

## ANTIOCH CITY COUNCIL

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

**September 2, 2003**  
**Council Chambers**

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

1. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT. Title: City Manager. This closed session is authorized by Government Code '54957.
2. LIABILITY CLAIM: Claimant: Sidney Sue Wilson. This closed session is authorized by Government Code '54956.95.

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

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

Mayor Freitas reported Councilmember Kalinowski's absence was due to work constraints.

### **PLEDGE OF ALLEGIANCE**

Boy Scout Troop 194 led the Council and audience in the Pledge of Allegiance.

On behalf of the City Council, Mayor Freitas welcomed Boy Scout Troop 194 this evening.

### **PROCLAMATIONS**

Coastweeks and California Clean-up Day, September 20 - October 11, 2003  
Driftwood Yacht Club Day and Made-A-Wish Day, October 4, 2003

On motion by Councilmember Conley, seconded by Councilmember Davis the Council unanimously approved the proclamations.

Councilmember Davis presented the proclamation proclaiming September 20 - October 11, 2003 as Coastweeks and California Clean-up Day to Park Superintendent Palmeri who thanked the Council for the proclamation and announced the Coastal Clean-up Day would be held on September 20, 2003 at the Marina from 9:00 a.m. to 12:00 P.M. He provided a contact number and website for those wishing to receive additional information.

Mayor Freitas, on behalf of the Council and community, thanked participating residents for their participation in the Coastal Clean-up event.

Councilmember Conley presented the proclamation proclaiming October 4, 2003 as Driftwood Yacht Club Day and Make-A-Wish Day to Commander Winky Scannell, who

thanked the City Council for the proclamation and provided a contact number for anyone wishing to participate in the event. She presented the City Council with Make-A-Wish pins.

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

Dave Williamson announced the Delta Blues Festival would be held on September 13, 2003, from 12:00 - 7:00 P.M. at Waldie Plaza adding this year an after-party would be held at Wallace Arms. He thanked the Rivertown Business Association and Arts and Cultural Foundation for sponsoring the event. He presented the City Council with a compilation CD of music previously performed at the Delta Blues event.

Mayor Freitas stated it was an outstanding event and urged the community to participate. He thanked Mr. Williamson for his participation in organizing the event.

Sandy Henry, President of the Antioch Chamber of Commerce, announced the Chamber would be sponsoring the 5th Annual East County Women's Conference on September 5, 2003 at the Nick Rodriguez Center beginning at 8:15 a.m. She provided a website and phone number for anyone wishing to participate in the event.

### **PRESENTATION B Buzz Walker honoring the Wall of Heroes**

Mr. Walker presented the City Council with 400+ custom designed proclamations, one for each member of the Armed Services represented on the City's *Wall of Heroes*. He expressed his appreciation to Annie Gibbs and Walter Walker from Graphic Reproductions for donating the proclamations.

Staff Sergeants representing each of the United States Armed Forces, i.e. Army, Marine Corp, Air Force and Navy read the proclamation aloud.

Mayor Freitas thanked the representatives for attending and their representation of the men and women fighting for our county and freedom. He thanked Mr. Walker for volunteering and noted, his caring and generosity spoke extremely well for the community.

Councilmember Simonsen thanked the representatives from the Army, Air Force, Navy and Marines as well as Mayor Freitas and Buzz Walker for honoring the servicemen with proclamations.

### **PUBLIC COMMENTS**

Elvin Scott thanked the public for helping him attain his non-profit status. He discussed his efforts to recover his pension credits and announced a Medal of Honor ceremony was scheduled for November 11, 2003 at Stoneman Park, Pittsburg sponsored by the VFW, DAV and Legionnaires.

Trudy Martinez thanked the City Council for their efforts in organizing the September 4, 2003 community meeting regarding the issues involving the Nokes Car Dealership. She

questioned if any Councilmembers would be able to attend and whether or not minutes would be taken. She thanked the City for providing the animal traps to the neighbors.

Mayor Freitas stated the City would contact Ms. Martinez regarding who would be attending the meeting, noting typically a staff report would be provided to the City Council regarding the outcome of the meeting.

Ken Lee, speaking of behalf of the residents of Fairview Terrace thanked the City Council for lessening the impact of dust from the Nokes Car Dealership on their residences. He requested Council take an active role in following up with their remaining concerns.

Sandy Henry, Antioch Chamber of Commerce, presented the City Council with new City maps and recognized Nancy McCaffery and Pam Agpalo for their hard work developing the new maps.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR JULY 22, and AUGUST 12, 2003 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. REJECTION OF CLAIMS #704-07**
  - 1. Claim of Kyle Haith, #03/04-1408**
  - 2. Claim of Daniel DiMatteo, #03/04-1410**
- D. LEGISLATION AND ADVOCACY #701-04**
- E. RESOLUTION NO. 2003/105 AUTHORIZING MAYOR TO SIGN QUITCLAIM DEED REGARDING STORM DRAIN EASEMENT, WREN COURT #814-01**
- F. RESOLUTION NO. 2003/106 APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE UPGRADES AT WATER TREATMENT PLANT "B" (PW 551-3) #1202-01**
- G. RESOLUTION NO. 2003/107 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 18, TRACT NO. 8324 (RICHLAND DEVELOPMENT/SOUTH TERRA CORPORATION) (PW 581-18) #802-02**
- H. RESOLUTION NO. 2003/108 MAKING CERTAIN FINDINGS IN CONNECTION WITH THE RECONSTRUCTION OF CENTURY BOULEVARD AND AUTHORIZING THE CITY OF PITTSBURG TO PROCEED WITH PROJECT #1102-04**

**I. CONSIDERATION OF BIDS FOR THE RECONSTRUCTION OF CONTRA LOMA BOULEVARD BETWEEN BUCHANAN ROAD AND PUTNAM STREET (PW 271-13) #1102-04**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar as presented with the exception of items A and D, which were removed for further discussion.

*Item A* - Councilmember Simonsen stated he had not been present at the August 12, 2003 meeting; Councilmember Davis stated he was not present at the July 22, 2003 City Council meeting.

On motion by Councilmember Conley, seconded by Councilmember Davis the Council approved the minutes of July 22, 2003. The motion carried the following vote:

Ayes: Conley, Simonsen, Freitas                      Abstain: Davis                      Absent: Kalinowski

On motion by Councilmember Conley, seconded by Mayor Freitas the Council approved the minutes of August 12, 2003. The motion carried by the following vote:

Ayes: Conley, Davis, Freitas                      Abstain: Simonsen                      Absent: Kalinowski

*Item D* - Councilmember Simonsen reported that SB 802 had been amended to include Vasco Road-Highway 84 and had passed out of the assembly appropriations committee on August 29, 2003. He suggested any members of the community wishing to support the issue, contact their elected officials and voice their support.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Councilmembers present unanimously approved Item D.

**PUBLIC HEARINGS**

**2. PRESENTATION BY ENGINEERING CONSULTANT WINZLER AND KELLY ON WASTE WATER COLLECTION MASTER PLAN AND WASTE WATER RATE STUDY AND RESOLUTION AMENDING MASTER FEE SCHEDULE FOR SEWER SERVICE AND SEWER CONNECTION CHARGES #1205-01**

Public Works Director Harrington presented the staff report dated August 5, 2003 recommending the City Council adopt the resolution approving an amendment to the City of Antioch's 2003/2004 Master Fee Schedule.

Kent Von Asberg gave a brief overview of the Wastewater Collection System Master Plan & Rate Study.

In response to Mayor Freitas, Mr. Von Asberg stated that he had been very careful to be in compliance with the Mitigation Fee Act.

Councilmember Simonsen expressed concern regarding the nexus for increasing the fees in areas of the City outside of the project areas.

Mayor Freitas commented it does not matter where you are in the system, the residents will be paying the same charge and there is a benefit in spreading the cost among all the users.

Mr. Von Asberg stated the highest priority projects were in the oldest portions of the City and in order to alleviate the problem, the fees needed to be raised as soon as possible. He noted delaying the improvements would mean higher costs in the future.

Public Works Director Harrington added the City had a camera truck and now takes a much more proactive approach to identify problem areas weekly adding it was important to have both the revenue and ability to address the problems before they surface.

**Opponents:**

Wilson Wendt, representing West Coast Home Builders, apologized for providing his comments in writing at the late date, he noted they had only received a 20-day continuance of the item; he had not received the report from their consultant until this afternoon. He voiced his opposition with Mr. Von Asberg noting their analysis indicated the proposed fee increase would not satisfy the requirements in the mitigation fee act. He urged the City Council to continue the item and refer their report to the City's consultant.

Mayor Freitas closed the public hearing.

Public Works Director Harrington stated the City's consultants had assured they were not in violation and there was a distinct separation between O&M and the responsibilities placed on the users of the existing system and the responsibilities being placed upon the existing and proposed new development as it comes online. He noted there were some uncertainties regarding the needs and costs; therefore, they had recommended the study be reviewed again in 3-5 years. He stated he was comfortable with the Master Plan and Rate Study provided by Winzler & Kelly.

In response to Mayor Freitas, City Attorney Galstan clarified the new rate would not go into effect for approximately 60 days. Therefore, should Council approve the recommendations as presented, both staff and the consultant would have the opportunity to review information provided tonight and make modifications as needed. The corrected information could be provided to Council at a subsequent meeting.

In response to Councilmember Simonsen, Public Works Director Harrington clarified the City had an aging system with many deficiencies, severe enough to justify the fee increases.

Mayor Freitas stated it was difficult for the Council to review a technical letter and memorandum on the day of the meeting. He requested for future Council meetings, staff provide a report either under the consent or action calendar, presenting a breakdown of the

the information reviewed by staff and the consultant, of the documentation provided this evening.

Councilmember Conley expressed his concern regarding the timing and contents of the documentation from Mr. Wendt.

Public Works Director Harrington affirmed staff, the consultant and legal counsel had the ability to look at the information provided tonight; should there be a change or request to modify, there would be a sufficient time to provide the information for Council's consideration

**RESOLUTION NO. 2003/109**

On motion by Councilmember Conley, seconded by Councilmember Davis the Councilmembers present unanimously adopted the resolution.

Councilmember Conley requested a report to the Council on the negative flow pipes, including the name of manufacturer. Mayor Freitas added he would like information on the steps the City could take to prevent negative flow pipes in the future.

Mayor Freitas stated it was appropriate for the City to be proactive regarding the Wastewater Collection System, to protect the public safety, health and welfare it was incumbent upon them to do so. He noted some of these same issues pertained to the water systems and he further noted his support of being proactive and requested a report from staff regarding the issue.

- 3. RESIDENTIAL DEVELOPMENT APPLICATIONS #204-05**  
**RDA-03-01 B DAVIDON HOMES REQUESTS AN ALLOCATION OF 549 SINGLE FAMILY RESIDENTIAL UNITS OVER A FIVE YEAR PERIOD FROM 2003 THROUGH 2007 ON APPROXIMATELY 170 ACRES LOCATED WEST OF THE FUTURE STATE ROUTE 4 BYPASS, APPROXIMATELY 2,600 FEET NORTH OF LONE TREE WAY AND 1,150 FEET FROM THE CURRENT EASTERN TERMINUS OF LAUREL ROAD IN ANTIOCH (APN 053 060 021 AND A PORTION OF 053 072 013)**

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council members present unanimously continued the item to October 14, 2003.

Mayor Freitas declared a recess at 8:56 P.M. The meeting reconvened at 9:08 P.M. with all Councilmembers present with exception of Councilmember Kalinowski who was previously excused.

**COUNCIL REGULAR AGENDA**

- 4. APPOINTMENT TO PLANNING COMMISSION B 4 FULL TERMS #302-06**

Mayor Freitas thanked City Engineer/Community Development Director Brandt and Planning Commission Chair Weber for participating in the interview process. Mayor Freitas nominated Roger Henry Jr. to the Planning Commission.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Councilmembers present unanimously approved the nomination of Roger Henry to the Planning Commission.

Mayor Freitas nominated Reginald Moore to the Planning Commission.

A nomination by Mayor Freitas to appoint Reginald Moore to the Planning Commission failed for a lack of a motion.

Mayor Freitas nominated Dolores Long to the Planning Commission.

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Councilmembers present unanimously approved the nomination of Dolores Long to the Planning Commission.

Mayor Freitas nominated Robert Martin to the Planning Commission.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the Councilmembers present unanimously approved the nomination of Robert Martin to the Planning Commission.

Mayor Freitas nominated Domingo Delgadillo to the Planning Commission.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the Councilmembers present unanimously approved the nomination of Domingo Delgadillo to a term on the Planning Commission.

Mayor Freitas encouraged all the residents who applied to continue to participate in the public meeting process and wished the members appointed the best of luck on the Planning Commission.

Councilmember Conley voiced his concern regarding the timing of the term limits noting he was not in support of four of the seven Planning Commissioner=s terms of office expiring at the same time. He requested the issue be agendized for City Council discussion. The Councilmembers present unanimously supported Councilmember Conley's request.

- 5. KAISER PERMANENTE REQUESTS AN APPEAL TO THE DESIGN REVIEW BOARD DECISION TO DENY PROPOSED REVISIONS TO THE KAISER DEER VALLEY ROAD CAMPUS SIGN PROGRAM, SPECIFICALLY THE REVISION OF COLORS FOR THE MONUMENT AND DIRECTIONAL SIGNS #202-03**

Associate Planner Albro presented the staff report dated August 28, 2003 recommending the City Council overturn the Design Review Boards decision to deny, and approve the requested sign program color change for the Kaiser Campus.

**PROPOSERS:**

Alan Turner, Architect speaking on behalf of Kaiser Permanente, reviewed and provided the City Council with side-by-side comparisons of the prior sign design with the proposed signs as well as the project site plan. He explained, between the time the original submittal was approved and the present, the corporate standards had changed to reflect a nationwide program.

Hollis Harris, Capital Projects Team Manager for Kaiser, expressed her appreciation to the Council for hearing the item and stated the proposed sign design was part of their national standard signage program. She noted Kaiser viewed the request as a minor change to the development standards and requested the Councils' consideration.

**OPPOSERS:**

Sandra Golightly, Chairperson of the Design Review Board, gave a brief history of Kaiser's application regarding the medical office building and signage. She voiced her concern stating, at the final presentation of this item to the Design Review Board, in addition to the color change, the display boards indicated the dimensions and styles were altered for the signage. She stated the Design Review Board offered to darken the tan color to provide the contrast needed and discussed the importance of the signage to be complementary to the buildings throughout the campus. She noted the new sign colors did not blend or enhance the building colors and she urged the City Council to deny the appeal and require Kaiser to build what was approved and agreed to.

**REBUTTAL:**

Ms. Harris stated it was in Kaiser's best interest to go with the new standard noting it would complement the building. She noted the signs were fabricated but had not been installed and Kaiser was moving toward their September 16, 2003 Opening Event, which was why they were at the meeting requesting approval.

Councilmember Simonsen discussed the importance of the City to be business friendly and stated he felt Council should give guidance to the Board and Commission members regarding the Council's policies and guidelines. He stated he supports the appeal noting he felt it was insignificant and corporate identity was important to Kaiser.

Councilmember Conley stated he felt the Design Review Board had acted appropriately on the manner and it was the City Council's duty to determine if the proposed changes were acceptable. He noted he felt the signs would blend with the building and he would support the national identity.



Mayor Freitas stated he felt the Design Review Board had done their job initially and their approval process enhanced the architecture. He noted he was compelled to approve the appeal due to Kaisers request for their national corporate identification.

In response to Mayor Freitas, Associate Planner Albro clarified the motion applied to the approval of the sign color only.

**RESOLUTION NO 2003/110**

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council members present unanimously approved the appeal, thereby overturning the denial of the Design Review Board in adopting sign program color change for the Kaiser Campus.

**6. RESOLUTION APPROVING AN AGREEMENT WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) INCENTIVE LOAN PROGRAM AND NORTH AMERICAN TRUCK MANUFACTURING CORPORATION #901-01**

Acting Economic Development Director Netter presented the staff report dated August 26, 2003 recommending the City Council adopt the resolution authorizing the City Manager to execute an agreement to loan \$195,000 from the Community Development Block Grant funded Job Development Incentive Loan Program to North American Truck and Manufacturing Corporation.

Following discussion, Mr. Mills stated he supported establishing a sales office in the City of Antioch.

Mayor Freitas requested the term foreman be replaced with supervisor in the agreement.

**RESOLUTION NO. 2003/111**

On motion by Councilmember Davis, seconded by Councilmember Conley the Councilmembers present unanimously approved the resolution changing Item #4 from Aeach August 8" to state Aa year after approval and each anniversary date thereafterAand adding clause to establish a sales office in Antioch.

Mayor Freitas, on behalf of the City Council and community, thanked Mr. Mills for investing in the community.

**PUBLIC COMMENTS B None**

**COUNCIL COMMUNICATIONS**

Mayor Freitas stated he hoped everyone had enjoyed their vacations and noted the General Plan, FUA1 and RDA would be heard before the City Council in the near future. He welcomed Councilmember Simonsen back and thanked him for the gifts. He announced the next scheduled City Council meeting was September 23, 2003.

**STAFF COMMUNICATIONS**

City Attorney Galstan announced there was renewed interest in the Waterfront Development Plan, and a meeting with interested developers would be scheduled for late September 2003. When he asked if at least two of the Councilmembers would be available for this meeting; Council consensus was to check with the Councilmembers after a date had been set for availability.

With no further business, Mayor Freitas adjourned the meeting at 10:02 P.M. to the next regular Council meeting on September 23, 2003, again noting there would not be a Council meeting on September 16, 2003.

Respectfully Submitted

L. JOLENE MARTIN, City Clerk

Approved

DONALD P. FREITAS, Mayor

Attest

L. JOLENE MARTIN, City Clerk