

ANNOTATED AGENDA

for
June 14, 2011

CITY COUNCIL/ADA MEETING

Order of Council vote: AYES: Council Members Harper, Rocha, Agopian and Mayor Davis

Order of Agency Vote: AYES: Agency Members Harper, Rocha, Agopian and Chairman Davis

Absent: Council / Agency Member Kalinowski

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 Session – **C/M Kalinowski absent (excused)**

PUBLIC COMMENTS for Closed Session

CLOSED SESSION: 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.

No reportable action

7:00 P.M. ROLL CALL for Council/Agency Members – **C/M Kalinowski absent (excused)**

PLEDGE OF ALLEGIANCE

RECOGNITION to Dozier-Libbey Medical High School for California Distinguished School Award

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

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

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR'S COMMENTS

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR MAY 10, 2011

Recommended Action: Motion to approve the minutes

Approved

B. APPROVAL OF COUNCIL WARRANTS

Recommended Action: Motion to approve the warrants

Approved

COUNCIL CONSENT CALENDAR — Continued

C. REJECTION OF CLAIMS

1. Juanita Patterson 10/11-1995 (personal injury)
2. Paula Sparks and John Reisbeck 11/12-2005 (failure to arrest)
3. Duke and Heather Duarte 11/12-2008 (property damage)
4. Paul H. Schmidt 11/12-2013 (property damage)
5. Brandon Lim 11/12-2017 (property damage)

Rejected

Recommended Action: Motion to reject the listed claims

D. PACHECO BROTHERS GARDENING, INC. PARK MAINTENANCE SERVICES CONTRACT

Approved

Recommended Action: Motion to authorize the City Manager to execute the park and restroom maintenance services contract extension with Pacheco Brothers Gardening, Inc. for the term of two years in the amount of \$1,398,000.00 (FY11/12 \$463,000, FY12/13 \$467,000 and FY13/14 \$468,000)

END OF COUNCIL CONSENT CALENDAR

2. COUNCIL / AGENCY CONSENT CALENDAR

A. BLACK DIAMOND RANCH PROJECT: CONSTRUCTION OF MARKLEY CREEK CULVERT CROSSING PROJECT AND SOMERSVILLE ROAD WIDENING PROJECT

Recommended Action: Motion to approve the resolution approving an Amendment to Settlement Agreement, Mutual Release and Covenant Not to Sue entered into by and between the City of Antioch and Antioch Development Agency, on the one hand, and Discovery Builders, Inc., Black Diamond Land Investors, LLC, Secon Financial & Construction Co., SPPI-Somersville, Inc. and Somersville-Gentry, Inc., on the other hand

Reso 2011/40, 3/0

Reso ADA-447, 3/0

C/M Harper recused, C/M Kalinowski absent

3. AGENCY CONSENT CALENDAR

A. ANTIOCH DEVELOPMENT AGENCY ANNUAL REPORT

Received and filed

Recommended Action: Motion to receive and file

PUBLIC HEARING

4. APPROVAL OF THE 2010 URBAN WATER MANAGEMENT PLAN UPDATE

Reso 2011/41, 4/0

Recommended Action: Motion to approve the resolution adopting the Urban Water Management Plan (Plan), incorporating appropriate comments at the close of the Public Hearing

COUNCIL REGULAR AGENDA

5. PRESENTATION AND DISCUSSION OF THE HILLCREST E-BART STATION DESIGN AND STATION OPERATION

Received and approved

Recommended Action: Motion to receive and provide direction

6. LONE TREE GOLF COURSE AD-HOC SUBCOMMITTEE

Appoint Brian Kalinowski and Mayor Jim Davis

Recommended Action: Motion to approve appointments by Mayor Davis to an ad-hoc subcommittee related to the Lone Tree Golf Course and Event Center

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 8:08 p.m.