

# ANNOTATED AGENDA

for  
March 22, 2011

## *CITY COUNCIL/ADA MEETING*

Order of Council vote: AYES: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor Davis

Order of Agency Vote: AYES: Agency Members Kalinowski, Harper, Rocha, Agopian 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.

**6:00 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. City designated representatives: Deborah McHenry, Human Resources Director and Glenn Berkheimer, IEDA. This Closed Session is authorized by California Government Code §54957.6

*Direction to staff*

2) **CONFERENCE WITH LEGAL COUNSEL** — Pursuant to California Government Code section 54956.9 regarding the East Contra Costa Regional Fee and Financing Authority: (1) Anticipated Litigation pursuant to California Government Code section 54956.9(b)– Significant exposure to litigation – 1 case; and (2) Anticipated Litigation pursuant to California Government Code section 54956.9(c) – Initiation of litigation – 1 case. **No action**

3) **CONFERENCE WITH LEGAL COUNSEL** — Pursuant to California Government Code section 54956.9 regarding Seeno Homes and Discovery Builders: Black Diamond Ranch: Markley Creek Culvert Crossing Project: (1) Anticipated Litigation pursuant to California Government Code section 54956.9(b)– Significant exposure to litigation – 1 case; and (2) Anticipated Litigation pursuant to California Government Code section 54956.9(c) – Initiation of litigation – 1 case. **C/M Harper recused, direction to staff**

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

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS** — *Women's History Month, March 2011*  
*Parkinson Disease Awareness Month, April 2011*  
*REACH Project 41<sup>ST</sup> Year Anniversary, April 1, 2011*

**PRESENTATION** by Delta Science Center (DSC) Board of Directors — **Con't to 4/12/11**

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

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

**COUNCIL SUBCOMMITTEE REPORTS**

**MAYOR'S COMMENTS**

**A. COUNCIL CONSENT CALENDAR**

**A.** APPROVAL OF COUNCIL MINUTES FOR MARCH 8, 2011

***Con't to 4/12/11***

Recommended Action: Motion to continue to April 12, 2011

**B.** APPROVAL OF COUNCIL WARRANTS

***Approved***

Recommended Action: Motion to approve the warrants

**C.** APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2011

***Approved***

Recommended Action: Motion to approve the report

**D.** ORDINANCE AMENDING §9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) PROGRAM (*Introduced 03/08/11*)

***Ord No. 2046-C-S, 5/0***

Recommended Action: Motion to adopt the ordinance

**E.** RESOLUTION ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE PREWETT COMMUNITY PARK- EASTERN PARKING LOT RENOVATION (P.W. 567-C2)

***Reso 2011/19, 5/0***

Recommended Action: Motion to adopt the resolution

**F.** TREE COMMITTEE COUNCIL APPOINTMENT

***Appoint Ken DeSilva***

Recommended Action: Motion to appoint Ken Desilva to the Tree Committee as the member of the general community who, serving as a member of the committee, will review matters related to tree preservation

**G.** APPROVE AMENDMENTS TO THE FISCAL YEAR 2011 MARINA ENTERPRISE FUND AND ANTIOCH DEVELOPMENT AGENCY BUDGETS

***Approved***

Recommended Action: Motion to approve amendments

**COUNCIL CONSENT CALENDAR — Continued**

- H. CITY OF ANTIOCH – COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2010

**Approved**

Recommended Action: Motion to receive and file the report

- I. RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR NELSON RANCH, UNIT 2 (STANDARD PACIFIC HOUSING), TRACT NO. 8850 (PW 547-2)

**Reso 2011/20, 5/0**

Recommended Action: Motion to adopt the resolution

- J. RESOLUTION ADOPTING THE GROWTH MANAGEMENT COMPLIANCE CHECKLIST FOR REPORTING CALENDAR YEARS 2008 AND 2009 FOR THE SALES TAX/TRANSPORTATION INITIATIVE (MEASURES “C” AND “J”)

**Reso 2011/21, 5/0**

Recommended Action: Motion to adopt the resolution

- K. RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO INCREASE THE PREWETT WATER PARK ADMISSION FEES

**Reso 2011/22, 5/0**

Recommended Action: Motion to adopt the resolution

- L. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE MEMORANDUM OF UNDERSTANDING FOR TRANSFER OF PROPERTY FOR FREEWAY WIDENING PURPOSES AND DOCUMENTS REQUIRED TO TRANSFER TITLE

**Reso 2011/23, 5/0**

Recommended Action: Motion to adopt the resolution

**2. AGENCY CONSENT CALENDAR**

- A. APPROVAL OF AGENCY WARRANTS

**Approved**

Recommended Action: Motion to approve the warrants

- B. APPROVE AMENDMENTS TO THE FISCAL YEAR 2011 ANTIOCH DEVELOPMENT AGENCY BUDGETS

**Approved**

Recommended Action: Motion to approve amendments

- C. ANTIOCH DEVELOPMENT AGENCY – FINANCIAL STATEMENTS AND INDEPENDENT AUDITORS’ REPORTS FOR THE YEAR ENDED JUNE 30, 2010

**Approved**

Recommended Action: Motion to receive and file the report

**3. PUBLIC FINANCING AUTHORITY CONSENT**

**A. ANTIOCH PUBLIC FINANCING AUTHORITY – BASIC FINANCIAL STATEMENTS AND INDEPENDENT AUDITORS' REPORT FOR THE YEAR ENDED JUNE 30, 2010**

**Approved**

Recommended Action: Motion to receive and file the report

**COUNCIL/AGENCY PUBLIC HEARING**

**4. CONFIRMING THE CONVEYANCE OF ANTIOCH DEVELOPMENT AGENCY PROPERTY TO THE CITY OF ANTIOCH**

AGENCY: Recommended Action:

1) Motion to adopt a resolution of the Antioch Development Agency confirming the authorization to convey certain real property from the Antioch Development Agency to the City of Antioch **ADA-443, 5/0**

COUNCIL: Recommended Action:

1) Motion to adopt a resolution of the City Council confirming the approval and accepting the conveyance of certain real property from the Antioch Development Agency to the City of Antioch **Reso 2011/24, 5/0**

**COUNCIL REGULAR AGENDA**

**5. UPDATE ON ANTIOCH'S WATER RIGHTS AND ON-GOING DELTA ACTIVITIES**

**Received**

Recommended Action: Motion to receive and file and provide staff direction

**6. APPOINTMENT TO THE ANTIOCH POLICE CRIME PREVENTION COMMISSION – TWO (2) VACANCIES**

**Queiroz, Elliott**

Recommended Action: Motion to receive applications, the Mayor appoint and Council approve the two commissioners' appointments

**7. REPLACEMENT OF MOBILE DATA SYSTEM COMPUTERS IN POLICE PATROL CARS**

**Approved**

Recommended Action: Motion to authorize the purchase of 30 Mobile Data System (MDS) computers for replacement in police patrol vehicles

## **COUNCIL/AGENCY REGULAR AGENDA**

8. NOTICE OF DEFAULT AND BREACH: BLACK DIAMOND RANCH PROJECT UNDERTAKEN BY SECON FINANCIAL AND CONSTRUCTION CO., INC. / DISCOVERY BUILDERS/BLACK DIAMOND LAND INVESTORS LLC

### **CONSTRUCTION OF MARKLEY CREEK CULVERT CROSSING PROJECT**

- Recommended Action:
- 1) Motion to authorize amending the CIP to include the Markley Creek Culvert Crossing project and seeking competitive bids
  - 2) Motion to authorize paying California Department of Fish and Game the \$92,880 mitigation fee that Discovery Builders is now refusing to pay
  - 3) Motion to amend the 2010-2011 Budget to include a transfer of \$1,000,000 from Antioch Development Agency Project Area #1 to the Capital Improvements Projects Fund and in the alternative from the Gas Tax Fund if Agency funds are not available

***Approved recommendations 4/0, C/M H recused***

### **PUBLIC COMMENT**

### **STAFF COMMUNICATIONS**

### **COUNCIL COMMUNICATIONS**

**ADJOURNMENT — 8:38 p.m.**