

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY
ANTIOCH PUBLIC FINANCING AUTHORITY**

Regular Meeting
7:00 P.M.

June 26, 2007
Council Chambers

5:30 P.M - CLOSED SESSIONS

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – This Closed Session is authorized by California Government Code §54956.9(a). 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. and SPPI-Somersville, Inc. et al. v TRC Companies, Inc. et al, Case No. C04-2648 SI, United States District Court, Northern District of California.

2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of the California Government §54956.9: (1 case)

Mayor Freitas called the meeting to order at 7:05 P.M, and City Clerk Martin called the roll.

Present: Council Members Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

Mayor Freitas reported the City Council had been in Closed Session and there was no reportable action

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

Recognition to Volunteers in Police Services (VIPS)

Chief Hyde gave a brief overview of the VIPS program and presented the City Council with a check in an amount signifying the hours of volunteers work.

Members of the *Volunteers in Police Services (VIPS)* introduced themselves. Contact information was given for anyone wishing to receive additional information.

Presentation to Michael Amorosa, Antioch High School Cross Country Coach and Team

A presentation was made to Michael Amorosa, Antioch High School Cross Country Coach and team, for unparalleled service to the community and tireless efforts in their adoption of the "A" Street extension to Waldie Plaza.

Frank Palmeri presented Michael Amorosa and team, with the recognition for unparalleled service to the community and tireless efforts in their adoption of the "A" Street Extension to Waldie Plaza and thanked them for their dedication to the community.

Michael Amorosa introduced his wife and son, and on behalf of the Cross Country team thanked Mr. Palmeri for the recognition. He recognized the efforts of the *Rivertown Preservation Society* in the revitalization of downtown.

Mayor Freitas thank Mr. Amorosa and team for their volunteerism.

Councilmember Moore presented Mr. Amorosa with a plaque in recognition of his contribution to the City of Antioch's Downtown Rivertown Area.

Mr. Amorosa invited the community to attend the July 4, 2007 Fun Run.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

PUBLIC COMMENTS

In response to a written comment from an unidentified resident who had suggested the Fairgrounds be opened up for fireworks, using regulation safety precautions and personnel, Mayor Freitas explained the City of Antioch had no jurisdiction over the Fairgrounds. He further explained the Antioch Fairgrounds were owned and operated by the State of California.

Devi Lanphere, Antioch Chamber of Commerce, thanked Mayor Freitas for hosting the State of the City luncheon. She then presented him with gifts of appreciation from the Chamber of Commerce and its members. She announced the Economic Summit would be held on September 28, 2007 and provided contact information.

Noah Burt, Antioch resident, suggested the City revisit the RV ordinance.

Dee Reynolds expressed concern regarding the increased fee for the renewal of her card dealer license and questioned why renewal costs were the same as a new license.

Mayor Freitas stated the card dealer licenses would be discussed later in the evening under agendized Budget item.

Ken Lee, Antioch resident, remarked on his history of attending Antioch City Council meetings and his review of campaign contributions made to City Council members from Mr. Nokes. He asked Council if they knew whether or not the local creeks were being polluted.

Chip Stein, Antioch resident, discussed the results of votes taken during the RV subcommittee meeting.

Sadie Bruce expressed concern regarding contaminated water in Markley Creek and provided the City Council with a book on creek care.

William LeRoy, Antioch resident, spoke to recent accusations of personal attacks and requested Mayor Freitas and Councilmember Davis identify those responsible. He expressed concern regarding the \$3M+/- fine associated with the contamination of Markley Creek.

COUNCIL RESPONSE TO PUBLIC COMMENTS

Mayor Freitas clarified he had not received any contributions from Mr. Nokes, and was, in fact, employed as the Manager of the Contra Costa Clean Water program. He further clarified, should there be an issue within any jurisdiction, responsibility to correct the problem fell within the jurisdiction. He noted his concern regarding Markley Creek, however the City's drinking water was diverted directly from the river. Furthermore, it met or exceeded all health standards. He further stated he was not aware of the City being in receipt of any notifications from any State or Federal agencies regarding litigation against the City of Antioch for creek contamination in the amount of \$3M.

1. COUNCIL CONSENT CALENDAR

- A. **APPROVAL OF COUNCIL MINUTES FOR MAY 1, 8, 15 and 22, 2007 #301-02**
- B. **APPROVAL OF COUNCIL WARRANTS #401-01**
- C. **APPROVAL OF TREASURER'S REPORT FOR MAY 2007 #401-02**
- D. **LEGISLATION AND ADVOCACY #701-04**
- E. **ORDINANCE 1093-C-S REZONING APPROXIMATELY 13.64 ACRES, MAKING UP "THE ORCHARD AT SLATTEN RANCH" PROJECT SITE, TO THE PLANNED DEVELOPMENT DISTRICT #202-03**
- F. **REQUEST FOR OVERNIGHT TRAVEL (TWO NIGHTS) LEAGUE OF CALIFORNIA CITIES #301 01**
- G. **TELECOMMUNICATIONS USES AT CITY OWNED PROPERTY NEAR 3900 BANBURY WAY/HILLCREST AVENUE (APN 052-333-020): AGREEMENT MODIFYING AN EASEMENT WITH PG&E #1201-02 – *deny without prejudice***
- H. **SETTLEMENT AGREEMENT AMONG CITY OF ANTIOCH, WILLIAM G. MCCULLOUGH CO. AND WESTCON MICROTUNNELING, INC. FOR THE DOWNTOWN TRUNK SEWER IMPROVEMENTS— PHASE II PROJECT #1205-01**
- I. **CONSIDERATION OF BIDS FOR THE LONE TREE WAY INTERSECTION IMPROVEMENTS (P.W. 555-12A) #1102-04**
- J. **RESOLUTION NO. 2007/45 ACCEPTING COMPLETED IMPROVEMENTS FOR SAND CREEK RANCH SUBDIVISION, UNIT 6, TRACT NO. 8886 (SHEA HOMES), PW 639-6 #802-02**
- K. **AUTHORIZE STAFF TO BEGIN THE NEGOTIATING PROCESS WITH THE BAY AREA RESCUE MISSION ON CITY PROPERTY LOCATED ON DELTA FAIR BOULEVARD #1001-05**
- L. **CONFIRMATION OF CREATION OF AN AD HOC SUBCOMMITTEE OF THE CITY COUNCIL RELATED TO ANIMAL CONTROL SERVICES AND APPOINTMENTS TO THE SUBCOMMITTEE #302-10**

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

Item G – Following discussion the City Council agreed to deny the agreement without prejudice due to fact it would allow private companies to recapture a profit from City owned property.

Councilmember Simonsen stated if the City planned continued discussions regarding an agreement, he requested additional information be provided to allow him to determine whether or not a dead zone could occur.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council unanimously denied without prejudice item G.

Item I – Councilmember Simonsen requested future reports indicate the engineer estimate on additive items.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved item I.

Item K – Mayor Freitas stated he would support the item however he felt some of the terms and conditions were unacceptable.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the City Council unanimously directed staff to begin the negotiation process with the Bay Area Rescue Mission.

Item L – Councilmember Moore requested the scope of work for the subcommittee be expanded.

Mayor Freitas requested the subcommittee look at a 2-3 year strategy for how the services could be provided.

Councilmember Simonsen stated he would provide the subcommittee with a copy of the 1977 ballot measure, which outlined the goals, objectives and facilitation of the Animal Shelter.

On motion by Councilmember Moore, seconded by Councilmember Davis, the City Council unanimously approved Item L with the expansion of the scope of work to include strategy for how the services would be provided. They further directed the subcommittee to return to Council on January 15, 2008 with a progress report.

PUBLIC HEARINGS

2. **THE ORCHARD AT SLATTEN RANCH / CAPITAL AND COUNTIES USA, INC. REQUESTS AN AMENDMENT OF ITS CONDITIONAL USE PERMIT TO APPROVE A MASTER USE PERMIT CRITERIA FOR FUTURE USES AND TENANTS FOR THREE PAD BUILDINGS TOTALING APPROXIMATELY 24,000 SQUARE FEET AND APPROVAL OF SECURITY MEASURES FOR THE EXTERIOR OF THE JC PENNEY DEPARTMENT STORE PD-06-05, UP-06-32 #202-03**

Senior Planner Morris presented the staff report dated June 22, 2007 recommending the City Council adopt the resolution.

Following discussion, the City Council agreed the language in project specific condition #86 was acceptable, and would remain as presented. There was also consensus #87 should be revised by eliminating “and regular security patrols”.

Councilmember Kalinowski stated he hoped with the rewording of project specific conditions #86 and #87 the applicant would bring the best possible unique uses for the other buildings within the development.

Mayor Freitas stated his expectation was the project would become more upscale as the project was developed. He noted this was a stand-alone store, however, as the project developed, he would be considering requiring security patrols.

RESOLUTION NO. 2007/46

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously adopted the resolution with Project Specific Condition # 86 as presented and striking "and regular security patrols" from project specific condition #87 as presented in the staff report.

3. MOBILE HOME PARKS: PROPOSED AGREEMENT REGARDING VISTA DIABLO MOBILE HOME PARK; RENT CONTROL ORDINANCE; MORATORIUM ON CONVERSION FROM A SENIOR PARK; ZONING ORDINANCE REGARDING SENIOR-ONLY PARKS #802-01

City Attorney Nerland presented the staff report dated June 21, 2007, recommending the City Council consideration of the following items: 1) Agreement with the Owners of Vista Diablo Mobile Home Park (Exhibit A); 2) Direction to staff regarding a Mobile Home Rent Control Ordinance; 3) Extension of an Interim Urgency Ordinance Placing a Moratorium on the Conversion of any Mobile Home Park Currently Existing in the City from a Senior Park to an All-Age Park: a. Receive report regarding the moratorium (Exhibit B); 2b. Approve by motion the reading of the ordinance by title only: c. Extend the urgency ordinance placing a moratorium on the conversion of any mobile home park currently existing in the City from a senior designated park to an all-age park (4/5ths vote required) (Exhibit C); and/or 4) Direction to staff to proceed with a Senior Housing Overlay Zoning Ordinance or a Ordinance Requiring Discretionary Approval to Convert a Senior-Only Mobile Home Park to an All-Age Park.

Mayor Freitas opened the public hearing.

Lola Buck, President of the Vista Diablo Estates, reported a vote had been taken at the homeowner's association meeting where the residents agreed unanimously to request the City Council approve the recommended actions this evening.

Archie Gore stated he was supporting the continued efforts to get the agreement signed. He noted he felt a long-term solution would be strict state legislation and requested the City Council's assistance in accelerating the legislative process.

Al Ives stated he was in agreement with Ms. Buck and Mr. Gore's previous comments.

With no further speakers, Mayor Freitas closed the Public Hearing.

Councilmember Simonsen reported he had discussed the agreement with Mr. Arrigotti, representing Sierra Corporate Management, who indicated the owners and investors would be acceptable to the terms of the agreement with the exception of the adjustable CPI. He questioned whether or not the residents of Vista Diablo Estates agree to the change, and were told they would.

Mayor Freitas gave a brief history of the previous events surrounding the item and expressed his concern regarding the business practices of the management company as they dealt with the elderly. He reported the current agreement had been negotiated in good faith with the owners and he was concerned as to why they would now want to change the terms and conditions contained within a mutually agreed upon document. He recommended the City Council approve the agreement as presented, adding they (the residents) had until July 16, 2007 to sign the agreement. Assuming the residents did not sign the agreement, he suggested the City Council approve the recommended action this evening. He agreed with Mr. Gore a statewide resolution to these issues was desperately needed.

Mr. Gore stated he was in complete agreement with Mayor Freitas.

Councilmember Kalinowski agreed with Mayor Freitas and requested the City Council adjourn to Closed Session to discuss the information Mr. Simonsen received from Mr. Arrigotti.

Mayor Freitas adjourned to Closed Session at 8:39 P.M. The meeting reconvened at 9:09 P.M., with all members present. Mayor Freitas reported there was no reportable action.

1. On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council unanimously approved the agreement with the owners of Vista Diablo Mobile Home Park (Exhibit A) including a mutually agreed upon deadline of July 16, 2007.
2. On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously directed staff to prepare a mobile home rent control ordinance, affecting only the two senior mobile home parks within the City of Antioch.

ORDINANCE 1094-C-S

3. On motion by Councilmember Kalinowski, seconded by Councilmember Moore, the City Council unanimously approved the Extension of an Interim Urgency Ordinance Placing a Moratorium on the Conversion of any Mobile Home Park Currently Existing in the City from a Senior Park to an All-Age Park:
 - a) Receive report regarding the moratorium (Exhibit B);
 - b) Approve by motion the reading of the ordinance by title only;
 - c) Extend the urgency ordinance placing a moratorium on the conversion of any mobile home park currently existing in the City from a senior designated park to an all-age park (Exhibit C).
4. On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council unanimously approved and directed staff to proceed with a Senior Housing Overlay Zoning Ordinance or as staff determines an Ordinance Requiring Discretionary Approval to Convert a Senior-Only Mobile Home Park to an All-Age Park.

Councilmember Moore stated he was committed to assisting the residents in moving the issue through the legislative process.

Mayor Freitas declared a recess at 9:14 P.M. The meeting reconvened at 9:26 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who returned at 9:27 P.M.

COUNCIL/AGENCY PUBLIC HEARING

4. UPDATE OF ANTIOCH DEVELOPMENT AGENCY PLAN DOCUMENTS #902-01

Assistant City Manager Hildebrand presented the staff report dated June 19, 2006 recommending the City Council: A) Introduce the ordinances by title only; B) Introduce the ordinance amending the Redevelopment Plan to extend and delete certain time limits; and C) Introduce the ordinance containing a description of the Antioch Development Agency's Program to acquire Real Property by Eminent Domain in the Antioch Redevelopment Project Area 1.

Mayor Freitas opened the Public Hearing.

William LeRoy spoke to his concerns regarding the redevelopment process.

With no further speakers, Mayor Freitas closed the Public Hearing.

Councilmember Simonsen voiced his support of the recommendations in the staff report, however he would not support merging all project areas and additional time limit extensions.

Don Frasier clarified the City was eligible to receive a portion of the statutory pass through payments and the funds would go back into the City's General Fund.

On a motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously introduced the ordinance by title only and approved the revised Attachment "A" as presented during the meeting, introduced the ordinance extending certain time limits for the redevelopment plan for the Antioch Redevelopment Project area numbers 1, 2, 3, 4, and 4.1.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously introduced the ordinance by title only and introduced the ordinance containing a description of the Antioch Development Agency's Program to acquire Real Property by Eminent Domain in the Antioch Redevelopment Project Area 1 amending Section #3 striking "Alameda County" and replacing it with "Contra Costa County".

Following discussion the City Council majority agreed to direct staff to provide the City Council with information regarding the consolidation of the project areas.

Assistant City Manager Hildebrand clarified the estimated source of funds would be the redevelopment agency and she would bring the process, the approximate costs and a timeline for the process to the Council for consideration.

PUBLIC HEARINGS — Continued

5. AMENDMENT OF FIRE PROTECTION FACILITIES FEES ORDINANCE #409-01

Economic Development Director Bjerke presented the staff report dated June 15, 2007 recommending the City Council: A) Introduce the ordinance by title only; B) Introduce the ordinance amending §3-7.05 of the Antioch Municipal Code to increase Fire Protection Facilities Fees.

Contra Costa Fire District Facilities Manager clarified the new stations were not in Antioch, however CCFD was in the process of comprehensive remodels of Fire stations #81 and #83.

Councilmember Simonsen felt the increase in fees was premature due to the fact the Fire District did not have a current CIP (Capital Improvement Program).

Economic Development Director Bjerke clarified the existing ordinance required the Fire District to spend funds collected in the City of Antioch within the City of Antioch.

Councilmember Kalinowski stated he was in full support of the fire system program, including the increase in fees to support the existing infrastructure and equipment needs of the Fire District.

Mayor Freitas opened and closed the public hearing with no speakers requesting to speak.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council: A) Introduced the ordinance by title only; B) Introduced the ordinance amending Section 3-7.05 of the Antioch Municipal Code to increase Fire Protection Facilities Fees. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Moore, Freitas

Abstain: Simonsen

6. RESOLUTION ORDERING IMPROVEMENTS AND LEVYING ANNUAL ASSESSMENTS FOR LANDSCAPE MAINTENANCE DISTRICTS FOR THE 2007/2008 FISCAL YEAR (PW 500) (#806-03)

Administrative Analyst Hoffmeister presented the staff report dated June 14, 2007 recommending the City Council adopt the resolution.

Park Superintendent Palmeri clarified Option #1 would continue the improvements to the infill plantings. He reported staff would be reviewing the issue at midyear to determine whether the funds were sufficient to maintain the level of service desired by the City Council.

Mayor Freitas opened and closed the public hearing with no speakers requesting to speak.

Councilmember Kalinowski stated he was in support of Option #1, being compelled by the ability to reduce the General Fund contribution. He stated it was his desire to insure the City was maximizing the existing assessments prior to considering Option #2 at midyear.

RESOLUTION NO. 2007/47

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously approved option #1 of the staff report as presented.

COUNCIL CONSENT CALENDAR

7. RESOLUTION APPROVING AND ADOPTING AN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2007-08, THE 2007-12 CAPITAL IMPROVEMENT PROGRAM, APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN, AND REVISING THE 2006-07 OPERATING BUDGET AND RESOLUTION AMENDING THE 2007-08 MASTER FEE #410-02

Interim Finance Director Merchant presented the staff report dated June 15, 2007 recommending the City Council adopt the resolutions.

Police Captain Cantando recommended the card dealer license fee be revised to \$250.00 with the renewal fee of \$100.00. If adopted by the City Council, Captain Cantando stated he would work with the applicants for refunds of the increased fee previously charged.

Susan Wilde and Mark Mahnke spoke in support of properly funding and staffing the Antioch Animal Shelter.

Karen Kopps, President of Homeless Animals Response Program (HARP), requested the City Council consider the needs of animals in the care of the Antioch Animal Shelter. She spoke in support of funding a veterinarian technician position and thanked the City Council for appointing a subcommittee to the Antioch Animal Shelter.

Will LeRoy stated he was committed to working to help the Antioch Animal Shelter, however he urged the City Council not to spend the General Fund reserves.

Barbara Sobalvarro, President of Friends of Animal Services and Member Janelle Mota requested the City Council restore the vet tech position this evening to meet the immediate needs of the animals at the Antioch Animal Shelter.

Councilmember Simonsen stated he would provide the subcommittee with a copy of the ballot measure for the Antioch Animal Shelter. He clarified there had been no full time employee cuts or a decrease in funding for animal services and it had become a burden on the City's General Fund, noting the projected budget did not reflect the cost of holding an election for the RV ordinance. He voiced his support for approval of the budget and requested staff ask every department to voluntarily submit a 3.5% cost savings in the first quarter of the fiscal year.

In response to Councilmember Davis, Interim Finance Director Merchant stated she would provide the City Council with a comparison of salary and benefits for the Animal Control Supervisor and Vet Tech positions.

Chief Hyde stated combining the Vet Tech and Supervisor positions would not serve the community well and while they research the options, the Shelter needed the Supervisor position filled to function efficiently. He requested the City Council allow staff to work with the ADHOC committee to bring forward the best options for both the facility and community.

Mayor Freitas stated with the formation of the committee and the General Fund deficit, he would suggest the City Council allow sufficient time for the committee to meet with the Police Department and other stakeholders to discuss and provide recommendations to the City Council regarding Animal Services.

Councilmember Kalinowski requested the ADHOC committee provide a comparison of statistics for euthanized pets and holding times.

Captain Cantando reported the proposed \$250.00 card dealer licensing fee would not cover all costs, however it was higher than any other agency.

Following discussion the City Council voiced their agreement with the following:

- Attachment #2 – Including a card dealer renewal fee of \$100.00,
- Attachment #3 – Establishing the Litigation Reserve as recommended
- Attachment #4 – As recommended with the caveat that the City Council be made aware of transfers, immediately in weekly updates, in excess of \$25,000 for Department Heads and \$50,000 for the City Manager.

Discussion ensued regarding the budget deficit with the City Council indicating they had been liberal with expenditures and conservative with revenues; therefore, they agreed to review this issue on the third Tuesday of October to considering cost saving measures to reduce the budget deficit and if necessary form a committee to make institutional changes to the budgeting process.

RESOLUTION NO. 2007/48
RESOLUTION NO. 2007/49

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council adopted the resolutions with the following: A) *Attachment No. 2* – Add an addition entry line under “Card Dealer Application Fee” as follows: *Card Dealer Renewal Fee \$100.00*; B) *Attachments No. 3 and Attachment No. 4* – As recommended with notification to the City Council through weekly updates of transfers in excess of \$25,000 for Department Heads and \$50,000 for the City Manager.

8. RESOLUTION INITIATING THE ANNEXATION OF APPROXIMATELY 500 ACRES OF LAND ON THE NORTH AND SOUTH SIDES OF WILBUR AVENUE EAST OF FULTON SHIPYARD ROAD AND WEST OF HIGHWAY 160 #202-03

Community Development Deputy Director Carniglia presented the staff report dated June 15, 2007 recommending the City Council adopt the resolution.

Mayor Freitas clarified the City Council was aware the existing residents, property owners and registered voters residing in the unincorporated residential areas did not want to annex into the City; however, the LAFCO administrator was in disagreement and would be making a recommendation to the LAFCO Board for the City of Antioch to annex Areas 1, 2a and 2b. He noted the City was addressing the issue by polling the property owners to provide the LAFCO administrator with the needs and wishes of the property owners. He requested the property owners identify 2-3 people to help the City through the process.

In response to Councilmember Kalinowski, Community Development Deputy Director Carniglia stated he would provide the 2005 study and a cost benefit analysis for the annexation. Additionally, he stated the goal was that once the area was annexed, the City could create a tax base and have local control over the ensuing development.

Mayor Freitas read written comments from Devi Lanphere, representing the Antioch Chamber of Commerce, supporting the annexation process and dividing the presentation to LAFCO into 2-3 sections allowing for the residents to vote.

Will LeRoy expressed his concern regarding the annexation of property with contaminated soil and the associated costs the City would incur for providing the power plant with water.

Written comment was provided by the following citizens: Richard Sutton, Dave Selvy, Rod Kreiss, Steve Martinez, Gary Abeata, Casey Curry, Clark Dawson, Rodney, Darlene Dawson, Kelly Worrell, Chuck Carroll, Dennis Higgiins, Rob Horton, Brett Horton, Amy Dawson, Jim Arnold, Don Lucido, Lonnie Gibson, Freda Lucido, Bob Hart, Ken Carver, Larry Draper, Max Hart, George Brayton, John Hart, Lauren Mac Intosh, Jennifer Manning, Sandi Worrell, Tim Lamb, Linda Turner and Alice Gibson indicating they were opposed to the annexation of the residential areas.

Allen Alcorn, representing the Sportsman Yacht Club, and Sharon Worrell voiced their opposition to the annexation of the residential areas.

Bill Worrell spoke in opposition to the annexation and expressed his concern regarding PG&E using City water.

Mayor Freitas encouraged the residents to appoint 2-3 people to work with the City. Additionally he suggested they attend the LAFCO hearings and participate in the poll of the property owners and residents.

Community Development Deputy Director Carniglia clarified PG&E would like to utilize water for 5-10 employees and not the operation of the plant.

RESOLUTION NO. 2007/58

A motion by Councilmember Simonsen, seconded by Councilmember Davis, to initiate the annexation process of approximately 500 acres of land located on the North and South sides of Wilbur Avenue, east of Fulton Shipyard Road and West of Highway 160, carried as follows:

AYES: Davis, Moore, Simonsen, Freitas

NOES: Kalinowski

9. REQUEST FOR PROPOSALS FOR RIVERTOWN PARKING STUDY #1105-01

Community Development Deputy Director Carniglia presented the staff report dated June 18, 2007 recommending the City Council provide comments and direction.

William LeRoy expressed concern the results of the study would allow the City to take property through eminent domain for parking.

James Kyle spoke in support of the parking study, suggesting the study include unused parking spaces at existing retail shopping centers. He further suggested the use of developer fees to provide revenue, using the generated income for revenue bonds,

Mayor Freitas read written comment from Devi Lanphere, representing the Antioch Chamber of Commerce and Economic Development Commission, indicating their support of the study and suggesting it include both an option regarding parking impacts of a ferry and general needs for the Rivertown District.

Mayor Freitas agreed the parking ratio should be considered in the downtown and stated he felt there was an over emphasis on the Water Transit Authority.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council unanimously directed staff to mail out Requests for Proposals to qualified consultants to undertake the downtown parking study.

Mayor Freitas adjourned to the Antioch Public Financing Authority. City Clerk Martin called the roll, all Authority members were present.

ANTIOCH PUBLIC FINANCING AUTHORITY REGULAR AGENDA

10. RESOLUTION OF THE ANTIOCH PUBLIC FINANCING AUTHORITY ADOPTING THE 2007-08 ANNUAL BUDGET AND REVISING THE 2006-07 BUDGET #410-02

RESOLUTION NO. 2007/50

On motion by Authority Member Moore, seconded by Authority Member Davis, the Authority unanimously adopted the resolution.

Mayor Freitas adjourned to the Antioch Redevelopment Agency. City Clerk Martin called the roll, all Agency members were present.

AGENCY REGULAR AGENDA

11. RESOLUTION OF THE ANTIOCH DEVELOPMENT AGENCY ADOPTING THE 2007-08 ANNUAL BUDGET AND REVISING THE 2006-07 ANNUAL BUDGET #410-02

RESOLUTION NO. ADA-421

On motion by Agency member Davis, seconded by Agency member Simonsen, the Agency unanimously adopted the resolution.

12. APPROVAL OF AGENCY WARRANTS (#401-01)

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

PUBLIC COMMENTS

Ken Lee clarified his comments at the beginning of the meeting were in reference to the creek running along the Hickmont property and past the water intake.

William LeRoy, Antioch resident, spoke to the contamination of Markley Creek, costs associated for raw water and a \$3,040,00.00 fines from the U.S. District court related to the contamination.

City Attorney Nerland responded on the matter in the U.S. District Court and damages alleged in the case, clarifying there was no fine associated with the District Court action.

STAFF COMMUNICATIONS

City Manager Jakel announced there would be a regular meeting of the City Council on July 10, 2007 and a Quality of Life Forum on July 14, 2007.

COUNCIL COMMUNICATIONS

Councilmember Moore stated he had attended the funeral of Jeff Dodge, an active participant in the political process.

Councilmember Simonsen thanked Discovery Homes and Park Superintendent Palmeri for organizing the opening of the Markley Creek Dog Park. He congratulated the Pilipino American Society for the celebration held in Waldie Plaza.

Mayor Freitas announced he attended the *American Cancer Society Relay for Life*, during which \$280,000 had been raised by Sunday. He thanked everyone who had participated.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 12:22 P.M to the next regular Council meeting on July 10, 2007.

Respectfully submitted:

L. JOLENE MARTIN, CMC
City Clerk