

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

ANNOTATED AGENDA

for
September 8, 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.

6:00 P.M. ROLL CALL for Closed Sessions

PUBLIC COMMENTS for Closed Sessions

CLOSED SESSIONS:

1) **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 given to staff

2) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Evangelho v. City of Antioch; William G. McCullough Co., Contra Costa Superior Court, Case 07-02205; City of Antioch v. Evangelho et al., Contra Costa Superior Court, Case Nos. C06-02345, C06-02391, C06-02392. This Closed Session is authorized by California Government Code §54956.9(a).

Unanimous vote to approve the settlement

3) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: Two potential cases. *First case no action taken, second case discussed at end of meeting.*

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS — *California Coastal Cleanup Day, September 19, 2009*
Falls Prevention Awareness Week, September 21 – 27, 2009
Antioch Senior Center Month, September 2009

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

1. ORAL PRESENTATION BY BART REPRESENTATIVE REGARDING e-BART FUNDING ISSUES

2. **COUNCIL CONSENT CALENDAR**

A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 11, 2009

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 2009

Approved

Recommended Action: Motion to approve the report

D. REJECTION OF CLAIMS

- 1) Qiana Brown 08/09-1840 (property loss)
- 2) Sergio DiPasquale 09/10-1904 (property damage)
- 3) Latasha Burluson 09/10-1899 (property damage)
- 4) Vernita Johnson 09/10-1908 (property damage)

Rejected

Recommended Action: Motion to reject the listed claims

E. ORDINANCE ADDING ARTICLE 3 TO CHAPTER 5 OF TITLE5, "STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE" TO THE ANTIOCH MUNICIPAL CODE TO ESTABLISH FRANCHISE AND PEG FEES, AUDIT RIGHTS AND CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICES (*Introduced 8/11/09*)

Ord 2034-C-S, 5/0

Recommended Action: Motion to adopt the ordinance

F. RESOLUTION OPPOSING DEVELOPMENT OF ANY WATER CONVEYANCE FACILITY THAT PROPOSES ISOLATION OF EXISTING DELTA OUTFLOWS

Reso 2009/79, 5/0

Recommended Action: Motion to adopt the resolution

G. RESOLUTION TO SUMMARILY VACATE A SURPLUS PORTION OF FOURTH AND 'G' STREET RIGHT-OF-WAY AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY ADDITIONAL DOCUMENTS NECESSARY TO VACATE AND QUITCLAIM ANY INTEREST TO THE PROPERTY OWNER OF BASES LOADED (PW 371-RA-49)

Reso 2009/80, 5/0

Recommended Action: Motion to adopt the resolution

COUNCIL CONSENT CALENDAR — Continued

- H. CONSIDERATION OF BIDS FOR THE HILLCREST AVENUE PAVEMENT OVERLAY (P.W. 392-24)
Approved
Recommended Action: Motion to award the project to the low bidder, Granite Construction Company, in the amount of \$1,481,420
- I. RESOLUTION ACCEPTING WORK AND AUTHORIZING THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE SLATTEN RANCH TRAFFIC SIGNAL (P.W. 636-5)
Reso 2009/81, 5/0
Recommended Action: Motion to adopt the resolution
- J. RESOLUTION APPROVING THE ADJUSTMENT IN THE MASTER FEE SCHEDULE FOR FIELD RENTALS AND DANCE RECITAL RENTALS
Reso 2009/82, 5/0
Recommended Action: Motion to adopt the resolution
- K. EXTENSION TO A PREVIOUSLY APPROVED OUT OF AGENCY SERVICE AGREEMENT WITH PG&E FOR THE PG&E POWER PLANT CURRENTLY IN OPERATION LOCATED AT 3225 WILBUR AVENUE
Reso 2009/83, 5/0
Recommended Action: Motion to adopt the resolution
- L. ACKNOWLEDGE AND APPROVE CITY RESPONSES TO GRAND JURY REPORTS NO. 0907 AND NO. 0909
Approved
Recommended Action: Motion to acknowledge and approve the City's response to two separate Contra Costa County Grand Jury Reports: Nos. 0907 and 0909

END OF COUNCIL CONSENT CALENDAR

PUBLIC HEARINGS

3. STREET LIGHT AND BUILDING ENERGY RETROFIT PROGRAM WITH HONEYWELL INCORPORATED (*Continued from 6/9, 7/14 and 7/28/09*)
Con't to 22 0
Recommended Action: Motion to continue to 9/22/09

4. AMENDMENTS TO THE HILLCREST STATION AREA SPECIFIC PLAN BOUNDED BY HILLCREST AVE ON THE WEST, HWY 4 ON THE SOUTH, HWY 160 ON THE EAST, AND OAKLEY ROAD ON THE NORTH

Recommended Action: 1) Motion to adopt the resolution finding the Negative Declaration adequate to address the environmental impacts of the proposed amendments to the Hillcrest Station Area Specific Plan, and

Reso 2009/84, 5/0

2) Motion to adopt the resolution approving the amendments to the Hillcrest Station Area Specific Plan

Reso 2009/85, 5/0

COUNCIL REGULAR AGENDA

5. MIRANT MARSH LANDING GENERATING STATION PROJECT

Recommended Action: 1) Motion to adopt the resolution authorizing the City Manager to execute an agreement regarding annexation between the City of Antioch and Mirant Delta, LLC, and

Reso 2009/86, 5/0

2) Motion to adopt the resolution authorizing the City Manager to execute a Project Agreement between the City of Antioch and Mirant Marsh Landing, LLC

Reso 2009/87, 5/0

6. DRAFT CITYWIDE DESIGN GUIDELINES

Recommended Action: 1) Motion to provide staff with direction and feedback regarding the content of the draft Citywide Design Guidelines, and

2) Motion to adopt the resolution of intention to initiate an amendment to Title 9, Chapter 5 of the Antioch Municipal Code in order to adopt the Citywide Design Guidelines

Reso 2009/88, 5/0

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS — *Add additional Council Communication item at end of agenda for written information & reports*

ADJOURNMENT — *8:43 p.m. to Closed Session, #3 – 2nd case.*