

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

# ANNOTATED AGENDA

for  
May 12, 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 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 hand it to the City Clerk. 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 LEGAL COUNSEL – ANTICIPATED LITIGATION** – Claim of Bay Cities Paving & Grading re: Water & Sewer Main Installation and Roadway Rehabilitation Project at Various Locations in the City of Antioch (P.W. 503-10). This closed session is authorized pursuant to California Government Code §54956.9(b). **Action to be taken**

**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). **No reportable action**

**3) 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. **Direction to staff**

**4) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One potential case. **Direction to staff**

**7:00 P.M. ROLL CALL** for Council/Agency Members - **All present**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS** – *National Public Works Week, May 17 – 23, 2009*  
*Disaster Preparedness Week, May 24 – 30, 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. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR APRIL 28, 2009**

***Approved***

Recommended Action: Motion to approve the minutes

**B. APPROVAL OF COUNCIL WARRANTS**

***Approved***

Recommended Action: Motion to approve the warrants

**C. REJECTION OF CLAIMS**

***Rejected***

1. Rex & Margaret Fortune 09/10-1878 (property damage)
2. Anastasia Ndukwe 09/10-1874 (vehicle damage)
3. Deborah Banks 09/10-1877 (property damage)

Recommended Action: Motion to reject the listed claims

**D. ORDINANCE AMENDING SECTIONS 9-4.2003, 9-4.2004, 9-4.2005 AND 9-4.2007 OF THE ANTIOCH MUNICIPAL CODE IN ORDER TO UPDATE FLOODPLAIN MANAGEMENT TO COMPLY WITH CALIFORNIA MODEL FOR FLOODPLAIN MANAGEMENT ORDINANCE (*Introduced 4/28/09*)**

***Ord 2025-C-S, 5/0***

Recommended Action: Motion to adopt the ordinance

**E. RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR DEER VALLEY ROAD, WELLNESS WAY AND SAND CREEK ROAD, KAISER PHASE 2 (PW 628-2)**

***Reso 2009/37, 5/0***

Recommended Action: Motion to adopt the resolution

**F. RESOLUTION RESCINDING A PORTION OF RESOLUTION 2000/130 AND ACCEPTING DEER VALLEY ROAD AND SAND CREEK ROAD RIGHT-OF-WAY DEDICATION (PW 628-2)**

***Reso 2009/38, 5/0***

Recommended Action: Motion to adopt the resolution

**G. PREWETT PARK PROJECT CONSTRUCTION**

***Approved***

- Recommended Action:
- 1) Motion to approve project construction contingency budget,
  - 2) Motion to approve project upgrade construction budget, and
  - 3) Motion to approve project design budget

**COUNCIL CONSENT CALENDAR — Continued**

**H. SETTLEMENT AGREEMENTS FOR THE WATER & SEWER MAIN INSTALLATION AND ROADWAY REHABILITATION PROJECT (PW 503-10)**

**Approved**

Recommended Action: Motion to authorize execution of the Settlement Agreement between the City of Antioch and Bay Cities Paving and Grading, Inc. ("Bay Cities") and the draft Settlement Agreement with the City of Antioch and PG&E in a final form acceptable to the City Attorney

**I. TEMPORARY SUSPENSION FOR RECRUITMENT BONUS INCENTIVE FOR LATERAL POLICE OFFICERS AND DISPATCHERS (Con't from 4/14/09)**

**Approved**

Recommended Action: Motion to approve

**J. MURAL RESTORATION IN THE RIVERTOWN DISTRICT AREA**

**Approved**

Recommended Action: Motion to complete the restoration of the two murals located in the Rivertown District area of downtown Antioch, and appropriate Residential Development Allocation funds in the amount of \$16,000

**PUBLIC HEARINGS**

**2. RESOLUTIONS APPROVING FISCAL YEAR 2009-10 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND ANTIOCH DEVELOPMENT AGENCY (ADA) FUNDING, AND AMENDING THE FISCAL YEAR 2009-10 BUDGET FOR CDBG AND ADA FUNDING ACCORDINGLY**

Recommended Action: 1) Motion to adopt the Community Development Block Grant (CDBG) funding recommendations of the CDBG Subcommittee, adopt the draft Fiscal Year 2009-10 Action Plan and amend the City's Fiscal Year 2009-10 CDBG Budget. **Reso 2009/39, 5/0 w/ revised attachment**

2) Motion to adopt the ADA funding recommendations of the City Council subcommittee and adopt the attached resolution approving the Fiscal Year 2009-10 ADA allocations as part of the CDBG Fiscal Year 2009-10 Action Plan and amending the City's Fiscal Year 2009-10

**Reso ADA/433, 5/0**

**3. CONSIDERATION OF URGENCY ORDINANCE TO ESTABLISH DROUGHT MANAGEMENT REGULATIONS AND WATER CONSERVATION GOALS AND IMPOSE MEASURES TO CONTROL THE EXCESSIVE USE OF WATER AND DECLARE THE URGENCY THEREOF**

Recommended Action: 1) Motion to conduct a public hearing to consider an Urgency Ordinance establishing Drought Management Regulations and Water Conservation Goals and impose specific measures to control the excessive use of water, and

- 2) Motion to introduce an Urgency Ordinance establishing Drought Management Regulations and Water Conservation Goals and imposing measures to control the excessive use of water.

**To 5/26/09 for adoption 3/2, N-K M**

## **COUNCIL REGULAR AGENDA**

4. ORDINANCE AMENDING SECTIONS 4-5.1501.5 AND 4-5.1501.6 OF THE ANTIOCH MUNICIPAL CODE AND CHANGING THE PRIMA FACIE SPEED LIMIT ON VIA DORA DRIVE, CANADA VALLEY ROAD AND JAMES DONLON BOULEVARD (PW 282-17)

Recommended Action: 1) Motion to read the ordinance by title only, and

- 2) Motion to introduce the ordinance amending §4-5.1501.5, 4-5.1501.6, and 4-5.1501.7 of the Antioch Municipal Code, to change the prima facie speed limit on certain streets

**To 5/26/09 for adoption, 5/0, strike all reference to Via Dora Drive and section 4-5.1501.5 of the Ord**

5. PREWETT EASTERN PARKING LOT LANDSCAPE RE-DESIGN, DESIGN OF THE CENTER MEDIAN AND THE PLACEMENT OF PUBLIC ART PIECE

**Con't to 5/26/09**

Recommended Action: 1) Motion to review and select a conceptual re-design for the eastern parking lot and a design for the center median of the park, and

- 2) Motion to approve the location for the new public art piece within the center median of the driveway entry to the park.

6. EAST BAY REGIONAL PARK DISTRICT "MEASURE WW" BOND PROJECT FUNDING

**Con't to 5/26/09**

Recommended Action: 1) Motion to review project listing,

- 2) Motion to prioritize those projects for funding with the \$4.5M available,

- 3) Motion to direct staff to begin the application process for each of the projects selected

7. FINAL REPORT OF THE STUDY OF THE ANIMAL SERVICES PROGRAM PREPARED BY CITYGATE ASSOCIATES, LLC

Recommended Action: Motion to accept the final report of the study of the Animal Services Program prepared by Citygate Associates, LLC and direct staff to perform low cost maintenance items required at the shelter; develop a strategic plan for continued short term operation of the shelter; and investigate long term solution options

**5/0 –M/Davis continuing subcommittee with stakeholders**

**COUNCIL REGULAR AGENDA — Continued**

8. GRACE BIBLE FELLOWSHIP'S HOLY EVE CARNIVAL EVENT (*Con't from 4/28/09*)  
**5/0 support subcommittee of M/R to  
Work on financing & details**

Recommended Action: Motion to provide direction to staff regarding the participation of the City in the Holy Eve Carnival Event

9. ADOPTION OF AN ORDINANCE AMENDING CHAPTER 19, "MESSAGE REGULATIONS" OF TITLE 5 OF THE ANTIOCH MUNICIPAL CODE TO ADDRESS NEW STATE LAWS

Recommended Action: 1) Motion to approve by motion the reading of the ordinance by title only;  
2) Motion to introduce the Ordinance amending Sections 5-19.01, 5-19.04 and 5-19.22 of the Antioch Municipal Code to address new State Laws regarding Massage Establishments and Massage Therapy Technicians  
**To 5/26/09 for adoption**

**ANTIOCH DEVELOPMENT AGENCY REGULAR AGENDA**

10. RESOLUTIONS APPROVING FISCAL YEAR 2009-10 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND ANTIOCH DEVELOPMENT AGENCY (ADA) FUNDING, AND AMENDING THE FISCAL YEAR 2009-10 BUDGET FOR CDBG AND ADA FUNDING ACCORDINGLY

**Approved**

Recommended Action: Motion to adopt the resolution

**BUDGET STUDY SESSION**

11. UPDATE ON FINANCIAL STATUS AND PROVIDE DIRECTION TO STAFF ON OPTIONS TO CONSIDER FOR THE FISCAL YEAR 2008-10 BUDGET

**Received**

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

**PUBLIC COMMENT**

**STAFF COMMUNICATIONS**

**COUNCIL COMMUNICATIONS**

**ADJOURNMENT— 12:31 p.m., adjourned to Closed Session**