

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**October 28, 2008
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – This Closed Session was authorized by California Government Code §54956.9(a): Evangelho v. City of Antioch; William G. McCullough Co., Contra Costa Superior Court, Case 07-02205; City of Antioch v. Evangelho et al., Contra Costa Superior Court, Case Nos. C06-02345, C06-02391, C06-02392
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Pursuant to Government Code §54956.8: Property: 1323 W. 4th Street, Negotiator: Guy Bjerke, Negotiating Parties: Daniel G & Janice J Arata, under negotiation: price and terms of payment

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

PLEDGE OF ALLEGIANCE

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

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

PRESENTATIONS

Elizabeth Rimbault and members of the Antioch Historical Society proudly announced their efforts to preserve and restore the Riverview High School building had not gone unnoticed. She stated the ANTIOCH HISTORICAL SOCIETY had been recognized and were in receipt of the Governors' Historic Preservation Award for 2008, including induction to the pertinent section of the State Park system. She thanked the City Council for their support and discussed the future needs of the Antioch Historical Society to complete the project.

Mayor Freitas congratulated everyone involved in the restoration/preservation of the museum.

Chief Hyde introduced and recognized Antioch Police Officer Desmond Bittner as *Officer of the Year*.

Mayor Freitas, on behalf of the community, congratulated Officer Bittner. Officer Bittner thanked the City Council for the recognition.

PROCLAMATIONS

Shelter In Place, Education Day, November 5, 2008
National Veteran's Day, First Annual Veteran's Day Parade and Celebration, November 11, 2008
El Campanil Theater Day, November 15, 2008

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

Mayor Freitas announced the *Shelter-In Place* proclamation would be sent to the appropriate individuals.

Councilmember Davis presented the proclamation recognizing November 11, 2008 as the *First Annual Veteran's Day Parade and Celebration to Veterans of the United States Armed Services* to Paul Dugan who announced the parade would begin on November 11, 2008 at 11:00 A.M followed by lunch at the American Legion Hall and Veterans of Foreign Wars hall to celebrate the event. Contact information was provided.

Councilmember Moore presented the proclamation proclaiming November 15, 2008 as *El Campanil Theater Day* to Rick Carraher, who accepted the proclamation and thanked the City Council for the recognition and support. He announced a Gala Celebration would be held on November 15, 2008 and invited the community to attend. Contact information was provided.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Mayor Freitas invited the community to a meeting regarding Antioch Animal Services on October 30, 2008, from 7:00 – 9:00 P.M. at the Antioch Police Department Community Room.

PUBLIC COMMENTS

Douglas Tokes, Antioch resident, requested an update regarding feasibility of lighting the Antioch Bridge. He congratulated the current Council for working together and wished them a positive outcome in the upcoming election.

Assistant City Manager Mornick reported the City had sent letters to State Legislators Torlakson and DeSaulnier regarding lighting of the Antioch Bridge.

John Anderson, President and CEO of the Bay Area Rescue Mission, spoke to the positive relationship they had with the City and noted in the future they would be presenting an offer to purchase land to build a center in Antioch.

Ken Lee, Antioch resident discussed term limits and the upcoming election as well as concerns he raised at past Council meetings.

Chip Stein, Antioch resident, thanked Councilmember Davis for coordinating the Veteran's Day parade.

Allen Payton, Antioch resident, expressed concern regarding the condition of the four-plexes on Spanos Drive. He wished everyone running for City Council good luck in the elections.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Councilmember Moore stated he hoped in the future the City Council aggressively addresses Mr. Stein's concerns related to the Antioch Auto Dealership.

Councilmember Simonsen stated the increase in bridge toll should be included in the discussion for lighting of the bridge and suggested gathering support from the Solana County Assembly District.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 23, 2008

- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORT FOR SEPTEMBER 2008**
- D. REJECTION OF CLAIM**
1. Russo Automotive Painting 08/09-1833 (property damage).
- E. LEGISLATION AND ADVOCACY**
- F. ORDINANCE NO. 2019-C-S TO REZONE APPROXIMATELY 15.92 ACRES, COMPRISING THE CITY GATE (EQUUS GROUP) PROJECT SITE (APN: 051-200-025, -026, and -036), FROM PLANNED BUSINESS CENTER (PBC) TO PLANNED DEVELOPMENT DISTRICT (PD) (Z-08-02, PD-08-06)**
- G. RESOLUTION NO. 2008/97 SETTING PUBLIC HEARING FOR WATER AND SEWER CHARGE INCREASES FOR JANUARY 13, 2009 AND AUTHORIZE DISTRIBUTION OF PROPOSITION 218 NOTICES**
- H. CASINO BUILDING/ JOE MARTINEZ, 101 H STREET (APN: 066-071-007) (AR-07-13)**
1) RESOLUTION NO. 2008/98 approving the appeal and overturn the Design Review Board's decision to deny without prejudice the architecture and signage for the Casino Building,
2) RESOLUTION NO. 2008/99 approving a lot line adjustment and to authorize the City Manager to sign a grant deed granting the applicant approximately 496.71 s.f. of City owned property on the west side of the building and to approve a deed granting the applicant approximately 8.4' for a fire clearance easement over City-owned property on the east side of the building and authorize the City Manager to sign it, and
3) RESOLUTUION NO. 2008/100 approving an encroachment agreement for the air conditioning units on the east side of the building and the entry feature, awnings, and signage on the west side of the building and direct the City Engineer to sign and record it
- I. APPROVE AWARD OF BIDS FOR THE TRAFFIC SIGNAL SERVICE ENCLOSURES AND BATTERY BACKUPS PROJECT, AT VARIOUS LOCATIONS, BID NO. 550-0908-09F**
- J. APPROVE AWARD OF BIDS FOR PURCHASE OF PREWETT WATERPARK POOL CHEMICALS BID NO. 885-1007-09F**
- K. AMEND THE CONTRACT WITH GHILOTTI BROS., INC. FOR CONCRETE REPAIRS IN THE DOWNTOWN AREA, (P.W. 678)**

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of item A which was removed for further discussion.

Item A – Due to his excused absence at the September 23, 2008, Councilmember Simonsen requested a separate vote on the item.

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

Ayes: Freitas, Davis, Kalinowski, Moore

Abstain: Simonsen

COUNCIL REGULAR AGENDA

2. APPOINTMENT TO BOARD OF ADMINISTRATIVE APPEALS TO FILL ONE (1) UNEXPIRED "ALTERNATE" POSITION

Mayor Freitas nominated Michael Schneider to fill the one (1) unexpired Alternate term to March 2013 on the Board of Administrative Appeals.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously appointed Michael Schneider to fill the one (1) unexpired term on the Board of Administrative Appeals to March 2013.

3. RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MARKLEY CREEK EXTENDED CONSOLIDATION SITE

Deputy Director of Community Development Wehrmeister presented the staff report dated October 23, 2008 recommending the City Council adopt the resolution.

RESOLUTION NO. 20008/101

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council unanimously adopted the resolution.

4. RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ANTIOCH / DELTA DIABLO SANITATION DISTRICT RECYCLED WATER PROJECT

Deputy Director of Community Development Wehrmeister presented the staff report dated October 23, 2008 recommending the City Council adopt the resolution

RESOLUTION NO. 20008/102

On motion by Councilmember Moore, seconded by Councilmember Kalinowski the City Council unanimously adopted the resolution.

Mayor Freitas declared a recess at 7:38 P.M. The meeting reconvened at 7:43 P.M. with all Councilmembers present.

5. STUDY SESSION ON THE eBART RIDERSHIP DEVELOPMENT PLAN (RDP) BEING PREPARED FOR THE HILLCREST eBART STATION AREA

Deputy Director of Advanced Planning Carniglia presented the staff report dated October 23, 2008, recommending the City Council provide direction to staff.

City Consultant Leslie Gould gave a brief overhead presentation of the Ridership Development Plan (RDP).

Doug Tokes, Antioch resident, expressed disappointment Antioch residents had not received BART service even though they had paid taxes for years. He expressed concern for the impact of a station located at Hillcrest Avenue and spoke in support of a station located at Phillips Lane.

Donald Parachini, property owner in the area of the proposed stations, spoke in support of moving the station further east which he felt would improve the overall development of the area, speed up the project and provide the ability for Brentwood and Oakley to contribute to the project.

Chris Schildt, Transportation and Land Use Coalition, thanked the City Council and consultants for expanding outreach for participation in the community meeting process. She reported there was strong enthusiasm from the community for the development potential of the two station alternative. She encouraged the City to look at transportation connectivity in the area.

Councilmember Kalinowski stated his priorities were the widening of Highway 4, Hillcrest Avenue interchange completion and BART service for the citizens of Antioch. He questioned if there would need to be a policy decision from CCTA to ensure the federal funding pass through mechanism could be used for the project.

Councilmember Davis stated he supported out of the median stations at Hillcrest Avenue and Phillips Lane.

Councilmember Simonsen requested consideration of funding from Senate Bill 375 and voiced his support for out of median stations.

Ms. Gould reported the developer and owner of the land had indicated if the Phillips Lane interchange with capacity for Transit Oriented Development (TOD) moved forward, the funding of the extension and station would be by the developer.

Councilmember Moore voiced his support for out of median stations while maximizing TOD and noted he was looking forward to more input from the community.

Mayor Freitas requested alternative bidding to realize cost savings and noted to facilitate TOD, the maintenance yard, and create a regional facility; he supported an out of median station at the far eastern location. He further noted if the station was the preferred location, it would be important to pursue a private/public partnership with the developer to develop the funding mechanism.

Charles Wall, Brosamer & Wall reported each alternative included a tunnel under the freeway which needed to be maximized for future opportunities. He noted Hillcrest Avenue and the railroad issues would be solved with a station at Phillips lane. He discussed the importance of maximizing the potential of the property.

Robert Kalafate, Antioch resident, gave a brief history of BART and stated he felt the system should make a connection in the Livermore area.

Janelle Mota, Antioch resident, spoke to paying BART taxes and noted the current BART services were insufficient. She urged the City Council to move forward with the project.

Following discussion the City Council reached consensus on the following:

- Two station alternative
- Land use categories/locations generally acceptable
- Concerns regarding density for residential units
- Moving station 900 feet from Hillcrest Avenue is the preferred location

Ellen Smith, BART/eBART Project Manager, stated the environmental document would look at four station sites, fully funded plans while they were working towards the goal of the two station alternative.

Donald Parachini, property owner in the area of the proposed stations stated he supported one station at the furthest east location.

Douglas Tokes commented that including senior housing high density would be satisfying state and federal mandates for low income housing.

Mayor Freitas directed staff to advertise the next meeting date and location on the City's website as soon as possible.

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

6. AGENCY REGULAR AGENDA

A. APPROVAL OF AGENCY WARRANTS

On motion by Agency member Davis, seconded by Agency member Simonsen, the Antioch Development Agency unanimously approved the Agency Warrants.

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

PUBLIC COMMENTS

Robert Kalafate, Antioch resident, discussed the responsibilities of the City Treasurer.

Walter Ruelig, Antioch Unified School District, reported the schools would be announcing over the public address system and in the parent newsletters the Veteran's Day event. He read a letter from Dr. Sims regarding the School District's support of the Gateway Centers for Learning.

STAFF COMMUNICATIONS

City Manager Jakel announced the next City Council meetings were scheduled for November 18, 2009 and December 9, 2008.

COUNCIL COMMUNICATIONS

Councilmember Kalinowski reported he had posted clarification regarding the current state of the City's budget on the Contra Costa Times forums and wished everyone luck in the upcoming election.

Councilmember Simonsen reported on the ABAG Fall General Assembly. He thanked City staff for following the Delta Vision process. He also thanked Councilmember Kalinowski for clarifying the budget issues on the forums.

City Manager Jakel stated he would bring budget adjustments for Council consideration for the December 16, 2008 or January 13, 2009 City Council meetings.

Councilmember Simonsen thanked everyone for keeping the elections positive.

Mayor Freitas announced the dedication was held for Segment 3 of the State Route 4 Bypass on October 27, 2008. He wished all candidates running for election good luck during the election.

With no further business, Mayor Freitas adjourned the meeting at 9:20 P.M. to the next regular Council meeting on November 18, 2008.

Respectfully submitted:

L. JOLENE MARTIN, CMC,
City Clerk