

## ANTIOCH CITY COUNCIL

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

**March 22, 2005  
Council Chambers**

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

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Evaluation for City Attorney. This Closed Session is authorized by Government Code §54957.

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

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

Mayor Freitas reported the City Council had been in closed session; there was no reportable action taken.

### **PLEDGE OF ALLEGIANCE**

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

### **PRESENTATIONS**

Lonnie Karste introduced Bart Sandborn, Coordinator of the Safety Fair, who reported it was a successful event and thanked the sponsors and vendors who participated.

Mayor Freitas, on behalf of the City Council and Community, thanked Bart Sanborn for his continued service to the community through his coordination of the event.

Mr. Sandborn and Councilmember Kalinowski recognized the following Sponsors:

Tri-Delta Transit - Jeannie Krieg  
Bay Alarm - Bill Johnson  
Dow Chemical - Sheryl Sturges  
McGill, Martin and Self - Mike McGill  
CAER - Maureen Erwin  
Somerville Towne Center - Sharon Cooper  
Pleasant Hill Bayshore - Susan Hurl  
Kaiser Permanente - Ron Wetter

Mayor Freitas thanked the sponsors for their continued support of community events.

Lonnie Karste introduced the "Class One CERT Team" graduates and thanked them for participating in the program. Members of the "CERT" team introduced themselves to the community.

Mr. Karste thanked the City Council for the opportunity to offer the program within Antioch and thanked the volunteers. He provided a contact number and website for anyone wishing to participate in future CERT programs.

## **PROCLAMATIONS**

Earthquake Preparedness Month, April 2005  
Sexual Assault Awareness Month, April 2005  
Week of the Young Child, April 3 - 9, 2005

Councilmember Simonsen presented the proclamation proclaiming April 2005 as *Earthquake Preparedness Month* to Lonnie Karste who thanked the City Council for the recognition and provided a contact number and website address for anyone wishing to receive additional information on Disaster Preparedness Workshops.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the City Council unanimously approved the proclamations.

Mayor Freitas announced the proclamation proclaiming April 2005 as *Sexual Assault Awareness Month* would be sent to the proper agency.

Councilmember Conley presented the proclamation proclaiming April 2005 as *Week of the Young Child* to Michele Mendoza, Chair of East County Regional Group, who thanked the City for the recognition and the organizations who had supported their efforts. She reported the Week of the Young Child event would take place on April 23, 2005 from 10:00 A.M. - 2:00 P.M. at the Church of Christ in Antioch.

Councilmember Kalinowski clarified he had initially supported the adjustments of speed limits on local streets supported by a speed survey, however, he did not support raising of speed limits on collector roads based on the absence of residential frontage.

City Engineer/Community Development Director Brandt reported the Planning Commission had formed a subcommittee who would be exploring ways to avoid similar speeding complaints. He reported any adjustments would be discussed at a City Council Public Hearing with a resolution for consideration.

Mayor Freitas clarified the City Council had not taken action to increase speed limits. He further stated the issue would be agendaized for consideration at a future meeting.

## **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Devi Lanphere, Antioch Chamber of Commerce CEO, announced the East County Women's Conference would be held on April 1, 2005 and the State of the City would be held on May 4, 2005 at Tao San Jin Restaurant. She provided an email address and phone number for anyone wishing to receive additional information.

**PUBLIC COMMENTS**

Ken Lee, Antioch resident, requested a meeting with staff regarding the noise level of the Dodge/Chrysler Dealership.

Emil Stein, Antioch resident, expressed concern about the concertina wire and lack of paint on the soundwall at Antioch Auto Center.

Douglas Tokes, Antioch resident, expressed concern over the time frame for the street construction projects occurring in the East 18th Street area, hours of construction at Cornerstone Christian Church and completion of the soundwall.

Mayor Freitas directed City Engineer/Community Development Director Brandt to update Mr. Nokes.

Sandra Golightly, Antioch resident, expressed her concern regarding the proposed senior housing in FUA#1 and noted suggestions for future building.

Mayor Freitas announced Item 1. I. had been pulled from the Consent Calendar agenda and #4 under Public Hearings had been continued at the applicant's request.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 22, 2005 .....#301-02**
- B. APPROVAL OF COUNCIL WARRANTS .....#401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2005 .....#401-02**
- D. REJECTION OF CLAIMS .....#704-07**
  - 1. Joseph & Vivian Marglin, #04/05-1532 (trip and fall)**
  - 2. Monica Jeffery by CSAA, #04/05-1491C (vehicle accident)**
  - 3. Clarice Prater, #04/05-1541 (trip and fall)**
- E. LEGISLATION AND ADVOCACY .....#701-04**
- F. ORDINANCE ADDING SECTIONS 3-5.303.1 AND 3-5.309.1 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH THE TRANSIENT OCCUPANCY TAX #409-01 (to 4/12/05 for adoption)**
- G. NEXTEL WIRELESS LEASE AT EMPIRE MINE WATER TANK .....#1001-05**
- H. CONSIDERATION OF BIDS FOR THE CHICHIBU PARK BOCCE BALL COURT REHABILITATION (PW 113-P8R) .....#1402-03**

- I. **RESOLUTION NO. 2005/ APPROVING THE CONTRACT WITH CONCEPT MARINE ASSOCIATES, INC. FOR THE DESIGN OF THE NEW LAUNCH RAMP AT THE ANTIOCH MARINA (PW 523-16) (*pulled*).....#1402-06**
- J. **RESOLUTION NO. 2005/24 APPROVING FINAL MAP AND IMPROVEMENT PLANS AND RESOLUTION NO. 2005/25 ACCEPTING GRANT DEED FOR ONE-FOOT STRIP FOR SAND CREEK RANCH, UNIT 6, TRACT NO. 8886 (SHEA HOMES LIMITED PARTNERSHIP) AND ANNEXING TO THE CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 10 (PW 639-6).....#802-02**
- K. **RESOLUTION NO. 2005/26 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR EMPIRE SHOPPING CENTER, TRACT NO. 8730 (ESC NORCAL LLC AND ESC SKEPNER LLC) AND ANNEXING TO THE CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 10 (PW 664).....#802-02**
- L. **RESOLUTION NO. 2005/27 ACCEPTING COMPLETED IMPROVEMENTS FOR WILLIAMSON RANCH SUBDIVISION, UNIT 6, TRACT NO. 7619 (KAUFMAN AND BROAD OF NORTHERN CALIFORNIA, INC.) (PW 574-6).....#802-02**
- M. **RESOLUTION NO. 2005/28 ACCEPTING COMPLETED IMPROVEMENTS FOR WILLIAMSON RANCH SUBDIVISION, UNIT 7, TRACT NO. 7620 (KAUFMAN AND BROAD OF NORTHERN CALIFORNIA, INC.) (PW 574-7).....#802-02**
- N. **RESOLUTION NO. 2005/29 ACCEPTING COMPLETED IMPROVEMENTS FOR WILLIAMSON RANCH SUBDIVISION, UNIT 8, TRACT NO. 7826 (KAUFMAN AND BROAD OF NORTHERN CALIFORNIA, INC.) (PW 574-8).....#802-02**
- O. **RESOLUTION NO. 2005/30 ACCEPTING COMPLETED IMPROVEMENTS FOR DALLAS RANCH SUBDIVISION, UNIT 1, TRACT NO. 7380 (CENTEX REAL ESTATE CORPORATION) (PW 580-1).....#802-02**
- P. **RESOLUTION NO. 2005/31 ACCEPTING COMPLETED IMPROVEMENTS FOR DALLAS RANCH SUBDIVISION, UNIT 4, TRACT NO. 7198 (CENTEX REAL ESTATE CORPORATION) (PW 580-4).....#802-02**
- Q. **RESOLUTION NO. 2005/32 ACCEPTING COMPLETED IMPROVEMENTS FOR DALLAS RANCH SUBDIVISION, UNIT 5, TRACT NO. 7376 (KAUFMAN AND BROAD OF NORTHERN CALIFORNIA, INC.) (PW 580-5).....#802-02**
- R. **RESOLUTION NO. 2005/33 ACCEPTING COMPLETED IMPROVEMENTS FOR ALMONDRIDGE SUBDIVISION, UNIT 9, TRACT NO. 7673 (MCBAIL COMPANY) (PW 485-9).....#802-02**

- S. **RESOLUTION NO. 2005/34 ACCEPTING COMPLETED IMPROVEMENTS FOR DIABLO EAST SUBDIVISION, UNIT 2, TRACT NO. 7400 (DALE POE DEVELOPMENT CORP.) (PW 571-2).....#802-02**
- T. **RESOLUTION NO. 2005/35 ACCEPTING COMPLETED IMPROVEMENTS FOR DIABLO EAST SUBDIVISION, UNIT 3, TRACT NO. 7401 (DALE POE DEVELOPMENT CORP.) (PW 571-3).....#802-02**
- U. **RESOLUTION NO. 2005/36 ACCEPTING COMPLETED IMPROVEMENTS FOR DIABLO WEST SUBDIVISION, UNIT 2, TRACT NO. 7128 (O'BRIEN & HICKS) (PW 579-2).....#802-02**
- V. **RESOLUTION NO. 2005/37 ACCEPTING COMPLETED IMPROVEMENTS FOR DIABLO WEST SUBDIVISION, UNIT 3, TRACT NO. 7616 (REALTY DEALERS LTD./UDC HOMES) (PW 579-3).....#802-02**
- W. **RESOLUTION NO. 2005/38 ACCEPTING COMPLETED IMPROVEMENTS FOR WILLIAMSON RANCH SUBDIVISION, UNIT 9, TRACT NO. 8565 (KIPER DEVELOPMENT) (PW 574-9).....#802-02**
- X. **RESOLUTION NO. 2005/39 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND ESTATES SUBDIVISION, UNIT 2, TRACT NO. 7644 (NEWRY DEVELOPMENT CORP.) (PW 599-2).....#802-02**
- Y. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE STREET NAME CHANGE FROM SOMERSVILLE ROAD TO AUTO CENTER DRIVE(PW 296-S).....#1102-04**

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved the Council Consent Calendar with the exception of items G and Y, which were removed for further discussion.

Item G - In response to Mayor Freitas, City Engineer/Community Development Director Brandt clarified the location of the photographs provided in the staff report noting the cement structure is on top of the water tank.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved item G.

Item Y - In response to inquiry by Emil Stein, Capital Improvement Director Scudero stated the large freeway signs would indicate Somersville Road and Auto Center Drive for the east and west bound directions. City Engineer/Community Development Director Brandt stated all adjoining property owners had been notified of the street name change.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved item Y.

**PUBLIC HEARINGS**

**2. EXTENSION OF URGENCY ORDINANCE NO. 1040-C-S, APPLYING ZONING STANDARDS TO ADULT BOUTIQUES DURING AN INTERIM STUDY PERIOD**  
.....#701-05

City Attorney Galstan presented the staff report dated March 15, 2005 recommending the City Council adopt the urgency ordinance.

Mayor Freitas opened the public hearing.

OPPONENT

Cindi Johnson spoke in opposition to the urgency ordinance noting these types of uses already exist within the City of Antioch and she was willing to comply with the existing ordinance. She expressed concern stating if forced to open their business in a secluded area it would attract unfavorable clientele. She noted she had been unsuccessful in finding a location and she would be turning this issue over to her attorney.

With not further speakers, Mayor Freitas closed the public hearing.

Councilmember Simonsen stated he would not be supporting the extension of the urgency ordinance, noting he felt the City was overreaching it's authority. He stated there were currently similar businesses located in Antioch and he felt it was a legitimate business, which should be allowed to locate in Antioch.

In response to Councilmember Simonsen, City Attorney Galstan stated he anticipated bringing this issue back early summer.

**ORDINANCE NO. 1043-C-S**

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council adopted the urgency ordinance.

The motion carried the following vote:

Ayes: Freitas, Davis, Kalinowski, Conley

Noes: Simonsen

Mayor Freitas announced staff had indicated they would like to combine Public Hearing item #3 with Council Regular Agenda item #5.

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

Community Development Deputy Director Carniglia presented the staff report dated March 22, 2005 recommending the City Council: A) Motion to adopt the resolution approving the modifications and updates to the text of the Growth Management Element of the General Plan (Chapter 3) concerning the City's Residential Development Allocation (RDA) Program; B) Motion to introduce by title only; C) Motion to introduce the ordinance modifying and updating the Residential Development Allocation program; and D) Motion to modify the time period for filing an RDA application.

**COUNCIL REGULAR AGENDA**

**5. RESOLUTION RECOMMENDING APPROVAL OF AN ALTERNATE PLANNING PROCESS FOR PROJECT APPLICATIONS WITHIN THE SAND CREEK FOCUS AREA .....#202-01**

Community Development Deputy Director Carniglia presented the staff report dated March 22, 2005 recommending the City Council approve the "Alternative Planning Process" for the Sand Creek Focus Area (FUA#1).

In response to Mayor Freitas, Community Development Deputy Director Carniglia clarified the City had the discretion to allow allocations to roll forward extending past the 5-year requirement.

With regards to the Shea Homes application, Mayor Freitas expressed concern with the 5-year limitation the project is currently out of compliance. He noted the goal of the City Council had been to extend the rate of growth and increasing the allocation period out 10 years may be appropriate.

Following discussion, David Gold, Special Council to the City, stated they could further define development entitlement of a tentative map as it relates to item 3.6.3. Development Allocations Policies, Item F.

Mayor Freitas requested Exhibit #2 9-5.4004 B be amended striking the word "instruct" and replacing it with "advises".

In response to Mayor Freitas, Community Development Deputy Director Carniglia stated the wording was deleted to avoid requiring applicants to perform benefits in excess of the nexus and thereby avoid issues of legality. He noted the checklist would remain the same and allow for scoring in those areas.

Mayor Freitas requested the lettering be corrected to reflect the deletion of sections within the ordinance.

Mayor Freitas opened the Public Hearing.

Merle Gilliland, representing Richland Development Corporation, referred to the flow chart (Attachment F) stating their intent was to have a completed EIR at the Master Development Plan/PD Zoning stage; therefore, it would not be necessary to re-circulate the EIR for the Final Development Plan/Tentative Map stage.

Community Development Deputy Director Carniglia stated that given the scale and scope of the project staff felt the City would be best served by keeping the process as outlined in the FUA#1 Proposed Process without the RDA step.

Michael Milani, representing Milani and Associates, expressed concern with the process noting minor changes could trigger another review of the EIR. He stated they had requested, at the Planning Commission Public Hearing, to be allowed to bring their development plan forward to the Planning Commission and City Council in a Study Session and had asked whether or not that option was still available. He questioned whether or not City Council's action tonight would rescind the City Council resolution #2004/94, and given the fact they were in a 6 month processing schedule, when the RDA process would begin.

Community Development Deputy Director Carniglia clarified the intent was to anticipate which RDA cycle would be most appropriate.

Mr. Milani suggested the RDA process be modified for projects dealing with much larger infrastructure.

Mayor Freitas closed public hearing.

City Attorney Galstan clarified the resolution for item #5 specifically rescinds the resolution from 2004.

Following discussion the City Council agreed to modify section 3.6.3 D to indicate the preference for the development allocation period be 5 years or otherwise requested by the developer and approved by the City Council. In addition the requested Section F be revised to delete development entitlement and replace it with tentative map or vesting tentative map.



In response to Councilmember Conley, Mr. Gold stated they could indicate in Exhibit #2, page 4 the City Council would take under consideration if an applicant voluntarily submits for exactions or offsite infrastructure.

Councilmember Kalinowski suggested negotiation flexibility to enter into alternative planning processes if necessary for property outside the city limits.

Community Development Deputy Director Carniglia stated that with regards to projects outside the Urban Limit Line, the City Council, based on unique aspects of a project, could indicate it is exempt from the RDA process.

**RESOLUTION NO. 2005/40**

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council unanimously A) Adopted the resolution approving the modifications and updates to the text of the Growth Management Element of the General Plan (Chapter 3) concerning the City's Residential Development Allocation (RDA) Program, B) Introduced by title only, C) Introduced the ordinance modifying and updating the Residential Development Allocation program, and D) Modified the time period for filing an RDA application.

**RESOLUTION NO. 2005/41**

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously approved the resolution with the following revision, Page 3, #5 to exclude the submittal of the RDA application at the same time as the Master Development Plan and PD Zoning.

**PUBLIC HEARING**

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

The applicant requested this item be continued to April 26, 2005.

**COUNCIL REGULAR AGENDA**

6. **RESOLUTION RESCINDING RESOLUTION NO. 94/51 AND RE-AUTHORIZING THE INVESTMENT ADVISORY COMMITTEE .....#101-04**

City Treasurer Conley presented the staff report dated March 1, 2005 recommending the City Council adopt the Resolution.

**RESOLUTION NO. 2005/42**

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

City Treasurer Conley thanked City Attorney Galstan, Finance Director Tasker and Janan Roybal for their assistance with the resolution.

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Manager Jakel announced the Small Business Information Center would be opening on April 4, 2005 with an official presentation of the PG&E Library and photo opportunity on April 20, 2005 at 8:30 A.M.

Mayor Freitas announced the City Council would be holding interviews for the Request For Qualification proposals on April 12, 2005.

**COUNCIL COMMUNICATIONS**

Councilmember Davis requested reconsideration of the Ballpark at Los Medanos be agendized on the next agenda. He expressed concern of funding from other cities.

Mayor Freitas stated the reconsideration would be placed on the April 12, 2005 City Council agenda.

Councilmember Simonsen announced he would be attending the Delta Protection Commission meeting on March 24, 2005. He expressed concern City of Oakley might break their commitment on \$125,000 towards the ballpark project at LMC.

Councilmember Kalinowski clarified the ballpark funds were in one pool, expended off of the City of Antioch funds and there was \$2.2M in total for the project. He added the City of Oakley had allocated \$50K out of their General Fund and were looking for alternative funding sources for the remaining amount.

Councilmember Conley announced he and City Manager Jakel were in Washington D.C. to meet with several Congressmen and their staff regarding the Mega-project Transportation Bill.

He noted they would be providing Congress with additional information and action is anticipated to occur in the May-June timeframe.

Mayor Freitas on behalf of the City of Antioch thanked Councilmember Conley for his efforts to advocate for the city in Washington D.C. He reported the Antioch Mayor's Prayer Breakfast was an outstanding program and he thanked Priscilla Friemering, the volunteers and attendees for participating.

With no further business, Mayor Freitas adjourned the meeting at 9:15 P.M. to the next regular Council meeting on April 12, 2005.

Respectfully submitted

L. JOLENE MARTIN, City Clerk, CMC