

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

September 23, 2003
Council Chambers

6:00 P.M. B CLOSED SESSION

1. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT. City Manager. This closed session is authorized by Government Code '54957.
2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Property: that property lying generally easterly of the Delta Youth Sports Complex, southerly of Wilbur Avenue and easterly of Apollo Court, consisting of approximately 35 acres. Negotiating parties; Seller: Temple-Inland Corporation; Buyer: City of Antioch. Under negotiation: instruction to negotiator will concern price and terms of payment. This closed session is authorized by Government Code §54956.8.
3. CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION. One Case. This closed session is authorized by Government Code §54956

Mayor Freitas called the meeting to order at 7:12 P.M., and City Clerk Martin called the roll.

Mayor Freitas announced there was nothing to report from the closed session.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

National Slow Down Day, September 24, 2003
Rivertown Jamboree Days, September 27-28, 2003
Domestic Violence Awareness Month, October 2003
Shelter-In-Place Education Day, October 1, 2003
Lawsuit Abuse Awareness Week, October 6-10, 2003

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

Councilmember Davis presented the proclamation proclaiming September 24, 2003 as *National Slow Down Day* to Crime Prevention Commission Chairperson Rood, who, along with Crime Prevention members Kenneth Lee and Cindy Wilkerson, accepted the proclamation on behalf of the Block Captain Michelle Mendoza and thanked the City for endorsing the program. Mr. Rood encouraged all drivers to slow down and provided a contact number for anyone wishing to participate in the event.

Councilmember Kalinowski presented the proclamation proclaiming September 27-28, 2003 as *Rivertown Jamboree Days* to Ms. Betty Smith, who thanked the Council for the proclamation and invited the community to attend the event. She thanked the sponsors, volunteers and Board of Directors for their participation and reviewed the various scheduled activities and events. She recognized the families of the volunteers for their support and provided a contact number for anyone wishing to receive additional information. Martha Henry made an announcement regarding the Backyard Barbeque and provided a contact number for anyone wishing to judge the entries. Hope Evers with grandson Dustin, Sue Peterson, Janet Perkins, Jim Kyle and Steve Perkins introduced themselves as members of the Board of Directors.

Councilmember Conley presented the proclamation proclaiming October 1, 2003 as *Shelter-In-Place Education Day* to Lonnie Karste who thanked the City Council for the proclamation and introduced the Director of Operations for the Antioch Unified School District David Kunder and CARE representative, Nancy Ross. Mr. Kunder, on behalf of the Antioch Unified School District, thanked the City Council for the recognition.

PUBLIC COMMENT

Hans Ho, Antioch resident, voiced his opposition to the Bluerock Business Park Project, particularly the 240-apartment complex noting he was concerned regarding the projects impact on traffic and schools. He voiced his disappointment in the Council's course of action regarding the project.

Emil Stein, Antioch resident, expressed his disappointment in the community meeting regarding the Nokes Car Dealership construction noting the dust issues had not been resolved. He further noted the minutes of the meeting were incomplete and inaccurate and stated he felt a professional mediator and stenographer should have been in attendance.

Dave Williamson thanked the City of Antioch, Arts and Cultural Foundation and the Rivertown Business Association for their support of the Delta Blues Festival.

Mayor Freitas thanked Mr. Williamson for being involved in the Delta Blues Festival.

Nancy Bachman, Antioch resident, expressed her concern regarding the current Council agenda, noting the proposed General Plan discussion was last, an action she felt would limit public input and put undo burden on the members of the public who were attending the meeting. She requested the City Council move the item forward on the agenda.

Sherry Starks, Antioch resident, also expressed concern regarding the General Plan Study Session being last on the agenda and voiced her opposition to the development of FUA1.

COUNCIL REGULAR AGENDA

- 1. ORAL PRESENTATION BY SENATOR TORLAKSON REGARDING CALIFORNIA STATE BUDGET AND TRANSPORTATION ISSUES IN CONTRA COSTA COUNTY**
#410-01

Senator Tom Torlakson thanked the City Council for their leadership and stated he would continue to support the City with their loan and grant application for the Library Grant Fund. He commended Antioch for standing out as a City addressing the jobs/housing balance and for receiving a \$600,000 grant for providing their share of regional housing. Regarding money received by the State in the surplus years, he clarified 60% had gone to education, 10% to health care, \$7-Billion in transportation spending and approximately \$4-Billion in tax relief. Regarding next years budget, he urged the City Council to remain in constant communication to protect local government. He further stated he believed severe budget cuts and tax increases would be necessary to bring the state back to a level of taxation capable of maintaining the transportation funds. He thanked the City Council for their support of SB802, which would help generate money for Vasco Road. Furthermore, with the money in the budget, the State should be able to continue the widening of Highway 4, progress toward bringing BART to East County and deal with Vasco Road. He invited the Council to participate at the East County Transportation Summit on October 11, 2003 from 9:00 a.m. to 12:00 p.m. at Beede Auditorium and announced a Safety Forum on Vasco Road would occur on October 16, 2003 at Liberty High School. He discussed the negative impact of the recall election and urged the community to vote ANo@ to the recall as well as propositions 53 and 54. He noted approval of Proposition 53 would remove money from the General Fund and leave State and local government vulnerable to crisis.

In response to Councilmember Simonsen, Senator Torlakson stated the legislation needs discretion to choose what the priority and demands of the moment are and proposition 53 was an automatic formula that would drain the new growth in revenues away from the General Fund. He noted infrastructure could be addressed through fee increases.

Councilmember Simonsen thanked Senator Torlakson for his sponsorship of SB802, his presentation this evening and his support of Antioch.

Councilmember Kalinowski voiced his appreciation to Senator Torlakson for his support of Antioch.

Councilmember Conley expressed concern regarding the negative impact of the tulle burning on the environment and noted he would be voting no on the clean air act until the issue was addressed. He stated a community park exists in Antioch that could not be improved due to the failure of the East Bay Regional Parks to create a habitat plan. He suggested there be standard mitigation in lieu of an EIR for the widening of an existing freeway noting it would free up monies for the projects. He requested Senator Torlakson's assistance with State and Federal Fish and Game.

Senator Torlakson stated he would look into Councilmember Conley's concerns.

Mayor Freitas thanked Senator Torlakson for the presentation and for always being available. He requested Senator Torlakson's assistance with the expansion of Highway 4 from four to eight lanes, bringing eBART to Eastern Contra Costa County, completing the State Route 4 Bypass and improving Vasco Road.

Senator Torlakson stated he would continue to work with the City to solve the problems.

2. COUNCIL CONSENT CALENDAR

1. APPROVAL OF COUNCIL MINUTES FOR SEPTEMBER 2, 2003..... #301-02
2. APPROVAL OF COUNCIL WARRANTS..... #401-02
3. APPROVAL OF TREASURER'S REPORT FOR JULY 2003 #401-02
4. REJECTION OF CLAIMS #704-07
 - 1) Claim of Sydney Sue Wilson #02/03-1414
 - 2) Claim of Susan Welch, #03/04-1424
 - 3) Claim of Lupe Elias, #03/04-1407
5. LEGISLATION AND ADVOCACY #701-04
6. CONSIDERATION OF BIDS FOR THE INSTALLATION OF WATER/SEWER MAINS/PAVEMENT REHABILITATION IN VARIOUS LOCATIONS (PW 503-9) #1202-03
7. CONSIDERATION OF BIDS FOR THE IMPROVEMENTS TO THE MOKELUMNE TRAIL BETWEEN CONTRA LOMA BOULEVARD AND RIO GRANDE DRIVE (PW 404-7A)..... #1402-02
8. RESOLUTION NO. 2003/112 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND ESTATES SUBDIVISION, UNIT 6, TRACT NO. 8317 (RICHLAND DEVELOPMENT/SOUTH TERRA CORPORATION) PW 599-6 #802-02
9. RESOLUTION NO. 2003/113 ACCEPTING COMPLETED IMPROVEMENTS FOR BLACK DIAMOND KNOLLS SUBDIVISION, UNIT 20, TRACT NO. 8326 (RICHLAND DEVELOPMENT/SOUTH TERRA CORPORATION) PW 581-20 #802-02
10. APPROVE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND MONIES #1301-01
11. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE "THE CLEAN AIR CONSORTIUM VOLUNTARY AGREEMENT" FOR THE CITY OF ANTIOCH'S PARTICIPATION IN A NEW INITIATIVE OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT #205-01

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

Item A - Councilmember Kalinowski stated he would be abstaining from approval of the minutes noting he was not in attendance at the September 2, 2003 meeting, due to a work conflict.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council approved the minutes of September 2, 2003. The motion carried by the following vote:

Ayes: Freitas, Davis, Conley, Simonsen

Abstain: Kalinowski

Item K - Councilmember Conley stated he felt clean air should be looked at on a regional level and therefore he was not in support of the resolution. Councilmember Simonsen questioned whether the City had the staffing and budget to perform the activities on the checklist. He suggested the item be continued until the City Council received additional information.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously continued item K to an unspecified date.

PUBLIC HEARINGS

3. FRED DILLETT (OAKLEY KNOLLS) REQUESTS APPROVAL OF A DEVELOPMENT AGREEMENT TO ADDRESS CONDITIONS OF APPROVAL ASSOCIATED WITH THE PREVIOUS APPROVAL OF A TENTATIVE SUBDIVISION MAP AND USE PERMIT ON THE SUBJECT PROPERTY LOCATED ON THE NORTH SIDE OF OAKLEY ROAD, APPROXIMATELY 1,300 FEET WEST OF PHILLIPS LANE. (APN 057-180-014) FILE: PD-00-4/UP-02-27 #202-03

City Attorney Galstan presented the staff report dated September 12, 2003 recommending the City Council: A) introduce the ordinance by title only; and B) introduce the ordinance approving development agreement.

Councilmember Conley stated he understood the property could be sold to a developer and suggested limiting the application so it would not be marketable on a continuous basis without City Council approval.

Mayor Freitas opened the public hearing.

Fred Dillett the project was an infill development and would be built within the year, noting he would sell the lots individually to custom builders or sell all 16 homes to one builder.

In response to Mayor Freitas, Mr. Dillett agreed to increase the community enhancement to \$6,000.00 per lot and clarified the lot sizes would range between 12,000-15,000 square feet.

Mayor Freitas closed the public hearing.

Councilmember Simonsen stated he would not support limiting the agreement to two years, noting when allocations were given through the RDA process they could be used in any subsequent years.

Mayor Freitas clarified when a builder received an allocation through the RDA process it was for that particular year.

Councilmember Simonsen stated he did not believe Mayor Freitas' statement was correct.

City Engineer/Community Development Director Brandt stated an allocation was for a particular year but could be carried over through a process allowing a developer time for approval of a tentative and final map. He added since the project would only need to record a final map, he felt two years was appropriate.

City Attorney Galstan clarified the tentative map for the project was approved and therefore only the final map would need to be recorded.

Mr. Dillett stated he was in support of the following motion noting the final map was in final map check now and it would only be 3-4 weeks before it was completed.

Councilmember Simonsen stated based on the information provided by staff and Mr. Dillett he would be supporting the motion.

Councilmember Kalinowski voiced his support of the project due to the fact the type of housing stock was needed in the community. He noted if all the lots were sold to one builder he would be stringent on the quality of architecture and design.

Councilmember Conley stated limiting the agreement to two years would protect the City as well as the residents who move into the development.

On motion by Councilmember Conley, seconded by Councilmember Davis the Council unanimously introduced the ordinance by title only and introduced the ordinance approving the development agreement with the following changes: 1) Development Agreement, page #2, item #1 to indicate the agreement shall be for 2 years, and; 2) page #2, item #3 to indicate the community benefit would be \$6,000.00 per unit.

- 4. CENTRAL SELF STORAGE/THE PEGASUS GROUP REQUESTS APPROVAL TO AMEND THE SOUTHEAST AREA SPECIFIC PLAN FROM MEDIUM DENSITY RESIDENTIAL TO MIXED COMMERCIAL / RESIDENTIAL (MCR), AMEND THE GENERAL PLAN DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MIXED COMMERCIAL / RESIDENTIAL (MCR), REZONE FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD), APPROVE THE USE PERMIT FOR THE FACILITY AND AMEND THE DIABLO WEST FINAL DEVELOPMENT PLAN BY RE-DESIGNATING A 2.9 ACRE CHURCH SITE TO A 2.9 ACRE MINI-STORAGE FACILITY SITE ON PROPERTY LOCATED ON THE WEST SIDE OF MOKELUMNE DRIVE, APPROXIMATELY 300 FEET SOUTH OF LONE TREE WAY (SP-2002-03, GP-02-03, PD-02-03, UP-02-31) #202-04**

Associate Planner Albro presented the staff report dated September 18, 2003 recommending the City Council deny the requested amendment to the General Plan (GP-02-03 amendment to the Southeast Area Specific Plan (SP-02-03), rezoning amending the Diablo West Final Development Plan (PD-02-03), and the approval of the use permit for a self storage facility (UP-02-31).

Mayor Freitas reported the City Council had received letters regarding the proposal from Miller Starr & Regalia, Julie Clement, Jose & Kristi Escobedo and Henry Eiring.

In response to Councilmember Simonsen, City Attorney Galstan clarified the property owner did not have the right to a view, absent an easement; but the City could attempt to preserve scenic vistas through the entitlement process.

In response to Councilmember Conley, City Attorney Galstan clarified when a project is received there is an initial study and a checklist of environmental consideration. He noted if there was a potential significant adverse effect, an EIR would be required. He added if the significant impacts can be reduced to an acceptable level through mitigations, a mitigated negative declaration could be approved.

Mayor Freitas opened the public hearing

Dwight Davis, representing the Pegasus Group, stated they were long term owners of their properties and would like to be a part of the community. He stated they had taken into consideration view elements and were open to modifications of the project to make it more user attractive in terms of landscaping. He noted the use was community friendly, requiring little, if any, police services, they would generate a substantial amount of fees to the City and they were one of the lowest traffic and noise generating uses.

Tim Davis gave a brief overview of the project elevations and material list. He stated Pegasus could provide a report regarding traffic generation from these types of facilities, noting the use blends well and would be an excellent buffer between residential and retail uses. He stated the request was consistent with any use for the site other than a church facility. Furthermore, the design was consistent with the adjacent properties. He further noted the topography of the site did not lend itself to many uses, other than a storage facility.

Michael DiGeronimo summarized his letter regarding the proposal stating any impacts from the proposal, including a scenic vista, could be mitigated. He requested the City Council declare their intent to vote for the project, direct staff to work with the applicant and prepare the appropriate environmental document(s), so they could return to City Council for consideration as soon as possible.

Councilmember Conley expressed his concern regarding the timing of the response from Miller, Starr and Regalia noting they did not allow the City Council to review and respond to their letter.

Mr. DiGeronimo stated he agreed with Councilmember Conley's concern, hence his attendance at the meeting.

Mr. Davis clarified they were not totally familiar with the CEQA process and therefore engaged Miller Starr & Regalia. He noted the reason for the timing of the response was they had not received a copy of the staff report until yesterday.

Deacon Newlove, representing First Missionary Baptist Church spoke in support of the application. He discussed the difficulties the church had experienced in an effort to sell and develop the property, noting the potential buyers had indicated the property was not large enough. He clarified the property was listed at a comparable price set by a realtor with similar properties in the area. He added the site was rough graded, had low assessments and the current offer was substantially lower than the listed price.

Mayor Freitas stated he found the project difficult to approve given the fact the City acted in good faith with the church to sell the property fronting Lone Tree Way so they could have the income to build the church.

Deacon Newlove clarified when the Church started working with the architect, they realized they would need to spend \$10M plus on the type of facility they had originally planned to build, and instead decided to sell the frontage. He added they chose to not build on the property when the Assembly of God Church on East Tregallas became available in foreclosure and the Church was able to purchase the property for less than \$1M.

REBUTTAL

Mr. DiGeronimo commented the property owner had demonstrated this was an appropriate use of the property. He noted that issue would be determined would be at the next meeting, in the event Council were to declare their intent to vote for the project. At which time Council could determine whether a negative declaration was appropriate and/or necessary.

Mayor Freitas stated he had not received any requests to speak from the opposition and requested any speakers wishing to address the City Council fill out speaker cards and come forward.

Councilmember Kalinowski requested the proponent be given an opportunity to respond to any issues raised by late speakers.

OPPOSITION

Julie Clement, Antioch resident, reviewed her letter in opposition to the project and requested the City Council consider the staff report and avoid any of the compromises the project may force on the neighborhood.

Sherry Starks, Antioch resident, spoke in opposition to a use change for the property noting there were very few church sites and the community needed what few existed.

Rebuttal

Mr. Davis provided the City Council with the traffic generation study and reiterated the use was one of the lowest traffic generators of any possible use for the property. He clarified the visual simulation photos taken by the City were done from an 8-foot ladder. Regarding the security issues, he felt the use would have the lowest impact on the neighborhood due to the fact it was completely secure with cameras, alarms and limited access.

Mayor Freitas closed the public hearing.

City Attorney Galstan reported there had been no environmental documentation prepared, without which Council could not give an approval. He noted the method of environmental documentation had not yet been determined. He further noted should Council be inclined to approve the project, they could continue the item to a date certain or simply place it on hold until it is ready and renotice the public hearing. Regarding denial of the project, he advised if the City Council should choose to deny the project, he felt it would be in the City's best interest to include in the resolution there was no environmental documentation to support an approval. He noted Council could deny without prejudice so if the applicant were inclined to pay for the preparation of the documents, they would be permitted to resubmit the application with the environmental documentation.

Councilmember Conley stated he felt Gas City and Carl's Jr. were the result of poor planning. Furthermore, the split on the property changed the dynamics and viability of the remaining property. He noted there were no visual impact requirements by the City and he believed there were landowner rights. He further noted he felt the staff report should have had environmental documentation. He stated he believed the property could be excavated to lessen the visual impacts of this project; he was inclined to move forward with the environmental documentation. He noted his support of a storage facility on this property as it would generate less traffic and he felt it would be a good fit.

Councilmember Kalinowski agreed the splitting of the property was to blame for the development difficulty of the remaining property. He noted the view from the residences remained a concern and hoped a CEQA review would create an opportunity to lessen the visual impacts. He stated he understood the property's difficulty and would like to support the project.

Mayor Freitas stated Councilmember Conley had made a powerful argument and the issue was the visual impact on the residents. He urged staff and the applicant meet with the affected property owners with the idea of screening of their properties through landscaping techniques.

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council unanimously continued the item, directing staff to work with the developer to complete environmental documentation and to then re-notice and re-agendize.

COUNCIL REGULAR AGENDA

5. CARD ROOM OWNERSHIP TRANSFER - JOHNNY B'S TO BUI #701-05

Acting Lieutenant Scott Willerford presented the staff report dated September 16, 2003 recommending denial of Kim Bui's application for a card room license.

Councilmember Conley expressed concern a technical denial could affect the applicant's ability to receive approval of her application.

City Attorney Galstan clarified the Council could continue the item to give the applicant the opportunity to send the City a letter indicating she would waive the 90-day period, which would allow the project to be brought back in two weeks or deny without prejudice due to the application being incomplete.

Acting Lieutenant Willerford clarified denial would not have a negatively affect on the applicant with the Department of Justice application process and therefore the recommendation to the City Council is denial without prejudice.

Councilmember Simonsen also stated he did not want the Council's action to reflect negatively on the applicant.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously denied the application without prejudice.

6. RAVINDER PADDA'S REQUEST TO FILE LATE APPEAL FROM USE PERMIT DECISION MADE BY PLANNING COMMISSION UP-03-03, V-03-03 #704-01

City Attorney Galstan presented the staff report dated August 20, 2003 recommending the City Council deny the request.

Richard Littorne, Attorney at Law speaking on behalf of the Padda Family, stated the family was under the misconception there would be correspondence sent from the City regarding the appeal process. He requested a full hearing be held on the merits of the appeal. He noted there was additional information and they would like an opportunity to provide a more thorough presentation to the City Council.

Mr. Littorne stated the intent should be to hear all matters on the merits and not dismiss it due to a technicality.

Michael Gourkani urged the City Council to hear all the information noting the applicant had experienced financial hardship but did possess a use permit for his business for the site.

Councilmember Simonsen stated he felt the process should be changed for all Boards and Commissions and the appeal procedure should be reviewed with the applicant at the time the application is denied. For the record, the minutes should reflect the applicant had been notified. He stated he felt the applicant was entitled to have the opportunity to appeal the Planning Commission decision to the City Council.

In response to Councilmember Kalinowski, City Attorney Galstan stated Mr. Padda had indicated he did not hear the appeal process being reviewed at the Planning Commission meeting. He clarified the agenda and staff report were emailed to the applicant and the

agenda has the disclosure regarding the appeal period. He noted there were also agendas available in the chambers. Councilmember Kalinowski stated due to the fact there were guidelines to be followed, if the following motion were to set a stringent time line for submission of the paperwork, he might be inclined to support it.

Mayor Freitas clarified the motion did not indicate where the Council stood regarding the actual appeal, the matter before the Council was whether or not to permit the appeal to come forward. He stated due to the full agendas in October he was requesting the item return to the Council in November or December.

Councilmember Simonsen requested the City Council agree to direct staff to work with the Boards and Commissions to assure when an application is denied the record reflect the verbal explanation of the appeal process in addition to the written appeal procedures.

Mayor Freitas stated there was no confirmation of Councilmember Simonsen's request.

Following discussion a motion by Councilmember Simonsen, seconded by Councilmember Conley, to grant the applicant permission to file a late appeal was amended as follows:

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council granted permission for a late appeal to be filed within 48 hours. The motion carried by the following vote:

Ayes: Freitas, Kalinowski, Conley, Simonsen

Noes: Davis

Mayor Freitas declared a recess at 9:50 p.m. The meeting reconvened at 10:10 p.m. with all Councilmembers present.

STUDY SESSIONS

7. STUDY SESSION TO CONSIDER ORDINANCE RESTRICTING USE OF SEGWAY ELECTRIC SCOOTERS #701-05

Mayor Freitas requested the item be continued to a future date.

On motion by Councilmember Simonsen, seconded by Councilmember Conley the City Council continued the item to a future date.

8. DISCUSSION ON THE COMPREHENSIVE UPDATE TO THE GENERAL PLAN #204-01

Lloyd Zola, consultant to the City on the General Plan, presented the staff report dated September 18, 2003 recommending the City Council conduct a study session and provide comments and direction to staff and receive comments from the public.

Chief Moczulski presented the Public Safety Standards - General Plan (attachment A) dated September 18, 2003 recommending the City Council adopt option No. 1 with a 1.3 minimum per-capita staffing ratio.

Councilmember Simonsen stated he would like to see a hybrid among the options to allow the Police Department flexibility to meet the changing needs of the community.

Mayor Freitas questioned whether it was possible to have one of the options joined with option #3 enabling the ratio as well as the response time to be discussed simultaneously.

Mr. Zola stated based on the lay out of the General Plan regarding growth management with an objective and performance standard, it should be feasible to combine the staffing ratio, response time and commitment to a series of different programs all together in a package.

Council directed Mr. Zola and Chief Moczulski to provide an option, including staffing ratio, response time and a commitment to a series of different programs, for the City Council's consideration on October 14, 2003. The Council consensus supported option #2: *Maintain a force level within a range of 1.2 to 1.5 officers; including non-sworn community service officers assigned to field and prisoner custody details, per 1,000 population.*

In response to Councilmember Conley, Mr. Zola clarified they could build flexibility by tying performance standards to the General Plan and in the matter of the budget process, to allow a change of the priorities. He noted a majority of cities use a staffing ratio due to the fact it was easier to tie a staffing ratio into a fee, particularly for capital improvements. He further clarified the relationship between capital needs and response time becomes tenuous.

Councilmember Kalinowski stated while he supported Option #1, he felt it was important to keep it simple and voiced his support for the current wording in the General Plan. He added the response time element was not a number capable of being successful unless the number was so liberal it could be met blindly; in which case it was not a standard. He further noted if it was a more stringent standard, he felt it could set people up for failure.

Mr. Zola requested the City Council provide direction regarding any text they would like brought back.

Councilmember Simonsen expressed his concern regarding the following wording on page 1-18 section 1.2.6 *"Over the next 20 years, there will be an increasing willingness to use public transit as the convenience of transit reaches parity with automobile travel during peak commute hours."*

He requested the following changes to the General Plan:

Page 2-2 - Change the name of County East Mall to *Somersville Towne Center*
Figure 4.1 - Change the boundary line to exclude the Baker Property

Councilmember Conley requested the actual acreage of Roddy Ranch be accurately reflected.

Councilmember Kalinowski clarified the Roddy Ranch acreage was identified in the General Plan based on the boundary agreements.

Councilmember Conley requested a paragraph be added differentiating the developable from the undevelopable land on the Roddy Ranch property.

Mayor Freitas requested the May 2003 action of the Council pertaining to the Roddy Ranch and Ginochio properties be included in the General Plan.

Brad Olson, representing the East Bay Regional Park District, reviewed their letter thanking the City Council, Planning Commission and staff for the work done in addressing a number of their concerns. He noted they remain concerned regarding the General Plan adopting the FUA#1 option B policies and the option A map. He further noted they recommend Empire Mine Road be abandon between Mesa Ridge Drive and the Roddy Ranch Golf Course entrance. Regarding the unavoidable biological resources impacts, they recommend a policy be adopted requiring mitigation take place within eastern Contra Costa County. He recommended a permanent mechanism be established for managing the open space set aside in the Sand Creek Valley to address the resource, fire and public access issues. With regards to the mines on the Zeka / Higgins property, he recommended a geologic hazard abatement district be established to provide closure management and protection of water quality associated with the historic mines.

Jennette Schue, East Bay Regional Park District, voiced her appreciation to the City for proceeding with the General Plan update prior to taking action on the Sand Creek Specific Plan and urged them to proceed in that direction. She stated it was her opinion the option A land use designations were inconsistent with the policy language outlined in option B and encouraged the City to continue forward with option B regarding policy and land use.

Mayor Freitas clarified the Planning Commission had taken it under consideration and had recommended to the City Council Option A land use with Option B policies.

Nell Chadwick, Antioch resident, stated the General Plan was lacking adequate guidelines in traffic control and air quality. She spoke against the development of FUA1 stating she felt the City was lacking funds to develop the area.

Michael Carney, Antioch resident, expressed his concern regarding balancing the value of executive homes and open space for the community. He spoke against building out the area surrounding the East Bay Regional Parks.

Nancy Bachman, Antioch resident, voiced her support of the General Plan as it related to economic development. She expressed her concern as the elements of traffic and air quality mitigation were not fully addressed. She voiced her support in protecting open space and expressed concern the General Plan presented an executive housing priority. She stated she felt the priorities should be on job creation, schools and safety issues.

Dave McCully requested items related to residential growth be placed on the agenda to be heard earlier in the evening. He expressed concern FUA#1 could be modified by future councils to exceed 600 units per year. He felt it unwise to build homes prior to job creation and urged the Council to provide the infrastructure prior to any residential homes being developed.

Clinton Fields, Antioch resident, speaking on behalf of many concerned citizens, expressed concern regarding the development of FUA1 and urged the City to focus on improving Highway 4, providing additional schools and developing the downtown area.

Dale Watson, Antioch resident, expressed his concern regarding the rationale for increased housing to fund the expansion of Highway 4. He urged the City Council to protect the open space on the Higgins property.

Mayor Freitas closed the floor to public comments.

Mayor Freitas stated he would work with Acting City Manager Pappas Diaz regarding the October 14, 2003 agenda and try to have as much of the business done early so Council could devote the rest of the evening to the General Plan.

Councilmember Kalinowski requested the discussion include the issue of closing Empire Mine Road.

Mayor Freitas requested the City Council advise Acting City Manager Pappas Diaz or himself no later than Wednesday, September 24, 2003 of any items of business needing to be heard on October 14, 2003/

Councilmember Kalinowski stated he would be requesting time for an update on the minor league baseball project.

Mayor Freitas requested all proclamations be held over if possible. He urged the Council to police themselves with regards to comments and be as short and concise as possible. He stated that October 14, 2003 would be the first public hearing and he anticipated it would be continued to October 28, 2003.

Regarding the General Plan, Councilmember Simonsen stated he felt it was incumbent on the speakers heard during the meeting to recognize the City Council works with the School District to deal with the issues, limits growth with the residential development allocation, supports the traffic mitigation fee, has made economic development a priority for the City and is cognizant of property rights. He thanked the speakers for the respectful manner they had displayed and urged them to send their messages to the other cities in the area.

COMMITTEE REPORTS - None

PUBLIC COMMENTS

Sandra Golightly expressed concern regarding comments made at the previous City Council meeting regarding the action the Design Review Board took on the Kaiser project and stated she expects more respect for the members of the Design Review Board. She discussed the importance of color to the design of projects and proper planning for the future of Antioch, and her displeasure of Councilmember Arne Simonsen's remarks.

COUNCIL COMMUNICATIONS

Councilmember Davis expressed concern regarding the amount of pedestrians and traffic in the Eagles Ridge, Lone Tree and Dallas Ranch area and requested staff come back to the City Council with traffic calming devices for the area.

STAFF COMMUNICATIONS

Acting City Manager Pappas Diaz stated on behalf of the City Council and staff, she was sending prayers to an employee who had lost her husband.

ADJOURNMENT

With no further business, Mayor Freitas adjourned the meeting at 11:31 P.M. to the next regular Council meeting of October 14, 2003.

Respectfully Submitted:

L. Jolene Martin, City Clerk