

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

ANNOTATED AGENDA

for
May 26, 2009

CITY COUNCIL/ADA MEETING

Order of Council vote: AYES: Council Members Kalinowski, Rocha, Moore and Parsons

Order of Agency vote: AYES: Agency Members Kalinowski, Rocha, Moore and Parsons

ABSENT: Mayor/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 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.

6:00 P.M. ROLL CALL for Closed Sessions

PUBLIC COMMENTS for Closed Sessions

CLOSED SESSIONS:

1) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Evangelho v. City of Antioch; William G. McCullough Co., Contra Costa Superior Court, Case 07-02205; City of Antioch v. Evangelho et al., Contra Costa Superior Court, Case Nos. C06-02345, C06-02391, C06-02392. This Closed Session is authorized by California Government Code §54956.9(a) **no reportable action**

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 REAL PROPERTY NEGOTIATOR – Pursuant to Government Code §54956.8: Property: Delta Fair Blvd (APN# 074-080-034), Negotiator: Guy Bjerke, Negotiating Parties: Bay Area Rescue Mission, under negotiation: availability, price and terms of payment.

Direction to staff

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

PLEDGE OF ALLEGIANCE

PRESENTATION – *Deer Valley High School After Hours Library Program*

PROCLAMATIONS – *Youth Intervention Network*

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. PRESENTATION BY DELTA SCIENCE CENTER *Received*
- 2. PRESENTATION BY BART BOARD MEMBER JOEL KELLER REGARDING E-BART *Received*
- 3. **COUNCIL CONSENT CALENDAR**
- D. APPROVAL OF COUNCIL MINUTES FOR MAY 12, 2009 *Continued*
Recommended Action: Motion to continue
- B. APPROVAL OF COUNCIL WARRANTS *Approved*
Recommended Action: Motion to approve the warrants
- C. APPROVAL OF TREASURER'S REPORT FOR APRIL 2009 *Approved*
Recommended Action: Motion to approve the report
- D. ADOPTION OF AN ORDINANCE ESTABLISHING DROUGHT MANAGEMENT REGULATIONS AND WATER CONSERVATION GOALS AND IMPOSING MEASURES TO CONTROL THE EXCESSIVE USE OF WATER (*Introduced 5/12/09*) *Ord 2026-C-S, 3/1-M,*
bring back further information re: promulgating rules to surcharge rate payers who are not meeting the voluntary reduction.
Recommended Action: Motion to adopt the ordinance
- E. ADOPTION OF AN ORDINANCE AMENDING SECTIONS 4-5.1501.4, 4-5.1501.5 AND 4-5.1501.6 OF THE ANTIOCH MUNICIPAL CODE IN ORDER TO CHANGE THE PRIMA FACIE SPEED LIMIT ON CERTAIN STREETS (JAMES DONLON BLVD AND CANADA VALLEY ROAD)(PW 282-17) (*Introduced 5/12/09*) *Ord 2027-C-S, 4/0*
Recommended Action: Motion to adopt the ordinance
- F. ADOPTION OF AN ORDINANCE AMENDING CHAPTER 19, "MASSAGE REGULATIONS" OF TITLE 5 OF THE ANTIOCH MUNICIPAL CODE TO ADDRESS NEW STATE LAWS (MASSAGE ESTABLISHMENTS AND MASSAGE THERAPY TECHNICIANS) (*Introduced 5/12/09*) *Ord 2028-C-S, 4/0*
Recommended Action: Motion to adopt 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
- G. RESOLUTION ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE 2009-10 FISCAL YEAR *Reso 2009/40, 4/0*
Recommended Action: Motion to adopt the resolution

COUNCIL CONSENT CALENDAR — Continued

- H. ADOPTION OF AN ORDINANCE TO ADD SECTION 9-5.3308 TO THE ANTIOCH MUNICIPAL CODE TO REFERENCE THE HILLCREST STATION AREA SPECIFIC PLAN

To 6/9/09 for adoption, 4/0

Recommended Action: 1) Motion to introduce the ordinance by title only; and
2) Motion to introduce an ordinance to add Section 9-5.3308 to the Antioch Municipal Code to reference the Hillcrest Station Area Specific Plan

- I. APPROVAL OF A ONE-YEAR TIME EXTENSION OF THE JANITORIAL SERVICES CONTRACT

Approved

Recommended Action: Motion to approve a one-year time extension with Lee's Building Maintenance for janitorial services at City facilities

- J. AUTHORIZATION TO ENTER INTO A CONTRACT WITH CIRCLEPOINT TO PREPARE THE CEQA DOCUMENT FOR THE TARGET STORE PROJECT LOCATED ON LONE TREE WAY ON THE VACANT PORTION OF THE IN-SHAPE PROPERTY (APN 072-500-002 THROUGH -007)

Approved

Recommended Action: Motion to authorize the City Manager to enter into a contract with CirclePoint, to prepare the CEQA document for the Target store project

PUBLIC HEARING

4. RESOLUTION APPROVING SECOND SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR (FY) 2008-2009 ACTION PLAN INCLUDING THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING (CDBG-R), AND AMENDING THE FISCAL YEAR 2008-09 CITY BUDGET ACCORDINGLY

Reso 2009/41, 3/0, Rocha recused, w/ changes

Recommended Action: Motion to adopt the resolution

COUNCIL REGULAR AGENDA

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

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 *Approved*

COUNCIL REGULAR AGENDA — Continued

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

- Recommended Action:
- 1) Motion to review project listing,
 - 2) Motion to prioritize those projects for funding with the \$4.5M available,
Received
placeholders for surveillance cameras at the Marina and Prewett Park parking lot reconstruction.
Direction for staff to return prior to December app.
 - 3) Motion to direct staff to begin the application process for each of the projects selected
Approved

Added: 6A. RESOLUTION FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA
Reso 2009/42, 4/0

7. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS

Recommended Action: Motion to approve the warrants

Approved

B. DOWNTOWN MARKETING CONSULTANT SELECTION AND PROGRAM IMPLEMENTATION

Recommended Action: Motion to authorize the Executive Director to enter into a contract with PMC for the purpose of implementing a marketing program for the Downtown using no more than \$120,000 of Agency (redevelopment) funding through June 30, 2010

Approved

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 10:52 p.m.