

**ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY**

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

**November 8, 2005
Council Chambers**

6:00 P.M. _ CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATOR.** Agency Negotiator: Holly Bock_Cohn; Employee Organization: All represented groups. This Closed Session is authorized by Government Code §54957.6.
2. **PUBLIC EMPLOYEE APPOINTMENT.** Position to be filled: City Attorney. This closed session is authorized by Government Code §54957.

Mayor Freitas called the meeting to order at 7:02 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 the City Council had been in Closed Session and there was no reportable action. He reminded the public it was Election Day and encouraged everyone to vote.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Devi Lanphere, Antioch Chamber of Commerce, reported they would be accepting nominations for Citizen and Business of the Year through December 15, 2005 and the dinner would be held on January 27, 2006. Contact information was provided.

Barbara Herenden announced the City's Veteran's Day program would be held at 10:00 A.M. on November 11, 2005 and reported the family of Antioch resident, George Dietrich who was killed in action, had been invited for the unveiling of the War Dog Memorial Plaque. She invited all Councilmembers to attend in support of the Veterans.

PUBLIC COMMENTS

Patrick Freitas, Antioch resident, announced he was working on an Eagle Scout project, collecting new and used camping equipment for boy and girl Scouts in Vietnam. Drop-off days were November 19, 2005 at Prewett Park and November 22, 2005 at Holy Rosary Church from 11:00 A.M. to 1:00 P.M. Contact information was provided for anyone wishing to receive additional information.

Mayor Freitas encouraged the community to participate in the Eagle Scout project.

Emil Stein, Antioch resident, requested a copy of the procedures to file an appeal of the Council's decision regarding the outstanding issues at the Noke's Dealership. Mayor Freitas explained to Mr. Stein, Council had taken all action available to the City. If he and other residents wished to proceed further, they would need to do so through the courts. Mr. Stein questioned which municipal code defines how much light could legally shine into/onto a private residence? Mayor Freitas encouraged Mr. Stein to make an appointment with City Attorney Galstan to review the information.

Ken Lee, Antioch resident, reported most of his concerns regarding code enforcement had been corrected, however Councilmember Simonsen's property was in violation of City codes.

1. COUNCIL CONSENT CALENDAR

- A. **APPROVAL OF COUNCIL MINUTES FOR OCTOBER 11, 2005#301-02**
- B. **APPROVAL OF COUNCIL WARRANTS.....#401-02**
- C. **REJECTION OF CLAIM.....#704-07**
 - 1. **Loretta Sochor, #05/06-1586 (vehicle damage)**
- D. **LEGISLATION AND ADVOCACY.....#701-04**
- E. **ORDINANCE NO. 1061 C-S ADDING SECTIONS 5-1.204 and 9-5.1005 TO THE ANTIOCH MUNICIPAL CODE AND ADDING PARAGRAPH (D) TO SECTION 9-5.1002 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH COMMERCIAL PROPERTY MAINTENANCE.....#701-05**
- F. **ORDINANCE NO. 1062 C-S AMENDING SECTION 9-5.203 OF THE ANTIOCH MUNICIPAL CODE AND ADDING SECTION 9-5.3808.1 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH ADULT BOUTIQUES.....#701-05**
- G. **RESOLUTION APPROPRIATING ADDITIONAL EXPENDITURES TO THE 2005/06 FISCAL YEAR BUDGET (Con't to 11/22/05).....#410-02**
- H. **RESOLUTION NO. 2005/120 & 2005/121 APPROVING FINAL MAP AND IMPROVEMENT PLANS FOR OAKLEY KNOLLS SUBDIVISION, (DISCOVERY BUILDERS), TRACT NO. 8501 AND ANNEXING TO THE CITY WIDE LIGHTING AND LANDSCAPING DISTRICT 5, ZONE 1, (PW 647)#802-02**
- I. **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE ANTIOCH LANDFILL MITIGATION (PW 637) (return to Council)#1402-03**
- J. **RESOLUTION ACCEPTING GRANT FROM STATE OF CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS FOR REMOVAL OF ABANDONED VESSELS WITHIN OUR JURISDICTION (Con't to 11/22/05)#203-02**

K. BUDGET ADJUSTMENT REDUCING RESERVE FUND BY \$13,000 FROM LEISURE SERVICE FIELD MAINTENANCE PROGRAM#410-02

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously approved the Council Consent Calendar with the exception of items G, H, I, J, K, which were removed for further discussion.

Item G - On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council members present unanimously held the item over to November 22, 2005.

Item H - In response to Mayor Freitas, Community Development Director/City Engineer Brandt clarified the one-foot strip for Oakley Knolls Subdivision was a City owned parcel.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council members present unanimously approved item H.

Item I - In response to Mayor Freitas, Community Development Director/City Engineer Brandt stated he would bring the plan back to Council for review.

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Councilmembers present unanimously held this item over to a future date.

Item J - On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Councilmembers present unanimously continued the item to November 22, 2005.

Item K -In response to Councilmember Simonsen, staff indicated the remaining balance in the reserve was \$21,000.

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

4. APPOINTMENT OF TWO (2) REPRESENTATIVES TO JOINT ANTIOCH CITY COUNCIL /ANTIOCH UNIFIED SCHOOL DISTRICT BOARD SUBCOMMITTEE #302-10

Mayor Freitas nominated Councilmembers Conley and Davis as the City's representatives to the Joint Antioch City Council / Antioch Unified School District Board subcommittee.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council members present unanimously appointed Councilmembers Conley and Davis

as representatives to the Joint Antioch City Council / Antioch Unified School District Board subcommittee.

**5. APPOINTMENTS TO BOARD OF ADMINISTRATIVE APPEALS TO FILL TWO
(2) UNEXPIRED TERMS#302-06**

Mayor Freitas nominated Deborah Simpson to fill the existing unexpired term on the Board of Administrative Appeals.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the City Councilmembers present unanimously appointed Deborah Simpson to fill this unexpired term, which would terminate in March 2009.

Mayor Freitas nominated Diana Busenbarrick to fill the 2nd unexpired term on the Board of Administrative Appeals.

On motion by Councilmember Conley, seconded by Councilmember Davis, the City Councilmembers present unanimously appointed Diana Busenbarrick to fill the unexpired term, which would terminate in March 2007.

Mayor Freitas nominated Frederick Rouse to fill the unexpired term of office of the alternate for Board of Administrative Appeals.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Councilmembers present unanimously appointed Frederick Rouse to fill the unexpired term of office as the Alternate. This term would terminate in March 2007.

**6. APPOINTMENT TO DESIGN REVIEW BOARD TO FILL ONE UNEXPIRED TERM
#302-09**

Mayor Freitas nominated Mike Langford to the unexpired term on the Design Review Board.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Councilmembers present unanimously appointed Mike Langford to the unexpired term on the Design Review Board.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present with the exception of Agency Member Kalinowski who had been excused.

8. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS.....#401-02

On motion by Agencymember Conley, seconded by Agencymember Davis the Agencymembers present unanimously approved the warrants.

B. RESOLUTION OF THE ANTIOCH DEVELOPMENT AGENCY APPROPRIATING ADDITIONAL EXPENDITURES TO THE 2005/06 FISCAL YEAR BUDGET
.....#410-02

On motion by Agencymember Simonsen, seconded by Agencymember Conley the Agency unanimously held this item over to November 22, 2005.

Chairperson Freitas adjourned to the Antioch City Council with all Councilmembers present with the exception of Councilmember Kalinowski who was excused.

Mayor Freitas declared a recess at 7:23 P.M. The meeting reconvened at 7:31 P.M. with all Councilmembers present with the exception of Councilmember Kalinowski who was excused.

PUBLIC HEARINGS

2. RESOLUTION FINDING NO MAJORITY PROTEST, ESTABLISHING THE BOUNDARIES OF THE AREA OF BENEFIT, ESTABLISHING THE COSTS AND METHOD OF ALLOCATION OF COSTS AND FEE APPORTIONMENT FOR THE HILLCREST AVENUE - WILDFLOWER DRIVE BENEFIT DISTRICT (PW 357-307-04-BD).....#806-05

Assistant City Engineer Warren presented the staff report dated October 21, 2005 recommending the City Council to adopt the resolution.

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

RESOLUTION 2005/122
RESOLUTION 2005/123

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council members present unanimously approved both resolutions.

COUNCIL REGULAR AGENDA

3. PRESENTATION BY PG&E CONCERNING PROPOSED SUBSTATION SITE WITHIN THE SAND CREEK FOCUS AREA.....#1201-02

Buck Jones, representing Pacific Gas & Electric provided the City Council with, and gave a brief overhead presentation of, the Delta Substation project.

Mayor Freitas suggested Mr. Jones meet with Kaiser to discuss plans to provide services for the hospital should the development of the substation be delayed and not completed prior to the facility opening.

In response to Council, Mr. Jones stated they would be working out all issues related to landscaping to ensure proper screening of the substation. In addition, with regards to screening existing facilities, he noted they would entertain all suggestions through the process with the Commission.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Councilmembers present unanimously received and filed the report.

7. DISCUSSION OF REVIEW OF INTERIOR PLANS FOR NEW CONSTRUCTION
.....#809-01

Community Development Deputy Director Carniglia presented the staff report dated November 3, 2005 recommending the City Council: 1) Direct staff to study and prepare a report and recommendation to City Council regarding the review of residential floor plans; and, 2) Provide direction to staff regarding residential projects currently under consideration.

Mayor Freitas suggested the City Council direct staff to take a look at this issue and consider a policy as well as a process for the review of internal spaces. He expressed a great deal of concern regarding the lack of adequate storage, compounded by the requirement cars would be required to park in the garages at this K&B subdivision.

Councilmember Simonsen questioned whether the City had sufficient staff with time to perform reviews of internal spaces for residential projects. He stated he was in support of studying a policy regarding home storage related to upcoming projects, however, he felt any current applications in the process of entitlements, should not be subject to new City policies.

As this was a quality of life issue, Mayor Freitas believed any policy should apply to all current and future applications.

Community Development Deputy Director Carniglia clarified the use permit for the K&B Homes project had been approved by the Planning Commission but would need to go through the Design Review Board process, adding building permits had not yet been issued.

City Attorney Galstan stated if the Council continued the K&B project until a policy was developed, he would recommend returning to the next meeting with an urgency ordinance stipulating the onset of an interim study period. He added the project in question had received all discretionary approvals.

Councilmember Conley stated he believed it was reasonable for the City to set standards regarding interior space, however, he did agreed with Councilmember Simonsen that the K&B project was far enough along in the process to render a new policy a burden.

Councilmember Davis agreed with Mayor Freitas, applying a new policy to the K&B project was appropriate.

Mayor Freitas stated by reason of the K&B Homes issue being a split decision by Council, the project would move forward.

Following discussion the Council directed staff to take the following action:

- 1) Take a look at interior design standards including such things as storage and second units; 2) Come back to the City Council with a policy in 60-days for review and consideration, and
- 3) While the K&B project would move forward, other projects would be held in abeyance until the policy was developed and ready for enforcement.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

Assistant City Manager Pappas Diaz reminded the City Council November 15, 2005 was the Economic Development Commission Business Partnership Breakfast at the Lone Tree Golf Course dining facility.

The next City Council meeting was scheduled for November 22, 2005 at 7:00 P.M.

City Attorney Galstan reminded Mayor Freitas to adjourn to closed session on November 21, 2005 for City Attorney interviews.

COUNCIL COMMUNICATIONS

Councilmember Davis announced the Veteran's Day program would be held on November 11, 2005 at 10:00 A.M. at the foot of "L" Street.

Councilmember Simonsen announced the United States Marine Corp would be celebrating their birthday on November 10, 2005.

Mayor Freitas announced the Black Cat Ball had been an extraordinary event and congratulated the Friends of Animal Services as well as everyone responsible.

With no further business, Mayor Freitas adjourned the meeting at 8:46 P.M. to a Closed Session on November 21, 2005 at the Antioch Police Department conference room.

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November 8, 2005, 2005

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Respectfully Submitted

L. JOLENE MARTIN, CMC