

**ANTIOCH CITY COUNCIL  
ANTIOCH DEVELOPMENT AGENCY**

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

**January 14, 2003  
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. Kleinfelder v. ADDA, et al., Contra Costa Superior Court #C95-03211. This closed session is authorized by Government Code §54956.9.
  
2. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION. Significant exposure to litigation, one case. This closed session is authorized by Government Code §54956.9(b)(1).

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

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.

Mayor Freitas announced there was no reportable action taken during closed session.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None**

**ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS**

Deputy City Clerk Chalk announced there are two openings on the Board of Administrative Appeals, which are four-year terms and one unexpired term on the Planning Commission, which runs to September 2005. She requested anyone wishing to apply contact the City Clerks office for an application by January 31, 2003.

**INTRODUCTIONS**

Community Development Director Brandt introduced Don Griebing, Chief Building Official to the Council and community.

Chief Building Official Griebing thanked the Community Development Director Brandt for the introduction and stated he looked forward to working with the Council.

On behalf of the City Council, Mayor Freitas congratulated Mr. Griebing.

Public Works Director Harrington introduced Vince Darone, Water Treatment Plant Superintendent, to the Council and community.

Water Treatment Plant Superintendent Darone thanked the City for the opportunity to serve the community as Water Treatment Plant Superintendent.

On behalf of the City Council, Mayor Freitas congratulated Mr. Darone.

### **PUBLIC COMMENTS**

Douglas Tokes expressed concern regarding the traffic on East 18th Street between Trembath Lane and Hillcrest Avenue. He noted there have been three accidents in six months and requested the City consider reducing the speed limit to 35 MPH in the area.

Mayor Freitas directed staff to bring back a report on this issue in February, including the nature of the accidents.

Bart Sandborn, Coordinator of Safety Faire, announced the event sponsored by the Antioch Police Department, County East Mall, Contra Costa Newspapers, Tri-Delta Transit, Bay Alarm, CARE, Calpine, Bayshore, Dow, GWF, McGill Martin and Self and Mirant would take place on February 1, 2003 at County East Mall from 10:00 a.m. to 3:00 p.m. He provided brochures and phone number for anyone wishing to receive additional information.

Roger Henry and Mary Chaplin, representing the Elderly Wish Foundation, announced the Heart to Heart Ball fundraiser event to be held on February 15, 2003 at the Nick Rodriguez Community Center from 6:30 p.m. to 12:00 a.m. They noted 100% of the proceeds would go toward future wishes of the terminally ill elderly and announced they were accepting donations for their auction as well as sponsors for the event. They thanked the community for their support and provided an address, contact number and website address for anyone wishing to receive additional information. They reported past wishes had included a fishing trip, a basket of fruit and autographed baseball paraphernalia.

Sandra Golightly reported while Christmas shopping on December 23, 2002 her grandson found a wallet at Petsmart belonging to Terry Mote and she would like Ms. Mote to know her grandson was the individual who found it.

Margaret Wilcox, representing the Antioch Rivertown Theater, announced they were currently presenting *Marvin's Room* at the Nick Rodriguez Community Center on January 10-25, 2003. She stated they were also holding auditions for *The Apricot Tree* children's

play, to be performed March 7-22, 2003 and would be followed by *A Funny Thing Happened on the Way to the Forum* performed from May 2-17, 2003. She invited the community to attend all the performances.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 26, DECEMBER 3 and 10, 2002 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT - NOVEMBER 2002 #401-02**
- D. REJECTION OF CLAIMS #704-07**
  - 1. Michael R. O'Roark, Shane O'Roark, Michelle Wetsch, #02/03 -1350ABC
  - 2. Michael Banks, #02/03 -1327
  - 3. Steven Campbell, #02/03 -1329
  - 4. Eddie and Elores Jackson, #02/03 -1330
- E. LEGISLATION AND ADVOCACY #701-04**
- F. RESOLUTION NO. 2003/1 AFFIRMING AND APPROVING LETTER AGREEMENT FOR CONVEYANCE OF PROPERTY TO TARGET CORPORATION (RIGHT-OF-WAY/ SLATTEN RANCH) #202-03**
- G. CONSIDERATION OF BIDS FOR THE WATER TREATMENT PLANT UPGRADES (PW 246-22A) #1202-01**
- H. CONSIDERATION OF BIDS FOR THE EAST 18TH STREET IMPROVEMENTS (PW 225-20) #1201-07**
- I. CONSIDERATION OF BIDS FOR THE UNDERGROUND OF OVERHEAD UTILITY LINES ON SOMERSVILLE ROAD BETWEEN WEST 10TH STREET AND STATE ROUTE 4 (PW 300-17) #1201-07**
- J. RESOLUTION NO. 2003/2 ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE CHILDREN'S MEMORIAL TREE GROVE AT PREWETT FAMILY PARK (PW 567-3) #1402-03**

- K. **RESOLUTION NO. 2003/3** ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR RUBBERIZED PAVEMENT OVERLAY OF PUTNAM STREET BETWEEN LONE TREE WAY AND "G" STREET (PW 392-20) #1102-04
- L. **RESOLUTION NO. 2003/4** ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR CONSTRUCTION OF THE UPPER PARKING LOT AT THE MUNICIPAL GOLF COURSE (PW 176-10) #1402-01
- M. **RESOLUTION NO. 2003/5** ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE SCHOOL ROUTE SAFETY IMPROVEMENTS PROJECT (PW 645) #1102-04
- N. **RESOLUTION NO. 2003/6, RESOLUTION NO. 2003/7, RESOLUTION NO. 2003/8 RESOLUTION NO. 2003/9, RESOLUTION NO. 2003/10** APPROVING FINAL MAPS AND IMPROVEMENT PLANS AND RESOLUTION ACCEPTING GRANT DEEDS FOR ONE-FOOT STRIPS FOR HIDDEN GLEN SUBDIVISION, UNIT 2, TRACT NO. 7505 (PW 557-2); UNIT 3, TRACT NO. 8387 (PW 557-3) AND UNIT 4, TRACT NO. 8388 (PW 557-4) (ARCADIA DEVELOPMENT COMPANY) #802-02
- O. **RESOLUTION NO. 2003/11** ACCEPTING COMPLETED IMPROVEMENTS, AND AUTHORIZING THE MAYOR TO SIGN A DEFERRED IMPROVEMENT AGREEMENT FOR BLACK DIAMOND ESTATES, UNIT 3, TRACT NO. 8064 (RICHLAND DEVELOPMENT CORP.) PW 599-3 #802-02
- P. **RESOLUTION NO. 2003/12** APPROVING THE APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT FUNDS (TDA) GRANT APPLICATION FOR HILLCREST AVE BICYCLE AND PEDESTRIAN FACILITIES #1402-02
- Q. **RESOLUTION NO. 2003/13** ACCEPTING IMPROVEMENTS FOR SANDHILL UNIT 2, TRACT NO. 8410 (RICHLAND DEVELOPMENT/BLACK DIAMOND KNOLLS, LTD.) (PW 643-2) #802-02
- R. **RESOLUTION NO. 2003/14** SUPPORTING RENEWAL OF THE CONTRA COSTA RECYCLING MARKET DEVELOPMENT ZONE #1206-03
- S. **RESOLUTION NO. 2003/15** SUPPORTING THE CURRENT LIMITATIONS ON

**TRUCK SIZE AND WEIGHT AS STATED IN THE TRANSPORTATION  
EFFICIENCY ACT FOR THE 21ST CENTURY (TEA-21) #1104-01**

**T. RESOLUTION NO. 2003/16, RESOLUTION NO. 2003/17 - "L" STREET  
WIDENING PROJECT; ACQUISITION OF 910 "L" STREET AND 1100 WEST 5TH  
STREET #1001-03**

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

***Item A*** - Councilmember Simonsen amended the minutes of November 26, 2002, page 7, the last paragraph to read: "On motion by Councilmember Simonsen..." and page 12 Council Reports, the first sentence of the first paragraph to read: "Councilmember Simonsen reported he has been appointed to the League of California Cities' Housing and Community Development Policy Committee."

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

***Item H*** - Bruce Ohlson, speaking on behalf of the East Bay Bicycle Coalition and Delta Peddlers, expressed concern the East 18th Street improvements do not include bicycle lanes and requested the center median and traffic lanes be reduced in size to provide 3ft. stripped bicycle lanes on each side of the street.

Community Development Director Brandt stated he prefers bicycle traffic ride in the traffic lane rather than in a 3ft. bicycle lane due to safety concerns. He noted the project is in conformance with the East County Bicycle plan the City Council had reviewed and approved.

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

***Item J*** - Councilmember Davis thanked staff for a job well done at the Children's Memorial Tree Grove.

***Item K*** - Councilmember Davis thanked staff for the completion of rubberized pavement overlay of Putnum Street between Lone Tree Way and "G" Street. Community Development Director Brandt thanked Capital Improvement Director Scudero for his work on the project. Councilmember Simonsen thanked Capital Improvement Director Scudero

and Community Development Director Brandt for the improvements.

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

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

Mayor Freitas declared a recess at 7:39 p.m. The meeting reconvened at 7:48 p.m. with all Councilmembers present.

## **PUBLIC HEARING**

- 2. APPEAL OF DONALD AND NANCY BURKARD, ON BEHALF OF SIXTEEN CITIZENS, REGARDING THE PLANNING COMMISSION APPROVAL OF UP-00-11/A, AN AMENDMENT TO AN EXISTING USE PERMIT FOR CORNERSTONE (FORMALLY GATEWAY) CHRISTIAN CENTER, TO INCREASE THE NUMBER OF SCHOOL CHILDREN PERMITTED TO A MAXIMUM OF 240 STUDENTS LOCATED AT 1745 EAST EIGHTEENTH STREET FILE: UP-00-11/A #202-10**

Mayor Freitas stated the following public hearing had been closed and he would be reopening the public hearing to hear speakers from both sides on the issue.

Johnny Ray, resident on St. Claire Drive, stated he had requested the plans for the soundwall, which they have never received and requested copies be made available to the residents of St. Claire Drive. He expressed concern regarding noise from children playing, nighttime parking lot activities and overflow parking onto St. Claire Drive negatively impacting his quality of life. He requested a 9:00 p.m. curfew be placed on the parking lot and the City Council postpone voting on the item until details of the traffic report and a sound study can be considered.

Carol Ray, resident of St. Claire Drive, spoke in support of the appeal noting she felt the current issues had not been addressed. She expressed concern the soundwall was not built tall enough to mitigate noise generated from the children on the play yard and requested the city consider the impact of students driving to the site. She noted there were

two instances in which there was overflow parking onto St. Claire Drive and requested a 9:00 p.m. curfew be placed on the facility. She noted the church is continuing to advertise services at John Muir School and questioned whether there were additional parishioners who would be impacting the site in the future.

Don Burkard, resident of St. Claire Drive, expressed concern regarding the increase in student at the school location. He stated the noise had shifted to the back of the school and the soundwall had not relieved the issue. He questioned why the increase was made from grade school to high school and requested the Council consider students driving to school and how it impacts traffic and parking.

Pastor Larry Navilhon, representing the Cornerstone Christian Church, stated they had invited staff to the facility and he believes all the residents concerns had been addressed. He noted there was a single event in December in which they did not anticipate the attendance and once they became aware people had parked on St. Clare Drive they were directed to move their vehicles. He stated in the future they would split the pre-school event so parking does not become an issue.

Mayor Freitas closed the Public Hearing.

Associate Planner Albro clarified the soundwall decreases in height to approximately 5 ft. in the northwest corner of the church site and from the neighboring property it is at least 8 feet tall. He stated the soundwall construction is standard and City staff had allowed Cornerstone Church to put up an 8-foot soundwall to address the neighbors concerns. He noted City staff had visited the site and there were no issues with drop off and picking up of students and further noted they have reminded the church of their circulation pattern through the site. He clarified the limit of students is not being exceeded whether it is K-8 or K-12, and parking is driven by the church use, which would demand more parking than the school use.

Community Development Director Brandt clarified the staff report includes a memo regarding three traffic studies were done in 1990, 1995 and 2000 and the next survey in the area will be in 2005. He noted the speeds were fairly consistent ranging between 47-50 MPH, therefore to comply with state requirements, the speed limit was set at 45MPH. He stated copies of the soundwall plans would be made available to Mr. Ray.

In response to the Council's concerns, Pastor Navilhon clarified the increase in 60 students was not necessarily all high school students; there was a total of 25 students in the Junior and Senior classes. He stated overflow parking was not an issue and agreed if it was Council's direction he would post "No Parking" signage on St. Claire Drive and put in additional trees to help with sound. He stated he would extend services to accommodate

the parishioners as needed. He clarified they were no longer having services at John Muir Elementary School.

Carol Ray recounted the parking had overflowed onto St. Claire Drive at least twice.

In response to Mayor Freitas, City Attorney Galstan stated the City had the legal authority to establish a curfew through use permit requirements.

Following discussion, the Council majority agreed to amend the conditions of approval for this application to address the specific concerns of the residents.

Councilmember Conley requested should tow away signs be installed on St. Claire, the signs clearly indicate who was responsible for the towing fees.

Councilmember Kalinowski stated he would not be supporting the motion with the constraints and restraints on the applicant. He noted he would have supported a phase in mechanism to tier in to the 240 student increase so the City could review the impact those students have on the property. He further noted the City had not addressed the physical education activities occurring in the parking lot.

Councilmember Simonsen stated he supports the following motion due to the fact the applicant had agreed to all conditions of the use permit approval.

Mayor Freitas stated he felt the motion is striving for a fair and equitable balance of the needs of the school/church and the community.

**RESOLUTION NO. 2003/18**

On motion by Councilmember Conley, seconded by Councilmember Davis, the Council denied the appeal and upheld the Planning Commission's approval of the amendment to the existing Cornerstone use permit UP-00-11/A, deleting standard condition #3 and project specific condition #9 and amending project specific conditions #7, 10 and 12 to read:

#7 — The applicant shall establish a written trash handling practice that will be subject to staff review and approval. Enforcement of this provision shall be through the code enforcement department and could include citations and/or a use permit revocation.

# 10 — That two school traffic signs paid for by the applicant shall be placed on the westerly and easterly direction adjacent to the project identifying the "school" location and subject to the approval of the City Engineer.



#12 — That Cornerstone provide monthly reminders to parents on the site circulation and proper use of the entry and exit drives.

And the addition of project specific conditions #13, 14 and 15 to read:

#13 — Two “tow away no parking zone” signs paid for by the applicant will be posted on the portion of St. Claire Drive, which had been dedicated and unimproved.

#14 — That signage be posted in the parking lot indicating the entrance only and exit only.

#15 — That there will be a curfew on outdoor activities at the site between the hours of 1:00-6:00 a.m. This curfew applies unless it pertains to a religious service dealing with a recognized holiday by the church.

The motion carried by the following vote:

Ayes: Freitas, Conley, Davis, Simonsen

Noes: Kalinowski

Mayor Freitas declared a recess at 8:44 p.m. The meeting reconvened at 8:58 p.m. with all Councilmembers present with the exception of Councilmember Simonsen who arrived at 8:59 p.m.

### **COUNCIL REGULAR AGENDA**

#### **3. EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY AND THE EAST COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY 2002 EAST CONTRA COSTA TRANSPORTATION STRATEGIC PLAN #1102-03**

Lowell Tunison, Contra Costa County Public Works Department, presented the staff report dated January 7, 2003 and recommended the City Council provide staff with comments to the Eastern Contra Costa Regional Fee and Financing Authority and the East County Transportation Improvement Authority circulation draft of the 2002 East Contra Costa Transportation Strategic Plan.

Councilmember Conley stated he felt the plan was not acceptable for East County noting the improvements to Highway 4 were not fast enough and there should be a way to expedite the process. He expressed concern 75% of the funding would go toward areas of the county, which have their improvements and pay no transportation mitigation fees.

Mr. Tunison clarified the plan outlined the expenditures from the building permit fee and

the new East County residents were paying for the improvements that need to be built to accommodate growth. He added the allocation of bigger dollars needed to come from other sources.

Councilmember Conley suggested the possibility of advancing funding for Highway 4 improvements and paying the State back once the homes were built.

Mr. Tunison clarified the expenditure plan shows the contribution of local building fees that are leveraged toward state and federal dollars particularly Highway 4.

Councilmember Conley stated he felt a full EIR was not necessary and a negative declaration would be more cost effective and time efficient.

Mr. Tunison clarified the funds in the program were not sufficient to accomplish all the improvements for Highway 4 and the process dictated by federal and state law requires a significant amount of time.

In response to Councilmember Conley, Mayor Freitas stated if the reauthorization of Measure C were approved, it would be easier to go to the bond market to prefund and speed up the construction of Highway 4, State Route 4 Bypass and bring rail to Eastern Contra Costa County.

In response to Councilmember Kalinowski, Mayor Freitas stated the authority had spoken to LAFCO on development in Eastern Contra Costa County as it relates to transportation issues through Transplan and they were hopeful the City of Pittsburg would join the East County communities and increase the fee to \$7500.00.

Councilmember Kalinowski requested the Council send a letter to LAFCO and the City of Pittsburg indicating their interest in the Sky Ranch property, which borders the City. He suggested lobbying for legislation which would accelerate funding toward East County transportation needs. He stated he would not be supporting FUA#1 without the completion of the State Route 4 Bypass. He added he preferred Highway 4 improvements to the bypass, there should be at least improvements to Somersville Road.

Councilmember Simonsen stated he shared Councilmember Conley's concerns regarding fairness and equity with other county jurisdictions and voiced his support for working with the Pittsburg City Council and Delta 6 on transportation issues.

In response to Councilmember Davis, Mr. Tunison clarified the Highway 4 improvements east of Lverage Road could be constructed with the development being built along the highway in Pittsburg.

Councilmember Kalinowski informed Council he had made a request for City Attorney Galstan to look at the possibility of excluding Antioch from the BART program.

In response to Councilmember Conley, Mr. Tunison suggested the City let the elected representative responsible for programming state and federal dollars know the priorities and plans of the City in the event of better economic conditions.

Bruce Ohlson, representing the East Bay Bicycle Coalition, requested the City Council include in the strategic plan the mention of bicycle access to be included on every improvement that is not a limited access highway, and bicycle facilities be provided near all limited access highways in the plan with the use of bike lanes, shoulders or trails.

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

Councilmember Conley requested the item be agendaized at a date no later than the end of March and letters be sent to every representative who is affected in the City of Antioch and neighboring cities notifying them if they want the plan changed they need to develop a plan.

**4. PRESENTATION BY CONTRA COSTA COUNTY LIBRARIAN AND ANTIOCH SENIOR BRANCH LIBRARY MANAGER ON THE PLAN OF SERVICE AND PROPOSED OPERATING BUDGET FOR PREWETT LIBRARY #1406-01**

Assistant to the City Manager Gegg presented the staff report dated January 8, 2003, recommending the City Council select either 48 hours of operation or 60 hours of operation for Prewett Library, with additional option of 4 hours of operation on Sunday.

County Librarian Anne Cain and Antioch Senior Branch Librarian Patty Chan gave a brief overhead presentation of the Plan of Service and Proposed Operating Budget for Prewett Library.

Councilmember Simonsen expressed concern regarding the operating costs coming out of the General Fund and voiced his support of the City going out to bid on the operations.

Ms. Cain stated she looked forward to the bidding process and encouraged everyone to submit their likes and dislikes to the library staff regarding library amenities.

The Council discussed the importance of the new library facility to the quality of life in Antioch and voiced their support for hours of operation on Sundays.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the Council unanimously selected 64 hours of operation to include Sunday hours to be determined by the library staff.

**5. APPOINTMENT TO PARKS & RECREATION COMMISSION - 1 VACANCY #302-05**

Mayor Freitas nominated Robert Scoble for the Park and Recreation Commission appointment.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Council unanimously appointed Robert Scoble to the Parks and Recreation Commission vacancy.

Mayor Freitas announced he interviewed applicants for the Design Review Board and due to item #7, dealing with Boards and Commissions the item was held to allow him time for legal interpretation with regards to the membership. He reported he would be going through the existing language and be making a recommendation on January 28, 2003.

**6. GROWTH MANAGEMENT PROGRAM FOR RENEWAL OF MEASURE "C" THE SALES TAX/TRANSPORTATION INITIATIVE #204-02**

Community Development Director Brandt introduced Martin Englemen, representing the Contra Costa Transportation Authority, who presented options for a Growth Management Program relating to the future renewal of the Measure C sales tax/transportation program. CCTA is requesting comments and feedback from member cities on the various options presented.

Councilmember Simonsen requested the matrix of options be made available to the City Council for their review. He expressed concern regarding Central County's ability to dominate what is available for East County.

Mayor Freitas requested the City Council receive the matrix and within 4 weeks, start a City Council meeting at 6:00 p.m. having this be the first item from 6:00-7:00 p.m. to allow Council to delineate. He noted it was important for the City Council to form and provide an opinion with regards to the growth management discussion.

**7. ORDINANCE ADDING CHAPTER 5 TO TITLE 2 OF THE ANTIOCH MUNICIPAL CODE, AND ADDING CHAPTER 12 TO TITLE 3 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH BOARDS AND COMMISSIONS #701-05**

City Attorney Galstan presented the staff report dated January 7, 2003, recommending the City Council: A) Introduce ordinance by title only; B) Introduce the ordinance adding Chapter 5 to Title 2 of the Antioch Municipal Code, and adding Chapter 12 to Title 3 of the Antioch Municipal Code.

In response to Councilmember Kalinowski, City Attorney Galstan clarified it would be appropriate for a member who has had excessive absences to request the Mayor not take action to remove them, which could be done without coming before Council or taking formal action.

In response to Councilmember Simonsen, Nancy McCaffrey, representing the Antioch Chamber of Commerce, clarified it was Chambers preference that their Board of Directors appoint a member to represent the Chamber on the Economic Development Commission. Mayor Freitas added he felt the Mayor and Council would have to take an affirmative action and appoint the recommended individual on the Commission.

Councilmember Conley suggested the rotation of Planning Commission members be revised to avoid changing the majority of the Commission at one time. Mayor Freitas responded there would need to be a majority vote of the City Council, which provides a check in the system.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen, the Council unanimously: A) Introduce ordinance by title only; B) Introduce the ordinance adding Chapter 5 to Title 2 of the Antioch Municipal Code, and adding Chapter 12 to Title 3 of the Antioch Municipal Code.

**8. STUDY SESSION ON THE PROCESSING OF THE ENVIRONMENTAL IMPACT REPORT FOR FUTURE URBANIZATION AREA #1 (FUA#1) #202-02**

Community Development Deputy Director Carniglia presented the staff report dated January 9, 2003 recommending the City Council receive and provide direction.

Councilmember Conley stated if the City was going to have a resource management plan to mitigate biological and animal life he strongly felt any mitigation be done locally and benefit Antioch. He suggested the review period be extended to 60 days.

Community Development Deputy Director Carniglia clarified the process would create a two-step environmental process for all of the properties in FUA#1 and each property would be considered individually when it came in for a project level application. He noted once

the City completes the resource management plan, they would indicate to the HCP group it be consistent with the resource management plan. He stated the HCP would have a full comment period and EIR, which would allow adequate time to make the City's concerns known.

In response to Councilmember Kalinowski, Director of Community Development Brandt clarified the City's primary source of water was from Contra Costa Water District.

Mayor Freitas voiced his support for staff's recommendation noting it addressed the concerns from the public and insured the project would move forward in an environmentally sensitive manner.

On motion by Councilmember Simonsen, seconded by Councilmember Conley, the Council unanimously directed City staff to: 1) Recharacterize the FUA#1 DEIR as a "program" level CEQA document for all properties in the FUA#1 area to require additional CEQA compliance when applicants submit more detailed project-level applications; 2) Incorporate a new area-wide Resource Management Plan for FUA#1 providing additional biological mitigation, and; 3) recirculate for additional public review and comment a revised Future Urban Area #1 (FUA#1) DEIR for the period of 60 days.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present.

**9. AGENCY CONSENT CALENDAR**

- A. APPROVAL OF AGENCY MINUTES FOR NOVEMBER 26, DECEMBER 3 and 10, 2002 #301-03**
- B. APPROVAL OF AGENCY WARRANTS #401-02**
- C. 2001/2002 ANNUAL REPORT ON AGENCY ACTIVITIES #902-01**

On motion by Agencymember Conley, seconded by Agencymember Davis, the Agency unanimously approved the Agency Consent Calendar.

Chairperson Freitas adjourned to the Antioch City Council.

**PUBLIC COMMENTS - None**

**COUNCIL REPORTS/COMMUNICATIONS**

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Councilmember Conley thanked Community Development Director Brandt and the Traffic Engineer for the stoplight at Hillcrest Avenue and Deer Valley Road.

Mayor Freitas voiced his appreciation for the stoplight at Hillcrest Avenue and Deer Valley Road. He reported his car had been burglarized last Saturday and thanked the individual who reported the suspicious person as well as Officer Garcia and Community Service Officer Ryan Decker who apprehended the individual.

**STAFF COMMUNICATIONS - None**

With no further business, Mayor Freitas adjourned the meeting at 10:53 p.m. to the next regular Council meeting on January 28, 2003.

Respectfully submitted

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JANET CHALK, Deputy City Clerk