

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**March 8, 2005
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR. Agency Negotiator: Holly Brock-Cohn; Employee Organization: All represented groups. This Closed Session is authorized by Government Code §54957.6.

Mayor Pro Tem Kalinowski reported the City Council had met in closed session; there was no reportable action.

Mayor Pro Tem Kalinowski called the meeting to order at 7:04 P.M., and City Clerk Martin called the roll.

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

Mayor Pro Tem Kalinowski reported Mayor Freitas was ill, and therefore excused.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, representing the Antioch Chamber of Commerce, announced the following events:

- § East County Women's Conference to be held on April 1, 2005 from 8:30 A.M. to 5:30 P.M. at Los Medanos College
- § Annual State of the City Luncheon to be held on May 4, 2005 at Tao San Jin Restaurant
- § Launch of the Small Business Information Center

She provided a contact number and website address for anyone wishing to receive additional information.

PROCLAMATION - 2005 Mayor's Prayer Breakfast, March 18, 2005

On motion by Councilmember Conley, seconded by Councilmember Davis the Council members present unanimously approved the proclamation.

Councilmember Conley presented the proclamation proclaiming March 18, 2005 as the date of the 2005 Mayor's Prayer Breakfast to Priscilla Friemering, who thanked the City Council for the proclamation. She then announced a venue change for the Mayor' Prayer Breakfast from the Lone Tree Golf Course Banquet facility to Humphrey's on the Delta. She introduced the members of the Steering Committee and provided a phone number and email address for anyone wishing to receive additional information.

PUBLIC COMMENTS - None

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 8 and 15, 2005#301-02

B. APPROVAL OF COUNCIL WARRANTS#401-02

C. REJECTION OF CLAIMS#704-07

- 1. Carmesha Erickson for Justice Erickson (minor), #04/05-1534 (personal injury)
- 2. Ouida Torrence, #04/05-1533 (vehicle damage)
- 3. Joe and Vicki Davis, #04/05-1531 (property damage)

D. LEGISLATION AND ADVOCACY.....#701-04

E. ORDINANCE NO. 1041-C-S REZONING APPROXIMATELY 18 ACRES, MAKING UP THE IN-SHAPE HEALTH CLUB AND COMMERCIAL CENTER PROJECT SITE, TO THE PLANNED DEVELOPMENT DISTRICT (PD).....#202-03

F. RESOLUTION NO. 2005/23 APPROVING THE PROPOSAL FOR CONTRA COSTA TRANSPORTATION AUTHORITY TRANSPORTATION PLANNING AND LAND USE SOLUTIONS (T-PLUS) GRANT APPLICATION#1107-01

On motion by Councilmember Conley, seconded by Councilmember Simonsen, those Councilmembers present unanimously approved the Council Consent Calendar with the exception of item A and D, which were removed for further discussion.

Councilmember Simonsen requested a separate vote on the meeting minutes of February 8 and 15, 2005, as he had been out of the country and had not attended either meeting.

Item A - On motion by Councilmember Conley, seconded by Councilmember Davis the City Council approved the minutes of February 8, 2005. The motion carried by the following vote:

Ayes: Conley, Davis, Kalinowski Absent: Freitas Abstain: Simonsen

Item A - On motion by Councilmember Conley, seconded by Councilmember Davis the City Council approved the minutes of February 15, 2005. The motion carried by the following vote:

Ayes: Conley, Davis, Kalinowski Absent: Freitas Abstain: Simonsen

Item D - Councilmember Simonsen read a letter to Congresswoman Ellen Tauscher, on behalf of the City of Antioch expressing appreciation for the \$15M she had earmarked for the continued widening of State Route 4 and the reauthorization of the Transportation Equity Act Legacy for Users (House Resolution #3). He requested the letter be approved by the City Council and signed by the Mayor.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council members present unanimously approved the letter and directed it to be signed by the Mayor.

Councilmember Simonsen requested a letter of support from the Antioch City Council for AB99 dealing with enterprise zones, limitations on designation.

Mayor Pro Tem Kalinowski requested in the future when items such as those come before the City Council for consideration, Council be given advanced notice.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the City Council members present unanimously directed the letter to be signed by the Mayor.

Mayor Pro Tem Kalinowski requested any future letters of support or opposition to any of the pension reform bills, be placed on the agenda as a full public hearing item.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council members present unanimously received and filed the report.

Following discussion the City Council agreed to hear item #6 as the next item of business.

COUNCIL REGULAR AGENDA

6. URGENCY ORDINANCE PROHIBITING MEDICAL MARIJUANA DISPENSARIES DURING AN INTERIM STUDY PERIOD #701-05

City Attorney Galstan presented the staff report dated February 24, 2005 recommending the City Council adopt the urgency ordinance.

Councilmember Simonsen requested a report to the City Council from the Police Department on their policy regarding the cultivation of marijuana within the city limits.

ORDINANCE NO. 1042-C-S

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the City Council members present unanimously adopted the resolution.

Mayor Pro Tem Kalinowski declared a recess at 7:25 P.M. The meeting reconvened at 7:32 P.M. with all Councilmembers present with the exception of Mayor Freitas who was excused.

PUBLIC HEARINGS

- 2. THE CITY OF ANTIOCH IS REQUESTS AMENDMENTS TO THE CITY'S GENERAL PLAN GROWTH MANAGEMENT ELEMENT, CHAPTER #3, AND AMENDMENTS TO THE ZONING ORDINANCE, TITLE 9 ARTICLE 40 "RESIDENTIAL DEVELOPMENT ALLOCATION (RDA)", TO ADDRESS A NUMBER OF PROCEDURAL REQUIREMENTS ALONG WITH OTHER CHANGES TO THE "RESIDENTIAL DEVELOPMENT ALLOCATION" PROCESS. THE MAJORITY OF THE PROPOSED CHANGES CONCERN THE DEFINITION OF A "DEVELOPMENT ALLOCATION", THE PRECONDITIONS FOR SUBMITTING AN RDA APPLICATION, AND SUBMITTAL REQUIREMENTS. THE PROPOSED PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). FILES: GP-05-01, Z-05-01.....#204-01**

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council members present unanimously continued item #2 to March 22, 2005.

- 3. MARK MARCOTTE/PARK LAKE CONDOMINIUMS REQUESTS APPROVAL OF A USE PERMIT, A VARIANCE FROM MINIMUM SETBACK REQUIREMENTS, A TENTATIVE MAP AND A REZONE TO DEVELOP A 60 UNIT CONDOMINIUM COMPLEX ON APPROXIMATELY 3.2 ACRES LOCATED AT THE SOUTHEAST CORNER OF JAMES DONLON BOULEVARD AND TABORA DRIVE (APN 072-011-062). FILES: UP-04-19, Z-04-03, V-04-14.....#202-10**

City Engineer/Community Development Director Brandt reported the applicant had requested the item be continued to March 22, 2005.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council members present unanimously continued item #3 to March 22, 2005.

COUNCIL REGULAR AGENDA - Continued

- 4. FISCAL YEAR 2004-05 MID-YEAR BUDGET REVIEW.....#410-02**

Finance Director Tasker presented the staff report dated March 1, 2005 recommending the City Council direct staff as to the Council's desired course of action.

Councilmember Conley stated he appreciated the projections and questioned how the City verifies the sales tax income from Mazzei.

Finance Director Tasker clarified MRC was also the company responsible for sales tax audits for the city of Pittsburg, and send the City of Antioch a report to review.

Mayor Pro Tem Kalinowski thanked Finance Director Tasker for the report and commented that the City should adjust the budget to lower the deficit in fiscal year 2005-2006 to

approximately \$1M. He questioned whether the Police Department was carrying any Community Service Officer (CSO) vacancies.

Chief Moczulski reported he had one CSO vacancy in addition to the four frozen and he had certified a list of applicants last week.

Mayor Pro Tem Kalinowski stated based on their commitment to the Police Department he suggested the Council consider unfreezing the CSO positions immediately.

Chief Moczulski clarified it would take 2-3 months to get the applicants through the process. He added the additional costs of unfreezing the positions now would be minimal as the Police Department was under budget with their reversions.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council members present unanimously approved unfreezing four CSO positions effective immediately.

City Manager Jakel announced the City Council would be holding a Budget Study Session on April 19, 2005.

Councilmember Simonsen, referring to property annexed into the City and new incorporations, questioned if the City or Redevelopment Agency would be receiving the property tax in lieu of VLF (Vehicle License Fee) for redevelopment areas.

Finance Director Tasker stated he would research which agency would be receiving the property tax.

Mayor Pro Tem Kalinowski added as the City moved forward with LAFCO they would need to explore what the costs to the City would be in buying the land.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council received and filed the report.

5. POSSIBLE LOCATIONS FOR THE PROPOSED ANTIOCH UNIFIED SCHOOL DISTRICT (AUSD) MAGNET HIGH SCHOOL.....#1401-02

Community Development Deputy Director Carniglia presented the staff report dated March 8, 2005 recommending the City Council receive the presentation and provide comment and direction to staff.

Councilmember Simonsen expressed disappointment and concern the School District was not present to address the request.

City Engineer/Community Development Director Brandt clarified the agenda item was in response to the Council's request for more information on the issue. He added there would be a request for compliance with the General Plan for consideration.

City Attorney Galstan added it would be the Planning Commission who would make a determination and he was unsure if it was an appealable decision coming to the City Council. He noted the School District could accept the Planning Commission views or ignore them. Speaking to the East 18th Street location, City Attorney Galstan clarified it was zoned industrial, which did not allow for a school site, although by a 4/5th vote, the School Board could override the Zoning Ordinance. He noted if they do so, it was his opinion they would have to comply with the California Environmental Quality Act (CEQA). If they proceeded without compliance, they would do so at their own risk and a court could find they had not followed the procedural rules and turn down their proposal.

Councilmember Conley stated due to time constraints and financing the School District should be responsible for determining the best School site. He felt the School District could get sewer, water and utilities out to their property on Deer Valley Road at a minimal cost. He further noted if they should pursue the East 18th Street property, they need to get a determination from the Planning Commission and follow the CEQA process.

Councilmember Davis stated he agreed with Councilmember Conley.

Mayor Pro Tem Kalinowski stated he would not support a General Plan amendment for changing the designation on the East 18th Street site as the City had spent redevelopment money for infrastructure improvements in preparation for it becoming a future economic area in the City. He commented that a portion of Oakley was in the Antioch School District and there may be less constricted parcels outside of Antioch, that may be more appropriate for the Magnet School.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the City Council members present unanimously directed the City Manager to work with the City Attorney to draft a response to the letter dated March 7, 2005 stating the City Council's position on the following locations:

- § Prewett Park - opposition due to additional concentration of students near Deer Valley Plaza
- § Kaiser Site - acceptable
- § N. of East 18th Street - would require complete compliance with CEQA, opposed to any General Plan amendment
- § South of East 18th Street - property is out of discussion
- § School District Property on the west side of Deer Valley Road - supportive of using the existing 44 acres

Mayor Pro Tem Kalinowski adjourned to the Antioch Development Agency with all Agency Members present with the exception of Chairperson Freitas who was absent.

AGENCY CONSENT CALENDAR

7. RIVER WATERFRONT DEVELOPMENT REQUEST FOR QUALIFICATIONS (RFQ) PROCESS.....#902-06

Assistant City Manager Pappas Diaz presented a staff report dated March 3, 2005 recommending the Agency decide on a date for the Request for Qualification (RFQ) interviews and determine which Agency Board members will be participating.

Following discussion, the City Council agreed all members of the City Council would be on the interview panel with one representative from the Economic Development Commission. It was agreed interviews would be held on April 12, 2005 at the El Campanil Theater, if available.

Chair Pro Tem Kalinowski adjourned to the Antioch City Council.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reminded the City Council he and Councilmember Conley would be in Washington next week to advance their efforts with the \$140M mega project.

COUNCIL COMMUNICATIONS - None

With no further business, Mayor Pro Tem Kalinowski adjourned the meeting at 8:52 P.M. to the next regular Council meeting on March 22, 2005.

Respectfully Submitted,

L. JOLENE MARTIN, CMC