

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

# ANNOTATED AGENDA

for  
July 27, 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 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. *Direction to staff*

2) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** — Onita Tuggles v. City of Antioch et al, Northern District Court Case No. C 08-01914 JCS; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA; and Riaz Patras, Maryam Patras and Mark Patras v. City of Antioch et al., Northern District Court Case No. CV-09-1891. This Closed Session is authorized by California Government Code §54956.9. **No reportable Action**

3) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** Richardson et al. v. City of Antioch et al., Northern District Federal Court, Case No. CV08-3470-JSW. This Closed Session is authorized pursuant to Subdivision (a) of California Government Code §54956.9: **No reportable Action**

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

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS** – *Recognition of Gateway Center for Learning Committee*  
*Recognition of Charities for Mayor's Cup Golf Committee*

**Added Proclamation:** *Sister City 43rd Anniversary Celebration with Chichibu, Japan*

**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 JULY 13, 2010**

Recommended Action: Motion to approve the minutes

***Approved***

**B. APPROVAL OF COUNCIL WARRANTS**

Recommended Action: Motion to approve the warrants

***Approved***

**C. REJECTION OF CLAIM**

**E. Tyhera Payton 10/11-1966 (property damage)**

Recommended Action: Motion to reject the listed claim

***Denied***

**D. WAIVER OF THE IRRIGATION WATER BILL AT THE LONE TREE GOLF COURSE**

Recommended Action: Motion to extend the waiver of payment of the irrigation water bill at the Lone Tree Golf Course until September 2010

***Approved***

**E. "ORDINANCE IMPOSING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION" WHICH WILL ADD ARTICLE 4 OF CHAPTER 5 TO TITLE 3 OF THE ANTIOCH MUNICIPAL CODE ENACTING A ONE-HALF (1/2) CENT TRANSACTIONS AND USE (SALES) TAX FOR MAINTENANCE OF VITAL CITY SERVICES UPON APPROVAL BY THE VOTERS AT THE NOVEMBER 2, 2010, ELECTION**

Recommended Action: 1) Motion to adopt the "Ordinance Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization."

***Ord 2041-C-S, 5/0***

2) Motion to adopt the Resolution calling for a Municipal Election to Submit to the Voters a Local Ballot Measure Adopting a One-Half Cent Transactions and Use (Sales) Tax to Fund all Antioch City Services including Police, Street Repairs and Code Enforcement and Requesting the Board of Supervisors of Contra Costa County to Consolidate a Municipal Election on a Local Measure with Other Elections to be Held on the November 2, 2010, Regular Election Date

***Reso 2010/51, 5/0***

**F. RESOLUTION OF INTENTION TO INITIATE MUNICIPAL CODE AMENDMENTS TO TITLE 9, CHAPTER 5 OF THE ANTIOCH MUNICIPAL CODE IN ORDER TO ADOPT THE WATER EFFICIENT LANDSCAPE ORDINANCE (WELO)**

Recommended Action: Motion to adopt the resolution of intention to initiate amendments to Title 9, Chapter 5 of the Antioch Municipal Code in order to adopt the Water Efficient Landscape Ordinance (WELO)

***Reso 2010/52, 5/0***

**PUBLIC HEARING**

2. APPEAL OF THE FINAL ENVIRONMENTAL IMPACT REPORT CERTIFICATION AND DESIGN REVIEW APPROVAL FOR THE WALMART REMODEL AND EXPANSION PROJECT LOCATED AT 4893 LONE TREE WAY (AR-04-25)

Recommended Action: 1) Motion to adopt the resolution denying the appeals and upholding the decision of the Planning Commission to certify the Walmart Expansion Project Final Environmental Impact Report (EIR); and  
2) Motion to adopt the resolution denying the appeals and upholding the Planning Commission design review approval of the design of the Walmart Expansion Project (AR-04-25)

***Reso 2010/53, 3/2-K/D – upheld the appeal, denied certification of the EIR, bring back findings resolution of denial on 8/17/10***

3. **AGENCY CONSENT CALENDAR**

- A. APPROVAL OF AGENCY WARRANTS

***Approved***

Recommended Action: Motion to approve the warrants

**PUBLIC COMMENT**

**STAFF COMMUNICATIONS**

**COUNCIL COMMUNICATIONS**

**ADJOURNMENT — 1:03 a.m.**