antioch Unified School District, gave a brief update on grant funding the School District received for an Engineering Academy and discussed the development of the Space and Business Academies. He announced Ken Bergman, Jack London School Music Specialist, performed Percussion Discussion at the El Campanil Theatre and the Antioch Music Foundation received a grant from the Keller Canyon for busing students to the event. He provided a Comcast airing schedule for the performance.

In response to Council, Mr. Ruehlig reported summer school will be available only for students in need of credits to graduate and stated he would report back to the City Council regarding the availability of the food program during the summer break. He announced the Deer Valley High School Education Foundation Gala dinner would be held on March 13, 2010 and provided contact information.

Victoria Pickett, mother of homicide victim, Louis Stratten, discussed his unsolved murder and requested the community's assistance in solving this crime. She invited the community to attend a candlelight vigil on March 15, 2010 at 4200 Lone Tree Way.

Councilmember Moore, at the request of Ms. Pickett, suggested the City Council consider a memorial for Louis Stratten.

In response to Mayor Pro Tem Rocha, City Manager Jakel stated he would contact Ms. Pickett regarding a memorial for Louis Stratten at the Children's Memorial Tree Garden.

**COUNCIL SUBCOMMITTEE REPORTS - None**

**MAYOR'S COMMENTS - None**

**1. UPDATE ON ANTIOCH'S WATER RIGHTS AND ON-GOING DELTA ACTIVITIES**

Capital Improvements/Water Rights Director Harrington presented the staff report dated March 1, 2010 and Matt Emrick, consultant, gave a brief overhead presentation recommending the City Council entertain a motion to receive and file the staff report regarding current Delta Legislation, State Water Resources Control Board's In-Delta Flow Criteria hearing, Bay Delta Conservation Plan and the Delta Protection Commission.

Mayor Pro Tem Rocha thanked Director of Capital Improvements/Water Rights Harrington for the report and taking a lead position on water issues.

Mr. Harrington stated he would provide Council with an online link to the historical salinity report and their submittal to the resources control board which will be presented on March 22, 2010.

Mayor Pro Tem Rocha announced at the Mayor's Conference, Jan Vick, Rio Vista Mayor, was endorsed to be on the Delta Protection Commission and when her term ends in 2012 Contra Costa County will be selecting a person to fill the position.

**2. PRESENTATION ON THE CYBERTRAN INTERNATIONAL SYSTEM**

Allen Payton thanked the City for providing an opportunity to make a presentation this evening and gave a brief overhead introduction of the ultra light rail, personal rapid transit system

Following a brief overview of the CyberTran UltraLight Rail Transit System, Neil Sinclair Cybertran International Chairman, CEO, requested the City Council provide a letter of support for the project.

Discussion ensued regarding the footprint and aerodynamics of the project as well as possible funding opportunities.

Mr. Payton provided sample letters of support for Council consideration.

Councilmember Kalinowski stated this project could be handled by the West Contra Costa Transportation Advisory Committee (WCCTAC) and TRANSPLAN.

3. **COUNCIL CONSENT CALENDAR**
  - A. **APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 23, 2010**
  - B. **APPROVAL OF COUNCIL WARRANTS**
  - C. **REJECTION OF CLAIMS**
    1. Kelly Scott-Borda 10/11-1949 (property damage)
    2. Rickey McNeal, Sr. 09/10-1940 (personal injury).
  - D. **RESOLUTION NO 2010/15 AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL FUNDING FOR THE JOBS FOR MAIN STREET ACT OF 2010 FOR THE DEER VALLEY ROAD PAVEMENT OVERLAY PROJECT (P.W. 392-25)**
  - E. **RESOLUTION NO. 2010/16 AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO QUITCLAIM ANY INTEREST IN CERTAIN REAL PROPERTY AND SLOPE EASEMENT TO CONTRA COSTA COUNTY FOR THE STATE ROUTE 4 WIDENING PROJECT**
  - F. **RESOLUTION NO. 2010/17 ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2010/11 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM**
  - G. **SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND MONIES**
  - H. **RESOLUTION NO. 2010/18 APPROVING TITLE CHANGE FOR AUTHORIZED POSITIONS FOR FEMA AND STATE ONLY DISASTER GRANTS UNDER OFFICE OF EMERGENCY SERVICES**

On motion by Councilmember Moore seconded by Councilmember Kalinowski the City Council members present unanimously approved the Council Consent Calendar.

#### **PUBLIC HEARINGS**

4. **RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN FOR ALMONDRIDGE EAST – PHILLIPS LANE – EAST EIGHTEENTH STREET IMPROVEMENTS**

City Attorney Nerland announced the City had received a request from the property owner to continue this matter.

Mayor Pro Tem Rocha opened the public hearing.

No speakers requested to speak at this time, the public hearing will remain open.

On motion by Councilmember Kalinowski, seconded by Councilmember Parsons, the City Council continued this item to April 13, 2010.

**5. RESOLUTION MAKING FINDINGS AND ORDERING EXTENSION OF THE TEMPORARY CLOSURE OF EMPIRE MINE ROAD**

Public Works Director Bernal presented the staff report dated February 9, 2010 recommending the City Council adopt the resolution. He noted after conferring with the property owner, Council could consider adding the following to the resolution: ~~%~~Be it resolved that temporary closure to through traffic of Empire Mine Road+ which means that only residents and emergency vehicles shall have access at this time.

Mayor Pro Tem Rocha opened the public hearing.

**PROPONANT**

Jack Roddy, spoke to the benefits of extending the temporary closure of Empire Mine Road. He stated he agreed should a residence be built in the area of the Higgins home/property a gate could be installed.

**OPPONANT**

Michael Miliani, representing the Zeka Group, stated they were not in opposition to controlled access gates at this time, coupled with the offer by staff to assist with letters to address refinancing concerns including additional verbiage, as offered by staff for the resolution. He noted the area remains an opportunity for criminal activity and requested Antioch Police Department show a presence in the area to reduce vandalism. He recognized the controlled access gates serve a purpose and ultimately they intend to rebuild the Higgins Ranch/Zeka Ranch house, therefore, they would, at a future date, like the opportunity to move the gate southerly.

City Attorney Nerland clarified relocation of the gate was not part of the action this evening and it would be brought forward in the future, as part of a development application.

Public Works Director Bernal stated the relocation would need to be re-noticed due to the closure limits being changed.

Mayor Pro Tem Rocha closed the Public Hearing

Councilmember Kalinowski voiced his support for the extension of the closure of the road to curb the criminal activity in the area and stated should the ranch house be rebuilt, he would support relocating the gate, provided the item was properly noticed.

**RESOLUTION NO. 2010/19**

On motion by Councilmember Moore, seconded by Councilmember Kalinowski the City Council members present unanimously approved the resolution with the following addition,

BE IT FURTHER RESOLVED that temporary closure to through traffic of Empire Mine Road, which means that only residents and emergency vehicles shall have access at this time.

Mayor Pro Tem Rocha declared a recess at 9:24 P.M. The meeting reconvened at 9:37 P.M. with all Councilmembers present with the exception of Mayor Davis.

**6. PARK RIDGE/DAVIDON HOMES APPROVAL FOR REZONE FROM SPECIFIC PLAN TO PLANNED DEVELOPMENT, A VESTING TENTATIVE MAP, A FINAL DEVELOPMENT PLAN, AND A USE PERMIT TO CREATE 525 SINGLE FAMILY LOTS LOCATED WEST OF THE STATE ROUTE 4 BYPASS, EAST OF CANADA VALLEY ROAD AND SOUTH OF LAUREL ROAD (APNS: 053-072-016, 053-060-022 AND -023)**

Associate Planner Gentry presented the staff report dated March 2, 2010 recommending the City Council: 1) Motion to approve the resolution to adopt an addendum to the Future Urbanization Area #2 (East Lone Tree Specific Plan) EIR and reaffirm the Statement of Overriding Considerations; 2) Motion to read the ordinance by title only; 3) Motion to introduce an ordinance rezoning the 169.7 acre project site from Specific Plan (SP) to Planned Development District (PD-05-01); and 4) Motion to adopt the resolution approving a Vesting Tentative Map/Final Development Plan (PW 674) and a Use Permit (UP-08-04) for 525 single family units, subject to conditions of approval.

Mayor Pro Tem Rocha opened the public hearing.

**PROPONANT**

Jeff Thayer, Vice President Davidon Homes, and Norm Dyer, Loving & Campos, provided a power point presentation of their proposal for the Park Ridge subdivision.

In response to Councilmember Kalinowski, Mr. Thayer clarified the bulk of the landscaping would be maintained by the Lighting and Landscape District, however, there would be some private parcels to be maintained by the HOA.

Councilmember Parsons disclosed she had asked questions of the applicant prior to this meeting and her decision would be based on information set forth at the public meeting this evening.

Mr. Thayer reviewed the phasing plan for the project.

**GENERAL**

Terry Ramus, Antioch resident, stated after reading over the agreement there seemed to be loose ends regarding the other developers, therefore, he urged the City Council to address them prior to approval of the project. He cautioned the City to not consider downsizing the project in the future and hold the applicant accountable to the commitments being made at this time. He questioned whether or not the Antioch Police Department had weighed in on the

design of the park; had the Monument plaques would be secure; would the landscaping be maintained, and; questioned whether or not the school impacts had been addressed.

## **REBUTTAL**

Mr. Thayer stated the project was in the Antioch School District and the Mello Roos District. He reported they would be working on the completion of the Design Review with staff to address the outstanding issues.

## **PROPONANTS**

Aram Hodess, Martinez resident, speaking for Plumbers and Steamfitters Local #159, and Russ McNally, Antioch resident, voiced their support of the City Council adopting the resolution approving the project.

Mayor Pro Tem Rocha closed the public hearing.

Councilmember Parsons spoke in support of the project.

Following discussion, the applicant agreed an option for the HOA to petition the City to take over maintenance of the project from the Lighting and Landscape District areas could be considered as part of the Development Agreement.

Councilmember Kalinowski reported he had engaged in a conversation with the applicant regarding the future development policing districts, noting HOA provisions that may lessen the burden of municipal services could be considered. He acknowledged the developer had addressed many of his concerns; however, he felt the long stretch of roadway fronting the park/open space area, may become a public nuisance without traffic calming measures. He also suggested creating a fencing mechanism along the area. He stated he was in support of the project with those comments and the development agreement would address any outstanding issues.

### **RESOLUTION NO. 2010/20** **RESOLUTION NO. 2010/21**

On motion by Councilmember Moore, seconded by Councilmember Parsons, the City Council members present unanimously: 1) Motion to approve the resolution to adopt an addendum to the Future Urbanization Area #2 (East Lone Tree Specific Plan) EIR and reaffirm the Statement of Overriding Considerations; 2) Motion to read the ordinance by title only; 3) Motion to introduce an ordinance rezoning the 169.7 acre project site from Specific Plan (SP) to Planned Development District (PD-05-01), and; 4) Motion to adopt the resolution approving a Vesting Tentative Map/Final Development Plan (PW 674) and a Use Permit (UP-08-04) for 525 single family units, subject to conditions of approval with the following addition to project specific condition #78

#78 The DA shall consider the option for the HOA taking over the Lighting and Landscaping duties and some police services.

And the addition of project specific condition #134 to read:

#134 That fencing shall be provided at open space parcel access points to prevent vehicular access excepting maintenance vehicles.

## **7. RESIDENTIAL DEVELOPMENT ALLOCATION ORDINANCE EXTENSION (Z-10-02)**

City Attorney Nerland presented the staff report dated March 4, 2010 recommending the City Council: 1. Motion to read the ordinance by title only, and; 2. Motion to introduce an ordinance to amend Municipal Code §9-5.4012 in order to extend the sunset date of the Residential Development Allocation Ordinance to May 1, 2011, as recommended by the Planning Commission

Mayor Pro Tem Rocha opened the public hearing.

Terry Ramus, Antioch resident, stated he was in support of the extension of the ordinance and encouraged the City to involve the community in the process.

Mayor Pro Tem Rocha closed the public hearing.

Councilmember Kalinowski stated the subcommittee envisioned having the community involved and had assured Mr. Ramus he would be included in the process over the next year.

On motion by Councilmember Parsons, seconded by Councilmember Moore, the City Council members present unanimously: 1. Motion to read the ordinance by title only; 2. Motion to introduce an ordinance to amend Municipal Code §9-5.4012 in order to extend the sunset date of the Residential Development Allocation Ordinance to May 1, 2011, as recommended by the Planning Commission.

Council adjourned to the Antioch Development Agency with all members present with the exception of Mayor Davis.

## **8. AGENCY REGULAR AGENDA**

### **A. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO QUITCLAIM ANY INTEREST IN CERTAIN REAL PROPERTY TO CONTRA COSTA COUNTY FOR THE STATE ROUTE 4 WIDENING PROJECT**

#### **RESOLUTION NO. ADA-437**

On motion by Agency member Kalinowski, seconded by Agency member Parsons the Antioch Development Agency members present unanimously approved the resolution.

The Antioch Development Agency adjourned to the Antioch City Council with all members present with the exception of Mayor Davis.

**PUBLIC COMMENTS - None**

**STAFF COMMUNICATIONS**

City Manager Jakel announced the next City Council meeting would be held on March 23, 2010. He reported he had received a letter from NID housing counseling agency withdrawing their participation in the mortgage workshop on March 13, 2010, therefore the event has been postponed to a future date.

**COUNCIL COMMUNICATIONS - None**

**ADJOURNMENT**

With no further business, Mayor Pro Tem Rocha adjourned the meeting at 10:43 P.M. to the next regular Council meeting on March 23, 2010.

Respectfully submitted:

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L. JOLENE MARTIN  
City Clerk

Approved:

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MARY HELEN ROCHA, Mayor Pro Tem