

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

Regular Meeting
7:00 P.M.

November 27, 2007
Council Chambers

6:15 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** City of Antioch v. Frank Evangelho et al., Contra Costa Superior Court, Case No. C06-02345. This Closed Session is authorized by Government Code §54956.9(a).

2. **CONFERENCE WITH LABOR NEGOTIATOR** – Employee Organization: APSMA (Antioch Police Sworn Management Association). 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, Moore, Simonsen and Mayor Freitas

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

PLEDGE OF ALLEGIANCE

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

The City Council supported a request from staff on behalf of the applicant to delay Public Hearing Item #4, Antioch Surgical Center until December 11, 2007.

PROCLAMATION

Holiday De-Lites Winter Wonderland Celebration, December 1, 2007

On motion by Councilmember Moore, seconded by Councilmember Davis, the Council unanimously approved the proclamations.

Lori Chalifoux and members of the Holiday De-Lites Committee invited the community to attend the Holiday De-Lites Winter Wonderland Celebration on December 1, 2007 beginning at 12 noon in Antioch. She introduced Danica Sellers from Antioch High Music Masters and Cassidy Cook from the Peninsula Ballet Theatre who sang and danced to *Where Are You Christmas*. She recognized the sponsors of the event and thanked them for participating.

Councilmember Davis presented the proclamation proclaiming December 1, 2007 as Holiday De-Lites Winter Wonderland Celebration to Lori Chalifoux and members of the Holiday De-Lites Committee who thanked the City Council for the proclamation.

Councilmember Moore complimented the performance this evening.

Mayor Freitas, on behalf of the community, thanked the volunteers and requested staff to provide a copy of the DVD performance to the performers.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Karen Smith, on behalf of the Antioch Chamber of Commerce, announced they were accepting nominations for the Business, Youth and Citizen of the Year, to be honored at a gala on January 18, 2007 at the Lone Tree Event Center. Contact information was given.

Barbara Sobalvarro announced "Bless the Beasts and the Children" Christmas Concert and Reception would be held on December 2, 2007 at 4:00 P.M. at the Nick Rodriguez Theater. She announced donations would be accepted with proceeds to benefit *Friends of Animal Services, Homeless Animals Lifeline Organization* and *Homeless Animals Response Program*. Additionally new toy donations would be collected to contribute to "The Antioch Police Department's Holiday Project." Contact information was provided.

PUBLIC COMMENTS

Antioch resident Chip Stein expressed his concern regarding the lack of handicapped ramps provided on Antioch sidewalks, questioning the use of funds designated for those projects.

Ken Lee, Antioch resident, discussed Chinese heritage in Antioch and his recent trip to China to honor Chinese Veterans. He encouraged everyone to show respect to all Veterans and noted the importance of residents to obtain emergency preparedness packs.

Will Leroy stated he felt the creation of so many houses had led to the overabundance of home foreclosures in Antioch.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Moore asked the Public Works Director and City Manager if they could expedite the necessary curb cuts and/or develop a plan to address those issues for the handicapped. On behalf of the City, Councilmember Moore apologized to Mr. Stein for having to use the street to navigate his scooter on some City streets.

- 1. COUNCIL CONSENT CALENDAR**
 - A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 23, 2007 (#301-02)**
 - B. APPROVAL OF COUNCIL WARRANTS (#401-01)**
 - C. APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2007 (#401-02)**
 - D. RESOLUTION NO. 2007/92 - STATEMENT OF INVESTMENT POLICY (#101-04)**
 - E. LEGISLATION AND ADVOCACY (#701-04)**
 - F. REJECTION OF CLAIMS (#704-07) - *denied***
 - 1. Deartra Govan #07/08-1767**

- G. **ORDINANCE NO. 2005 C-S AMENDING §5-4.15(L) OF THE ANTIOCH MUNICIPAL CODE, ESTABLISHING WAGERING LIMITS IN CARD ROOMS (#701-05)**
- H. **ORDINANCE NO. 2004 C-S AMENDING SPECIFIED CHAPTERS OF TITLE 8 OF THE ANTIOCH MUNICIPAL CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2007 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO (#706-01)**
- I. **AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE CONSULTING FIRM OF DYETT/BHATIA TO PREPARE THE EBART RIDERSHIP DEVELOPMENT PLAN (RDP) FOR THE HILLCREST STATION SITE (#1107-03)**
- J. **RESOLUTION NO. 2007/84 RESCINDING RESOLUTION NO. 2001/113 AND CONFIRMING COUNCIL'S APPROVAL OF THE CRIME STOPPERS REWARD POLCIY (#1301-01)**
- K. **RESOLUTION NO. 2007/85 ACCEPTING COMPLETED IMPROVEMENTS (LONE TREE WAY WEST OF THE HIGHWAY 4 BYPASS) FOR SAND CREEK RANCH SUBDIVISION, TRACT NO. 8114, (MCBAIL HOMES), (PW 639) (#802-02)**
- L. **RESOLUTION NO. 2007/86 ESTABLISHMENT OF FEE FOR REGISTRATION OF ONE RECREATIONAL VEHICLE TO BE STORED IN PUBLIC VIEW (#701-05)**
- M. **AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE CONSULTING FIRM OF BERT VERRIPS, AICP ENVIRONMENTAL CONSULTING SERVICES TO PREPARE THE ENVIRONMENTAL IMPACT REPORT FOR THE REVISED WAL-MART PROJECT (#202-03)**

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

Item I – Mayor Freitas requested Attachment “C” Scope of Work, page C3 Task 2; Community Outreach be expanded to include the City Councils of Brentwood and Oakley as well as the Community Service District of Discovery Bay. Additionally, “Task 4: Station Area Revised Alternatives “A” Refined Alternative Plan” be revised to read; “Final alternatives to be selected shall consider transit rider ship and economic development paramount issues.”

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council unanimously approved Item “I” as previously discussed.

Item L – William Leroy, Antioch resident, questioned how establishing a fee to allow RV parking on private property would lessen the impact on property values. He discussed the value RVs have as potential emergency command centers in the event of a natural disaster.

Councilmember Simonsen stated he would not be supporting the fee due to the fact that he felt it was excessive.

Councilmember Moore requested staff return to the City Council for further consideration of how to expand the program to identify different types of recreational vehicles for seasonally parking.

Mayor Freitas requested staff return to the City Council as soon as possible to discuss modification to the established process in an effort to address concerns received during the registration period. Additionally, he discussed the city's obligation for outreach of the process to RV owners.

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

Ayes: Kalinowski, Davis, Moore, Freitas

Noes: Simonsen

Item M – Mayor Freitas expressed concern the contract was prepared as a legal document, noting as the item had moved forward, the consultant had not remained neutral. He requested staff address the following concerns and return to Council in December or January for reconsideration of the following items:

- Clarification of what is being approved
- Provide maps
- Address conflicting language regarding DRB process
- Include language discussed during the neighborhood meetings
- Obtain a Legal review of the government code sections

In response to Councilmember Simonsen, Community Development Director Brandt stated the Design Review Board had approved the project, after which, minor modifications were made. However, the question of whether or not the modifications should be referred *back* to the Design Review Board would remain at Council's discretion.

City Attorney Nerland stated should Council not feel comfortable with the scope of services, staff would work with the consultant to modify the contract.

Councilmember Kalinowski noted Council had not set the parameters for the hours of operation, noting holiday hours may require some clarification. He agreed the project should return to the Design Review Board; however, the decision could be made after approval of the contract. He also noted the proposed modifications to the project would result in a substantial improvement to the facility. He requested all future items, directly involving a Wal-Mart issue is agendized as a regular agenda item, thereby allowing the vendor and/or the consultant to participate in the discussion.

Councilmember Moore stated the contract papers provided, appeared to contain more than he had expected, therefore, he was not prepared to move on the item at this time. He supported the contract returning to Council for reconsideration, providing the consultant was present.

Councilmember Kalinowski indicated should Wal-Mart propose enhanced security measures involving a new project, security measures they were not currently employing, he would take them to task as to why they would only do so on a *new* project.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council approved Item M, with the following vote:

Ayes: Kalinowski, Davis, Simonsen,

Noes: Freitas, Moore

PUBLIC HEARINGS

2. CITY OF ANTIOCH REQUESTS APPROVAL FOR A REZONE OF 1821 "A" STREET FROM MEDIUM LOW DENSITY RESIDENTIAL (R-6) TO NEIGHBORHOOD/COMMUNITY COMMERCIAL (C-2) TO COMPLY WITH THE GENERAL PLAN (APN 068-011-036) (Z-07-04) (#202-05)

Assistant Planner Gentry presented the staff report dated November 22, 2007 recommending the City Council: A) Adopt the resolution adopting the Addendum to the Final Environmental Impact Report for the Antioch General Plan; B) Introduce the ordinance by title only; and C) Motion to introduce the Ordinance rezoning APN 068-011-036, commonly known as 1821 "A" Street, from Medium Low Density Residential (R-6) to Neighborhood/Community Commercial (C-2) to bring it into compliance with the General Plan

Mayor Freitas opened and closed the Public Hearing with no speakers requesting to speak.

RESOLUTION NO. 2007/87

On a motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously approved: A) The resolution adopting the Addendum to the Final Environmental Impact Report for the Antioch General Plan; B) The reading of the ordinance by title only; and C) A motion to introduce the Ordinance rezoning APN 068-011-036, commonly known as 1821 "A" Street, from Medium Low Density Residential (R-6) to Neighborhood/Community Commercial (C-2) to bring it into compliance with the General Plan.

3. MARKSTEIN DISTRIBUTION CENTER – ARCO NATIONAL CONSTRUCTION COMPANY REQUESTS A FINAL DEVELOPMENT PLAN (PD), PD REZONE, AND USE PERMIT FOR AN OFFICE/WAREHOUSE DISTRIBUTION CENTER LOCATED ON UNDEVELOPED LAND WEST OF HIGHWAY 160 AT THE NORTHERN TERMINUS OF DRIVE-IN WAY (APN 051-052-110) (PD-07-02) #202-03

Senior Planner Morris presented the staff report dated November 20, 2007, recommending the City Council: A) Introduce the ordinance by title only; B) Introduce the ordinance rezoning 11.04 acres making up the project site to the Planned Development District (PD); and, C) Adopt the resolution approving a Final Development Plan and Use Permit.

Mayor Freitas opened and closed the Public Hearing with no speakers requesting to speak.

Mayor Freitas reported C3 standards prohibited copper from all new construction and requested staff address the issue with the applicant.

On motion by Councilmember Davis, seconded by Councilmember Kalinowski, the Antioch City Council unanimously approved: A) Introduce the ordinance by title only; B) Introduce the

ordinance rezoning 11.04 acres making up the project site to the Planned Development District (PD), and; C) Adopt the resolution approving a Final Development Plan and Use Permit.

Mayor Freitas welcomed Mr. Markstein to Antioch.

4. **ANTIOCH SURGICAL CENTER – MS WALKER & ASSOCIATES REQUESTS APPROVAL OF A NEW PLANNED DEVELOPMENT, FINAL DEVELOPMENT PLAN, AND USE PERMIT APPLICATIONS TO BUILD AN OUTPATIENT SURGERY CENTER LOCATED AT 3500 HILLCREST AVENUE, NEAR THE INTERSECTION OF HILLCREST AVENUE AND WILDFLOWER ROAD (APN 052-370-010) FILE: (PD-04-09; UP-04-11) (#202-03)**

At the request of the applicant, the item was continued to December 11, 2007.

COUNCIL REGULAR AGENDA

5. **ESTABLISHING A PROGRAM TO FACILITATE RESTORATION OF PUBLIC ART (#1407-03)**

Deputy Director Leisure Services Sanderson presented the staff report dated November 27, 2007 recommending the City Council direct staff to develop a public art restoration program.

Mayor Freitas stated the current damage to public art was in dire need of being addressed immediately and suggested future costs be considered during mid-year budget review.

Councilmember Simonsen stated he felt the Transit Occupancy Tax should be used to repair Public Art and he did not support the use of any non-ferrous materials. He further questioned the status of the previously approved entry monuments for the City.

Mayor Freitas requested staff bring back the requested information regarding the entry monuments.

Councilmember Moore stated if a maintenance fund for public art were to be established, he would like the fund be self-contained.

William LeRoy, Antioch resident, stated he felt the City should hire locally for the repair work on the murals.

Councilmember Moore spoke to the importance of hiring locally.

Mayor Freitas stated it was his desire all future art, commissioned by the City, and would include very explicit language regarding graffiti and vandalism. He suggested the City consider moving the art work on Hillcrest Ave.

Leisure Services Deputy Director Sanderson stated the Arts and Cultural Foundation agreed and was considering incorporating the remaining pieces into the new Prewett Park project.

Following discussion, Mayor Freitas stated the desire of the City Council was to direct staff come forward with any immediate needs at the December 11, 2007 City Council meeting and bring the outstanding issues back for Council consideration during the budget review.

6. ALLOCATING \$150,000 TO BLUEROCK PARTNERS, LLC FOR THE WELLS FARGO ONLINE BANKING CALL CENTER RELOCATION AND ESTABLISHING AN ONGOING JOB ATTRACTION INCENTIVE FUND (#202-03)

Administrative Analyst Nunnally presented the staff report dated November 21, 2007 recommending the City Council: A) Allocate \$150,000 to Bluerock Partners, LLC for the Wells Fargo Online Banking Call Center, and; B) Direct staff to prepare policies, procedures and recommend funding levels/sources necessary to establish an ongoing Job Attraction Incentive Fund

Mayor Freitas read written comment from Devi Lanphere, representing the Antioch Chamber of Commerce in support of approving the current request and establishing an incentive fund as a tool to encourage economic development in Antioch.

William LeRoy, Antioch resident, stated he did not support incentive programs.

Following discussion, the City Council voiced their support of the concept of the incentive program, allocating funds to attract a major employer to Antioch. They felt it would be a catalyst for future economic development.

Mayor Freitas expressed his concern as the staff report indicated the Residential Development Allocation funds could be utilized for incentives. He further noted the expressed purpose of those funds was capital costs. He further noted if staff was proposing a change in policy, it would need to be brought back to the City Council for debate and discussion.

On a motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously approved: A) Allocate \$150,000 to Bluerock Partners, LLC for the Wells Fargo Online Banking Call Center; B) Direct staff (And the Economic Development Commission) to prepare policies, procedures and recommend funding levels/sources necessary to establish an ongoing Job Attraction Incentive Fund.

Mayor Freitas adorned to the Antioch Development Agency. City Clerk Martin called the roll with all Agency Members present.

AGENCY REGULAR AGENDA

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

On motion by Agencymember Kalinowski, seconded by Agencymember Moore the Antioch Development Agency members unanimously approved Agency Warrants.

Mayor Freitas declared a recess at 8:44 P.M. The meeting reconvened at 8:58 P.M. with all Councilmembers present.

STUDY SESSIONS

8. ALTERNATIVES FOR ACCOUNTING FOR OTHER POST EMPLOYMENT BENEFITS (OPEB) (#510-03)

Finance Director Merchant presented the staff report dated November 14, 2007 recommending the City Council provide direction to staff as to Council's desired course of action.

John Bartel gave a brief overhead presentation of the actuarial evaluation and alternatives for accounting for Other Post Employment Benefits (OPEB).

Mayor Freitas voiced his support for Alternative #2, noting it was an irrevocable trust and provided guidelines for this and future Councils to make those contributions.

Mr. Bartel discussed the advantages and disadvantages of an internal fund versus CALPERS, noting CALPERS had substantial assets and a good track record of investment performance.

Mayor Freitas stated from a financial responsibility he felt CALPERS was the better alternative.

Councilmember Simonsen voiced his support for alternative #2, noting it was the most responsible approach.

Following discussion, Council consensus was to support Alternative #2 with CALPERS, creation of an irrevocable trust and the transfer of all funds budgeting the full ARC level.

Finance Director Merchant stated staff would prepare resolutions for Council consideration and bring the back issue to the City Council at a future date.

In response to Councilmember Kalinowski, Mr. Bartel stated the next evaluation would be in January 2009.

Mayor Freitas requested the Investment Committee review the investments and make recommendations to the City Council.

9. TWO YEAR BUDGET FORMAT FOR THE 2008-2010 BUDGET (#410-02)

Finance Director Merchant presented the staff report dated November 20, 2007 recommending the City Council provide direction to staff.

Councilmember Kalinowski suggested establishing a subcommittee to work with staff on the layout and format of the two year budget and bring a recommendation to the City Council in January. He offered to serve on the subcommittee.

On motion by Councilmember Moore, seconded by Councilmember Simonsen, the City Council unanimously approved a Council subcommittee composed of two Councilmembers.

Mayor Freitas nominated Councilmember Kalinowski and himself to serve on the subcommittee.

On motion by Councilmember Moore, seconded by Councilmember Simonsen, the City Council appointed Mayor Freitas and Councilmember Kalinowski to the subcommittee.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the next regular City Council meeting would be December 11, 2007, followed by a special meeting on December 18, 2007 to get direction from the City Council related to the Prewett Park project. He further stated the Mayor's Conference would be held in Richmond on December 6, 2007.

COUNCIL COMMUNICATIONS

Councilmember Moore stated the Animal Services Subcommittee had requested an update regarding the unfilled Animal Services Supervisor position.

City Manager Jakel stated staff would be bringing a resolution forward on December 11, 2007 related to the Animal Services Supervisor position.

In response to Barbara Sobalvarro, Mayor Freitas stated if the subcommittee was not prepared to make a recommendation on January 15, 2008, they could request an extension via the Council Consent Calendar.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 9:51 P.M. to the next regular Council meeting on December 11, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk