

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

ANNOTATED AGENDA

For

July 28, 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 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. This Closed Session is authorized by California Government Code §54957.6. ***No reportable action***

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

PLEDGE OF ALLEGIANCE

PRESENTATIONS — *to Mayor's Golf Tournament Recipients*

PROCLAMATIONS — *Honoring Leo Fontana*

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. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JULY 14, 2009

Recommended Action: Motion to approve the minutes

Approved

COUNCIL CONSENT CALENDAR — Continued

B. APPROVAL OF COUNCIL WARRANTS

Approved

Recommended Action: Motion to approve the warrants

C. REJECTION OF CLAIM

Denied

1) Ismael Pacheco 09/10-1896 (property damage)

Recommended Action: Motion to reject the listed claim

D. ORDINANCE ADDING SECTION 5-17.06 TO THE ANTIOCH MUNICIPAL CODE REGARDING WAIVERS TO ESTABLISHED CONSTRUCTION HOURS (Introduced 7/14/09)

Ord 2032-C-S, 3/2-Absent M,K

Recommended Action: Motion to adopt the ordinance

E. RESOLUTION ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE MARKLEY CREEK REMEDIATION PROJECT (P.W. 431-1A)

Recommended Action: 1) Motion to adopt the resolution accepting work and directing the City Engineer to file a Notice of Completion, **Reso 2009/64, 5/0**

2) Motion to authorize the Director of Finance to make a final payment in the amount of \$224,030.68 plus retention of \$233,820.69 to be paid 35 days after recordation of the Notice of Completion; and **Approved**

3) Motion to authorize the Director of Finance to increase the contract purchase order by \$206,017.64 to cover Contract Change Orders and increased bid items necessary to complete the project to original design and specifications. **Approved**

F. RESOLUTION APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 012-N TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 04-5038R FOR FEDERAL AID PROJECTS FOR THE HILLCREST AVENUE OVERLAY PROJECT (P.W. 392-24)

Reso 2009/65, 5/0

Recommended Action: Motion to adopt the resolution

G. RESOLUTION AUTHORIZING THE CITY OF ANTIOCH TO JOINTLY APPLY WITH THE CITIES OF PITTSBURG, WALNUT CREEK, AND CONCORD FOR \$1.2 MILLION IN HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP) FUNDS

Reso 2009/66, 5/0

Recommended Action: Motion to adopt the resolution

COUNCIL CONSENT CALENDAR — Continued

- H. RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR THE CONFIDENTIAL UNIT
Reso 2009/67, 5/0
Recommended Action: Motion to adopt the resolution
- I. RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR THE MANAGEMENT UNIT
Reso 2009/68, 5/0
Recommended Action: Motion to adopt the resolution
- J. RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR OPERATING ENGINEERS
LOCAL UNION NO. 3
Reso 2009/69, 5/0
Recommended Action: Motion to adopt the resolution
- K. CONSIDERATION TO REJECT ALL BIDS FOR THE HILLCREST AVENUE PAVEMENT OVERLAY
PROJECT, (P.W. 392-24)
Approved
Recommended Action: Motion to reject all bids and authorize staff to re-bid the Hillcrest Avenue
Pavement Overlay project

PUBLIC HEARINGS

2. STREET LIGHT AND BUILDING ENERGY RETROFIT PROGRAM WITH HONEYWELL
INCORPORATED (*Continued from 6/9/09 and 7/14/09*)
Con't to 9/8/09
Recommended Action: Motion to continue to September 08, 2009
3. RESOLUTION ORDERING IMPROVEMENTS AND LEVYING ANNUAL ASSESSMENTS FOR
STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICTS 1, 2A, 4, 5, 9, AND 10 FOR THE
2009/2010 FISCAL YEAR (PW 500)
Reso 2009/70, 5/0
Recommended Action: Motion to adopt the resolution

COUNCIL REGULAR AGENDA

4. GENERAL FUND CONTRIBUTION TO STREET LIGHT AND LANDSCAPE ASSESSMENT
DISTRICTS FOR FISCAL YEAR 2009/2010
4/1- D, Option #1
Recommended Action: Motion to provide direction to staff on FY 2009/2010 General Fund
contribution

COUNCIL REGULAR AGENDA — Continued

5. RESOLUTION EXPRESSING CONCEPTUAL SUPPORT FOR THE MIRANT MARSH LANDING GENERATING STATION PROJECT

Reso 2009/71, 5/0 w/ changes

Recommended Action: Motion to adopt the resolution authorizing the City Manager to complete and execute the Project Agreement between the City of Antioch and Mirant Marsh Landing, LLC

6. UPDATE ON FINANCIAL STATUS AND PROVIDE DIRECTION TO STAFF ON THE FISCAL YEAR 2008-10 BUDGET

Direction received

Recommended Action: Motion to provide direction to staff on FY 2008-10 budget options

7. **ANTIOCH DEVELOPMENT AGENCY CONSENT CALENDAR**

- A. APPROVAL OF AGENCY WARRANTS

Approved

Recommended Action: Motion to approve the warrants

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

PUBLIC COMMENTS *for Closed Session*

CLOSED SESSION — 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

ADJOURNMENT to 10:00 p.m.