

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

ANNOTATED AGENDA

for
December 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.

6:30 P.M. ROLL CALL for Closed Session

PUBLIC COMMENTS for Closed Session

CLOSED SESSION — CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION — Onita Tuggles v. City of Antioch et al, Northern District Court Case No. C08-01914 JCS; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA; Riaz Patras, Maryam Patras and Mark Patras v. City of Antioch et al., Northern District Court Case No. CV-09-1891. Dearmand E., a minor, by and through Dearmand Ellis Jr., his father /legal guardian et al v. City of Antioch et al., Northern District Court Case No. C08-01709 SI. This Closed Session is authorized by California Government Code §54956.9. **No reportable action**

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

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

COUNCIL RESPONSE TO PUBLIC COMMENTS

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR'S COMMENTS

1. PRESENTATION BY BLACK DIAMOND MIDDLE SCHOOL EARTH CLUB ON THEIR DELTA WATERWAY CLEAN-UP DAY
2. PRESENTATION BY BART BOARD MEMBER JOEL KELLER REGARDING e-BART UPDATE
3. PRESENTATION BY ANTIOCH'S GATEWAY CENTERS FOR LEARNING to the Dow Chemical Company, Supervisor Federal Glover- Keller Canyon Landfill Fund, Linda Locke
4. PRESENTATION ON HOMELESS PROGRAM IN CONTRA COSTA COUNTY (*Postponed to future date*)

5. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 10, 2009

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 OCTOBER 2009

Recommended Action: Motion to approve the report

Approved

D. REJECTION OF CLAIMS

1. Nakia Smith 09/10-1870 (unjust arrest)
2. Clifford Henderson 09/10-1934 (vehicle damage)
3. Shaunice Michelle Sumpter 09/10-1893 (personal injury)
4. Lavern Baker 09/10-1923 (personal injury)
5. Francisca Hernandez (09/10-1928) (vehicle damage)

Recommended Action: Motion to reject the listed claims

Rejected

E. THIRD AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH FLOW SCIENCE INCORPORATED

Recommended Action: Motion to approve the Third Amendment to the Consultant Service Agreement with Flow Science Incorporated for assistance in support of the negotiations with the California State Department of Water Resources (DWR) and review of the Bay Delta Conservation Plan

Approved

F. METRO PCS CELL SITE LEASE FOR CITY-OWNED PROPERTY AT EMPIRE MINE ROAD (APN: 075-122-019)

Recommended Action: Motion to approve the lease agreement and authorize the City Manager to sign the lease

Approved

G. CONFIRMATION THAT EARTHQUAKE INSURANCE IS NOT VIABLE UNDER CURRENT ECONOMIC CONDITIONS

Recommended Action: Motion to confirm the finding made for Fiscal Year 2009-2010, that earthquake insurance is not available on the open market from a reputable insurance company at a reasonable cost and direct staff not to purchase earthquake insurance for Fiscal Year 2010-2011

Approved

COUNCIL REGULAR AGENDA

6. APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION (1 – VACANCY/FULL TERM)

Recommended Action: Motion to receive and file applications, the Mayor nominate and Council approve the appointment of commissioner **Juan Chen-Olsen**

7. PRESENTATION BY ECONOMIC DEVELOPMENT COMMISSION OF ACCOMPLISHMENTS, GOAL AND OBJECTIVES

Recommended Action: Motion to receive presentation and provide direction to the Economic Development Commission or staff as appropriate **Received**

8. APPOINTMENTS TO THE ANTIOCH PLANNING COMMISSION (3 – FULL TERMS)

Gilbert Azevedo, Greg Baatrup, Stanley Travers
Recommended Action: Motion to receive and file applications, the Mayor nominate and Council approve the appointments of three new commissioners

9. EAST BAY REGIONAL PARK DISTRICT “MEASURE WW” BOND PROJECT FUNDING

Recommended Action: **Approved**
1) Motion to approve project listings for funding from the East Bay Regional Park District (Measure WW funds) spring 2010 grant cycle,
2) Motion to approve an increase to the 2010/11 Capital Improvement Fund in the amount of \$1,432,300 – funding source Measure WW;
3) Motion to approve CEQA project exceptions for the listed projects

10. RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) ORDINANCE

Extend the ordinance w/ amendments, 4/1 M
Recommended Action: Motion to provide direction to staff regarding the sunset of the Residential Development Allocation Ordinance and select an option to either extend the ordinance with or without changes or allow the ordinance to sunset and address Measure U in a different manner

11. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS

Recommended Action: Motion to approve the warrants **Approved**

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 10:23 p.m. in memory of Chris Alvarez