

ANTIOCH CITY COUNCIL

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

**October 29, 2003
Beede Auditorium**

Mayor Freitas called the meeting to order at 7:07 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.

COUNCIL REGULAR AGENDA

5. CONTINUED REVIEW OF PROPOSAL FROM THE GUIDIVILLE BAND OF POMO INDIANS FOR A RESORT/BUSINESS PARK/CASINO PROJECT IN THE CITY OF ANTIOCH #901-05

Acting City Manager Pappas Diaz presented the staff report dated October 23, 2003 recommending the City Council: 1) Create and appoint a subcommittee to work with a staff negotiating team to begin discussions about a Municipal Services Agreement (MSA) and other areas of concern, and; 2) Determine whether the City Council wants to consider placement of an advisory measure on the March 2004 election in relation to the casino proposal.

Rod Wilson, representing the Guidiville Band of Pomo Indians, gave a brief presentation of tribal history, regulatory gaming, the proposed casino project and its benefits to local economy as well as the provisions and benefits of a Municipal Services Agreement. He clarified they would have a limited waiver of sovereignty and the MSA would be a legally binding agreement. In conclusion, Mr. Wilson stated they felt tribal government gaming may be a good partner for the City of Antioch, bringing thousands of jobs and contributing hundreds of millions of dollars to the local economy and city revenues. He noted they were in agreement should be an open process, which would allow for maximum input from the public. He gave a brief description of the entertainment facility and offered to present copies of MSAs from other cities. He clarified local law enforcement would have the right to come onto tribal land to make arrests. He stated the tribal government does not pay taxes; however, the tribe would pay taxes as an employer. He added tribal members living on the reservation did not pay state taxes, although they paid federal taxes; tribal members living off the reservation were required to pay both state and federal taxes.

Ben Johnson, Pittsburg resident, expressed his concern regarding the projects impact on local traffic congestion and the quality of life in East County.

Richard Maestretti, Antioch resident, spoke in support of the casino project noting it would bring thousands of jobs and revenue to the city.

Mayor Freitas read written comments from Ronald Lee, Antioch resident, in opposition to the Casino project.

Joseph Zamora, Antioch resident, spoke in support of the casino project noting the City needed the revenue. He discussed the history of the poor treatment of Native Americans and stated he felt it was appropriate to enter into an enterprise benefiting both the City and the tribe.

Douglas Tokes, Antioch resident, spoke in support of the casino project and noted if the project was built in a neighboring community, Antioch would receive the negative impacts without control or revenue to address those impacts.

Ernie Matlock, Antioch resident, spoke in opposition to the casino project due the negative impacts gambling has had on his family members.

Anita Felton, Rohnert Park resident, voiced her opposition to the casino noting the intent of proposition 1A was not to allow casinos in urban areas. She stated crime, traffic and indirect costs generated from the casino would negatively impact the City.

Ronald Ray spoke in opposition to the casino project noting the negative impacts outweigh the positive impacts for the City.

Jerry Skinner questioned where access would be to the project and urged the City Council to check with communities who have gaming reservations to discuss the impacts to their communities.

Joseph Ramos, Antioch resident, spoke in opposition to the casino project noting the Indians were being used as a mechanism to avoid regulations. He stated if the City Council is considering moving forward, he suggests the item be put on the ballot and determined by the voters of the City.

Phillip Mastrolia, Antioch resident, spoke in opposition to the casino noting police would have no jurisdiction for infractions to the law on Indian sovereign land.

Elvin Scott, Pittsburg resident, spoke in opposition to the casino project.

Grant Bazan, Antioch resident, discussed the future difficulty in bringing new businesses to Antioch with the added traffic created by the impact of the project. He noted the jobs it would create would not generate enough income to support

families. He stated Tribe would not be subject to labor laws and a substantial amount of money would be lost from the region. He noted the southern most documented location of the tribe was in Santa Rosa and they had no historical rights to Antioch. He urged the City Council to have the courage and foresight to make the right decisions for the residents of Antioch.

Patrick Bradley, Antioch resident, discussed the National Gambling Impact Study Commission National Report as it relates to problem and pathological gamblers. He urged the City Council to not put the item on the March ballot noting he felt in this case it would be an unfair process.

Manny Soliz, Chairman of Antioch Citizens Against the Casino, spoke in opposition to the casino project noting it would decrease property values and urged the Council to voice their opposition to the project.

Allen Hand, Antioch resident, stated he felt the revenue received from the project would all be spent to mitigate the problems it would generate. He urged the City Council to represent and protect the community by saying no tonight to the proposal and suggested they draft a resolution stating the gambling industry was not welcome in the community.

Marikay Batina, Antioch resident, urged the City Council to vote no on the casino project and draft a resolution indicating they did not want a casino in the City. She expressed concern regarding the project impact on surrounding cities and the need to provide family oriented services in Antioch.

RoseMarie Levy, Antioch resident, expressed concern regarding the traffic impacts of the project on Highway 4 and local streets. She urged the City Council to deny the tribes request for a casino in an urban environment.

Janet Castonguay, Antioch resident, stated she had provided the City Council with documents regarding current land held by the tribe, a declaration from the tribe's attorney and a bid for work. She noted the tribe currently holds land in Ukiah, views the state of California as a political subdivide and indicated their preference was to hire minority and Indian owned businesses.

Pete Lopez, Antioch resident, spoke in opposition to the casino project and urged the City Council to vote no.

David Boatwright, Antioch resident, provided the California Department of Transportation Bay Area Congestion Data for the year 2002 and requested the Tribe perform a traffic study prior to any further action on the proposal. He questioned how the negative impacts to property values and quality of life would be mitigated as well as what would happen in 20 years when the MSA would expire. He urged City officials request input from other jurisdictions that live in the project area.

Francine Hand, Antioch resident, and Chairperson of a No Antioch Casino, provided a copy of the resolution passed by the Sonoma County Board of Supervisors in opposition to the casino project in their area. She urged the City Council to direct the City Manager to draft a similar resolution and take the initiative to support the residents of Antioch.

Gordon Blake, Brentwood resident, spoke in opposition to the casino in East County noting the revenue generated for the city would not be sufficient to address the negative impacts generated from the project. He urged the City Council to support the residents and deny the project.

Michael Norris, Antioch resident, voiced his opposition to the casino project and urged the City Council to support the residents and stop the project from moving forward.

Dave Walters, representing Citizens For A Better Antioch, discussed the negative impacts from the Casino project noting he felt the Kerley property was essential as a transportation hub and revenue generator for Antioch. He urged the City Council to vote no on the project.

Mayor Freitas read written comments provided by Antioch residents in opposition to the Casino project.

Gil Smith, Antioch resident, stated although the revenue stream from the proposal was attractive it would come with complex problems and would be very difficult to mitigate. He urged the City Council to vote no on the project.

Harold Nay, Antioch resident, stated the voters believed proposition 1A was to allow for Indian gaming on reservations not in urban areas. He expressed concern regarding the impact the project would have on the surrounding jurisdictions and existing businesses. He stated he felt the proposal should come back when gambling has been approved in urban areas and/or when the citizens of Antioch had been allowed to vote on the matter.

Jeff Sloan urged the City Council to voice the opinion of the residents and deny the request for an Indian gaming in the community.

Mayor Freitas announced he received a petition signed by 26 individuals in support of the Indian Casino in Antioch.

Wayne Butler, Antioch resident, spoke in support of the proposal with the following conditions: a contract governing the codes and limiting access to the property; assurance it would be secure with a chief of security appointed by the City Council; a provision for suspension of operations for breach of contract,;

cease operation if, at any time, there was a lapse of a contract in place; and an annual donation to the freeway/highway fund.

John Gentile, Antioch, expressed concern regarding the project's impact on city services, infrastructure and traffic. He urged the City Council to deny the proposal.

James Shultz, Antioch resident, stated he felt the community did not need a casino and urged the City Council to put the item on the ballot for a vote of the residents.

Bob Blackhall, Antioch resident, discussed negative impacts and temptation of gambling for the children and urged the City Council to oppose the project.

Rex Caufield, Antioch resident, discussed the importance of maintaining a family oriented community and urged the City Council to deny the proposal.

Mayor Freitas read written comment from David Larson in opposition to the casino project.

Jill Lorrekovich, Antioch resident, stated the city needs to request the tribe provide proposals to deal with the project's impacts to the city's infrastructure and services. She urged the people who are opposed to the casino to contact state and federal lawmakers requesting a repeal of the law allowing tribal casinos.

Paul Anderson, Antioch resident, discussed the negative impacts of the project on traffic and crime. He felt there was a better use of the property to promote economic development. He urged the City Council to vote no on the proposal or to take it to a vote of the people.

Mayor Freitas read written comment from Elizabeth Westfall in opposition to the casino project.

Mary Jane Carsten, Antioch resident, spoke in support of the casino project noting the MSA would address the impacts of the project and she urged the community to approach the project calmly and logically.

Rick Carsten, Antioch resident, spoke in support of the casino project noting that the MSA would address the impacts of the casino and the project would support community projects. He urged the City Council to consider all information before determining if they want to proceed with the project in Antioch.

Michael Carney, Antioch resident, expressed concern regarding the MSA expiring in 20 years and the project impacting the city's ability to attract future economic development. He urged the City Council to deny the project.

Harvey Thornton, Antioch resident, spoke in opposition to the casino project noting he felt the project would not provide a positive environment for the community and he urged the City Council to vote no on the proposal.

Mayor Freitas declared a recess at 9:07. The meeting reconvened at 9:23 P.M. with all Councilmembers present.

Mayor Freitas stated there are approximately 50 more speakers and requested the members of the audience consider shortening their comments to 1 minute. Following a show of hands the majority of audience members supported the 1-minute speaker time.

Lisa Theado, Antioch resident, spoke in support of the casino project noting she felt the community should support the Indian culture.

Jeff Allendorpf, Antioch resident, spoke in opposition to the proposal noting these were not the tribe's historical lands and they had land in other areas of California.

Maryethel Horton Holladay, Pittsburg resident, spoke in opposition to the proposal noting gambling was a moral issue and she did not feel the tribe would benefit from the project. She stated she would support historical and cultural uses of the land to benefit the tribe.

Tom Lawrence, Antioch resident, stated he felt the American Indians did not benefit as they ought to from those types of projects and urged the City Council to vote no on the proposal.

Gregg Winehester, Oakley resident, spoke in opposition to the project noting the Pomo Indians did not represent a local tribe and the facility was not needed in this area.

Wayne Steffen, Antioch resident, encouraged the City Council to deny the proposal noting he felt they could do better.

Estrifanos Tsegay, Antioch resident, voiced his opposition to the casino project and urged the City Council to pass a resolution to indicate Antioch was not interested in pursuing the project.

Allen Payton, Antioch resident, thanked Councilmember Conley for voicing his opposition to the project at the City Council meeting two weeks ago and noted he felt the property should be used for a legitimate businesses.

Mayor Freitas read written comments in opposition to the casino project from Dan Loey, Donna Dong, Edward Dong, Terry Ramus, Mariam Griffith, Susan O'Connor, Terry Hooper, and Lorraine Maxson.

Kevin Hadlock, Antioch resident, voiced his opposition to the casino project noting it was a quality of life issue and the revenue generated by the casino was a tax on the residence.

Kevin Taylor, Antioch resident, voiced his opposition to the casino project and encouraged the City Council to pass a resolution against the proposal.

Juan Gala, Antioch resident, spoke in opposition to the casino project noting it would bring more crime.

Stephanie Lattuca, Antioch resident, spoke in opposition to the casino project noting the city did not have the infrastructure to support it.

Barbara Jones, Antioch resident, spoke in opposition to the casino project noting it would negatively impact her quality of life.

Phyllis Deona McKinney Shultz, Antioch resident, spoke in opposition to the casino project and urged the City Council to deny the proposal.

Clinton Fields, Antioch resident, spoke in opposition to the casino project and urged the City Council to deny the proposal.

Ingrid Gelhaus, Antioch resident, spoke in opposition to the casino project and suggested the property be developed to benefit the community. She suggested the residents opposed to the casino put up the money to purchase the property and develop the property in a way that benefits the community.

Mayor Freitas read written comments provided by Jamie Bennetts, Joyce Jennings, Cindy Wilkinson, Randi Moser, Bing Go, Gina Oltman, Mary Douglas and Robert Brooke in opposition to the casino project.

Manny Ramirez, Concord resident, spoke in opposition to the casino project and discussed the negative impact it would have on neighboring cities. He urged the City Council to deny the request.

James Hallgren spoke in opposition of the casino project and discussed the negative impacts it would have on the members of the community. He urged the City Council to base their decision on character and not revenue.

Julie Cullimore, Antioch resident, spoke in opposition to the casino project due to the increased crime and traffic that would be generated from the proposal. She urged the City Council to represent the citizens and vote no on the project.

Pastor Jim Oesterwind, representing the Heritage Baptist Church and Academy, discussed the negative impact the project would have on the children of the community and urged the City Council to vote no on the project.

Gregg Pearson, Antioch resident, spoke in opposition to the casino project noting it would negatively impact the quality of life in Antioch and urged the City Council to vote against the proposal.

Gene Holden, Antioch resident, spoke in opposition to the casino project noting it would negatively impact highway congestion.

Susan Brooke, Antioch resident, stated should the hearing result in continued discussion she suggested they be instructed the City was not engaging in a cooperative process. She discussed the negative impacts the project would have on the community and urged the City Council to deny the request.

Myra Ramirez, Concord resident, spoke in opposition to the casino project and reported *Antioch No Casino* has collected 1100 signatures against the casino.

Mayor Freitas read written comments provided by Charles Reed, Rebecca Uyemura, Constance Vines, Esti Fanos Tsegay, Mario Camorongan, N. Carver and J. Steinmann in opposition to the casino proposal.

City Attorney Galstan announced the City Council could consider a ballot measure, which would have to be decided by November 25, 2003 if it was their desire to have an item on the March 2, 2004 election ballot. He noted there was a provision for a proposition 218 mail out ballot, which could be called for by the City Council and would be an advisory item.

Councilmember Davis thanked the community for providing their input and discussed the importance of the public hearing. He noted the majority of speakers expressed their concerns and opposition. He stated he did not support staff's recommendations and requested the City Council vote as to whether they want to proceed forward.

Councilmember Kalinowski stated he was out of town during the last meeting and apologized to anyone who tried to reach him by phone. He expressed his concern regarding a flyer that went out and clarified he was a supporter of development only if it was in the best interest of the City. He stated there was not a development plan for the remaining parcel and expressed concern regarding the City moving forward with a subcommittee without all the information. He reported he received an article indicating the tribe was continuing to look for sites and suggested tabling the item until all the information and development plans were provided.

Councilmember Simonsen stated he had contacted and received input from many cities regarding the proposal. He thanked the community for the calls and emails he received regarding the proposal. He complimented the Pomo Indians for presenting the project in a professional and public manner. He stated he felt

it was appropriate for the public to decide whether or not they want the casino project in Antioch.

Councilmember Conley stated the public hearing tonight was important to receive the public input, which had indicated the majority of residents do not support the project moving forward. He expressed concern the land in Antioch was not historically Pomo land and the tribe was not currently landless as well as the fact the current plan had disparities. He stated he did not support the proposal and requested if there were 3 votes opposed to continuing with discussions, the tribe look elsewhere for a location for their casino project.

Mayor Freitas thanked and commended the public for attending the meeting this evening and voicing their position. He stated the City process had been open and forthcoming with the public and expressed concern full disclosure had not happened with some of the special interest groups. He clarified the City Council had the obligation to hear from anyone wishing to present a proposal to the City. He recommended the City Council stop discussion on the issue this evening. He apologized for not responding to every resident who contacted him regarding this issue, although he did read and listen to their concerns and 80% were opposed to Indian gaming. He stated the City Council has a vision for the City. He stated after reading the email and hearing the public debate he could not support the project moving forward.

Councilmember Kalinowski stated due to the lack of a development plan and the fact the tribe was continuing to look for property outside of Antioch he would be supporting the following motion.

Councilmember Simonsen stated the Council had looked at the proposal, heard testimony from the public and he supports the following motion. He thanked the tribe for coming to Antioch and wished them luck in another area.

Councilmember Davis voiced his support of the following motion noting the public had elected the City Council to make decisions in the best interest of the residents and City.

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Council unanimously directed staff to draft a resolution opposing the Guidiville Band of the Pomo Indians project in Antioch.

PUBLIC COMMENTS - None

City Attorney Galstan stated the Council Chambers had been reserved on November 4, 2003 and requested input regarding how the Council would like to proceed with the General Plan meeting scheduled for that night.

Following discussion the City Council agreed to meet on November 4, 2003 with a location to be determined.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:48 P.M. to a special meeting on November 4, 2003 at 6:00 P.M.

Respectfully Submitted:

L. JOLENE MARTIN CMC, City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

L. JOLENE MARTIN CMC, City Clerk