

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

# ANNOTATED AGENDA

for  
April 13, 2010

## *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 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 Closed Sessions

**PUBLIC COMMENTS** for Closed Sessions

#### **CLOSED SESSIONS: 1) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to subdivision (c) of California Government Code § 54956.9 (1 case). **No Action**

**2) CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Pursuant to Government Code §54956.8: Property: 901 "L" St., Antioch (APN: 066-217-008), Negotiator: Brian Nunnally; Negotiating Parties: City of Antioch and property owner, under negotiation: availability, price and terms of payment of sale by City. **Direction to Staff**

**3) PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – Pursuant to Government Code §54957 – City Manager and City Attorney. **No Action**

**4) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
– Significant exposure to litigation pursuant to subdivision (b) of California Government Code §54956.9 (1 case). **No Action**

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

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS** – Award to Prewett Family Water Park

**PROCLAMATIONS** – Keep Antioch Beautiful Day, April 17, 2010  
Silver Star Service Banner Day, May 1, 2010

**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. PRESENTATION BY CONTRA COSTA TRANSIT AUTHORITY (CCTA) REPRESENTATIVE SUSAN MILLER REGARDING STATE ROUTE 4 WIDENING

**Received**

**2. COUNCIL CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR MARCH 23, 2010**

***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**

1. Jeannette Thomas 10/11-1947A, 10/11-1947B, 10/11-1947C (wrongful arrest, property damage)
2. Brian Barley 10/11-1945 (property damage)
3. Thary Ou 10/11-1948 (property damage)
4. George Brayton 10/11-1957 (property damage)

***Rejected***

Recommended Action: Motion to reject the listed claims

**D. CITY MANAGER AND CITY ATTORNEY EMPLOYMENT AGREEMENTS**

***Approved***

Recommended Action: Motion to approve amendments to the Employment Agreements for the City Manager and City Attorney to memorialize continued concessions due to the City's financial challenges and authorizing the Mayor to execute them

**E. RESOLUTION OPPOSING ASSEMBLY BILL 2336 REGARDING THE STRIPED BASS FISHERY**

***Reso 2010/24, 5/0***

Recommended Action: Motion to adopt the resolution

**F. REQUEST TO APPROVE THE FOURTH AMENDMENT TO THE RENTAL AGREEMENT WITH DELTA 2000 TO EXTEND THE TERM**

***Approved***

-Action: Motion to approve a fourth amendment to the Rental Agreement between the City and Delta 2000 for 1811 C Street and 301 West 10<sup>th</sup> Street

**G. LONG TERM BACKUP AND COMPUTER DATA RETENTION**

***Approved***

Recommended Action: Motion to approve purchase of backup hardware for City Facilities

**H. RESOLUTION APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500)**

Recommended Action: Motion to adopt the resolution

**PUBLIC HEARINGS**

3. RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN FOR ALMONDRIDGE EAST – PHILLIPS LANE – EAST EIGHTEENTH STREET IMPROVEMENTS (*Con't from 3/9/10*)

**Reso 2010/26, 4/1-R**

Recommended Action: Motion to adopt the resolution of necessity (4/5ths vote required) for property at APN 051-200-005 owned by Mex-Cal Inc., as neither the property owner nor her attorney has responded to City inquiries since the continued public hearing on March 9, 2010

4. ORDINANCE ADOPTING THE 2007 CALIFORNIA FIRE CODE WITH AMENDMENTS TO CHAPTER 3, ADOPTED BY THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

Recommended Action: 1) Motion to read the Ordinance by title only; and  
2) Motion to introduce an Ordinance amending Section 8-15.01 and adding Section 8-15.02 to the Antioch Municipal Code, to adopt the 2007 California Fire Code (based on the 2006 International Fire Code) with amendments to Chapter 3 adopted by the Contra Costa County Fire Protection District pursuant to its Ordinance No. 2007-47  
**To 4/27/10 for adoption**

**COUNCIL REGULAR AGENDA**

5. APPOINTMENT TO PARKS & RECREATION COMMISSION – 1 VACANCY (*Con't from 3/23/10*)

**Flores**

Recommended Action: Motion to receive and file applications, the Mayor to make the appointment and Council to approve the appointment

**PUBLIC COMMENT**

**STAFF COMMUNICATIONS**

**COUNCIL COMMUNICATIONS**

**ADJOURNMENT —8:35 p.m.**