

City Manager  
City Attorney  
City Clerk  
Community Dev Director  
Janet Chalk  
Debbie Smith

# ANNOTATED AGENDA

for  
September 14, 2010

## *CITY COUNCIL/ADA MEETING*

Order of Council vote: AYES: Council Members Kalinowski, Rocha, Moore, Parsons and Mayor Davis

Order of Agency Vote: AYES: Agency Members Kalinowski, Rocha, Moore, Parsons and Chairman Davis

### Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the City Clerk's Office, located on the 1<sup>st</sup> floor of City Hall, 3<sup>rd</sup> and H Streets, Antioch, CA 94509, during normal business hours for inspection and (for a fee) copying. Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the City Clerk's Office, who will refer you to the appropriate person.

### Notice of Opportunity to Address Council

The public has the opportunity to address the Council on each agenda item. To address the Council, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. See the Speakers' Rules on the inside cover of this Agenda. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section.

**5:45 P.M. ROLL CALL** for Closed Sessions

**PUBLIC COMMENTS** for Closed Sessions

#### CLOSED SESSIONS:

**1) CONFERENCE WITH LABOR NEGOTIATOR** – Employee organizations: Public Employees' Union Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officers' Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant Employees' Association. This Closed Session is authorized by California Government Code §54957.6. **No Action Taken, direction given to staff**

**2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One potential case. **No Action Taken, direction given to staff**

**3) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** —Onita Tuggles v. City of Antioch et al, Northern District Court Case No. C 08-01914 JCS; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA; and Riaz Patras, Maryam Patras and Mark Patras v. City of Antioch et al., Northern District Court Case No. CV-09-1891. This Closed Session is authorized by California Government Code §54956.9. **No Action Taken**

**7:00 P.M. ROLL CALL** for Council/Agency Members — **All Present**

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

**PROCLAMATIONS** — *Antioch Youth Intervention Network*  
*Falls Prevention Awareness Week, September 19 – 25, 2010*  
*California Coastal Cleanup Day, September 25, 2010*

**PUBLIC COMMENTS**—*Only unagendized issues will be discussed during this time*

**CITY COUNCIL SUBCOMMITTEE REPORTS**

**MAYOR'S COMMENTS**

**1. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 10, 2010**

***Approved***

Recommended Action: Motion to approve the minutes

**B. APPROVAL OF COUNCIL WARRANTS**

***Approved***

Recommended Action: Motion to approve the warrants

**C. APPROVAL OF TREASURER'S REPORT FOR JULY 2010**

***Approved***

Recommended Action: Motion to approve the report

**D. REJECTION OF CLAIMS**

***Rejected***

1. Janet Michelson 10/11-1978 (personal injury)
2. Rich Hoppe 10/11-1971 (property damage)
3. Julio Gonzalez 10/11-1975 (property damage)
4. Vicki Stringer 10/11-1967 (lost property)
5. Progressive Insurance for Sonja A. Marchiorletti 10/11-1985 (property damage)

Recommended Action: Motion to reject the listed claims

**E. ORDINANCE TO REZONE APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT (PD-10-01) (*Mike's Auto Body/Brennan Rose*) (Introduced 8/10/10)**

***Ord 2042-C-S, 5/0***

Recommended Action: Motion to adopt the ordinance

**F. LEGISLATION AND ADVOCACY**

1. Proposition 19: The Regulate, Control and Tax Cannabis Act of 2010

***Reso 2010/59, 5/0***

Action: Motion to approve League of California City's model resolution in opposition to Proposition 19 and forward to the League

**G. UPDATE OF THE CITY OF ANTIOCH CONFLICT OF INTEREST CODE**

***Reso 2010/60, 5/0***

Recommended Action: Motion to adopt the resolution

**H. FOURTH AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH FLOW SCIENCE INCORPORATED**

***Approved***

Recommended Action: Motion to approve the Fourth Amendment to the Consultant Service Agreement with Flow Science Incorporated for assistance in support of negotiations with the California State Department of Water Resources (DWR) and review of the Bay Delta Conservation Plan

**COUNCIL CONSENT CALENDAR — Continued**

- I.** CONSIDERATION OF BIDS FOR THE CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE HANDICAPPED ACCESSIBLE RAMPS AT MISCELLANEOUS LOCATIONS 2010-2011  
(P.W. 507-13)

**Approved**

Recommended Action: Motion to award the project to the low bidder, Maxicrete, Inc., in the amount of \$218,613.00 for the project

- J.** RESOLUTION ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE III  
(P.W. 678-3)

**Reso 2010/61, 5/0**

Recommended Action: Motion to adopt the resolution

- K.** CONTRACT AMENDMENT WITH ARTS & CULTURAL FOUNDATION OF ANTIOCH

**Reso 2010/62, 5/0**

Recommended Action: Motion to sign a contract amendment reducing funding from the City of Antioch to the Arts & Cultural Foundation of Antioch from \$120,000 to \$18,000

- L.** APPROVE AWARD OF BID FOR WESTERN PARKING LOT OVERLAY PROJECT – PREWETT PARK (P.W. 567–C3)

**Approved**

Recommended Action: Motion to award the bid to provide parking lot overlay/asphalt for the western parking lot at Prewett Park to the lowest responsible bidder, Granite Construction, in the amount of \$83,993.60

- M.** APPROPRIATION OF EXPENDITURES FOR ENCUMBRANCES AND PROJECT BUDGETS OUTSTANDING AS OF JUNE 30, 2010, TO THE 2010-11 FISCAL YEAR BUDGET

**Reso 2010/63, 5/0**

Recommended Action: Motion to adopt the resolution

- N.** WAIVER OF THE IRRIGATION WATER BILL AT THE LONE TREE GOLF COURSE

**Approved**

Recommended Action: Motion to extend the Waiver of Payment of the Irrigation Water Bill at the Lone Tree Golf Course until completion of the Recycled/Reclaimed Water Project

- O.** PURCHASE OF POLICE PATROL VEHICLES

**Approved**

Recommended Action: Motion to approve the vehicle purchases for five (5) vehicles from Downtown Ford, Sacramento in the amount of \$122,573.81

**END OF COUNCIL CONSENT CALENDAR**

## **COUNCIL REGULAR AGENDA**

### **2. PRESENTATION ON ANTIOCH FERRY TERMINAL BY WATER EMERGENCY TRANSPORTATION AUTHORITY**

***Received***

Recommended Action: Motion to receive the presentation by the Water Emergency Transportation Authority (WETA) on the proposed Antioch Ferry Terminal, and that the City Council provide comments and direction to WETA staff as appropriate

### **3. EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY (EBRCSA)**

***Approved to participate in EBRCSA, 4/0 (K- recused)***

Recommended Action: Motion to direct staff as to Council's desire to continue to participate in East Bay Regional Communications System Authority

### **4. AGENCY CONSENT CALENDAR**

#### **A. ANTIOCH DEVELOPMENT AGENCY – APPROPRIATION OF EXPENDITURES FOR PROJECT BUDGETS OUTSTANDING AS OF JUNE 30, 2010, TO THE 2010-11 FISCAL YEAR BUDGET**

***Reso ADA-440, 5/0***

Recommended Action: Motion to adopt the resolution

### **5. COUNCIL / AGENCY CONSENT CALENDAR**

#### **A. UPDATE OF THE ANTIOCH DEVELOPMENT AGENCY CONFLICT OF INTEREST CODE**

Recommended Action: 1) Agency approve the resolution adopting the updated Conflict of Interest Code for the Agency; and ***ADA-441, 5/0***

2) City, as the Code-reviewing body, approve the resolution approving the updated Conflict of Interest Code for the Agency ***Reso 2010/64, 5/0***

### **PUBLIC COMMENT**

### **STAFF COMMUNICATIONS**

### **COUNCIL COMMUNICATIONS**

### **ADJOURNMENT — 8:43 p.m.**