

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**December 16, 2008
Council Chambers**

5:30 P.M. - CLOSED SESSION

- 1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Title: City Manager. This Closed Session is authorized by Government Code §54957.

- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –** 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. This Closed Session is authorized by California Government Code §54956.9(a)

- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –** Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board – Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. re: Markley Creek; SPPI-Somersville, Inc. et al. v. TRC et al. (USDC N.D. Cal Case No C04-2648 SI); SPPI-Somersville, Inc. et al. v. Chevron (USDC N.D. Cal. Case No. C07-05824 SI). This Closed Session is authorized pursuant to Government Code §54956.9 (a).

Mayor Davis called the meeting to order at 7:03 P.M., and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Moore, Rocha and Mayor Davis

City Attorney Nerland reported the City Council had been in Closed Session and there was no reportable action

PLEDGE OF ALLEGIANCE

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

PRESENTATION

Mayor Davis announced the presentation to Gregory Lenhart would be rescheduled.

Mayor Davis presented Certificates of Recognition to the participants on the committee for the First Annual Veteran's Day Parade.

Committee members presented Mayor Davis with a plaque of recognition, a membership to the SAL Unit of the American Legion Post #161 and a package of memorabilia.

Mayor Davis announced on December 14, 2008, the City participated in the United States Army Reserve in Vallejo with the 43rd Transportation Battalion who adopted the City of Antioch who in turn adopted the Battalion. He noted they would be representing each other in all civic

activities. He reported he was made an honorary member and he thanked Arne Simonsen and Terry Grayson who began the process.

Mayor Davis requested "Mayor's Moment" be added to all future council agendas, and he recognized Scott Eric Klein for receiving his Boy Scouts of American Eagle Scout Award

Mr. Klein reported on Memorial Day 2007 he met with Veterans of the American Legion Post #151 in Pittsburg who shared their stories which he recorded and edited into a six hour documentary. Additionally, he collected food and soccer ball donations which were sent to troops and children in Iraq.

Mayor Davis presented a plaque of recognition to Scott Eric Klein.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Police Chief Hyde reported the Antioch Police Department's Community Action Team (CAT) is conducting their adopt a family program who would be servicing 25 families in Antioch. He announced they had received donations from the community for clothing and toys.

PUBLIC COMMENTS

Ralph Hernandez, Antioch resident, discussed parliamentary errors made at a previous City Council meeting.

COUNCIL RESPONSE TO PUBLIC COMMENTS

City Attorney Nerland reported fourteen applications were received for the vacant City Council seat and noted if it was the desire of the City Council to refine the procedures regarding addressing the applications, the Council by unanimous vote could place it on the agenda. She noted the findings would be applications received by the fourteen individuals were received after the posting of the agenda.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously placed item #8 on the agenda dealing with the procedure for Interviews for the vacant City Council seat.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 28, 2008

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2008

D. REJECTION OF CLAIMS

1. Vivian Joshua 08/09-1843 (property damage).
2. Anthony Dumas 08/09-1831 (personal injury).
3. Michael Skarry 08/09-1820 (personal injury).

- E. RESOLUTION NO. 2008/107 TO THE STATE OF CALIFORNIA ACCEPTING A GRANT IN THE AMOUNT OF \$14,500 FROM THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS FOR THE INSTALLATION OF A REPLACEMENT VESSEL SEWAGE PUMPOUT FACILITY LOCATED AT THE ANTIOCH MARINA**
- F. APPROVAL TO AMEND THE DESIGN CONTRACT WITH MARK THOMAS AND COMPANY, INC. FOR THE WILBUR AVENUE BRIDGE PROJECT, (P.W. 259-B)**
- G. CONSIDERATION OF BIDS FOR THE WATER MAIN REPLACEMENT AND PAVEMENT OVERLAY ON WEST LAKE DRIVE, (P.W. 503-11)**
- H. RESOLUTION NO. 2008/108 DECLARING INTENTION TO ORDER CONVERSION OF OVERHEAD UTILITY LINES TO UNDERGROUND ON SOMERSVILLE ROAD AT THE CROSSING OF HIGHWAY 4 AND AMEND THE CIP PROGRAM, (P.W. 300-21)**
- I. RESOLUTION NO. 2008/109 DECLARING INTENTION TO ORDER CONVERSION OF OVERHEAD UTILITY LINES TO UNDERGROUND ON “L” STREET ON THE SOUTH SIDE OF HIGHWAY 4 AND AMEND THE CIP PROGRAM, (P.W. 300-22)**
- J. CONSIDERATION OF BIDS FOR SLATTEN RANCH TRAFFIC SIGNAL, (P.W. 636-5)**
- K. INTERIM BUDGET STATUS**

On motion by Councilmember Moore, seconded by Councilmember Rocha, the Council unanimously approved the Council Consent Calendar with the exception of items G, H, I and K which were removed for further discussion.

Item G – In response to Councilmember Moore, Director of Community Development Brandt stated he would look at the issue regarding traffic calming on West Lake Drive and determine if there would be additional costs and if it was significant he will bring it back to the City Council for discussion.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council unanimously approved item G.

Items H and I – In response to Councilmember Moore, Director of Capital Improvements/Water Rights Harrington clarified the Somersville Road project 100% of costs would be covered under rule 20A and the Buchanan Road project would be a minor cost covered under the gas tax appropriation.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council unanimously approved items H and I.

Item K – Councilmember Kalinowski clarified the item was informational only and the City Manager had scheduled meetings with staff to layout the challenges to deal with budget issues.

City Manager Jakel reported the City was looking at a reduction of expenditures of at least \$5M.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore the City Council unanimously approved item K.

PUBLIC HEARINGS

2. RODDY RANCH PBC, LLC REQUESTS APPROVAL OF 621.88 RESIDENTIAL DEVELOPMENT ALLOCATIONS FOR 574 SINGLE-FAMILY HOMES AND 76 MULTI-FAMILY UNITS ON APPROXIMATELY 392 ACRES LOCATED IN THE SOUTHERN PORTION OF THE CITY AT THE INTERSECTION OF DEER VALLEY ROAD AND EMPIRE MINE ROAD. (APNS: 075-190-012, 057-070-003, -004, -005, -009, -010, -011, 057-060-017, AND -022) FILE: RDA-07-03

Associate Planner Gentry presented the staff report dated December 12, 2008 recommending the City Council adopt a resolution granting 621.88 Residential Development Allocations for the Roddy Ranch project (RDA-07-03)

Mayor Davis opened the public hearing.

Dan Boatwright representing the applicant stated they concur with staff recommendation on amended condition #9 however he stated he was in disagreement regarding the elimination of a \$300 cap for the police services district which would be similar in scope to the City of Oakley.

Following discussion, Mr. Boatwright indicated he supported the City conducting the public hearing process to determine a fair and equitable police services or facility fee. He noted they would accept a reasonable fee.

Troy Bristol, representing Save Mount Diablo, requested the City Council wait until after CEQA studies were completed prior to making a decision on the RDA for the Roddy Ranch project.

Allen Payton, Antioch resident spoke in support of the project moving forward. He questioned what was being proposed for the multifamily component of the project.

Mr. Boatwright clarified there would be 63 multifamily lots with duet attached housing units and a Homeowners Association. ,

Mayor Davis closed the public hearing.

RESOLUTION NO. 2008/110

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously approved the resolution granting 621.88 Residential Development Allocations for the Roddy Ranch project with the following changes to the conditions of approval:

#9 The applicant shall pay \$14,500 per unit for a Community Benefit at the time of building permit issuance on a pro-rata basis for the number of lots being recorded.

#10 Upon approval by the City Council the project shall participate in a Police Services District or other funding mechanism established to provide for Police Services or Police Facilities.

3. RICHARD MILLER / THE BANK OF AGRICULTURE REQUESTS APPROVAL OF A VESTING TENTATIVE PARCEL MAP, A REZONE TO PLANNED DEVELOPMENT, A FINAL DEVELOPMENT PLAN, AND A USE PERMIT TO CONSTRUCT A 3,500 S.F. BANK WITH FOUR DRIVE-THROUGH TELLERS AND A CAR WASH WITH A 5,100 S.F. STRUCTURE ON APPROXIMATELY 2.38 ACRES LOCATED AT THE INTERSECTION OF COUNTRY HILLS DRIVE AND LONE TREE WAY (APN: 055-071-080). ADOPTION OF MITIGATED NEGATIVE DECLARATION WILL ALSO BE CONSIDERED. FILE: PW 357-306-06, Z-08-03, PD-06-02, AND UP-06-14.

Associate Planner Gentry presented the staff report dated December 11, 2008 recommending the City Council: 1) adopt the resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, 2) introduce the ordinance by title only, 3) introduce the ordinance rezoning 2.38 acres making up the project site to the Planned Development District (PD); and, 4) adopt the resolution approving the Vesting Tentative Parcel Map, Final Development Plan, and Use Permit contingent on the approval of the rezoning ordinance

Councilmember Moore expressed concern for the construction component in the area of the Chevron pipeline.

Mayor Davis opened the public hearing

Dana Bockstahler, Bank of Agriculture and Commerce, gave a background of the project and provided a power point presentation of the Bank project.

Richard Miller, representing Antioch Auto Spa, explained the operational process and design features for the carwash through a power point presentation.

In response to Councilmember Kalinowski, Ms. Bockstahler reviewed the drive-thru curing and operations for the bank facility and Mr. Miller reviewed the results of the parking study for the carwash facility.

Mayor Davis closed the public hearing.

RESOLUTION NO. 2008/111
RESOLUTION NO. 2008/112

On motion by Councilmember Moore, seconded by Councilmember Rocha the City Council unanimously 1) adopted the resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, 2) introduced the ordinance by title only, 3) introduced the ordinance rezoning 2.38 acres making up the project site to the Planned

Development District (PD); and, 4) adopted the resolution approving the Vesting Tentative Parcel Map, Final Development Plan, and Use Permit contingent on the approval of the rezoning ordinance. With the addition of project specific condition #84 to read:

#84 That prior to construction on the site that the pipeline be located horizontally and vertically in conjunction with Chevron and existing practices.

Mayor Davis declared a recess at 8:22 p.m. The meeting reconvened at 8:34 p.m. with all Councilmembers present.

4. **GURNAM RASILA/BG MARKET, INC. REQUESTS APPROVAL OF A USE PERMIT FOR THE OPERATION OF A 4,393 SQUARE FOOT CONVENIENCE STORE IN THE LONE TREE LANDING RETAIL CENTER LOCATED AT 5005 LONE TREE WAY (APN 056-470-001) AND THE CITY OF ANTIOCH IS PROPOSING TO RESCIND AND RE-ENACT ARTICLE 31 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE §9-5.3831 LIQUOR ESTABLISHMENTS TO SPECIFY HOW THE 500 FOOT RADIUS IS MEASURED. File: UP-08-09, Z-08-04**

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously continued the item to January 27, 2009.

COUNCIL REGULAR AGENDA

5. **APPOINTMENTS TO THE ECONOMIC DEVELOPMENT COMMISSION TO FILL 3 VACANCIES (3 EXPIRED TERMS)**

Mayor Davis stated he supported expanding the Economic Development Commission to seven members and nominated Tina Sorenson, Bonni Bergstrom, Steve Culcasi, Jim Lanter and James Kyle Jr. to the Economic Development Commission.

Following discussion the City Council agreed to appoint three members this evening for the EDC as structured and after the ordinance was amended to expand the membership to seven, they would appoint the two remaining members. Mayor Davis then nominated Tina Sorenson, Bonni Bergstrom and Steve Culcasi.

Councilmembers Rocha and Moore encouraged Mayor Davis to, in the future; consider diversity in his nominations for appointments to the City's various Commissions.

On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council appointed Tina Sorenson, Bonni Bergstrom and Steve Culcasi to the Economic Development Commission 3 expired terms.

Mayor Davis reported staff would come back to the City Council with an ordinance to extend the membership to 7 and he would make the two additional nominations at that time.

Mayor Davis adjourned to the Antioch Development Agency with all Agencymembers present.

6. **AGENCY CONSENT AGENDA**

A. APPROVAL OF AGENCY WARRANTS

On motion by Agency member Moore, seconded by Agency member Kalinowski, the Antioch Development Agency unanimously approved the Agency Warrants.

AGENCY REGULAR AGENDA

7. DIRECTION ON DOWNTOWN MARKETING AND INCENTIVE PROGRAM

Economic Development Director Bjerke presented the staff report dated December 10, 2008 recommending the City Council 1) direct staff to prepare a Request For Proposal (RFP) and allocate \$120,000 (ADA) for the purpose of creating and implementing a marketing program for the Downtown with components to promote existing businesses and available space, and 2) provide direction to staff regarding the creation of new incentive programs to encourage private sector investment in the Downtown.

Councilmember Rocha discussed the possibility of an incubator to promote the conversion of home based businesses into downtown.

In response to Councilmember Moore, Economic Development Director Bjerke stated staff would bring back a proposal for an incentive program to the Antioch Development Agency crafted around input received. He noted the goal would be the revitalization of downtown.

Councilmember Kalinowski stated he felt everything should be on the table and he looked forward to a recommendation from the Economic Development Commission. He noted there may be an opportunity for Supervisor Federal Glover to move his office downtown.

Allen Payton, Antioch resident, suggested various marketing tools and items to be considered for the incentive program.

Devi Lanphere, Chair of Economic Development Commission, stated marketing and providing direction to the Economic Development Commission was important.

Mayor Davis stated he appreciated the report and all approaches presented this evening were important.

Mayor Davis adjourned to the City Council with all Councilmembers present.

URGENCY ITEM

8. REFINEMENT OF PROCEDURES TO BE ADOPTED FOR THE APPLICATION PROCESS FOR FILLING CITY COUNCIL VACANCY

Discussion ensued regarding refinement of procedures to be adopted for the City Council vacancy application process.

On motion by Councilmember Kalinowski, seconded by Councilmember Rocha, the City Council unanimously adopted the following procedures for the City Council vacancy process:

- Meeting to be held on December 18, 2008 at 6:00 p.m.
- Each applicant would have the opportunity to make a three minute presentation (drawn in random order)
- Public Comment
- Vote taken on each applicant, those receiving 3 votes would move to second round
- Second round would involve interview questions, each Councilmember would have the opportunity to ask second round applicants one question.
- Second round questions and responses would be limited to one minute

City Attorney Nerland stated it would be the City Council's purview to refine the process at the meeting. She noted the details of the process would be sent to all those who applied.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reported the next City Council meetings following December 18, 2008 would be on January 13, and 27, 2009. He noted most City operations would be closed on December 24, 25 and January 1, 2009.

COUNCIL COMMUNICATIONS

Councilmember Kalinowski stated due to TRANSPLAN rules the issue of the appointment to the Contra Costa Transportation Authority would be addressed in January. He reported Mr. Brandt would be attending the meeting on December 17, 2008.

Councilmember Moore reported the City of Antioch in conjunction with Antioch Unified School District had developed the first annual Martin Luther King Day Celebration and anyone wishing to participate could receive information from the City's website.

With no further business, Mayor Davis adjourned the meeting in memory of Joe Albanese at 9:27 p.m. to the Special Council meeting on December 18, 2008.

Respectfully submitted:

L. JOLENE MARTIN, City Clerk