

# **ANNOTATED AGENDA**

**for  
April 26, 2011**

## **CITY COUNCIL/ADA/PFA 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

Order of PFA vote: AYES: PFA Members Kalinowski, Harper, Rocha, Agopian and Mayor 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.

***No action taken***

2) **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION – Discovery Builders Inc. v. City of Antioch; City Council of the City of Antioch** (Contra Costa Superior Court, Case No. N11-0539). This closed session is authorized by California Government Code section 54956.9(a). **ANTICIPATED LITIGATION** – Initiation of litigation pursuant to California Government Code §54956.9(c) regarding Seeno Homes and Discovery Builders: Black Diamond Ranch: Markley Creek Culvert Crossing Project – 1 case. ***Direction to staff***

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

#### PLEDGE OF ALLEGIANCE

**STUDY SESSION** for Council/Antioch Development Agency/Public Financing Authority Members

1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR GENERAL FUND, RECREATION AND ANIMAL SERVICES SPECIAL REVENUE FUNDS, AND PREWETT PARK ENTERPRISE FUND FOR FISCAL YEARS 2011-2012

***Direction Received***

Recommended Action: Motion to provide direction and feedback

**PROCLAMATION — *Be Kind To Animals Week, May 1 - 7, 2011***

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

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

**CITY COUNCIL SUBCOMMITTEE REPORTS**

**MAYOR'S COMMENTS**

**2. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR MARCH 22, 2011**

Recommended Action: Motion to approve the minutes

***Approved***

**B. APPROVAL OF COUNCIL WARRANTS**

Recommended Action: Motion to approve the warrants

***Approved***

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

Recommended Action: Motion to approve the report

***Approved***

**D. RESOLUTION ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2011-2012 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM**

Recommended Action: Motion to adopt the resolution

***Reso 2011/26, 5/0***

**E. 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)**

Recommended Action: Motion to adopt the resolution and set public hearing for June 28<sup>th</sup>, 2011

***Reso 2011/27, 5/0***

**COUNCIL CONSENT CALENDAR — Continued**

- F. RESOLUTION OF THE CITY COUNCIL CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 (GASB 54) AND UPDATING THE CITY'S RESERVE POLICY TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO DETERMINE ASSIGNED FUND BALANCE WITHIN GOVERNMENTAL FUNDS

**Reso 2011/28, 5/0**

Recommended Action: Motion to adopt the resolution

- G. RESOLUTION AUTHORIZING AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO OBTAIN A STORMWATER FLOOD MANAGEMENT GRANT AND EXECUTION OF AN AGREEMENT TO RECEIVE THE GRANT FOR THE WEST ANTIOCH CREEK CHANNEL IMPROVEMENT PROJECT (PROPOSITION 1E)

**Reso 2011/29, 5/0**

Recommended Action: Motion to adopt the resolution

- H. RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR THE PUBLIC EMPLOYEES' UNION LOCAL NO. 1 (*Continued from 4/12/11*)

**Reso 2011/30, 5/0**

Recommended Action: Motion to adopt the resolution

**END OF COUNCIL CONSENT CALENDAR**

**PUBLIC HEARINGS**

3. ISSUANCE OF PRIVATE ACTIVITY BONDS BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE PURCHASE OF HUDSON TOWNHOUSE MANOR LOCATED AT 3421 HUDSON COURT, ANTIOCH (*Continued from 4/12/11*)

**Reso 2011/31, 5/0/**

Recommended Action: Motion to hold a public hearing and adopt the resolution approving the issuance of tax exempt bonds by the California Statewide Communities Development Authority (CSCDA) for the acquisition and rehabilitation of Hudson Townhome Manor located at 3421 Hudson Court

4. RESOLUTION APPROVING PROPOSED MASTER FEE EFFECTIVE JULY 1, 2011 (FISCAL YEAR 2011-2012)

**Reso 2011/32, 5/0**

Recommended Action: Motion to adopt the resolution

5. ADOPTION OF AN URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA COLLECTIVES, COOPERATIVE AND DISPENSARIES

**Ord No. 2047-C-S, 5/0**

Recommended Action: Motion to adopt the urgency ordinance (4/5 vote)

## **COUNCIL REGULAR AGENDA**

6. APPOINTMENTS TO ECONOMIC DEVELOPMENT COMMISSION TO FILL TWO PARTIAL-TERM VACANCIES

*Wilson/Wright (Chamber)/ approved*

Recommended Action: Motion that the City Council receives and files the applications, the Mayor appoints and Council approves the appointments

7. CODE ENFORCEMENT PRESENTATION

*Received*

Recommended Action: Motion to receive presentation

## **PUBLIC FINANCING AUTHORITY**

8. RESOLUTION OF THE PUBLIC FINANCING AUTHORITY CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO DETERMINE ASSIGNED FUND BALANCE WITHIN GOVERNMENTAL FUNDS

*Reso 2011/33, 5/0*

Recommended Action: Motion to adopt the resolution

9. **AGENCY CONSENT CALENDAR**

- B. APPROVAL OF AGENCY WARRANTS

*Approved*

Recommended Action: Motion to approve the warrants

- B. RESOLUTION OF THE ANTIOCH DEVELOPMENT AGENCY CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 AND AUTHORIZING THE EXECUTIVE DIRECTOR OR HIS DESIGNEE TO DETERMINE ASSIGNED FUND BALANCE WITHIN GOVERNMENTAL FUNDS

*ADA-444, 5/0*

Recommended Action: Motion to adopt the resolution

## **AGENCY REGULAR AGENDA**

10. REPORT ON LOW/MOD HOUSING SET-ASIDE FUNDS, DIRECTION FROM AGENCY BOARD ON FUTURE FUNDING PRIORITIES AND CONSIDERATION OF FUNDING TABORA GARDENS SENIOR HOUSING PROJECT LOCATED AT JAMES DONLON AND TABORA DRIVE

*Cont' to 5/10/11*

Recommended Action: Motion to accept the report; provide direction to staff; adopt the resolution authorizing negotiation and execution of documents related to the Tabora Gardens Project

## **COUNCIL /AGENCY REGULAR AGENDA**

### **11. BLACK DIAMOND RANCH PROJECT: CONSTRUCTION OF MARKLEY CREEK CULVERT CROSSING PROJECT**

Recommended Action: Staff recommends the City Council and Agency Board make a motion to:

***Approved, 4/0 Harper recused***

- 1) Authorize the City Manager/Executive Director to execute the Assignment Agreement by which Discovery Builders/Black Diamond Land Investors (“Developer”) and Isakson & Associates (“Isakson”) assign the plans for the Markley Creek Culvert Crossing prepared by Isakson for Developer to the City of Antioch/Antioch Development Agency;
- 2) Direct staff to engage a consultant to prepare specifications and a bid package for the Markley Creek Culvert Crossing Project; and
- 3) If the Assignment Agreement is not executed by Developer and Isakson direct staff to engage a consultant to prepare plans, specifications and bid package for the Markley Creek Culvert Crossing Project

#### **PUBLIC COMMENT**

#### **STAFF COMMUNICATIONS**

#### **COUNCIL COMMUNICATIONS**

**ADJOURNMENT — 11:00 p.m.**