

# ANTIOCH CITY COUNCIL

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

**December 16, 2003  
Council Chambers**

Mayor Pro-Tem Davis called the meeting to order at 7:00 P.M. on Tuesday, December 16, 2003 in the City Council Chambers and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Conley, Simonsen and Mayor Pro-Tem Davis

Absent: Mayor Freitas

## **PLEDGE OF ALLEGIANCE**

Girl Scout Troop #2130 led the Council and audience in the pledge of allegiance.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS** - None.

## **PUBLIC COMMENTS**

Jim Zirkel stated he had previously sent an e-mail to the City Attorney and City Council regarding the Reynolds and Brown Owner Participation Agreement, and felt his questions had not yet been answered. He further felt the City Council should meet with Reynolds and Brown and set criteria to proceed with the remaining phases, wherein this would ensure the City Council's vision of 260,000 sq. ft. of office space and 1,100 jobs would be met.

Elvin Scott discussed his efforts to recover his pension credits.

Emil Stein spoke to his concerns regarding the unsafe traffic issues the Antioch Auto Center was causing within his neighborhood.

Kenneth Lee, Fairview Terrace resident, expressed concern to his neighborhood being affected by the unsafe traffic conditions he felt were being caused by the Antioch Auto Center's business.

Randy Powers, Fairview Terrace resident, requested a four way stop with crosswalks be constructed at Crestview and Aster to alleviate safety issues.

## **1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 12, 2003 ..... #301-02**
- B. APPROVAL OF COUNCIL WARRANTS ..... #401-02**
- C. REJECTION OF CLAIM ..... #704-07**

- D. LEGISLATION AND ADVOCACY ..... #701-04
- F. RESOLUTION NO. 2003/148 APPROVING THE PROPOSAL FOR CALTRANS BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION #1402-02
- G. RESOLUTION NO. 2003/149 AMENDING RESOLUTION NO. 2000/33 AND EXTENDING THE SOMERSVILLE ROAD STREET NAME CHANGE ..... 1102-04
- H. ORDINANCE NO. 1010-C-S APPROVING AMENDMENTS TO THE SOUTHEAST SPECIFIC PLAN TO ALLOW CONSTRUCTION OF MULTI-FAMILY HOUSING AND A BUSINESS PARK (BLUEROCK BUSINESS CENTER) SP-02-1 ..... #202-03
- I. ORDINANCE NO. 1011-C-S REZONING APPROXIMATELY 33.5 ACRES, MAKING UP THE BLUEROCK BUSINESS CENTER PROJECT SITE, TO THE PLANNED DEVELOPMENT DISTRICT PD-03-2 ..... #202-03
- J. RESOLUTION NO. 2003/150 APPROVING AMENDMENT NO. 1 TO PARKING LICENSE AGREEMENT WITH MACERICH PARTNERSHIP, L.P. (SOMERSVILLE TOWN CENTER)..... #901-05

On motion by Councilmember Conley and seconded by Councilmember Kalinowski the Council unanimously approved the Council Consent Calendar with the exception of Item Nos. D and E, which were removed for further discussions.

AYES: Conley, Kalinowski, Simonsen and Davis

ABSENT: Freitas

**Item D** - Councilmember Simonsen expressed concern regarding revenues from the vehicle license fee tax lost to the State. He requested the Mayor send a letter to the Governor and the legislature with a copy to the League of Cities stating the City of Antioch's position with input from Mr. Tasker on the financial impact to the City of Antioch from the loss of the Vehicle License Fees.

Councilmember Conley added a letter should also be sent to Senator Torlakson and Assemblyman Canciamilla, signed by the Mayor and/or City Manager, and invite them to the City Council's first meeting in January to explain their position regarding the backfill for the BLF and listen to the City's concerns. Councilmember Simonsen stated his support.

On motion by Councilmember Simonsen and seconded by Councilmember Kalinowski to compose a letter addressed to the Governor, State Legislature and the League of California Cities, stating the City's position, as well as including an explanation of the City's financial impact due to the loss of the Vehicle License Fees. Also a letter to be sent to Senator Torlakson and Assemblyman Canciamella inviting them to the City Council's first meeting in January.

AYES: Kalinowski, Conley, Davis, Simonsen

ABSENT: Freitas

**Item E** - Councilmember Simonsen requested future staff reports clearly indicate any contract prices in excess of 10% for additional work.

On motion by Councilmember Simonsen and seconded by Councilmember Conley accepting work and directing the City Engineer to file a Notice of Completion and authorizing final payment to Carone & Sons, Inc., contractor of Crockett for the rubberized pavement overlay and repair at various locations.

AYES: Kalinowski, Conley, Davis Simonsen

ABSENT: Freitas

**COUNCIL REGULAR AGENDA**

**2. JOINT VENTURE COOPERATIVE AGREEMENT BETWEEN THE ANTIOCH UNIFIED SCHOOL DISTRICT, CONTRA COSTA COUNTY AND THE CITY OF ANTIOCH FOR THE JOINT PROVISION OF LIBRARY SERVICES AT THE PROPOSED PREWETT LIBRARY ..... #1406-01**

City Manager Jakel introduced Item No. 2; Assistant to the City Manager Gegg provided a summary of the Staff Report and gave a slide presentation of the proposed architectural details for the library.

In response to Councilmember Simonsen, County Librarian Anne Cain spoke to the "Joint Use Cooperative Agreement" addressing the definition of the roles and responsibilities and services to be provided by the school district. Assistant to the City Manager Gegg stated a subcommittee would be formed with the City Council to further review the documents prior to the final adoption on January 16.

**RESOLUTION NO. 2003/151**

On motion by Councilmember Conley and seconded by Councilmember Kalinowski approving the Joint Venture Cooperative Agreement with Contra Costa County and the Antioch Unified School District, with changes and amendments as approved by the sub-committee as to form.

AYES: Kalinowski, Conley, Davis, Simonsen

ABSENT: Freitas

**3. OPERATING AGREEMENT BETWEEN CITY OF ANTIOCH AND CONTRA COSTA COUNTY AUTHORIZING CONTRA COSTA COUNTY TO OPERATE PROPOSED PREWETT LIBRARY #1406-01**

Assistant to the City Manager Gegg provided a brief summary of the Staff Report.

Councilmember Simonsen stated he felt any Staff Report coming before the City Council with a negative financial impact to the City should include a final impact analysis prepared by the Finance Director. Per the spread sheet distributed to the Council, Councilmember Simonsen expressed concern to the potential long term costs

Ann Cane provided an explanation of the Library Bond Act.

**RESOLUTION NO. 2003/152**

On motion by Councilmember Kalinowski and seconded by Councilmember Simonsen, the Council approved the Agreement with the County of Contra Costa for the Provision of Library Services.

AYES: Kalinowski, Conley , Davis, Simonsen

ABSENT: Freitas

**4. RESOLUTION APPROVING THE SUBMITTAL OF A LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2000 GRANT APPLICATION; AND CERTIFYING THE PROJECT BUDGET, THE LOCAL MATCHING FUNDING COMMITMENT, THE COMMITMENT OF LOCAL SUPPLEMENTAL FUNDS, AND THE COMMITMENT TO PUBLIC LIBRARY OPERATION ..... #1406-01**

Assistant to the City Manager Gegg provided a brief synopsis of the Staff Report.

Councilmember Kalinowski felt it was important for the City to have a lobbyist to represent the City and deal specifically with these issues.

Councilmember Simonsen noted Townsend Public Affairs had been hired for the lobbying process. He also added more involvement with the school district should take place, and requested Staff ensure the public had access to the library involvement process through the City's website.

Councilmember Kalinowski requested Staff direct Townsend Pubic Affairs for a timeline and a "game" plan for the lobbying efforts and public awareness. He further requested to be made aware of all work conducted by a lobbyist.

**RESOLUTION NO. 2003/153**

On motion by Councilmember Kalinowski and seconded by Councilmember Conley, Council approved the application for Library Construction Grant Funds for the Prewett Library.

AYES: Kalinowski, Conley, Davis, Simonsen .....

ABSENT: Freitas

On motion by Councilmember Conley and seconded by Councilmember Kalinowski, Councilmember Conley and Mayor Freitas were nominated and appointed to serve on a subcommittee charged with reviewing the final application and associated documents prior to submittal, and authorized the sub-committee to make or accept non-substantial changes to the application and associated documents.

AYES: Kalinowski, Conley, Davis, Simonsen

ABSENT: Freitas

**5. El Campanil Theatre Preservation Foundation request for Funding ..... #902-01**

Assistant to the City Manager Gegg provided a brief summary of the Staff Report.

Rick Carraher, President of the El Campanil Preservation Foundation, distributed a handout to the Council and gave a slide presentation on the history and the preservation goals of the El Campanil Preservation Foundation. He also elaborated on the contents of the Staff Report.

Gary Reiman concurrently presented a slide show while discussing Restoration Phases 1-4, and further explained the Restoration Plan Budget - Phase I, Attachment "A" with a slide presentation.

Rick Carraher added this theatre would be used by a number of other community groups, including fund raising efforts for other groups. Regarding the City's investment in this project, Mr. Carraher stated all monies would be dedicated to equipment and other tangible assets only, and would not pay any bills or consultants with the exception of the restoration plan itself which would be critical to the next phase. Furthermore, 100 percent of the monies would be put back into the theatre. Mr. Carraher also stated if the Theatre Preservation Foundation should, in the future, become unable to pay their bills, the Theatre would still have a high value, and the investment would be turned over free and clear to the City of Antioch, therefore the building and all of its contents and improvements would transfer to the City thus ensuring the facility would remain a community treasure. He then requested a funding from the City in the amount of \$500,000.

Councilmember Conley requested Mr. Carraher explain the process of the seat purchasing program, where an individual could purchase a seat with their name printed on it.

John Lynn stated he had been hired to perform a Feasibility Study detailing the scope of work, with an estimate on the cost of restoring a similar theatre in a similar community.

Toy Carlee, encouraged the City Council's support of the restoration of the El Campanil and felt this renovation could be the beginning of the renovation of the downtown area.

Curtis Holzer, President of the Antioch Rivertown Business Association, solicited the City Council's support in this endeavor to restore and renovate the El Campanil.

Walter Rulig, Antioch's representative to the County Library Commission, voiced his support of the restoration of the El Campanil and requested the Council's support.

Debbie Wheeler, representing Rivertown Dance Academy, supported the restoration of the El Campanil and requested the Council's support.

Pat Putnam, Executive Director of the Arts and Culture Foundation of Antioch, spoke in favor of the restoration and felt it would enhance the downtown area.

Bob Schuster, Program Director for the New Hope Community Church, supported the restoration and requested the Council's support.

Don Bright, resident, supported the restoration and solicited the Council's support.

Susan Dragon, resident, voiced her support of the El Campanil's restoration and felt this would enhance the downtown area into a valuable community resource.

Mayor Pro-Tem Davis read a prepared statement from Elizabeth and John Westbaugh stating their support of the El Campanil's restoration.

Councilmember Conley stated he approved of the restoration of the El Campanil and felt the Promenade funds could be used. He stated the ADA Bond Refinancing Act would allow the City Council to move the money from the Promenade to the El Campanil Preservation Fund. He requested the City Council approve the Foundation's request of \$500,000.

Councilmember Kalinowski voiced his support of the restoration of the El Campanil. He felt funds from the Promenade could be used. Furthermore, in the event funding became short, interest earnings could be used from the Promenade funds. He also felt the restoration of the theatre was an important aspect to the preservation of the downtown historical value and felt public support was wide spread throughout the community.

Councilmember Simonsen felt the restoration of the El Campanil needed public support and the restoration would be an asset to the community. In speaking to the Promenade, he expressed concern regarding the use of RDA funds and wanted to ensure the RDA would be reimbursed from the Residential Allocation Program. He felt the El Campanil could play a vital roll in the Waterfront Master Plan and would benefit the entire downtown area, being a part of the overall plan; he wanted to ensure additional money would be available. He also wanted to ensure the community, as a whole, their concerns would be met as well in other areas of the City. Councilmember Simonsen voiced his support of allocating \$500,000 with the above mentioned conditions, and agreed with Finance Director Tasker, the monies should be given to the Foundation as work was completed, allowing interest to accrue as long as possible.

Councilmember Kalinowski stated he would be willing to support this item if the RDA was reimbursed, per Councilmember Simonsen's suggestion.

City Attorney Galstan recommended the City Council add to the Redevelopment Agency an item to reallocate the funds from the Promenade project to the El Campanil project with the intent being the City Council would backfill the funds with the RDA monies as they become available.

Mayor Pro-Tem Davis stated his full support of the restoration of the El Campanil.

On motion by Councilmember Conley and seconded by Councilmember Kalinowski, the Council approving the allocation of \$750,000 from the Promenade project to the El Campanil project with the stipulation the funds be repaid with RDA monies as they become available.

AYES: Conley, Kalinowski, Simonsen and Davis

ABSENT: Freitas

**6. RESOLUTION APPROVING A LOT LINE ADJUSTMENT BETWEEN PARCELS 8 AND 9 OF THE HILLCREST CROSSROADS SHOPPING CENTER AND REQUIRING A JOINT MAINTENANCE AGREEMENT FOR LANDSCAPING (PW 443-6-03)(Con't from 12/9/03) ..... #202-10**

RESOLUTION NO. 2003/154

On motion by Councilmember Conley and seconded by Councilmember Kalinowski approving a lot line adjustment between Parcels 8 and 9 of the Hillcrest Crossroads Shopping Center and requiring a Joint Maintenance Agreement for landscaping.

AYES: Conley, Kalinowski, Davis, Simonsen

ABSENT: Freitas

**7. ORDINANCE AMENDING SECTION 4-14.05(A) OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH FALSE ALARM CHARGES ..... #701-05**

Police Chief Moczulski provided a synopsis of the Staff Report.

On motion by Councilmember Conley and seconded by Councilmember Simonsen the Council amended Section 4-14.05(A) of the Antioch Municipal Code, dealing with false alarm charges.

AYES: Conley, Simonsen and Davis

ABSENT: Kalinowski and Freitas

**8. ORDINANCE AMENDING THE REDEVELOPMENT PLANS FOR REDEVELOPMENT PROJECT NOS. 1, 2, 3, 4 AND 4.1 TO EXTEND BY ONE YEAR THE TIME LIMITS ON THE EFFECTIVENESS OF EACH SUCH REDEVELOPMENT PLAN AND THE TIME LIMITS TO PAY INDEBTEDNESS AND RECEIVE PROPERTY TAXES; AND RELATED MATTERS ..... #902-01**

On motion by Councilmember Conley and seconded by Councilmember Kalinowski the Council approved the first reading of an ordinance amending the Redevelopment Plans for Redevelopment Projects Areas 1, 2, 3, 4 and 4.1 to extend by one year the time limits on the effectiveness of each such Redevelopment Plan and the time limits to pay indebtedness and receive property taxes; and related matters.

AYES: Conley, Kalinowski, Davis, Simonsen

ABSENT: Freitas

Mayor Pro Tem Davis adjourned to the Antioch Development Agency with all Agency Members present with the exception of Agency Chairperson Freitas.

**AGENCY CONSENT CALENDAR**

**9. RESOLUTION APPROVING THE USE OF REDEVELOPMENT AGENCY HOUSING SET-ASIDE FUNDS FOR OWNER OCCUPIED AND RENTAL REHABILITATION PROJECTS OUTSIDE OF THE ANTIOCH DEVELOPMENT AGENCY PROJECT BOUNDARIES ..... #903-01**

Councilmember Conley requested Staff check the viability of this agency becoming an equity holder of those properties whose rehabilitation is funded by the City.

On motion by Councilmember Simonsen and seconded by Councilmember Kalinowski finding all owner occupied and rental rehabilitation loans for projects outside of the Antioch Development Agency Project Area will benefit the Project Area.

AYES: Kalinowski, Conley, Davis, Simonsen ABSENT: Freitas

**10. Approval of reallocation of \$750,000 of the Promenade funds to the El Campanil Restoration Project with repayment through the RDA ..... #902-01**

On motion by Councilmember Conley and seconded by Councilmember Kalinowski approving the reallocation of \$750,000 of the Promenade funds to the El Campanil Restoration Project with repayment through the RDA.

AYES: Conley, Kalinowski, Davis, Simonsen ABSENT: Freitas

Councilmember Kalinowski requested Mr. Carraher agree to a consensus within "Priority 3" "Letters for Marquee and Initial Repairs" be made the top priority. Mr. Carraher stated this item was already in progress. Mr. Carraher further added he would be willing to work with the City's Finance Department to achieve Mr. Simonsen's suggestion of the funds be provided on an "as needed" basis.

The Redevelopment Agency adjourned and reconvened to the City Council.

Present: Kalinowski, Davis, Conley and Simonsen Absent: Freitas

**PUBLIC COMMENTS**

Mayor Pro-Tem Davis read a prepared statement from City resident Brenda Berrahose regarding E. 16th St.

**COUNCIL COMMUNICATIONS**

Councilmember Simonsen requested an update on the progress of the roadwork on Contra Loma. City Engineer/Community Development Director Brandt responded PG&E had finished the east side of the road and was now working on the west side nearing completion by the end of the week. Councilmember Simonsen interjected he wanted the public to be informed of ongoing maintenance work.



Councilmember Conley wished the residents of Antioch a Happy Holiday Season.

Councilmember Kalinowski also wished the residents and City Staff a Happy Holiday Season and welcomed the new City Manager Jim Jakel.

City Manager Jakel expressed his appreciation to the Council and Staff and looked forward to his new job.

Mayor Pro Tem Davis welcomed the new City Manager Jim Jakel to the City of Antioch and wished the residents of Antioch a Happy Holiday Season.

**STAFF COMMUNICATIONS C** none

With no further business, Mayor Pro Tem Davis adjourned the meeting at 9:50 **P.M.** to the next regular Council meeting on January 13, 2004.

Respectfully Submitted

L. JOLENE MARTIN, CMC

Approved

DONALD P. FREITAS, Mayor

Attest

L. JOLENE MARTIN, CMC