

## **ANTIOCH CITY COUNCIL**

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

**June 8, 2004  
Council Chambers**

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

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

Mayor Freitas announced Councilmember Davis was making presentations at Deer Valley High School to students with a 4.0 grade point average and was, therefore, excused.

### **PLEDGE OF ALLEGIANCE**

Councilmember Kalinowski led the Council and audience in the Pledge of Allegiance.

### **PROCLAMATIONS**

Recognition of Birthday of the U.S. ARMY

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

Councilmember Conley presented the proclamation proclaiming June 14-18, 2004 as U.S. Army Week to Sergeant Richardson, who thanked the City Council and accepted the proclamation on behalf of soldiers past, present and future.

Mayor Freitas announced the American Legions, in concert with the dedication of the WWII Monument in Washington D.C. held a ceremony on May 29, 2004 honoring WWII Veterans. He noted it was wonderful to see so many WWII Veterans participate. He thanked Bob and Leslie Scudero and the American Legions for hosting the event. He announced Quail Lodge hosted a ceremony on May 31, 2004, which was a nice event. He reported a ceremony honoring the men and women who served in the military was also held on Memorial Day at Oakview Cemetery. He further stated it was both well-organized and well attended. He announced there was also an event held May 29, 2004 honoring former Antioch resident and Academy Award Winner Michael Semanick. He stated the very insightful and enjoyable event was held at Antioch High School's Beede Auditorium.

### **PRESENTATIONS**

Lisa Brosnan, Loss Control Credit Program, introduced Jake O'Malley, Executive Director of the Contra Costa County Municipal Risk Management Insurance Authority, who thanked staff and the Council for the City of Antioch's commitment in policy and hiring practice to appoint Lisa Brosnan as Risk Manager. He reported Ms. Brosnan had been working with his staff in improving safety and lost control habits therefore achieving the award.

Charles Boettger, Risk Control Advisor, Robert F. Driver Company, gave a brief overview of the Loss Control Credit Program and presented Ms. Brosnan and staff with the award and \$2000.00 check recognizing the City of Antioch's Loss Control Accreditation.

Lisa Brosnan thanked the City's safety committees for working hard to make Antioch a safer place to work and live.

Mayor Freitas thanked Ms. Brosnan and city staff.

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

Joe Marks, Chairman for Elks Lodge 1474, announced June 14, 2004 would be Flag Day and reminded the community to fly their flags in honor of the military, especially those serving overseas. He thanked the City of Antioch for their support.

The City Council supported producing and presenting Mr. Marks with a Proclamation honoring Flag Day.

Susan Davis announced she and Councilmember Davis were co-chairs for the 4th of July parade to be held at 5:00 P.M. on Third Street, followed by a fireworks display at 9:30 P.M. She reported the City of Antioch and Rivertown Business Association were the sponsors of this event, and encouraged the community to participate. She provided a website and contact number for anyone wishing to receive additional information.

Mayor Freitas announced there would be a dinner honoring Joe McKenna who had devoted a great deal of his attention to the St. Vincent DePaul Society and stated he would like to present him with a proclamation.

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

## **PUBLIC COMMENTS**

Emil Stein reported he was continuing to have problems with the Nokes Dealership regarding the razor wire on the soundwall. He expressed concern staff had informed his neighbor he had made a complaint to the City regarding a violation of the electric fence ordinance. He requested staff not inform an individual who is filing the complaints.

Mayor Freitas requested City Manager Jakel look into the issue.

Elvin Scott updated the community on his efforts to assist Veterans in receiving their military medals. He announced he was setting up his office in Pittsburg and would be providing assistance to Veterans in need of transportation to the Veteran's Hospital in Martinez.

Douglas Tokes reported the Cornerstone Christian Church had requested the Planning Commission's approval of a use permit and lot merger to expand the existing school facility

located at 1715 E. 18th Street. He expressed concern regarding the projects negative impacts on the city, school district and neighborhood.

Ken Lee expressed concern regarding the speakers at the Nokes Dealership as they are directed over and above the height of the soundwalls. He requested they be redirected away from the residences. Speaking on behalf of his neighbor Rosa, Mr. Lee stated there was a gap between the soundwall and her fence. He stated a retaining wall was needed to prevent soil erosion and benefit the walls integrity. He noted until the residents received approval from Mr. Nokes to use the property up to the soundwall, they are in need of weed abatement. He provided a picture to the City Council of the gap in the soundwall.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR MAY 11, 2004 .....#301-02**
- B. APPROVAL OF COUNCIL WARRANTS .....#401-02**
- C. REJECTION OF CLAIMS .....#704-07**
  - 1. Joanee Van Winkle, #04/05-1478**
  - 2. Ron Torres, #04/05-1482**
- D. LEGISLATION AND ADVOCACY .....#701-04**
  - 1. Resolution No. 2004/63 opposing the Gaming Revenue Act of 2004**
- E. AUTHORIZE THE CITY ENGINEER TO SIGN AGREEMENT WITH CONTRA COSTA WATER DISTRICT FOR THE RELOCATION OF THE EXISTING RAW WATER LINE AT EAST 18TH STREET AND PHILLIPS LANE AND APPROVE A CHANGE ORDER FOR WILLIAM G. McCULLOUGH CO. FOR RELOCATING THE WATER LINE ON EAST EIGHTEENTH STREET AT PHILLIPS LANE (PW 225-20) .....#1202-03**
- F. RESOLUTION NO. 2004/64 ACCEPTING COMPLETED IMPROVEMENTS FOR DIABLO EAST SUBDIVISION, UNIT 1, TRACT NO. 7127 (PACWEST DEVELOPMENT) (PW 571-1) .....#802-02**
- G. RESOLUTION NO. 2004/65 ADOPTING THE 2004/05 JUVENILE ACCOUNTABILITY BLOCK GRANT APPLICATION TO THE CALIFORNIA BOARD OF CORRECTIONS .....#1301-01**

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

*Item F* - Councilmember Conley stated he would be recommending approval of the resolution even though the City had been trying to resolve those issues with the developer for 11 years,

with the caveat he would not support any future proposals from the developer or any company he was associated with.

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

## **PUBLIC HEARINGS**

**2. M.S. WALKER & ASSOCIATES, INC. (ARB, INC.) REQUESTS APPROVAL OF PLANNED DEVELOPMENT AND USE PERMIT APPLICATIONS TO DEVELOP A 10,433 S.F. OFFICE/WAREHOUSE AND HEAVY EQUIPMENT YARD ON APPROXIMATELY 4.7 ACRES LOCATED ON THE WEST SIDE OF VINEYARD DR., APPROXIMATELY 276 FEET NORTH OF E. 18TH STREET (APN 051-052-075; 051-052-076; 051-052-077) (PD-04-1, UP-04-2) #202-03**

Senior Planner Wehrmeister presented the staff report dated June 8, 2004 recommending the City Council: A) adopt the resolution approving a Final Planned Development and Use Permit for the ARB, INC Project; B) introduce the ordinance by title only, and; C) introduce the ordinance rezoning approximately 4.7 acres making up the project site to the Planned Development District (PD).

In response to Mayor Freitas, Director of Community Development Brandt clarified the roadway would be built to City standards and would withstand heavy equipment coming into and out of the property.

Senior Planner Wehrmeister stated there were no buildings proposed at the time for the parcel fronting East 18th Street and they would be coming forward in the future for approval of a project for that parcel.

City Attorney Galstan clarified the Council's action this evening related to the proposed building and some asphalt with the remaining property graveled. He added the project specific condition #41 requires any additional proposed building and configurations would comeback to the City for Design Review, Planning Commission and City Council approval.

Mayor Freitas opened the public hearing.

Steve Kieke, representing M.S. Walker Associates Architect, and Designer for the project thanked the City Council, staff, Planning Commission and Design Review Board for their assistance with the project. He noted Mr. Cranmer had been very helpful as well. He stated he felt the project was in conformance with the East 18th Street Specific Plan and the Antioch General Plan. He noted they felt the project would be a catalyst for activity in the area and the beginning of the ultimate goal for East 18th Street Specific Plan. He announced the facility would employ 50-200 people. He reported the facility would be heavily landscaped with contemporary architecture. He clarified the master plan to develop all the acreage was a requirement of the Planning Department and is a 20-year look ahead, which would occur in

approximately 5 phases. He clarified the proposal this evening is for the construction of a 10,433 s.f. office / warehouse building and equipment yard on 4.7 acres.

In response to Councilmember Simonsen, Mr. Kieke clarified the property along Vineyard and East 18th would be kept immaculate. He stated their hope was the parcel would be phase two and developed within 3-5 years.

Mayor Freitas closed the public hearing.

Councilmember Conley voiced his support for the project noting he is proud to have ARB in the community.

RESOLUTION NO. 2004/66

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Council members present unanimously: A) adopt the resolution approving a Final Planned Development and Use Permit for the ARB, INC Project; B) introduce the ordinance by title only; and C) introduce the ordinance rezoning approximately 4.7 acres making up the project site to the Planned Development District (PD).

Mayor Freitas stated he felt ARB would be a good neighbor and welcomed them to Antioch.

**COUNCIL REGULAR AGENDA**

- 3. ORDINANCE ADDING '4-5.1223.1 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH RECREATIONAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS .....#701-05**

City Attorney Galstan requested the item be pulled from the agenda, as the citizen who requested the ordinance would like another meeting with the subcommittee.

On motion by Councilmember Conley, seconded by Councilmember Kalinowski the City Councilmembers present unanimously continued item #3 to July.

- 4. POSSIBLE ADMINISTRATIVE REGULATION DEALING WITH ROADSIDE MEMORIALS #1101-01**

City Attorney Galstan presented the staff report dated June 2, 2004 recommending the City Council direct staff to prepare an Administrative Regulation dealing with roadside memorials.

The City Council directed staff to prepare an Administrative Regulation dealing with roadside memorials for the City Council's consideration.

Councilmember Simonsen requested families be notified at least 5 days in advance of the removal of the memorials.

Mayor Freitas stated he just received a speaker card from Sylvia McDowell for item #3 and noted the Council would be going back to the item to hear her comments.

**3. ORDINANCE ADDING §4-5.1223.1 TO THE ANTIOCH MUNICIPAL CODE,  
DEALING WITH RECREATIONAL VEHICLE PARKING IN RESIDENTIAL  
ZONING DISTRICTS #701-05**

Sylvia McDowell, Antioch resident, provided a photo and expressed concern regarding a motorhome parked in her neighborhood, noting it would be a violation of the City Code. She noted there are several other recreational vehicles parked in her neighborhood and City staff had informed her there was nothing that could be done. She stated she would be willing to pay for the sign to get those vehicles off of her street, noting she felt it was a hazard in her neighborhood and visually unappealing.

Mayor Freitas directed the subcommittee and staff to contact Ms. McDowell with information as to when the meeting is held to allow her to make comments and recommendations.

**5. APPOINTMENT TO PARKS AND RECREATION COMMISSION- 3 VACANCIES  
#302-05**

Mayor Freitas thanked those citizens who had applied for a position on the Parks and Recreation Commission and thanked Chairperson Leider, Dave Sanderson and Frank Palmeri for participating in the interviews.

Councilmember Davis arrived at 8:04 P.M.

Mayor Freitas nominated Nancy Duarte to a 4-year term noting she had done an outstanding job representing the Parks and Recreation Commission to the Council and staff.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the Council unanimously appointed Nancy Duarte to a four-year term on the Parks and Recreation Commission.

Mayor Freitas nominated Victor Rodriguez to a four-year term on the Parks and Recreation Commission.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the City Council appointed Victor Rodriguez to a four-year term on the Parks and Recreation Commission. The motion carried by the following vote:

Ayes: Kalinowski, Conley, Freitas

Noes: Davis, Simonsen

Mayor Freitas nominated Lyle Hatch to an unexpired term expiring in March 2006 on the Parks and Recreation Commission.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski the Council unanimously appointed Lyle Hatch to the Parks and Recreation Commission for the unexpired term, expiring March 2006.

In response to Councilmember Kalinowski, Mayor Freitas stated the applications would be kept for openings of other Boards and Commissions at the request of the applicants. He noted the City is in the process of developing a new application and application procedure.

**PUBLIC COMMENTS** - None

### **COUNCIL COMMUNICATIONS**

Councilmember Davis announced he was at Deer Valley High School this evening and presented 18 awards to students with 4.0 GPA graduating seniors. He added on June 1, 2004 he had attended Antioch High School and made 9 awards to graduating seniors. He had received an email from Linda Wenneker, who organized the event honoring Michael Semanick indicating that Mr. Semanick was very pleased with Mayor Freitas' participation. He stated Mr. Semanick would be coming back to Antioch and setting some time aside to speak with Mayor Freitas. He noted he would be providing City Clerk Martin with the email and requested it be entered into the record.

Mayor Freitas stated it was a wonderful event and reported a scholarship had been established for Michael Semanick for a student with a 3.0 or better GPA in the arts. He thanked the City Council who participated in the Mayor's Golf Tournament as well as City staff and the volunteers for organizing the event. He reported the money raised in the tournament is used for community-based programs particularly dealing with children. He added it was a very fun event.

### **STAFF COMMUNICATIONS**

City Manager Jakel announced the June 22, 2004 City Council meeting would begin at 6:00 P.M. for staff to respond to questions raised at the budget study session, which would be followed by a regular meeting. He announced a public hearing and adoption of the budget was scheduled for June 29, 2004 with a litigation session scheduled at 6:00 P.M. He reported that June 11, 2004 is a National Day of Mourning and stated he recommended that managers be flexible with regards to any employees who would like time off to view the service.

With no further business, Mayor Freitas adjourned the meeting in memory of President Ronald Reagan at 8:13 P.M. to the next regular Council meeting on June 22, 2003.

Respectfully submitted:

L. JOLENE MARTIN, CMC  
City Clerk