

ANTIOCH CITY COUNCIL

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

**May 10, 2005
Council Chambers**

6:00 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 7:09 P.M., and City Clerk Martin called the roll.

Present: Council Members Davis, Kalinowski, Conley and Mayor Freitas

Absent: Council Member Simonsen

Mayor Freitas reported the City Council had been in closed session; there was no reportable action taken.

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Day of the Teacher, May 11, 2005

Public Works Week, May 15 - 21, 2005

State Fitness Month, May 2005

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the Council unanimously approved the proclamation.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Gina Lombardi-Gravert, invited the City Council and community to the 16th Annual Mayor's Golf Tournament at the Lone Tree Golf Course on June 5, 2005 . She noted the proceeds would benefit youth organizations and provided a contact number for anyone wishing to receive additional information on sponsoring or participating in the event.

Barbara Herendeen announced the Antioch Schools Education Foundation would be hosting a free lunch for the Teacher and Classified Employee of the Year on May 20, 2005 at the Lone Tree Golf Course Clubhouse.

Devi Lanphere and Linda Pappas Diaz announced the Home Town Heroes Awareness Bracelet Program was a regional program raising funds for cities, schools and local non-profits. She provided a contact number and website address for anyone wishing to receive additional information. She then announced the Antioch Chamber of Commerce's annual guide had been published and was available for the community. She presented a gift basket to Mayor Freitas in appreciation of his speech at the State of the City event.

Councilmember Conley presented the proclamation proclaiming May 15-21, 2005 as Public Works Week to Phil Harrington, who accepted the proclamation on behalf of the Public Works Department and staff. He introduced Street and Fleet Maintenance Superintendent Mike Bechtel and Park and Facility Maintenance Superintendent Frank Palmeri. He invited the community to attend an Open House at the Maintenance Service Center on May 18, 2005 from 11:00 A.M. to 2:00 P.M.

Councilmember Kalinowski presented the proclamation proclaiming May 11, 2005 as Day of the Teacher to Bart Sandborn and Joyce Seelinger, who accepted the proclamation and thanked the City Council for acknowledging the teachers.

Mayor Freitas announced Nancy Brandt had refreshments available in Council Chambers as a fundraiser for the American Cancer Society, Relay for Life event.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Martin announced the following Board and Commission openings for the City of Antioch:

- Three expired terms and one unexpired term on the Economic Development Commission
- One expired term for the Investment Advisory Committee

June 21, 2005 at 5:00 P.M. would be the filing deadline for applications. Contact information was given for those interested in applying.

PUBLIC COMMENTS

Emil Stein stated he had difficulty with the handicapped doors accessing Council Chambers and the Police Department. He requested an update on the handicapped ramps in his neighborhood.

Mayor Freitas requested City Attorney Galstan review the issue and directed staff to take immediate action regarding handicapped accessibility into City facilities.

Barbara Sobalvarro, representing Friends of Animal Services, reported the "Be Kind to Animals Week" events had been successful. She announced they were participating in the "Home Town Heroes" bracelet program.

Mayor Freitas thanked all the volunteers from Friends of Animal Services who introduced themselves.

COUNCIL REGULAR AGENDA

- 1. PRESENTATION BY JAKE O'MALLEY, MUNICIPAL POOL AUTHORITY (FORMALLY CCCMRMIA) RE: THE IMPROVEMENT THE CITY HAS MADE IN**

DECREASING OUR WORKERS' COMPENSATION COSTS

#704-01

Jake O'Malley, Municipal Polling Authority, gave a brief presentation on the improvement the City had made in decreasing worker's compensation costs. He congratulated the City of Antioch for the steps they had taken to dramatically improve their workman's compensation claim experience.

Councilmember Conley congratulated Phil Harrington for his efforts to promote working safely.

Mayor Freitas thanked Mr. O'Malley for the report and all city employees for focusing on safety.

2. COUNCIL CONSENT CALENDAR

- A. **APPROVAL OF COUNCIL MINUTES FOR APRIL 12, 2005.....#301-02**
- B. **APPROVAL OF COUNCIL WARRANTS#401-02**
- C. **LEGISLATION AND ADVOCACY.....#701-04**
- D. **ORDINANCE NO. 1048-C-S - REZONING APPROXIMATELY 2 ACRES, CREATING THE FOUR-STORY MEDICAL OFFICE PROJECT SITE TO PLANNED DEVELOPMENT DISTRICT (PD).....#202-03**
- E. **RESOLUTION NO. 2005/51a ADOPTING THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE USE OF COPPER CONTAINING PRODUCTS TO CONTROL ALGAE GROWTH AT THE ANTIOCH MUNICIPAL RESERVOIR #1202-01**
- F. **RESOLUTION NO. 2005/52 VACATING A PORTION OF OPEN SPACE PARCEL "A" (HO PROPERTY UNIT 9, SUBDIVISION 8231 [426 M 10]) AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT DEED TO THE OWNERS OF LOT 516(DEER PARK UNIT 7, SUBDIVISION 7894 [374 M 23]) (PW 443-1-05)#802-02**
- G. **RESOLUTION NO. 2005/53 VACATING A PORTION OF OPEN SPACE PARCEL "A" (HO PROPERTY UNIT 9, SUBDIVISION 8231 [426 M 10]) AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT DEED TO THE OWNERS OF LOT 517(DEER PARK UNIT 7, SUBDIVISION 7894 [374 M 23]) (PW 443-2-05)#802-02**
- H. **RESOLUTION NO. 2005/54 AUTHORIZING AN AGREEMENT FOR A GARAGE SALES OFFICE CONVERSION WITH DISCOVERY BUILDERS INC., IN BLACK DIAMOND RANCH, UNIT 1, TRACT 7487, LOT 56 (PW 512-1).....#802-02**
- I. **RESOLUTION NO. 2005/55 APPROVING THE PROPOSAL FOR THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION DEVELOPMENT ACT (TDA), GRANT APPLICATION.....#1107-01**

Arlene Bradley, representing Housing Rights, discussed the services they provide to the community and requested the City Council's reconsideration of their proposal for funding the fiscal year. She thanked the City Council for funding their organization in the past.

Paul Cohen, representing La Raza Centro Legal Inc., discussed the services they provide to the community. He asked the City to provide funding for the services outlined in their funding request application, and they would provide Antioch residents with double the amount of service they had planned to provide.

Candida Duperroir, representing the Contra Costa Child Care Council, speaking on behalf of parents, families and child care providers, thanked the City Council for the funding and their continued support. She provided the City Council with their annual report and business cards.

Lavonna Martin, representing the Contra Costa Health Services Homeless Program, requested the City Council reconsider the recommendation not to support the County Homeless Shelters noting their services were needed in Antioch. She presented the City Council with a letter from Housing Rights supporting their services and a copy of their ten-year plan to end homelessness.

Sharon Bernbis, Elsa Zauala, representing Shelter Inc, of Contra Costa thanked the City for the recommendation to fund the family shelters and discussed the services they provide to the community.

Tom Lefleur, representing Pacific Community Services Inc., voiced his appreciation to the committee and the recommendation for funding their organization. He discussed the services they provide to the community as well as their outreach to the residents. He reported they have \$2500.00 in HUD funds that they could devote to Fair Housing Services and if the City would fund La Raza Centro for \$2500.00 they would match those funds.

Sheila and Gladys Troky, thanked the City Council for their service to the community and stated they had received services from Housing Rights, which had resulted in a successful resolution to their issues. They urged the City Council to reconsider funding Housing Rights; whose funding they felt would bring more direct and intimate assistance to the community.

Wanda Remmers, representing Housing Rights Incorporated, discussed the services they provided to the community and requested the City Council reconsider the committee's recommendation.

Roberto Reyes, representing Contra Costa County Homeless Program, discussed the services they provide and noted funding the program would offset costs of public services utilized to assist individuals in the homeless community.

Mayor Freitas closed the public hearing.

In response to Mayor Freitas, CDBG Coordinator Kennedy stated there were approximately \$200,000 in unspent money in ADA.

Following discussion the City Council revised allocations as follows:

- § Community Violence Solutions - Sexual Assault Victim Empowerment - from \$10,000 to \$12,000
- § New Connections - Substance Abuse Services Program - from \$ 29,000 to \$27,000
- § Ombudsman Services of CC Co. - Advocacy Program for Institutionalized Seniors - from \$12,300 to \$4,300
- § Ombudsman Services of CC. Co. - Bill Payer Service /Elder Advocacy - from \$0 to \$8,000
- § Housing Rights, Inc. - Comprehensive Fair Housing Services - \$10,000 from ADA
- § Housing Rights, Inc. - Tenant/Landlord Services - \$20,000 from ADA
- § La Raza Centro Legal, Inc. - CCCounty Outreach Project - \$5,000 ADA
- § Contra Costa Health Services Homeless - Emergency Housing and Homeless Services - \$15,000 ADA
- § Shelter Inc of Contra Costa County - Emergency Housing and Homeless Services - \$10,000 from CDBG to ADA
- § STAND! Against Domestic Violence - Crisis Line Svcs to Battered Women and Children - \$10,000 to \$20,000
- § WW Ministries - "The Positive Edge" Clothing for Women -

Mr. Lefleur indicated with the City's allocation of \$5000 to La Raza Centro Legal Inc., Pacific Community Services would provide \$2500 to their organization.

Mayor Freitas suggested Mr. Lefleur contact Code Enforcement Officer Skaggs and detail their program to her.

Councilmember Kalinowski recommended funding Contra Costa Health Services Homeless - Emergency Housing and Homeless Services for the amount of \$15,000 with the caveat that in the next few months the City Council holds a Study Session to determine if the funding is appropriate and if there is a duplication of services.

Councilmember Davis stated all agencies are providing a valuable service to the community and thanked the City Council for their input this evening.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the City Council members present unanimously approved the resolution with all the recommendations discussed this evening and directing staff to have a City Council work session in

approximately 120 days.

Following discussion, Council consensus was to support the 2-year cycle and retain the City administrating the CDBG program. Speaking to the Administrative responsibility, the City Council directed staff to bring back a recommendation during budgetary discussions.

Mayor Freitas thanked the CDBG committee and staff for doing an outstanding staff allocating the CDBG funds.

Mayor Freitas declared a recess at 9:06 P.M. The meeting reconvened at 9:24 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who was absent.

Mayor Freitas stated there had been a communication error regarding Item #3 and the allocation to WW Ministries. He requested reconsideration and recommended increasing the amount from \$4500 to \$7000.

RESOLUTION NO. 2005/57

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council members present unanimously approved increasing the allocation for WW Ministries from \$4500 to \$7000.

4. THE BIXBY COMPANY, LLC/LAUREL RANCH REQUESTS APPROVAL OF A FINAL PLANNED DEVELOPMENT, REZONE TO THE PLANNED DEVELOPMENT DISTRICT AND VESTING TENTATIVE MAP IN ORDER TO SUBDIVIDE 217 LOTS INTENDED FOR SINGLE FAMILY HOME DEVELOPMENT AND APPROX. 130,000 S.F. OF COMMERCIAL SPACE. A SUBSEQUENT USE PERMIT APPLICATION(S) IS REQUIRED PRIOR TO FINAL MAP RECORDATION AND CONSTRUCTION OF HOMES OR COMMERCIAL SPACE. THE PROJECT SITE IS GENERALLY LOCATED AT THE NORTH END OF THE EAST LONE TREE SPECIFIC PLAN AREA, WEST OF THE FUTURE HIGHWAY 4 BYPASS. (APN 053-060-015) IN CONFORMANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, THE COUNCIL IS REQUESTED TO APPROVE AN ADDENDUM TO THE FUTURE URBAN AREA #2 SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT. PD-04-10, PW 670 #202-03

Associate Planner Morris presented the staff report dated April 28, 2005 recommending the City Council take the following actions: A) Introduce the ordinance by title only; B) Introduce the ordinance to change the zoning of the project site to Planned Development District (PD), and; C) Adopt the resolution approving the Final Planned Development, Vesting Tentative Map, and adopting an addendum to the Future Urban Area #2 Specific Plan Environmental Impact Report.

Associate Planner Morris clarified the reference to tentative map in the resolution should read *vesting tentative map*.

Mayor Freitas stated grading the property with a potential for the loss of lots was a significant issue, and recommended the City Council review, and approve the Use Permit. In addition he recommended adding the project specific conditions related to "C.3" regulations as outlined in the staff report.

Mayor Freitas opened the Public Hearing.

Brent Little, representing the Bixby Company, clarified the architecture, as presented was architecture they were cautioned to use during the RDA process and what the new builder would be constructing. He stated when they went through the parcel map process they had agreed to dedicate a significant amount of property to the bypass authority in exchange for relief on a certain portion of the slopes within the residential portion of the property. He stated the slope had been engineered and they had submitted landscape plans for the area. He gave a brief overhead presentation of the site design, architecture and project benefits.

Mayor Freitas closed the Public Hearing.

Councilmember Conley stated he felt the project's contribution to the Highway 4 Bypass would help alleviate some traffic issues. He noted he understood the need for the type of housing and he felt the project would be good for FUA#2 and the City.

In response to Councilmember Kalinowski, Mr. Little clarified they were coordinating with the Bypass Authority. He stated they would like to be grading at risk as soon as possible. He added, a total of 15 acres would be deeded for the Bypass construction. He further noted a condition requiring the Bixby Company to front the costs through a land based financing mechanism to improve Slatten Road. All of which Bixby had accepted.

City Engineer/Community Development Director Brandt clarified in the future, when the owners of the properties targeted for employment development began development, they would reimburse the Bixby company for their capital outlay.

In response to Councilmember Kalinowski, City Attorney Galstan clarified it was through a Development Agreement that the landowner could reimburse the City for additional infrastructure related improvements.

City Engineer/Community Development Director Brandt stated the formation of the CFD and the reimbursement mechanism would return to the Council at a future date.

Mr. Little stated the City receiving the reimbursements was not an issue for them, as Bixby had not anticipated receiving any reimbursements.

Mayor Freitas declared a recess at 10:04 P.M. The meeting reconvened at 10:07 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who was absent.

Councilmember Kalinowski stated as a result of the significant contributions the project was offering the City, coupled with the addition of the City receiving the reimbursements for the Slatten Road improvements, he would be supporting the following motion.

RESOLUTION NO. 2005/58

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council members present unanimously: 1) Introduced the ordinance by title only; 2) Introduced the ordinance to change the zoning of the project site to Planned Development District (PD), and; 3) Adopted the resolution approving the Final Planned Development, Vesting Tentative Map, and adopting an addendum to the Future Urban Area #2 Specific Plan Environmental Impact Report. With the following revisions and/or additions:

§ Changing the wording in the resolution from "tentative map" to "vesting tentative map".

§ Adding Condition #107 to read: *"The project shall treat stormwater runoff before it is discharged to creeks or storm drains and shall detain or infiltrate runoff so that peak flows and durations match pre-project conditions, subject to the approval of the City Engineer. A Stormwater Control Plan shall be submitted with the building permit application and shall be approved by the City Engineer."*

§ The Use Permit would return to Council for consideration.

Mayor Freitas declared a recess at 10:11 P.M. The meeting reconvened at 10:13 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who was absent.

5. BLUEROCK PARTNERS, LLC REQUESTS APPROVAL OF A MASTER USE PERMIT TO ESTABLISH PARAMETERS FOR DEVELOPMENT AS STIPULATED UNDER THE PREVIOUS PROJECT APPROVALS AND ENVIRONMENTAL IMPACT REPORT FOR THE BLUEROCK BUSINESS CENTER. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF THE LONE TREE WAY AND BLUEROCK DRIVE / GOLF COURSE ROAD INTERSECTION (APN 072-012-109) UP-05-2.....#202-10

Senior Planner Wehrmeister presented the staff report dated May 5, 2005 recommending the City Council adopt the alternative resolution approving the applicant's request for a Master Use Permit with the exception of the requested revision to the height of one office building in Section 1, located at the corner of Bluerock Drive and Lone Tree Way.

Mayor Freitas speaking to the staff report and Exhibit A, clarified area 1 was Section 1, area 2 was Section 2, Building X was Section 2 and Area #3 was Section #3.

Mayor Freitas opened the public hearing.

Mike Hurd, representing Reynolds and Brown, requested the City Council approve a flexibility concept that would create tenant synergy and the opportunity to deliver local jobs for the community. He gave a brief overview of the Business Park proposal.

In response to Mayor Freitas, Mr. Hurd stated there were very few non-fast food national restaurant tenants who required a drive-thru window, therefore it provided the opportunity for those few such uses and to draw other complimentary retail support tenants into the

development. He assured the City Council they had no intent to have a fast food restaurant in the drive thru building on the site.

Mayor Freitas requested that through either the Master Use Permit or the Resolution, wording be including which would clearly state fast food establishments would not be a part of the retail mix.

Mr. Hurd requested a definition of fast food restaurant that would give a fair amount of flexibility for a Starbucks or Peete's Coffee type of use.

Mayor Freitas closed the public hearing.

Councilmember Conley stated he was in support of the applicant's request for flexibility and agreed with Mayor Freitas regarding the inappropriateness of a drive-thru, fast food restaurant at this site. He requested staff assure queuing of the drive-thru does not create a hazard in the parking lot.

Councilmember Kalinowski stated he felt two 2-story buildings with the entry monument was his vision for the project and would set the tone for the four corners.

Mayor Freitas stated his preference was for 2 two-story buildings on the corner although he would support flexibility and hope the market conditions would be favorable in supporting two-story buildings on both sides.

Councilmember Kalinowski supported the project however he would be abstaining from the vote as he felt 2 two-story buildings would be more appropriate.

RESOLUTION NO. 2005/59

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council adopted the resolution approving a Master Use Permit defining development flexibility for the Bluerock Business Center with the following changes:

§ #3 The project shall provide a minimum 20,000 s.f. two story building or a minimum 16,000 s.f. one story building on Bluerock Drive (Section 1).

§ #4 That the project may construct an additional 10,000 s.f. office/commercial building on the Lone Tree Way frontage (Section 2) provided that the provision of this building does not necessitate the loss of office of office/flex space and provided that the project can be adequately parked for the additional square footage.

§ #5 The project may rearrange the square footage of the approved office/flex buildings into any combination of one, two or three single story or two story buildings at the office/flex area (Section 3) provided that the total square footage shall be at least 26,000 s.f. with a minimum building size of 7,000 s.f. for a single story building and 20,000 s.f. for a two story building. The amount of square footage that will be developed in Section 3 shall be determined by the ability to provide the required parking for the types of uses to occupy the

buildings.

§ #7 That 20,300 s.f. shall be the maximum retail/commercial area leased at the project site and that a minimum of 10,000 s.f. in Buildings X, B and C, shall be leased to office users.

§ The Master Use Permit shall prohibit a fast food restaurant. The City Council directed the City Attorney, Director of Community Development and applicant to work together to define fast food restaurant.

§ The resolution shall identify sections #1, 2 and 3 and Exhibit A shall clearly denote the various sections.

The motion carried by the following vote:

Ayes: Davis, Conley, Freitas

Abstain: Kalinowski

Absent: Simonsen

COUNCIL REGULAR AGENDA - Continued

6. VLF LICENSE FEE PROGRAM - ROUND 2#409-01

Finance Director Tasker presented the staff report dated May 4, 2005 recommending the City Council determine whether or not the City would participate in the second round of the VLF License Fee Program.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council moved to participate in the second round of the VLF License Fee Program.

The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley

Noes: Freitas

Absent: Simonsen

7. URGENCY ORDINANCE REQUIRING CONDITIONAL USE PERMITS FOR CONVENIENCE STORES DURING AN INTERIM STUDY PERIOD#701-05

City Attorney Galstan presented the staff report dated April 27, 2005 recommending the City Council adopt the urgency ordinance.

ORDINANCE NO. 1047-C-S

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Councilmembers present unanimously adopted the urgency ordinance.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the City Council would be meeting on May 17, 2005 from 6:00 - 9:00 P.M. for a Budget Study Session.

COUNCIL COMMUNICATIONS - None

With no further business, Mayor Freitas adjourned the meeting at 11:03 P.M. to a Study Session meeting on May 17, 2005 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