

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

ANNOTATED AGENDA

for
July 14, 2009

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 1st floor of City Hall, 3rd 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.

5:30 P.M. ROLL CALL for Closed Sessions — All Present

PUBLIC COMMENTS for Closed Sessions

CLOSED SESSIONS:

1) CONFERENCE WITH LABOR NEGOTIATOR . Employee organizations: Public EmployeesqUnion Local No. 1, Operating Engineers Local Union No. 3, Antioch Police Officersq Association, Antioch Police Sworn Management Association, Management Group, Confidential Group, Treatment Plant EmployeesqAssociation. This Closed Session is authorized by California Government Code §54957.6. **No reportable action**

2) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board . Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. re: Markley Creek; SPPI-Somersville, Inc. et al. v. TRC et al. (USDC N.D. Cal Case No C04-2648 SI); SPPI-Somersville, Inc. et al. v. Chevron (USDC N.D. Cal. Case No. C07-05824 SI). This Closed Session is authorized pursuant to Government Code §54956.9 (a).

6:00 P.M. ROLL CALL for Special Meeting/Regular Meeting — All present

SPECIAL MEETING

- 1. UPDATE ON FINANCIAL STATUS AND PROVIDE DIRECTION TO STAFF ON THE FISCAL YEAR 2008-10 BUDGET**

Received direction, return to 7/28/09 meeting

Recommended Action: Motion to provide direction to staff on FY 2008-10 budget options

PUBLIC COMMENTS for Special Meeting

PLEDGE OF ALLEGIANCE

PRESENTATIONS to 4th of July Hometown Parade Winners

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

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

COUNCIL RESPONSE TO PUBLIC COMMENTS

MAYOR'S COMMENTS

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JUNE 23, 2009

Recommended Action: Motion to approve the minutes

Approved

B. APPROVAL OF COUNCIL WARRANTS

Recommended Action: Motion to approve the warrants

Approved

C. ORDINANCE TO REZONE APPROXIMATELY 189 ACRES, COMPRISING THE AVIANO ACTIVE ADULT COMMUNITY PROJECT SITE FROM STUDY ZONE (S) TO PLANNED DEVELOPMENT DISTRICT (PD) (AVIANO/ PULTE/DEL WEBB) (MPD-05-01/PD-09-03)

Recommended Action: Motion to adopt the ordinance

Ord 2031-C-S, 5/0

D. REJECTION OF CLAIM

1) Pacific Gas & Electric Company 09/10-1884 (property damage)

Recommended Action: Motion to reject the listed claim

Denied

E. DESIGNATION OF VOTING DELEGATE FOR 2009 LEAGUE ANNUAL CONFERENCE

Recommended Action: Motion to designate a voting delegate for the 2009 League Annual Conference

Rocha representative

F. PREWETT PARK PROJECT CONSTRUCTION HOURS MODIFICATION AND AN ORDINANCE TO ADD SECTION 5-17.06 TO THE ANTIOCH MUNICIPAL CODE TO FORMALIZE A PROCESS FOR SEEKING WAIVERS TO ESTABLISHED CONSTRUCTION HOURS

Recommended Action: 1) Motion to approve the modification of construction hours for Prewett Park project . from 7 am to 6 am start time,

Approved

2) Motion to introduce an ordinance by title only; and

3) Motion to introduce an ordinance to add Section 5-17.06 to the Antioch Municipal Code, to formalize a process for seeking waivers to established construction hours **to 7/28/09 for adoption, 5/0**

COUNCIL CONSENT CALENDAR — Continued

- G.** APPROVE AWARD OF PROPOSAL FOR COUNTRY HILLS DRIVE PAVEMENT REHABILITATION PROJECT

Approved

Recommended Action: Motion to approve the award to the low bidder Teichert Construction

- H.** RESOLUTION ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE SOMERSVILLE ROAD BRIDGE OVER THE CONTRA COSTA CANAL (P.W. 141-B)

Reso 2009/58, 5/0

Recommended Action: Motion to adopt the resolution

- I.** AMEND THE CONTRACT WITH MCK SERVICES, INC. FOR ADDITIONAL ROADWAY AND CONCRETE REPAIRS IN THE DOWNTOWN AREA (P.W. 678-2)

Approved

Recommended Action: Motion to amend the existing contract with MCK Services, Inc. to include additional roadway and concrete repairs in the downtown area in the amount of \$100,000.00

- J.** RESOLUTION ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE CURB, GUTTER AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE HANDICAPPED ACCESSIBLE RAMPS AT MISCELLANEOUS LOCATIONS (P.W. 507-11)

Reso 2009/59, 5/0

Recommended Action: Motion to adopt the resolution

- K.** ENERGY SAVING / PRODUCTION OPPORTUNITIES . SOLAR ENERGY

Received

Recommended Action: Motion to receive and file report

- L.** RESOLUTION APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500)

Reso 2009/60, 5/0

Recommended Action: Motion to adopt the resolution

PUBLIC HEARINGS

- 3.** STREET LIGHT AND BUILDING ENERGY RETROFIT PROGRAM WITH HONEYWELL INCORPORATED (*Continued from 6/9/09*)

Con't to 7/28/09

Recommended Action: Motion to continue to July 28, 2009

PUBLIC HEARINGS — Continued

4. A.D. SEENO CONSTRUCTION IS APPEALING THE PLANNING COMMISSION'S DECISION TO DENY A VARIANCE FOR THE MIRA VISTA HILLS 13 SUBDIVISION TO REDUCE THE REQUIRED SETBACKS IN THE FRONT AND REAR YARD IN THE SUBDIVISION LOCATED NORTH OF CAMBRIDGE DRIVE FILE: V-09-01

**Reso 2009/61, 5/0, Option #3,
confer on variance for Lot #89**

Recommended Action: Motion to adopt the resolution denying the appeal and uphold the Planning Commission's decision

5. A.D. SEENO CONSTRUCTION REQUESTS APPROVAL OF THE INTEGRATION OF THE PREVIOUSLY APPROVED SINGLE FAMILY RESIDENTIAL UNITS FOR MIRA VISTA HILLS 13 SUBDIVISION INTO THE MIRA VISTA HILLS 16 SUBDIVISION AND IS APPEALING THE PLANNING COMMISSION'S DECISION TO DENY A VARIANCE TO REDUCE THE REQUIRED FRONT LOCATED OFF OF MALLARD WAY JUST SOUTH OF JAMES DONLON BOULEVARD OFF OF PINTAIL DRIVE FILE: UP-09-02/AR-09-03/V-09-04

**Reso 2009/62, 5/0 upholding appeal
Reso 2009/63, 4/1-K, Uphold the appeal**

Recommended Action: Motion to adopt the resolution approving the unit mix modification and adopt the resolution denying the appeal and uphold the Planning Commission's decision to deny the variance

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT—10:56 pm. to Closed Session:

2) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –** Administrative Civil Liability Complaint No. R5-2006-0512 issued by the California Regional Water Quality Control Board . Central Valley Region to the City of Antioch and Somersville-Gentry, Inc. re: Markley Creek; SPPI-Somersville, Inc. et al. v. TRC et al. (USDC N.D. Cal Case No C04-2648 SI); SPPI-Somersville, Inc. et al. v. Chevron (USDC N.D. Cal. Case No. C07-05824 SI). This Closed Session is authorized pursuant to Government Code §54956.9 (a). **Direction to staff, No reportable action**