

## ANTIOCH CITY COUNCIL

Regular Meeting  
7:00 P.M.

November 27, 2001  
Council Chambers

### **6:30 P.M. - CLOSED SESSION**

- 1. CONFERENCE WITH LABOR NEGOTIATOR** - City Negotiator: Bill May. Employee Organization: All Negotiating Units. This closed session is authorized by Government Code §54957.6.

Mayor Freitas called the meeting to order at 7:08 P.M., and City Clerk Martin called the roll.

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

### **PLEDGE OF ALLEGIANCE**

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

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

Barbara Sobalvarro and Sandy Bartlett announced the Friends of Animal Services would be hosting, "Simple Beauty of Christmas Through Music and Friendship" on December 2, 2001 at the Nick Rodriguez Community Center at 4:00 P.M. and Winter Holiday Celebration at the Antioch Animal Shelter on December 6, 2001 from 6:00-8:00 P.M.

Ken Gray and Kim Hardester introduced cast members of the Theater Ballet of San Francisco and announced the Annual East County Performance of the Nutcracker on December 8, 2001 at Pittsburg High School at 2:00 P.M. They thanked Council for their support and invited the community to attend. They presented event tickets to the Council.

### **PROCLAMATIONS**

Holiday De-Lites Celebration, December 1, 2001

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

Councilmember Kalinowski presented the proclamation proclaiming December 1, 2001 as Holiday De-Lites Celebration to Judy McKuen and Betty Smith, who thanked the City for their continued support and encouraged the community to participate in the Holiday De-Lites event.

### **PUBLIC COMMENTS**

Barbara Sobalvarro and Sandy Bartlett reported they have presented two checks to the Antioch Animal Shelter for the purchase of resting boards and lambs wool for the dog and cat beds in the Shelter.

Jaya Kholsa requested the City consider directional signs to lessen the impact to the residential community on "I" and 4th Streets from traffic on the "A" Street extension and suggested the possibility of an art competition for designing of the signs.

Mayor Freitas directed City Engineer Brandt speak with Ms. Kholsa and provide Council with recommendations.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 13, 2001 #301-03**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2001 #401-02**
- D. ORDINANCE NO. 985-C-S AMENDING §2-2.06 (B)(2) OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH CITY MANAGER POWER AND DUTIES #701-05**
- E. RESOLUTION NO. 2001/145 AMENDING THE 2001-2002 BUDGET BY DELETING ONE POSITION OF RECREATION PROGRAM COORDINATOR AND ADDING AN ADDITIONAL RECREATION SPECIALIST POSITION AND RECLASSIFYING THE RECREATION PROGRAM COORDINATOR TO RECREATION SPECIALIST #502-02**
- F. RESOLUTION NO. 2001/146 APPROVING TERMS OF AGREEMENT FOR TREATMENT PLANT EMPLOYEES ASSOCIATION, (TPEA) UNIT III #509-02**
- G. RESOLUTION NO. 2001/147 ACCEPTING A PROPOSAL FOR PREPARATION OF A SANITARY SEWER MASTER PLAN AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO NEGOTIATE AND SIGN AN AGREEMENT (PW 620) #1205-01**
- H. REPORT ON AB 1149, RULE 20A UNDERGROUNDING PROGRAM #1201-07**
- I. RESOLUTION APPROVING A TIDELANDS LEASE WITH RIVERVIEW LODGE (Con't to 12/11/01) #1001-05**
- J. RESOLUTION NO. 2001/148 ENDORSING CONCEPTS OF THE DRAFT COMPACT FOR A SUSTAINABLE BAY AREA #202-01**

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

**Item E** - In response to Councilmember Kalinowski, Mr. May clarified an individual with satisfactory performance would progress through the steps for recreation specialist.

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

**Item G** - Councilmember Davis requested Council consider the Brown and Caldwell proposal noting he supports the City using a local company. City Engineer Brandt stated it was staff's recommendation to negotiate with Winzler and Kelly to distribute the work around.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council approved item G. The motion carried by the following vote:

Ayes: Kalinowski, Conley, Simonsen, Freitas,

Noes: Davis

**Item H** - In response to Councilmember Simonsen, City Engineer Brandt clarified PG&E provides a report at the beginning of each calendar year on the money available. He noted the funds could be carried over from year to year.

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

**Item I** - Councilmember Conley requested the City explore the legality of tying fiscal improvements on the building to the first phase of the lease agreement. Mayor Freitas directed staff to bring this item back on December 11, 2001 to consider available options, particularly the legality of tying the lease agreement to the building's fiscal improvements.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council continued item I to December 11, 2001, directing staff to consider a marriage of the lease agreement and improvements to the facility. The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen, Freitas

Noes: Kalinowski

## **COUNCIL REGULAR AGENDA**

### **2. REVIEW OF EXHIBIT "C" LOCAL PREFERENCE AGREEMENT OF THE DEVELOPMENT AGREEMENT FOR THE SAND CREEK RANCH DEVELOPMENT AND DETERMINATION OF GOOD FAITH COMPLIANCE**

**#202-03**

Aram Hodess spoke in support for a continuance of agenda item #2.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski, the Council unanimously continued the item to December 11, 2001.

**3. ADOPTION OF THE PROPOSED FEES AND HOURS OF OPERATION FOR THE PREWETT PARK 2002 SEASON #1402-03**

Deputy Director of Leisure Services Wetmore presented the staff report dated November 9, 2001, recommending the City Council approve the proposed fee and operating schedule for the Antioch Water Park.

He provided Council with a TV commercial for the Prewett Water Park and noted they had received awards from the World Water Park Association for the commercial, "bus backs" as well as the camp program. He reported Prewett Park had received an additional award from Ellis and Associates ranking them as one of the top water parks in the world in terms of safety.

Additionally, Larry Montoya reported Prewett Park received the gold award for safety.

Following discussion, the Council majority requested referring this item to the Parks and Recreation Commission for the consideration of a discount for Mello Roos residents.

Councilmember Simonsen stated he did not support a Mello Roos discount and requested clarification of Mello Roos districting noting District 89-1 supports Prewett Park.

On motion by Councilmember Kalinowski, seconded by Mayor Freitas, the Council approved the proposed fee and operating schedule for the Antioch Water Park with a referral to the Parks and Recreation Commission to consider the possibility of a discount for Mello Roos payers. The motion carried by the following vote:

Ayes: Kalinowski, Conley, Freitas

Noes: Davis, Simonsen

Mayor Freitas declared a recess at 7:58 P.M. The meeting reconvened at 8:11 P.M. with all Councilmembers present.

**PUBLIC HEARINGS**

**7. KAISER PERMANENTE IS REQUESTING APPROVAL OF A FINAL DEVELOPMENT PLAN FOR THE MEDICAL FACILITY CAMPUS INCLUDING AN APPROXIMATE 500,000 SQUARE FOOT HOSPITAL, ASSOCIATED PARKING AREAS (INCLUDING A MULTI LEVEL PARKING STRUCTURE), UTILITY BUILDING, AND A HELIPORT, AND APPROXIMATELY 450,000 SQUARE FEET OF MEDICAL OFFICE. ; AND USE PERMIT TO ALLOW THE CONSTRUCTION OF PHASE 1 OF THE MEDICAL CAMPUS INCLUDING A 60,500 SQUARE FOOT MEDICAL OFFICE BUILDING AND RELATED SITE IMPROVEMENTS. THE APPROXIMATELY 78-ACRE SITE IS**

**LOCATED ON THE NORTHEAST CORNER OF DEER VALLEY ROAD AND THE  
FUTURE ALIGNMENT OF THE FUTURE EXTENSION OF SAND CREEK ROAD.  
(PD-71-7/ UP-01-27) (APN 054-082-003 AND -004) #202-04**

Associate Planner Albro presented the staff report dated November 18, 2001, recommending the City Council take the following actions: 1) Adopt the resolution approving the Final Development Plan for the Kaiser Permanente Medical Facility Campus and; 2) Adopt the resolution approving the Use Permit for Phase 1 of the Kaiser Permanente Medical Facility Campus.

Sandy Small, Senior Vice President and Service Area Manager for Kaiser Permanente North East Bay gave a brief overview of the Kaiser Permanente organization.

Dr. Lively, representing Kaiser, reviewed services currently provided at Kaiser's Antioch Medical Office Facilities and then described the additional services proposed for the phase one plan as well as future phases.

Allen Turner, architect for the project, thanked staff for their cooperation and provided a brief summary of the phase 1 medical campus and final development plan.

Mitch Randall and Celia Karian presented and reviewed proposed revisions to the conditions of approval for the final development plan and building architectural concepts. Ms. Karian requested the City Council approve the use permit and allow Kaiser to work out the architectural details with the Design Review Board.

Terry Ramus spoke in support of the Kaiser project and noted he felt the City should focus on additional commercial job-generating projects for the FUA1 area. He discussed the importance of proper planning of the interfaces of commercial development and residential areas to minimize conflicts. He requested the City uphold the standards of FUA1.

Tim Raney, representing Zocchi Companies, stated they had submitted letters indicating their concerns regarding some of the intrusive portions of the uses on the Kaiser property. He reported City staff and Kaiser had addressed their concerns in the conditions of approval and voiced his support for moving forward with the Kaiser project.

Mayor Freitas closed the public hearing.

Discussion ensued regarding the City parking standards as well as the proposed standards presented by Kaiser. The Council directed Kaiser to continue to work with staff and suggested the following parking standards for the project; 9'x18' parking stalls with a majority of parking at 75% angles, minimize 90% angle parking area, designated employee parking spaces at the extremities minimum size of 8'6"x18.

Regarding the proposed heliport, Mayor Freitas requested a full disclosure document be provided to individuals buying property adjacent to the Kaiser Facility indicating the existence of the heliport and the associated noise. Councilmember Simonsen suggested

flight paths be over major roads to minimize the impact to adjacent property owners. City Attorney Galstan suggested planning staff could determine which properties would be severely affected and attach disclosures conditions to those projects.

Mayor Freitas requested a hold harmless clause be required for any transit operator providing service to Kaiser.

Following discussion the Council majority requested the architectural design return to Council as a Consent item following Design Review Board approval.

Discussion ensued regarding the proposed revisions to the final development plan conditions with Council supporting to retain the language that presently exists for conditions Nos. 5 and 42, and modifying condition No. 76c to read: *Sand Creek Road and the east property line intersection (to reflect the plan)*.

#### **RESOLUTION NO. 2001/149**

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously adopted the resolution approving the Final Development Plan for the Kaiser Permanente Medical Facility Campus, with the following direction to staff: A) The project will return to the Council Consent Calendar following Design Review Board approval, B) Public Works continue meeting with Kaiser Permanente as it relates to the parking issue, designated employee parking, dimensions, diagonal of 75%, as well as split between the full parking stall vs. compact parking stall, C) Kaiser will review the building design particularly the stairwell on the west side of the building and provide pictures to Council, D) Council accepted the following proposed revisions to final development plan conditions #24, 76a, 76b, 89 and building architectural concepts conditions #52 and 53 and requested modification to condition #76c and condition #84 revised to read: That the developer shall construct a bus stop turnout on the property frontage and/or a drop off location within the property, as approved by Tri-Delta Transit and the City Engineer, for Tri-Delta transit vehicles. The turnout shall include a bus shelter behind the sidewalk, and sidewalk connection to the parking lot. Kaiser Permanente shall not unduly denying access by Tri-Delta Transit or any other transit providers with regards to the issue of liability.

#### **RESOLUTION NO. 2001/150**

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously adopted the resolution approving the Use Permit for Phase 1 of the Kaiser Permanente Medical Facility Campus.

Mayor Freitas declared a recess at 9:59 P.M. The meeting reconvened at 10:08 P.M. with all Councilmembers present.

- 8. THE CITY OF ANTIOCH REQUESTS TO APPROVE A SPECIFIC PLAN (EAST EIGHTEENTH STREET SPECIFIC PLAN) FOR A PLANNING AREA CONSISTING OF APPROXIMATELY 192 ACRES BETWEEN EAST EIGHTEENTH STREET AND**

**THE A.T.&S.F. RAILROAD RIGHT-OF-WAY, AND FROM VIERA AVENUE ON THE WEST TO DRIVE-IN WAY ON THE EAST (NOT INCLUDING THE UNINCORPORATED RESIDENTIAL PROPERTIES FROM VINE LANE TO THE NORTH) #202-07**

Assistant to the City Manager Gegg presented the staff report dated November 19, 2001, recommending the City Council approve the E. 18th Street Specific Plan, Mitigated Negative Declaration and associated General Plan and Zoning changes for the E. 18th Specific Plan Area located at the north end of E. 18th and consisting of approximately 192 acres.

Richard Loewke gave a brief overview of the East 18th Street Specific Plan and Mitigated Negative Declaration.

Frank Evangelho spoke in support of maintaining the historic value of the vineyards located within the East 18th Street Specific plan. He noted the vineyards are sprayed at night using spray rigs designed to minimize contamination to adjacent properties.

Don Peckham questioned the proposed zoning within the plan, and suggested zoning be determined on a case by case basis as applications were received.

In response to Mr. Peckham, Mayor Freitas stated that anyone could petition the Council for a change in the zoning designations.

Mr. Loweke clarified the designation was regional commercial mixed use, which provides flexibility.

Mitch Randall, representing Gaylord, requested a revision of the Specific Plan indicating multi-floor office facilities not be required in the Regional/Commercial/Mixed Use. He also requested language in the initial study relating to water wells be deleted from the document noting he felt it could be misconstrued as a potential City policy.

In response to Mr. Randall, Mr. Loewke recommended the document remain unchanged, noting high intensity industrial use was *encouraged* at the east end of the plan area, not required. He further recommended not modifying language related to water wells, noting they were addressed in the initial study report and included the the negative declaration.

Terry Ramus voiced his support of the City putting more emphasis on commercial development. He questioned the possibility of future residential development occurring in the area.

Councilmember Conley recommended Economic Development Director Naffah immediately begin working with Mr. Peckham, the owner of the wrecking yard, as well as any other businesses that might have difficulty finding a new location.

**RESOLUTION NO. 2001/151**

## RESOLUTION NO. 2001/152

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved: A) the resolution making findings for adoption of an ordinance adopting the East 18th Street Specific Plan and rezoning properties located within the East 18th Street Specific Plan area to Planned Development District (P-D) and approving a mitigated negative declaration; B) the resolution amending the General Plan to add a land use designation titled "East 18th Street Specific Plan" and to re-designate property to East 18th Street Specific Plan; C) introduce the ordinance by title only; D) introduce the ordinance adding section 9-5.3307 to the Antioch Municipal Code, adopting the East 18th Street Specific Plan and rezoning properties to the Planned Development District, and; E) The City will continue efforts for voluntary annexation of the unincorporated area.

- 9. FRED DILLET (OAKLEY KNOLLS) REQUESTS APPROVAL OF A FINAL DEVELOPMENT PLAN TO SUBDIVIDE AN APPROXIMATELY 5.5 ACRE PARCEL INTO 16 PARCELS, EACH APPROXIMATELY 3 ACRE IN SIZE. IF APPROVED, THE APPLICANT INTENDS TO SELL THE FINAL SUBDIVISION TO A SINGLE DEVELOPER WHO WOULD CONSTRUCT SINGLE-FAMILY RESIDENCES ON EACH PARCEL. THE PROJECT SITE IS LOCATED ON THE NORTH SIDE OF OAKLEY ROAD, APPROXIMATELY 1,300 FEET WEST OF PHILLIPS LANE (APN: 057-180-014) (PD-00-4) #202-03**

Assistant Planner Wehrmeister presented the staff report dated November 16, 2001, recommending the City Council take the following action: A) introduce the ordinance by title only; B) introduce the ordinance rezoning the project site to Planned Development, and; C) adopt the resolution approving a Final Development Plan, Tentative Map, and Mitigated Negative Declaration subject to the conditions contained in the resolution.

Duane Shoemake voiced his support of 1-acre parcels in the project site, noting anything less would detract from the value of his property. He suggested a disclosure be provided to potential buyers notifying them of the potential impact area livestock might have in terms of smell and dust. He expressed concern regarding the appearance of the property and suggested a maintenance program be implemented until the property was developed.

Bill Sexton requested additional language to project specific condition #71 adding "or as approved by the City Engineer". In addition, he requested additional building permits to justify front end infrastructure costs.

Mayor Freitas closed the public hearing.

Councilmember Simonsen urged the Council to provide flexibility on individual projects regarding the base allocation as required by the Measure "U" ordinance.

City Attorney Galstan clarified the applicant could apply for the additional allocations for this application.



Councilmember Conley stated a development agreement could help the City and developer and suggested it include an economic development fee, library fee, and competition pool fee, similar to what is proposed in FUA1. He recommended project specific condition #51 be revised to require 25-28 ft. varying minimum front setbacks.

**RESOLUTION NO. 2001/153**

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council introduced the ordinance by title only; introduced the ordinance rezoning the project site and adopt the resolution approving the development Plan, tentative map, and mitigated negative declaration subject to the contained in the resolution with project specific condition #51 revised to require minimum 25 ft. setbacks varying up to 28 ft.. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Conley, Simonsen

Noes: Freitas

**10. THE CITY OF ANTIOCH IS REQUESTING TO ADOPT REVISIONS TO TITLE 9, CHAPTER 5 OF THE ANTIOCH MUNICIPAL CODE ZONING ORDINANCE TO SIMPLIFY AND EXPEDITE THE ISSUANCE OF LAND USE PERMITS (FILE: Z-99.2) (#202-05)**

Council consensus agreed to continue item #10 to December 11, 2001.

**COUNCIL REGULAR AGENDA (Continued)**

**4. CONSIDERATION OF THE TIME LINES FOR ADOPTION OF MEASURE "U" GROWTH MANAGEMENT ORDINANCE PRIOR TO THE EXPIRATION DATE OF JUNE 22, 2002 #204-01**

Community Development Deputy Director Carniglia presented the staff report dated November 20, 2001, recommending the City Council receive and file the report.

Terry Ramus encouraged the Council to move toward a permanent Measure "U" ordinance prior to any approvals for FUA1. He voiced his support to tie FUA1 and the General Plan update together.

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

**5. ANNUAL REPORT ON THE CURRENT GENERAL PLAN #204-01**

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

**6. LEGISLATION AND ADVOCACY #701-04**

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

**PUBLIC COMMENTS** - None

**COUNCIL REPORTS/COMMUNICATIONS** - None

**STAFF COMMUNICATIONS**

Mayor Freitas reported that the joint meeting of the City Council and Antioch School District had been postponed and requested all Councilmembers check their availability to reschedule the meeting for the last week of January 2002.

**ADJOURNMENT**

With no further business, Mayor Freitas adjourned the meeting at 11:34 P.M., to the next regular meeting on December 11, 2001.

Respectfully Submitted

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L. Jolene Martin  
Antioch City Clerk