

ANTIOCH CITY COUNCIL

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

**February 8, 2005
Council Chambers**

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, and Mayor Freitas
Excused: Council Member Simonsen

PLEDGE OF ALLEGIANCE

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

Mayor Freitas commended those involved in the Antioch Safety Faire for an excellent event. He further reported Shirley Marchetti, Executive Director of REACH, had been ill and was recovering.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Pricilla Friemering announced the Antioch Mayor's Prayer Breakfast would be held on March 18, 2005 from 7:00 - 9:00 A.M. at the Lone Tree Golf Course. She invited the community to attend and provided a contact number and email address for anyone wishing to receive additional information.

Devi Lamphere, Antioch Chamber of Commerce CEO, presented a gift to Mayor Freitas thanking him for being the Master of Ceremony of the Antioch Chamber of Commerce Inaugural Gala. She announced the East County Women's Conference would be held on April 1, 2005, adding the Chamber was accepting donations for the scholarship fund along with sponsors for the event. She provided a website and contact number for anyone wishing to receive additional information.

Mayor Freitas thanked Ms. Lamphere for the gift.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Martin announced the following Board and Commission openings for the City of Antioch and Contra Costa County:

- § Three expiring terms on Administrative Appeals Board
- § One unexpired term on Economic Development Commission
- § One unexpired term on the Contra Costa County Mosquito and Vector Control District
- § One vacancy on Transportation Authority Citizens Advisory Committee

The filing deadline for applications is February 18, 2005 at 5:00P.M., with the exception of the Contra Costa Vector Control District, which was March 11, 2005. Contact information was given for those interested in applying.

PROCLAMATIONS

Black Families Association Day, February 26, 2005

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the Council members present unanimously approved the proclamation.

PUBLIC COMMENTS

Emil Stein, Antioch resident, invited the City Council to attend the Community Response Training Program graduation on February 12, 2005 at 10:00 A.M. He also expressed concern concertina wire was still on the wall at the Antioch Auto Dealership and again questioned when it would be removed.

In response to Mayor Freitas, City Attorney Galstan stated the City would not issue the final on the Dodge Building until the wire was removed. He further stated the City was looking for a way to allow the City to remove the wire.

Mayor Freitas requested a report on the item at the next City Council meeting.

Ken Lee, Antioch resident, discussed the importance for members of the community to prepare for disasters and presented each Councilmember with examples of items to include in safety kits.

Wanda Remmers, Executive Director of Housing Rights Incorporated, discussed their outreach efforts and provided the City Council with a copy of their annual report. She provided a contact number for anyone wishing to receive additional information.

Dave Sanderson, on behalf of the "Fun After 50 Club", presented Mayor Freitas with a membership card and encouraged him to participate in activities at the Senior Center.

Mayor Freitas thanked Mr. Sanderson.

City Engineer/Community Development Director Brandt requested the City Council consider adding Utility Undergrounding on "L" Street on the agenda this evening.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the City Council placed the "Undergrounding on L Street" on the agenda.

Mayor Freitas announced the item would be the last action item on the agenda.

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 11, 2005#301-02

B. APPROVAL OF COUNCIL WARRANTS#401-02

- C. REJECTION OF CLAIM#704-07**
 - 1. Betty Davis, #04/05-1523 (dangerous condition)**
- D. LEGISLATION AND ADVOCACY#701-04**
- E. RESOLUTION NO. 2005/12 DIRECTING ENGINEER OF WORK TO PREPARE CONSOLIDATED REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR LANDSCAPING DISTRICTS FOR FY 2005/06#806-03**
- F. RESOLUTION NO. 2005/13 APPROVING REVISIONS TO THE CLASS SPECIFICATIONS FOR POLICE CAPTAIN AND POLICE LIEUTENANT#502-02**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of item 1b, which was removed for further discussion.

Item 1B - Ken Lee stated he had pulled the item from the agenda to question where the fence would be built and asked if Mr. Nokes should be responsible for the costs. City Engineer/Community Development Director Brandt stated the fencing was a Public Works project, which was placed along the creek. Mayor Freitas directed staff to meet with Mr. Lee to discuss the item.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council members present unanimously approved item 1b.

COUNCIL REGULAR AGENDA

- 5. RESOLUTION ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2005/06 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM#814-03**

Mayor Freitas recused himself from the item, turned the gavel over to Mayor Pro Tem Kalinowski and stepped down from the dais.

RESOLUTION NO. 2005/16

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council approved the resolution. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley

Absent: Simonsen

Mayor Freitas returned to the dais.

8. UTILITY UNDERGROUNDING ON "L" STREET#1201-07

Director of Community Development Brandt presented the staff report recommending the City Council approve the resolution to reallocate \$1,220,000 of Gas Tax funds from the Wilbur Avenue Bridge widening project to L Street Utility Undergrounding.

RESOLUTION NO. 2005/17

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Council members present unanimously approved the resolution reallocating \$1,220,000 of Gas Tax funds from the Wilbur Avenue Bridge widening project to L Street Utility Undergrounding.

PUBLIC HEARINGS

2. THE CITY COUNCIL WILL CONSIDER A REQUEST TO AMEND THE ENVIRONMENTAL HAZARDS SECTION OF THE GENERAL PLAN TO MODIFY THE MAXIMUM ALLOWABLE EXTERIOR NOISE LEVEL FOR NEW SINGLE FAMILY AND NEW MULTIPLE FAMILY RESIDENTIAL UNITS LOCATED ADJACENT TO PLANNED EXPRESSWAYS from 60 CNEL to 65 CNEL AND PERMIT FLEXIBLE STANDARDS FOR EXISTING OUTDOOR RESIDENTIAL LIVING AREAS ADJACENT TO PLANNED FREEWAY EXPANSIONS WITH NO SIGNIFICANT (5 CNEL OR GREATER) INCREASE IN CURRENT NOISE LEVELS. A CORRESPONDING CHANGE IS ALSO PROPOSED TO THE ZONING ORDINANCE (Z-04-04)#202-05

Senior Planner Oshinsky presented the staff report dated January 25, 2005 recommending the City Council: A) adopt the Negative Declaration as being adequate; B) adopt the resolution approving an amendment to the Environmental Hazards section of the General Plan to modify the allowable maximum exterior noise level for outdoor living areas of new single family and new multiple family residential units adjacent to planned expressways from 60 CNEL to 65 CNEL and permit flexible standards for existing outdoor residential living areas adjacent to planned freeway expansions with no significant (5 CNEL or greater) increase in current noise levels; C) introduce the ordinance by title only, and; D) introduce the ordinance amending Title 9, Chapter 5, Article 19 of the Antioch Municipal Code (Noise Attenuation Requirements) modifying the allowable maximum exterior noise level for outdoor living areas of new single family and new multiple family residential units located adjacent to planned expressways from 60 CNEL to 65 CNEL and no significant (5 CNEL or greater) increase in current noise levels for existing residential development adjacent to the proposed expansion of State Route 4.

In response to Mayor Freitas, Director of Community Development Brandt suggested including State Route 4, BART and EBART in the proposed General Plan Amendment.

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

RESOLUTION NO. 2005/14

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council members present unanimously 1) Adopted the Negative Declaration; 2) Adopted the resolution approving an amendment to the Environmental Hazards section of the General Plan to modify the allowable maximum exterior noise level for outdoor living areas of new single family and new multiple family residential units adjacent to planned expressways from 60 CNEL to 65 CNEL and permit flexible standards for existing outdoor residential living areas adjacent to planned freeway expansions with no significant (5 CNEL or greater) increase in current noise levels; 3) Introduced the ordinance by title only; 4) Introduced the ordinance amending Title 9, Chapter 5, Article 19 of the Antioch Municipal Code (Noise Attenuation Requirements) modifying the allowable maximum exterior noise level for outdoor living areas of new single family and new multiple family residential units located adjacent to planned expressways from 60 CNEL to 65 CNEL and no significant (5 CNEL or greater) increase in current noise levels for existing residential development adjacent to the proposed expansion of State Route 4; and, 5) Amending the Zoning Ordinance Amendment B2 to include: State Route 4, or any BART/EBART development.

3. VENTURE COMMERCE CENTER REQUESTS APPROVAL OF PLANNED DEVELOPMENT AND USE PERMIT APPLICATIONS TO DEVELOP AN APPROXIMATELY 92,000 S.F. OFFICE/MEDICAL OFFICE/ LIGHT INDUSTRIAL COMPLEX ON APPROXIMATELY 7.8 ACRES LOCATED ON THE NORTHWEST CORNER OF LONE TREE WAY AND VISTA GRANDE DRIVE (APN 056-012-037) PD-04-08; UP-04-18#202-03

Associate Planner Albro presented the staff report dated January 26, 2005 recommending the City Council: A) adopt the resolution approving a final planned development, use permit, and adoption of a mitigated negative declaration for the venture commerce center project; B) introduce the ordinance by title only; and C) introduce the ordinance rezoning approximately 7.8 acres, making up the Venture Corporation project site to planned development district (PD).

Mayor Freitas indicated to the Design Review Board, he has several concerns regarding the design of the trash enclosure and suggested improving the roof and heavily landscaping around the facility.

Mayor Freitas opened the public hearing.

PROPONENT

Cedric Young, Robert Eves and Jay Todisco, representing Venture Corporation, discussed the history of the Venture Corporation and gave a brief overhead presentation of the project site plan and architecture.

Curt Scheve, representing Colliers International, stated they were working with Venture Corporation as their Commercial Real Estate Consultants. He discussed the need in the market for those types of uses and urged the City Council to support the project.

Ralph Hernandez, Chairperson of Citizens for Democracy, spoke in support of the project and business/commercial development in Antioch.

Sandra Golightly clarified when the project was presented to the Design Review Board she reminded the applicant the artistic renderings would take precedence. She provided a list of improvements suggested by the City's Architectural Consultant, Terry Flynn. She spoke in support of the project, noting she felt it would be a good addition to the city.

Councilmember Conley stated he felt projects should be heard at the Design Review Board and Planning Commission level prior to them being brought to the City Council for consideration.

David Mohler, Antioch resident, voiced his support of the project noting he felt it would be an asset to the community.

Luis Salas, Antioch resident requested the landscaping on the east side of the project include trees to protect the privacy and property values of the existing residences.

Mayor Freitas reported the City Council had received correspondence in support of the project from the Former Mayor of Hercules and current City Councilmember, Ed Balico.

OPPONENT

Brad Rogers, Antioch resident expressed concern regarding the lighting from the project adversely affecting the adjacent residential units and suggested concealing the lenses from view. He also felt the water truck should be moving at all times when performing any earth moving activities. He noted he felt his concerns could be resolved through the Design Review Board process.

REBUTTAL

Cedric Young stated that he believed the comments from the Planning Commission and Design Review Board would set a new high standard for Venture Commerce Centers. He stated they had worked with staff to make the project a great asset to the City. He added that the lighting proposed was glare free, sharp cutoff and 1-2 foot candles.

Robert Eves stated the back of the Venture Commerce Center would be principally all glass and they anticipated very few roll up doors. Therefore, they felt the elimination of the masonry wall would be more esthetically pleasing. He clarified they would be willing to post a bond for the entire cost of the wall and it would be up to the City's discretion to call it in the future should it be deemed necessary.

Mayor Freitas closed the public hearing.

Following discussion, the City Council agreed the project was an important step to bring businesses into the City. They further agreed architectural improvements were needed and could be resolved through the Design Review Board process.

In response to Mayor Freitas, Director of Community Development Brandt stated should residents have concerns regarding dust control during construction, they could call the building department.

Mayor Freitas requested the Design Review Board and staff be sensitive when receiving a request for consideration to upgrading the trash enclosure and lighting for the project. He thanked Venture Corporation for their interest in Antioch.

Discussion ensued regarding to the masonry wall, resulting in the City Council agreeing to security as approved by the City Attorney for a period of 2 years from the walls completion, with the caveat a complete masonry wall would be built in the event of complaints from the adjacent property owners.

Mr. Eves stated they would agree to build a rod iron fence as proposed, which would be heavily landscaped; should the City, in its sole and absolute discretion, determine there are sufficient complaints, Venture Commerce would build the full masonry wall.

City Engineer/Community Development Director Brandt suggested an interest barring account could be set up to secure the funding for the masonry wall.

RESOLUTION NO. 2005/15

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Council unanimously approved: A) adopt the resolution approving a final planned development, use permit, and adoption of a mitigated negative declaration for the venture commerce center project; B) introduce the ordinance by title only; C) introduce the ordinance rezoning approximately 7.8 acres, making up the Venture Corporation project site to planned development district (PD); and, D) Amending project specific condition #69 to read:

#69. That the applicant will provide security approved by the City Attorney for the construction of the masonry wall, which shall be determined by the City Council.

Mayor Freitas stated that if significant issues or disagreements occur at the Design Review Board meeting, he requested the project come back to the City Council for reconsideration. Mayor Freitas declared a recess at 9:16 P.M. The meeting reconvened at 9:36 P.M. with all Councilmembers present with the exception of Councilmember Simonsen who was excused.

4. IN-SHAPE HEALTH CLUBS, INC. REQUESTS APPROVAL OF PLANNED DEVELOPMENT, TENTATIVE MAP, AND USE PERMIT APPLICATIONS TO

DEVELOP A 186,000 S.F. COMMERCIAL / RETAIL CENTER INCLUDING A 60,000 S.F. FITNESS CENTER ON APPROXIMATELY 18 ACRES LOCATED ON THE NORTHEAST SIDE OF LONE TREE WAY, APPROXIMATELY 50 FEET NORTH-WEST OF DALLAS RANCH ROAD / EAGLERIDGE DRIVE (APN 072-012-084) (PD-04-5; UP-04-14)..... #202-03

Senior Planner Wehrmeister presented the staff report dated January 31, 2004 recommending the City Council take the following actions: A) Introduce the ordinance by title only; B) Introduce the ordinance to change the zoning of the project site to the Planned Development District; and, 3) Adopt the resolution approving the Final Planned Development, Tentative Map, and Use Permit and adopting of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the In-Shape Health Club and Commercial Center project.

Mayor Freitas opened the floor to public comment.

Paul Rothbard, representing In-Shape Health Club, Inc., gave a brief history of their company and the development of the project. He reported the comments from the Planning Commission and City Council had been addressed in their current site plan. He requested the following modifications and clarifications to the conditions of approval:

- Raising the parapet wall height from 28 to 35 feet
- Raising the peak of the tower element from 45 to 51 feet
- Clarification from the Engineer Department for conditions #39-46
- Condition #42 widening of the driveway be accomplished by taking land from both projects
- Condition #43 request the city provide this item in lieu of bonds to be paid
- Condition #48 request for latitude to reduce these hours and refer to the hours in the condition as the maximum allowable operating hours for the pool and pool area
- Condition #58 request to add language "or one space per 200 square feet of building space
- Request the requirement for parking to be 300 based on 60,000 square feet
- Request latitude with regards to screening of the outside children and pool areas are screened along Lone Tree Way

He clarified the project was currently planned to be constructed in two phases and requested the City Council's approval of their planned development, tentative map and use permit application.

Due to the large number of issues raised by Council, Mayor Freitas felt the Public Hearing should be continued to allow staff ample time to review and respond to those issues questioned by Council. Furthermore, there had been several requests from the applicant that would need to be considered by staff and a decision made.

Brian Heron, Real Estate representation for In-Shape Health Club, stated he was in support of the project.

Ralph Hernandez, Chairperson of Citizens For Democracy, spoke in support of the project.

Senior Planner Wehrmeister clarified the Engineering conditions #39-46 were confirmation of items already shown on the site plan.

In addition to the previously stated items, the City Council requested staff review the lighting plan and provide photographs of the residential development showing the impact of the project.

The City Council continued the Public Hearing to February 22, 2005 as the first Public Hearing item.

COUNCIL REGULAR AGENDA - Continued

6. DISCUSSION OF ALTERNATE URBAN LIMIT LINE (ULL) PROPOSALS, AND DIRECTION TO CITY COUNCIL REPRESENTATIVE ON EAST COUNTY URBAN LIMIT LINE TASK FORCE #204-01

Community Development Deputy Director Carniglia presented the staff report dated February 2, 2005 recommending the City Council direct staff as to Council's desired course of action.

Councilmember Kalinowski reported the issue was that none of the proposals being seriously discussed included any movement of the ULL in East County in 2006. He noted they were discussing Plan C, which had a review of the ULL in 10 years and further reported Supervisor Glover was not committed to moving the line even if certain infrastructure triggers were met. He requested the City Council's input regarding the proposal to reduce 9,700 acres of "bubbles" of develop able County land within East County and requiring those properties immediately boarding incorporated cities to have a minimum lot size in the County area of 40-acres.

Councilmember Conley felt the County should be out of the development business and there should be a re-evaluation of what is truly develop able land in East County. He discussed the importance of infrastructure milestones and noted he did not support including the Buchanan Bypass, based on the fact Pittsburg had not participated in the East County Fee and Finance Authority. He voiced his support of Councilmember Kalinowski's requests.

Councilmember Davis stated he was in support of Plan B and reducing the 9700 acres of develop able County land in East County.

Mayor Freitas read written comment from Councilmember Simonsen who voiced his support of Plan B with additional transportation milestones as well as a discussion on local job creation.

Mayor Freitas stated there was consensus to support Plan B and reduce the Counties

development bubbles, requiring a minimum lot size outside the ULL of from 5 acres to 40 acres. He stated he felt it was important to focus on establishing a 30-year Urban Limit Line. He suggested Councilmember Kalinowski push to convene all 19 cities in the County to have this discussion.

Ralph Hernandez, Chairperson of Citizens for Democracy, stated they were opposed to any movement of the Urban Limit Line.

In response to Councilmember Kalinowski, Mr. Hernandez stated if the infrastructure was improved within the city, they would consider moving the ULL. He further stated even though they did not support additional residential growth, they felt there were sufficient areas within the existing city limits.

**7. CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY,
VEHICLE LICENSE FEE GAP LOAN FINANCING PROGRAM#401-01**

Finance Director Tasker presented the staff report dated February 2, 2005 recommending the City Council take no action.

Councilmember Conley stated he felt the cities would receive a portion of the VLF Gap Repayment in increments, therefore he was in support of the resolution.

A motion by Councilmember Conley, seconded by Councilmember Kalinowski to approve the resolution resulted in no action.

Ayes: Conley, Kalinowski

Noes: Freitas, Davis

Absent: Simonsen

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reminded the City Council there would be a Traffic Calming Study Session at 7:00 P.M. on February 15, 2005.

COUNCIL COMMUNICATIONS

Mayor Freitas thanked all the participants at the Safety Faire.

With no further business, Mayor Freitas adjourned the meeting at 10:54 P.M. to a Study Session on February 15, 2005.

Respectfully submitted:

L. JOLENE MARTIN, CMC, City Clerk