

ANNOTATED AGENDA

for
March 8, 2011

CITY COUNCIL/ADA 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

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 Council/Agency Members for Closed Sessions*

PUBLIC COMMENTS *for Closed Sessions*

CLOSED SESSIONS:

- 1) **CONFERENCE WITH LEGAL COUNSEL** – EXISTING LITIGATION – Rock Dean Allison v. City of Antioch et al., Case MSC09-01846 (Contra Costa County Superior Court). This Closed Session is authorized by California Government Code §54956.9(a) **No action**
- 2) **CONFERENCE WITH LEGAL COUNSEL** – LIABILITY CLAIMS – Claims of Frank Sterling, Robert Barr and Timothy Vierra. This Closed Session is authorized by California Government Code §54956.95) **No action**
- 3) **CONFERENCE WITH LEGAL COUNSEL** – ANTICIPATED OR INITIATING LITIGATION: Initiation of Litigation Pursuant to California Government Code §54956.9(c): 1 potential case. **No action**
- 4) **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. Agency designated representatives: Deborah McHenry, Human Resources Director and Glenn Berkheimer, IEDA. This Closed Session is authorized by California Government Code §54957.6.

direction to staff

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 SUBCOMMITTEE REPORTS

MAYOR'S COMMENTS

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 22, 2011

Approved

Recommended Action: Motion to approve the minutes

B. APPROVAL OF COUNCIL WARRANTS

Approved

Recommended Action: Motion to approve the warrants

C. AUTHORIZE CITY SPONSORED "KEEP ANTIOCH BEAUTIFUL DAY" EVENT

Approved

Recommended Action: Motion to approve April 23, 2011, as "Keep Antioch Beautiful" Day and approve this as a City-Sponsored event

D. RESOLUTION ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE PREWETT PARK COMMUNITY FACILITY (P.W. 567-C)

Reso 2011/13, 5/0

Recommended Action: Motion to adopt the resolution

E. FIRST AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH LSA ASSOCIATES, INC., FOR CONSTRUCTION MONITORING FOR THE MARINA BOAT LAUNCH RAMP (P.W. 523-16)

Approved

Recommended Action: Motion to approve the First Amendment to the Consultant Services Agreement with LSA Associates, Inc.

F. RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR THE ANTIOCH POLICE SWORN MANAGEMENT ASSOCIATION

Reso 2011/14, 5/0

Recommended Action: Motion to adopt the resolution

G. RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR THE ANTIOCH POLICE OFFICERS' ASSOCIATION

Reso 2011/15, 5/0

Recommended Action: Motion to adopt the resolution

H. RESOLUTION IN SUPPORT OF THE CITY'S GRANT APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) REQUESTING PLANNING GRANT FUNDS FOR THE PRERARATION OF A SPECIFIC PLAN FOR THE DOWNTOWN "RIVERTOWN" AREA LOCATED WITHIN THE CITY OF ANTIOCH

Reso 2011/16, 5/0

Recommended Action: Motion to adopt the resolution

END OF COUNCIL CONSENT CALENDAR

COUNCIL/AGENCY PUBLIC HEARING

- 2. SALE OF CITY PROPERTY TO THE ANTIOCH DEVELOPMENT AGENCY AND A DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT WITH HABITAT FOR HUMANITY EAST BAY FOR PROPERTY LOCATED ALONG THE WEST SIDE OF "L" STREET BETWEEN 4TH AND 10TH STREETS

Declined sale of property — 4/1-R

COUNCIL: Recommended Action:

- 1) Motion to adopt the resolution of the City Council approving the sale and conveyance of City owned eleven lots totaling approximately 30,000 square feet located generally along the west side of "L" Street between 4th and 10th Streets in Antioch, to the Antioch Development Agency, and
- 2) Motion to adopt the resolution of the City Council approving a Disposition, Development, and Loan Agreement by and between the Antioch Development Agency and Habitat for Humanity East Bay for the development of up to ten single-family homes located along the west side of "L" Street between 4th and 10th Streets

AGENCY: Recommended Action:

- 1) Motion to adopt the resolution of the Antioch Development Agency approving a purchase and sale agreement with the City of Antioch, and
- 2) Motion to adopt the resolution of the Antioch Development Agency approving a Disposition, Development, and Loan Agreement by and between the Antioch Development Agency and Habitat for Humanity East Bay for the development of up to 10 single-family homes located along the west side of "L" Street between 4th and 10th Streets

COUNCIL PUBLIC HEARING

- 3. RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) ORDINANCE EXTENSION (Z-11-01)

- Recommended Action:
- 1) Motion to introduce the ordinance by title only;
 - 2) Motion to introduce an ordinance to amend Municipal Code §9-5.4012 in order to extend the sunset date of the Residential Development Allocation Ordinance to May 1, 2012

To 3/22/11 for adoption

ADDED: 3A CONVEYANCE OF ANTIOCH DEVELOPMENT AGENCY PROPERTY TO THE CITY OF ANTIOCH

1B – Council/Resolution authorizing execution of property conveyance. **Reso 2011/17, 5/0**

2B – ADA/ Resolution authorizing execution of property conveyance..... **ADA-442, 5/0**

COUNCIL REGULAR AGENDA

4. NOTICE OF DEFAULT: BLACK DIAMOND RANCH PROJECT UNDERTAKEN BY SECON FINANCIAL AND CONSTRUCTION CO., INC. /DISCOVERY BUILDERS/BLACK DIAMOND LAND INVESTORS LLC

NOTICE OF BREACH: SETTLEMENT AGREEMENT DATED SEPTEMBER 15, 2009 BETWEEN THE CITY AND SPPI-SOMERSVILLE, INC. AND SOMERSVILLE-GENTRY INC.

DEED RESTRICTION ON CITY-OWNED OPEN SPACE LOCATED IMMEDIATELY WEST OF SOMERSVILLE ROAD, IN THE VICINITY OF THE BLACK DIAMOND RANCH SUBDIVISION

Recommended Action: Motion to adopt the resolution taking the following actions:

1) Due to the continued failure to construct the Markley Creek Culvert Crossing project within one year of all of the environmental permits being obtained on July 31, 2009 and to then proceed with the construction of the Somersville Road Widening project within 2 years of July 31, 2009

a) A finding that Black Diamond Land Investors, LLC (successor in interest to Seecon Financial and Construction Co., Inc. and Discovery Builders, Inc.) is not complying in good faith with the terms of the State Development Agreement and is in default of the Development Agreement

b) A finding that Discovery Builders Inc. has defaulted on the Improvement Agreement dated March 17, 2004

c) A finding that Black Diamond Land Investors LLC has defaulted on the Deferred Improvement Agreement dated May 1, 2007

d) A finding that SPPI-Somersville, Inc. and Somersville-Gentry Inc. have breached the Settlement Agreement dated September 15, 2009

2) If the defaults of the Development Agreement, Improvement Agreement and Deferred Improvement Agreement are not remedied and work does not begin immediately on the Markley Creek Culvert Crossing project followed by the Somersville Road Widening project, direct staff to negotiate the appropriate agreements with the surety bond companies or report back to the City Council on March 22, 2011 with all options for consideration

3) Approval of the deed restriction on Black Diamond Ranch open space located immediately west of Somersville Road that Discovery Builders failed to provide the California Department of Fish and Game before deeding the property to the City

***Reso 2011/18, 4/0 H-Recused,
with revised findings
3/22/11 return with Bid documents***

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT — 9:37 p.m. to Closed Session #3 & #4