

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**February 13, 2001
Council Chambers**

Mayor Freitas called the meeting to order at 7:00 P.M., and City Clerk Martin called the roll with all members present.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Roy Peacock representing East County Ministries, announced the Antioch Mayor's Prayer Breakfast at Humprey's on the Delta, April 5, 2001 from 7:00 to 9:00 A.M. He provided contact numbers for anyone needing additional information.

Barbara Sobalvarro, representing *The Friends of Animal Services*, announced the Valentine Celebration of the Heart at the Antioch Animal Shelter on February 15, 2001 from 6:00 to 8:00 P.M.

PUBLIC COMMENTS

Elvin Scott discussed the Union All Pension and Research Centers efforts to organize a class action lawsuit on behalf of the Carpenter's Pension Plan of California. He encouraged anyone interested in participating in the lawsuit to contact him.

Dee Barrett, representing Meals on Wheels, informed the Council and community of the urgent need for volunteer drivers in East County. She provided a contact number and encouraged the community to get involved.

Jean Kuberra discussed her arrangements to pay only the past due amounts of her PG&E bill, which she felt would have a significant impact on slowing down the utility's cash flow. She encouraged citizens to use this method and provided contact numbers for anyone wishing to obtain additional information.

COUNCIL REGULAR AGENDA

**1. DEFINE PARAMETERS FOR FY 2001 LANDSCAPE & LIGHTING DISTRICT
BALLOT #806-03**

Assistant City Engineer Bernal presented the staff report dated February 7, 2001 recommending the City Council provide direction on the Landscape and Lighting District formation and items to be included within the District for maintenance.

Following discussion the Council consensus was as follows: 1) the annual cost of living escalator of up to a maximum of 2% would be annually reviewed by the City Council with documentation provided before the City Council would consider any increase; 2) the assessment would be rounded to the nearest whole penny; 3) arterial medians provide both general and special benefits and should be funded by both the homeowners and the City; 4) other work costs would be included in the assessment district; 5) landscape administration projected cost would be included in the assessment district, and; 6) lighting would be included in the assessment district.

Lois Humphrey presented a summary of the Public Information and Outreach Program, including recommendations for outreach strategies.

Public Works Director Brandt clarified legal counsel would review and approve all correspondence regarding the public outreach information. Mayor Freitas stated any outreach must be addressed in an educational form. Councilmember Simonsen requested copies of any correspondence pertaining to the outreach program be provided to the Councilmembers for review before they were distributed.

Paul Goulart, stated a copy of the telephone survey was posted on his website, and encouraged residents to comment noting he would provide Council with those comments.

Farideh Faraji, Wayne Steffen, James Kyle, and Gil Azevedo (Chairperson of the Parks and Rec Commission), each voiced their support of the lighting and landscape assessment noting various benefits for the City including: it was fair to all citizens of Antioch; importance of quality maintenance to provide safe and desirable facilities to benefit the community; a higher level of maintenance was warranted; it was suggested the consultants and staff make an educational video to run as part of the public outreach program and suggested a possible meeting schedule, if warranted, to address the community's concerns.

Mayor Freitas requested staff consider making the video as suggested with possible funds coming from CCTV.

Jean Kuberra expressed concern regarding the survey commissioned by the City, stating she felt it was a fraud.

Public Works Director Brandt stated he would be providing the engineer's report on February 27, 2001.

Councilmember Simonsen expressed concern regarding the four benefit zones and their positioning within the City.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously formed the lighting and landscaping district for the upcoming election

noting it would include: one district City-wide within the existing City limits; four benefit zones; an annual cost of living escalator with a maximum of 2%; voter re-approval in 4 years; no reserve account in the zones; arterial medians as both a special and general benefit; including lighting, other work and landscape administration in the assessment.

Mayor Freitas declared a recess at 8:27 P.M. The meeting reconvened at 8:37 P.M. with all Councilmembers present.

PUBLIC HEARINGS

- 8. FIRST ASSEMBLY OF GOD CHRISTIAN CHURCH IS REQUESTING AN APPEAL TO THE PLANNING COMMISSION'S DENIAL OF THEIR APPLICATION FOR APPROVAL OF A USE PERMIT AND MINOR SUBDIVISION FOR THE LIGHTHOUSE CHRISTIAN CENTER TO CONSTRUCT A NEW 35,580+/- SQUARE FOOT CAMPUS FACILITY, WHICH INCLUDES A CHURCH, A PRE-SCHOOL AND DAY CARE, YOUTH CENTER AND MULTIPURPOSE CLASSROOM BUILDING ON A VACANT SITE APPROXIMATELY 4.37 ACRES LOCATED ON THE NORTH SIDE OF LONE TREE WAY, APPROXIMATELY 180' WEST OF THE DALLAS RANCH ROAD / EAGLERIDGE DRIVE INTERSECTION. FILE: UP-00-14/A, PW 357-302-00 #202-10**

Associate Planner Albro presented the staff report dated February 8, 2001, recommending the City Council deny the appeal, and uphold the decision of the Planning Commission thereby denying the church and its associated uses.

PROPONENTS

Pastor Duane Jenner stated he felt their facility would bring much needed services as well as up to 51 jobs to the City of Antioch. He voiced his support for the option to uphold the appeal subject to the re-designation of the retail land use to Planned Business Center. He noted other sites presented as options were not feasible for their project and discussed new legislation designed to restore strong legal protections for religious freedom when conflicts arise between places of worship and municipal zoning boards. He urged the City Council to approve their facility.

Jean Kuberra and Mike Malody spoke in support of the church stating they felt it would be the best use of the land and the church and associated uses would provide a much needed positive impact for the community.

Allen Payton voiced his support for the option to uphold the appeal and re-designation of the retail land use to Planned Business Center. He suggested should Council support that option, the land on Hillcrest previously re-designated for church use, could be returned to retail and/or employment to offset the impact from this church.

In rebuttal, Pastor Jenner thanked the previous speakers for their support. He stated Lighthouse Christian Center was emphatic on being able to put their church on this property and they would do whatever was necessary to ensure it happens. In response to questions from Council, he stated they would be able to build all three of their buildings at the same time. Asked by Council if the church would pursue legal action, Pastor Jenner stated the church would pursue the matter in a court of law.

Councilmember Simonsen expressed his concern regarding the new law to restore strong legal protections for religious freedoms noting he felt it was a violation of the first ten amendments of the constitution, adding it would have been beneficial to review information regarding the marketing of this property.

Pastor Jenner stated the property owners, the Dobrich's, have spent over 1.2 million in assessments over the last 10 years and they were in support of the proposed church facilities at this location.

Councilmember Conley discussed the value of providing jobs in Antioch that would benefit the residents noting the vision of the City is to provide those jobs on this prime location within the City. He voiced his support in the denial of this appeal.

Councilmember Kalinowski stated he felt the residents had a right to worship in the community in which they live. He voiced his support for upholding the appeal and rezoning the retail land use.

Economic Development Director Naffah stated the Economic Development Department supports the Planning Commission decision to deny the project stating they felt the area should remain available to provide a site for job creation within the City. He discussed several sites available in Antioch for church uses and suggested looking at alternative sites to locate this facility as well as the designation of additional sites within FUA1 for church use.

City Manager Ramsey recommended the City Council deny the appeal and hold the property for office development adding, should Council choose to uphold the appeal he would recommend the City Council impose conditions to allow for the retail development to be converted into office.

Councilmember Davis stated he supports the church in its need for a place to build adding he felt this site was appropriate. He suggested setting aside sites in the future for churches within the City.

A motion by Councilmember Kalinowski seconded by Councilmember Davis to uphold the appeal thereby allowing The First Assembly of God Christian Church to construct and operate The Lighthouse Christian Center on this site, subject to the re-designation of the

retail land use to Planned Business Center District on the Final Development Plan failed by the following vote:

Ayes: Davis, Kalinowski

Noes: Conley, Simonsen, Freitas

RESOLUTION NO. 2001/17

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council approved the resolution denying the appeal. The motion carried the following vote:

Ayes: Conley, Simonsen, Freitas

Noes: Davis, Kalinowski

Mayor Freitas declared a recess at 9:39 P.M. The meeting reconvened at 9:49 P.M. with all Councilmembers present.

9. TAIT & ASSOCIATES, INC. / ARCO AM-PM REQUEST AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE PERMIT AND MINOR SUBDIVISION FOR AN AUTOMOBILE SERVICE STATION (ARCO AM-PM) INCLUDING CONVENIENCE STORE, TWO (2) COMMERCIAL BUILDINGS AND A MINOR SUBDIVISION TO CREATE A SEPARATE SITE FOR THE AM/PM FACILITY FROM THE APPROXIMATELY 3 ACRE ORIGINAL SITE, THE PROJECT IS LOCATED ON THE WEST CORNER OF HILLCREST AVENUE AND WILDFLOWER DRIVE FILE: UP-00-25/A #202-10

Associate Planner Albro presented the staff report dated February 8, 2001, recommending the City Council uphold the appeal, thereby reversing the decision of the Planning Commission, and approve the use permit for ARCO AM PM service station, retail buildings and minor subdivision.

Peter Tobin, representing Tate and Associates, the architectural/engineering firm for the project, discussed the major revisions to the site plan. He stated they were in agreement with all conditions contained within the staff report. In response to the concerns of Councilmember Kalinowski, he stated they would be willing to provide landscaping and/or design features to the side of the AM/PM facing Wildflower Drive to break up the facade. Todd Paradise added they would be agreeable to replacing the "OPEN 24 HOURS" cabinet signage with individual chrome letters illuminated from the back.

In response to Councilmember Conley, Associate Planner Albro clarified the retail buildings shells would be constructed and ready for tenant improvements.

Councilmember Conley expressed concern for the rezoning of the project into two sites. Mr. Tobin stated both sites would be developed together and there are several

maintenance conditions applied to the project. Ray Devlin clarified that separating the project into two sites provided flexibility for marketing the project.

Mayor Freitas closed the public hearing.

RESOLUTION NO. 2001/18

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

2. RESOLUTION APPROVING LOAN AGREEMENT WITH THE ANTIOCH YOUTH SPORTS COMPLEX CORPORATION FOR REHABILITATION OF YOUTH SPORTS FIELDS #1402-03

Deputy Director of Leisure Services Wetmore presented the staff report recommending the City Council adopt the resolution and approve the loan agreement for the expenditure of monies from the Capital Improvement Fund, not to exceed \$24,000, for field improvements at the Gaylord Sports Complex (Antioch Youth Sports Complex Corporation, AYSCC), with 50% of the monies to be reimbursed to the City by the AYSCC. The loan would be interest free.

City Manager Ramsey stated there was a discrepancy in the amount referenced in the loan agreement of \$25,000, with a \$12,500 he noted the City Council could change the agreement to reflect what is recommended by staff.

Councilmember Conley suggested granting the \$24,000 for the field improvements and foregoing the reimbursement to the City.

City Manager Ramsey stated he felt it was important to look at this as an opportunity for non-profit organizations to manage and be responsible for the sports field care and maintenance. He was concerned if the City contributed money on a regular basis, the non-profit would become unable to support themselves. He noted the Grant Writer had noted this as an area of interest to be reviewed for possible grants available.

RESOLUTION NO. 2001/15

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved the resolution changing the amount with sum not to exceed \$24,000 and not to exceed a total reimbursement of \$12,000.

3. UPDATE OF ENERGY EFFICIENCY MEASURES BEING TAKEN BY THE CITY OF ANTIOCH #1001-04

Councilmember Simonsen stated he was satisfied with the City's current conservation plan and his concern was the negative impact less lights would have on public safety.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council received and filed the report and requested additional information regarding any other measures to help decrease the City's power consumption. The motion carried the following vote:

Ayes: Davis, Kalinowski, Conley, Freitas

Noes: Simonsen

4. FORMATION, MEMBERSHIP AND TASKS OF THE ECONOMIC DEVELOPMENT COMMISSION #302-11

Mayor Freitas outlined the proposal to create an Economic Development Commission.

Councilmember Kalinowski requested a quarterly report from the Economic Development Director on activities from his office. He stated he would like to review the possibility of East County Mall relocation land swap with FUA2 allowing the property to be used as major office/business space.

RESOLUTION NO. 2001/16

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

5. APPOINTMENT TO ANTIOCH CITY PLANNING COMMISSION – ONE 16-MONTH TERM #302-06

Mayor Freitas nominated Bob Martin to the Antioch Planning Commission.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously appointed Bob Martin to the Antioch Planning Commission.

6. APPOINTMENT TO SAN FRANCISCO BAY WATER TRANSIT AUTHORITY COMMUNITY ADVISORY BOARD #302-01

Mayor Freitas nominated Councilmember Simonsen as the City representative to San Francisco Bay Water Transit Authority Community Advisory Board.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council appointed Councilmember Simonsen to the San Francisco Bay Water Transit Authority Community Advisory Board. The motion carried the following vote:

Ayes: Davis, Kalinowski, Conley, Freitas

Abstain: Simonsen

7. LEGISLATION AND ADVOCACY #701-04

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously received and filed the report.

COUNCIL CONSENT CALENDAR

- A. **APPROVAL OF COUNCIL MINUTES – January 23, 2001 – (Continued to February 27, 2001) #301-03**
- B. **APPROVAL OF COUNCIL WARRANTS #401-02**
- C. **APPROVAL OF TREASURER'S REPORT – December 2000 #401-02**
- D. **REJECTION OF CLAIM #704-07**
 - 1. **Claim of Madan Aulakh #00/01-1174**
- E. **RESOLUTION NO. 2001/19 REVISING CLASS SPECIFICATION FOR CROSS-CONNECTION CONTROL SPECIALIST LEAD WORKER #502-02**
- F. **RESOLUTION NO. 2001/20 DENYING THE APPEAL OF JANIE KAO AND UPHOLDING THE GRANTING OF VARIANCE AT 611 EAST EIGHTEENTH STREET #202-11**
- G. **RESOLUTION NO. 2001/21 APPROVING PURCHASE AGREEMENT FOR THE "ARATA PROPERTY" FOR THE MAINTENANCE SERVICE CENTER PROJECT #1001-04**
- H. **RESOLUTION NO. 2001/22 APPROVING AGREEMENT TO PURCHASE "CHOW PROPERTY" FOR THE "A" STREET EXTENSION PROJECT #1102-04**
- I. **GENERAL PLAN ANNUAL REPORT #204-01**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Consent Calendar.

PUBLIC COMMENTS

None

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Davis reported the Youth Council was moving ahead with validating their bylaws. He stated he had attended the Delta 5 Committee meeting noting he felt the committee was moving in the right direction.

Mayor Freitas reported Transplan had unanimously approved an expenditure of \$250,000 to study the feasibility of using the heavy rail line to bring BART to East County.

In response to Councilmember Conley, City Attorney Galstan stated he had provided a letter to Council pointing out the court had ruled in the City's favor in the environmental lawsuit, which was brought by one of the tenants of the proposed Lowe's site. He noted the demolition could now move forward under the eminent domain process. He further noted there would be some meetings to work toward a voluntary settlement with the tenant; if not the next step would be an order of possession from the court adding such action would require a 90 day notice to the tenants to vacate after which the demolition could start.

STAFF COMMUNICATIONS

City Manager Ramsey reminded the City Council of the Boards and Commissions dinner on March 12, 2001 at Riva's at 6:30 P.M. He stated the speaker would be Bruce Cane.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 10:55 P.M. to the next regular meeting on February 27, 2001.

Respectfully Submitted:

s/s L. Jolene Martin
L. JOLENE MARTIN, City Clerk

Approved:

s/s Donald P. Freitas
DONALD P. FREITAS, Mayor

Attest:

s/s L. Jolene Martin
L. JOLENE MARTIN, City Clerk