

ANTIOCH CITY COUNCIL

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

**July 27, 2004
Council Chambers**

1) PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Evaluation for City Manager. This Closed Session is authorized by Government Code §54957.

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 7:15 P.M., and Deputy City Clerk Chalk called the roll.

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

Mayor Freitas apologized for the meeting starting late and noted the City Council had just arrived from Closed Session and there was nothing to report.

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

Chichibu Japan, Sister City Day, July 27, 2004
National Night Out 2004, August 3, 2004

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

Councilmember Davis presented the proclamation proclaiming July 27, 2004 as Chichibu Japan, Sister City Day to the delegates visiting from Chichibu, Japan. He presented David and Sally Massey with a proclamation in honor of their father Verne Roberts who founded the Sister City Program. Ms. Massey thanked the City Council for honoring her father as the founder of the Sister City Program.

Masao Sakurai, representing the visiting delegates, stated they were very happy to be in Antioch and at the City Council meeting.

Mayor Freitas thanked all the host families for participating in the Sister City Program.

Councilmember Davis announced there would be a Sister City event on July 30, 2004 at the Historical Society from 7:00 - 9:00 p.m. to meet the delegates and tour the museum. He thanked the delegates and host families for participating in the Sister City Program.

Councilmember Kalinowski presented the proclamation proclaiming August 3, 2004 as *National Night Out* to Bob Miller, Cindy Wilkerson and Leroy Beck, proclaiming August 3, 2004 as *National Night Out*. Ms. Wilkerson thanked the City Council for the proclamation and thanked all participants of the *National Night Out* activities. Mr. Miller recognized Antioch resident and Neighborhood Watch participant Rebecca Humbard, who recently returned from service in Iraq.

Cindy Wilkerson, on behalf of everyone involved, thanked the City Council for the proclamation and encouraged the City Council to participate in the *National Night Out* activities.

Mayor Freitas stated he was very happy Ms. Humbard returned home safe and on behalf of the community, he expressed his appreciation to Ms. Humbard for her serve in the military on behalf of the United States of America.

Councilmember Kalinowski presented the proclamation to Ms. Humbard, who thanked the City Council for the recognition and stated she had served in the Army National Guard for 20 years. She reported it was a long hard year and her unit returned to the United States whole. She thanked everyone for their support.

PRESENTATIONS

Mr. Funnelhead Presentation To Nicholas Goodrich, John Muir Elementary School

Matt Bollinger, representing the Contra Costa Clean Water Program, commended Nicholas Goodrich for winning first place and designing an outstanding magnet.

Councilmember Conley presented Nicholas Goodrich with the proclamation, recognizing him as the 1st place winner in the Mr. Funnelhead magnet art contest promoting used motor oil recycling program.

Mr. Funnelhead thanked Nicholas Goodrich for the outstanding magnet design and encouraged the community to continue to recycle.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

Deputy City Clerk Chalk announced there were currently two expiring terms on the Design Review Board. She stated applications were being accepted and urged anyone interested in applying to contact the City Clerks office for an application or download an application from the City's website. She noted the deadline to submit an a pplication was September 24, 2004, 5:00 p.m.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Officer Pat Welch announced the Antioch Police Department and Prewett Family Park were sponsoring Child Safety Day on August 14, 2004 at 11:00 a.m. in the parking lot at Prewett Family Park.

Ester Park, representing the El Campanil Preservation Foundation, announced the Classic Film Series would begin on August 6-7, 2004 with the premier of Gone With the Wind showing at 2:00 p.m. on Friday and 2:00 p.m. and 7:30 p.m. on Saturday. She stated show schedules were available on their website and tickets were available at The Garden Source.

Mayor Freitas stated he hoped the community attended and sees the classics at the newly restored theater.

PUBLIC COMMENTS

Emil Stein, Antioch resident, presented Minutes Clerk Eiden with a certificate on behalf of the Citizens for a Better Antioch, recognizing her for her unbiased minutes recording.

Ken Lee, Antioch resident, presented Councilmember Davis and his wife with a certificate in recognition of organizing the 4th of July parade. He announced the Citizens for a Better Antioch was hosting a Town Hall picnic at Williamson Ranch on August 7, 2004 from 12:00 to 3:00 p.m.

PUBLIC HEARINGS

2. DOUGLAS E. TOKES REQUESTS AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL FOR CORNERSTONE CHRISTIAN CENTER, ALLOWING THE CONSTRUCTION OF A GYMNASIUM/CLASSROOM BUILDING, EXPANSION OF THE MAXIMUM ALLOWABLE NUMBER OF STUDENTS TO 440 FROM THE CURRENT 240 CURRENTLY PERMITTED (NOT INCLUDING THE PERMITTED 30 PRE-SCHOOL STUDENTS), LOT MERGER OF THE EXISTING CAMPUS PARCEL AND THE PROPOSED GYMNASIUM/CLASSROOM PARCEL. THE PROPOSED GYMNASIUM SITE IS LOCATED AT 1715 E. 18TH STREET (APN 051-140-029) ON A PARCEL IMMEDIATELY WEST OF THE CORNERSTONE CHRISTIAN CENTER'S CURRENT LOCATION OF 1745 E. 18TH STREET. FILE: UP-04-09 #202-10

Associate Planner Albro presented the staff report dated July 19, 2004 recommending the City Council deny the appeal, and thereby uphold the decision of the Planning Commission to approve the use permit allowing the following:

- § The construction of Gymnasium/classroom building on a 1.2-acre parcel adjacent to (west of) the Center's current location at 1745 East Eighteenth Street.
- § The expansion of the maximum allowable number of students to 440 from the current 240 currently permitted (not including the permitted 30 per-school students).
- § The lot merger of the existing campus parcel and the proposed Gymnasium/classroom parcel.

In response to Councilmember Conley, Associate Planner Albro stated the applicant's engineer is working on lowering grade to help decrease the height of the building.

Mayor Freitas opened the public hearing.

PROPONENT

Jeffrey Polisner, Attorney representing Mr. and Mrs. Douglas Tokes, and speaking on behalf of several other residents on Trembath Lane, gave a brief history of the project. He noted the City Council adopted resolution 2003/18 which stated no additional increases in enrollment would be allowed at the location and the Cornerstone Christian Church concurred with the statement. He stated the facility did not belong in a residential neighborhood and noted to allow the project to proceed would be a breach of faith and negatively impact the residents' quality of life. He noted the construction work required to build the facility would do major damage to Mr. Tokes property. He stated the project should be denied on the basis of the resolution; however, if the Council felt compelled to breach its commitment regarding further expansion then he suggested relocation of the gymnasium on East 18th Street. He urged the City Council to use their discretion, honor their commitment and deny the expansion.

Don Burkard, Antioch resident, read his letter outlining objections to the land use proposed by the Cornerstone Christian Center. He noted they felt adding the gymnasium and increased enrollment would greatly impact neighbors' views and property values; therefore they felt the application should be denied. The City Council should consider alternatives and a long term plan for the church/school use. He expressed concern the proposal, if approved, would compound the existing parking and traffic problems. He added the soundwall should be sloped and landscaped to screen the facility for the neighborhood.

Richard Trabold, Antioch resident, spoke in opposition to the Cornerstone Christian Center expansion. He questioned if Councilmember Simonsen had visited the project area and if he would support a school adjacent to his residence. Mr. Trabold noted he would have no objections if the expansion were to occur on the lot behind his property. He urged the City Council to deny the project as presented.

Councilmember Simonsen responded he had visited the neighborhood several times and his property was adjacent to Park Middle School.

Bruce Hiebert stated he had certified maps from the county and reported he owns property located five feet into the property the church was purchasing. He urged the City Council to maintain their rights to the water line.

Linda Jones, Antioch resident, read a letter in opposition to the expansion of the Center noting it would generate more noise and block sunlight, negatively impacting their quality of life and property values.

Johnny Ray stated the current soundwall did not meet City codes and was not high enough to mitigate the noise from the play yard, which was negatively impacting his quality of life. He noted he was informed by Pastor Navilhon they would be installing a soundwall on St. Claire Drive, which had not been constructed. He urged the City Council to consider the project as if it was being constructed in their backyards.

Carol Ray read a letter in opposition to the Cornerstone Christian Center expansion and expressed concern the project would take away their privacy, lower property values, and create excessive noise and traffic problems.

Denny Lantrip stated if the gymnasium were moved to where the portables were located it would be a large burden for him. He urged the City Council to make a decision best for all parties involved.

Mayor Freitas read written comment from Carmen Ochoa and Dee Vieira in opposition to the Cornerstone Christian Center expansion noting they felt it was not a suitable location for the facility.

Emil Stein, Antioch resident, suggested the City Council deny the project and have the church move their facility to another location.

Ken Lee, Antioch resident, stated new development should blend in with existing development with the least amount of impacts. He suggested holding meetings with the residents to hear their concerns and develop solutions.

Hans Ho stated he felt the construction of the gymnasium would do irreparable harm to the lifestyle of the residents in the neighborhood. He requested the City Council take no action and continue the discussion with all parties involved to attempt to work out a compromise. He requested the City Council ask the Planning Commission to learn from Measure "C".

OPPONENTS

Robin Wong, Antioch resident, stated Antioch had changed and so had the needs of the church therefore they were requesting the expansion to fill the growing needs of the community. She urged the City Council to support the project.

Pastor Navilhon, Senior Pastor of Cornerstone Christian Center, thanked the City Council and Staff for their professionalism. He gave a brief history of the church and school noting they had grown tremendously. He stated it was their desire to meet the needs of the community and provide a safe, healthy, learning and loving Christ-centered environment where children would be raised and educated. He stated the current church and school had no traffic issues and with the expansion they would continue to have 25% of the students in before and after

school care with three pick up and drop off times to facilitate their current traffic model. He stated they had maintained a clean and professional environment. He noted they felt the gymnasium would assist in mitigating any noise issue by allowing them to move the physical education classes indoors and it will act as a buffer for the playground. He had met with Mr. Tokes regarding possible alternative locations for the gymnasium, which he discussed with the architects. He noted the other locations are not financially or physically feasible however they would lower the building as much as possible. He noted they continue to stay committed to being a good neighbor in the City.

Sherri DelChiaro stated all neighborhoods had a school located in them and reported her grandmother lives across the street from Cornerstone and she had never had a complaint regarding their current operation. She encouraged the City Council to approve the expansion.

Debra Beckhert stated her child attends school at Cornerstone Christian Church and she had never witnessed children carrying on in a raucous manner.

REBUTTAL

Mr. Polisner stated the issue dwelt with appropriate land use planning for the area and noted they felt the gymnasium should not be located at the site. He requested the City Council deny the project and if not, require it to be reconfigured to be less obtrusive to the neighbors.

Mayor Freitas closed the public hearing and declared a recess at 8:55 p.m. The meeting reconvened at 9:02 with all Councilmembers present with the exception of Councilmember Simonsen who arrived at 9:03.

Associate Planner Albro clarified there was sufficient room in the setback to accommodate the easement and allow the project to be built as submitted. He added it was a recorded easement and any grading or retaining walls would be respecting it.

Mr. Heibert indicated the water lines were private lines.

Councilmember Conley stated needs will have to be addressed as the City grows. He felt the school provided relief to the School District, was not out of character for the neighborhood and was properly located with access from East 18th Street.

A motion was made by Councilmember Conley, seconded by Councilmember Davis, to deny the appeal and uphold the Planning Commission's decision to approve the use permit.

Mayor Freitas requested the maker and seconder of the motion withdraw the motion to deny the appeal. He noted the church desired to be a good neighbor and the residents had brought up legitimate issues on both sides which needed to be discussed. He requested staff be directed to work with the church and community to discuss other viable alternatives. He noted

the issues of the retaining wall height and driveways needed to be addressed.

Councilmember Simonsen stated all considerations should be made at the Planning Commission level. He noted light pollution needed to be addressed by staff and the building design and landscaping needed to be addressed by the Design Review Board.

Deputy Director of Community Development Carniglia clarified staff had worked with the applicant with regards to site layout and site planning and noted from a staff standpoint the proposed arrangement was the most logical place for the structure to be located.

Councilmember Kalinowski expressed concern regarding the location of the facility noting the land use impact made the project unfeasible. He stated the City Council made a commitment the enrollment would not exceed 240 students. He stated the project, as proposed was not feasible on the parcel, therefore he would not support the motion to deny the appeal.

The motion to deny the appeal was not withdrawn as requested by Mayor Freitas.

On motion by Councilmember Conley, seconded by Councilmember Davis the City Council denied the appeal upholding the Planning Commission's decision to approve the use permit.

RESOLUTION NO. 2004/101

The motion carried by the following vote:

Ayes: Davis, Conley, Simonsen

Noes: Kalinowski, Freitas

3. AGI CAPITAL GROUP/BAYWOOD APARTMENTS REQUESTS APPROVAL OF A USE PERMIT AND TENTATIVE MAP TO ALLOW THE CONVERSION OF THE EXISTING 128 UNIT APARTMENT COMPLEX FROM RENTAL RESIDENTIAL UNITS TO CONDOMINIUM UNITS; AND A VARIANCE FROM CONDOMINIUM PARKING STANDARDS LOCATED AT 2005 SAN JOSE DRIVE (APN 076-440-032). FILE: UP-03-24, V-04-07 #202-10

Associate Planner Albro presented the staff report dated July 13, 2004 recommending the City Council take the following action: Motion to adopt the resolution approving a Use Permit (including Tentative Map) to allow the conversion of apartments to individual condominium units, and approving the variance to allow the reduction in the number of required parking stalls.

In response to Mayor Freitas, Chief Building Official Griebing clarified he was not in support of shared utilities and the code required separate electric and gas facilities. He added he felt it was important to have separate facilities for homeownership. He estimated the cost of separate meters to be approximately \$15,000 per unit.

Councilmember Simonsen suggested project specific condition #78 be reworded to indicate the applicant would replace all common water heaters as determined by the Chief Building Inspector prior to the approval of final map (if they were beyond their typical life span).

Chief Building Official Griebing stated it was staffs intent to replace only the water heaters that were in disrepair.

PROPONENT

Eric Tao, AGI Capital Group, gave a brief overhead presentation of the history of AGI Capital Group and the proposed project. He clarified adding costs for separate meters would increase the cost of each unit by approximately \$25,000, which they would be unable to finance and would make the units unaffordable. He reported it was common practice for high-density residential units to be sold with common water and gas, which were managed well with a HOA management company distributing costs. He stated the current vacancy rate for apartments in Antioch justifies conversion of those units to condominiums. He noted with regards to project specific condition #65 they were requesting a reduction in the contribution to the HOA reserve to 1% of the sales price.

Osvaldo Chavez, representing AGI Capital, voiced his support for the condominium conversion noting it would provide affordable housing opportunities in Antioch.

Theresa Mattson, Antioch resident and property manager for Baywoods, speaking on behalf of tenants stated they were in support of the condominium conversion.

Gail Stark, representing AGI Capital, stated she had never encountered separate water meters or a dispute with regards to water issues in any condominium projects she had been associated with. She agreed with the Planning Commission's recommendations to waive the separate water meter requirement and noted to increase the price per unit by approximately \$20,000 would make the units unaffordable to many buyers.

Ray Kaliski, representing AGI, stated the key to the project was affordability and therefore he requested eliminating separate metering and the reserve requirement.

Allen Payton, representing AGI Capital, stated the project provided affordable housing for young adults without additional units having to be built or government subsidy.

Vertrina Davis, resident at Baywood Apartment, spoke in support of the condominium conversion noting it would provide her the opportunity to afford housing,

Sandra Golightly stated on-street parking could not be considered as available parking for the project. She expressed concern for eliminating the apartments from the housing mix in

Antioch and the affordability of homeowner association fees. She stated all apartments should be built to condominium specs and since the project was lacking those specs, she felt the project should be built at another location.

Eric Tao reiterated they were in the position to convert the project to condominiums due to the market demand and the economy.

Mayor Freitas closed the public hearing.

Mayor Freitas directed staff to bring back the ordinance to the City Council dealing with the requirement to build apartment complexes to condominium standards.

Councilmember Simonsen stated he was in support of the opportunity to provide affordable home ownership in Antioch. He felt the 5% HOA contribution requirement was too high considering the improvements would be made and the warranties provided in the conditions of approval. He further noted he requested the last sentence of condition #65 be removed.

Councilmember Conley felt the addition of 128 condos would benefit Antioch although he did not feel the location was appropriate. He expressed concern for the sharing of utilities and the reduction of available apartments in the City. He stated with the potential for absentee landlords, he felt the site would deteriorate and therefore he could not support the project.

In response to Mayor Freitas, City Attorney Galstan stated it was impractical for staff or the HOA to enforce the condition stipulating the maximum number of leased units. He noted the only oversight the City had with regards to the HOA was the maintenance and landscaping of the common areas.

Associate Planner Albro clarified the HOA would be on its own at the sale of the final unit therefore staff wanted to assure there would be an immediate source of money in the reserves to address unforeseen items that may occur.

Mayor Freitas expressed concern for shared utilities and noted the Contra Costa Water District and East Bay Municipal Utilities District recommend separate utilities to provide accountability in the event of water rationing.

On motion by Councilmember Conley, seconded by Mayor Freitas, the City Council tentatively denied UP-03-24, V-04-07 directing staff to prepare findings based on the comments this evening to be brought to the Council Consent Calendar for a final decision.

Ayes: Kalinowski, Conley, Freitas,

Noes: Davis, Simonsen

COUNCIL REGULAR AGENDA

**4. ORDINANCE RESCINDING AND RE-ENACTING SECTION 6-1.22 OF THE
ANTIOCH MUNICIPAL CODE, DEALING WITH DANGEROUS ANIMALS**

#701-05

City Attorney Galstan presented the staff report dated July 21, 2004 recommending the City Council: A) Introduce the ordinance by title only; and B) Introduce the ordinance rescinding and re-enacting §6-1.22 of the AMC

Lena O'Neal thanked the City Council and Antioch Police Department for their consideration in amending the ordinance and supporting them during their time of grief. She stated if adopted, the ordinance would benefit the citizens of Antioch.

Earl Hill presented a picture of his dog Whiskey, who was attacked and killed by a vicious dog in Antioch. He thanked the City Council for their consideration of the ordinance amendment.

Councilmember Simonsen expressed concern for the City's ability to enforce the ordinance.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis the City Council unanimously: A) Introduced the ordinance by title only; and B) Introduced the ordinance rescinding and re-enacting Section 6-1.22 of the Antioch Municipal Code.

5. APPOINTMENT TO POLICE CRIME PREVENTION COMMISSION (1 unexpired term)

#302-10

Mayor Freitas read written comments from Hans Ho expressing his continued interest in serving on the Police Crime Prevention Commission.

Mayor Freitas nominated Hansel H. Ho to the Police Crime Prevention Commission.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council appointed Mr. Ho to the Police Crime Prevention Commission. The motion carried by the following vote:

Ayes: Kalinowski, Davis, Simonsen, Freitas

Noes: Conley

6. APPOINTMENT TO URBAN LIMIT LINE NEGOTIATION COMMITTEE

#302-10

Mayor Freitas nominated Councilmember Kalinowski to serve on the Urban Limit Line Negotiation Committee.

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the City

Council unanimously appointed Councilmember Kalinowski to the Urban Limit Line Negotiation Committee.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR JUNE 22 and 29, 2004 #301-02**
- B. APPROVAL OF COUNCIL WARRANTS #401-02**
- C. APPROVAL OF TREASURER'S REPORT - JUNE 2004 #401-02**
- D. REJECTION OF CLAIM #704-07**
1. Safeco Insurance/Melina Markarian, #04/05-1494
- E. LEGISLATION AND ADVOCACY #701-04**
- F. ORDINANCE NO. 1023-C-S ADDING SECTION 5-1.203 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH ELECTRIFIED FENCES #701-05**
- G. ORDINANCE NO. 1024-C-S AMENDING THE EAST LONE TREE SPECIFIC PLAN BY DESIGNATING THE APPROXIMATELY 13 ACRES MAKING UP THE LOWE'S HOME IMPROVEMENT WAREHOUSE PROJECT SITE REGIONAL RETAIL (CR) #202-03**
- H. ORDINANCE NO. 1025-C-S REZONING APPROXIMATELY 13 ACRES MAKING UP THE LOWE'S HOME IMPROVEMENT WAREHOUSE PROJECT SITE TO THE PLANNED DEVELOPMENT DISTRICT (PD) #202-03**
- I. ORDINANCE NO. 1026-C-S REZONING THE PROJECT SITE FROM PLANNED DEVELOPMENT DISTRICT TO THE PLANNED DEVELOPMENT DISTRICT (PD) (THE COMMONS AT DALLAS RANCH) #202-03**
- J. ORDINANCE NO. 1027-C-S PARTIALLY RESCINDING ORDINANCE NO. 1010-C-S, DEALING WITH AMENDMENTS TO SOUTHEAST SPECIFIC PLAN (BLUEROCK BUSINESS CENTER) #901-05**
- K. ORDINANCE NO. 1028-C-S PARTIALLY RESCINDING ORDINANCE NO. 1011-C-S, DEALING WITH THE BLUEROCK BUSINESS CENTER PROJECT #901-05**
- L. RESOLUTION NO. 2004/95 APPROVING SECOND AMENDMENT TO RENTAL**

**AGREEMENT FOR 1811 "C" STREET AND 301 WEST 10TH STREET (Delta 2000)
#1001-05**

**M. CONSIDERATION OF BIDS FOR THE "G" ST. AND CAVALLO RD. ROADWAY
PAVEMENT REHABILITATION (PW 392-21) #1102-04**

**N. RESOLUTION NO. 2004/96 APPROVING STREET NAME CHANGE FROM
"COUNTY EAST MALL" TO "SOMERSVILLE TOWNE CENTER" #1102-04**

**O. RESOLUTION NO. 2004/97 PRELIMINARILY APPROVING THE ENGINEER'S
REPORT AND SETTING THE DATE FOR A PUBLIC HEARING FOR THE SAND
CREEK - LONE TREE WAY BENEFIT DISTRICT (PW 639-BD) #802-02**

**P. RESOLUTION NO. 2004/98 APPROVING MODIFICATION OF CONDITIONS FOR
HILLCREST CROSSROADS SHOPPING CENTER LOT LINE ADJUSTMENT
#202-10**

**Q. RESOLUTION NO. 2004/99 DENYING A FINAL PLANNED DEVELOPMENT, MINOR
SUBDIVISION, AND USE PERMIT FOR TAIT AND ASSOCIATES/PARACHINI FOR
NEIGHBORHOOD SHOPPING CENTER AND OFFICE COMPLEX (PD-04-03,
UP-03-16, PW 357-301-04) #202-03**

**R. RESOLUTION NO. 2004/100 APPROVING RENTAL AGREEMENT FOR
CHRISTMAS TREE LOT #1001-05**

On motion by Councilmember Conley, seconded by Councilmember Kalinowski, the Council unanimously approved the Council Consent Calendar with the exception of items E, M and P, which were removed for further discussion.

Item E - Councilmember Simonsen provided information to the City Council with regards to the current protection of city revenues.

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

Item M - In response to Mayor Freitas, Director of Community Development Brandt stated that if everything moves forward as planned the project could be completed prior to the rainy season.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City

Council approved Item M. The motion carried the following vote:

Ayes: Kalinowski, Conley, Simonsen, Davis

Abstain: Freitas

Item P - Mayor Freitas expressed concern that the recommended action would be precedence setting and stated that he felt the ordinance should be amended to require an overall agreement for landscape maintenance programs. In response to Councilmember Conley, Director of Community Development Brandt stated that he felt the recommendation from staff was the best avenue for this situation and reported he has directed Neighborhood Improvements Coordinator Skaggs to begin concentrating on the commercial areas of Antioch.

On motion by Councilmember Kalinowski, seconded by Councilmember Conley the City Council unanimously approved the resolution amending it to indicate the priority for the \$35,000 funding will be in conjunction with the landscape maintenance for the Hillcrest Shopping Center.

PUBLIC COMMENTS

In response to Sandra Golightly's comment on staggered terms of the Design Review Board and other commissions members, Mayor Freitas clarified the recommendations had not been accepted by Council. He requested the item be agendaized for the first meeting in September.

COUNCIL COMMUNICATIONS

Councilmember Davis reported he had received many phone calls from residents who were complaining about a news helicopter hovering above their residences at 5:30 a.m. He requested the City Attorney send a letter to the news organization requesting they park the helicopter over a non-residential area.

Councilmember Conley reported *The Pizza Lover* had opened in the Hillcrest Crossroads Shopping Center and he recommended it to the community. He announced he attended the Macy's grand opening which was a special event to benefit the schools, which went extremely well.

Mayor Freitas concurred the Macy's grand opening event was outstanding and a fun evening. He thanked the City Council, staff and the community for participating in the activities. He announced the ribbon cutting for Macy's was on July 30, 2004 at 9:45 a.m. and the groundbreaking for the Kaiser Permanente Hospital would occur on July 29, 2004. He directed City Manager Jakel to resolve the neighborhood issues (fence, weeds, barbed wire) related to the Nokes Auto Dealership prior to the September City Council meeting. He stated there was a ballast problem in the Council Chambers and requested it be repaired.

STAFF COMMUNICATIONS

City Manager Jakel reported the Mayor's Conference would be held on August 5, 2004 and there was only one City Council meeting in August to be held on August 10, 2004.

With no further business, Mayor Freitas adjourned the meeting at 11:22 p.m. to the next regular Council meeting on August 10, 2004.

Respectfully submitted:

JANET CHALK, Deputy City Clerk

Approved:

DONALD P. FREITAS, Mayor

Attest:

JANET CHALK, Deputy City Clerk