

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

ANNOTATED AGENDA

For

August 11, 2009

CITY COUNCIL/ADA MEETING

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

Order of Agency Vote: AYES: Agency Members Rocha, Moore, Parsons and Chairman Davis

ABSENT: Council 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.

5:30 P.M. ROLL CALL *for Closed Sessions*

PUBLIC COMMENTS *for Closed Sessions*

CLOSED SESSIONS:

1) **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).

Direction given to staff

2) **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)

Direction given to staff

3) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One potential case.

Direction given to staff

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. This Closed Session is authorized by California Government Code §54957.6.

Item on the consent calendar for action

5) **CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION** – Significant exposure to litigation pursuant to subdivision (c) of Government Code Section 54956.9: One potential case.

Direction given to staff

7:00 P.M. **ROLL CALL** for Council/Agency Members – **Council Member Kalinowski absent**

PLEDGE OF ALLEGIANCE

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 28, 2009

Recommended Action: Motion to approve the minutes

Approved

B. APPROVAL OF COUNCIL WARRANTS

Recommended Action: Motion to approve the warrants

Approved

C. APPROVAL OF TREASURER’S REPORT FOR JUNE 2009

Recommended Action: Motion to approve the report

Approved

D. SALARY AND AUTOMOBILE ALLOWANCE DECREASE FOR ELECTED OFFICIALS DUE TO FINANCIAL CHALLENGES FACING THE CITY

Recommended Action: Motion to adopt the resolution

Reso 2009/72, 4/0

E. CITY MANAGER AND CITY ATTORNEY EMPLOYMENT AGREEMENTS: FOURTH AMENDMENTS TO MEMORIALIZE A CONTINUED 10% SALARY DECREASE AND CONTINUED DEFERRAL OF THE DEFERRED COMPENSATION CONTRIBUTION DUE TO THE FINANCIAL CHALLENGES FACING THE CITY

Recommended Action: Motion to approve amendments

Approved

F. RESOLUTION ANNOUNCING INTENTION TO SUMMARILY VACATE A SURPLUS PORTION OF FOURTH AND ‘G’ STREET RIGHT-OF-WAY TO THE PROPERTY OWNER OF BASES LOADED (PW 371-RA-41)

Recommended Action: Motion to adopt the resolution

Reso 2009/73, 4/0

COUNCIL CONSENT CALENDAR — Continued

- G.** RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR A SEGMENT OF SAKURAI STREET AND THE WIDENING AND EXTENSION OF DRIVE-IN WAY (PW 528-SP1)

Reso 2009/74, 4/0

Recommended Action: Motion to adopt the resolution

- H.** RESOLUTION ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN ROADWAY PAVEMENT REHABILITATION, PHASE II (P.W. 678-2)

Reso 2009/75, 4/0

Recommended Action: Motion to adopt the resolution

- I.** RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR ANTIOCH POLICE SWORN MANAGEMENT ASSOCIATION

Reso 2009/76, 4/0

Recommended Action: Motion to adopt the resolution

- J.** RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR ANTIOCH POLICE OFFICERS' ASSOCIATION

Reso 2009/77, 4/0

Recommended Action: Motion to adopt the resolution

COUNCIL REGULAR AGENDA

- 2.** ISSUANCE AND SALE OF THE ANTIOCH DEVELOPMENT AGENCY, PROJECT AREA NO. 1, TAX ALLOCATION BOND (STATE REVOLVING LOAN FUND PROJECT), SERIES 2009

Reso 2009/78, 4/0

Recommended Action: Motion to adopt the resolution

- 3.** ORDINANCE TO ADD ARTICLE 3 TO CHAPTER 5 OF TITLE 5, "STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE" TO THE ANTIOCH MUNICIPAL CODE TO ESTABLISH FRANCHISE AND PEG FEES, AUDIT RIGHTS AND CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICES

Recommended Action: 1) Motion to read the Ordinance by title only,
2) Motion to introduce the Ordinance to add Article 3 to Chapter 5 of Title 5 of the Antioch Municipal Code; and
3) Motion to adopt the Ordinance to Article 3 to Chapter 5 of Title 5 as an Urgency Ordinance for the immediate preservation of the public peace, health or safety

Ord 2033-C-S, 4/0

AGENCY REGULAR AGENDA

4. ISSUANCE AND SALE OF THE ANTIOCH DEVELOPMENT AGENCY, PROJECT AREA NO. 1, TAX ALLOCATION BOND (STATE REVOLVING LOAN FUND PROJECT), SERIES 2009

Reso ADA-435, 4/0

Recommended Action: Motion to adopt the resolution

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT *to 7:40 p.m.*