

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY**

**Study Session/Regular Meeting
5:30 P.M.**

**January 23, 2007
Council Chambers**

5:00 P.M. - CLOSED SESSION

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

Mayor Freitas called the meeting to order at 5:35 P.M., and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

Mayor Freitas reported the City Council had been in Closed Session; there was no reportable action.

**STUDY SESSION — DISCUSSION AND DIRECTION OF THE PREWETT PARK
PROJECT (#1402-03)**

Project Manager Lonnie Karste presented the staff report dated January 17, 2007 and gave a brief overhead presentation of the history of the current project plan, input process, major issues to be addressed and possible options for Council consideration.

Mayor Freitas thanked Project Manager Karste on behalf of the City Council and community for moving this project forward. He discussed the importance of addressing the operation and maintenance of the project.

PUBLIC COMMENTS

Dee Vieira, Antioch resident, discussed the importance of having proper mitigation in place for the burrowing owls located on the Prewett Park site. She provided the City Council with written recommendations.

John Case, representing Kiwanis of the Delta, announced they were establishing a regional botanical garden or arboretum in Antioch. He discussed the benefits the project would have in the community and potential funding sources.

Tom McNell, Michael Sagehorn, Carol Manning, Courtney Manning, Mauricio Urrutia speaking on behalf of the Deer Valley Soccer team, Carlos Martinez, Carmen Anjari and Mike Rainsford on behalf of Delta Youth Soccer League, discussed the lack of safe, adequate athletic facilities in Antioch and suggested the City Council consider all-weather turf fields be constructed with the available Mello Roos funds. Mr. McNell requested an open survey be given to Antioch resident.

Steve Reichmuth, representing model boat clubs, suggested replacing the lagoon with a reflecting pool to work as a center point and be used occasionally for model boating.

Terry Ramus, Antioch resident, cautioned the City, in the event they choose to partner with non-profits, they should consider what would happen if the income stream were to be eliminated. He voiced support for partnering with for-profit businesses and incorporating a police substation within the plan. He noted access from Country Hills Drive should be small and local. He requested the City build mitigation into the plan for any potential criminal activity that could occur at the park.

Walter Ruelig, Contra Costa Library Commission and Antioch Unified School Board, discussed the need for a new library in Antioch.

In response to Mayor Freitas, Mr. Ruelig reported turf fields were not in the School District's budget at this time; however the grass would be replaced during 2007.

Mayor Freitas requested a discussion on the sport fields be placed on the agenda for the City Council, Antioch Unified School District joint meeting. He felt current City Hall property would better serve the community as a retail/commercial development. With regards to the Prewett Park project, he suggested the following be considered:

- Relocation of City Hall, AUSD Administration building and Joint Chamber Facility
- First Phase - Library/Community Center
- Include a Police Substation
- Leasing space to private enterprise for revenue generation

Councilmember Simonsen agreed with Mayor Freitas and suggested those interested in turf fields look at the possibility of funding from Mello Roos, grants and bonds.

Councilmember Kalinowski stated he was in support of the library moving forward, including the consideration of partnership opportunities with the private sector. He stated he was in support of a new library at Prewett Park, with the retention of the current facility on 18th Street.

Councilmember Moore stated he was in support of the library at Prewett Park and further discussions regarding relocating City Hall and School District facilities as well as partnerships with private entities. Additionally, he supported working with the School District on the sports fields' issue.

Councilmember Davis stated his vision was of a phased project with the community center/library being completed first with future discussion regarding relocation of City Hall and School District facilities. Additionally, he supported partnering with other groups and the private sector to maximize use. He offered to serve on a subcommittee with the School District on the turf field's issue.

Mr. Karste clarified the survey was utilized based on the ten elements listed in the master plan.

Following discussion the City Council directed Mr. Karste to explore architects who could give the City Council options for a library, library/community center and guide discussions regarding other options available.

Mayor Freitas declared a recess at 7:07 P.M.

Mayor Freitas called the meeting to order at 7:25 P.M. He reported the City Council had been in Closed Session; there was no reportable action. City Clerk Martin called the roll.

Present: Council Members Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

PLEDGE OF ALLEGIANCE

Boy Scout Troop #194 led the Council and audience in the Pledge of Allegiance.

The members and leaders of Boy Scout Troop #194 introduced themselves.

ANNOUNCEMENTS OF BOARDS AND COMMISSIONS

Mayor Freitas announced the following Commission opening for the City of Antioch:

- Three expiring terms, one unexpired term and three alternative members on the Board of Administrative Appeals
- One unexpired term on the Economic Development Commission
- Four expiring terms and one unexpired term on the Parks and Recreation Commission

Contact information was given for those interested in applying.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Mayor Freitas read a written comment from Dee Vieira announcing the Dallas Ranch Middle School Spring Auction Dinner on March 24, 2007 at the Lone Tree Golf Course Event Center. Contact information was given.

Nancy Brandt presented the City Council with hats and schematic drawings of the community built playground at City Park. She announced build dates were scheduled for May 16-20, 2007 and provided contact information for anyone in the community wishing to participate.

Priscilla Friemering, Lonnie Karste and Tim Forester announced the Antioch Mayor's Prayer Breakfast was to be held on March 23, 2007 from 7:00 – 9:00 A.M. at Humphrey's on the Delta. Contact information was given.

PUBLIC COMMENTS - None

COUNCIL RESPONSE TO PUBLIC COMMENTS - None

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR DECEMBER 19, 2006 and JANUARY 9, 2007 (#301-02)
- B. APPROVAL OF COUNCIL WARRANTS (#401-01)
- C. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2006 (#401-02)
- D. REJECTION OF CLAIMS #704-07
 1. Rodney Perry, #06/07-1697 (vehicle damage)
 2. Elizabeth Giannotti, #06/07-1701 (vehicle damage)
 3. Winnie Davis, #06/07-1702 (pothole)
 4. Tricia Burcio (Safeco Insurance), #06/07-1695 (sewer backup)
 5. Marquita Arias, #06/07-1705 (vehicle damage)
 6. Lisa Odom, #06/07-1706 (loss of property, civil rights)
 7. Rebecca deLuna, #06/07-1694 (trip and fall)
 8. Sugar Viñas, #06/07-1698 (trip and fall)
- E. LEGISLATION AND ADVOCACY #701-04
- F. ORDINANCE 1086-C-S AMENDING TERM EXPIRATIONS FOR THE PLANNING COMMISSION (#302-06)
- G. ORDINANCE 1085-C-S REGARDING MASSAGE ESTABLISHMENTS, OUT-CALL MASSAGE THERAPY AND MASSAGE THERAPY TECHNICIANS (introduced 1/9/07) AND ADOPTION OF AN ORDINANCE RESCINDING THE URGENCY ORDINANCE EXTENDING THE INTERIM STUDY PERIOD ("MORATORIUM") FOR MASSAGE PARLORS AND OTHER ESTABLISHMENTS PROVIDING MASSAGE SERVICES #701-05
- H. CITY MANAGER'S EMPLOYMENT AGREEMENT (#502-01)
- I. CITY OF ANTIOCH - COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2006 AND REPORT TO MANAGEMENT FOR THE FISCAL YEAR ENDED JUNE 30, 2006 (MANAGEMENT LETTER) (#402-02)
- J. SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2006 (#402-02)
- K. APPROVE AWARD FOR LANDSCAPE MAINTENANCE CONTRACT FOR THREE (3) LIGHTING AND LANDSCAPE DISTRICTS (#601-02)
- L. APPROVE AWARD FOR ANNUAL CONTRACT FOR LANDSCAPE MAINTENANCE SERVICE AT PREWETT FAMILY PARK (#601-02)
- M. RESOLUTION NO. 2007/03 AUTHORIZING THE MAYOR TO SIGN A QUITCLAIM DEED OF PROPERTY (PARCEL 'A', OAKLEY MEADOWS SUBDIVISION 6717, [374 M 1], PW 531) FROM THE CITY OF ANTIOCH TO MICHELLE P. SIDRIAN (PW 371-RA-44) (#802-02)

- N. UPDATE ON REQUEST BY SUNSET EXPLORATION TO ALLOW GAS WELLS WITHIN THE SAND CREEK FOCUS AREA (#202-02)**
- O. RESOLUTION NO. 2007/04 APPROVING RECLASSIFICATION OF POLICE ADMINISTRATIVE MANAGER POSITION WITH A POLICE LIEUTENANT (#502-02)**
- P. FIRST YEAR REVIEW OF CASH ADVANCE METHOD VS. PER DIEM FOR CITY TRAVEL EXPENSE REIMBURSEMENTS (#401-01)**

On motion by Councilmember Davis, seconded by Councilmember Moore, the Council unanimously approved the Council Consent Calendar with the exception of items G, M and O, which were removed for further discussion.

Item G – Jim Patton suggested the City Council consider there are massage therapist who are healers. He requested education hours at accredited schools be taken under consideration and questioned how the examination process would be conducted.

Mayor Freitas clarified the City Council requested staff provide a report in July 2007 while they continue dialog with individuals who raised issues regarding modifications to the ordinance.

Councilmember Simonsen acknowledged the City Council received a letter on this item from Della Lorenzetti this evening.

Councilmember Moore stated he felt the ordinance did not address all the issues raised; therefore, he would not be supporting a motion for approval.

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

Ayes: Davis, Kalinowski, Simonsen, Freitas,

Noes: Moore

Item N – Councilmember Kalinowski expressed concern regarding the length of time it took to bring this item back to the City Council.

Community Development Deputy Director Carniglia reported there was no longer property owner consent to allow oil and gas drilling within the Sand Creek Focus Area.

Mayor Freitas suggested holding this item in abeyance to allow staff to discuss with the property owner formalizing withdrawal of the application.

A motion by Councilmember Simonsen to continue item N, died for lack of a second.

Item O – In response to Mayor Freitas, City Manager Jakel clarified the non-sworn police administrative manager position would be replaced by a sworn police lieutenant.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved Item O.

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

6. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS (#401-01)

B. SPONSORSHIP OF CALIFORNIA SYMPHONY CONCERT – APRIL 21, 2007 AT THE EL CAMPANIL THEATRE (#1407-01)

C. ANTIOCH DEVELOPMENT AGENCY - INDEPENDENT AUDITOR'S REPORTS, MANAGEMENT'S DISCUSSION AND ANALYSIS, BASIC FINANCIAL STATEMENTS, AND REQUIRED SUPPLEMENTARY INFORMATION FOR THE FISCAL YEAR ENDED JUNE 30, 2006 (#402-02)

On motion by Agency member Simonsen, seconded by Agency member Davis, the Agency unanimously approved the Agency Consent Calendar with the exception of item B, which was removed for further discussion.

Item B - Stacey Street, Executive Director of the California Symphony, gave a brief overview of their organization, noting they looked forward to the opportunity to perform at the El Campanil Theater on April 21, 2007. She thanked everyone involved for supporting their efforts and encouraged the Agency to approve sponsorship.

Agency member Moore thanked Ms. Street for bringing the Symphony to Antioch.

On motion by Agency member Davis, seconded by Agency member Moore, the Agency unanimously authorized staff to provide \$5,000 in sponsorship support to the California Symphony for their April 21, 2007 concert at the El Campanil Theater from Agency funds.

Chairperson Freitas adjourned to the City Council with all Councilmembers present.

Mayor Freitas adjourned to the Antioch Public Financing Authority with all Members present.

ANTIOCH PUBLIC FACILITIES AGENDA

7. ANTIOCH PUBLIC FINANCING AUTHORITY - INDEPENDENT AUDITOR'S REPORTS, MANAGEMENT'S DISCUSSION AND ANALYSIS, BASIC FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION FOR THE FISCAL YEAR ENDED JUNE 30, 2006 #402-02

Ahmed Badawi, Senior Manager with Caporicci and Larson, reported they successfully completed the City's audit. The City received a clean audit.

On motion by Member Kalinowski, seconded by Member Simonsen, the Public Facilities Authority unanimously received and filed the report.

Chairperson Freitas adjourned to the Antioch City Council with all Councilmembers present.

PUBLIC HEARINGS

2. DE ANZA VILLAS LLC REQUESTS APPROVAL OF A USE PERMIT AND A VARIANCE TO CONSTRUCT A 52 UNIT CONDOMINIUM PROJECT LOCATED AT THE SOUTHEAST CORNER OF JAMES DONLON BLVD. AND TABORA DRIVE (APN 072-011-062). A MITIGATED NEGATIVE DECLARATION WILL ALSO BE CONSIDERED FOR ADOPTION. FILE UP-06-12, V-06-04 #202-10

Senior Planner Morris presented the staff report dated January 19, 2007 recommending the City Council adopt the resolution adopting the mitigated negative declaration and the mitigation monitoring reporting plan and approve the use permit and variance.

Mayor Freitas opened the public hearing.

Kevin Fryer, representing De Anza Villas, LLC, gave a brief overview of the project and clarified the process used to develop a proposal for community benefits. He noted they felt the development was a great infill project that would provide an obtainable high quality housing stock.

In response to Councilmember Moore, Mr. Fryer stated they understood the concerns of the Council, and if approved their intention was to find a quality builder for this project. Additionally, project specific condition #90 would assure any proposed changes to the project would come before the City Council for approval.

In response to Councilmember Simonsen, Mr. Fryer stated he would agree to an owner occupied restriction on the development.

Councilmember Simonsen requested the cash equivalent of the landscape improvement projects be retained within the street lighting and landscaping district zone 2A-8.

William and Annette Russell, Antioch residents, read a letter submitted to the City Council recommending rejection of the De Anza Villas, LLC based on the negative impacts of the project on their neighborhood.

Terry Ramus, Antioch resident, spoke in support of an owner occupied requirement and questioned why an owner occupied standard was not developed for condominiums. He suggested signal lights at all the intersections along James Donlon to improve safety and questioned the feasibility of building at the base of the dam.

Mr. Fryer stated they had attempted to shield along the trail to maintain privacy and reported the site sits below James Donlon. He reviewed traffic mitigation measures to address safety concerns with access to the project.

Mayor Freitas closed the Public Hearing.

Senior Planner Morris gave a brief history of the project.

Community Development Deputy Director Wehrmeister clarified the owner occupied standard was applicable to condominium conversions, however, the applicant had agreed, therefore it could be applied to this project.

Mayor Freitas stated his expectation was Project Specific Condition #37 was written to comply with C3 Standards. With regards to project specific condition #74, he requested the Mello Roos District be identified.

Following discussion, Mr. Fryer clarified the intention was to have the units owner occupied; therefore, they agreed to adding language previously used and accepted by the City Council regarding this requirement. Additionally, he stated he was in agreement with the modifications to project specific conditions #37, 53e, 66 and 90 as included in the following motion:

RESOLUTION NO. 2007/05

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously adopted the resolution adopting the mitigated negative declaration and the mitigation monitoring reporting plan and approved the use permit and variance, with the following changes:

- #37. Include C3 Standards.
- #53e. Additional language added stipulating the funds be retained for lighting and landscape enhancements in zone 2A-8.
- #66. Include requirement owner occupied conditions be codified.
- #90. Include and clarified Planning Commission/Design Review Board direction.

Mayor Freitas declared a recess at 9:01 P.M. The meeting reconvened at 9:08 P.M. with all Councilmember present.

3. THE CITY OF ANTIOCH IS PROPOSING AMENDMENTS TO ITS GENERAL PLAN HOUSING ELEMENT AND SELF CERTIFICATION OF THE HOUSING ELEMENT. AN ADDENDUM TO THE 2003 ENVIRONMENTAL IMPACT REPORT WILL BE CONSIDERED FOR ADOPTION. FILE: GP-02-4 #202-04

Senior Planner Oshinsky presented the staff report dated January 3, 2007 recommending the City Council adopt the resolution.

Mayor Freitas opened the public hearing.

Terry Ramus, Antioch resident, stated he was opposed to the state taking away land use authority from the City and mandating high density development. He urged residents to hold the public officials accountable and the cities to join forces to inform the public on the state mandates from ABAG.

Mayor Freitas closed the public hearing.

Mayor Freitas stated he was opposed to default density R-30. He requested the City Attorney review the first "Whereas" clause of the resolution, as presented in the staff report and clarify if necessary.

City Attorney Nerland suggested amending the resolution as follows: "WHEREAS, the City of Antioch proposed amendments to the 2003 General Housing Element to respond to comments provided by....."

RESOLUTION NO. 2007/06

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council unanimously adopted the resolution with the first WHEREAS amended to read:

"WHEREAS, the City of Antioch proposed amendments to the 2003 General Housing Element to respond to comments provided by....."

Mayor Freitas stated a joint meeting of the City Council and Planning Commission should occur shortly to allow discussion of this item. He further suggested Councilmember Simonsen bring this issue up with the East Bay League of California Cities.

COUNCIL REGULAR AGENDA

4. APPROVAL OF DESIGN CONTRACT AMENDMENT FOR MARKLEY CREEK REMEDIATION PROJECT #814-01

Assistant City Engineer Bernal presented the staff report dated January 12, 2007 recommending the City Council: 1) Approve Brown and Caldwell Contract Amendment #4; 2) Amend the 2006-2007 Capital Improvement Program budget, and; 3) Appropriate General Fund transfer of funds to Capital Improvement Fund for increase in project expenditures.

Mayor Freitas expressed his concern Brown and Caldwell had not stepped forward as a responsible consultant to take some responsibility for the costs.

Assistant City Engineer Bernal reported Brown and Caldwell had spent 60 hours in staff time, which was not billed to the City and they had met with the City regarding options for grant funding of this project.

Mayor Freitas stated he would not support the motion due to the fact that Brown and Caldwell should have provided more financially.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council approved \$403,500 by the following vote:

AYES: Kalinowski, Davis, Moore, Simonsen

NOES: Freitas

5. RENTAL INSPECTION PROGRAM STANDARDS OF MAINTENANCE AND INSPECTION CHECKLIST #203-04

Following discussion, the City Council agreed to put this item on the City Council agenda for the February 20, 2007 meeting for discussion of the formation of a subcommittee.

PUBLIC COMMENTS

Thomas Judge requested the City Council delete Section K from the Antioch Municipal Code 5-1.201, which restricts the parking of recreational vehicles on private property.

STAFF COMMUNICATIONS

City Manager Jakel gave a brief update on the Neighborhood Improvement Program and reported form letters informing violators would be sent to property owners. Additionally, the City retained Ryan Graham to fill the Neighborhood Improvement Coordinator position.

Mayor Freitas reported the Neighborhood Improvement Program is a pilot project and the City Council is aware there may be changes in the process.

City Manger Jakel announced the Quality of Life Forum is scheduled on January 27, 2007 from 9:00 – 12:00 at the Antioch Senior Center and the Mayor's Conference is February 1, 2007 at Lone Tree Event Center.

COUNCIL COMMUNICATIONS

Councilmember Moore expressed concern regarding the procedures for conducting joint Design Review Committee and Planning Commission meetings. He suggested staff review the configuration on how the dais is set up and how the agendas are drafted.

Mayor Freitas suggested all Design Review Committee members have their own microphones.

City Councilmember Davis reported the Antioch Youth Sports Complex Board was interested in the used playground equipment removed from City Park.

Mayor Freitas added if the playground equipment is salvageable and moved to the sports complex, the City needs to be protected from liability.

Councilmember Simonsen thanked Mayor Freitas for his participation at the Chamber of Commerce Gala and congratulated Citizen of the Year Gary Gilbert, Lifetime Achievement Barbara Herendeen, Business of the Year Sean Burns from Schooners and, Youth of the Year Samantha Haycock. He requested staff look into the pack of coyotes between Tabora Drive and Blythe Drive. He gave a brief update on the League of California Cities Policy Committee meetings,

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:15 P.M. to the Quality of Life forum on January 27, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC
Antioch City Clerk