

# ANTIOCH CITY COUNCIL

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

**October 28, 2003**  
**Council Chambers**

**6:00 P.M. CLOSED SESSION**

- 1. CONFERENCE CONFERENCE WITH LEGAL COUNSEL CONFERENCE WITH LEGAL**  
Significant Significant ex Significant exp Significant exposure to litigation (one case). This closed  
Government Code §54956.9.
- 2. CONFERENCE CONFERENCE WITH REAL PR CONFERENCE WITH REAL PROPE CONF**  
Harbor", Harbor", being locate Harbor", being located no Harbor", being located northerly of the B  
and and McElheny Road, and McElheny Road, bound and McElheny Road, bounded on the north  
2.08 2.08 acres and being APN 066-031-001. Negotiating parties: 2.08 acres and being APN 066-  
Chism Chism and Zocchi family. Under negotiation: Instruction to negotiator will concern  
price price and terms of price and terms of payment. price and terms of payment. This closed  
Code §54956.8.

Mayor Mayor Freitas Mayor Freitas c Mayor Freitas called the meeting to order at 7:09 P.M., and City C  
roll.

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

Mayor Mayor Freitas reported Antioch did not make it into the top tier of the state financing for  
aa new library at Prewett Park and Coua new library at Prewett Park and Councilmembea new  
tonight as he was in Sacramento appealing to decision makers on the city's behalf.

Mayor Mayor Freitas announced there Mayor Freitas announced there was no Mayor Freitas announ  
stated stated Item #5 would be carried over to Wednesday, October 29 stated Item #5 would be ca  
Antioch Antioch High School - Beede Antioch High School - Beede Auditorium. He informed Antioch Hi  
be televised lived and encouraged anyone interested to attend.

## **PLEDGE OF ALLEGIANCE**

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

## **PROCLAMATIONS**

Homeless Awareness Month, November 2003  
National Hospice Month, November 2003  
Animal Shelter Appreciation Week, November 2 - 8, 2003  
National Family Week, November 23 - 29, 2003

On On motion by Councilmember Conley, seconded by Councilmembe On motion by Councilmembe  
Councilmembers present unanimously approved the proclamation.





- C. APPROVAL OF TREASURER S REPORT FOR SEPTEMBER 2003 ..... #401-02
- D. LEGISLATION AND ADVOCACY ..... #701-04
- E. **RESOLUTION RESOLUTION RESOLUTION NO. RESOLUTION NO. 2003/125** ACCEPTING ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE INSTALLATION OF TRAFFIC SIGNALS AT MT. HAMILTON DRIVE/DALLAS RANCH ROAD AND LONE TREE WAY/DOBRICH PLAZA (PW 555-TS) ..... #1104-02
- F. **RESOLUTION RESOLUTION NO. 2003/121** VACATING TWO 30' FO EASEMENTS LOCATED FROM NORTH OF LONE TREE WAY TO THE AND MERVYN'S PARCELS AT THE SLATTEN RANCH DEVELOPMENT AND MERVYN'S PARCELS AUTHORIZING THE MAYOR TO SIGN QUITCLAIMS OF TITLE BACK TO THE UNDERLYING FEE OWNER (THE SLATTEN RANCH, LLC), (PW 655) ..... #202-03
- G. **RESOLUTION RESOLUTION NO. 2003/122** APPROVING SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE DEMOLITION OF BUILDINGS AND STRUCTURES ON "L" ST. (PW 234-9D) ..... #1001-02
- H. **RESOLUTION RESOLUTION NO. 2003/123** FINDING THE SLATTEN RANCH DEVELOPMENT) IN GOOD FAITH COMPLIANCE WITH THE CONDITIONS OF THE DEVELOPMENT AGREEMENT AND CONDITIONS OF THE DEVELOPMENT AGREEMENT CALENDAR YEAR FILE: PD-98-2 ..... #802-02
- I. **RESOLUTION NO. 2003/124** APPROVING CITY CLERK SALARY APPROVING CITY CLERK SALARY ..... #101-03

On motion by Councilmember Conley, seconded by Councilmember Conley, unanimously approved the Council Consent Calendar with the which was removed for further discussion.

**Item G** - Mayor Freitas announced the widening of "L" Street to four lane Mayor Freitas announced the widening of "L" Street to four lane West Fourth and West Tenth Streets would be moving forward and West Fourth and West Tenth Station on the corner of Tenth and "L" Streets.

On motion by Councilmember Conley, seconded by Councilmember Conley, unanimously approved the resolution.

**PUBLIC HEARINGS**

- 2. **EMPIRE PARTNERS, LLC. (EMPIRE SHOPPING CENTER PROJECT)** REQUESTS APPROVAL OF TENTATIVE MAP TO CONSTRUCT AN APPROXIMATE TENTATIVE MAP TO CONSTRUCT A REGIONAL COMMERCIAL SHOPPING CENTER LOCATED AT THE NORTHWEST CORNER OF LONE TREE WAY AND EMPIRE AVE. (APPLICANT: 056-120-015, 016, AND 017) FILE: PD-02-2, UP-03-07, (PW 664) ..... #202-03



the the authority to start the grading and allowing staff and the applicant to address issues, failed by the following vote:

Ayes: Conley, Freitas

Noes: Kalinowski, Davis, Simonsen

*City Engineer/Community Development City Engineer/Community Development Direct City Engineer may help to move this along. There are concerns we've worked with you dosely on the Slatten Ranch perhaps thewe've worked with you would meet or convene with Staff one time, after staff has had twould meet or convene with S with the, one or more times, after staff has had the opportunity twith the, one or more times concerns, er, the developer on the concerns that were expressed tonighconcerns, er, the approval would be subject to the Council Subcommittee concurrence with the revisions.*

*Mayor Freitas: ThatThat would be accepThat would be acceptable to me. That would be acceptable Is there a motion with that condition?*

*Councilmember Conley: So move.*

*Mayor Freitas: Conley moves*

*Councilmember Simonsen: I'll 2nd*

*Councilmember Conley: Stipulate who will be on the subcommittee*

*Mayor Freitas: OnOn the subcommittee I would reOn the subcommittee I would recommendOn t andand Mayor Freitas. On the question, pleaad Mayor Freitas. On the question record reflect there are 5 affirmative votes.*

Following Following Following the veFollowing the verbatim discussion above in italics, the City Council their support of the project moving forward with grtheir support of the project moving forward with subcommittee, subcommittee, Councilmember Simonsen and Mayor Freitas, to meet with staff subcommittee applicant to resolve the outstanding issues pertaining to signage, trash applicant to resolve circulation.

RESOLUTION NO. 2003/127

RESOLUTION NO. 2003/128

On motion by Councilmember Conley, seconded by Councilmember Conley, unanimously appointed a City Council subcommittee comprised of Mayor Funanimous Councilmember Councilmember Simonsen to meet with staff after staff has had the opportunity on the concerns expressed this evening, approval of the project on the concerns expressed this evening City Council subcommittee's concurrence with the revisions.

Mayor Freitas declared a recess at 9:00 P.M. The meeting reconvened The meeting reconvened at 9:14 P.M. Councilmembers Councilmembers present with the exception Councilmembers present with the exception at 9:14 P.M.

Community Development Deputy Director Carniglia present Community Development Deputy Director Carniglia present October 20, 2003 and memorandum dated October 28, 2003. Council hold a public hearing on the Comprehensive Update to the City's General Plan and take the following actions: 1) Adopt the resolution and take the following actions: 1) Adopt the Environmental Impact Report for the Comprehensive Update to the City's General Plan and take the following actions: 1) Adopting the Statement of Overriding Considerations for the Comprehensive Update to the City's General Plan impacts that cannot be fully mitigated; and 2) Motions approving the Comprehensive Update to the City's General Plan findings approving the Comprehensive Update to the City's General Plan.

Page 3-11, 3.5.3.1: Mayor Freitas recommended the sentence to read as follows; "The ratio of sworn officers shall be no less than 20% of the total sworn officers."

Chief Moczulski stated in his opinion the previous standard need now and in the future. He noted this is the General Plan standard and him to add CSO's in other areas of the standard.

Lloyd Zola stated the language brought back follows create a hybrid incorporating both Attachment "B" would replace the performance objective and page 3-11 of the General Plan and would include the language previously evening by Mayor Freitas.

Mayor Freitas opened the public hearing.

Stephen Kostka, representing Tristar Land Investments and DavSchool Site" and 2) Page 4-70, subsection d - add tSchool Site" and 2) Page 4-70, subphrase: "Should the Antioch Unified School District Lone Tree Focus Area for a new high school Law, the area may be developed consistent with the Residential/ Open Designation." He stated the above changes would avoid any quest whether the City had a duty to conduct CEQA review on the School District's project and maintain the power of the City to reserve sites for schools.

City Attorney Galstan stated he had no objection to the provided greater flexibility to both parties.

Community Development Deputy Director Carniglia stated it was a clarification both parties would comply with state law.

Bob Doyle, Assistant General Manager East Ba maintain the resources in the valley and should designate by science what should be preserved and what should be developed. He stated the Board of the East Regional Park District remains concerned regarding safety pertaining to

into the mines areas, the resource protection issue, and designing access that favors the new community and park.

Jean Jean Kuberra suggested the zoning for the Ker Jean Kuberra suggested the zoning for the Kerlebubusinessbusiness park and high density residential tonight, noting the locations would abusinesspublic access without commute, produce higher paying jobs and enhancepublic access withoutenvironment by producing taxes.

TomTom TrostTom Trost, ownerTom Trost, owner of the Hickmont Cannery site, stated he hadCouncilCouncil with an environmental report, reflecting the findings of tCouncil with an environmentalstatestate was presently conducting stustate was presently conducting studies of thstate wasintrusionsintrusions comingintrusions coming from outside properties onto the site. He requested the redesignated as mixed use.

MeMerMerleMerle Gilliland, Richland Development Corporation, voiced support of the Council's adoptionadoption of the General Plan draft dated Octoadoption of the General Plan draft dated Octototo provide clarification to page 4.63: "*The feasibility of th:*" "*The feasibility of the:*" "*The feasibility of the:*" "*The feasibility of the:*" appropriatelyaddressed in the Sand Creek Specific Plan levappropriately addressed in the Sand Creek Specific Plan levappropriately addressed in the Sand Creek Specific Plan levprocessprocess.process." He noted the language would clarify any future issues related to the go coursecourse would be resolved by the Specific Plancourse would be resolved by the Specific Plan amendment.

BBruceBruce Ohlson, representing the East Bay Bicycle Coalition and Delta Peddlers, invited thethe City Council to their meeting schedulthe City Council to their meeting scheduled for Novet 7:007:00 P.M. He noted the He noted the speaker for t He noted the speaker for the evening workwho would be describing the City's planned bicycle facilities. He requeswho would be describing revisions to the General Plan:

Page 7-14, section 7.4.2,  
Item Item b - clarifying the definition Item b - clarifying the definition of a rebuiltItem b - clarifying the definition of a rebuiltItem b - clarifying the definition of a rebuilt lanes be added to the intersection it should be included in the policy.

Item e - add language stating newItem e - add language stating new multi-use paths would beltem e - add language stating new multi-use paths would beltem e - add language stating new multi-use paths would be into the existing system in Antioch.

Item g - subdivide the policyItem g - subdivide the policy into two policies, one dealing with newItem g - subdivide the policy into two policies, one dealing with newItem g - subdivide the policy into two policies, one dealing with newItem g - subdivide the policy into two policies, one dealing with new otherother dealing with existing bridges. He stated Antioch Municipal Code adequately prohibiprohibitprohibitsprohibits bicycle riding on bridge walkways and the reference should be delthe General Plan.

PagePage 7-14, Section 7.4- He requested the following langPage 7-14, Section 7.4- He requested the following langPage 7-14, Section 7.4- He requested the following langPage 7-14, Section 7.4- He requested the following lang striping bicycle routes" be replaced with "Creating bicycle facilities".

PagePage 7-14 -Page 7-14 - Mention thePage 7-14 - Mention the City would continue to support Ewritten by Transplan.

PagePage 7-6 - Indication the exPage 7-6 - Indication the existing Page 7-6 - Indication the existing Page 7-6 - Indication the existing Pittsburg Antioch Highway would be included in the rebuilt roadways.





Section #1

Page 1-5 - Delete the language pertaining to the Urban Limit Line and footnote #1.

Figure 1.1: Add page numbers to reflect the configuration plan into Antioch.

Page 1-10 - Complete Table 1.A - List Brentwood, Pittsburg and Oakley population and unincorporated areas if available.

Section #2

Page 2-1 - Staff to review ABAG's "Shaping the Future" and correct necessary.

Page 2-2 - Change name of County East Mall to Somersville Towne Center.

Section #3

Page 3-1- Include a footnote explaining Measure C was currently scheduled to expire in 2009; the possibility of a successor.

Page 3-2 - 3.1.2 - Eliminate the interim ordinance discussion.

Page 3-5 - Councilmember Simonsen expressed concern that the measure impacts the Urban Limit Line noting it was a county measure. Following discussion, the Council agreed the measure approved by the City of Antioch and Council consensus was to retain the Urban Limit Line.

Page 3-11 - 3.5.3.1 - Delete existing language and insert "Maintain a force level within a range of 1.25 to 1.5 officers, including non-range of 1.25 to 1.5 officers, including community policing and prisoner custody details. Community service officers shall not exceed 20% of the total sworn force. Additional language as provided in Attachment "B" of the staff report dated October 2003.

Page 3-8 - In response to Councilmember Kalinowski, Director Carniglia clarified the delay standards and projected impacts contained within the DEIR for the General Plan.

Page 3-12 - 3.5.8 - Revise the second sentence to read, "The intent of the General Plan is setting forth objectives and a performance standard for maximum mitigation."

Page 3-13 - Page 3-13 - 3.6.2 a - Delete "single-family" from the first sentence and language consistent throughout the General Plan regarding the issue.

Page 3-16 - The first time Tri-Delta Transit is referred to in the General Plan is as "Tri-Delta Transit".

Section 4

Page 4-2 - Councilmember Simonsen expressed concern regarding the impact of the Urban Limit Line to the County.

Page 4-6 c - Mr. Gilliland stated, generally residential density should be 10 units per acre in the areas of heavy or light rail transit. Mayor Freitaper stated, heavy and/or light rail transit.

Page 4-6 f - Add language indicating the Board of Supervisors would honor it through 2020. This direction is in the General Plan.

Figure 4-1 - Add more variation and focus areas. Staff to check on the designation of the Reynolds and E. Reynolds area to assure it was correctly depicted on figure 4.1.

Page 4-17 - Indicate the tables would depict an anticipated maximum General Plan buildout.

Page 4-18 - Change to (generally over 25%), revisit maximum acre.

Page 4-24 - 4.4.2.2 - add the wording "middle and high schools."

Page 4-29 - provide more flexibility regarding water transit.

Figure 4.2 - change designation of Rodgers Point, the launch area and Fullerton Shipyard to water oriented / mixed use.

Page 4-35 - change j to reflect the previous change to figure 4.2.

Page 4-37 - The last bullet, first sentence Somersville Road.

Page 4-38 item E - Update to currently reflect what is occurring at the mall.

Figure 4.3 -extend commercial to the north side of Somersville Road definition.

Page 4.4 - Ms. Kuberra indicated she was satisfied with the current designations in figure 4.4.

Mayor Mayor Freitas declared a recess at 11:37 P.M. The The meeting reconvened at 11:45 P.M. with all Councilmembers present.

#### Figure 4.8

Councilmember Councilmember Simonsen Councilmember Simonsen voiced his support of Figure 4.8A EIR and resource management plan would dictate EIR and resource management plan would dictate at the Specific Plan level.

Councilmember Conley voiced his Councilmember Conley voiced his support of Figure 4.8B Councilmember it was important for the City to recit was important for the City to recognize the reit was important for Plan level, outlining where development could occur.

Councilmember Davis voiced his support of option B.

Councilmember Councilmember Kalinowski Councilmember Kalinowski discu Councilmember Kali management plan at the General Plan level and therefore hemanagement plan at the General Plan level provided provided in option B (attac provided in option B (attach designation designation on Deer Valley Road and stated he bedesignation on Deer Valley Road further further noted he felt the business pafurther noted he felt the business park designatfurther noted he felt the business park designation on Deer Valley Road to the school site and noted if no development occurs at that I Road to the school site a specific timeline, the propertyspecific timeline, the property could revert to another use. Hespecific timeline, the property could revert to another use. He specific timeline, the property could revert to another use. He a portion of the multi-family property be needed for parkland someone may have to pay the the multi-family rate when it had not been determined whether or not the detention basin would work.

In response to Mayor Freitas, Mr. Moore stated they anticipated approximately 30% of development develop develop able develop able property on the Zeka/Higgins property. He noted the develop develop able land had not yet been determined due to the fact thdevelop able land had not had had not reviewed the resource management plan. He stated option "B" had not reviewed the res map map would not allow the flexibility for thmap would not allow the flexibility for the res map v development development should occur on the development should occur on the pr development considering considering approval option "B" they deferre considering approval option "B" they deferre information provided.

Mayor Mayor Freitas suggested the City Council desi Mayor Freitas suggested the City Council de able able land on the Zeka/Higgins property bas able land on the Zeka/Higgins property based able la consultations with the resource agencies.

Mr. Mr. Doyle stated the resource management plan gave the best estimate Mr. Doyle stated the res able land on the Zeka/Higgins property.

Mr. Mr. ZMr. Zola stated the General Plan could specify ultimately development could co Mr. Zola st more than 30-40% of the total portion of Sand Creek.

In response to Mayor In response to Mayor Freitas, Dave Gold stated he felt they In response to Mayor findings findings for the City Council's determination; should there findings for the City Council's determ adjustments, adjustments, it would be understood there would be subsequent fed adjustments, it

regional agencies involved and the amendments should the resource agencies have a different take on the biology.

City Council consensus was to support returning to Council with specific land use findings be built into the document using the option "B" map, based on the resource management plan indicating that resource agencies would weigh in. The state and federal permits, as well as support for identifying a maximum of 30-40% of the area for support for identifying a maximum established densities for the area.

Councilmember Kalinowski suggested wording be included indicating the open space be consistent with option B of the resource management plan; it would be an open space/open space/special study area, indicating the line would move to be consistent with issues on the property.

Following discussion, the Council consensus did not support the addition of Park along Sand Creek Road.

Community Development Deputy Director Carniglia stated the approximate location of the regional sports complex to the land use map.

Councilmember Kalinowski expressed concern regarding the residential designation along Deer Valley Road.

Following discussion, Council agreed to support the residential designation from public/quasi public on northern property line to residential.

Page 4-62 - paragraph 4 - The City Council supported Mr. Gilliland's request following wording to the last sentence "the feasibility study was appropriately addressed at the Sand Creek process."

In response to Councilmember Conley, Community Development Deputy Director Carniglia stated staff would address Empire Mine Road circulation element.

Mayor Freitas clarified some wording would be changed in the General Plan regarding the Council's direction regarding the land use map.

Page 4-61a - The City Council agreed they would support wording regarding the item.

Page 4-63 - Add language from Richland pertaining to the golf course.

Page 4-64d - The City Council agreed they supported wording provided by staff to provide more references to the Framework Resource Management Plan.

Page 4-64ee - Add language from Richland pertaining to the golf course.

Page 4-67 - Add wording from Davidon relating to the potential future high school site.

Page 4-69 footnote - Reflect wording from chapter #1 relating to "Shaping Our Future."

Page 4-69 - The City Council agreed they support wording as provided regarding medium - low density residential.

Page 4-70d - Add wording from Davidon regarding the potential future high school site.

Page 4-70a - Change wording from Policy 4.3.2f from 2010 to 2020 change wherever referenced in the General Plan.

Page 4-73b - Revisit the wording regarding single family detached units.

Page 4-73 - Bring back wording regarding tying infrastructure development.

Page 4-73b - Add "The County" to the reference on the Urban Limit Line throughout document.

Page 4-75c - Revisit wording regarding single-family dwellings.

Following discussion the City Council text of the General Plan at a special session on Tuesday November 4, 2003 at 6:00 p.m.

## COUNCIL REGULAR AGENDA

### 4. RESOLUTION APPROVING REVISIONS TO THE ALLOCATION EVALUATION RATING FORM AND TRATING FORM AND THE RATING FORM AND DEVELOPMENT ALLOCATION PROGRAM FOR THE CITY OF ANTIOCH

#204-01

Mayor Freitas read written comment from Tom McNell indicating process should be applied to major zoning changes as well as new development.

In response to Councilmember Simonsen, Mayor of the committee members it would be brought to the City Council for resolution.

Councilmember Simonsen suggested a procedure be established for formally accou applications.

### RESOLUTION NO. 2003/126

On motion by Councilmember Conley, seconded by Councilmember Conley, Council unanimously approved the Commission members to look at the procedures for the RDA.

ADJOURNMENT  
ADJOURNMENT OF MEETING  
ADJOURNMENT OF MEETING  
ADJOURNMENT OF MEETING  
at the Antioch High School, Beede Auditorium, 700 W. 18th Street

**5. CONTINUED REVIEW OF PROPOSAL FROM THE GUIDVILLE CONTINUED  
POMO IN POMO INDIANS FOR A RESORT/BUSINESS PARK/CASINO PROJECT  
CITY OF ANTIOCH #901-05**

- 1) Create and appoint a subcommittee to work with a staff negotiator to have discussions about a Municipal Services Agreement concerning a concern;
- 2) Determine whether City Council should place a ballot measure on the March 2004 election in relation to the casino proposal.

**PUBLIC COMMENTS**

Sandra Golightly apologized to the City Council for coming late to the City Council meeting.

In response to Mrs. Golightly, Councilmember Simonsen accepted the apology.

**COUNCIL COMMUNICATIONS**

Councilmember Simonsen reported the City of Antioch's Library application was good with the members of the Board and Redding received the majority of the good will with the remainder going to two other minor projects. The application would be successful for the next round.

Mayor Freitas thanked Councilmember Simonsen and Councilmember Glover for lobbying for the Library funds.

Mayor Freitas reported on the meeting he attended for the Urban Limit Line study. The meeting on October 27, 2003, regarding the Urban Limit Line study, himself and Community Development Deputy Director Carniglia and Councilmember Glover had a proposal to put the Urban Limit Line study on the March ballot. The meeting resulted in more negative comments and discussion resulted in more negatives. The meeting would continue on November 4, 2003 and there could be a March ballot. The meeting on November 17, 2003, should they decide to place the issue on the March ballot.

In response to Mayor Freitas, City Attorney Galstan stated if Councilmember Simonsen could put agenda item #5 on the March ballot, they could put agenda item #5 on the March ballot on November 25, 2003.

**STAFF COMMUNICATIONS - None**

With no further business, Mayor Freitas adjourns the meeting for Monday, October 29, 2003 at 7:00 P.M. at the Antioch High School, Beede Auditorium.

Respectfully Submitted

\_\_\_\_\_  
L. JOLENE MARTIN, CMC

Approved

\_\_\_\_\_  
DONALD P. FREITAS, Mayor

Attest

\_\_\_\_\_  
L. JOLENE MARTIN, CMC