

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**November 23, 2004
Council Chambers**

6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATOR.** Agency Negotiator: Holly Brock-Cohn; Employee Organization: All represented groups. This Closed Session is authorized by Government Code '54957.6.

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, Simonsen and Mayor Freitas

PLEDGE OF ALLEGIANCE

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

Mayor Freitas commended City Staff for an excellent job in decorating the City Hall Christmas tree.

Diane Gibson-Gray announced the Academy of Arts and Ballet would be performing the Nutcracker Ballet on December 4 and 5, 2004 at the Creative Arts Building in Pittsburg. She thanked the sponsors of the event and provided the location of ticket sales. The performers introduced themselves and presented tickets to the City Council.

Mayor Freitas thanked the participants for providing the Ballet as entertainment for the community.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Betty Smith and Lori Chalifoux announced Holiday Delights would be held on December 4, 2004 at Waldie Plaza beginning at 12:00 P.M. and the Rivertown Jamboree Crab Feed Fundraiser would be held on January 7, 2005 at the Antioch Fairgrounds. They provided a contact number and website address for anyone wishing to receive additional information.

PUBLIC COMMENTS

Elvin Scott discussed his efforts to assist the public in receiving their benefits and noted his Pittsburg office is open on the 2nd and 4th Saturdays for anyone seeking for assistance. He announced he would be providing his television program schedule in January.

Emil Stein, Antioch resident, expressed concern there was mud building up on the sidewalk under the Somersville Road overpass, making it dangerous to pass in the area. He requested the City Engineer or City Attorney review the situation regarding the City's liability and contact Caltrans to have the issue resolved. He thanked the City Council for their efforts to have some

of the concertina wire removed from the soundwall at the Antioch Auto Center but were still concerned about the speaker volume, which they stated, had increased.

Ken Lee, Antioch resident, stated businesses on Somersville Road were questioning if or when Somersville Road would be renamed Auto Center Drive. He presented a documentary recorded on PBS Frontline regarding Walmart and suggested the City Council review the information when considering the expansion of Walmart in Antioch.

Mayor Freitas requested City Attorney Galstan look into the issue of renaming Somersville Road. He congratulated Susan Lucas who assists in recording the City Council meetings, on the birth of her daughter. On behalf of the City Council and Community he commended Acting Deputy Director of Leisure Services Sanderson and everyone who assisted in coordinating Aaron Miles Recognition Day.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 26, 2004#301-02**
- B. APPROVAL OF COUNCIL WARRANTS#401-02**
- C. APPROVAL OF TREASURER=S REPORT FOR OCTOBER, 2004#401-02**
- D. LEGISLATION AND ADVOCACY.....#701-04**
- E. RESOLUTION NO. 2004/143 AUTHORIZING THE MAYOR TO SIGN A DEFERRED IMPROVEMENT AGREEMENT WITH BRIDGEWAY CHURCH (LIGHTHOUSE CHRISTIAN CENTER) (UP-01-19/A)#202-10**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar.

Mayor Freitas announced Item 2 would be held over to January 11, 2005 and Items 5 and 6 would be held over to December 14, 2004

Mayor Freitas declared a recess at 7:17 P.M. The meeting reconvened at 7:30 P.M. with all Councilmembers present.

PUBLIC HEARING

- 2. THE CITY COUNCIL WILL CONSIDER A REQUEST TO AMEND THE ENVIRONMENTAL HAZARDS SECTION OF THE GENERAL PLAN TO MODIFY THE MAXIMUM ALLOWABLE EXTERIOR NOISE LEVEL FOR SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL UNITS LOCATED ADJACENT TO EXISTING AND PLANNED FREEWAYS. THE CURRENT STANDARD IS 60 CNEL AND THE PROPOSED STANDARD IS 65 CNEL. A CORRESPONDING CHANGE IS ALSO PROPOSED TO THE ZONING ORDINANCE (Z-04-04)#202-05**

This agenda item was held over to January 11, 2005.

COUNCIL REGULAR AGENDA

- 5. EXTENSION OF SERVICES AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE ARTS AND CULTURAL FOUNDATION OF ANTIOCH FOR SERVICES PROVIDED BY THE ARTS AND CULTURAL FOUNDATION#1407-03**

This agenda item was held over to December 14, 2004.

- 6. EXTENSION OF LEASE AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE ARTS AND CULTURAL FOUNDATION OF ANTIOCH FOR LEASE OF THE LYNN HOUSE LOCATED AT 809 1ST STREET#1407-03**

This agenda item was held over to December 14, 2004.

PUBLIC HEARING

- 3. RICHLAND DEVELOPMENT REQUESTS APPROVAL OF A PLANNED DEVELOPMENT AND TENTATIVE SUBDIVISION MAP IN ORDER TO SUBDIVIDE AN APPROXIMATELY 11 ACRE SITE LOCATED AT THE NORTHEAST CORNER OF LONE TREE WAY AND BLUEROCK DRIVE INTO 86 MEDIUM DENSITY SINGLE FAMILY LOTS (APN 072-012-110). AN ADDENDUM TO THE BLUEROCK BUSINESS CENTER EIR IS PROPOSED FOR ADOPTION (PD-04-12) #202-03**

Senior Planner Wehrmeister presented the staff report dated November 19, 2004 recommending the City Council take the following actions: A) Adopt the resolution making findings in relation to entitlements for the Renaissance at Bluerock Project; B) Introduce the ordinance by title only; C) Introduce the ordinance to rezone the project site from Planned Development to Planned Development; and, D) Adopt the resolution approving a Final Planned Development and Tentative Map, and adopting an Addendum to the Bluerock Business Center Environmental Impact Report for the Renaissance at Bluerock Project.

She reported staff=s recommendations for corrections to the resolutions. The changes were based on the Planning Commission's recommendations:

- < In the findings resolution, item III, Finding 2, Evidence - Deleting the first sentence
- < In the resolution approving the Planned Development and Tentative Map, Deleting condition #71j.

Mayor Freitas opened the public hearing.

Proponent

Steve Johnson, representing Richland Development, stated they had responded to the

concerns of the neighbors and the passage of Measure C by designing a courtyard home neighborhood that is compliant with the City's General Plan. He stated the EIR was based on a 111-unit medium density project, which found no significant impacts and with 25 less units the project would have less of an impact. He reviewed the project site plan and noted the streets, sidewalks, streetlights and interior landscaping would be paid for and maintained by the Homeowners Association. He clarified the retaining walls would not exceed 2 feet with a 6-foot high fence on top and they intend to minimize them wherever possible. He requested conditions #28 and #70 be revised to include "or as approved by the City Engineer".

In response to Mayor Freitas, Senior Planner Wehrmeister stated staff would support the applicants request to add "or as approved by the City Engineer" to conditions #28 and 70. Mr. Johnson clarified the request for wording in project specific condition #70 was to provide adequate flexibility to work with the Fire Department regarding the locations of the fire hydrants.

Opponents

Tom McNell spoke in opposition to the Renaissance at Bluerock proposal as presented, noting the density was too high and would negatively impact schools and traffic. He expressed concern the Environmental Impact Report had inaccurate information regarding school impacts and suggested the applicant conduct a new EIR. He felt the citizens would support a project of 66 homes or less.

Dee Vieira, Antioch resident, suggested the City Council and Developer consider designating a portion of the project to senior housing to address the residents concerns regarding school and traffic impacts. She discussed the possibility of offering financial incentives or recreational amenities to attract senior buyers.

Emil Stein, Antioch resident, spoke in opposition to Homeowner's Associations noting he felt they were too restrictive.

Clinton Fields, representing Citizens for a Better Antioch, stated the citizens had voiced their support for a senior project in the area. On behalf of the taxpayers, he requested the City Council focus on improving Highway 4, schools and the downtown area as well as holding the Urban Limit Line prior to approving more housing in this area.

Rebuttal

Steve Johnson commended the voters for approving Measure J, which was backed by Richland Development, and would provide funds for the transportation improvements in East County. He stated they had formed a committee to provide residents additional assistance in pushing the Federal Government to get more funds for Highway 4. Furthermore, he reported each home would be paying a traffic fee assessment of approximately \$8,500. He announced the project was in the Mello Roos District and had paid a substantial amount of taxes into the Assessment District. He felt a senior housing proposal would take advantage of the City's density bonus for seniors, which would allow for 50% more density.

Mayor Freitas closed the public hearing.

Councilmember Simonsen felt restricting a portion of the project to Senior Development would be problematic and noted the property owner had been paying the assessments. He voiced his support of the proposal as presented noting he felt the developer had responded to the citizens concerns and was providing a much needed infill project.

In response to Councilmember Davis, City Attorney Galstan stated documents could be drafted to insure certain units would be sold only to persons 55 years or older, however there was a concern regarding the marketability of those units over time.

In response to Councilmember Kalinowski, City Attorney Galstan clarified that SB50 provided a certain school fee to be imposed by the School District and if the developer pays the fee, the project could not be denied for lack of School facilities. He noted the developer would be exceeding SB50 requirements through Mello Roos.

Councilmember Kalinowski felt the developer had adequately addressed the concerns of the citizens and the project was superior to the previous apartment proposal. He noted the current proposal would provide a good transition between the existing town homes and single family homes therefore he supported the project as presented.

Councilmember Conley stated the vote in support of Measure C, in effect, mandated the City to respect the original zoning of the property. He expressed concern the single family homes would produce more students than the demographer had indicated, however, the issue was known when Measure C was presented. Councilmember Conley voiced his support of the project as presented.

Mayor Freitas stated through the recent referendum the public mandated the proper zoning for the property was 111 units and it was incumbent upon the City Council to honor it. He noted the proposal reduced the units by 25, represented smart growth and provided a market for first time homebuyers. He stated realistically the marketplace would factor in seniors purchasing those units. He suggested the City Council agendize for January-March a study session on the following topics: Highway 4, Schools, Downtown Development and the Urban Limit Line as well as a joint meeting with the Antioch Unified School District in January to discuss the demographics. He encouraged Mr. Fields to invite members of Citizens for a Better Antioch to the Workshops.

RESOLUTION NO. 2004/144
RESOLUTION NO. 2004/145

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously: A) Adopted the resolution making findings in relation to entitlements for the Renaissance at Bluerock Project with the following amendment - Page 4, Finding 2 under Evidence, deleting the first sentence; B) Introduced the ordinance by title only; C) Introduced the ordinance to rezone the project site from Planned Development to Planned Development, and; D) Adopted the resolution approving a Final Planned Development and Tentative Map, and adopting an Addendum to the Bluerock Business Center Environmental Impact Report for

the Renaissance at Bluerock Project with the following amendments:

- § Project Specific Condition #28 to read: "That all property lines shall be located at the top of slope or as approved by the City Engineer."
- § Project Specific Condition #70: Direction to the City Attorney to draft wording as it pertains to the issue of the impacts of the fire hydrants.
 - Deleting project specific condition #71j.

Mayor Freitas declared a recess at 8:39 P.M. The meeting reconvened at 8:48 with all Councilmembers present with the exception of Councilmember Simonsen who arrived at 8:49 p.m.

COUNCIL REGULAR AGENDA

4. UPDATE ON THE EAST COUNTY BASEBALL GROUP/LOS MEDANOS FIELD DEVELOPMENT#1402-01

Eric Blatt, representing Centerfield Management Group, provided the Update of Program for Improvements to Los Medanos College Baseball Field and Attraction of a Regional Baseball Team. On behalf of the non-profit, he thanked Acting Leisure Services Director Sanderson and City Attorney Galstan for their efforts.

In response to Mayor Freitas, Mr. Blatt clarified that prior to a decision being made with regards to proceeding with construction, a financial plan for operation and maintenance of the facility would be created. He added the College had agreed to be responsible for a majority of the maintenance, which would be finalized with the construction schedule.

Mayor Freitas requested Mr. Blatt provide information to the City Council regarding sponsorships.

Manny Soliz, Antioch resident, felt it was inappropriate to spend RDA or public funds to build a stadium in the City of Pittsburg noting they should be used for Capital Improvements within Antioch. He advised the City Council discontinue the City's financial contribution to the project and recommended the City Council shift responsibility for the RDA funds to a citizen's oversight committee. He suggested agendaing the project for the next City Council meeting to take a vote of no confidence on the project.

Allen Payton provided written comment requesting the City Council not spend Antioch taxpayer money on the ballpark in Pittsburg, allow public input in the development of a project and program priority list for RDA funds and have a public vote on the priority list.

Councilmember Conley clarified the ballpark would be in East County's jurisdiction and was a regional effort, benefitting all the East County cities. He noted Council had made and should honor the agreement to commit funds to the project.

In response to Councilmember Simonsen, City Attorney Galstan clarified the contracting party for the stadium was a non-profit corporation, therefore the City would have no liability for

construction defects or accidents. He noted the City could be held liable if they were to retract their financial obligation.

In response to Councilmember Simonsen, City Manager Jakel stated the City was not reimbursed for the services provided by City Staff. City Attorney Galstan added the program was structured to have very slight liability exposure for the contributing entities.

Councilmember Kalinowski stated the City Council, as elected officials, had responsibilities to the region and a commitment of funds had been made. He noted the project would enhance the quality of life for residents and provide a regional community benefit. On behalf of the non-profit, he offered to provide Mr. Soliz with any information on the project.

Mayor Freitas reported the revenue generated from the stadium would be coming back to the communities who were participating, specifically for youth activities, which were currently underfunded. He commended Councilmember Kalinowski for advocating for a regional project and cautioned the non-profit to assure there was adequate revenue to operate and maintain the facility.

Councilmember Kalinowski reported the City of Pittsburg articulated their parameters regarding the operation and maintenance. Furthermore, the consultants had tied maintenance of the facilities to the property entity. He thanked the Council for their support.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council unanimously received and filed the report.

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

AGENCY CONSENT CALENDAR

7. RESOLUTIONS APPROVING THE EXPENDITURE OF ANTIOCH DEVELOPMENT AGENCY HOUSING SET ASIDE FUNDS FOR THE PURPOSE OF THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS (#709-01)

CDBG and Housing Consultant Kennedy presented the staff report dated November 23, 2004 recommending the City Council: A) Adopt the resolution approving the expenditure of Antioch Development Agency Low Income Housing Set Aside Funds of up to \$380,000, with conditions, to Mt. Diablo Habitat for Humanity and authorize the Executive Director to negotiate and execute an Exclusive Negotiating Rights Agreement, and all related documents; B) Adopt the resolution approving the expenditure of Antioch Development Agency Low Income Housing Set Aside of up to \$1,458,400, with conditions, to Eden Housing and authorize the Executive Director to negotiate and execute all necessary documents, and C) Adopt the resolution approving the expenditure of Antioch Development Agency Low and Moderate Income Housing Set Aside funds of up to \$550,000, with conditions, to Simpson Housing Solutions and authorize the Executive Director to negotiate and execute all necessary documents. She requested the City Council modify the Eden Housing Resolution to indicate that the form of a loan at 3% simple interest for fifty-five years.

In response to Mayor Freitas, Ms. Kennedy stated funding would be available if or when the Committee on Aging Senior Project moved forward.

Councilmember Kalinowski requested the resolutions be considered separately.

Councilmember Simonsen encouraged *Habitat For Humanity* to consider residents from Antioch or East County as much as possible.

RESOLUTION NO. ADA-397

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously adopted the resolution approving the expenditure of Antioch Development Agency Low Income Housing Set Aside Funds of up to \$380,000, with the following condition, that Mt. Diablo Habitat for Humanity authorize the Executive Director to negotiate and execute an Exclusive Negotiating Rights Agreement, and all related documents.

RESOLUTION NO. ADA -398

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council unanimously adopted the resolution approving the expenditure of Antioch Development Agency Low Income Housing Set Aside of up to \$1,458,400, with the following conditions to Eden Housing, *authorize the Executive Director to negotiate and execute all necessary documents changing on page 1, 8th paragraph change to: 3% simple interest for fifty five years.*

Councilmember Kalinowski stated he could not support the motion due to the fact Simpson Housing was a for-profit developer and the project included 4 bedroom apartments, which in his experience tends to complicate issues from the law enforcement prospective.

Ms. Kennedy reported she had spoken with the developer who informed her they had a meeting scheduled next week with the planning department to discuss the issue of the 4-bedroom apartments. She clarified they would be applying for all the low income affordable housing financing funds, therefore the rules applied to the non-profits would also apply to Simpson Housing, which would require no more then 1.5 persons per bedroom.

Councilmember Simonsen clarified the project was within a redevelopment area.

Councilmember Conley expressed concern the City would be allocating \$550,000 to a for-profit company and he did not feel the project would improve the City, therefore he would not be supporting the motion.

A motion by Councilmember Simonsen, seconded by Councilmember Davis to approve the resolution approving the expenditure of Antioch Development Agency Low and Moderate Income Housing Set Aside funds of up to \$550,000, with conditions as previously stated, to Simpson Housing Solutions and authorize the Executive Director to negotiate and execute all necessary documents failed by the following vote:

Ayes: Simonsen, Davis

Noes: Freitas, Kalinowski, Conley

Chairperson Freitas adjourned to the Antioch City Council

COUNCIL REGULAR AGENDA

8. CITY OF ANTIOCH'S STATE OF THE STREETS PRESENTATION (#1102-04)

Public Works Director Harrington presented the staff report dated September 28, 2004 recommending the City Council receive and file the report.

Councilmember Conley suggested taking a portion of the program money as cash flow on a bond to spend on roads.

Director of Public Works Harrington stated the advantage to bonding for the improvements was that for each dollar spent for today's improvements saves \$5.00 in the future. He stated he would be willing to bring back a bond financing option for the City Council's consideration.

Director of Finance Tasker cautioned should the Council allow the use of bonding for road improvements, the City would need to ensure there would be sufficient funds for maintenance.

Councilmember Kalinowski stated he supported the idea of bonding for approximately \$12M and suggested the City consider the impact to the staffing levels should bonding occur.

Mayor Freitas agreed bonding for \$12-15M may be appropriate and requested a study session to be held in the January - March time frame to discuss the various options including a strategy with regards to how the program would be implemented.

City Attorney Galstan reported the Sierra Crete Streets were included in the cost for the maintenance. He noted the settlement was moving forward and funds should be available in the spring, which will be a sizable contribution to the pending balance.

Director of Public Works Harrington added the Sierra Crete settlement included money for projected failures and noted there could be a large volume remaining to apply towards the roads in a different fashion. He reported there was a subcommittee meeting with the utilities and discussing their lack of response time. He noted they were hopeful they could reach an agreement regarding committing to a time frame.

Mayor Freitas requested staff provide an explanation of Rule 20.

PUBLIC COMMENTS - None

COUNCIL COMMUNICATIONS

Councilmember Conley wished the community a very Happy Thanksgiving.

Councilmember Kalinowski wished the community a very Happy Thanksgiving and noted he look forward to another four years of working with City Council and City Staff.

Councilmember Davis thanked those in the City Staff Employee Appreciation Luncheon committee, as well as the City Employees.

Councilmember Simonsen reported the League of California Cities had held a meeting and set their priorities for 2005. He noted there was a program to look at all issues related to housing including transportation. He wished the community a very Happy Thanksgiving.

Councilmember Davis reported the Veteran's Day Program had been a very successful event. He thanked the City employees and Park Superintendent Palmeri for their assistance as well as the Veteran's for serving on behalf of our freedoms. He wished everyone a Happy Thanksgiving.

Mayor Freitas wished everyone a Happy Thanksgiving and encouraged everyone to think about the Military serving in Afghanistan and Iraq. He wished the Jewish members of the community a Happy Hanukkah. He announced the Swearing In Ceremony would be held on December 7, 2004 beginning at 7:00 P.M.

STAFF COMMUNICATIONS

City Manager Jakel reported the Antioch Library proposal had been ranked as an outstanding proposal by the State of California and they would be making a presentation on November 29-30 in Sacramento.

Mayor Freitas requested that future agendas have Staff Communications prior to Council Communications.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting in honor of Rammy Inzerillo at 10:41 P.M. to the next regular Council meeting on December 7, 2004.

Respectfully submitted,

L. JOLENE MARTIN, CMC
City CLERK