

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

September 14, 2004
Council Chambers

6:00 P.M. - CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - Pending Litigation: South Terra Corp. v. Silveroak Development Corp. and City of Antioch. Contra Costa County Superior Court #C04-00424. This closed session is authorized by Government Code §54956.9.
2. CONFERENCE WITH LABOR NEGOTIATOR: Agency Negotiator: Holly Brock-Cohn; Employee Organization. All represented groups. This Closed Session is authorized by Government Code §54957.6.

Mayor Freitas called the meeting to order at 7:11 P.M. and City Clerk Martin called the roll.

Present: Councilmembers Kalinowski, Davis, Conley, Simonsen and Mayor Freitas

Mayor Freitas stated Council had taken action on Closed Session on Item 1, South Terra Corporation v. Silveroak Development Corporation and City of Antioch, Contra Costa County Superior Court #C04-00424. Attorney Galstan reported the City Council approved a settlement agreement in the case on a 4-0 vote, with Councilmember Kalinowski being absent.

Mayor Freitas reported there was no action taken in Closed Session on Item No. 2, Conference with Labor Negotiator.

Mayor Pro Tem Davis led the council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF BOARD OR COMMISSION

City Clerk Martin announced the City of Antioch was currently accepting applications for the Design Review Board to fill two expiring positions. She gave a brief overview of the duties of the Design Review Board. She also announced the City was also seeking candidates for one (1) unexpired term on the Police Crime Prevention Commission and gave a brief overview of the duties.

PRESENTATIONS

Mayor Freitas announced a dinner was held on September 11, 2004 to honor the following:

- Officer of the Year 2003: Preston Garcia
- Non-Sworn Officer of the Year 2003: Nicole Lucido
- Firefighter of the Year: Terry Newberry
- Knights of Columbus: Richard Solis

Proclamations were read by Mayor Freitas and presented to both Preston Garcia, Officer of the Year 2003 and Nicole Lucido, Non-Sworn Employee of the Year 2003.

Police Chief Moczulski stated the two individuals exemplified the professionalism found in the employees of the Police Department and expressed his appreciation for the work they performed.

A plaque was presented by Chairperson of the Parks & Recreation Commission, Gerald Leider, to Farideh Faraji, who had served the City of Antioch for 10 years as a member of the Park & Recreation Commission

On motion by Councilmember Conley and seconded by Councilmember Davis, the City Council unanimously confirmed the Presentations.

PROCLAMATIONS

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

COASTWEEKS, SEPTEMBER 20 - OCTOBER 12, 2004 AND CALIFORNIA CLEANUP DAY, SEPTEMBER 18, 2004 - Mayor Freitas read the Proclamation and Park Superintendent Frank Palmeri expressed his appreciation to the City and reported on the specifics of the event.

DRIFTWOOD YACHT CLUB DAY AND MAKE-A-WISH DAY, OCTOBER 2, 2004 - Mayor Freitas read the Proclamation and Ms. Donna McCain stated this would be the 18th Annual Cruise Day and expressed her appreciation to the City for recognizing the event.

NATIONAL HISPANIC HERITAGE MONTH, SEPTEMBER 15 - OCTOBER 15, 2004 - Mayor Freitas read the Proclamation and Ms. Carmen Ochoa expressed her appreciation to the City and spoke in remembrance of Mr. Nick Rodriguez for his service to the community.

RIVERTOWN JAMBOREE DAYS - SEPTEMBER 25-26, 2004 - Mayor Freitas read the Proclamation before it was presented to Ms. Betty Smith who spoke about the 19th Annual Rivertown Jamboree Days event.

PUBLIC COMMENTS

Walter Ruehlig, Antioch Library Commissioner, explained the need for library funding and stated many more signatures would be needed if Antioch's petition was going to be taken into consideration in Sacramento when the library funds became available.

Emil Stein, 1705 Tulip Drive, requested clarification of Councilmember Conley's visit to a car dealership.

Devi Lanphere, President of Antioch Chamber of Commerce, announced three future events sponsored by the Chamber:

- § Candidate Forum to be held in the City Council Chamber on September 27 at 6:00 P.M. featuring candidates for Mayor, City Council and School Board candidates
- § State of Schools Luncheon to be held at Prewett Park on October 7 at 12:00 P.M. - reservations required.
- § Pasta and Politics Event to be held at the American Legion Hall on October 21 at 6:00 P.M.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR JULY 27, 2004.....#301-02**
- B. APPROVAL OF COUNCIL WARRANTS..... #401-02**
- C. REJECTION OF CLAIMS#704-07**
 - 1. Karyn Jasch, #04/05-1507 (vehicle damage)
 - 2. Gelaine Adams, #04/05-1508 (vehicle damage)
 - 3. Tamora Oliveira, #04/05-1513 (vehicle damage)
 - 4. Gerald Jones, #04/05-1503 (property damage)
 - 5. Ron Torres, #04/05-1482B (stolen property)
 - 6. Bret Nissen, #04/05-1500 (vehicle damage)
 - 7. Terry Meek, #04/05-1496 (vehicle damage)
- D. LEGISLATION AND ADVOCACY#701-04**
 - 1. AUTHORIZE LETTER OPPOSING AB 2702 (STEINBERG), DEALING WITH SECOND RESIDENTIAL UNITS
- E. ORDINANCE NO. 1031-C-S ADDING 4-5.1223.1 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH RECREATIONAL VEHICLE (RV) PARKING IN RESIDENTIAL ZONING DISTRICTS (Introduced 8/10/04)#701-05**
- F. CONSIDERATION OF BIDS FOR THE CURB, GUTTER AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AT MISCELLANEOUS LOCATIONS, PW 507-10#1301-01**
- G. RESOLUTION NO. 2004/107 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND KNOLLS UNIT 22, TRACT 8467 (RICHMOND AMERICAN HOMES), PW581-22.....#802-02**
- H. RESOLUTION NO. 2004/108 ACCEPTING IMPROVEMENTS FOR DIABLO WEST SUBDIVISION, UNIT 6 TRACT NO. 8245; UNIT 8 TRACT NO. 8313; AND UNIT 9 TRACT NO. 8314 (RICHMOND AMERICAN HOMES), PW 579-6, 8& 9 ... #802-02**

- I. **RESOLUTION NO. 2004/109** ACCEPTING IMPROVEMENTS FOR DIABLO WEST SUBDIVISION, UNIT 4 TRACT NO. 8243; (WILLIAM LYONS HOMES), PW 579-4, AND AUTHORIZING THE MAYOR TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR DIABLO WEST SUBDIVISION UNIT 4 TRACT 8243, PW 579-4 #802-02
- J. **RESOLUTION NO. 2004/110** ACCEPTING IMPROVEMENTS FOR DIABLO WEST SUBDIVISION, UNIT 5 TRACT NO. 8244; (WILLIAM LYON HOMES), PW 579-5, AND AUTHORIZING THE MAYOR TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR DIABLO WEST SUBDIVISION UNIT 5 TRACT 8244, PW 579-5#802-02
- K. **RESOLUTION NO. 2004/111** ACCEPTING COMPLETED IMPROVEMENTS FOR DIABLO WEST SUBDIVISION UNITS 7, TRACT 8312 (WARMINGTON HOMES), PW 579-7 #802-02
- L. **RESOLUTION NO. 2004/112** ACCEPTING IMPROVEMENTS OF DEER VALLEY ROAD, KAISER, PHASE 1, PW 628-1.....#1102-04
- M. **RESOLUTION NO. 2004/113** JOINT EXERCISE OF POWERS AGREEMENT BETWEEN EAST COUNTY TRANSPORTATION IMPROVEMENTS AUTHORITY, STATE ROUTE 4 BYPASS AUTHORITY AND THE CITIES OF ANTIOCH AND OAKLEY FOR THE LAUREL ROAD EXTENSION PROJECT #1102-04
- N. **RESOLUTION NO. 2004/114** APPROVING AGREEMENT FOR THE JOINT USE OF DIABLO WEST PARK AND NORTH AMERICAN SCHOOL PLAY FIELDS WITH ANTIOCH UNIFIED SCHOOL DISTRICT, PW 579-P #1402-03
- O. **RESOLUTION NO. 2004-115** APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE REIMBURSEMENT AGREEMENT BETWEEN CITY OF ANTIOCH AND BLACK DIAMOND KNOLLS, FOR THE CONSTRUCTION OF DIABLO WEST PARK, TRACT NO. 8243, PW 579-P #1402-03
- P. **RESOLUTION NO. 2004/116** FINDING THE MCBAIL COMPANY (SAND CREEK RANCH DEVELOPMENT) IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE 2003 CALENDAR YEAR.....#802-02
- Q. **RESOLUTION NO. 2004/117** ACCEPTING IMPROVEMENTS FOR HEIDORN PARK AT MEADOW CREEK VILLAGES, TRACT NO. 7711 (WEST COAST HOME BUILDERS), PW 569-P#1402-03

Councilmember Conley requested Item No. N be pulled and Mayor Freitas pulled Item Nos. E and L.

On motion by Councilmember Davis and seconded by Councilmember Conley, the City Council unanimously approved the Consent Calendar with the exceptions of Item E, L and N.

Item E - David Boatwright, resident, stated he parked his RV in front of his home for an extended period of time when it was not being loaded or unloaded. He felt the Ordinance, as written, did not comply with the current California Vehicle Code nor any court interpretations of the Vehicle Code Section 22507. He stated there was not a section in the California Vehicle Code giving the expressed authority to the City limiting the parking of RV's on any public street, not even Section 22507. Furthermore, he felt a recent Appellate Court decision involving Santa Barbara, the same one being used by Antioch's City Attorney to justify the ordinance was not a part of the proposed ordinance. His understanding was the City planned to lobby the State Legislature to allow the type of ordinance without signage was, in his opinion "Putting the Cart Before the Horse." Mr. Boatwright felt the proposed ordinance, as written, failed to give an adequate definition of "active", whether it be loading or unloading, repairing or cleaning. He further stated the findings in the study failed to provide the rate reduction of property values to prove such an assertion.

Mr. Boatwright requested the City of Antioch not approve the ordinance and requested the City Service Officer more effectively use and enforce the 72-hour State Law currently on the books.

On motion by Councilmember Conley and seconded by Councilmember Kalinowski, the City Council unanimously approved adding Section 4-5.1223.1 to the Antioch Municipal Code, dealing with Recreational Vehicle Parking in Residential Zoning Districts.

Item L - Mayor Freitas pulled the item due to issues relating to landscaping and wanted to ensure the correct landscaping, as originally proposed, and if so, would be completed. Community Development Director/City Engineer Brandt responded the landscaping would be completed, per the Mayor's request.

On motion by Councilmember Conley and seconded by Councilmember Simonsen, the City Council unanimously accepted improvements of Deer Valley Road, Kaiser, Phase 1 (PW 628-1)

Item N - Councilmember Conley spoke in favor of the Agreement.

On motion by Councilmember Conley and seconded by Councilmember Simonsen, the City Council unanimously approved an agreement for the joint use of Diablo West Park and Lone Tree Elementary School play fields (PW 579-P)

Mayor Freitas explained the Public Hearing process.

PUBLIC HEARINGS

2. DAVIDON HOMES REQUESTS AN ALLOCATION OF 562 SINGLE FAMILY RESIDENTIAL UNITS OVER A FOUR YEAR PERIOD UNDER THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM. THE SITE IS APPROXIMATELY 170 ACRES AND IS GENERALLY LOCATED WEST OF THE FUTURE STATE ROUTE 4 BYPASS AND NORTH OF LONE TREE WAY (APN 053-060-021 AND A PORTION OF 053-072-013) (RDA-04-01) (Con't from 8/10/04) #204-05

Senior Planner Wehrmeister provided an overview of the Staff Report dated September 3, 2004.

Mayor Freitas opened the Public Hearing calling for comments.

Proponent:

Jeff Thayer, Vice President of Davidon Homes, provided a brief synopsis of background information on the project and noted two different packets were distributed to the Council of architectural home styles for the Council's review. He further spoke to the financial impact of the project, per the Staff Report and felt the project would be a key cornerstone project for ultimate development and enhancement of the economic future for Antioch in the particular area. Mr. Thayer felt involvement with the Homebuilder's Association could aide in the traffic concerns existing in the area, and noted a Transportation Committee through the Association had been formed to raise monies for Highway 4. He further stated the Committee would generate interest at the State level or at the Federal level through various ideas. Mr. Thayer requested the Council's approval of the project.

Closed Public Hearing

Councilmember Simonsen felt specific issues were addressed by the applicant and spoke to the allocation of 562 single family units with Mr. Thayer. Councilmember Simonsen felt a major issue for the City, in terms of economic development, would be to devise a way to open the area north of Slatten Ranch for Commercial Office/Warehouse development and the development would aide in providing a considerable benefit to the City of Antioch.

Councilmember Conley felt comfortable with the allocation agreement based on the fact an RDA Improvement was not an Entitlement Action, and the purpose of the RDA was to determine the number of units a developer may submit for entitlement. Therefore any positive approval tonight would not entitle the project. Councilmember Conley further spoke to the future funding of Highway 4, as well as his support of Measure "J". He felt the developers needed to more diligently work on obtaining additional funds for the widening of Highway 4. He further felt both the building industries and sister cities should be involved in the effort.

Councilmember Kalinowski felt satisfied with the current proposal and voiced his appreciation to Davidon Homes in working with the concerns of the City Council. He expressed concern regarding the fact monies were being fronted for infrastructure improvements that could come back to the City when the Jacuzzi Property develops, was not a guarantee and would be placed on the shoulders of future Councils. He also expressed his concern regarding the

City's ability to secure nearly \$15 million for other infrastructure improvements within the community, and noted there was nothing within the development whereby the RDA Agreement would secure the funding, i.e. if the money was not used, it would be returned to the City to use throughout the community for infrastructure development.

In responding to Councilmember Kalinowski, Community Development Director/City Engineer Brandt stated if the City Council authorized an RDA allocation of a variation of the 562 single family homes, staff would move forward with a formation of a CFD and would be doing this while processing the Tentative Map to allow Davidon Homes the eventual entitlements they were requesting. Mr. Brandt noted he would further research Councilmember Kalinowski's concern and it would be brought back prior to the approval of the Tentative Map or with the Tentative Map. Furthermore, the Council was under no obligation to vote in the favor of the Tentative Map. City Attorney Galstan interjected a Development Agreement would be made a part of the Entitlement package and the terms of the Development Agreement would limit the manner in which the City could spend the funds and a contract could be made between the City and Davidon Homes to the effect.

Councilmember Conley voiced his concern regarding safety issues relating to the current layout of the submitted street map and requested other road variations be submitted.

Mayor Freitas felt any home built within the community should contain a Community Benefit, and this was the whole premise of the Residential Density Allocation. He further discussed the proposed density of the project and felt, per past discussions regarding FUA-1, he felt very strongly about a minimum lot size should be constructed at 8,000 sq. ft. lots. Furthermore, through past discussions with Davidon Homes, he still felt strongly the project contained too many homes on too few lots in the particular development and suggested the number of single family homes be brought down to around 400 units over a four to five year period of time. Councilmember Kalinowski echoed the Mayor's concerns regarding the proposed density.

Mayor Freitas clarified for the record, per the Resolution, paragraph 8, "Now Therefore Be It Resolved" that the City Council does hereby APPROVE 562 single family residential units over four years (2005 - 125; 2006 - 150; 2007 - 150; 2008 - 137).

RESOLUTION NO. 2004/118

On motion by Councilmember Simonsen and seconded by Councilmember Davis , the City Council adopted the resolution approving an allocation of residential units for the Davidon / Jacuzzi Subdivision.

AYES: Davis, Conley and Simonsen,

NOES: Kalinowski and Freitas

A break was taken at 8:34 P.M. and reconvened at 8:49 P.M..

Again, Mayor Freitas reviewed the Public Hearing process.

3. RESOLUTION FINDING NO MAJORITY PROTEST, ESTABLISHING THE BOUNDARIES OF THE AREA OF BENEFIT, AND ESTABLISHING THE COSTS AND METHOD OF ALLOCATION OF COSTS AND FEE APPORTIONMENT FOR THE PROPOSED SAND CREEK - LONE TREE WAY BENEFIT DISTRICT, PW 639-BD #802-02

Assistant City Engineer Bernal provided an overview of the Staff Report dated August 25, 2004.

The Public Hearing was opened and with no comments heard, the Public Hearing was closed.

RESOLUTION NO. 2004/119

On motion by Councilmember Kalinowski and seconded by Councilmember Conley, the City Council approved the finding of 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 Sand Creek - Lone Tree Way Benefit District (PW 639-BD) was passed unanimously.

4. SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND MONIES #1301-01

Police Chief Moczulski provided an overview of the Staff Report dated August 12, 2004.

The Public Hearing was opened and with no public speakers wishing to be heard, the Public Hearing was closed.

On motion by Councilmember Davis and seconded by Councilmember Conley, the City Council unanimously agreed to receive and file the item.

5. MERIDIAN PROPERTY COMPANY REQUEST FINAL PLANNED DEVELOPMENT, USE PERMIT AND TENTATIVE MAP FOR A PROFESSIONAL OFFICE COMPLEX LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF HILLCREST AVENUE AND WILDFLOWER DRIVE (PD-04-04, UP-04-07, PW 357-307-04) AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM #202-03

Senior Planner Wehrmeister provided an overview of the Staff Report dated September 2, 2004.

At the request of Mayor Freitas, Staff further explained the construction and maintenance of the "private loop road" off of Hillcrest Avenue and Wildflower Drive. Mayor Freitas expressed concern regarding the road being a "private road" and a long term maintenance agreement, noting he wanted to ensure language could be added to the CC&R's to ensure the road would be properly maintained in the future. Mayor Freitas also expressed concern to the landscaping within the parking lot and felt it was not sufficient and suggested additional trees be planted.

The Public Hearing was opened.

PROPONENT

Joseph Tambernino, Vice President of Meridian Property Company, provided a Power Point presentation highlighting the amenities of the project.

Mayor Freitas closed the Public Hearing.

Mayor Freitas reiterated his concerns regarding the on-going operation and maintenance of the "private loop road" to Mr. Tambernino. Mr. Tambernino stated he had a similar concern and noted at the present time there were restrictions in place originally placed by Citation Homes which called for those parcels touching the loop road to share in the ongoing maintenance and upkeep of the loop road. It would also include those businesses to the east and south who share the road, with the exception of Chevron, but including the businesses Express Care Oil Change, Antioch Magnetic Imaging, and the project being proposed. Those businesses share on a pro-rated basis in the ongoing maintenance. Mr. Tambernino further noted CC&R's state any owner or group of owners who own a minimum of 20% of the total area served by the loop road can demand the road be maintained at a certain level. Mayor Freitas requested some type of language be added to the CC&R's giving the City the authority to require the road be repaired should it deteriorated to the point below City standards. Mr. Tambernino agreed.

Mayor Freitas reiterated his concern to the scarcity of trees to provide shade within the parking lot. Mr. Tambernino stated he would address the issue and add additional trees to meet the concerns of the Mayor.

Councilmember Simonsen wanted to ensure any additional trees added to the parking lot would be a "fast-growing" variety of tree to provide additional shading. He further wanted to ensure a monument sign was placed in front of the project from Hillcrest Avenue and referred to Condition No. 46 and requested wording be added to the condition. Mr. Tambernino stated it was his intention to have a main entry monument sign on Hillcrest Avenue, as well as to have individual monument signs for each of the buildings where appropriate. This would be brought in package form to staff and then to the Design Review Board.

Councilmember Conley felt there should be a Benefit District for the loop road and the surrounding properties needed to share in the expense, especially properties to the south and east. He concurred with Mayor Freitas, some type of language needed to be added to the CC&R's to assure the road was properly maintained.

RESOLUTION NO. 2004/120

On motion by Councilmember Kalinowski and seconded by Councilmember Davis, the City Council unanimously approved a Final Planned Development, Vesting Tentative Map, Use Permit, and Adoption of a Mitigated Negative Declaration for Hillcrest Professional Center.

On motion by Councilmember Kalinowski and seconded by Councilmember Davis, the City Council unanimously introduced the Ordinance by Title Only.

On motion by Councilmember Kalinowski and seconded by Councilmember Davis, the City Council unanimously introduced the Ordinance rezoning approximately 4.51 acre project site to the Planned Development District PD with the amended changes:

5. That under the CC&R's language be introduced that provided the option for the City to require the road;
6. That the applicant reconsider the tree landscaping within the parking lot itself; at staff's direction.

For the record, Mayor Freitas stated the applicant had agreed to the CC&R provision and would work with City Staff on the tree landscaping issue within the parking lot itself.

6. REQUEST FOR A SPECIFIC PLAN AMENDMENT FOR PARCELS "A" AND "B" OF THE REYNOLDS & BROWN DEVELOPMENT LOCATED AT THE NORTHWEST AND NORTHEAST CORNERS OF LONE TREE WAY AND GOLF COURSE ROAD / BLUEROCK DRIVE, SP-04-03 #202-07

Senior Planner Wehrmeister provided an overview of the Staff Report dated August 30, 2004.

The Public Hearing was opened.

PROPONENT:

Hans Ho, 4704 Blackburn Peak Court, felt that as long as the item was in conformance with Measure C, he urged the City Council for a speedy decision and felt it would help the developers in preparing their plans for the project. Secondly, he felt the traffic impact by the ingress and egress to Parcel B, even with medium density, was still a matter of concern to the residents on Blue Rock Drive. Mr. Ho proposed the density for Parcel B be changed to low density or office/commercial.

OPPONENTS:

Ralph Hernandez, 2718 Barcelona Circle, Chairman of Citizens for Democracy, expressed concern to discrepancies between the General Plan and what was being proposed on Parcel B and how it would conform to the existing adjacent neighborhoods.

Jeri Hopkins, 15 Selena Court, submitted and read a prepared statement to the City Council in opposition.

Mayor Freitas read a prepared statement from Dee Viera who resided at 4800 Massive Peak Way, Antioch.

Mayor Freitas read a prepared statement from Tom McNell who resided at 5049 Webber Court, Antioch.

PROPONENT'S REBUTTAL:

Mike Hurd, Reynolds & Brown, 1200 Concord Avenue #200, Concord, provided additional background to the project and noted when the General Plan was enacted in 2003 it simply brought forward the same designations as the 1998 General Plan and it was a matter of bringing the inferior Specific Plan in conformance with the General Plan.

Mayor Freitas noted for the record that Mr. Ho would not exercise his right to speak at that time.

The Public Hearing was closed.

Councilmember Conley stated in knowing there was opposition to the project, the City Council wanted to respect the present zoning and construct the homes and not apartments. It was his intention to follow the will of the residents and follow the original designation as based on the General Plan.

Councilmember Kalinowski agreed with Councilmember Conley and requested all residents within a 300 foot radius, as well as additional nearby residents who had spoke or submitted a written statement to the City Council be sent a courtesy notice at all times when the issue was agendized at any City meeting.

Mayor Freitas requested that per Item No. 3, when and if development was proposed on Parcel B in addition to the 300 foot radius, additional residents who had spoken or had sent letters to the City Council also be notified of all future City agendized meetings.

On motion by Councilmember Conley and seconded by Councilmember Simonsen, the City Council unanimously approved the Introduction of the Ordinance by title only; and introduced the Ordinance amending the designations in the Southeast Specific Plan of APN 072-012-087 (Parcel A) from low density residential to office commercial and APN 072-012-110 (Parcel B) from low density residential to medium density residential, with an addition: "That in addition to the residents with the 300 foot radius of the project, that all other speakers and individuals who have submitted letters regarding this project to the City Council be notified of all future City agendized meetings."

COUNCIL REGULAR AGENDA

7. RESOLUTION ADOPTING THE STATEMENT OF INVESTMENT POLICY #101-04

Finance Director Tasker provided an overview of the staff report, dated September 8, 2004.

RESOLUTION NO. 2004/121

On motion by Councilmember Conley and seconded by Councilmember Davis, the City Council unanimously approved the adoption of the Statement of Investment Policy.

STUDY SESSION

8. DISCUSSION OF DRAFT STORMWATER AND DISCHARGE CONTROL ORDINANCE #814-03

City Attorney Galstan provided an overview of the staff report dated August 19, 2004.

Mayor Freitas explained the function of the Regional Water Quality Control Board, in terms of Contra Costa County.

Councilmember Conley referred to Attachment A, Item No. 3, and asked if there were any provisions to protect the City from any type of liability caused from possible spills, dumping or disposal of materials other than storm water. Community Development Director/City Engineer Brandt responded per Attachment B, there were current provisions in the City Code to use the Administrative Citation process. Mayor Freitas interjected the City would only be liable if immediate corrective action was not taken.

Mayor Freitas recommended the item be placed on the next regularly scheduled City Council meeting.

PUBLIC COMMENTS - None

COUNCIL COMMUNICATIONS

Councilmember Simonsen requested Councilmember Kalinowski provide the City Council with a report on the Measure J meeting to be held on September 21.

Mayor Freitas requested the current status of the Garavanta dump site, in terms of landscaping issues. Community Development Director/City Engineer Brandt responded a landscaping plan was in process and discussions were ongoing and the deadline for completion was 2006.

Councilmember Conley expressed a concern to developer signs being used for other various advertising and felt it needed to be addressed. Mayor Freitas requested the item be agendaized for a future meeting.

STAFF COMMUNICATIONS

City Manager Jakel reported a meeting for Measure J would be held on September 21 at 6:30 P.M. at the Maintenance Services Yard, and the grand opening of Heidorn Park would be held on September 25 at 9:00 A.M.

There being no further business, Mayor Freitas adjourned the City Council meeting at 10:20 P.M. to the next regularly scheduled meeting of September 28, 2004.

Respectfully Submitted,

L. JOLENE MARTIN, City Clerk