

ANNOTATED AGENDA

for
May 8, 2012

CITY COUNCIL MEETING

Order of Council vote: AYES: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor 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.

6:00 P.M. ROLL CALL – SPECIAL MEETING – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

STUDY SESSION – SPECIAL MEETING

1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, DEBT SERVICE FUNDS, AND THE ANTIOCH PUBLIC FINANCING AUTHORITY FOR FISCAL YEARS 2012-13

Direction given to Staff

Recommended Action: Motion to provide direction and feedback

STAFF REPORT

6:45 P.M. ROLL CALL for Closed Sessions – *All Present*

PUBLIC COMMENTS for Closed Sessions – *None*

CLOSED SESSIONS:

- 1) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** —Onita Tuggles v. City of Antioch et al, Ninth Circuit Court of Appeals, Case No. 10-17181; 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. This Closed Session is authorized by California Government Code §54956.9. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case).

No action taken

- 2) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9: Letter from James H. Colopy of Farella Braun + Martel on behalf of Discovery Builders dated March 13, 2012.

No action taken

- 3) **PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 City Manager.

Direction given to Staff

- 4) **PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 – City Attorney.

Direction given to Staff

7:15 P.M. **ROLL CALL** for Council Members after closed session and reporting out – **All Present**

MAYOR’S COMMENTS/PRESENTATION BY ANTIOCH IDOL WINNERS (Mayor then leaves for Antioch High School Presentation returns at 8:14 p.m.)

PROCLAMATIONS – National Public Works Week, May 20 – 26, 2012
350 Home & Garden Challenge, May 12 -13, 2012

Approved, 4/0

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

PUBLIC COMMENTS—*Only unagendized issues will be discussed during this time*

CITY COUNCIL SUBCOMMITTEE REPORTS

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR APRIL 24, 2012

Recommended Action: Motion to approve the minutes

Approved, 4/0

MINUTES

B. APPROVAL OF COUNCIL WARRANTS

Recommended Action: Motion to approve the warrants

Approved, 4/0

STAFF REPORT

C. REJECTION OF CLAIMS

1. Rani Windell 11/12-2048 (property damage)
2. Angelina Mazzei 12/13-2055 (property damage)
3. Efren Reynoso 12/13-2064 (impounded vehicle)

Recommended Action: Motion to reject the listed claims

Rejected, 4/0

STAFF REPORT

D. Z-12-02: PREZONING OF AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA – THE PREZONING IS APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO BY THE CITY AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE. THE PROPOSED PREZONING CONSISTS OF PRIMARILY M-2 (HEAVY INDUSTRIAL) ZONING, WITH M-1 (LIGHT INDUSTRIAL) PROPOSED FOR THE UNINCORPORATED AREA SOUTH OF WILBUR AVENUE, AND OS (OPEN SPACE) PROPOSED FOR THE EXISTING ENDANGERED SPECIES PRESERVE LOCATED ON THE NORTH SIDE OF WILBUR AVENUE. A PREVIOUSLY PREPARED MITIGATED NEGATIVE DECLARATION WILL BE UTILIZED TO ADDRESS ANY ENVIRONMENTAL IMPACTS OF THE PROPOSED PREZONING. ON MARCH 7, 2012, THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE TO PREZONE THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA (Introduced on 04/24/12)

Recommended Action: Motion to adopt the ordinance

Pulled and made Regular Agenda Item #6

STAFF REPORT

COUNCIL CONSENT CALENDAR — Continued

- E.** APPROVAL OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) 2012
Approved, 4/0
Recommended Action: Motion to approve the grant
STAFF REPORT
- F.** OVERSIGHT BOARD FOR THE CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY: CONFLICT OF INTEREST CODE AND UPDATE
Reso 2012/26, 4/0
Recommended Action: As the FPPC's designated code-reviewing body, it is recommended that the City Council adopt the resolution approving the Conflict of Interest Code for the Oversight Board for the City of Antioch as Successor Agency to the Antioch Development Agency
STAFF REPORT
- G.** CONSTRUCTION AND MAINTENANCE AGREEMENT WITH BNSF RAILROAD COMPANY FOR THE CONSTRUCTION OF THE WILBUR AVENUE OVERHEAD WIDENING PROJECT (P.W. 259-B)
Reso 2012/27, 4/0
Recommended Action: Motion to adopt the resolution authorizing the City Engineer to execute the Overpass Construction and Maintenance Agreement or substantially similar version with BNSF Railroad Company for the construction of the Wilbur Avenue Overhead Widening Project
STAFF REPORT
- H.** PURCHASE PUBLIC WORKS SERVICE VEHICLES
Approved, 4/0
Recommended Action: Motion to authorize the cooperative purchase arrangement via the State Bid List, and issuance of a purchase order for five (5) Public Works service vehicles (cab and chassis only) to Downtown Ford Sales, Sacramento, CA for \$124,677.53
STAFF REPORT
- I.** RESOLUTION ACCEPTING WORK AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE CHICHIBU RECYCLED WATER SPECIFIC RETROFIT PROJECT
Reso 2012/28, 4/0
Recommended Action: Motion to adopt the resolution accepting work and authorizing the Director of Public Works/City Engineer to File a Notice of Completion for the Chichibu Recycled Water Specific Retrofit
STAFF REPORT
- J.** FEASIBILITY REVIEW OF THE DEVELOPMENT OF A SYNTHETIC TURF FIELD AT PREWETT PARK
Received and filed, 4/0
Recommended Action: Motion to receive and file
STAFF REPORT

END OF COUNCIL CONSENT CALENDAR

PUBLIC HEARING

3. PROPOSED MASTER FEE SCHEDULE EFFECTIVE JULY 1, 2012 (FISCAL YEAR 2012-2013) AND UPDATE ON WATER AND SEWER RATES

Public hearing opened and Continued to 05/22/12

Recommended Action: Motion to adopt the resolution

STAFF REPORT

4. FISCAL YEAR 2012-13 ANNUAL CDBG PLAN FUNDING

Recommendation: 1. Approve the resolution adopting the draft fiscal year 2012-13 Action Plan (Option A or B) **Reso 2012/29 to approve the Public Services grants, 5/0**

Reso 2012/30 to approve the Economic Development, Infrastructure and Housing Grants (Option A), 4/0-R (Council member Rocha recused for a conflict of interest)

2. Approve the resolution adopting the substantial amendments to the Contra Costa Consortium 2010-15 Consolidated Plan

Reso 2012/31, 5/0

STAFF REPORT

COUNCIL REGULAR AGENDA

5. NELSON RANCH PARK INFORMATIONAL UPDATE (PW 547-P)

Motion to raise wall, remove trees and hear on September 11, 2012 before removing any other park structures 3/0/2 (abstentions JD and BK)

Recommended Action: Motion to provide direction to Staff

STAFF REPORT

6. **(moved from Consent Calendar item I.D)** Z-12-02: PREZONING OF AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA – THE PREZONING IS APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO BY THE CITY AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE. THE PROPOSED PREZONING CONSISTS OF PRIMARILY M-2 (HEAVY INDUSTRIAL) ZONING, WITH M-1 (LIGHT INDUSTRIAL) PROPOSED FOR THE UNINCORPORATED AREA SOUTH OF WILBUR AVENUE, AND OS (OPEN SPACE) PROPOSED FOR THE EXISTING ENDANGERED SPECIES PRESERVE LOCATED ON THE NORTH SIDE OF WILBUR AVENUE. A PREVIOUSLY PREPARED MITIGATED NEGATIVE DECLARATION WILL BE UTILIZED TO ADDRESS ANY ENVIRONMENTAL IMPACTS OF THE PROPOSED PREZONING. **ON MARCH 7, 2012, THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE TO PREZONE THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA (Introduced on 04/24/12)**

Continued to June 12, 2012, 5/0

Recommended Action: Motion to adopt the ordinance

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – *11:00 p.m.*

STAFF REPORT TO THE ANTIOCH CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF MAY 8, 2012

Prepared by: Dawn Merchant, Finance Director

Date: April 30, 2012

Subject: Budget Development FISCAL YEARS 2012-13

RECOMMENDATION

Provide direction and feedback to staff regarding the budget information provided at this meeting.

SUMMARY

This budget study session will address Special Revenue Funds, Debt Service Funds, and the Antioch Public Financing Authority.

BACKGROUND

The following fund categories are presented in detail by fund in the attached study session document:

SPECIAL REVENUE FUNDS - This type of fund is generally used to collect revenues that are restricted as to how those funds might be spent. The City of Antioch also uses this type of fund to document revenue that is intended for a specific City program or service. The City maintains thirty-one Special Revenue Funds. The Gas Tax, Traffic Signal and Measure J funds will be brought back with the CIP budget discussion. The Recreation Fund and Animal Control Fund were discussed at the meeting on April 24th. The Senior Bus Special Revenue Fund will be brought back after Tri Delta Transit meets regarding the Senior Bus program.

One Special Revenue Fund in particular we are seeking Council direction on this study session is the Civic Arts Fund. This fund accounts for the City's agreement with the Art's & Cultural Foundation. Historically, 30% of the Transient Occupancy Tax (TOT) collected by our hotel establishments has been allocated to this fund to support the Foundation. Due to the economic downturn, the City has reduced the support to this program. In fiscal years 2011 and 2012, the City paid the Foundation \$18,000. This same amount is budgeted in fiscal years 2013 and 2014. It is important to note that this funding level assumes sufficient TOT will be collected to provide that level of funding. The hotel market continues to be very unstable in the City and we have been experiencing collection problems with our current hotels. We are asking Council to provide direction on the level of funding currently programmed into the fiscal year 2013 budget.

CAPITAL PROJECTS FUNDS – Capital Projects Funds account for resources used for the acquisition and construction of capital facilities by the City. The City maintains six such funds, of which two are presented in this report. The remaining four will be presented as part of the CIP budget discussion.

The Residential Development Allocation (RDA) Fund is the main fund of focus in this category. This fund is used for capital improvements (such as the entry monument signs) and community benefit programs. In prior years, this fund was also used to pay for water at the Antioch Historical Society. Last year, Council directed that FY12 would be the final year of funding for water at the Historical Society and that the bill would transfer to the Historical Society beginning in FY13. FY13 now only includes \$119,395 in funding for the Antioch Library and miscellaneous administrative expense. As you will see in the study session packet, at the end of FY13, the fund is projected to have a balance of only \$15,743. Council will need to determine in FY14 whether to continue funding library hours and if so, the source of funding.

DEBT SERVICE FUNDS - Debt Service Funds account for debt obligations of the general government. The City maintains two such funds currently to account for the ABAG 2001 Lease Revenue Bonds and the Honeywell Retrofit Project Lease.

ANTIOCH PUBLIC FINANCING AUTHORITY - This is a nonprofit corporation organized by the City of Antioch and the Antioch Development Agency under the laws of the State of California. The Authority was organized to provide financial assistance to the City by financing real and personal property and improvements for the benefit of the residents of the City. The Authority has provided financing mechanisms for the Police Facility, Water Plant Expansion, Hillcrest Assessment District #26 and Lone Diamond Assessment District #27/31.

ATTACHMENTS

Attachment – May 8, 2012 Study Session Document

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS**

Special Revenue Funds

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS**

FEDERAL ASSET FORFEITURE FUND 210 – This fund accounts for monies and property seized during drug enforcement on Federal cases. The Federal government requires a separate fund to account for these activities.

FEDERAL ASSET FORFEITURE (FUND 210)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$48,110	\$95,368	\$115,593	\$115,593	\$106,693		\$107,043	
Revenue Source:								
Investment Income	1,494	589	1,000	500	750	50%	750	0%
Other	58,317	19,946	10,000	1,000	10,000	900%	10,000	0%
Total Revenue	59,811	20,535	11,000	1,500	10,750	617%	10,750	0%
Expenditures:								
Services & Supplies	12,553	310	10,400	10,400	10,400	0%	10,400	0%
Total Expenditures	12,553	310	10,400	10,400	10,400	0%	10,400	0%
Ending Balance, June 30	\$95,368	\$115,593	\$116,193	\$106,693	\$107,043		\$107,393	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

DELTA FAIR PROPERTY FUND 211 – This fund was created when the City sold property it owned on Delta Fair Boulevard at the City’s western City limits. The property was originally purchased from the State on the condition that it would be used for park and recreation purposes. When it was decided that the property was more suitable for commercial purposes and should be sold or leased, the State gave its permission on the condition that proceeds be used for park purposes.

DELTA FAIR PROPERTY (FUND 211)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$34,384	\$44,556	\$54,336	\$54,336	\$3,193		\$2,868	
Revenue Source:								
Investment Income	786	370	500	500	100	-80%	100	0%
Current Service Charges	10,000	10,000	10,000	18,800	10,000	-47%	10,000	0%
Total Revenue	10,786	10,370	10,500	19,300	10,100	-48%	10,100	0%
Expenditures:								
Services & Supplies	156	173	150	70,150	10,150	-86% ¹	10,150	0%
Interfund Charges	458	417	289	293	275	-6%	277	0%
Total Expenditures	614	590	439	70,443	10,425	-85%	10,427	0%
Ending Balance, June 30	\$44,556	\$54,336	\$64,397	\$3,193	\$2,868		\$2,541	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: FY12 expenditures revised to include \$70,000 for Prewett Water Park repairs needed.

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND 212 – This fund accounts for grant funds received from the Federal government for the purpose of developing viable urban communities.

COMMUNITY DEVELOPMENT BLOCK GRANT (FUND 212)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$0	\$0	\$0	\$0	\$0		\$0	
Revenue Source:								
Revenue from Other Agencies	793,404	3,862,496	1,961,562	1,904,139	823,966	-57% ¹	659,796	-20%
Other	2,100	273,191	200,000	400,658	100,000	-75%	0	0%
Total Revenue	795,504	4,135,687	2,161,562	2,304,797	923,966	-60%	659,796	-29%
Expenditures:								
Personnel	63,826	43,457	48,768	48,768	28,565	-41%	13,845	-52%
Services & Supplies	710,592	4,035,441	2,014,126	2,256,029	895,401	-60%	645,951	-28%
Transfers Out	0	56,789	80,000	0	0	0%	0	0%
Interfund Charges	21,086	0	18,668	0	0	0%	0	0%
Total Expenditures	795,504	4,135,687	2,161,562	2,304,797	923,966	-60% ¹	659,796	-29%
Ending Balance June 30	\$0	\$0	\$0	\$0	\$0		\$0	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: Decrease in revenue from other agencies and expenditures due to reduction in NSP and CDBG R programs – these are one time allocations being spent down each year. CDBG R funding should be fully spent in FY12. These budgets may be carried forward into FY13 and FY14 if not completed by fiscal year end.

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

CIVIC ARTS FUND 215 – This fund accounts for money specifically set aside for art programs and projects. Revenues come from a percentage of the City's Transient Occupancy Tax. Expenditures are for a variety of programs in the fund and performing arts, as well as projects such as Art in Public Places.

CIVIC ARTS (FUND 215)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	%	2013-14 Projected	%
						Change		Change
Beginning Balance, July 1	\$24,086	\$6,918	\$3,352	\$3,352	\$462		\$5,873	
Revenue Source:								
Investment Income	-102	9	25	25	25	0%	25	0%
Transient Occupancy Tax	33,974	21,088	25,000	23,000	30,000	30%	30,000	0%
Transfers In	24,363	0	0	0	0	0%	0	0%
Total Revenue	58,235	21,097	25,025	23,025	30,025	30%	30,025	0%
Expenditures:								
Services & Supplies	72,533	22,218	23,880	23,785	22,389	-6%	22,426	0%
Interfund Charges	2,870	2,445	2,144	2,130	2,225	4%	2,280	2%
Total Expenditures	75,403	24,663	26,024	25,915	24,614	-5%	24,706	0%
Ending Balance, June 30	\$6,918	\$3,352	\$2,353	\$462	\$5,873		\$11,192	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

¹NOTE: FY12 through FY14 include \$18,000 each year in funding for the Arts & Cultural Foundation

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

PARK-IN-LIEU FUND 216 – This fund accounts for revenues from park dedication fees required of all new construction. Monies are accumulated in accounts allocated to certain parks on the basis of the area in which the construction is taking place. These funds are then appropriated and spent for park development.

PARK IN LIEU (FUND 216)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2008-09	2009-10	2010-11	2010-11	2011-12	%	2012-13	%
	Actual	Actual	Budget	Revised	Proposed	Change	Proposed	Change
Beginning Balance, July 1	\$4,065,577	\$4,030,061	\$3,998,072	\$3,998,072	\$1,281,096		\$1,330,267	
Revenue Source:								
Investment Income	55,414	45,344	5,000	15,000	20,000	33%	25,000	25%
Licenses & Permits	48,790	45,470	40,000	115,894	40,000	-65%	40,000	0%
Total Revenues	104,204	90,814	45,000	130,894	60,000	-54%	65,000	8%
Expenditures:								
Services & Supplies	107,172	100,969	15,000	47,000	10,000	-79%	10,000	0%
Prewett Parking Lot	30,193	20,410	0	0	0	0%	0	0%
Nelson Ranch	0	0	1,800,000	2,800,000	0	-100%	0	0%
Markley Creek Park	740	0	0	0	0	0%	0	0%
Interfund Charges	1,615	1,424	869	870	829	-5%	834	1%
Total Expenditures	139,720	122,803	1,815,869	2,847,870	10,829	-100%	10,834	0%
Ending Balance, June 30	\$4,030,061	\$3,998,072	\$2,227,203	\$1,281,096	\$1,330,267		\$1,384,433	
Authorized FTE'S	0.00	0.00	0.00	0.00	0.00		0.00	

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

POLICE ASSET FORFEITURE FUND 221 – This fund accounts for monies seized during drug enforcement activities. Monies are held by the City until cases are settled by the courts. Monies are then either reverted to the City or returned to the rightful owner. Monies reverted to the City must be used for legitimate law enforcement purposes.

ASSET FORFEITURE (FUND 221)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$198,547	\$141,916	\$22,062	\$22,062	\$1,236		\$1,340	
Revenue Source:								
Investment Income	6,468	2,466	750	950	100	-89%	200	100%
Asset Forfeiture	41,621	51,969	30,000	30,185	30,000	-1%	30,000	0%
Other	0	0	0	209	0		0	
Total Revenue	48,089	54,435	30,750	31,344	30,100	-4%	30,200	0%
Expenditures:								
Services & Supplies	97,099	167,571	51,600	47,600	25,500	-46% ¹	25,000	-2%
Interfund Charges	7,621	6,718	4,571	4,570	4,496	-2%	4,558	1%
Total Expenditures	104,720	174,289	56,171	52,170	29,996	-43%	29,558	-1%
Ending Balance, June 30	\$141,916	\$22,062	(\$3,359)	\$1,236	\$1,340		\$1,982	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: Amounts that become available for spending are unpredictable.

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

CHILD CARE FUND 223 – This fund accounts for lease revenue received from the YWCA and City expenditures relating to the Mary Rocha Child Care Center at 931 Cavallo Road. In 1990 the City purchased a modular building for \$240,000 and made improvements in the amount of \$75,000 for a low income child care facility. The land and modular building of the center belong to the City.

CHILD CARE (FUND 223)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$157,365	\$154,516	\$73,486	\$73,486	\$101,399		\$100,716	
Revenue Source:								
Investment Income	1,994	1,793	1,500	1,000	1,000	0%	1,000	0%
Current Service Charges	66,857	67,592	68,201	69,215	70,600	2%	72,012	2%
Total Revenue	68,851	69,385	69,701	70,215	71,600	2%	73,012	2%
Expenditures:								
Personnel	3,499	0	0	0	0	0%	0	0%
Services & Supplies	32,375	14,584	1,480	6,304	1,375	-78% ¹	1,423	3%
Transfer Out	35,000	135,000	35,000	35,000	70,000	100% ²	70,000	0% ¹
Interfund Charges	826	831	952	998	908	-9%	919	1%
Total Expenditures	71,700	150,415	37,432	42,302	72,283	71%	72,342	0%
Ending Balance, June 30	\$154,516	\$73,486	\$105,755	\$101,399	\$100,716		\$101,386	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: FY12 included \$5,000 expenditure for Deer Valley High School After School Library

²VARIANCE: Additional transfer to Prewett Water Park to offset General Fund Subsidy in FY13 & FY14

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS**

TIDELANDS FUND 225 – In 1990, the California State Legislature passed Assembly Bill 1900 that created tidelands entitlement areas. Funds are generated by payments from the lessees of the City's tidelands areas. This revenue is limited to improving accessibility and/or protection of the City's waterfront areas.

TIDELANDS (FUND 225)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2008-09 Actual	2009-10 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$80,528	\$85,203	\$96,801	\$96,801	\$103,581		\$110,480	
Revenue Source:								
Investment Income	1,165	1,116	500	500	500	0%	500	0%
Current Service Charges	4,018	11,016	11,015	6,850	6,987	2%	7,126	2%
Total Revenue	5,183	12,132	11,515	7,350	7,487	2%	7,626	2%
Expenditures:								
Services & Supplies	282	319	260	325	350	8%	375	7%
Interfund Charges	226	215	239	245	238	-3%	243	2%
Total Expenditures	508	534	499	570	588	3%	618	5%
Ending Balance, June 30	\$85,203	\$96,801	\$107,817	\$103,581	\$110,480		\$117,488	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

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SOLID WASTE REDUCTION FUND 226 – This fund has two programs operated by the Community Development Department. Oil recycling funds are used for the curbside collection of oils and filters as well as collection of the same at the East County Household Hazardous Waste Collection Facility. The Solid Waste Reductions Program was established to help the City meet AB 939 mandates to divert waste from landfills to recycling programs.

SOLID WASTE FUND								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$421,293	\$83,623	\$175,425	\$175,425	\$264,844		\$206,663	
Revenue Source:								
Investment Income	1,598	2,769	1,800	1,800	1,200	-33%	1,300	8%
Revenue from Other Agencies	32,148	55,964	45,000	87,012	56,000	-36%	56,500	1%
Franchise Fees	0	160,000	160,000	160,000	160,000	0%	160,000	0%
Other	4,055	6,393	3,000	8,526	5,000	-41%	5,000	0%
Total Revenue	37,801	225,126	209,800	257,338	222,200	-14%	222,800	0%
Expenditures:								
Personnel	129,088	40,024	36,731	37,056	79,995	116%	58,920	-26%
Services & Supplies	75,884	84,292	108,248	122,740	191,923	56%	147,423	-23%
Transfers Out	159,500	0	0	0	0	0%	0	0%
Interfund Charges	10,999	9,008	7,811	8,123	8,463	4%	8,568	1%
Total Expenditures	375,471	133,324	152,790	167,919	280,381	67%	214,911	-23%
Ending Balance, June 30	\$83,623	\$175,425	\$232,435	\$264,844	\$206,663		\$214,552	

Authorized & Funded FTE's:	Authorized	Funded	Funded	Funded
	FTE's	2011-12	2012-13	2013-14
Solid Waste Reduction	1.34	0.34	0.34*	0.34*

*FY13 and FY14 assumes a portion of salary funded for a Code Enforcement Officer. The .34 is for an Administrative Analyst assigned to this program.

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Solid Waste Used Oil (226-5220)								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:								
Revenue from Other Agencies	19,182	55,464	32,000	59,577	30,000	-50%	30,500	2%
Other	0	0	0	3,526	0	-100%	0	0%
Total Source of Funds	19,182	55,464	32,000	63,103	30,000	-52%	30,500	2%
Use of Funds:								
Services & Supplies	27,275	34,617	30,500	44,921	43,000	-4%	30,500	-29%
Total Use of Funds	27,275	34,617	30,500	44,921	43,000	-4%	30,500	-29%
Authorized FTE'S	0.00	0.00	0.00	0.00	0.00		0.00	

Solid Waste Reduction (226-5225)								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:								
Street Impact Fees	0	160,000	160,000	160,000	160,000	0%	160,000	0%
Investment Income	1,598	2,769	1,800	1,800	1,200	-33%	1,300	8%
Revenue from Other Agencies	12,966	500	13,000	27,435	26,000	-5%	26,000	0%
Other	4,055	6,393	3,000	5,000	5,000	0%	5,000	0%
Total Source of Funds	18,619	169,662	177,800	194,235	192,200	-1%	192,300	0%
Use of Funds:								
Personnel	129,088	40,024	36,731	37,056	79,995	116% ¹	58,920	-26%
Services & Supplies	48,609	49,675	77,748	77,819	148,923	91% ¹	116,923	-21%
Transfers Out	159,500	0	0	0	0	0%	0	0%
Interfund Charges	10,999	9,008	7,811	8,123	8,463	4%	8,568	1%
Total Use of Funds	348,196	98,707	122,290	122,998	237,381	93%	184,411	-22%
Authorized FTE'S	2.00	1.34	1.34	1.34	1.34		1.34	

¹VARIANCE: FY13 includes \$40K funding for Code Enforcement. \$20K included for part time help to review and refresh park recycling program, and additional monies for compost and recycling bins and illegal dumping cameras (grant funded).

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ABANDONED VEHICLE FUND 228 – This fund accounts for revenue from AB 4114, which charges a \$1.00 fee on the registration of all vehicles located in the City. The funds are received from the County and are used to remove abandoned vehicles from City streets.

ABANDONED VEHICLES (FUND 228)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$45,055	\$42,405	\$75,894	\$75,894	\$114,378		\$108,299	
Investment Income	765	798	650	650	500	-23%	400	-20%
Revenue from Other Agencies	48,666	46,785	25,000	42,000	47,000	12%	47,000	0%
Total Revenues	49,431	47,583	25,650	42,650	47,500	11%	47,400	0%
Expenditures:								
Personnel	47,796	8,976	5,000	0	9,761	100% ¹	10,401	7%
Services & Supplies	3,112	4,112	2,215	3,087	42,650	1282% ¹	42,750	0%
Interfund Charges	1,173	1,006	1,085	1,079	1,168	8%	1,207	3%
Total Expenditures	52,081	14,094	8,300	4,166	53,579	1186%	54,358	1%
Ending Balance, June 30	\$42,405	\$75,894	\$93,244	\$114,378	\$108,299		\$101,341	
Authorized FTE'S	1.30	1.30	1.30	1.30	1.30		1.30	

¹VARIANCE: Assumes .10 of Code Enforcement position funded with funding added for supplies and services.

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NATIONAL POLLUTANT DISCHARGE ELIMINATION (NPDES) FUND 229 – This fund was established to account for activities related to the National Pollutant Discharge Elimination System (NPDES). NPDES was mandated by the Clean Water Act of 1987 to monitor and reduce storm water pollution. The program is administered in the State of California by the Water Quality Control Board and is funded by a parcel tax of \$25.00 per equivalent residential parcel.

NATIONAL POLLUTANT DISCHARGE ELIMINATION (NPDES) (FUND 229)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$1,917,513	\$2,192,957	\$2,454,814	\$2,454,814	\$2,529,683		\$2,175,658	
Revenue Source:								
Investment Income	27,178	29,139	10,000	10,000	13,000	30%	20,000	54%
Assessment Fees	890,948	825,895	825,000	825,000	825,000	0%	825,000	0%
Other Revenue	1,082	175	0	189	0	-100%	0	0%
Transfers In	30,000	30,000	35,000	35,000	35,000	0%	35,000	0%
Total Revenues	949,208	885,209	870,000	870,189	873,000	0%	880,000	1%
Expenditures:								
Personnel	174,341	146,657	219,530	144,805	146,115	1%	149,005	2%
Services & Supplies	252,705	224,786	405,108	375,046	403,615	8%	405,182	0%
Capital Projects	9,236	0	400,000	0	400,000	100%	0	-100%
Transfers Out	225,556	241,529	304,833	264,833	265,902	0%	268,615	1%
Interfund Charges	11,926	10,380	10,088	10,636	11,393	7%	11,343	0%
Total Expenditures	673,764	623,352	1,339,559	795,320	1,227,025	54%	834,145	-32%
Ending Balance, June 30	\$2,192,957	\$2,454,814	\$1,985,255	\$2,529,683	\$2,175,658		\$2,221,513	
Authorized & Funded FTE's:			Authorized FTE's	Funded 2011-12	Funded 2012-13		Funded 2013-14	
Channel Maintenance			3.17	1.17	1.17		1.17	

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Channel Maintenance (229-2585)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:								
Transfer In	30,000	30,000	35,000	35,000	35,000	0%	35,000	0%
Other	1,082	175	0	189	0	-100%	0	0%
Total Source of Funds	31,082	30,175	35,000	35,189	35,000	-1%	35,000	0%
Use of Funds:								
Personnel	174,341	146,657	219,530	144,805	146,115	1%	149,005	2%
Services & Supplies	177,819	187,275	262,408	232,346	248,115	7%	249,682	1%
Capital Projects	9,236	0	400,000	0	400,000	100% ¹	0	-100%
Transfer Out	69,316	50,681	64,833	64,833	65,902	2%	68,615	4%
Total Use of Funds	430,712	384,613	946,771	441,984	860,132	95%	467,302	-46%
Authorized FTE'S	4.50	3.17	3.17	3.17	3.17		3.17	

¹VARIANCE: West Antioch Creek De-Silting project expenditures will occur in FY13.

Storm Drain Administration (229-5230)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:								
Investment Income	27,178	29,139	10,000	10,000	13,000	30%	20,000	54%
Assessment Fees	890,948	825,895	825,000	825,000	825,000	0%	825,000	0%
Total Source of Funds	918,126	855,034	835,000	835,000	838,000	0%	845,000	1%
Use of Funds:								
Services & Supplies	74,886	37,511	142,700	142,700	155,500	9%	155,500	0%
Transfer Out	156,240	190,848	240,000	200,000	200,000	0%	200,000	0%
Interfund Charges	11,926	10,380	10,088	10,636	11,393	7%	11,343	0%
Total Use of Funds	243,052	238,739	392,788	353,336	366,893	4%	366,843	0%
Authorized FTE'S	0.00	0.00	0.00	0.00	0.00		0.00	

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SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND GRANT (SLESF) FUND 232 – This fund accounts for the revenue dispersed by the State to local jurisdictions for the staffing of “front line” officers. This money is passed through the County.

SUPPLEMENTAL LAW ENFORCEMENT GRANT (FUND 232) Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$1,826	\$0	\$0	\$0	\$0		\$0	
Revenue Source:								
Investment Income	189	176	0	0	0	0%	0	0%
Revenue From Other Agencies	100,000	104,838	100,000	160,658	160,658	0%	160,658	0%
Total Revenue	100,189	105,014	100,000	160,658	160,658	0%	160,658	0%
Expenditures:								
Services & Supplies	38	43	0	0	0	0%	0	0%
Transfer Out	101,977	104,971	100,000	160,658	160,658	0%	160,658	0%
Total Expenditures	102,015	105,014	100,000	160,658	160,658	0%	160,658	0%
Ending Balance, June 30	\$0	\$0	\$0	\$0	\$0		\$0	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

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BYRNE GRANT FUND 233 – This fund accounts for public safety funding allocated under the Fiscal Year 1996 Omnibus Appropriations Act. Funds may be used for a wide variety of activities from increasing personnel equipment resources for law enforcement to developing and supporting programs to enhance effective criminal justice processes.

BYRNE GRANT (FUND 233)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$0	\$0	\$0	\$0	\$0		\$0	
Revenue Source:								
Investment Income	0	0	0	0	0	0%	0	0%
Revenue From Other Agencies	79,810	86,847	44,000	0	67,398	100%	0	-100%
Total Revenue	79,810	86,847	44,000	0	67,398	100%¹	0	-100%
Expenditures:								
Services & Supplies	7,981	8,685	4,000	0	6,740	100%	0	-100%
Transfer Out	71,829	78,162	40,000	0	60,658	100%	0	-100%
Interfund Charges	0	0	0	0	0	0%	0	0%
Total Expenditures	79,810	86,847	44,000	0	67,398	100%¹	0	-100%
Ending Balance, June 30	\$0	\$0	\$0	\$0	\$0		\$0	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: No funding allocation received in FY12. Funds used for Youth Diversion and Volunteer Programs in the Police Department.

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COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REVOLVING LOAN FUND 236 – This fund was set up at the request of the U.S. Department of Housing and Urban Development’s request that the City develop a Revolving Loan Fund for the Owner Occupied Housing Rehabilitation Program (also known as the Neighborhood Preservation Program).

COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN (FUND 236)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$5,381	\$619	\$52,432	\$52,432	\$82,633		\$87,643	
Revenue Source:								
Investment Income	113	512	260	260	270	4%	350	30%
Other	7,058	51,414	5,000	30,453	5,000	-84% ¹	5,000	0%
Total Revenue	7,171	51,926	5,260	30,713	5,270	-83%	5,350	2%
Expenditures:								
Personnel	4791	0	0	0	0	0%	0	0%
Services & Supplies	5,806	113	360	512	260	-49%	270	4%
Interfund Charges	1,336	0	1,204	0	0	0%	0	#DIV/0!
Total Expenditures	11,933	113	1,564	512	260	-49%	270	4%
Ending Balance, June 30	\$619	\$52,432	\$56,128	\$82,633	\$87,643		\$92,723	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: Large loan repayment received in FY12.

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TRAFFIC SAFETY FUND 237 – This fund accounts for fines and forfeitures received under Section 1463 of the Penal Code. Funds shall be used exclusively for official traffic control devices, the maintenance thereof, equipment and supplies for traffic law enforcement and traffic accident prevention.

TRAFFIC SAFETY (FUND 237)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$21,084	\$22,887	\$0	\$0	\$80		\$230	
Revenue Source:								
Investment Income	661	1,274	500	100	200	100%	350	250%
Vehicle Code Fines	141,383	86,633	140,000	30,000	60,000	100%	80,000	167%
Total Revenue	142,044	87,907	140,500	30,100	60,200	100%	80,350	167%
Expenditures:								
Services & Supplies	241	232	180	20	50	150%	125	525%
Transfer Out	140,000	110,562	140,000	30,000	60,000	100%	80,000	167%
Total Expenditures	140,241	110,794	140,180	30,020	60,050	100%	80,125	167%
Ending Balance, June 30	\$22,887	\$0	\$320	\$80	\$230		\$455	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

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PEG FRANCHISE FEE FUND 238 – This fund accounts for a 1% fee collected from video franchises to support local Public, Educational and Governmental Programming (PEG).

PEG FRANCHISE FEE (FUND 238)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$0	\$129,372	\$345,104	\$345,104	\$210,711		\$322,018	
Revenue Source:								
Investment Income	1,658	3,327	1,500	2,000	3,000	50%	5,000	67%
Franchise Fees	177,974	219,792	220,000	220,000	220,000	0%	220,000	0%
Total Revenue	179,632	223,119	221,500	222,000	223,000	0%	225,000	1%
Expenditures:								
Services & Supplies	50,260	6,277	85,200	355,200	110,400	-69%	129,500	17%
Interfund Charges	0	1,110	1,204	1,193	1,293	8%	1,335	3%
Total Expenditures	50,260	7,387	86,404	356,393	111,693	-69%	130,835	17%
Ending Balance, June 30	\$129,372	\$345,104	\$480,200	\$210,711	\$322,018		\$416,183	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: FY12 includes funding for additional funding for Council Chamber technology upgrades and a back up AC for server.

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STREET IMPACT FUND 241 – This fund accounts for the street impact fee portion of the garbage franchise agreement approved on August 9, 2005. These funds are earmarked for road repair work.

STREET IMPACT FUND (FUND 241)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$481,049	\$351,600	\$189,667	\$189,667	\$91,167		\$2,667	
Revenue Source:								
Investment Income	5,610	3,110	2,000	2,000	2,000	0%	2,000	0%
Franchise Fees	1,166,563	1,035,811	1,000,000	1,000,000	1,050,000	5%	1,100,000	0%
Total Revenue	1,172,173	1,038,921	1,002,000	1,002,000	1,052,000	5%	1,102,000	0%
Expenditures:								
Services & Supplies	1,622	854	500	500	500	0%	500	0%
Transfer Out	1,300,000	1,200,000	1,100,000	1,100,000	1,140,000	4%	1,100,000	-4%
Total Expenditures	1,301,622	1,200,854	1,100,500	1,100,500	1,140,500	4%	1,100,500	-4%
Ending Balance, June 30	\$351,600	\$189,667	\$91,167	\$91,167	\$2,667		\$4,167	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

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STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT FUNDS – These funds were established to account for revenue and related expenditures of lighting and landscape activities in areas throughout the City. Each district covers from one to seven zones and provides a variety of services to maintain landscaped and non-landscaped areas, including minor medians, open space, cul-de-sacs, trails, right-of-ways, and neighborhood landscaping. Districts have restricted finances, and all work must be prioritized and completed in the most efficient and professional manner to meet mandated requirements for public safety while presenting an aesthetically pleasing streetscape.

LONE TREE MAINTENANCE DISTRICT (FUND 251)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	%	2013-14 Projected	%
						Change		Change
Beginning Balance, July 1	\$315,768	\$325,856	\$379,408	\$379,408	\$357,929		\$313,763	
Revenue Source:								
Investment Income	4,495	4,931	1,000	1,000	1,000	0%	1,000	0%
Assessments	622,143	626,865	630,036	630,431	630,431	0%	630,431	0%
Other	4,841	3,815	0	1,871	0	-100%	0	0%
Total Revenue	631,479	635,611	631,036	633,302	631,431	0%	631,431	0%
Expenditures:								
Personnel	111,480	117,192	107,870	107,652	127,451	18%	133,921	5%
Services & Supplies	225,696	188,082	253,134	241,934	236,964	-2%	236,964	0%
Transfers Out	277,695	271,194	296,275	299,522	305,101	2%	307,001	1%
Interfund Charges	6,520	5,591	5,705	5,673	6,081	7%	6,273	3%
Total Expenditures	621,391	582,059	662,984	654,781	675,597	3%	684,159	1%
Ending Balance, June 30	\$325,856	\$379,408	\$347,460	\$357,929	\$313,763		\$261,035	

Authorized & Funded FTE's:	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
Zone 1	0.375	0.375	0.375	0.375
Zone 2	0.4875	0.4125	0.4875	0.4875
Zone 3	0.4375	0.35	0.4375	0.4375
Zone 4	0.125	0.10	0.125	0.125
Total Authorized & Funded FTE's	1.425¹	1.2375	1.425	1.425

¹NOTE: authorized for FY13 with reallocation of staffing

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Lone Tree Maintenance District – Zone 1 (251-4511)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:								
Investment Income	4,495	4,931	1,000	1,000	1,000	0%	1,000	0%
Assessment Fees	148,098	147,163	148,000	148,000	148,000	0%	148,000	0%
Other	947	0	0	1,871	0	0%	0	0%
Total Source of Funds	153,540	152,094	149,000	150,871	149,000	-1%	149,000	0%
Use of Funds:								
Personnel	41,047	41,386	31,945	31,281	32,491	4%	34,271	5%
Services & Supplies	46,502	47,400	61,315	63,315	60,350	-5%	60,350	0%
Transfers Out	40,679	64,788	73,272	75,690	72,542	-4%	73,184	1%
Interfund Charges	1,630	1,397	1,427	1,419	1,521	7%	1,569	3%
Total Use of Funds	129,858	154,971	167,959	171,705	166,904	-3%	169,374	1%
Authorized FTE'S	0.50	0.50	0.375	0.375	0.375		0.375	

Lone Tree Maintenance District – Zone 2 (251-4512)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:								
Assessment Fees	197,293	196,047	197,162	197,162	197,162	0%	197,162	0%
Other	3,894	1,996	0	0	0	0%	0	0%
Total Source of Funds	201,187	198,043	197,162	197,162	197,162	0%	197,162	0%
Use of Funds:								
Personnel	35,822	36,156	36,460	36,105	44,165	22%	46,280	5%
Services & Supplies	62,085	57,956	82,319	80,104	78,039	-3%	78,039	0%
Transfers Out	75,673	68,578	75,385	80,162	82,795	3%	83,311	1%
Interfund Charges	1,630	1,398	1,426	1,418	1,520	7%	1,568	3%
Total Use of Funds	175,210	164,088	195,590	197,789	206,519	4%	209,198	1%
Authorized FTE'S	0.425	0.425	0.4125	0.4125	0.4875		0.4875	

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Lone Tree Maintenance District – Zone 3 (251-4513)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 concessions	% Change
Source of Funds:								
Assessment Fees	215,812	214,449	215,669	215,669	215,669	0%	215,669	0%
Other	0	1,819	0	0	0	0%	0	0%
Total Source of Funds	215,812	216,268	215,669	215,669	215,669	0%	215,669	0%
Use of Funds:								
Personnel	29,959	29,924	30,250	30,775	39,450	28%	41,395	5%
Services & Supplies	66,400	54,236	67,100	70,015	67,575	-3%	67,575	0%
Transfers Out	98,706	101,043	109,900	116,977	121,911	4%	122,582	1%
Interfund Charges	1,630	1,398	1,426	1,418	1,520	7%	1,568	3%
Total Use of Funds	196,695	186,601	208,676	219,185	230,456	5%	233,120	1%
Authorized FTE'S	0.35	0.35	0.35	0.35	0.4375		0.4375	

Lone Tree Maintenance District – Zone 4 (251-4514)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:								
Assessment Fees	60,940	69,206	69,205	69,600	69,600	0%	69,600	0%
Total Source of Funds	60,940	69,206	69,205	69,600	69,600	0%	69,600	0%
Use of Funds:								
Personnel	4,652	9,726	9,215	9,491	11,345	20%	11,975	6%
Services & Supplies	50,709	28,490	42,400	28,500	31,000	9%	31,000	0%
Transfers Out	62,637	36,785	37,718	26,693	27,853	4%	27,924	0%
Interfund Charges	1,630	1,398	1,426	1,418	1,520	7%	1,568	3%
Total Use of Funds	119,628	76,399	90,759	66,102	71,718	8%	72,467	1%
Authorized FTE'S	0.05	0.10	0.10	0.10	0.125		0.125	

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DOWNTOWN MAINTENANCE DISTRICT (FUND 252)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$24,722	\$45,966	\$19,301	\$19,301	\$19,190		\$10,795	
Revenue Source:								
Investment Income	290	8	100	50	50	0%	50	0%
Transfers In	85,000	15,000	77,000	77,000	77,000	0%	77,000	0%
Total Revenue	85,290	15,008	77,100	77,050	77,050	0%	77,050	0%
Expenditures:								
Personnel	18,038	19,262	28,145	35,953	42,863	19% ¹	44,333	3%
Services & Supplies	25,734	12,340	37,700	29,700	30,700	3%	30,700	0%
Transfers Out	18,407	8,415	10,280	10,041	10,385	3%	10,526	1%
Interfund Charges	1,867	1,656	1,461	1,467	1,497	2%	1,532	2%
Total Expenditures	64,046	41,673	77,586	77,161	85,445	11%	87,091	2%
Ending Balance, June 30	\$45,966	\$19,301	\$18,815	\$19,190	\$10,795		\$754	
			Authorized FTE's	Funded 2011-12	Funded 2012-13		Funded 2013-14	
Authorized & Funded FTE's:			0.025	0.025	0.025		0.025	

¹VARIANCE: Increase in part time help.

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ALMONDRIDGE MAINTENANCE DISTRICT (FUND 253)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$104,113	\$108,513	\$81,037	\$81,037	\$43,556		\$34,837	
Revenue Source:								
Investment Income	1,316	1,117	100	150	115	-23%	100	-13%
Assessment Fees	91,487	90,909	91,426	91,426	91,426	0%	91,426	0%
Other	2,400	2,414	0	0	0	0%	0	0%
Total Revenue	95,203	94,440	91,526	91,576	91,541	0%	91,526	0%
Expenditures:								
Personnel	34,728	35,014	35,085	36,016	37,000	3%	38,760	5%
Services & Supplies	28,027	21,291	25,360	24,540	24,835	1%	24,850	0%
Transfer Out	26,406	64,208	69,056	67,148	37,001	-45%	32,368	-13%
Interfund Charges	1,642	1,403	1,357	1,353	1,424	5%	1,463	3%
Total Expenditures	90,803	121,916	130,858	129,057	100,260	-22%	97,441	-3%
Ending Balance, June 30	\$108,513	\$81,037	\$41,705	\$43,556	\$34,837		\$28,922	

	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
Authorized & Funded FTE's:	0.425	0.425	0.425	0.425

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HILLCREST MAINTENANCE DISTRICT (FUND 254)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$229,266	\$396,940	\$506,968	\$506,968	\$434,582		\$337,917	
Revenue Source:								
Investment Income	5,566	6,010	500	2,000	1,500	-25%	1,000	-33%
Assessment Fees	824,658	819,448	824,047	824,047	824,110	0%	824,110	0%
Other	13,300	19,368	0	4,063	0	-100%	0	0%
Total Revenue	843,524	844,826	824,547	830,110	825,610	-1%	825,110	0%
Use of Funds:								
Personnel	136,060	133,973	156,505	158,309	165,186	4%	174,247	5%
Services & Supplies	170,590	203,420	275,045	286,155	275,400	-4%	275,400	0%
Transfers Out	360,092	389,680	423,339	450,220	473,322	5%	421,837	-11%
Interfund Charges	9,108	7,725	7,863	7,812	8,367	7%	8,625	3%
Total Use of Funds	675,850	734,798	862,752	902,496	922,275	2%	880,109	-5%
Ending Balance, June 30	\$396,940	\$506,968	\$468,763	\$434,582	\$337,917		\$282,918	

Authorized & Funded FTE'S:	Authorized	Funded	Funded	Funded
	FTE's	2011-12	2012-13	2013-14
Zone 1	0.7875	0.7875	0.7875	0.7875
Zone 2	0.6125	0.6125	0.6125	0.6125
Zone 4	0.4500 ¹	0.4250	0.4500	0.4500
Total Authorized & Funded FTE's:	1.850	1.825	1.850	1.850

¹NOTE: authorized for FY13 due to reallocation of staffing

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Hillcrest Maintenance District, Zone 1 (254-4541)								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:								
Investment Income	5,566	6,010	500	2,000	1,500	-25%	1,000	-33%
Assessment Fees	275,246	273,507	275,000	275,000	275,063	0%	275,063	0%
Other	0	1,304	0	0	0	0%	0	0%
Total Source of Funds	280,812	280,821	275,500	277,000	276,563	0%	276,063	0%
Use of Funds:								
Personnel	48,489	47,788	67,780	68,780	70,498	2%	75,018	6%
Services & Supplies	46,199	48,342	101,000	100,950	101,000	0%	101,000	0%
Transfers Out	118,855	115,351	126,820	125,050	132,255	6%	133,124	1%
Interfund Charges	3,036	2,575	2,621	2,604	2,789	7%	2,875	3%
Total Use of Funds	216,579	214,056	298,221	297,384	306,542	3%	312,017	2%
Authorized FTE's	0.575	0.575	0.7875	0.7875	0.7875		0.7875	

Hillcrest Maintenance District, Zone 2 (254-4542)								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:								
Assessment Fees	363,467	361,171	363,226	363,226	363,226	0%	363,226	0%
Other	13,300	3,792	0	0	0	0%	0	0%
Total Source of Funds	376,767	364,963	363,226	363,226	363,226	0%	363,226	0%
Use of Funds:								
Personnel	51,272	50,226	51,605	52,463	54,468	4%	57,183	5%
Services & Supplies	90,513	97,914	111,050	111,200	111,300	0%	111,300	0%
Transfers Out	168,375	202,023	215,169	235,069	247,948	5%	194,908	-21%
Interfund Charges	3,036	2,575	2,621	2,604	2,789	7%	2,875	3%
Total Use of Funds	313,196	352,738	380,445	401,336	416,505	4%	366,266	-12%
Authorized FTE's	0.60	0.60	0.6125	0.6125	0.6125		0.6125	

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Hillcrest Maintenance District, Zone 4 (254-4544)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Revenue Source:								
Assessment Fees	185,945	184,770	185,821	185,821	185,821	0%	185,821	0%
Other	0	14,272	0	4,063	0	-100%	0	0%
Total Revenue	185,945	199,042	185,821	189,884	185,821	-2%	185,821	0%
Use of Funds:								
Personnel	36,299	35,959	37,120	37,066	40,220	9%	42,046	5%
Services & Supplies	33,878	57,164	62,995	74,005	63,100	-15% ¹	63,100	0%
Transfers Out	72,862	72,306	81,350	90,101	93,119	3%	93,805	1%
Interfund Charges	3,036	2,575	2,621	2,604	2,789	7%	2,875	3%
Total Use of Funds	146,075	168,004	184,086	203,776	199,228	-2%	201,826	1%
Authorized FTE'S	0.41	0.425	0.425	0.425	0.450		0.450	

¹VARIANCE: FY12 incurred repairs due to accidents.

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PARK 1A MAINTENANCE DISTRICT (FUND 255)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$147,338	\$119,713	\$35,694	\$35,694	\$ 7,660		\$ 4,296	
Revenue Sources:								
Taxes	23,215	22,149	23,000	20,845	21,250	2%	21,250	0%
Investment Income & Rentals	21,190	15,548	40,100	30,100	40,100	33%	40,100	0%
Revenue from Other Agencies	250	243	100	115	115	0%	115	0%
Other	0	156	0	0	0		0	
Total Revenues	44,655	38,096	63,200	51,060	61,465	20%	61,465	0%
Expenditures:								
Personnel	25,728	25,962	25,526	25,883	7,395	-71% ¹	7,695	4%
Services & Supplies	26,326	63,858	32,600	21,818	27,565	26%	27,610	0%
Transfer Out	0	12,202	14,905	14,561	15,058	3%	15,263	1%
Interfund Charges	20,226	20,093	15,771	16,832	14,811	-12%	15,097	2%
Total Expenditures	72,280	122,115	88,802	79,094	64,829	-18%	65,665	1%
Ending Balance, June 30	\$119,713	\$35,694	\$10,092	\$7,660	\$4,296		\$96	

	Authorized	Funded	Funded	Funded
	FTE's	2011-12	2012-13	2013-14
Authorized & Funded FTE'S:	0.08	0.30 ²	0.08	0.08

¹VARIANCE: Reallocation of staffing in FY13

²VARIANCE: .30 authorized funding in FY12, staffing re-allocated in FY13

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CITYWIDE 2A MAINTENANCE DISTRICT (FUND 256)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$202,458	\$192,759	\$200,818	200,818	\$164,545		\$127,351	
Revenue Source:								
Investment Income	1,898	1,833	1,000	1,000	800	20%	500	-38%
Assessment Fees	290,198	380,372	381,564	382,537	382,537	0%	382,537	0%
Other	1,350	13,207	0	2,718	0	0%	0	0%
Transfers In	115,500	108,000	100,000	100,000	107,000	7%	107,000	0%
Total Revenue	408,946	503,412	482,564	486,255	490,337	1%	490,037	0%
Expenditures:								
Personnel	95,454	95,542	74,609	74,233	78,426	6%	82,229	5%
Services & Supplies	128,508	173,023	206,572	201,449	201,054	0%	211,139	5%
Transfers Out	188,563	221,515	240,664	242,005	242,952	0%	244,781	1%
Interfund Charges	6,120	5,273	4,865	4,841	5,099	5%	5,243	3%
Total Expenditures	418,645	495,353	526,710	522,528	527,531	1%	543,392	3%
Ending Balance, June 30	\$192,759	\$200,818	\$156,672	\$164,545	\$127,351		\$73,996	

Authorized & Funded FTE's:	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
Zone 3	0.1125	0.1125	0.1125	0.1125
Zone 4	0.0375	0.0375	0.0375	0.0375
Zone 5	0.20	0.20	0.20	0.20
Zone 6	0.05	0.05	0.05	0.05
Zone 8	0.20	0.20	0.20	0.20
Zone 9	0.1875	0.1875	0.1875	0.1875
Zone 10	0.10625	0.10	0.10625	0.10625
Total Authorized & Funded FTE's:	0.89375	0.8875	0.89375	0.89375

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Citywide Maintenance, Zone 3 (256-4563)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:								
Investment Income	1,898	1,833	1,000	1,000	800	-20%	500	-38%
Assessment Fees	14,506	14,414	14,496	14,496	14,496	0%	14,496	0%
Other	0	0	0	1,383	0	-100%	0	0%
Transfers In	26,000	28,000	20,000	20,000	20,000	0%	20,000	0%
Total Source of Funds	42,404	44,247	35,496	36,879	35,296	-4%	34,996	-1%
Use of Funds:								
Personnel	17,004	17,027	9,275	9,274	9,512	3%	9,997	5%
Services & Supplies	6,229	7,524	7,610	8,555	7,290	-15%	7,345	1%
Transfers Out	19,149	17,250	21,072	20,585	21,289	3%	21,579	1%
Interfund Charges	1,020	879	810	806	849	5%	873	3%
Total Use of Funds	43,402	42,680	38,767	39,220	38,940	-1%	39,794	2%
Authorized FTE's	0.30	0.30	0.1125	0.1125	0.1125		0.1125	

Citywide Maintenance, Zone 4 (256-4564)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:								
Assessment Fees	12,925	12,843	12,843	12,916	12,916	0%	12,916	0%
Transfers In	6,500	15,000	10,000	10,000	12,000	20%	12,000	0%
Total Source of Funds	19,425	27,843	22,843	22,916	24,916	9%	24,916	0%
Use of Funds:								
Personnel	6,435	6,396	3,055	3,077	3,160	3%	3,312	5%
Services & Supplies	8,242	22,326	12,900	13,595	14,100	4%	14,100	0%
Transfers Out	4,967	5,049	6,168	6,025	6,231	3%	6,316	1%
Interfund Charges	1,020	879	811	807	850	5%	874	3%
Total Use of Funds	20,664	34,650	22,934	23,504	24,341	4%	24,602	1%
Authorized FTE's	0.06	0.10	0.0375	0.0375	0.0375		0.0375	

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Citywide Maintenance, Zone 5 (256-4565)								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:								
Assessment Fees	1,493	1,483	1,492	1,492	1,492	0%	1,492	0%
Other	0	0	0	105	0	-100%	0	0%
Transfers In	63,000	55,000	60,000	60,000	65,000	8%	65,000	0%
Total Source of Funds	64,493	56,483	61,492	61,597	66,492	8%	66,492	0%
Use of Funds:								
Personnel	16,572	16,669	17,330	16,280	18,125	11%	18,940	4%
Services & Supplies	10,020	15,474	19,010	20,130	20,162	0%	20,162	0%
Transfers Out	23,673	25,245	30,839	30,125	31,155	3%	31,579	1%
Interfund Charges	1,020	879	811	807	850	5%	874	3%
Total Use of Funds	51,285	58,267	67,990	67,342	70,292	4%	71,555	2%
Authorized FTE's	0.25	0.385	0.20	0.20	0.20		0.20	

Citywide Maintenance, Zone 6 (256-4566)								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:								
Assessment Fees	28,601	28,420	28,500	28,582	28,582	0%	28,582	0%
Other	1,350	281	0	1,230	0	-100%	0	0%
Transfers In	20,000	10,000	10,000	10,000	10,000	0%	10,000	0%
Total Source of Funds	49,951	38,701	38,500	39,812	38,582	-3%	38,582	0%
Use of Funds:								
Personnel	9,060	9,037	4,458	4,407	4,575	4%	4,827	6%
Services & Supplies	21,704	23,318	30,760	31,290	30,760	-2%	30,760	0%
Transfers Out	6,874	7,573	9,252	9,038	9,346	3%	9,473	1%
Interfund Charges	1,020	879	811	807	850	5%	874	3%
Total Use of Funds	38,658	40,807	45,281	45,542	45,531	0%	45,934	1%
Authorized FTE's	0.06	0.15	0.05	0.05	0.05		0.05	

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AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS**

Citywide Maintenance, Zone 8 (256-4568)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:								
Assessment Fees	74,816	74,343	74,700	74,766	74,766	0%	74,766	0%
Total Source of Funds	74,816	74,343	74,700	74,766	74,766	0%	74,766	0%
Use of Funds:								
Personnel	18,746	18,759	15,925	16,245	16,657	3%	17,479	5%
Services & Supplies	16,781	20,597	19,613	20,555	21,393	4%	21,423	0%
Transfers Out	33,767	49,775	44,157	43,598	39,405	-10%	39,737	1%
Interfund Charges	1,020	879	811	807	850	5%	874	3%
Total Use of Funds	70,314	90,010	80,506	81,205	78,305	-4%	79,513	2%
Authorized FTE's	0.25	0.235	0.20	0.20	0.20		0.20	

Citywide Maintenance, Zone 9 (256-4569)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Proposed	% Change
Source of Funds:								
Assessment Fees	116,069	115,336	116,000	115,992	115,992	0%	115,992	0%
Other	0	12,926	0	0	0	0%	0	0%
Total Source of Funds	116,069	128,262	116,000	115,992	115,992	0%	115,992	0%
Use of Funds:								
Personnel	18,326	18,463	15,207	15,434	15,806	2%	16,596	5%
Services & Supplies	29,593	41,760	44,265	44,265	44,275	0%	44,275	0%
Transfers Out	53,158	60,409	65,910	71,057	72,349	2%	72,765	1%
Interfund Charges	1,020	878	811	807	850	5%	874	3%
Total Use of Funds	102,097	121,510	126,193	131,563	133,280	1%	134,510	1%
Authorized FTE's	0.25	0.325	0.1875	0.1875	0.1875		0.1875	

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

Citywide Maintenance, Zone 10 (256-4572)								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:								
Assessment Fees	41,788	133,533	133,533	134,293	134,293	0%	134,293	0%
Total Source of Funds	41,788	133,533	133,533	134,293	134,293	0%	134,293	0%
Use of Funds:								
Personnel	9,311	9,191	9,359	9,516	10,591	11%	11,078	5%
Services & Supplies	35,939	42,024	72,414	63,059	63,074	0%	73,074	16%
Transfers Out	46,975	56,214	63,266	61,577	63,177	3%	63,332	0%
Total Use of Funds	92,225	107,429	145,039	134,152	136,842	2%	147,484	8%
Authorized FTE's	0.00	0.10	0.10	0.10	0.10625		0.10625	

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS**

STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT ADMINISTRATION (FUND 257)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	(\$2,130)	\$0	\$0	\$0	\$0		\$0	
Revenue Source:								
Other	0	450	0	535	0	0%	0	0%
Transfers In	383,564	420,743	513,981	502,086	519,250	3%	526,313	1%
Total Revenue	383,564	421,193	513,981	502,621	519,250	3%	526,313	1%
Expenditures:								
Personnel	56,158	65,107	66,980	79,624	76,619	-4%	78,454	2%
Services & Supplies	99,111	167,712	242,837	224,225	235,085	5%	237,833	1%
Transfers Out	16,636	12,163	15,560	15,560	15,817	2%	16,468	4%
Interfund Charges	209,529	176,211	188,604	183,212	191,729	5%	193,558	1%
Total Expenditures	381,434	421,193	513,981	502,621	519,250	3%	526,313	1%
Ending Balance, June 30	\$0	\$0	\$0	\$0	\$0		\$0	
			Authorized FTE's	Funded 2011-12	Funded 2012-13		Funded 2013-14	
Authorized & Funded FTE's:			1.80	0.40	0.40		0.40	

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SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

EAST LONE TREE STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT (FUND 259)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$235,950	\$190,956	\$96,499	\$96,499	\$76,498		\$40,029	
Revenue Source:								
Investment Income	2,942	1,199	1,000	1,000	1,000	0%	1,000	0%
Assessment Fees	73,729	32,071	73,680	59,675	59,675	0%	59,675	0%
Other	0	450	0	0	0	0%	0	0%
Total Revenue	76,671	33,720	74,680	60,675	60,675	0%	60,675	0%
Expenditures:								
Personnel	4,651	4,552	9,185	9,185	10,351	13%	10,893	5%
Services & Supplies	39,978	44,443	66,770	51,470	66,600	29% ¹	66,650	0%
Transfers Out	77,036	79,182	20,140	20,021	20,193	1%	20,263	0%
Total Expenditures	121,665	128,177	96,095	80,676	97,144	20%	97,806	1%
Ending Balance, June 30	\$190,956	\$96,499	\$75,084	\$76,498	\$40,029		\$2,898	

	Authorized	Funded	Funded	Funded
	FTE's	2011-12	2012-13	2013-14
Authorized & Funded FTE's:	0.10625	0.10	0.10625	0.10625

¹VARIANCE: Increase in contractual services.

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS**

CAPITAL PROJECT FUNDS

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

RESIDENTIAL DEVELOPMENT ALLOCATION FUND (319) – The Residential Development Allocation Program (RDA) was adopted May 14, 2002 by the City Council. It requires that allocations be obtained prior to receiving residential development entitlements and ultimately, the issuance of building permits for residential projects. A Development Allocation is the right to proceed, subject to all applicable requirements, to obtain entitlements. Monies collected fund projects as approved by the City Council.

RESIDENTIAL DEVELOPMENT ALLOCATION (FUND 319)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$1,239,236	\$535,250	\$297,199	\$297,199	\$136,578		\$15,743	
Revenue Source:								
Investment Income	8,464	2,705	500	750	100	-87%	0	-100%
Contributions	100	0	0	6,000	0	-100%	0	0%
Other	3,100	0	0	0	0	0%	0	0%
Total Revenue	11,664	2,705	500	6,750	100	-99%	0	-100%
Expenditures:								
Services & Supplies	278,403	131,833	118,048	157,708	120,935	-23% ¹	0	-100% ²
Capital Projects	201,657	0	0	0	0	0%	0	0%
Transfers Out	224,363	100,000	0	0	0	0%	0	0%
Interfund Charges	11,227	8,923	9,775	9,663	0	-100%	0	0%
Total Expenditures	715,650	240,756	127,823	167,371	120,935	-28%	0	-100%
Ending Balance, June 30	\$535,250	\$297,199	\$169,876	\$136,578	\$15,743		\$15,743	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: FY12 budget included expenditures for the Development Fee Impact Study. FY12 is also final funding year for Historical Society water.

²VARIANCE: FY13 budget includes funding for library hours. Not enough money in fund to support in FY14.

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
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HILLCREST/HIGHWAY 4 BRIDGE BENEFIT DISTRICT FUND (391) – The Hillcrest/Highway 4 Bridge Benefit District was formed to collect fees to build the bridge going over State Route Highway 4. This district was formed for anyone that lives or plans construction in this area that will benefit from the construction of the bridge.

HILLCREST/HIGHWAY 4 BRIDGE DISTRICT (391) Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$1,303,376	\$1,316,999	\$21,944	\$21,944	\$32,082		\$32,058	
Revenue Source:								
Investment Income	18,135	-913	250	250	250	0%	250	0%
Bridge Fees	0	8,230	0	10,160	0	-100%	0	0%
Total Revenues	18,135	7,317	250	10,410	250	-98%	250	0%
Expenditures:								
Services & Supplies	4,490	1,302,352	300	250	250	0%	250	0%
Interfund Charges	22	20	22	22	24	9%	25	4%
Total Expenditures	4,512	1,302,372	322	272	274	1%	275	0%
Ending Balance, June 30	\$1,316,999	\$21,944	\$21,872	\$32,082	\$32,058		\$32,033	
Authorized FTE's	0.00	0.00	0.00	0.00	0.00		0.00	

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS**

DEBT SERVICE FUNDS

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS

ABAG 2001 LEASE REVENUE BONDS FUND (411) – In July 2001, ABAG issued \$6,300,000 of Lease Revenue Bonds to refund the outstanding ABAG XXV Irrigation Project Lease and to finance the construction of a new clubhouse at the Lone Tree Golf Course. The Lone Tree Golf Course reimburses the City for all debt service and other expenditures of the fund. All construction funds have been drawn down, and the final debt service payment will be made in July 2031.

ABAG 2001 DEBT SERVICE (FUND 411)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$676,760	\$716,708	\$721,704	\$721,704	\$723,526		\$723,531	
Revenue Source:								
Investment Income	19,683	19,682	19,689	19,684	19,684	0%	19,684	0%
Other	404,827	409,665	403,774	405,435	402,701	-1%	400,908	0%
Total Revenues	424,510	429,347	423,463	425,119	422,385	-1%	420,592	0%
Expenditures:								
Services & Supplies	5,437	5,221	5,500	5,344	6,045	13%	6,405	7%
Debt Service	379,125	419,130	417,953	417,953	416,335	0%	414,182	-1%
Total Expenditures	384,562	424,351	423,453	423,297	422,380	0%	420,587	0%
Ending Balance, June 30	\$716,708	\$721,704	\$721,714	\$723,526	\$723,531		\$723,536	

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
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HONEYWELL DEBT SERVICE FUND (416) – In 2009, the City entered into a lease agreement with Bank of America for funding of interior building lighting retrofit, and street and park lighting retrofit. The project is being completed by Honeywell. Funds to pay for the lease are from energy savings generated from the specific projects.

HONEYWELL DEBT SERVICE (FUND 416)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2008-09	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1		\$0	\$19	\$19	\$0		\$0	
Revenue Source:								
Investment Income	0	29	0	0	0	0%	0	0%
Other	0	38,811	0	0	0	0%	0	0%
Transfers In	0	335,484	504,160	504,141	510,605	1%	516,140	1%
Total Revenues	0	374,324	504,160	504,141	510,605	1%	516,140	1%
Expenditures:								
Debt Service	0	374,305	504,160	504,160	510,605	1%	516,140	1%
Total Expenditures	0	374,305	504,160	504,160	510,605	1%	516,140	1%
Ending Balance, June 30	\$0	\$19	\$19	\$0	\$0		\$0	

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
AND ANTIOCH PUBLIC FINANCING AUTHORITY FUNDS**

**ANTIOCH PUBLIC
FINANCING AUTHORITY**

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
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APFA 2002 LEASE REVENUE BONDS FUND (415) – These bonds were issued to advance refund the 1993 Lease Revenue Bonds and finance various projects throughout the City. The final debt service payment is due January 1, 2032. Funds are repaid by the City of Antioch as Successor Agency to the Antioch Development Agency.

2002 LEASE REVENUE BONDS (FUND 415)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$8,000	\$11,482	\$371,608	\$371,608	\$644,437		\$634,426	
Revenue Source:								
Investment Income	35	27	20	30	30	0%	30	0%
Transfers In	1,547,488	1,933,461	1,604,329	1,877,148	1,626,986	-13%	1,660,399	2%
Total Revenues	1,547,523	1,933,488	1,604,349	1,877,178	1,627,016	-13%	1,660,429	2%
Expenditures:								
Services & Supplies	6,275	5,665	6,500	6,500	6,500	0%	6,500	0%
Debt Service	1,537,731	1,567,669	1,597,819	1,597,819	1,630,494	2%	1,665,419	2%
Interfund Charges	35	28	30	30	33	10%	34	3%
Total Expenditures	1,544,041	1,573,362	1,604,349	1,604,349	1,637,027	2%	1,671,953	2%
Ending Balance, June 30	\$11,482	\$371,608	\$371,608	\$644,437	\$634,426		\$622,902	

STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
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APFA 2003 WATER REVENUE BONDS FUND (615) – In fiscal year 2003, the APFA issued \$6,405,000 of Series 2003 Water Revenue Refunding Bonds to partially advance refund the 1993 Water Revenue Refunding Bonds. The final debt service payment is due July 1, 2013.

2003 WATER REVENUE BONDS (FUND 615)								
Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$2,399,142	\$1,625,856	\$1,440,307	\$1,440,307	\$1,389,330		\$1,389,440	
Revenue Source:								
Investment Income	-614	827	200	200	200	0%	0	-100%
Transfers In	2,999	589,007	778,488	727,395	777,512	7%	73,100	-91%
Total Revenues	2,385	589,834	778,688	727,595	777,712	7%	73,100	-91%
Expenditures:								
Services & Supplies	2,351	2,915	4,500	4,500	4,600	2%	2,500	-46%
Debt Service	773,238	772,388	773,988	773,988	772,912	0%	783,956	1%
Interfund Charges	82	80	83	84	90	7%	94	4%
Total Expenditures	775,671	775,383	778,571	778,572	777,602	0%	786,550	1%
Ending Balance, June 30	\$1,625,856	\$1,440,307	\$1,440,424	\$1,389,330	\$1,389,440		\$675,990	

**STUDY SESSION – MAY 8, 2012
SPECIAL REVENUE, CAPITAL PROJECTS, DEBT SERVICE,
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APFA 1998 REASSESSMENT REVENUE BONDS FUND (736) – These bonds financed the construction of public improvements in the Lone Tree Assessment District. The original bonds were issued in a series from 1988 through 1995 and were refinanced in 1998. The final debt service payment is due September 2, 2018.

1998 REASSESSMENT REVENUE BONDS (FUND 736) Statement of Revenues, Expenditures and Change in Fund Balance								
	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$12,838,240	\$12,152,796	\$9,835,303	\$9,835,303	\$10,090,720		\$12,364,194	
Revenue Source:								
Investment Income	234,484	253,734	254,150	254,150	254,150	0%	254,150	0%
Assessment Revenue	7,401,685	7,476,123	7,440,000	7,425,100	7,420,000	0%	7,420,000	0%
Total Revenues	7,636,169	7,729,857	7,694,150	7,679,250	7,674,150	0%	7,674,150	0%
Expenditures:								
Services & Supplies	97,464	93,252	102,200	101,846	102,300	0%	102,300	0%
Debt Service	8,224,008	9,953,970	6,249,775	7,321,850	5,298,228	-28% ¹	4,983,349	-6%
Interfund Charges	141	128	137	137	148	8%	153	3%
Total Expenditures	8,321,613	10,047,350	6,352,112	7,423,833	5,400,676	-27%	5,085,802	-6%
Ending Balance, June 30	\$12,152,796	\$9,835,303	\$11,177,341	\$10,090,720	\$12,364,194		\$14,952,542	

¹VARIANCE: Bond call in FY12

**CITY COUNCIL MEETING
INCLUDING THE ANTIOCH CITY COUNCIL
ACTING AS SUCCESSOR AGENCY/HOUSING SUCCESSOR
TO THE ANTIOCH DEVELOPMENT AGENCY**

**Study Session/Special/Regular Meeting
7:00 P.M.**

**April 24, 2012
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION —Onita Tuggles v. City of Antioch et al, Ninth Circuit Court of Appeals, Case No. 10-17181; 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. This Closed Session is authorized by California Government Code §54956.9. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case).

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9: Letter from James H. Colopy of Farella Braun + Martel on behalf of Discovery Builders dated March 13, 2012.

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS – This Closed Session is authorized by California Government Code §54957 City Manager.

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS – This Closed Session is authorized by California Government Code §54957 – City Attorney.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – direction was given to staff, **#2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, no action to report out, **#3 PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS**, no action to report out, **#4 PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS**, no action to report out.

Mayor Davis called the meeting to order at 6:38 P.M., and City Clerk Skaggs called the roll.

Present: Council Members Harper, Rocha, Agopian and Mayor Davis
Absent: Council Member Kalinowski

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Harper led the Council and audience in the Pledge of Allegiance.

STUDY SESSION

1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR GENERAL FUND, RECREATION AND ANIMAL SERVICES SPECIAL REVENUE FUNDS, AND PREWETT PARK ENTERPRISE FUND FOR FISCAL YEARS 2012-2013

City Manager Jakel introduced the Budget Study Session item.

Finance Director Merchant gave a Power Point presentation and presented the staff report dated April 10, 2012, recommending the City Council provide direction and feedback.

Councilmember Harper requested the City review the need to fill employee vacancies.

Following review of the Budget Study Session (Attachment A of the staff report) and discussion, the City Council provided the following feedback:

Page 3 – General Fund – City Council (100-1110)

- Consider a freeze on any future travel for the City Council

Page 8 and 9 – General Fund – City Clerk (100-1140), City Treasurer (100-1150)

- Staff to provide financial impacts should the City Clerk and City Treasurer become an appointed position

Page 11 – General Fund – Economic Development (100-1180)

- Consider reclassifying the Administrative Analyst position under Economic Development

Page 17 – General Fund – Nondepartmental (100-1250)

- Consider forming a community-wide Blue Ribbon committee to review the 2013-2014 budget and provide recommendations for generating revenue and reducing expenses

Pages 21-24 – General Fund – Public Works - Street Maintenance, Signal and Street Lights, Striping/Signing, Facilities Maintenance and Park Maintenance – (100-2160, 100-2170, 100-2180, 100-2190, 100-2195)

- Staff to provide information as to how surrounding cities fund lighting, landscaping, and park maintenance.

Finance Director Merchant announced the next Budget Study Session would be held on May 8, 2012.

PROCLAMATIONS

Sexual Assault Awareness Month, April 2012
Arbor Day, April 27, 2012
Be Kind to Animals Week, May 6 - 12, 2012

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council unanimously approved the proclamations.

Councilmember Harper presented the proclamation proclaiming April 2012, as *Sexual Assault Awareness Month* to Chief Cantando who thanked the Council and discussed the importance of Sexual Assault Awareness.

Councilmember Agopian presented the proclamation proclaiming April 27, 2012, as *Arbor Day* to Joan Edsoe and members of the Antioch Riverview Garden Club who presented the Council with palm trees and announced a tree planting event would be held at 3:30 P.M. on April 27, 2012, at the Antioch Community Park. She invited the public to attend Antioch Riverview Garden Club meetings held at the Antioch Library on the first Tuesday of every month at 7:00 P.M.

Mayor Davis and Councilmember Rocha presented the proclamation proclaiming May 6-12, 2012, as *Be Kind to Animals Week* to Antioch Animal Services' Supervisor Monika Helgemo, staff, and volunteers of the Shelter, Barbara Sobalvarro representing Friends of Animal Services, Rick Stirrat and members representing Delta Animals Safe Haven, and Karen Kops representing Homeless Animals Response Program and Delta Animals Safe Haven. Ms. Sobalvarro invited the Council to a celebration at the Animal Shelter from 11:00 A.M. – 4:00 P.M. on May 5, 2012.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Bonnie McKean announced the ribbon cutting for the Farmers Market would be held at 11:00 A.M. on May 13, 2012, at the Somersville Towne Center.

Ron Flores invited homeowners in need of foreclosure and mortgage assistance to a workshop being held from 10:00 A.M. – 6:00 P.M. on April 28, 2012, at Pittsburg City Hall.

Councilmember Agopian thanked Mr. Flores for announcing this event.

PUBLIC COMMENTS

Joy Motts and members of the 4th of July committee updated the Council and community on fundraising efforts for the event and provided contact information for anyone wishing to make a donation or participate in the parade. She stated they were in the process of raising private funding to re-light the Rivertown trees.

Councilmember Agopian thanked the 4th of July committee for their hard work in organizing the event and suggested seed money from the GenOn community fund could be used, in the future, to fund the event. Each Councilmember present pledged personal funds to the 4th of July account.

Mayor Davis thanked the 4th of July committee for their hard work organizing the event.

Councilmember Rocha invited the community to attend a family event from 3:00 P.M. – 5:00 P.M. at the Somersville Towne Center on April 29, 2012.

Melissa Case spoke to squatter issues in Antioch. She suggested the City Council consider requiring rental agreements be notarized and only permit landlords to turn on water services. She questioned what the Council would be doing to combat the issue of people illegally taking possession of homes and when action would be implemented.

Mayor Davis requested staff agendize the issue for the May 22, 2012, Council meeting.

Councilmember Agopian urged residents to report any illegal activity to the Antioch Police Department.

Fred Hoskins, Antioch resident, thanked City Attorney Nerland for her assistance providing him with the city codes. He requested Council agendize the following amendment to city ordinance Title 9-5.508(K) to read: "Signs or Banners posted by non-profit organizations soliciting membership and/or funds (donations/contributions) are not required to be approved and do not need permits for display."

Jose Haresco, Antioch resident and Beat 6 Neighborhood Watch Block Captain, expressed concern for the lack of speed limit signs and traffic calming devices within the Monterra Development. He requested Council work with the developer and residents for solutions to this issue.

Jennifer Villalha, Antioch resident, reiterated the need for speed limit signs in the Monterra development and noted as the parent of a deaf child, she requested a deaf child play area sign, for her home.

Marion Valdez, Antioch resident, Co-Captain of Neighborhood Watch, and Juan Fernandez, Antioch resident, spoke to the need of speed limit signs in their neighborhood and questioned when the park in their neighborhood would be open for use.

Barbara Sobalvarro representing the Friends of Animal Services, reported it was difficult to hear speakers during the Budget Study Session. She requested the Friends of Animal Services be notified when budgetary discussions would be held.

Mr. Antrim, Antioch resident, spoke to criminal activity in the area behind 1500 Sycamore Drive requested the garbage situation be addressed.

Mayor Davis thanked the residents for voicing their concerns and stated issues would be considered by staff.

Councilmember Harper thanked the Monterra development Neighborhood Watch group for voicing their concerns and stated staff would be addressing their issues.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Agopian reminded the audience they could sign up through the City Website to receive Council agendas. He reported on his attendance at Keep Antioch Beautiful Day, East County Idol, the Youth Leadership Recognition Event and the Antioch Bridge Tour. He announced the Mayor's Prayer Breakfast would be held on May 3, 2012, at the Lone Tree Golf Course and Event Center. He also noted May 3, 2012, was the National Day of Prayer.

Councilmember Rocha reported on her attendance at Senator DeSaulnier's Press Conference to gain support for SB 1471 on April 16, 2012.

Councilmember Harper reported on his attendance at the ABAG General Assembly meeting.

Mayor Davis reported on his attendance at East County Idol and Keep Antioch Beautiful Day. He acknowledged Captain Orman and Lieutenant Brooks for their promotions in the Antioch Police Department. He recognized staff for the youth programs opportunities provided in the community.

MAYOR'S COMMENTS

Honor for Alissa Friedman as "11th Assembly District Woman of the Year".

Mayor Davis, on behalf of the City of Antioch and City Council, recognized and acknowledged the award Ms. Friedman received as Women of the Year for the 11th Assembly District. He thanked Ms. Friedman for her dedication to the community and Opportunity Junction.

Alissa Friedman thanked the City Council for the recognition and voiced her appreciation to City Council. She invited the public to the Job Training Placement Program Graduation on April 26, 2012, at 7:00 P.M. at the El Campanil Theatre.

Councilmember Rocha thanked Ms. Friedman for providing a wide variety of services in the community.

Maurice Delmer, on behalf of Assemblywoman Bonilla, presented Ms. Friedman with a resolution and recognized her as 11th Assembly District Woman of the Year.

Mayor Davis and entire City Council presented Alissa Friedman with an award in recognition of her service and as 11th Assembly District Woman of the Year.

Mayor Davis declared a recess at 8:55 P.M. The meeting reconvened at 9:08 P.M. with all Councilmembers present with the exception of Councilmember Kalinowski, who was absent.

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR APRIL 10, 2012

B. APPROVAL OF COUNCIL WARRANTS

C. APPROVAL OF TREASURER'S REPORT FOR MARCH 2012

D. ORDINANCE AMENDING §9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) PROGRAM (*Continued from 04/10/12*)

E. RESOLUTION NO. 2012/22 APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ANTIOCH AND THE PUBLIC EMPLOYEES' UNION LOCAL NO. 1

F. RESOLUTION NO. 2012/23 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)

G. RESOLUTION NO. 2012/24 ESTABLISHING THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2012-13

H. CONSIDERATION OF BIDS FOR THE MARKLEY CREEK CULVERT REPLACEMENT (P.W. 141-9)

I. THIRD AMENDMENT TO THE DESIGN CONSULTANT SERVICE AGREEMENT FOR THE MARKLEY CREEK CULVERT REPLACEMENT PROJECT WITH HARRISON ENGINEERING, INC. (P.W. 141-9)

J. CONSULTANT SERVICE AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MARKLEY CREEK CULVERT REPLACEMENT PROJECT WITH PARSONS BRINCKERHOFF, INC. (P.W. 141-9)

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council unanimously approved the Council Consent Calendar with the exception of Item D, which was removed and added to the discussion for Public Hearing Item #4.

PUBLIC HEARING

3. **Z-12-02: PREZONING OF AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA – THE PREZONING IS APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO BY THE CITY AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE. THE PROPOSED PREZONING CONSISTS OF PRIMARILY M-2 (HEAVY INDUSTRIAL) ZONING, WITH M-1 (LIGHT INDUSTRIAL) PROPOSED FOR THE UNINCORPORATED AREA SOUTH OF WILBUR AVENUE, AND OS (OPEN SPACE) PROPOSED FOR THE EXISTING ENDANGERED SPECIES PRESERVE LOCATED ON THE NORTH SIDE OF WILBUR AVENUE. A PREVIOUSLY PREPARED MITIGATED NEGATIVE DECLARATION WILL BE UTILIZED TO ADDRESS ANY ENVIRONMENTAL IMPACTS OF THE PROPOSED PREZONING. ON MARCH 7, 2012, THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE TO PREZONE THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA (*Continued from 04/10/12*)**

Consultant for the City of Antioch, Victor Carniglia, presented the report dated April 24, 2012, recommending the City Council adopt a 1) Motion to read the ordinance by title only; and 2) Motion to introduce an ordinance to prezone Area #1 of the Northeast Antioch Annexation Area.

City Attorney Nerland clarified the letter referred to this evening is dated April 24, 2012, from Kristina Lawson of the law firm from Manatt, Phelps and Phillips, LLP, on behalf of Albert Seeno and West Coast Homebuilders. She stated the purpose of the California Environmental Quality Act (CEQA) is to address physical impacts of a proposed governmental action, which in this case, is the prezoning of an area that has been previously developed with heavy industrial uses and currently has a "Heavy Industrial" zoning designation under the County. She noted the City's proposed zoning is more restrictive than the current County zoning, and would therefore result in less intensive future development than could otherwise occur under the County zoning. She also noted that the intensity and density of development was ultimately governed by the General Plan and Zoning, and not the presence or absence of utilities. She clarified if future development projects are proposed for the area, they would be addressed regarding their physical impacts through site specific project level environmental analysis.

In response to Councilmember Agopian, Mr. Carniglia summarized the purpose of the California Environmental Quality Act and Mitigated Negative Declaration. He stated the City's position was that the Mitigated Negative Declaration was appropriate for the proposed action before City Council, and the City could move forward with prezoning. He noted the proposed prezoning was environmentally superior to the current County zoning, and that this fact was an important

consideration in determining that a determination of Negative Declaration was appropriate. Additionally, he further noted in response to Councilmember Agopian's question that any discretionary action by the City that directly or indirectly regulates development, is a "project" under CEQA, and obligates the City to conduct an environmental review. He reported the City had prepared two environmental documents on this project, consisting of a Negative Declaration from 2007, and the newer 2010 document currently before the City Council. He noted that the City's rezoning of Area 1 was well within the scope of the environmental analysis contained in the negative declaration. He clarified anybody had the standing to file an opinion or make their position known in relation to CEQA and CEQA compliance. In response to Councilmember Harper, Mr. Carniglia stated that City Staff determined through the Initial Study process that an Environmental Impact Report (EIR) was not required and that a Negative Declaration was appropriate to address the environmental impacts of the proposed rezoning. This position was affirmed by the City Council with the Council approval of the Mitigated Negative Declaration in 2010. He noted extensive outreach was conducted with the property owners, and staff worked to address their concerns. He further noted West Coast Builders did not attend any of those meetings.

Mayor Davis opened the public hearing.

Kristina Lawson, Manatt, Phelps and Phillips LLC., representing West Coast Home Builders, summarized their correspondence dated April 24, 2012, as submitted to the City Council this evening, regarding the rezoning of area #1 of the Northeast Antioch Annexation Area. She concluded, it was her belief that the Mitigated Negative Declaration was inadequate and requested the City postpone any further consideration of this item until the appropriate document had been prepared.

Mayor Davis closed the public hearing.

City Attorney Nerland responded the initial study and the Mitigated Negative Declaration shows environmental analysis was done under CEQA for the action proposed and staff believed the Mitigated Negative Declaration before Council was appropriate for the action being considered this evening.

Councilmember Agopian stated he had read all the information and staff had responded to his questions regarding this project. He stated he was confident the City had followed the law and the City and staff had done its due diligence.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously 1) Read the ordinance by title only; and 2) Introduced an ordinance to rezone Area #1 of the Northeast Antioch Annexation Area.

4. RESOLUTION MEMORIALIZING PROCEEDINGS REGARDING PROPOSED CHANGES TO THE GENERAL PLAN AND ANTIOCH MUNICIPAL CODE, INCLUDING BUT NOT LIMITED TO THE ZONING AND SUBDIVISION ORDINANCES AND DEVELOPMENT IMPACT FEES AND APPLICABILITY OF SUCH CHANGES AT THE TIME THAT THE CITY APPROVES A TENTATIVE SUBDIVISION MAP

City Attorney Nerland reported letter on dais dated April 24, 2012, from James Colopy, of the law firm Farella, Braun & Martel LLP, on behalf of Albert Seeno/Discovery Builders, Inc.

Director of Community Development Wehrmeister presented the staff report dated April 19, 2012, recommending the City Council motion to adopt the resolution.

Responding to the letter previously referenced, Director of Community Development Wehrmeister clarified the following:

- Proper notice was provided as required by law
- A moratorium was not before the City this evening
- The item before the Council memorializes that the City Council intends to adopt regulations and fees which would ensure development would pay its fair share of future infrastructure costs and municipal services as well as address the rate of growth

City Attorney Nerland indicated Consent Calendar Item 2D is set forth as an option but not the recommended action before the City Council. Additionally, if Council were interested in a moratorium on all residential development, they would direct staff to bring that item back for consideration. She clarified the item before Council memorializes the direction the Council and Planning Commission had given to address growth, services to residents, and impact fees.

James Colopy, Farella Braun & Martel LLP, on behalf of Discovery Builders and Albert Seeno, stated their request to receive staff reports in advance of the City Council and public was not granted by the City; therefore, the earliest they were able to respond to the information was this afternoon. He summarized their concerns identified in the letter dated April 24, 2012, and provided to the City Council this evening. He requested the RDA be allowed to expire and not adopt the resolution proposed this evening.

Mayor Davis closed the public hearing.

Councilmember Agopian clarified the RDA ordinance is a result of the approval by the voters of Measure U.

In response to Councilmember Agopian, Director of Community Development Wehrmeister clarified approval of the resolution this evening would be memorializing previous direction given to staff to amend the RDA ordinance and prepare a development impact nexus study for Council consideration as well as the potential to consider any General Plan or Zoning ordinance amendments that would be necessary.

City Attorney Nerland clarified the practical implication of the resolution was that the development community was on notice of potential changes, so if they submit a subdivision map, and there were statutes, ordinances, development fees, and general plan amendments, they would apply at the time the Council considers the subdivision map. She reiterated that while it was in the spectrum of options to include a moratorium, it was not the option the City has before it or staff's recommendation this evening.

RESOLUTION NO. 2012/25

On motion by Councilmember Rocha, seconded by Councilmember Harper, the City Council unanimously adopted the resolution.

CONSENT CALENDAR – *Continued*

2. **D. ORDINANCE AMENDING §9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) PROGRAM (*Continued from 04/10/12*)**

No action was taken by with City Council with regards to Consent Calendar Item 2D.

COUNCIL REGULAR AGENDA

5. **BRENNAN ROSE OF MIKE'S AUTO BODY IS APPEALING THE PLANNING COMMISSION'S DECISION REGARDING LANDSCAPE AMENDMENTS TO THE MIKE'S AUTO BODY PROJECT LOCATED AT 1001 AUTO CENTER DRIVE (APN: 074-160-022)**

Senior Planner Gentry presented the staff report dated April 19, 2012, recommending the City Council motion to deny the appeal and uphold the Planning Commission's decision.

Brennan Rose, representing Mike's Auto Body, explained they believed the landscape improvements were an upgrade to the approved plans and therefore no further consideration or approval would be necessary. He gave a Power Point presentation of the property. He noted the site had a containment unit with recycling on site and expressed concern if they were required to build an enclosure; the roof would be 16-18 feet high and would cause a negative visual impact for the residents of the apartment building behind the business. He indicated the current landscape plan is consistent with their other locations.

Wayne Ortlund, Bay Area Greenscapes and Bay Area Drainage, reviewed the drainage plan for the project.

Director of Community Development Wehrmeister clarified synthetic turf was not considered permeable.

Senior Planner Gentry stated it was staff's opinion the drainage would not be sufficient to accommodate all the storm water directed to this site and water would pond up and sheet across the sidewalk.

Administrative Analyst Hoffmeister clarified from the C3 perspective, there was certain turf products and construction details that you could use to have a permeable material and proper drainage, which he noted he had not seen for this project.

Councilmember Agopian expressed concern the project did not meet the requirements for storm water drainage.

Senior Planner Gentry stated the project was conditioned and was required by City Ordinance to have a trash enclosure.

Mr. Orland reported when the synthetic turf was installed, they added approximately 8 inches of base rock and 4-6 inches of drain rock, which was above the standard. He also noted a drain was added.

Public comments were heard. Mayor Davis stated he received written comment from Antioch residents, Martha Parsons and Joy Motts, in support of the City Council approving the appeal.

Marty Fernandez, Antioch resident, spoke in support of the City Council approving the appeal.

No further public comments, Mayor Davis spoke to the improvements made by the applicant to a signature entryway into the City. He also recognized the applicant for charitable donations made in the community. He stated he was willing to make an exception and approve the project. He noted the trash compactor being self contained and sealed, in effect, had a roof.

Councilmember Rocha voiced her support for approving the appeal.

Councilmember Harper stated he was impressed by the improvements made to the site and therefore he would be willing to make an exception and approve the appeal.

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council approved the resolution approving the appeal and denying the Planning Commission's decision. The motion carried the following vote:

Ayes: Davis, Harper, Rocha

Noes: Agopian

Absent: Kalinowski

In response to Director of Community Development Wehrmeister, Council indicated future modifications to landscaping be approved or denied by the Zoning Administrator.

6. CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF SUCCESSOR AGENCY WARRANTS

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council unanimously approved the Successor Agency Warrants.

7. CITY OF ANTIOCH AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF HOUSING SUCCESSOR WARRANTS

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council unanimously approved the Housing Successor Warrants.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the next City Council meetings would be held on May 8 and 22, 2012, and would include a Study Session on the City's budget. Chamber of Commerce State of the City luncheon would be held on June 4, 2012.

COUNCIL COMMUNICATIONS

Councilmember Rocha wished Councilmember Agopian a Happy Birthday.

Councilmember Agopian wished Councilmember Rocha a Happy Anniversary.

In response to Councilmember Rocha, City Manager Jakel reported the Fulton Shipyard boat ramp issue would be back before the Parks and Recreation Commission on April 26, 2012.

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 10:50 P.M. to the next regular Council meeting on May 8, 2012.

Respectfully submitted:

DENISE SKAGGS, City Clerk

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
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100 General Fund

Non Departmental

132959 CIRCLEPOINT	CONSULTING SERVICES	7,495.00
132968 CONTRA COSTA WATER DISTRICT	CCWD FACILITY RESERVE FEES	73,095.00
132969 CONTRA COSTA WATER DISTRICT	TREATED WATER CAPACITY FEE	16,820.70
132977 ECC REG FEE AND FIN AUTH	ECCRFFA-RTDIM	102,707.00
133095 LOEWKE PLANNING ASSOCIATES	CONSULTING SERVICES	3,145.00
917240 ZUMWALT ENGINEERING GROUP INC	ENGINEERING SERVICES	825.00

City Council

201615 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	6.97
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City Attorney

132986 JARVIS FAY AND DOPORTO LLP	LEGAL SERVICES	3,533.33
133087 JARVIS FAY AND DOPORTO LLP	LEGAL FEES	949.60
133133 SHRED IT INC	SHRED SERVICE	45.90

City Manager

132947 ANTIOCH CHAMBER OF COMMERCE	MEMBERSHIP DUES	1,270.00
201615 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	12.49
201621 DS WATERS OF AMERICA	WATER	39.97
917138 GRAINGER INC	SUPPLIES	175.62

City Clerk

132953 BAY AREA NEWS GROUP	LEGAL AD	3,065.19
133025 XEROX CORPORATION	COPIER LEASE	251.88

City Treasurer

133120 PFM ASSET MGMT LLC	ADVISORY SERVICES	6,031.06
917086 CONLEY, DONNA	VEHICLE ALLOWANCE	350.00

Human Resources

133000 NETSOURCE INC	CONSULTANT SERVICES	3,409.92
133008 RGH GROUP, THE	RECRUITMENT SERVICES	700.00
133025 XEROX CORPORATION	COPIER LEASE	270.08
133045 CALPERS	AMENDMENT VALUATION	300.00
133075 GOVERNMENTJOBS.COM INC	SOFTWARE IMPLEMENTATION	2,500.00
133104 NETSOURCE INC	CONSULTANT SERVICES	2,396.16
133106 OCCUPATIONAL HEALTH CENTERS	MEDICAL SCREENING	142.15
133108 OFFICE MAX INC	OFFICE SUPPLIES	64.13
133133 SHRED IT INC	SHRED SERVICE	27.81
201615 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	58.48

Economic Development

132946 ANTIOCH AUTO CENTER	TAX REBATE	80,235.00
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Finance Administration

133108 OFFICE MAX INC	OFFICE SUPPLIES	92.01
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Finance Accounting

133133 SHRED IT INC	SHRED SERVICE	45.90
201615 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	5.65
917220 SUNGARD PUBLIC SECTOR INC	ASP SERVICE	11,886.53

Finance Operations

133019 UNITED STATES POSTAL SERVICE	POSTAGE	10,000.00
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Prepared by: Georgina Meek
 Finance Accounting

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133025 XEROX CORPORATION	COPIER LEASE	336.77
133144 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	40.00
Non Departmental		
133022 WAGeworks	ADMIN CHARGES	150.00
133059 DAVID WELLHOUSE AND ASSOC INC	MANDATE FILING	5,500.00
133068 RECIPIENT	LIABILITY CLAIM	1,000.00
201613 DSIGN ART	BUS LIC OVERPAYMENT REFUND	30.00
201614 ENERGY SOLUTIONS	BUS LIC PENALTY FEE REFUND	27.50
917152 RETIREE	MEDICAL AFTER RETIREMENT	1,643.21
Public Works Maintenance Administration		
133001 NEXTEL SPRINT	CELL PHONE	61.12
Public Works General Maintenance Services		
133001 NEXTEL SPRINT	CELL PHONE	40.69
Public Works Street Maintenance		
132979 ENTERRA ENVIRONMENTAL	HAZWOPER TRAINING	90.00
133001 NEXTEL SPRINT	CELL PHONE	21.13
133033 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	2,433.90
133106 OCCUPATIONAL HEALTH CENTERS	MEDICAL SCREENING	23.00
Public Works-Signal/Street Lights		
133005 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	208.32
133117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	167.15
Public Works-Striping/Signing		
132979 ENTERRA ENVIRONMENTAL	HAZWOPER TRAINING	90.00
132985 INTERSTATE SALES	SUPPLIES	811.49
133026 ACE HARDWARE, ANTIOCH	SUPPLIES	2.63
Public Works-Facilities Maintenance		
133016 TAP PLASTICS INC	PLASTIC PANELS	146.08
133026 ACE HARDWARE, ANTIOCH	SUPPLIES	7.38
917169 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	2,494.82
Public Works-Parks Maint		
132993 LEATHERS AND ASSOCIATES	PLAYGROUND EQUIPMENT	547.74
133015 STEWARTS TREE SERVICE	TREE REMOVAL	225.00
133115 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	37,424.29
917158 JOHN DEERE LANDSCAPES PACHECO	IRRIGATION CONTROLLER PARTS	1,798.59
Public Works-Median/General Land		
133004 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	2,420.00
133005 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	46.51
133026 ACE HARDWARE, ANTIOCH	PVC FITTINGS	23.89
133106 OCCUPATIONAL HEALTH CENTERS	MEDICAL SCREENING	23.00
133107 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
133116 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	6,292.00
133117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	11.12
917158 JOHN DEERE LANDSCAPES PACHECO	IRRIGATION CONTROLLER PARTS	970.75
Public Works-Work Alternative		
133001 NEXTEL SPRINT	CELL PHONE	49.28
133066 DIABLO LIVE SCAN	FINGERPRINTING	20.00

Prepared by: Georgina Meek
 Finance Accounting

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Police Administration

132950 BANK OF AMERICA	UNIFORM EQUIPMENT	159.83
132951 BANK OF AMERICA	TRAINING	4,820.39
132957 CANTANDO, ALLAN J	EXPENSE REIMBURSEMENT	87.00
132961 COMMERCIAL SUPPORT SERVICES	CAR WASHES	556.50
132970 COSTCO	OFFICE SUPPLIES	47.31
132974 CSI FORENSIC SUPPLY	EVIDENCE SUPPLIES	113.12
132988 JIMS CALIF AUTO BODY INC #3	VEHICLE REPAIR	1,091.31
132992 LAW OFFICES OF JONES AND MAYER	LEGAL FEES	209.00
132995 MC MANUS, ERIC A	EXPENSE REIMBURSEMENT	32.46
133012 SHRED IT INC	SHRED SERVICES	286.72
133025 XEROX CORPORATION	COPIER LEASE	1,647.42
133108 OFFICE MAX INC	OFFICE SUPPLIES	1,086.99
133144 UNITED PARCEL SERVICE	SHIPPING	26.37
917085 ARATA PRINTING	BUSINESS CARDS	395.11
917087 HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	5,312.22
917088 IMAGE SALES INC	BADGE-MCCARTY	32.36
917115 COMPUTERLAND	LCD MONITOR	370.64
917138 GRAINGER INC	SUPPLIES	331.55

Police Community Policing

133041 EMPLOYEE	PENSION PAYMENT	3,637.50
201638 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	59.40
201639 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	99.77
201640 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	96.90

Police Investigations

132964 CONTRA COSTA COUNTY	LAB TESTING	14,280.50
132965 CONTRA COSTA COUNTY	EXTRADITION FEES	350.00
132972 COURT SERVICES INC	PRISONER TRANSPORTATION	500.00
133025 XEROX CORPORATION	COPIER LEASE	615.14
133056 COURT SERVICES INC	PRISONER TRANSPORTATION	1,000.00
201638 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	40.13

Police Communications

132949 AT AND T MOBILITY	HIGH SPEED WIRELESS	2,712.56
133036 AT AND T MCI	PHONE	655.27
133037 AT AND T MOBILITY	HIGH SPEED WIRELESS	2,715.36
133105 NEXTEL SPRINT	CELL PHONE EQUIPMENT	264.87

Police Facilities Maintenance

133046 CAMALI CORP	MAINTENANCE SERVICE	345.00
133105 NEXTEL SPRINT	CELL PHONE	2,297.81
917169 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	4,411.17

Community Development Land Planning Services

132953 BAY AREA NEWS GROUP	LEGAL AD	546.55
201438 UNLIMITED GRAPHIC AND SIGN NETWORK	PC BOARD	48.60

PW Engineer Land Development

133001 NEXTEL SPRINT	CELL PHONE	100.24
133034 ARC IMAGING RESOURCES	PAPER	274.53

Prepared by: Georgina Meek
 Finance Accounting

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Community Development Building Inspection

133001 NEXTEL SPRINT	CELL PHONE	56.28
133062 DELTA MUNICIPAL CONSULTING INC	CONSULTING SERVICES	6,000.00
133108 OFFICE MAX INC	OFFICE SUPPLIES	130.16

Community Development Engineering Services

133001 NEXTEL SPRINT	CELL PHONE	32.53
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212 CDBG Fund

CDBG

133049 COMMUNITY VIOLENCE SOLUTIONS	CDBG SERVICES	1,259.26
133054 CONTRA COSTA SENIOR LEGAL SERVICES	CDBG SERVICES	1,255.19
133073 FOOD BANK OF CCC AND SOLANO	CDBG SERVICES	1,500.48
133093 LIONS BLIND CENTER OF DIABLO VALLEY	CDBG SERVICES	739.20
133109 OMBUDSMAN SERVICES OF CCC	CDBG SERVICES	1,250.00
133112 OPPORTUNITY JUNCTION	CDBG SERVICES	20,250.70

213 Gas Tax Fund

Streets

133005 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	69.07
133117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	40.17

214 Animal Control Fund

Animal Control

133025 XEROX CORPORATION	COPIER LEASE	161.39
133078 HILLS PET NUTRITION	ANIMAL FOOD	303.10
133105 NEXTEL SPRINT	CELL PHONE	40.08
917143 HAMMONS SUPPLY COMPANY	SUPPLIES	134.55
917150 HLP INC	SOFTWARE SUPPORT	1,339.00
917169 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	435.75

218 Senior Bus Fund

Senior Bus

133066 DIABLO LIVE SCAN	FINGERPRINTING	20.00
133106 OCCUPATIONAL HEALTH CENTERS	MEDICAL SCREENING	66.65

219 Recreation Fund

Non Departmental

132948 ARRIGAN, DAVID	LIABILITY PREMIUM REFUND	162.16
132987 JIM FRAZIER FOR ASSEMBLY 2012	DEPOSIT REFUND	860.00
132996 MENDIETA, MARIA	DEPOSIT REFUND	1,000.00
133003 OAKLEY CONGREGATION	DEPOSIT REFUND	300.00
133006 PREVATTE, JUDY	DEPOSIT REFUND	500.00
133035 ARRIGAN, DAVID	DEPOSIT REFUND	800.00
133138 STATE BOARD OF EQUALIZATION	SALES TAX	223.34

Senior Programs

133061 DELTA LOCK KEY AND SAFE	NEW LOCK & KEYS	152.71
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Recreation Classes/Prog

132956 BORREGO, ANTHONY J	CLASS REFUND	102.00
132971 COSTCO	SUPPLIES	64.37
132978 EDUCATION TO GO	CONTRACTOR PAYMENT	435.75
132980 ERENO, GINA MARIE	CLASS REFUND	175.00

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132982 GARRISON, JACQUELYN	CONTRACTOR PAYMENT	1,834.80
132989 JONES, JENIAH	CLASS REFUND	101.00
132990 JUMP BUNCH	CONTRACTOR PAYMENT	369.60
132997 MUSIC TOGETHER OF CONCORD	CONTRACTOR PAYMENT	889.80
133010 ROBERTS, NANCY	CONTRACTOR PAYMENT	330.00
133014 STARGAZERS/TRACI MARTIN	CONTRACTOR PAYMENT	932.00
133057 CPR FAST	CONTRACTOR PAYMENT	291.60
133066 DIABLO LIVE SCAN	FINGERPRINTING	10.00
133129 ROBERTS, NANCY	CONTRACTOR PAYMENT	313.20
201574 MARTENS, ELAINE	CLASS REFUND	80.00
201576 BELL, MICHAEL	CLASS REFUND	80.00
201577 DELAVAN, BARRY	CLASS REFUND	99.00
201578 HAND, DOROTA	CLASS REFUND	99.00
201579 ALCARAZ, AMANDA	CLASS REFUND	66.00
201580 GONZALEZ, FLORENCIO	CLASS REFUND	99.00
Recreation Sports Programs		
132962 CONCORD SOFTBALL UMPIRES	UMPIRE FEES	1,140.00
133002 NOR CAL TITANS BASEBALL INC	FIELD USE REFUND	344.00
133017 UNITED STATES POSTAL SERVICE	POSTAGE PERMIT 14	190.00
133018 UNITED STATES POSTAL SERVICE	POSTAGE	1,500.00
133066 DIABLO LIVE SCAN	FINGERPRINTING	10.00
Rec After School/AUSD		
132971 COSTCO	SUPPLIES	77.88
133066 DIABLO LIVE SCAN	FINGERPRINTING	160.00
Recreation Special Needs		
132956 BORREGO, ANTHONY J	CLASS REFUND	20.00
132980 ERENO, GINA MARIE	CLASS REFUND	10.00
201575 ROSSI, CYNTHIA	CLASS REFUND	83.00
Recreation Concessions		
132971 COSTCO	SUPPLIES	679.40
Recreation-New Comm Cntr		
132948 ARRIGAN, DAVID	LIABILITY PREMIUM REFUND	20.00
132971 COSTCO	SUPPLIES	18.72
133024 WESCO RECEIVABLES CORP	SUPPLIES	365.25
133025 XEROX CORPORATION	COPIER LEASE	342.28
133027 ACTIVE NETWORK INC, THE	SOFTWARE SUPPORT	471.58
133066 DIABLO LIVE SCAN	FINGERPRINTING	20.00
133070 EIDEN, KITTY J	MINUTES CLERK	120.00
133115 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	2,818.34
133117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	8,372.03
917143 HAMMONS SUPPLY COMPANY	SUPPLIES	230.10
226 Solid Waste Reduction Fund		
Solid Waste		
133150 WEISENBACH SPECIALTY PRINTING INC	SUPPLIES	3,131.35

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229 Pollution Elimination Fund

Channel Maintenance Operation

133001 NEXTEL SPRINT	CELL PHONE	49.28
133043 BLANKINSHIP AND ASSOCIATES INC	TRAINING RETAINER	1,000.00
133060 DELTA FENCE CO	FENCE REPAIR	1,185.00
201604 DELTA LOCK KEY AND SAFE	SUPPLIES	51.42

Storm Drain Administration

201615 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	14.00
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238 PEG Franchise Fee Fund

Non Departmental

133040 BEAR DATA SYSTEMS INC	EQUIPMENT	23,819.05
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251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 1

133107 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	192.00
133116 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	3,872.00

Lonetree Maintenance Zone 3

133117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	40.17
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252 Downtown SLLMD Fund

Downtown Maintenance

132981 EVERGREEN TREE CARE	TREE SERVICE	8,160.00
133107 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00

254 Hillcrest SLLMD Fund

Hillcrest Maintenance Zone 1

133107 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
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Hillcrest Maintenance Zone 2

133004 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	4,285.00
133107 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	960.00
133116 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	4,285.00

Hillcrest Maintenance Zone 4

133107 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
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255 Park 1A Maintenance District Fund

Park 1A Maintenance District

133107 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
133115 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	160.00

256 Citywide 2A Maintenance District Fund

Citywide 2A Maintenance Zone 5

133004 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	484.00
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Citywide 2A Maintenance Zone 6

133107 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
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Citywide 2A Maintenance Zone 9

133107 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
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257 SLLMD Administration Fund

SLLMD Administration

133001 NEXTEL SPRINT	CELL PHONE	121.78
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259 East Lone Tree SLLMD Fund

Zone 1-District 10

133005 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	86.09
133117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	34.25

311 Capital Improvement Fund

Streets

132994 MAXICRETE INC	SIDEWALK PROJECT	16,656.89
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Energy Efficiency

133140 SUSTAINABLE CONTRA COSTA	GARDEN CHALLENGE SUPPORT	1,000.00
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Public Buildings & Facilities

132954 BEALS ALLIANCE INC	DESIGN SERVICE TURF FIELD	8,136.12
133099 MUIR HERITAGE LAND TRUST	WETLAND MITIGATION FEE	92,880.55

312 Prewett Family Park Fund

Parks & Open Space

132984 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	1,877.20
133125 REAL PROTECTION INC	PULL STATION COVERS	1,870.00

319 Residential Dev Alloc Fund

Non Departmental

133069 ECONOMIC AND PLANNING SYSTEMS INC	CONSULTING SERVICES	3,527.50
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376 Lone Diamond Fund

Assessment District

133122 PUBLIC STORAGE	STORAGE FEE	501.00
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415 APFA 02 Lease Revenue Ref Fund

Non Departmental

132952 BANK OF NEW YORK MELLON	FISCAL AGENT FEE	3,015.00
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416 Honeywell Capital Lease Fund

Non Departmental

133038 BANK OF AMERICA	LOAN PAYMENT	42,131.57
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570 Equipment Maintenance Fund

Non Departmental

133082 HUNT AND SONS INC	FUEL	21,082.87
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Equipment Maintenance

133032 ANTIOCH AUTO PARTS	FRONT END PARTS	614.05
133050 CONTRA COSTA COUNTY	RADIO SERVICE	315.00
133077 HARLEY DAVIDSON	REPAIR SERVICE	402.14
133100 MUNICIPAL MAINT EQUIPMENT INC	REPAIR SERVICE	9,426.91
133141 TRED SHED, THE	TIRES	4,460.72
133149 WALNUT CREEK FORD	REPAIR SERVICE	3,443.89
201606 OCONNELL JETTING	SUPPLIES	17.72
201607 WINTER CHEVROLET CO	DOOR MOTOR	41.25

573 Information Services Fund

Information Services

133001 NEXTEL SPRINT	CELL PHONE	49.28
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Network Support & PCs

133001 NEXTEL SPRINT	CELL PHONE	107.23
133124 QUEST MEDIA AND SUPPLIES	NETWORK SUPPORT	350.00

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917114 COMPUCOM SYSTEMS INC	POST WARRANTY SERVICE	306.00
Office Equipment Replacement		
133031 AMS DOT NET INC	PROFESSIONAL SERVICES	3,600.00
577 Post Retirement Medical-Police Fund		
Non Departmental		
133028 RETIREE	MEDICAL AFTER RETIREMENT	193.22
133044 RETIREE	MEDICAL AFTER RETIREMENT	498.44
133090 RETIREE	MEDICAL AFTER RETIREMENT	776.25
133096 RETIREE	MEDICAL AFTER RETIREMENT	40.61
133103 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
133131 RETIREE	MEDICAL AFTER RETIREMENT	40.61
133152 RETIREE	MEDICAL AFTER RETIREMENT	776.25
917089 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917095 RETIREE	MEDICAL AFTER RETIREMENT	1,013.38
917098 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917107 RETIREE	MEDICAL AFTER RETIREMENT	986.79
917108 RETIREE	MEDICAL AFTER RETIREMENT	929.00
917112 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917116 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917126 RETIREE	MEDICAL AFTER RETIREMENT	848.86
917130 RETIREE	MEDICAL AFTER RETIREMENT	791.00
917131 RETIREE	MEDICAL AFTER RETIREMENT	193.22
917146 RETIREE	MEDICAL AFTER RETIREMENT	165.81
917151 RETIREE	MEDICAL AFTER RETIREMENT	193.22
917154 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917155 RETIREE	MEDICAL AFTER RETIREMENT	1,088.88
917156 RETIREE	MEDICAL AFTER RETIREMENT	123.73
917164 RETIREE	MEDICAL AFTER RETIREMENT	165.81
917181 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917183 RETIREE	MEDICAL AFTER RETIREMENT	498.44
917193 RETIREE	MEDICAL AFTER RETIREMENT	304.35
917195 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917197 RETIREE	MEDICAL AFTER RETIREMENT	803.66
917207 RETIREE	MEDICAL AFTER RETIREMENT	498.44
917224 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917228 RETIREE	MEDICAL AFTER RETIREMENT	498.44
578 Post Retirement Medical-Misc Fund		
Non Departmental		
133058 RETIREE	MEDICAL AFTER RETIREMENT	242.69
133065 RETIREE	MEDICAL AFTER RETIREMENT	242.69
133088 RETIREE	MEDICAL AFTER RETIREMENT	242.69
133097 RETIREE	MEDICAL AFTER RETIREMENT	242.69
133114 RETIREE	MEDICAL AFTER RETIREMENT	124.69
133123 RETIREE	MEDICAL AFTER RETIREMENT	124.69
133127 RETIREE	MEDICAL AFTER RETIREMENT	597.38
133130 RETIREE	MEDICAL AFTER RETIREMENT	124.69

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133132 RETIREE	MEDICAL AFTER RETIREMENT	242.69
133142 RETIREE	MEDICAL AFTER RETIREMENT	271.44
133148 RETIREE	MEDICAL AFTER RETIREMENT	472.20
917090 RETIREE	MEDICAL AFTER RETIREMENT	320.43
917091 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917092 RETIREE	MEDICAL AFTER RETIREMENT	225.99
917097 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917101 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917103 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917105 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917110 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917113 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917117 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917120 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917122 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917125 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917128 RETIREE	MEDICAL AFTER RETIREMENT	165.81
917129 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917132 RETIREE	MEDICAL AFTER RETIREMENT	84.00
917134 RETIREE	MEDICAL AFTER RETIREMENT	165.81
917137 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917139 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917141 RETIREE	MEDICAL AFTER RETIREMENT	423.63
917142 RETIREE	MEDICAL AFTER RETIREMENT	310.36
917149 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917153 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917159 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917160 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917163 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917166 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917168 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917172 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917175 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917177 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917180 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917190 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917199 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917202 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917206 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917212 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917222 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917226 RETIREE	MEDICAL AFTER RETIREMENT	120.36
917227 RETIREE	MEDICAL AFTER RETIREMENT	165.81
917235 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917236 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917237 RETIREE	MEDICAL AFTER RETIREMENT	597.38

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917238 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917239 RETIREE	MEDICAL AFTER RETIREMENT	124.69
579 Post Retirement Medical-Mgmt Fund		
<i>Non Departmental</i>		
133047 RETIREE	MEDICAL AFTER RETIREMENT	901.90
133055 RETIREE	MEDICAL AFTER RETIREMENT	182.69
133074 RETIREE	MEDICAL AFTER RETIREMENT	124.69
133076 RETIREE	MEDICAL AFTER RETIREMENT	242.69
133083 RETIREE	MEDICAL AFTER RETIREMENT	400.00
133091 RETIREE	MEDICAL AFTER RETIREMENT	125.38
133098 RETIREE	MEDICAL AFTER RETIREMENT	762.38
133118 RETIREE	MEDICAL AFTER RETIREMENT	124.69
133126 RETIREE	MEDICAL AFTER RETIREMENT	752.86
133154 RETIREE	MEDICAL AFTER RETIREMENT	165.81
917096 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917099 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917100 RETIREE	MEDICAL AFTER RETIREMENT	254.87
917102 RETIREE	MEDICAL AFTER RETIREMENT	71.45
917104 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917106 RETIREE	MEDICAL AFTER RETIREMENT	901.90
917109 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917111 RETIREE	MEDICAL AFTER RETIREMENT	165.81
917118 RETIREE	MEDICAL AFTER RETIREMENT	752.86
917119 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917121 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917123 RETIREE	MEDICAL AFTER RETIREMENT	477.38
917124 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917127 RETIREE	MEDICAL AFTER RETIREMENT	320.43
917133 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917135 RETIREE	MEDICAL AFTER RETIREMENT	901.90
917136 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917140 RETIREE	MEDICAL AFTER RETIREMENT	1,006.50
917144 RETIREE	MEDICAL AFTER RETIREMENT	280.20
917145 RETIREE	MEDICAL AFTER RETIREMENT	70.00
917147 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917148 RETIREE	MEDICAL AFTER RETIREMENT	443.62
917157 RETIREE	MEDICAL AFTER RETIREMENT	854.68
917161 RETIREE	MEDICAL AFTER RETIREMENT	727.38
917162 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917165 RETIREE	MEDICAL AFTER RETIREMENT	320.43
917167 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917170 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917171 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917173 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917174 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917176 RETIREE	MEDICAL AFTER RETIREMENT	242.69

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917178 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917179 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917182 RETIREE	MEDICAL AFTER RETIREMENT	920.60
917184 RETIREE	MEDICAL AFTER RETIREMENT	165.81
917186 RETIREE	MEDICAL AFTER RETIREMENT	320.43
917187 RETIREE	MEDICAL AFTER RETIREMENT	182.69
917188 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917189 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917191 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917192 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917194 RETIREE	MEDICAL AFTER RETIREMENT	477.38
917196 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
917198 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917200 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917201 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917203 RETIREE	MEDICAL AFTER RETIREMENT	242.69
917204 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917205 RETIREE	MEDICAL AFTER RETIREMENT	382.69
917208 RETIREE	MEDICAL AFTER RETIREMENT	901.90
917209 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917210 RETIREE	MEDICAL AFTER RETIREMENT	727.38
917211 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917213 RETIREE	MEDICAL AFTER RETIREMENT	320.40
917214 RETIREE	MEDICAL AFTER RETIREMENT	752.86
917216 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917217 RETIREE	MEDICAL AFTER RETIREMENT	901.90
917218 RETIREE	MEDICAL AFTER RETIREMENT	762.30
917219 RETIREE	MEDICAL AFTER RETIREMENT	161.21
917221 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917223 RETIREE	MEDICAL AFTER RETIREMENT	597.38
917225 RETIREE	MEDICAL AFTER RETIREMENT	320.43
917229 RETIREE	MEDICAL AFTER RETIREMENT	1,946.46
917230 RETIREE	MEDICAL AFTER RETIREMENT	361.38
917231 RETIREE	MEDICAL AFTER RETIREMENT	752.86
917232 RETIREE	MEDICAL AFTER RETIREMENT	727.38
917233 RETIREE	MEDICAL AFTER RETIREMENT	124.69
917234 RETIREE	MEDICAL AFTER RETIREMENT	320.43

580 Loss Control Fund

Human Resources

133001 NEXTEL SPRINT	CELL PHONE	21.13
133085 IEDA INC	PROFESSIONAL SERVICES	3,884.46

611 Water Fund

Non Departmental

133009 ROBERTS AND BRUNE CO	SUPPLIES	866.00
133039 BAY AREA BARRICADE	SUPPLIES	3,493.23
917138 GRAINGER INC	SUPPLIES	188.61

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917143 HAMMONS SUPPLY COMPANY	SUPPLIES	1,719.11
Water Supervision		
132979 ENTERRA ENVIRONMENTAL	HAZWOPER TRAINING	180.00
133001 NEXTEL SPRINT	CELL PHONE	61.82
133011 RT LAWRENCE CORP	LOCKBOX FEE	2,692.76
Water Production		
132958 CHAUDHARY, PRANAV	CERTIFICATION REIMBURSEMENT	605.00
132967 CONTRA COSTA WATER DISTRICT	RAW WATER	32,692.31
132973 CRWA	MEMBERSHIP DUES	937.00
132979 ENTERRA ENVIRONMENTAL	HAZWOPER TRAINING	630.00
133001 NEXTEL SPRINT	CELL PHONE	63.39
133005 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	20.37
133013 SIEMENS INDUSTRY INC	BEARINGS	2,908.68
133020 UNIVAR USA INC	CAUSTIC	11,714.83
133024 WESCO RECEIVABLES CORP	SUPPLIES	4,139.07
133030 ALL STAR RENTS	EQUIPMENT RENTAL	186.26
133066 DIABLO LIVE SCAN	FINGERPRINTING	20.00
133071 ENERGY SYSTEMS INC	GENERATOR REPAIR	6,124.12
133072 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	62.46
133084 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	12,413.58
133089 KOFFLER ELECTRICAL MECH	REPAIR SERVICE	5,250.98
133102 MWH LABORATORIES INC	WATER TESTING AND ANALYSIS	2,535.00
133113 ORCHARD SUPPLY HARDWARE	SUPPLIES	26.24
133135 SPAULDING, ANN B	CONSULTING SERVICE	5,053.64
133145 UNIVAR USA INC	CAUSTIC	6,864.42
133151 WESCO RECEIVABLES CORP	WIRE	17,494.18
917169 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	658.60
917215 SIERRA CHEMICAL CO	CHLORINE	4,055.36
Water Distribution		
132960 COLEFIELD, RONALD G	EXPENSE REIMBURSEMENT	105.33
132975 CWEA SFBS	MEMBERSHIP RENEWAL	396.00
132976 EAST BAY WELDING SUPPLY	SUPPLIES	30.36
132979 ENTERRA ENVIRONMENTAL	HAZWOPER TRAINING	990.00
132999 NCBPA	MEETING EXPENSE	190.00
133001 NEXTEL SPRINT	CELL PHONE	253.79
133021 UTILITY TRAINING ACADEMY INC	TRAINING-CHALK	150.00
133026 ACE HARDWARE, ANTIOCH	PIPE FITTINGS	28.21
133032 ANTIOCH AUTO PARTS	OIL	33.52
133033 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	5,828.62
133042 BIG B LUMBER	SUPPLIES	255.04
133066 DIABLO LIVE SCAN	FINGERPRINTING	20.00
133067 DODSON, DARRYL	RENEWAL REIMBURSEMENT	100.00
133106 OCCUPATIONAL HEALTH CENTERS	MEDICAL SCREENING	23.00
133108 OFFICE MAX INC	OFFICE SUPPLIES	185.19
133128 ROBERTS AND BRUNE CO	PIPE & FITTINGS	295.87
201603 ALL STAR RENTS	EQUIPMENT RENTAL	68.01

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Water Meter Reading

133001 NEXTEL SPRINT CELL PHONE 10.56

Public Buildings & Facilities

133117 PACIFIC GAS AND ELECTRIC CO ELECTRIC 263.08

Warehouse & Central Stores

133001 NEXTEL SPRINT CELL PHONE 49.28

133025 XEROX CORPORATION COPIER LEASE 144.84

133144 UNITED PARCEL SERVICE WEEKLY PRINTER SERVICE FEE 40.00

615 APFA 93/03 Water Rfd Bonds Fund

Water Systems

132952 BANK OF NEW YORK MELLON FISCAL AGENT FEE FY2012 3,015.00

621 Sewer Fund

Sewer-Wastewater Supervision

132999 NCBPA MEETING EXPENSE 40.00

133001 NEXTEL SPRINT CELL PHONE 21.13

Sewer-Wastewater Collection

132979 ENTERRA ENVIRONMENTAL HAZWOPER TRAINING 360.00

133001 NEXTEL SPRINT CELL PHONE 91.54

133021 UTILITY TRAINING ACADEMY INC TRAINING-CHALK 150.00

133023 WECO INDUSTRIES INC SUPPLIES 230.93

133033 ANTIOCH BUILDING MATERIALS ASPHALT MATERIALS 5,828.63

Wastewater Collection

133144 UNITED PARCEL SERVICE SHIPPING 39.43

631 Marina Fund

Non Departmental

132955 BENNETT, DOUG BERTH DEPOSIT REFUND 161.00

133137 STATE BOARD OF EQUALIZATION SALES TAX 541.36

Marina Administration

132998 NASH, LAWRENCE E EXPENSE REIMBURSEMENT 139.54

201602 SCHWINN CITY SUPPLIES 45.40

Marina Maintenance

132966 CONTRA COSTA HOSE AND FITTINGS WATER HOSES 1,044.88

133026 ACE HARDWARE, ANTIOCH PAINT & SUPPLIES 113.39

133080 HOME DEPOT, THE SUPPLIES 30.14

917169 LEES BUILDING MAINTENANCE JANITORIAL SERVICES 1,355.14

641 Prewett Water Park Fund

Non Departmental

133081 HUB INTERNATIONAL OF CA INSURANCE LIABILITY INSURANCE 252.04

Rec - Prewett Admin

132979 ENTERRA ENVIRONMENTAL HAZWOPER TRAINING 90.00

132991 KNORR SYSTEMS INC CARBON DIOXIDE 685.29

133007 REAL PROTECTION INC TESTING SERVICE 215.00

133018 UNITED STATES POSTAL SERVICE POSTAGE 5,400.00

133020 UNIVAR USA INC CHEMICALS 829.02

133025 XEROX CORPORATION COPIER LEASE 308.56

133029 ADVANCED POOLS DOME REMOVAL 3,200.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 APRIL 19 - MAY 2, 2012
 FUND/CHECK#

133053 CCC FIRE PROTECTION DISTRICT	OPERATIONAL PERMIT	427.50
133079 HILLYARD INDUSTRIES	JANITORIAL SUPPLIES	121.70
133084 ICR ELECTRICAL CONTRACTORS	REPAIR SERVICE	1,235.68
133115 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	1,879.16
201386 UNITED STATES POSTAL SERVICE	POSTAGE	90.00
201387 WALMART	SUPPLIES	4.80
Rec Prewett Concessions		
133094 LISTEK ENTERPRISES INC	PARTY PIZZA	157.18
721 Employee Benefits Fund		
Non Departmental		
132983 EMPLOYEE	DEDUCTION REFUND	36.40
133048 CLAYTON FITNESS CENTER	PAYROLL DEDUCTIONS	34.00
133051 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
133052 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
133063 DELTA PARK ATHLETIC CLUB	PAYROLL DEDUCTIONS	74.00
133064 DELTA VALLEY ATHLETIC CLUB	PAYROLL DEDUCTIONS	54.00
133086 IN SHAPE HEALTH CLUBS	PAYROLL DEDUCTIONS	1,080.00
133092 LINA	PAYROLL DEDUCTIONS	4,499.24
133101 MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	2,286.14
133110 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	2,132.00
133111 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	600.30
133119 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	92.66
133121 PUBLIC EMPLOYEES UNION LOCAL 1	PAYROLL DEDUCTIONS	2,151.64
133134 SOLAR SWIM AND GYM	PAYROLL DEDUCTIONS	27.00
133136 STANDARD LIFE INSURANCE	PAYROLL DEDUCTIONS	589.30
133139 STATE OF FLORIDA DISBURSEMENT UNIT	PAYROLL DEDUCTIONS	150.00
133143 UNION BANK OF CALIF	PAYROLL DEDUCTIONS	2,675.71
133146 US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	238.22
133147 VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,687.48
133153 XTREME FITNESS	PAYROLL DEDUCTIONS	144.50
917093 ANTIOCH PD SWORN MGMT ASSOC	PAYROLL DEDUCTIONS	600.00
917094 APOA	PAYROLL DEDUCTIONS	11,561.67
917185 NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	43,297.49
752 Storm Drain Deposits Fund		
Non Departmental		
132963 CONTRA COSTA COUNTY	FEES COLLECTED	1,144.71

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF MAY 8, 2012**

FROM: Lynn Tracy Nerland, City Attorney

DATE: April 30, 2012

SUBJECT: Rejection of Claims

RECOMMENDATION:

Reject the listed claims:

1. Rani Windell 11/12-2048 (property damage)
2. Angelina Mazzei 12/13-2055 (property damage)
3. Efren Reynoso 12/13-2064 (impounded vehicle)

LTN/spd

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MAY 8, 2012**

Prepared by: Victor Carniglia, City Consultant 

Date: May 1, 2012

Subject: Prezoning of Area #1 of the Northeast Antioch Annexation Area, Consisting of Approximately 470 Acres, Located Primarily North of Wilbur Avenue and West of Hwy 160

RECOMMENDATION

It is recommended the City Council adopt the attached Ordinance prezoning Area #1 of the Northeast Antioch Annexation Area, consisting of approximately 470 acres located primarily north of Wilbur Avenue and west of Hwy 160, with a combination of Heavy Industrial, Light Industrial, and Open Space Zoning Designations.

BACKGROUND INFORMATION

The Ordinance was introduced by the City Council on April 24, 2012. The Council made no changes to the Ordinance at the April 24, 2012 meeting.

ENVIRONMENTAL

A Mitigated Negative Declaration was previously prepared and found adequate to address the environmental impacts of the proposed Project (Prezoning), along with a Mitigation Monitoring and Reporting Program.

FINANCIAL IMPACT

Based on the fiscal analysis prepared to date, the annexation of Area #1 would have a significant net fiscal benefit to the City. Adoption of the Ordinance will further the annexation process.

OPTIONS

The recommended action is consistent with the City Council's introduction of the Ordinance on April 24, 2012.

ATTACHMENTS

None.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH INTRODUCING THE PREZONING FOR THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE

SECTION 1. Findings.

- A. The City Council in June 2007 adopted a resolution directing City staff to submit to the Local Agency Formation Commission (LAFCO) an annexation application for Area #1 of the Northeast Antioch Area. This application was subsequently submitted by City staff to LAFCO in September 2007. Area #1 is located within the City's Sphere of Influence and is also located within the City's Urban Limit Line (ULL) as approved by Antioch voters.
- B. Prezoning is required by State law prior to an annexation being considered for action by LAFCO.
- C. In processing the annexation as initiated by City Council in June 2007, concurrence was not reached between the City and the County on the key provisions of the Tax Exchange Agreement until January 2012. This concurrence has allowed the prezoning process to move forward.
- D. The City Council has considered the previously prepared Final Mitigated Negative Declaration for the Northeast Antioch Area Reorganization, dated April 2010 and previously adopted by the City Council in June of 2010 (the "Final MND"), and has considered all comments received both during and after the close of the public comment period on the Final MND. Reaffirming its previous findings on the Final MND, the City Council hereby finds that, as of the date of this Ordinance, the Final MND reflects the City Council of the City of Antioch's independent judgment and analysis, and that, on the basis of the entire record before it, including but not limited to the Final MND, including the associated initial study, and the comments received thereon, there is no substantial evidence in the record that the prezoning of Area #1 as described in the Staff Report and the MND and as would be implemented by this Ordinance would have a significant effect on the environment.
- E. The City Council finds that the previously prepared Mitigated Negative Declaration as adopted by the City Council in June of 2010 adequately addresses the environmental impacts of the prezoning.
- F. The City Council finds that prezoning is consistent with the City of Antioch General Plan, and with the General Plan land use designations as contained in the "Eastern Waterfront Employment Focus Area".
- G. The City Council finds that prezoning is consistent with the requirements of the Transportation Sales Tax Initiative, Measure J.
- H. The prezoning consists of primarily the (M-2) "Heavy Industrial" zoning district, with (M-1) "Light Industrial" zoning district for an area south of Wilbur Avenue, and (OS) "Open Space" proposed for the existing Federal Wildlife Preserve located on the north side of

Wilbur Avenue. The geographic locations of the proposed rezoning districts are depicted in Exhibit 1.

- I. The Planning Commission on March 7, 2012 recommended that City Council adopt the rezoning by a 6-0 vote.

SECTION 2. The Final MND, attached hereto as Exhibit 2 and the associated Mitigation Monitoring and Reporting Program (the "MMRP") and attached hereto as Exhibit 3, are hereby adopted to comply with the requirements of the California Environmental Quality Act and support the rezoning of Area #1, as described and introduced by this Ordinance. These documents, together with the remaining materials constituting the record of proceedings for the rezoning of Area #1, and the adoption of the Final MND and MMRP are available for inspection and review at City Hall, 2nd Floor, Community Development Department located at the corner of 3rd and "I" Street, Antioch CA. The rezoning of Area #1, which consists of the zoning districts as depicted in Exhibit 1 of this Ordinance and defined in the Antioch Municipal Code, is hereby introduced.

SECTION 3. This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be published once within fifteen (15) days upon passage and adoption in the East County Times, a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at adjourned regular meeting of the City Council of the City of Antioch held on the 24th day of April, 2012 and passed and introduced at a regular meeting thereof, held on the 8th day of May, by the following vote:

AYES:

NOES:

ABSENT:

James D. Davis, Mayor of the City of Antioch

ATTEST:

Denise Skaggs, City Clerk of the City of Antioch

EXHIBIT 1



FINAL MITIGATED NEGATIVE DECLARATION

Prepared for
The City of Antioch

**Northeast Antioch Area
Reorganization**

Prepared by



135 Main Street, Suite 1600
San Francisco, CA 94105

April 2010

INTRODUCTION

On March 17, 2010, the City of Antioch published a Draft Initial Study and Mitigated Negative Declaration (IS/MND) which analyzed potential impacts of the proposed annexation of three subareas totaling approximately 678 acres into both the City as well as the Delta Diablo Sanitation District. A 20-day public review and comment period commenced, and was extended to conclude on April 19, 2010. During the public comment period, two public agencies provided a comment letter: the Local Agency Formation Commission (LAFCO) and the Delta Diablo Sanitation District (DDSD). These comment letters are included in **Appendix E** along with specific responses to the issues raised.

This Final MND includes edits, corrections, and items of clarification made in response to comments received on the Draft IS/MND. In this Final MND, new text is shown in **bold-underline** and deleted text is shown in ~~strikeout~~.

This Final MND includes the following four revisions:

- Page 10: The word “County” is deleted from Contra Costa Local Agency Formation Commission
- Page 54: The word “County” is deleted from Contra Costa Local Agency Formation Commission
- Page 54: Clarifying text is added to define future sewage flow routing, i.e., “**Portions of the reorganization area would have sewage flow routed through the DDSD Antioch Pump Station, as shown in Figure 7.**”
- Figure 7 is revised to correctly depict the proposed sewage flow routing.



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Northeast Antioch Area Reorganization Project Mitigated Negative Declaration

Project Description

1. *Project Title:* Northeast Antioch Area Reorganization
2. *Lead Agency Name and Address:* City of Antioch, Community Development Department, Planning Division, 3rd and H Streets, P.O. Box 5007, Antioch, CA 94531
3. *Contact Person and Phone Number:* Victor Carniglia, Deputy Director of Community Development, (925) 779-7036
4. *Project Location and Existing Land Uses*

Three areas in Contra Costa County are being considered for reorganization (annexation or incorporation) into the City of Antioch (City) and the Delta Diablo Sanitation District (DDSD). The three areas (referred to in this study as Areas 1, 2a, and 2b) are located generally along the San Joaquin River and in the vicinity of Wilbur Avenue. **Figure 1** shows the project location within the region as well as the three subareas.

Area 1 is an approximately 481 acre area predominantly occupied by heavy industrial uses. Area 1 is generally located south of the San Joaquin River, west of State Route 160 and north of the Burlington Northern Santa Fe (BNSF) railroad.

Area 2a is a 94 acre area located between Area 1 and the Antioch Bridge (State Route 160). Area 2a is currently occupied by predominantly marina and storage uses.

Area 2b is about 103 acres in area south of Wilbur Avenue and roughly centered on Viera Avenue. Area 2b contains 120 existing residential uses, nearly all of which obtain water from individual domestic wells and dispose of wastewater in individual domestic septic systems. The area also includes limited commercial and industrial areas, but is predominantly residential.

5. *Surrounding Land Uses*

As shown in **Figure 1**, the northern edges of Areas 1 and 2a are bounded by the San Joaquin River. Lands south of Area 1 but west of Area 2b are all within the City of Antioch and are currently developed with a mix of industrial/commercial and residential uses.

Lands south of Area 1 and east of Area 2b are also in the City of Antioch and currently include agricultural, institutional, and commercial uses between the BNSF railroad to the

north and East 18th Street to the south.

Lands east of Area 2a are in the City of Oakley and are currently in recreational and aquatic related uses.

6. *Project Sponsor's Name and Address:*

City of Antioch
Community Development Department
PO Box 5007
Antioch, CA 94531-5007

7. *Contra Costa County General Plan Designations:*

The County land use designations are shown in detail on **Figure 2**.

Area 1: Heavy Industrial (HI) and Open Space (OS).

Area 2a: Heavy Industrial (HI) and Delta Recreation and Resources (DR).

Area 2b: Several designations, including Heavy Industrial (HI), Light Industrial (LI), Open Space (OS), Parks and Recreation (PR), Public and Semi-Public (PS), Single-Family Residential High-Density (SH), and Single-Family Residential Medium-Density (SM).

8. *Contra Costa County Zoning Designations:*

The County zoning designations are shown in detail on **Figure 3**.

Area 1: Heavy Industrial

Area 2a: Heavy Industrial

Area 2b: Several designations, including: R-10 Single Family Residential, D-1 Two-Family Residential, A-2 General Agriculture, R-40 Single Family Residential, C-M Controlled Manufacturing, LI Light Industrial

9. *City of Antioch General Plan Designations:*

Areas 1, 2a, and 2b are within the City of Antioch's sphere of influence and as such, have been assigned land use designations in the City of Antioch General Plan. These designations are shown in detail on **Figure 4**. As the lands are currently within the jurisdiction of Contra Costa County, the City's assignment of General Plan designations are to be considered *advisory*.

Area 1: Eastern Waterfront Employment Area; designations include General Industrial, Rail-Served Industrial, and Open Space.

Area 2a: Eastern Waterfront Employment Area: designations include

Marina/Support Uses and Commercial.

Area 2b: Medium Low Density Residential; Medium Density Residential; Open Space; Business Park.

10. Description of Project:

The project under CEQA review involves a number of City actions that would lead to the reorganization (annexation) of the three subareas into both the City as well as the DDS. The term “reorganization” is preferred over “annexation” insofar as a “reorganization” means two or more changes of organization initiated in a single proposal. It can include two or more changes to the same agency, or to more than one agency. In contrast, an “annexation” refers to a boundary change involving only one agency or jurisdiction. In this case, the proposed project would expand the current boundaries of both the City and the DDS, hence the use of the term “reorganization.”

Background: The three subareas have been within the City’s sphere of influence for over 30 years. The City’s 2003 General Plan shows these areas generally within the “Eastern Waterfront Employment Focus Area.” Starting in 2005, the City began a concerted effort to reorganize portions of this Focus Area. A 2005 Strategic Plan examined background issues related to the possible reorganization of Areas 1, 2a, and 2b into the City and the DDS and is included as **Appendix B**. In July 2007, the City formally initiated reorganization efforts, leading to preparation of an application to LAFCO and a draft Negative Declaration covering only Area 1. While the City adopted the Negative Declaration in March 2008, the reorganization application did not move forward with LAFCO, due largely to the need for a tax transfer agreement between the City and the County.

The City is now considering the reorganization of Area 1 along with Areas 2a and 2b in an effort to improve public services and utilities in all three areas. The actual annexation (reorganization) of these areas may be undertaken as separate LAFCO application processes, but this environmental document examines the potential effects of the possible reorganization of all three areas, and evaluates the connection and provision of municipal services and utilities (potable water, storm drain, emergency services, sewer service, and street lighting), with the latter utilities and service examinations being programmatic in nature. As a condition of approval of a reorganization application, LAFCO will require all service providers to document an intent to serve the subject properties. The provision of City services, including police services, would be extended to the project area upon reorganization; the provision of municipal infrastructure such as water and wastewater

connections may be limited and would be phased in over a longer period of time, based primarily on funding. The priority would be given to the infrastructure most critical to health and safety, such as sewer and water services.

Mirant Marsh Landing, LLC (Mirant) is pursuing the development of a new power plant that would be located on a portion of Area 1. In accordance with state laws as specified in the Warren-Alquist Act, California Public Resources Code section 25500, et seq., Mirant has independently initiated a separate permit and environmental review process with the California Energy Commission (CEC). The California Legislature established the CEC in 1975 as part of a comprehensive program to site new power plants across the state. The Legislature gave the CEC exclusive and pre-emptive approval and licensing authority for thermal energy plants producing energy equal to or greater than 50 megawatts (MW). Mirant's proposed plant for Area 1 would produce up to 760 MW of electricity. Although the CEC has pre-emptive authority over local laws, the CEC will typically ensure that projects achieve compliance with local laws, ordinances, regulations, standards, plans, and policies. The CEC's environmental review process is a certified regulatory program under CEQA; the CEC's process yields substantially similar analysis as would the CEQA process. The CEC process differs in that CEC staff will produce several environmental and decision documents instead of an Environmental Impact Report (EIR). Mirant initiated the approval and licensing process with the CEC by submitting an application and supplemental materials. The CEC is reviewing Mirant's application materials and is expected to make a determination in the case in 2010.

Proposed Actions: The project involves the City undertaking actions consistent with LAFCO reorganization requirements and Government Code Section 56668 et seq, including pre-zoning and provision of municipal infrastructure, as described below.

A. General Plan Amendment: The project includes an amendment to the General Plan text:

- **Text Amendment:** The proposed reorganization would result in a potential conflict with two General Plan policies related to the future provision of a trail along the San Joaquin River.

Policy "I" in Section 4.4.6.3 of the General Plan Land Use Element states:

As a condition of new development or redevelopment of properties along the San Joaquin River between Rodgers Point and the existing marina at the SR 160 freeway, require dedication and improvement of a riverfront trail and linear park.

In addition, policy “c” of Section 10.3.2 of the Resource Management Element states:

Maintain the shoreline of the San Joaquin River as an integrated system of natural (wetlands) and recreation (trails and viewpoints) open space as set forth in the Land Use Element and Public Services and Facilities Element.

Should the CEC approve the proposed Mirant power plant, the implementation of the public access requirements in policy “P” and policy “c” above may be inconsistent with this industrial use. The project therefore includes a proposed amendment to the Land Use Element that would allow the City Council to modify the riverfront public access requirement if fulfilling the requirement would result in substantial risks to public health and/or safety.

The City thus proposes that the following additional language (shown in underlined text) be added to Policy 4.4.6.3.1:

As a condition of new development or redevelopment of properties along the San Joaquin River between Rodgers Point and the existing marina at the SR 160 freeway, require dedication and improvement of a riverfront trail and linear park. If the land uses proposed along the San Joaquin River Waterfront are incompatible with a riverfront trail and linear park based upon safety, security, or other reasons as determined by the City Council, the trail may instead be located along existing public roadways near any such property in question. The dimensions of this trail along with necessary landscaping, irrigation and other streetscape improvements shall be determined by the City.

In addition, the City proposes the following additional language (shown in underlined text) to be added to policy “c” of Section 10.3.2 of the Resource Management Element:

Maintain the shoreline of the San Joaquin River as an integrated system of natural (wetlands) and recreational (trails and viewpoints) open space as set forth in the Land Use Element and Public Services and Facilities Element except where the City Council finds that land uses along the waterfront are incompatible with a riverfront trail and/or viewpoints based upon safety, security, or related reasons. The dimensions of any such trail along with necessary landscaping, irrigation and other streetscape improvements shall be determined by the City.

B. Pre-zoning: The project includes pre-zoning the land to be reorganized into the City and DDS, consistent with LAFCO requirements. **Figure 5** shows the City’s proposed pre-zoning designations. In addition to applying City zoning designations to the three areas, the City also proposes, as part of the project, minor modifications to various zoning regulations. These modifications are fully discussed below.

Area 1: The majority of Area 1 (with the exception of the Antioch Dunes National

Wildlife Refuge (ADNWR)) is proposed to be zoned “M-2 Heavy Industrial District.” This proposed designation is consistent with the existing County zoning designation of “Heavy Industrial”.

Area 2a: The City proposes two zoning designations for this area. Lands from the San Joaquin River, approximately 1,200 linear feet south towards Wilbur Avenue would have a WF Urban Waterfront District designation. North of Wilbur Avenue, to the WF Waterfront area, the City proposes C-3 Service Commercial District zoning. This proposed designation represents a change from the existing County zoning designation of “Heavy Industrial”.

Area 2b: The City recognizes that many properties in this area are inconsistent with its current residential zoning requirements. The City thus proposes to pre-zone this area as Study Zoning District (S). The City would maintain the County’s existing zoning regulations for this area, including land use, density, and height, until such time in the future that the City considers different land use designations for this area.

As part of the project, the City proposes a number of modifications to the M-2 zoning regulations that would apply to M-2 zoned lands Citywide. These changes are:

- A new section (**Section 9-5.3835 Power Plants**) would be added to the Antioch Municipal Code to provide further information regarding power plants and the California Energy Commission’s review, approval, and oversight practices. The proposed new Section 9-5.3835 Power Plants will state “Thermal power plants over 50 Megawatts are subject to the review and authority of the California Energy Commission as specified in the Warren-Alquist Act, California Public Resources Code section 25500, et seq. All Power Plants will have to adhere to the City’s Laws, Ordinances, Regulations, and Standards.¹ Projects subject to the California Energy Commission’s exclusive licensing authority shall also adhere to such Laws, Ordinances, Regulations, and Standards as determined to be applicable by the California Energy Commission.”

¹ California Public Resources Code §25523 requires the CEC to make a determination whether a particular facility conforms to local regulatory requirements. To the extent there is not compliance with a local regulation, the CEC is required to meet with the local jurisdiction in an effort to correct or eliminate the non-compliance. However, if the non-compliance cannot be avoided, the CEC can nevertheless approve the facility if it can make certain findings regarding its public necessity. Thus, the City’s proposed use permit requirement on thermal power plants producing 50 MW or greater could be overridden by the CEC.

- Section 9-5.3803 – Table of Land Use Regulations of the Antioch Municipal Code summarizes permitted and conditionally permitted uses in all zoning districts citywide. The City proposes to modify this section by adding “Power Plants under 50 MW” and “Power Plants over 50 MW”, under Industrial Uses with reference to the proposed new Section, 9-5.3835 Power Plants. Both Power Plants under and over 50 MW that are not subject to the California Energy Commission’s exclusive licensing authority will require a Use Permit (UP) in the M-2 zoning designation. This section would also be modified to state that any other type of power generating facility would require “U” Use Permit approval.
- Height limit: Section 9-5.601 of the Antioch Municipal Code governs height limits in zoning districts citywide. This section’s limits regarding the M-2 district would be modified. The current M-2 height limit of 70 feet would not be applicable to exhaust stacks and similar industrial equipment associated with a Power Plant under or over 50 MW in capacity.
- Section 9-5.1001 of the Antioch Municipal Code sets forth landscaping requirements citywide. The City proposes to modify the landscape requirements concerning M-2 zoned areas (Section 9-5.1001 to 9-5.1005) and Parking Lot Landscaping (Section 9-1716) to be applicable only to areas of the site that are located within the required landscape setback from a public road right of way as specified in Section 9-5.601 and areas that are accessible by the public such as parking lots.
- The Antioch Dunes National Refuge is proposed to be zoned “OS” Open Space/Public Use District.

C. Providing municipal utilities and public services to the reorganized area. Both LAFCO and the Government Code stipulate that annexations or reorganizations should be completed in order to better and more efficiently provide services. In the present case, the three subareas are almost entirely surrounded by incorporated cities (Antioch and Oakley). As such, the provision of public services (such as police protection) to these areas would be more efficiently achieved by local agencies versus County agencies.

In addition, the three areas are known to have substantial utility deficiencies. For instance, several streets in Area 2b are unpaved. Moreover, residences in Areas 2a and 2b rely on well water for drinking and also utilize individual septic systems within close proximity, thus posing risk of cross-contamination and attendant public health and safety concerns. Reorganization into DDSD would allow for municipal waste water service to

replace individual septic systems. Reorganization into the City would allow for the provision of treated water.

Figure 6 shows existing water, sewer, and storm drain utilities in the project area. As part of the reorganization process, the City has conducted a study of the infrastructure improvements needed to bring Areas 1, 2a, and 2b up to City standards. Illustrations from this study are described below and are included as **Figures 7** through **10**. **Figure 7** shows the water, sewer, and storm drain improvements necessary within the project area to bring the subject properties up to City infrastructure standards. **Figure 8** shows needed electrical utility improvements to bring the subject properties up to City standards. **Figure 9** shows proposed street improvements needed to meet current City standards. Finally, **Figure 10** shows needed right-of-way acquisitions in order to provide the utility and street improvements.

Concurrent with the infrastructure study, the City also prepared a fiscal impact analysis, studying the cost of the proposed infrastructure improvements relative to anticipated tax revenues associated with the subject properties. The summary of this study is included as **Appendix C**, and concludes that while anticipated tax revenues for Areas 1, 2a, and 2b would cover the ongoing cost of providing City services, such as public safety, substantial additional investment would be required to make the necessary improvements and service extensions.

(*) This environmental document examines the full extent of all proposed infrastructure improvements for Areas 1, 2a, and 2b. The improvements shown on Figures 7 through 10 should be considered diagrammatic. As funding is available to implement various infrastructure improvements, the City, prior to construction, will develop more detailed drawings depicting the proposed improvements. At such time that more detailed drawings are developed, the City will determine if any additional CEQA review is required.

If reorganized into the City, the reorganization area is ultimately anticipated to receive municipal water service from the City of Antioch. This initial study examines the potential impacts of this proposed change, including a review of the adequacy of available municipal water to serve the project area.

In addition, following reorganization, the project area would receive other municipal services from the City similar to any other area of the City. Such services include policing and maintenance services. The project's potential environmental impacts

related to these municipal services are addressed in this initial study.

D. Additional Actions

Tax Transfer Agreement - The City and Contra Costa County are in the process of negotiating a tax transfer agreement. The agreement will stipulate how future revenues will be shared between the two jurisdictions. This agreement has no physical impact and is not subject to CEQA. It is identified here as part of the possible agency actions related to the annexation project.

Out of Agency Service Agreement – If necessary, the city may seek approval from LAFCO for an Out of Agency Service Agreement (agreement), which would allow the City to provide services to the Mirant Marsh Landing Generating Station for a specific period of time while the annexation process is completed. If needed, the agreement would allow the city to provide the same services on a temporary basis that are contemplated by the proposed annexation. This environmental document would therefore also support the agreement, should it be deemed necessary. The agreement is identified here as part of the possible agency actions related to the annexation project.

10. *Requested Actions:*

Table 1 lists the discretionary and ministerial approvals requested for the proposed project.

Table 1. Project Approvals

Agency/Provider	Permit/Approval
City of Antioch	Adoption of Negative Declaration Approval of Pre-Zoning(s)
Delta Diablo Sanitation District	Provision of “Intent to Serve” Statement(s)
City of Antioch and Contra Costa County	Tax Transfer Agreement(s)
Contra Costa County Local Agency Formation Commission	Approval of Reorganization(s) Out of Agency Service Agreement

Source: CirclePoint, 2010.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages. Mitigation measures have been provided for each potential significant impact, reducing all to a less than significant level.

- | | |
|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology & Water Quality |
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population & Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation & Circulation | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | |

Compliance with New CEQA Guidelines

This environmental impact checklist incorporates proposed text changes to the CEQA guidelines to address the analysis of greenhouse gas emissions. The new CEQA guidelines also require a discussion of forest resources and incorporate modifications to the significance criteria for transportation and circulation impacts.

In regards to greenhouse gas emissions, Senate Bill 97, passed in 2008, directed the Office of Planning and Research (OPR) to prepare, develop, and transmit to the Resources Agency by July 1, 2009, guidelines for the feasible mitigation of GHG emissions or their effects. OPR issued draft guidelines on April 13, 2009. The CEQA guidelines were approved by OPR in December 2009 and will formally take effect on March 18, 2010.

This mitigated negative declaration (MND) is being published before March 18, 2010, and is not therefore legally required to address these new CEQA checklist questions. However, this MND does include analysis in compliance with the proposed new guidelines and changes to Appendix G of the CEQA Guidelines in **Appendix A**. **Appendix A** includes the new checklist questions and analysis related to Agricultural and Forest Resources and Transportation and Circulation, as well as the quantified evaluation of greenhouse gas emissions per the new Greenhouse Gas Emission environmental checklist.

Determination

On the basis of this initial evaluation:

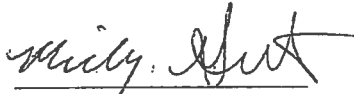
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that the proposed project COULD have a significant effect on the environment, but mitigations identified in this Initial Study will reduce these impacts to a less than significant level, and a MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigates pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.



Mindy Gentry
Associate Planner

4/28/10
Date

ENVIRONMENTAL IMPACT CHECKLIST

I. Aesthetics

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Have a substantial adverse effect on a scenic vista?

No Impact. The City's General Plan identifies views of Mt. Diablo, ridgelines, and the San Joaquin River as important visual resources. There are existing intermittent views of Mt. Diablo and the San Joaquin River from various locations in the project area. As neither development nor construction would immediately result from project implementation, the project would do nothing to alter existing limited views of these scenic resources. The reorganization of the project area into the City and the DDSA would result in no change to any view of Mt. Diablo or the San Joaquin River.

The existing County zoning for all of Area 1 and 2a is Heavy Industrial (Figure 3). The County's Heavy Industrial zone district does not include *any* height limit for development². The City is proposing to reduce the acreage of land zoned for Heavy Industrial uses, and would also limit the height of industrial development on that land to 70 feet, with the

² Contra Costa County Zoning Code, Section 84-62.602 Lot, height, yard – Regulations – “There are no lot area, height, or side yard regulations or limitations in the H-I district.” (Heavy Industrial).

exception of exhaust stacks and similar industrial equipment associated with a Power Plant. The city's M-2 zone district imposes requirements related to lot coverage and minimum building site that would further restrict the density and massing of future development. The project would therefore reduce potential obstruction of views by restricting the height, location, and density of future industrial development.

All city lands currently zoned M-2 are located adjacent to or in close proximity to the project area³; thus the proposed height exception in the M-2 zone district for exhaust stacks and similar industrial equipment associated with a Power Plant would be limited to the project area and the immediate vicinity. The project would not adversely affect scenic vistas from other locations within the city. No mitigation is required.

b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. According to the California Department of Transportation (Caltrans), there are no state or county designated scenic highways in the City nor in eastern Contra Costa County as a whole. Moreover, there are no rock outcroppings or historic buildings in the vicinity of the project site. Therefore, there project would result in no impact to scenic resources within a state scenic highway. No mitigation is required.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The project involves a series of procedural actions and would not introduce any new construction or development that would degrade the existing visual character or quality of the site or its surroundings.

In terms of potential changes associated with future development, Area 1 and 2a would change from all heavy industrial zoning under County designations, to a mixture of heavy industrial, open space, urban waterfront, and service commercial uses. The City's intention for Area 2b is to identify zoning that most closely matches the existing pattern of development. The visual character and quality of the site would therefore be similar to or less industrial than what is already envisioned by the County's zoning and general plan land use designations. Over time, as City standards are implemented, it is reasonable to assume that streetscape improvements would improve the area's existing visual character and quality, particularly such portions of the project area that lack paved roads and/or streetlights. No mitigation is required.

³ Lands between McElheny Road and Fulton Shipyard Road, approximately 1/8 mile west of the western boundary of Area 1, also have an M-2 zoning designation.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. As discussed above, implementation of the proposed project would allow for street improvements, including new street lighting per City standards. The timing, locations, and extent of such lighting improvements are not known at this time. At such time that the City has the resources to move forward with such improvements, separate environmental review would be required to document any environmental impacts. Any future new development in the project area would be required to comply with City of Antioch lighting standards as articulated in Section 9-5.1715 of the Antioch Municipal Code. The project would result in no light or glare impact. No mitigation is required.

II. Agricultural Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

No Impact. The California Department of Conservation maintains the Farmland Mapping and Monitoring Program (FMMP) which produces maps and other data showing California's agricultural resources. The FMMP maps show Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, based on ratings that take into account soil quality and irrigation status, using the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) soil survey data.

Under CEQA, conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is considered a significant impact.

The project site contains approximately 28.6 acres of Farmland of Statewide Importance, as shown in Figure 11.⁴ Of the total 28.6 acres of Farmland of Statewide Importance, about 21.5 acres are within Area 1 and 7.1 acres are within Area 2b. As of October 2009, all of

⁴ California Department of Conservation. (June 2009). Contra Costa County Important Farmland 2008. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2008/con08.pdf>.

these lands are in agricultural use. (The project site also contains approximately 26.2 acres of Farmland of Local Importance, which is not considered a protected category of agricultural lands under CEQA.)

Implementation of the project will not change the existing agricultural uses on site. Section 5-3809 of the Antioch Municipal Code allows for pre-existing agricultural uses to be continued when a new land use designation is imposed, and all of the lands currently in agricultural use would remain in agricultural production following the reorganization. As the project would not include any change to existing land uses on the ground, the project would not result in the conversion of Farmland of Statewide Importance to non-agricultural uses. Any future construction or development in Areas 1 and 2b would be subject to separate environmental review where any potential changes to designated Farmlands would be analyzed. Therefore, the project would not convert and designated Farmland to a non-agricultural use. No mitigation is required.

Additional consideration of agricultural lands pursuant to LAFCO regulations

LAFCO defines prime agricultural land in the California Government Code as land that has not been developed for a use other than an agricultural use and that meets any of the following qualifications (*emphasis added*):

- a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA NRCS land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible;
- b) Land that qualifies for rating 80 through 100 Storie Index Rating;
- c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the USDA;
- d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Under LAFCO regulations, the 28.6 acres of Farmland of Statewide Importance would be considered "Prime." In addition, the project site also contains approximately 26.2 acres of Farmland of Local Importance, which is not considered a protected category of agricultural

lands under CEQA, but some or all of which LAFCO may consider “Prime” pursuant to the LAFCO regulations discussed above.

No other lands within the three areas appear to meet LAFCO definitions of prime farmland insofar as all other lands have been developed for uses other than agricultural use.

In terms of future development and possible conversion of agricultural uses, any development in Areas 1 and 2b would be subject to environmental review where any potential changes to designated Farmlands would be analyzed.

Regarding Area 1, the reorganization does not increase the likelihood of conversion of agricultural lands as the County’s General Plan and zoning already identifies the lands in Area 1 for Heavy Industrial development. The City’s proposed Industrial designations would be consistent with the existing General Plan and zoning classifications.

Regarding Area 2b, the reorganization does not increase the likelihood of conversion of agricultural lands as the County’s General Plan already identifies the lands for public space and open space, not agricultural use. The City of Antioch is proposing a General Plan designation of open space for these lands, which is consistent with the existing County land use designations. [The existing County zoning for this acreage is single family residential (R-10) and controlled manufacturing (C-M)].

Furthermore, the proposed annexation would not result in any change to the existing land uses. As discussed above, all of the lands currently in agricultural use would remain in agricultural production following the reorganization. As the project would not include any change to existing land uses on the ground, the project would not result in the conversion of Farmland of Statewide Importance or Farmland of Local Importance to non-agricultural uses.

b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?

No Impact. No portion of the project site is under a Williamson Act contract. However, approximately 16.4 acres of Area 2b is currently zoned for agricultural uses (H-1) by Contra Costa County. Implementation of the proposed project would pre-zone Area 2b under the City of Antioch’s S Study Zoning District. This designation would allow the City to maintain the County’s existing zoning regulations for this area, including land use, density, and height, until such time in the future that the City considers different land use designations for this area. Therefore, the project would result in no conflict with either a Williamson Act contract or existing zoning for an agricultural use. No mitigation is required.

c) **Involve other changes in the existing environment which due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?**

Less Than Significant Impact. The project site contains approximately 28.6 acres of Farmland of Statewide Importance in Areas 1 and 2b. Implementation of the proposed project would result in these areas receiving City of Antioch General Plan and zoning designations and would also allow for the extension of City services (potable water, storm drain, sewer service, and street lighting) to the existing residences and businesses currently located on the project site. As noted above, the project would not result in any change of an existing land use on the ground; moreover, Antioch Municipal Code Section 5-3809 allows for the continuation of existing agricultural uses on a site when that site's zoning designation may be changed. The extension of urban services throughout the project area may result in an increased likelihood that existing agricultural lands in the project area are under greater pressure from market forces to convert to a non-agricultural use. However, the timing and extent of actual infrastructure improvements in the project area is not known. Therefore, consideration of possible future conversions of Farmland would be speculative. As noted above, the reorganization does not increase the likelihood of conversion of agricultural lands in Area 1, as the County's General Plan already identifies the lands in Area 1 for Heavy Industrial development. Regarding Area 2b, both the County General Plan and the City's proposed General Plan designations indicate open space or public space for the majority of these lands. In summary, the project would result in a less than significant impact in terms of other environmental changes that could affect Farmland.

III. Air Quality

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan or Congestion Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a), b), c), and d) Impacts related to emissions/air quality standards/criteria pollutants?

No Impact. A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the regional growth assumptions, in terms of population, employment, or regional growth in Vehicle Miles Traveled (VMT). The proposed project would not result in population growth or result in any emissions since the project is comprised of procedural actions and would not result in any new development that could have an air quality impact. Any future construction or development in Areas 1, 2a, and 2b, including the new power plant, would be subject to a separate environmental review process in which any potential air quality impacts associated with the specific land use

would be identified. Therefore, the project would not conflict with or prevent attainment of the applicable Air Quality Attainment Plan, violate any air quality standards, or substantially increase criteria pollutant concentrations, and no impact related to emissions would occur. No mitigation is required.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Implementation of the proposed project would allow for existing residences on the project site to connect to City sewer services over time, as funds are available to develop necessary trunk lines, and lateral connections are installed. Over a long-term time frame, this would be a beneficial improvement that could reduce odors in the project area resulting from any existing malfunctioning septic systems. Additionally, future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review to consider potential odor impacts. Therefore, the proposed project would result in a less than significant impact in creating objectionable odors. No mitigation is required.

IV. Biological Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to: marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, Regional, or state habitat Conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a), b), c) Impacts to habitat, natural community, sensitive or special-status species, or migratory species?

No Impact. The Antioch Dunes National Wildlife Refuge is located within Area 1 of the project site and is considered an important natural community. No change in ownership, management, surrounding land uses, or control of the project site would result from implementing the proposed reorganization, and therefore there would be no impact on habitat, natural community, sensitive or special-status species, or migratory species that may or may not exist on the project site. Any future construction or development in Areas 1, 2a, or 2b would be subject to separate environmental review to identify any potential impacts to potential biological resources. No mitigation is required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. The project involves a series of procedural actions and would not introduce any new construction or development that would alter existing conditions.

Furthermore, the project area is surrounded by industrial and otherwise developed uses to the south and west, which preclude major wildlife movement. While some agriculture and undeveloped lands occur to in the project area and to the southeast of Areas 1 and 2b, this land is bordered by heavily traveled thoroughfares. The BNSF railroad bisects Area 1 and Area 2b, State Route 4 is less than 1 mile south of the project site, and State Route 160 borders Area 2a to the east. Existing wildlife movement opportunities are therefore heavily constrained under existing conditions.

The San Joaquin River is located immediately to the north of Area 1 and 2a and does provide an important movement corridor for fish. As noted above, the project would not result in any physical impact to this resource. The potential construction of a new power plant is not part of this project and would be subject to separate environmental review that would evaluate potential impacts to the San Joaquin River. No mitigation is required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The project site may contain biological resources that are protected by ordinance at the City or County levels, such as protected trees. However, the proposed project consists of a series of procedural actions and does not include any construction or development activities. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review to identify any potential impacts to potential biological resources protected by City or County ordinances. No mitigation is required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, Regional, or state habitat Conservation plan?

No Impact. There is no operative habitat conservation plan in the City of Antioch. The closest habitat conservation plan is the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCCHCP). The City is not within the ECCCHCP area, although the ECCCHCP does include the City of Oakley. Area 2a is bordered by the City of Oakley to the east; however, the existing uses in Area 2a are highly industrial and are not identified in the ECCCHCP as significant resource areas. Therefore, the project would not result in conflict with any habitat conservation plan or natural community conservation plan. No mitigation is required.

V. Cultural Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource, pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource, site, or unique geologic features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

No Impact. The City of Antioch’s General Plan EIR includes an inventory of historical resources within the City and the City’s SOI. There are no mapped historical resources on the project site; however, the General Plan EIR lists the “Marsh Landing” as a historical resource located near the Antioch Bridge (PG&E site). This resource is not mapped.

The proposed project includes a series of procedural actions and would not result in construction or development activities. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review that would evaluate impacts to known historical resources. Mirant Marsh Landing, LLC, is independently initiating a separate environmental review process for the proposed new power plant that would be located on a portion of Area 1 and would be required by CEQA to identify a substantial adverse change to the significance of any known historical resources located on the power plant project site. Therefore, the proposed project would result in no adverse change in the significance of any historical resource. No mitigation is required.

b), c), and d) Impacts to archaeological resources, paleontological resources, and human remains?

No Impact. According to the City's General Plan EIR, numerous paleontological resources have been recorded within the City limits, particularly near the San Joaquin River. Although the project site is located adjacent to the San Joaquin River, there would be no potential to encounter these resources since the project would not result in construction or development activities. The proposed project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b involving ground disturbance would be subject to separate environmental review to identify any potential impacts to unknown archaeological resources, human remains, and paleontological resources. No mitigation is required.

VI. Geology and Soils

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslide?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project result in substantial soil erosion or the loss of topsoil?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in table 18-1b of the Uniform Building Code (1994), creating substantial risks to life or property?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Expose people or structures to potential substantial adverse effects including the risk of loss, injury or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

No Impact. No evidence of active or recent faulting has been observed on the project site; no active faults or Earthquake Fault Zones (Alquist-Priolo Special Studies Zones) are located on the project site or within the City.⁵ However, the San Francisco Bay region is considered to be seismically active and subject to the effects of future earthquakes. Four major, historically active faults are located within 30 miles of the project site:

- Hayward Fault (approximately 26 miles west);
- Calaveras fault (approximately 17 miles southwest);
- Concord-Green Valley fault (approximately 13 miles west);
- Marsh Creek-Greenville fault (7 miles southwest).

The San Andreas Fault, which is the largest regional fault, is located approximately 45 miles west of the City.⁶ However, the proposed project would not result in construction or development activities that could increase risks related to fault rupture; rather, the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. As there are no known active faults on the project site or in the immediate vicinity, there would be no impact regarding the risk of fault rupture. No mitigation is required.

ii) Strong seismic ground shaking?

No Impact. The project site will likely experience seismic ground shaking similar to other areas in the seismically active San Francisco Bay Area region. Earthquakes along several active faults in the region, as discussed above, could result in moderate to strong ground shaking at the project site. The intensity of earthquake ground motions would depend on the characteristics of the generating fault, distance to the fault and rupture zone, earthquake magnitude, earthquake duration, and site-specific geologic conditions. However, the proposed project would not result in any immediate construction or development activities since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b involving ground disturbance would be subject to

⁵ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. pg. 4.5-16

⁶ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. pg. 4.5-10

separate environmental review that would address potential impacts from seismic ground shaking. Therefore, implementation of the proposed project would result no impact related to seismic ground shaking. No mitigation is required.

iii) Seismic-related ground failure, including liquefaction?

No Impact. Liquefaction is a phenomenon in which saturated soils lose their strength and stiffness as a result of seismic-related ground shaking.⁷ According to the City's General Plan EIR, the project site is mostly located within an area that is considered a "Moderate" area of susceptibility to liquefaction, with a limited portion of Area 1 and Area 2a designated as a "High" area susceptible to liquefaction near the San Joaquin River.⁸ However, the proposed project would not result in any construction or development activities that would require the classification of subsurface materials to determine soil stability. Rather, the project consists of a series of procedural actions that will not increase any risk of seismic related ground failure, including liquefaction. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review where soil classification would be required prior to issuance of any grading or building permits. There would be no impact related to seismic related ground failure. No mitigation is required.

iv) Landslides?

No Impact. The majority of the project site consists of flat or gently sloping topography. According to the City's General Plan EIR, the project site is located within areas that are considered "Very Stable," with areas of 0 to 5 percent slope that are not underlain by landslide deposits, "Generally Stable," with areas of 5 to 15 percent slope that are not underlain by landslide deposits, and "Generally Stable to Marginally Stable," with areas of greater than 15 percent slope that are not underlain by landslide deposits or bedrock units susceptible to landsliding.⁹ However, the proposed project consists of a series of procedural actions and thus would not result in construction or development. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review where soil classification would be required prior to issuance of any grading or building permits. Therefore, there would be no impact related to landslides. No mitigation is required.

b) Would the project result in substantial soil erosion or the loss of topsoil?

No Impact. The proposed project consists of a series of procedural actions and would not result in construction or development activities. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review where any potential

⁷ Saturated soils are soils in which the space between individual soil particles is completely filled with water.

⁸ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. (Figure 4.5.4)

⁹ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. (Figure 4.5.5)

impacts resulting in soil erosion or loss of topsoil would be analyzed. Therefore, implementation of the proposed project would not result in any impact related to soil erosion or loss of topsoil. No mitigation is required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

and

d) Be located on expansive soil, as defined in table 18-1b of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact. The proposed project would not result in construction or development activities since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review where any potential impacts related to construction on unstable or expansive soils would be analyzed and mitigation measures incorporated. Therefore, implementation of the proposed project would not result in any impact related to unstable or expansive soil conditions. No mitigation is required.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Less Than Significant Impact. Existing residential units in Area 2b currently use septic tanks as do the existing marinas in Area 2a and the existing industrial uses in Area 1. Most of these residential units are within Area 2b. Implementation of the proposed project would allow the project area to be connected to the City's sanitary sewer system, potentially allowing for some or all of the residences using septic systems to be connected to the municipal sewer system. Moreover, the project consists of a series of procedural actions and does not include construction or development activities. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. The project would result in a less than significant impact related to septic tanks. No mitigation is required.

VII. Hazards and Hazardous Materials

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
evacuation plan?				
h) Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

and

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact. Because most of Area 1 is zoned for industrial uses, hazardous materials are most likely used and stored in this area. Additionally, the residential units currently on the project site (mostly in Area 2b) could be using small volumes of common household hazardous materials, such as cleaning agents.

A record search of hazardous materials releases and management sites (e.g., locations of above ground storage tanks) reported by federal, state, and local agencies was conducted for Areas 1, 2a, and 2b.¹⁰ The report lists at least one record for each of 22 sites for Area 1 and seven sites for Area 2a and indicates that all sites are either closed or actively managed. No records were returned for Area 2b. There would be no new sources of hazardous waste generation, hazardous material use, or sources of hazardous exposure associated with implementing the proposed project since the project consists of a series of procedural actions; the project does not include construction or development. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. Therefore, implementation of the proposed project would not result in any impact related to the routine use, transport, or disposal of significant quantities of hazardous materials or the upset and accidental conditions involving hazardous materials. No mitigation is required.

¹⁰ Environmental Data Resource, Inc. (EDR). December 2007. The EDR Radius Map with Geocheck: The Northeast Antioch Reorganization.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. Delta Christian College, Cornerstone Christian School, and Shining Star Christian Academy are currently located within one-quarter mile south of the project site. These schools are closest to Area 2b which consists of mainly residential uses. However, as noted above, the proposed project would not involve the use, transport, or disposal of hazardous materials, and would not create a significant hazard to the public or the environment since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. No impact would occur and no mitigation is required.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment?

No Impact. The project site was not identified as a hazardous materials site on any of the local or state regulatory agency database lists pursuant to Government Code Section 65962.5. Therefore, no impact would occur and no mitigation is required.

e) and f) Proximity to Airport/Private Airstrip?

No Impact. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast; Buchanan Field is about 15 miles to the west. The closest private airstrip to the project site is the Funny Farm Airport, located 8 miles to the east beyond the City of Brentwood. The distance from airports and private airstrips ensures that the project would not be adversely affected by airport operations. Furthermore, no impact would occur since the project consists of a series of procedural actions. No mitigation is required.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The project site is currently under the jurisdiction of the Contra Costa County Fire Prevention District (CCCFPD), which serves extensive areas within both unincorporated and incorporated Contra Costa County. The proposed project consists of a series of procedural actions, would not introduce any new construction or development that would alter existing conditions, and therefore would result in no impact that would impair or physically interfere with the provision of emergency services or existing emergency evacuation plans. No mitigation is required.

h) Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project site is surrounded by industrial uses, residential development, agricultural uses, and open space areas, and is not located in the vicinity of areas that could be characterized as wildlands. Additionally, the proposed project consists of a series of procedural actions; any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. No impact would occur and no mitigation is required.

VIII. Hydrology and Water Quality

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage patterns of the site or area including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) and f) Impacts to water quality?

Less than Significant Impact. Facilities located on the project site are either on septic tanks or do not have a registered septic utility. Many of these existing septic tanks are believed to be older and are thus vulnerable to failure. The Contra Costa Environmental Health Division reviewed the conditions, specifically on properties within Area 2b, and noted that 50 to 75 percent of the septic systems were on the verge of failing.¹¹ The proposed reorganization itself would not result in any immediate water quality changes, but over time, as connections to City services are implemented, it is reasonable to assume that the impact on water quality would be beneficial because the existing septic systems could be replaced with facility connections to the City and DDSW wastewater infrastructures.

Consequently, the potential for contamination of groundwater wells would be reduced due to the proposed reorganization. The project would therefore result in a beneficial impact that would be considered less than significant. No mitigation is required.

¹¹ Contra Costa County Local Agency Formation Commission. December 2007. *Water and Wastewater Services Municipal Services Review for East Contra Costa County.*

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?

No Impact. The project itself would not result in any immediate water groundwater impact in that the proposed reorganization involves a series of procedural actions. However, over time, as residential properties currently drawing water from private wells are connected to the municipal water system, it is reasonable to assume that the impact on groundwater would be beneficial. With each connection to the municipal water system, water production from private wells drawing upon groundwater would be expected to decrease. In all, the project would result in a less than significant (beneficial) impact. No mitigation is required.

c), d) e) Impacts to drainage patterns?

Less than Significant Impact. The project would result in the reorganization of the project area into the City and DDS. There would be no substantial adverse change to drainage flow as a result of implementation of the proposed reorganization, as no construction or development is associated with the project.

If the project area is reorganized into the City and DDS, the City's stormwater drainage requirements would apply and it is anticipated that these requirements would be implemented over time as new development occurs. As these City requirements are implemented, it is reasonable to assume that a beneficial impact to drainage patterns would occur, insofar as the project area is currently lacking any formal system to control stormwater drainage. Therefore, implementation of the proposed project would result in a beneficial and thus less than significant impact to project area drainage patterns. No mitigation is required.

g), h), and i) Flooding or other hazards?

No Impact. According to maps prepared by the Federal Emergency Management Agency (FEMA), the portions of the land adjacent to the San Joaquin River of Area 1 and Area 2a are located within the 100-year flood hazard zone.¹² The Contra Loma Dam is the closest dam to the project site. The City-wide inundation map for the failure of Contra Loma Dam and Dike No. 2 indicates that the project site is not located in the areas that would be impacted by this dam failure.¹³ Furthermore, implementation of the proposed project involves a series of procedural actions and would not introduce any new construction or

¹² Federal Emergency Management Agency. (June 16, 2009). *Federal Insurance Rate Map No.06013C0143F, No.06013C0144F, Contra Costa County.*

¹³ City of Antioch. (November 2003). *City of Antioch General Plan.* (Figure 4.7.3).

development that would alter existing conditions in the area. Future development within the project area would be subject to separate CEQA review to determine if such development could result in an increased risk of flooding and related hazards. Future development within the 100-year flood plain would be required to implement improvements to remove proposed development from the flood zone. The project would result in no impact related to increased flood risk. No mitigation is required.

j) Inundation by seiche, tsunami, or mudflow?

No Impact. The project site is located over 40 miles from the Pacific Ocean. Tsunamis typically affect coastlines and areas up to ¼ mile inland. Due to the project's distance from the coast, potential impacts related to a tsunami are minimal. As neither steep slopes nor volcanoes are located in close proximity to the project site, the possibility of inundation by landslides or volcanic mudflows is remote. The project site is located adjacent to the San Joaquin River. However, implementation of the proposed project involves a series of procedural actions, would not introduce any new construction or development that would alter existing conditions in the area and would therefore result in no impact related to the risk of inundation by seiche, tsunami, or mudflow. No mitigation is required.

IX. Land Use and Planning

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Physically divide an established community?

No Impact. The project site is mainly bordered by land under the City of Antioch’s jurisdiction. Implementation of the proposed project would remove the political distinctions currently existing between the project area and the surrounding City of Antioch. The project includes no physical changes that could divide any established community. No mitigation is required.

b) Conflict with relevant land use plan, policy, or regulation?

Less than Significant Impact. Areas 1, 2a, and 2b are located in unincorporated Contra Costa County, and are also located within the City’s SOI; therefore, both the County and City have adopted land use designations for these lands.

Pre-Zoning: As shown on **Figure 5**, the City proposes pre-zoning that is consistent with the City’s current General Plan land use designations.

Area 1: As a part of the proposed reorganization, the City intends to pre-zone Area 1 as Heavy Industrial (M-2), except for the Antioch Dunes National Wildlife Refuge which would be pre-zoned Open Space (OS).

Area 2a: The northern portion of Area 2a would be pre-zoned as Urban Waterfront (WF) while the southern portion of Area 2a would be pre-zoned Regional Commercial (C-3).

Area 2b: The City would pre-zone Area 2b as a Study Zone (S), allowing the existing County zoning designation to remain until the City adopts its own land use designations, to be determined at such time in the future. The proposed reorganization is consistent with the City and County general plans, and the City and DDS 5-year CIPs.

General Plan: In 2003, the City Council adopted General Plan land use designations for the project area as part of the General Plan update. The proposed pre-zoning would be consistent with the current General Plan land use designations for the project site.

LAFCO: LAFCO policies discourage the creation of islands through annexation. The proposed reorganization of Areas 1, 2a, and 2b would unify the area into the City's jurisdiction, and would remove the existing island of County land that currently exists within the City limits.

Furthermore, LAFCO policies and the City's General Plan require areas to be annexed or reorganized must be pre-zoned by the City and as appropriate, proof of necessary service, facility capacity, and an indication of intent to serve must be provided. As noted above, the City intends to pre-zone all subareas to be consistent with existing General Plan designations.

The only change to the current land use associated with the proposed reorganization would be a formal adoption of this zoning and a 2-year freeze on rezoning of that property after completion of the reorganization, pursuant to Government Code §56375. Thus, the project would not conflict with any existing land use plans or policies. No mitigation is required.

c) Conflict with any applicable habitat conservation plan?

No Impact. There is no operative habitat conservation plan in the City of Antioch. The closest habitat conservation plan is the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCCHCP). The City is not within the ECCCHCP area, although the ECCCHCP does include the City of Oakley. Area 2a is bordered by the City of Oakley to the east; however, the existing uses in Area 2a are highly industrial and are not identified in the ECCCHCP as significant resource areas. Therefore, the project would not result in conflict with any habitat conservation plan or natural community conservation plan. No mitigation is required.

X. Mineral Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) and b) Result in the loss of availability of a known mineral resource and/or the availability of a locally important mineral resource recovery site?

No Impact. According to the Contra Costa County General Plan, the project site is not classified or designated within a mineral resource zone. Furthermore, the City's General Plan EIR states that none of the areas identified in the General Plan for redevelopment contain mineral resources that would be of value to the region and residents of the state. In sum, the proposed project would have no impact to mineral resources. No mitigation is required.

XI. Noise

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of the other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a), b), c) and d) Impacts related to temporary and permanent noise levels, ground borne noise levels and ground borne vibration levels?

No Impact. Implementation of the proposed project would not create new sources of noise since there would be no change to the existing uses of Areas 1, 2a, and 2b. The

project consists of a series of procedural actions. If and when any infrastructure improvements are implemented within the project area, temporary noise impacts could occur during installation. If and when detailed engineering plans for portions of the overall infrastructure improvement plan are developed for the project area, the City will make a determination of the potential for such improvements to result in temporary noise impacts.

A potential increase in permanent noise levels on the project site would be based on land use changes or transportation changes. There are no land use or transportation changes associated with the project since the project consists of a series of procedural actions.

Mirant Marsh Landing, LLC, has initiated a separate environmental review for the proposed power plant that would be located on a portion of Area 1. This environmental review would include an analysis of potential permanent noise impacts and mitigation measures associated with a new power plant. All future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review which would identify potential impacts and mitigation measures related to temporary and permanent increases in noise levels. Therefore, the proposed project would not result in any temporary or permanent increase in noise levels, ground-borne noise levels, or ground-borne vibration levels. No mitigation is required.

e) and f) Located within an airport land use plan/vicinity of a private airstrip?

No Impact. The project area is not located within an airport land use plan, within two miles of an airport, nor within the vicinity of any private airstrip. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast and Buchanan Field is about 15 miles to the west. The nearest private airstrip, Funny Farm Airport, is located 8 miles to the southeast. Due to the project's distance from and the flight path orientation of these airports, there is no impact with regard to the noise impacts from aircraft noise sources. No mitigation is required.

XII. Population and Housing

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly, (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Induce substantial population growth?

Less Than Significant Impact. Although the project could create the opportunity to potentially extend infrastructure and improve roads within Areas 1, 2a, and 2b, the project would not induce population growth since these areas are currently developed with existing uses. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. In most cases the City and County General Plan designations are in agreement, and the proposed city pre-zoning matches the land uses envisioned by the County General Plan. Notable exceptions include the following:

- A portion of Area 2a is currently designated by the County for heavy industrial uses. The City's General Plan envisions commercial and marina uses. The City's proposed pre-zoning indicates Urban Waterfront (WF) and Service Commercial uses (C-3).
- The County General Plan includes a wide mix of General Plan designations for Area 2b, including Heavy Industrial, Open Space, Public Space, and Single-Family Residential. The City's General Plan largely follows the intent of these designations, although the City's General Plan proposes a Business Park in lieu of Heavy Industrial along East 18th Street.

Notably, Areas 1 and 2a comprise substantial portions of the "Eastern Employment Area"

within the City's General Plan. Most of Area 2b was not included within the Eastern Employment area, but its potential buildout as residential was assumed within the City's General Plan/EIR. Please refer to Tables 3.A and 3.B of the City's General Plan EIR (attached).

Development of Areas 1, 2a, and 2b pursuant to the City's planned land use designations could result in an intensification of development and traffic. However, the City's 2003 General Plan EIR included the aforementioned program-level evaluation of development of the unincorporated areas, assuming more than 7 million square feet of new business park development within the Eastern Employment Focus Area. As shown in Table 3.B, the General Plan EIR also conservatively assumed development of up to about 300 new residential units in unincorporated areas outside the Eastern Employment Focus Area (such as Area 2b); however, Area 2b is already developed and its incorporation would not result in "new" residential development.

Therefore, the environmental impacts of the pre-zoning proposed as part of the Northeast Antioch Area Reorganization has already been analyzed at a programmatic level. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate project-level environmental review once the specific components and extent of each project is known.

The project would slightly increase the City's population by adding the residents currently located in unincorporated areas to the City of Antioch. According to the California Department of Finance, the estimated 2009 population of the City of Antioch is 100,957 persons.¹⁴ The addition of the 273 residents of the project area to the City of Antioch would result in an approximately 0.3% increase to the City's estimated population.¹⁵ Furthermore, as this population already resides in the area, using local streets, shops, parks, schools, and other amenities, this increase in population is found to be less than significant in terms of growth. No mitigation is required.

b) and c) Displace housing or people?

No Impact. The proposed project would not result in construction or development activities since the project consists of a series of procedural actions. The reorganization of the project area into the City and the DDSD would not displace any people or housing. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. Thus, the project would not result in the displacement of any homes or businesses. No mitigation is required.

¹⁴ California Department of Finance. May 2009. *E-1 population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2008 and 2009.*

¹⁵ Gruen Gruen and Associates. 2009. *The Fiscal Impacts of the Northeast Antioch Annexation.* January. (Table I-1)

XIII. Public Services

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

i) Fire protection impacts?

No Impact. The Contra Costa County Fire Protection District (CCCFPD) currently provides fire and emergency services to residents of the City as well as other incorporated and unincorporated areas of the County. The CCCFPD already provides services to the

project site and implementation of the proposed project would not result in any changes to fire and emergency service provision. No impact to fire services would occur. No mitigation is required.

ii) Police protection impacts?

Less Than Significant Impact. Implementation of the proposed project would allow Areas 1, 2a, and 2b to receive City services, including police protection from the Antioch Police Department (APD). The project site is located in the City's SOI and is currently surrounded on 2 sides by existing areas within the City of Antioch and would be near other areas currently served by APD. The Antioch General Plan establishes a response time goal of 7 to 8 minutes for "Priority 1" (emergency) calls. As of 2009, the APD reports that the average response time for a Priority 1 call is seven minutes and 22 seconds. To this end, the APD currently meets its response time goal set forth by the General Plan.

The APD is currently staffed with 107 sworn officers, which represents a staffing ratio of approximately 1.060 officers per 1,000 residents.¹⁶ The Antioch General Plan provides a service ratio goal of 1.2 to 1.5 officers per 1,000 residents. The City provides the APD with sufficient budget to achieve this service ratio goal. With implementation of the proposed project, the staffing ratio would change from 1.060 officers per 1,000 residents to approximately 1.057 officers per 1,000 residents. However, according to the Antioch Police Department, this minor increase in the City's population would not significantly worsen the ratio of police staff to population or adversely affect response time in the near term.¹⁷ Furthermore, based on the fiscal data contained in the analysis of the annexation (See **Appendix C**), the net revenue generated by the annexation of Areas 1, 2a, and 2b would be sufficient to offset public safety and other service costs. Implementation of the project would therefore not create significant additional demands on police services such that construction or expansion of new facilities would be required and would result in a less than significant impact. No mitigation is required.

iii) School impacts?

No Impact. Implementation of the proposed project would not increase the enrollment in area schools since existing residents in the project area are within the attendance boundaries of the Antioch Unified School District. School-aged children within the project area already attend schools in the Antioch Unified School District. Therefore, reorganization of Areas 1, 2a, and 2b would have no impact to area schools. No mitigation is required.

¹⁶ Allan Cantando, Captain, Antioch Police Department. Personal Communication, October 20, 2009.

¹⁷ Allan Cantando, Captain, Antioch Police Department. Personal Communication, October 20, 2009.

iv) and v) Park and other public facility impacts?

No Impact. As discussed in **Section XI, Population and Housing**, the project would slightly increase the City's population by adding the residents currently located on the project site to the City's population count that were previously considered under the County's population. However, the approximate 0.3% increase in the City's population is not considered significant. Given proximity of City of Antioch park facilities to the project area, it is quite likely that residents of the project area already use City parks. Implementation of the project would therefore not create significant additional demand on existing parks and other public facilities near the project site such that construction or expansion of new facilities would be required. No impact would occur and no mitigation is required.

XIV. Recreation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Increase use of existing facilities?

and

b) Include/require construction of new facilities?

No Impact. As discussed in Section XI, **Population and Housing**, the project would slightly increase the City's population by adding residents currently located in Contra Costa County. However, this approximate 0.3% increase in the City's population is not considered significant, as residents of the project area currently utilize City of Antioch recreational facilities and programs to the extent such facilities and programs do not require one to be a resident of the City. Implementation of the project would therefore not create significant additional demands on existing recreational parks and facilities near the project site such that construction or expansion of new facilities would be required. No impact would occur to recreational facilities in the area and no mitigation is required.

XV. Transportation and Traffic

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

and

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

No Impact. The city utilizes level of service standards to evaluate the performance of the circulation system. Although the project could potentially extend roads and infrastructure to Areas 1, 2a, and 2b, the project would not induce population growth or result in any change to the existing uses on the project site. No increase in traffic would result from implementation of the proposed project since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. The project would not adversely affect level of service standards and would not conflict with any applicable city plan, ordinance, or policy. No mitigation is required.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The project site is not located within an airport land use plan. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast; Buchanan Field is about 15 miles to the west. Owing to this distance, implementation of the project would have no impact on air traffic patterns. No mitigation is required.

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The proposed project consists of a series of procedural actions. These include the imposition of City of Antioch street standards on all public roadways in the project area. At present, many existing roadways in the project area lack improvements such as pavement, crosswalks, sidewalks, and similar features that reduce transportation hazards. Over the long term, as properties within the project area are developed, the City would impose improvements to the public rights of way as conditions of approval to comply with the City of Antioch street standards in effect at that time. Therefore, the project would have a long term beneficial impact with regard to design hazards; for the purposes of this evaluation, the project is assumed to have a less than significant impact. No mitigation is required.

e) Result in inadequate emergency access?

No Impact. The project site is currently under the jurisdiction of the Contra Costa County Fire Prevention District (CCCFFPD), which serves extensive areas within Contra Costa County. Implementation of the proposed project would not change the existing emergency access to the site since the proposed project consists of a series of procedural actions. Over the long term, as properties within the project area are developed, the City would conduct separate environmental review and would require any new development to comply with City and CCCFFPD emergency access standards. However, the project would not introduce any new construction or development that would alter existing conditions, and therefore would result in no impact to emergency access. No mitigation is required.

f) Result in inadequate parking capacity?

No Impact. The proposed project consists of a series of procedural actions and would not affect existing parking capacity on the project site. Over the long term, as properties within the project area are developed, the City would require each development to adhere to City of Antioch parking capacity requirements. However, the project would not introduce any new construction or development that would alter existing conditions, and therefore would result in no impact to parking capacity. No mitigation is required.

g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Less Than Significant Impact. The proposed project consists of a series of procedural actions. These include the imposition of City of Antioch alternative transportation standards on all public roadways in the project area. At present, many existing roadways in the project area lack improvements such as bus turnouts for public bus routes. Over the long term, as properties within the project area are developed, the City would impose improvements to the public rights of way as conditions of approval to adhere to the City of Antioch alternative transportation standards in effect at that time. Therefore, the project would have a long term beneficial impact with regard to compliance with alternative transportation plans; for the purposes of this evaluation, the project is assumed to have a less than significant impact. No mitigation is required.

XVI. Utilities and Service Systems

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a), b), and e) Wastewater impacts?

Less than Significant Impact. The proposed reorganization would bring unincorporated areas into the City and DDS D service areas. The DDS D wastewater system infrastructure includes a conveyance system (i.e., pumping stations, equalization basins, and trunk lines) in the City and surrounding areas and a wastewater treatment plant, recycled water facility, and discharge facilities on the Pittsburg-Antioch border. DDS D updates its comprehensive 5-year capital improvement program annually to plan system upgrades and improvements. The only system upgrade that is planned in the project area is the expansion of the Bridgehead Pump Station.¹⁸ This upgrade would serve Areas 1 and 2a.

The project includes conceptual plans for a new 15-inch sewer line that would extend west along Wilbur Avenue and would serve Areas 1 and 2b. Proposed 8-inch sewer lines within Area 2b would serve existing residences in the area, as shown in **Figure 7**. An 8-inch sewer line is proposed for Area 2a that would feed into the planned 15-inch sewer line along Wilbur Avenue. All proposed sewer lines would provide connections to existing lines in the area that are served by the existing sewer system.

No new treated water or wastewater treatment facilities would be required as a result of a reorganization of Areas 1, 2a, and 2b. The City and DDS D are planning for a population increase of approximately 1 percent annually through 2025 in their respective service areas; the addition of the residents in Areas 2a and 2b would fall within the anticipated population increase.¹⁹ The recently expanded Bridgehead Pump Station would serve Areas 1, 2a and likely 2b, if and when trunk lines are **constructed**, depending upon residents/property owner's interest in connecting to municipal facilities). **Portions of the reorganization area would have sewage flow routed through the DDS D Antioch Pump Station, as shown in Figure 7.**

No other upgrades or extensions to the wastewater conveyance planning would be necessary as a result of the proposed project. Furthermore, any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. Therefore, implementation of the proposed project would result in a less than significant impact related to wastewater. No mitigation is required.

c) Stormwater facility impacts?

No Impact. The project consists of a series of procedural actions, including the adoption of conceptual plans to improve infrastructure in the project area, including stormwater catch basins and conveyance systems. As more detailed plans for these facilities are developed,

¹⁸ Contra Costa County Local Agency Formation Commission. December 2007. *Water and Wastewater Services Municipal Services Review for East Contra Costa County*.

¹⁹ City of Antioch. March 2008. *Initial Study and Negative Declaration: Northeast Antioch Reorganization*.

including the precise timing, location and other details, the City will examine whether the construction of these facilities could have a significant environmental impact. Therefore, the present project would result in no impact to stormwater facilities. No mitigation is required.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less than Significant Impact. The City of Antioch's 2005 Urban Water Management Plan (UWMP) examines water demand through the year 2025 and is included as **Appendix D**. The UWMP shows Areas 1, 2a, and 2b are located within pressure Zone II which serves primarily residential and commercial users within the City. UWMP assumes some new industrial uses in Zones I & II. Residential uses were assumed to exist in most other areas of the UWMP. Since Areas 1, 2a, and 2b are located within the City' Sphere of Influence, the UWMP included these areas in the growth assumptions for its projections of new water demand through 2025.

Although some properties in Areas 1, 2a, and 2b have had wells or other sources of water besides the City of Antioch, the UWMP assumed development and water use in these areas consistent with City zoning. Figure 2-2 in the UWMP shows Areas 1 and 2a with an industrial zoning classification; Area 2b is shown to have residential and park zoning.

With these land use assumptions and ABAG Projections, UWMP predicted total water demand in the City by horizon year of 2025. UWMP examined various rainfall scenarios -- normal, single dry year, multiple dry year, etc. -- and concluded that in all examined scenarios, City water supply would significantly exceed anticipated demand, even in multiple dry year scenarios. Therefore, the City of Antioch has sufficient water supplies available to serve the project from existing entitlements and resources through at least the year 2025 and the project would have a less than significant impact on water supply. No mitigation is required.

f) and g) Landfill and solid waste impacts?

No Impact. Implementation of the proposed project would not result in any changes to the land uses currently in the project area since the project involves a series of procedural actions, and therefore, would not introduce any new construction or development that would alter existing conditions in the area. The project would not introduce any reasonably foreseeable change to the amount of solid waste generated by existing uses. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. Solid waste management hauling and disposal services would continue as currently conducted and no impact to solid waste and landfill capacity would occur. No mitigation is required.

XVII. Mandatory Findings of Significance

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have the potential to degrade quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Have the potential to degrade quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

No Impact. The proposed project consists of a series of procedural actions and would not result in any impacts to biological resources or cultural resources. Any future construction

or development in the project area would be subject to separate environmental review. Therefore, the project would not have the potential to degrade the quality of the environment; affect habitat, fish, and wildlife species; or cultural resources.

b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

No Impact. The proposed project would result in impacts of less than significant levels and no mitigation is required. The proposed reorganization was included in the overall growth assumptions in the City’s SOI and the impacts of buildout of the City was disclosed and analyzed as part of the General Plan and General Plan EIR. Therefore the project would not result in any cumulatively considerable impacts that were not already identified in the General Plan EIR.

c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact. The proposed project involves a series of procedural actions and would have no adverse effect on human beings.

The following studies and reports were prepared specifically for the project and are included as appendices to this mitigated negative declaration. Appendix A and Appendix E are included in this document. Copies of the other appendices are available from the city upon request.

Appendix A: CirclePoint (2010). *CEQA Guidelines Amendments. Appendix G – Environmental Checklist.*

Appendix B: Loewke, Richard T. (2005) Northeast Antioch Annexation Feasibility Study: Strategic Plan for Phased Annexation.

Appendix C: Gruen Gruen and Associates. (2009) The Fiscal Impacts of the Northeast Antioch Annexation.

Appendix D: Brown and Caldwell. (2006) City of Antioch Urban Water Management Plan Update: Final Report.

Appendix E: Responses to comment letters received on the Draft IS/MND

All Sources Consulted

Allen Cantando, Captain, Antioch Police Department. Personal Communication, October 13, 2009.

California Department of Conservation. (June 2009). Contra Costa County Important Farmland 2008. <<ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2008/con08.pdf>>.

California Department of Finance. May 2009. *E-1 population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2008 and 2009.*

City of Antioch. July 2003. *City of Antioch General Plan Update EIR.*

City of Antioch. November 2003. *City of Antioch General Plan.*

Contra Costa County Local Agency Formation Commission. December 2007. Water and Wastewater Services Municipal Services Review for East Contra Costa County. December.

East Contra Costa County Habitat Conservation Plan Association. October 2006. *The Final East Contra Costa County Habitat Conservation Plan/Natural Conservation Plan.*

Federal Emergency Management Agency. June 16, 2009. Federal Insurance Rate Map No.06013C0143F, No.06013C0144F, Contra Costa County.

Gruen Gruen and Associates. January 2009. *The Fiscal Impacts of the Northeast Antioch Annexation.*

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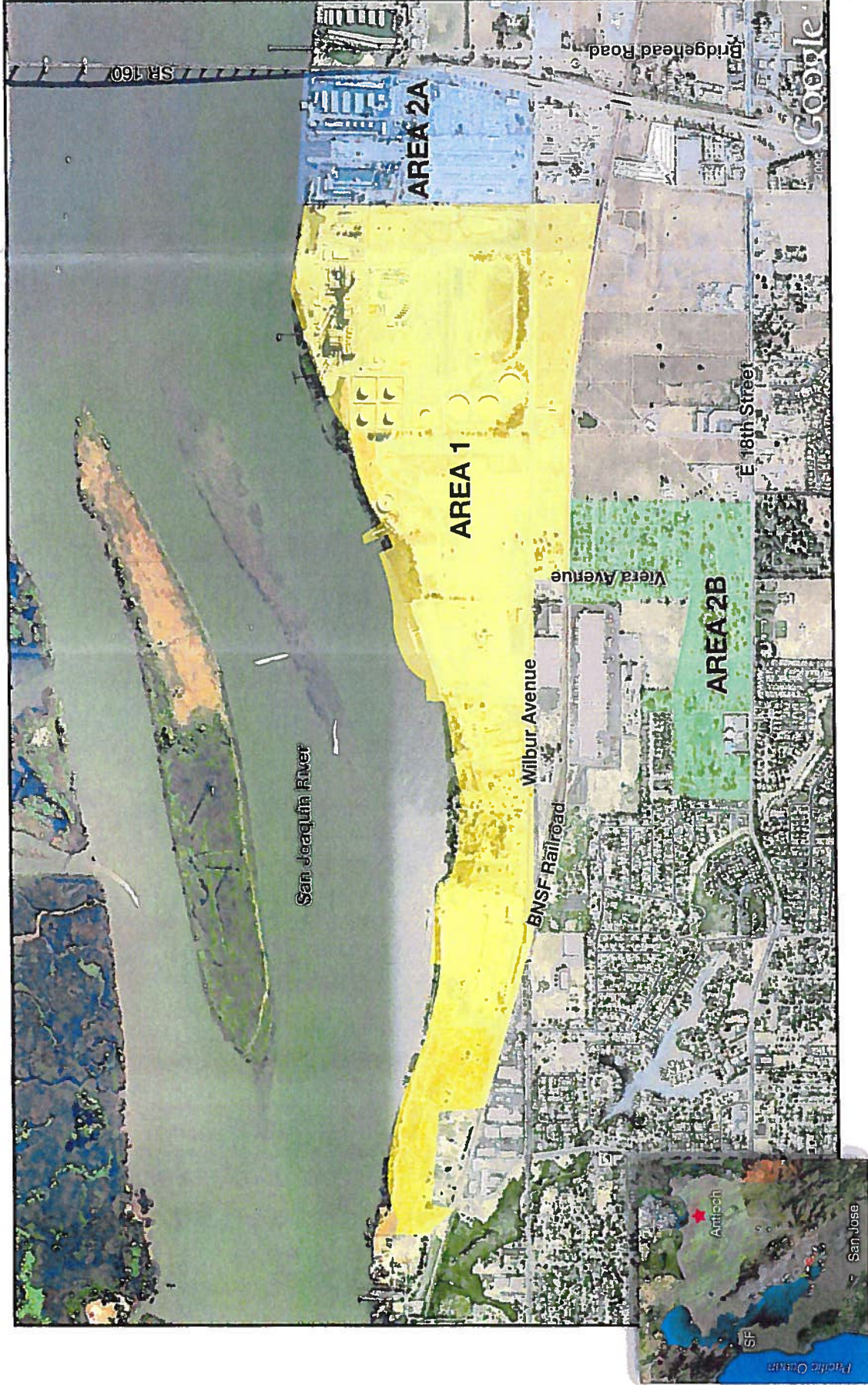
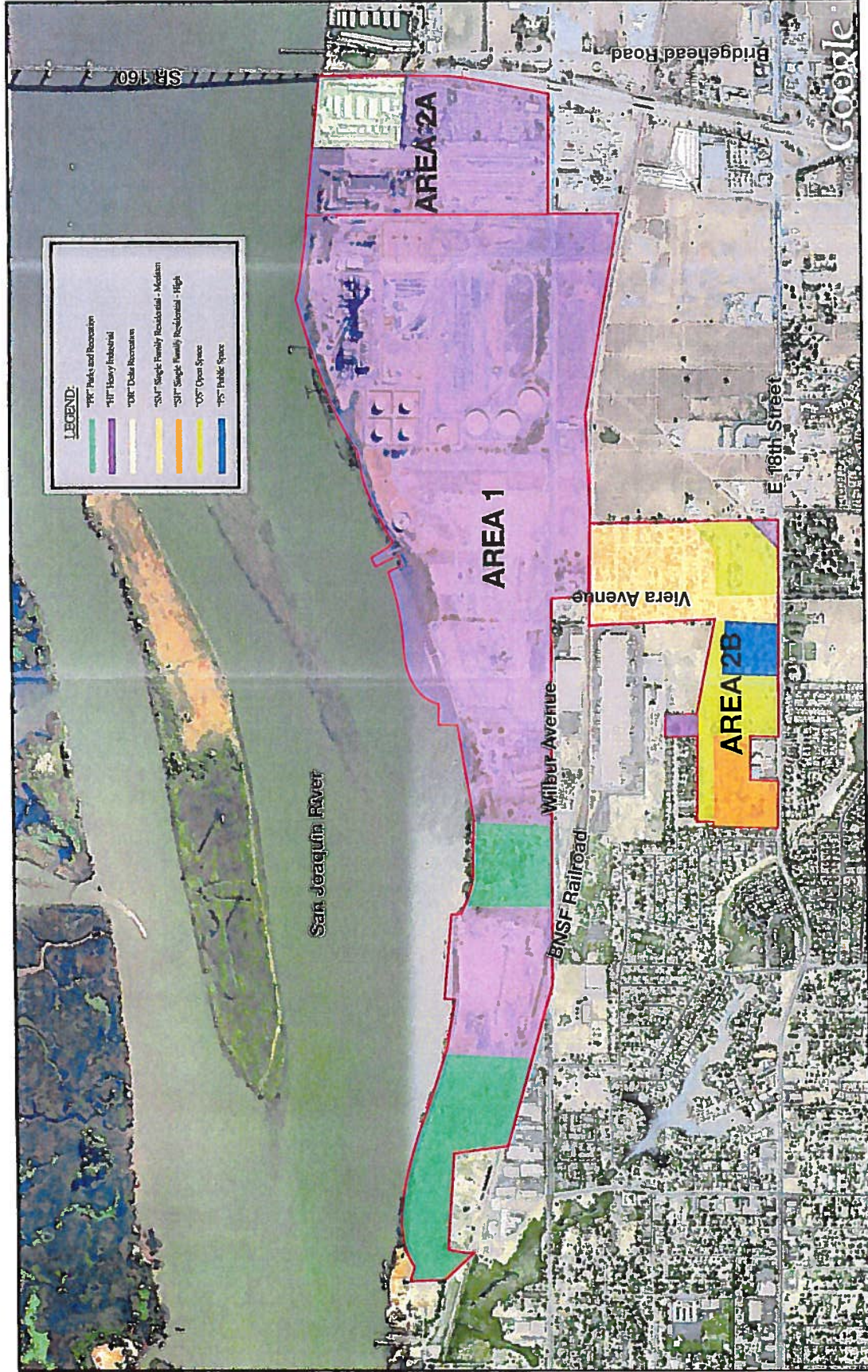
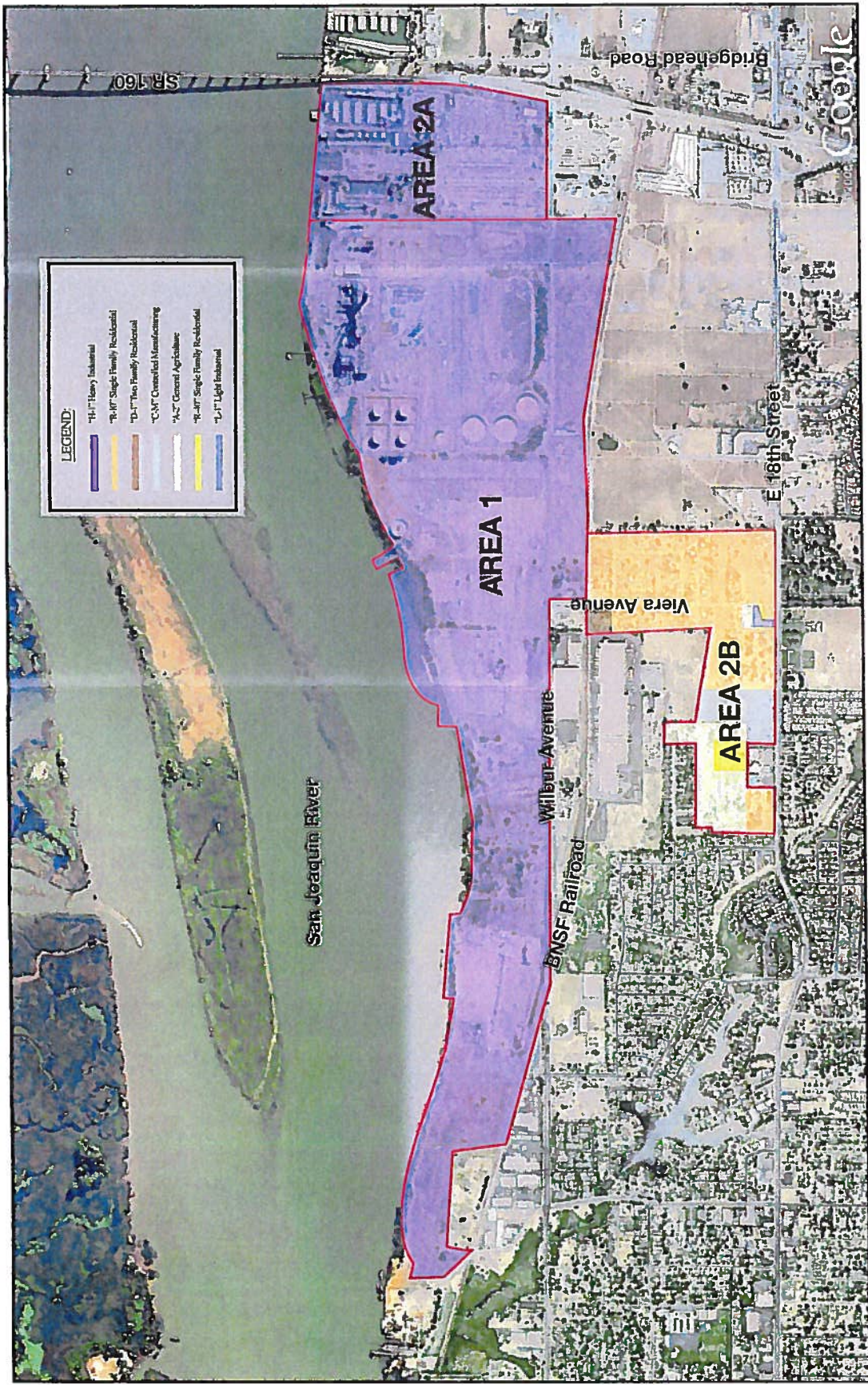


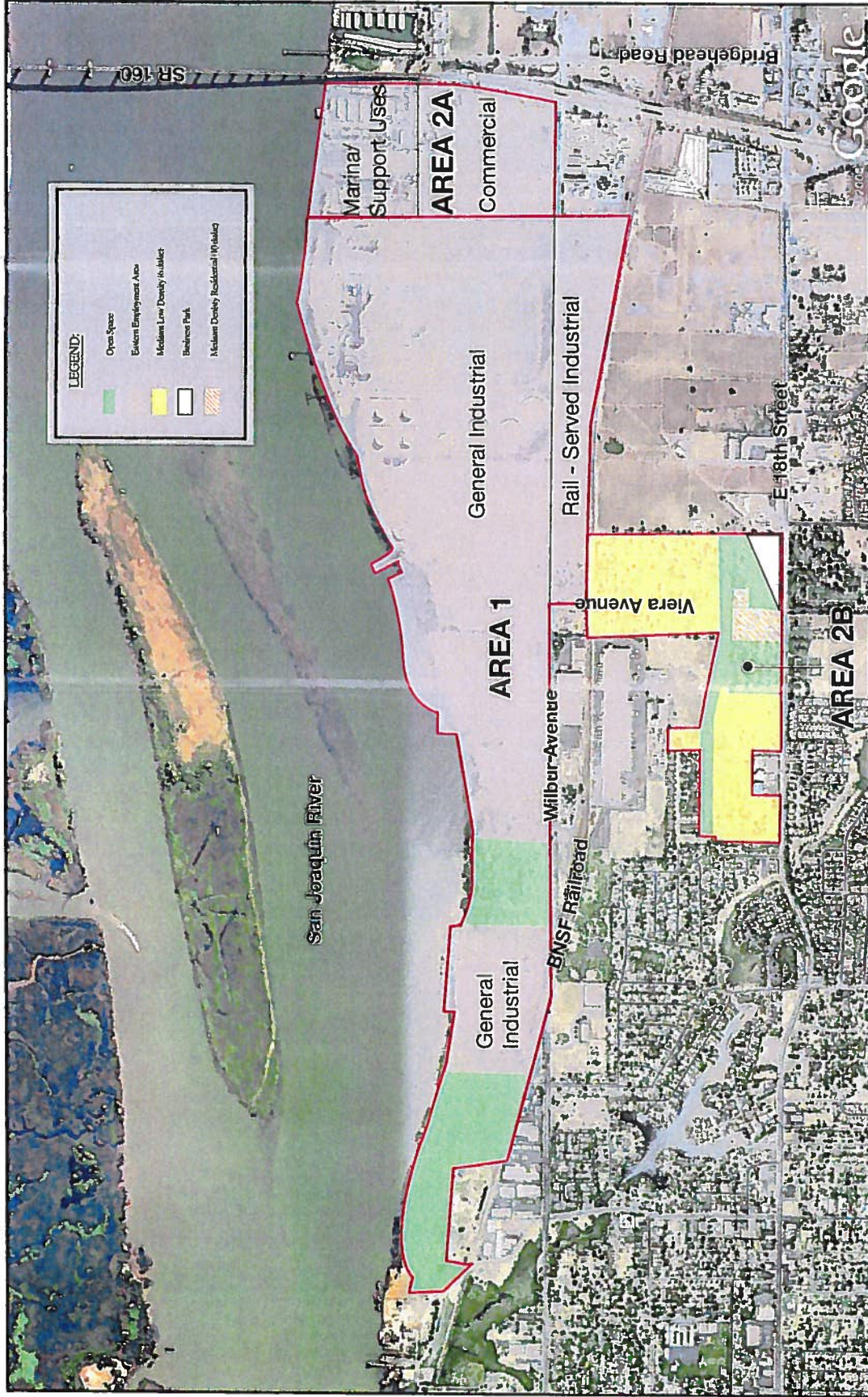
FIGURE 1
Project Location
Source: Google Earth, 2009



Contra Costa County
General Plan Designations



Contra Costa County Zoning Designations **3**
 Source: Google Earth, 2009



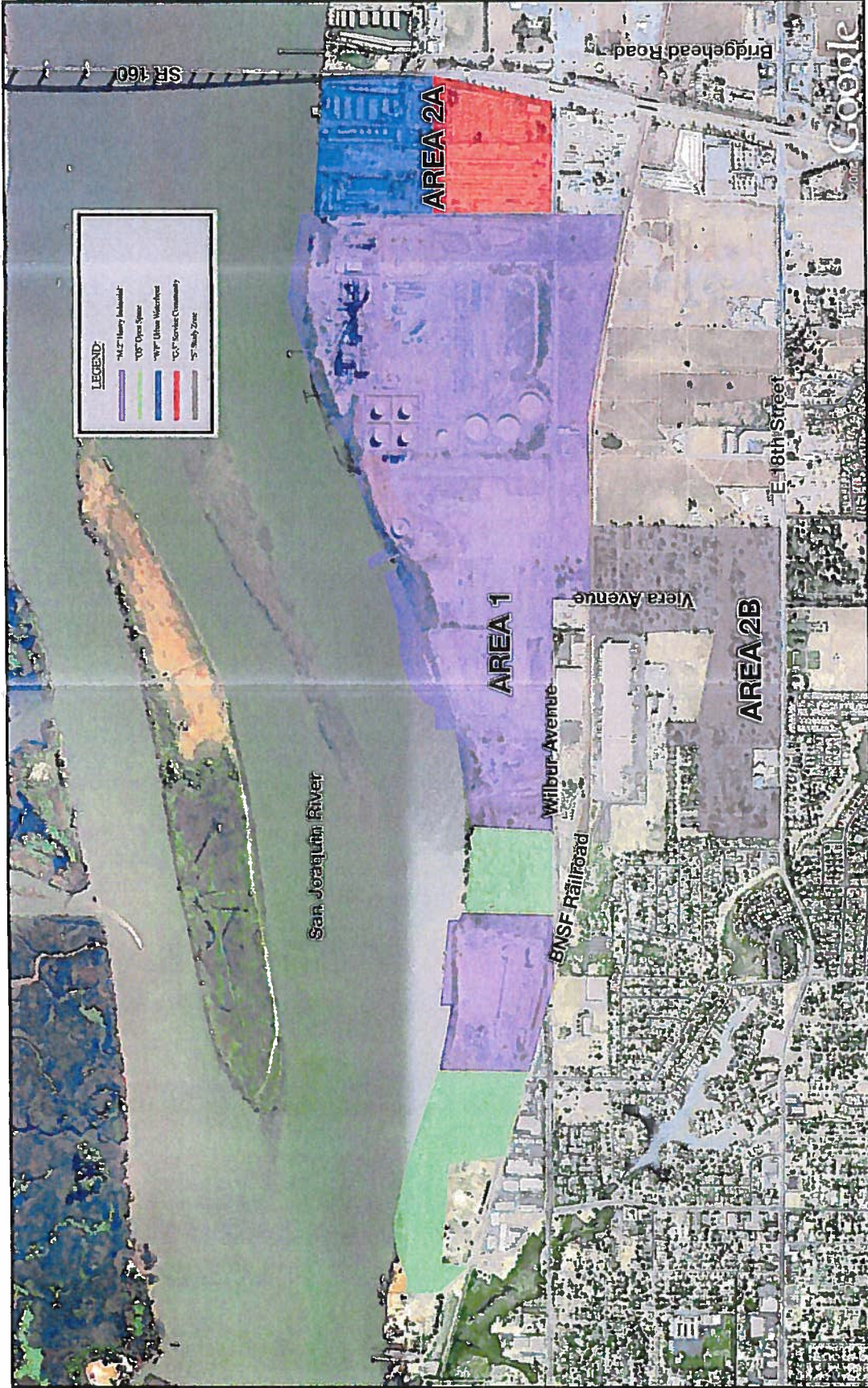


FIGURE 5
Proposed City of Antioch Prezone

Source: Google Earth, 2009

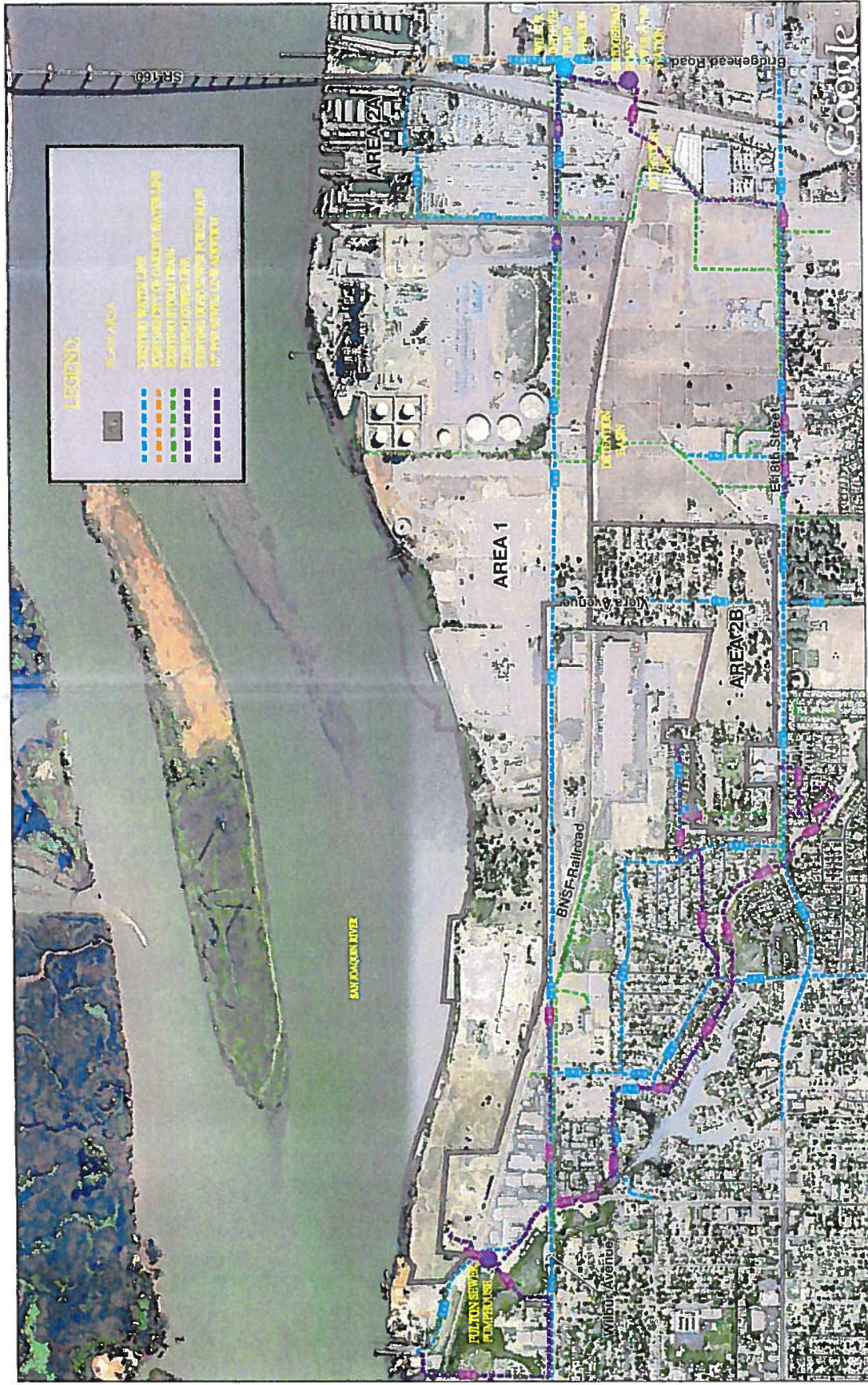
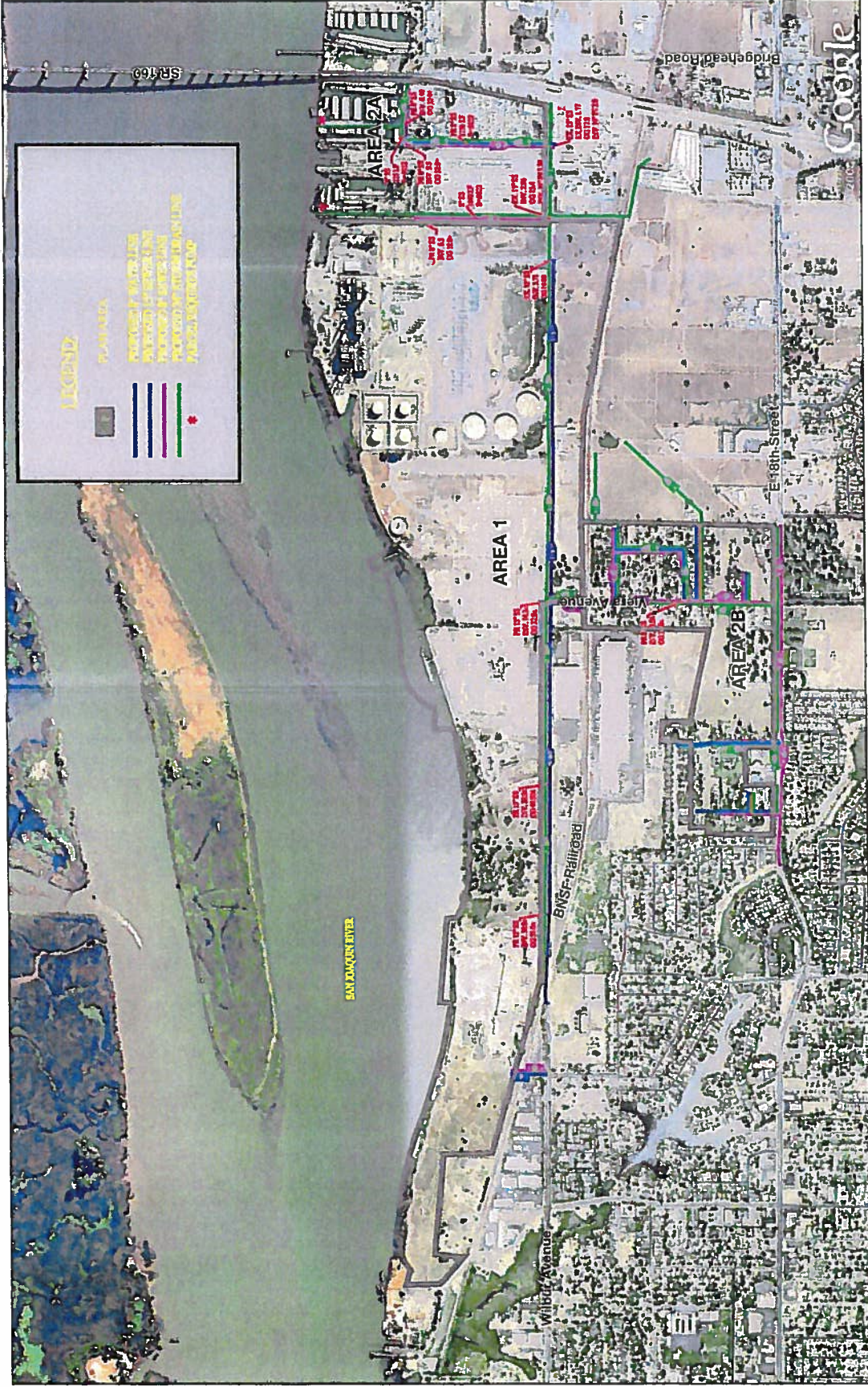
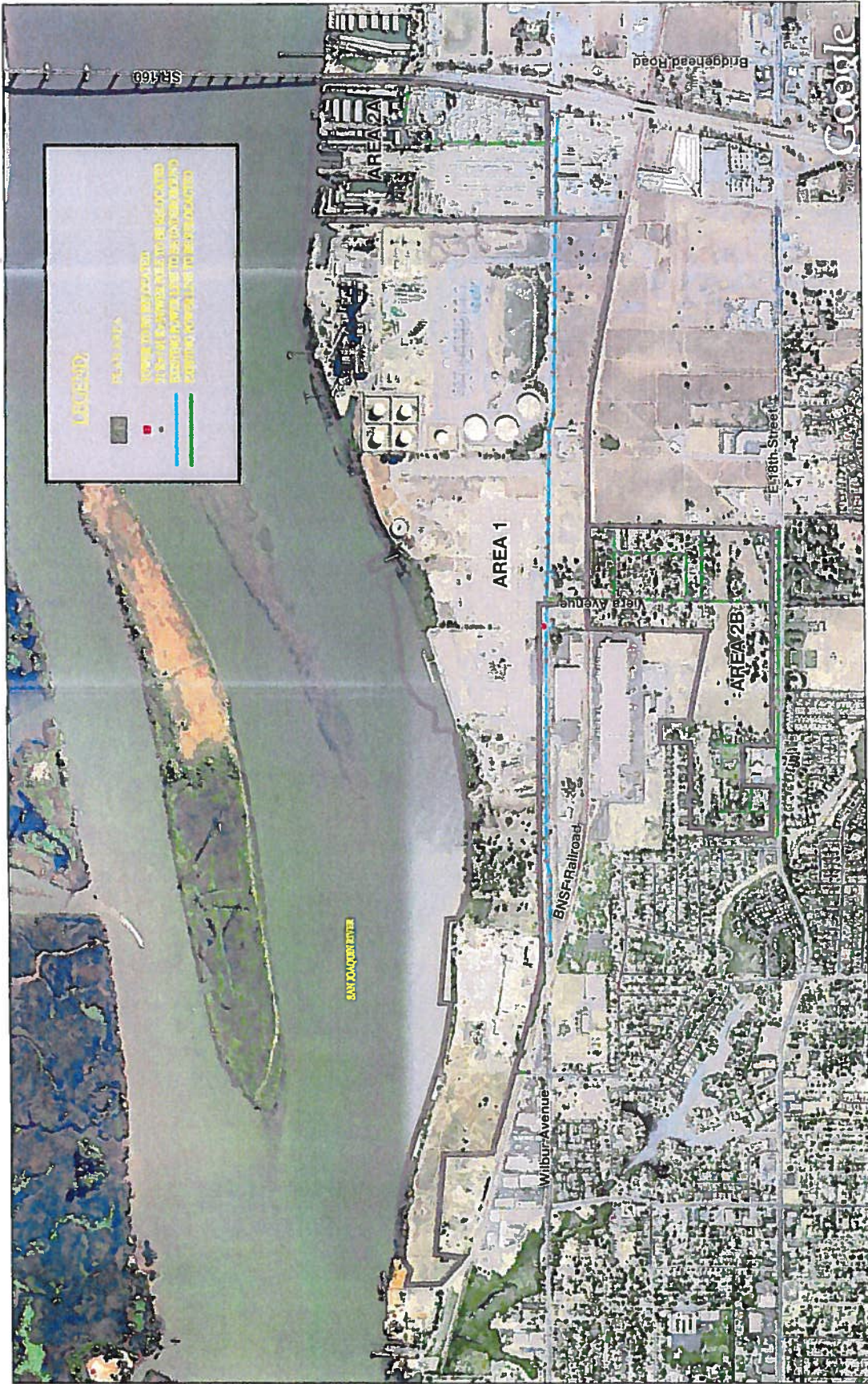


FIGURE 6
Existing Utilities
Source: Carlson, Barbara & Gibson, Inc. 2009



Proposed Water, Sewer and Storm Drain Improvements **7**



Proposed Electrical Utility Improvements **8**

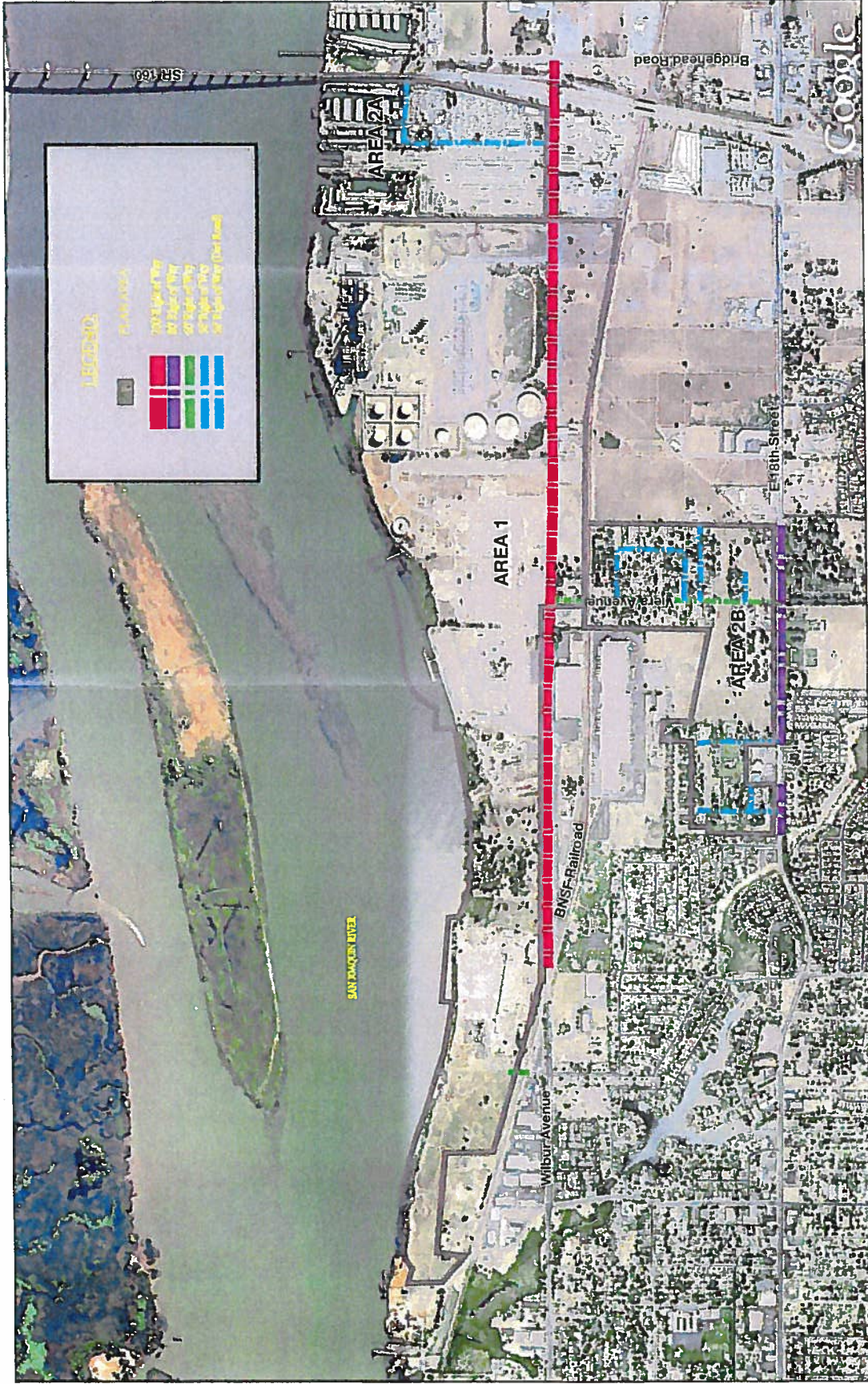


FIGURE 9
Potential Street Improvements
 Source: Carlson, Barbara & Dixon, Inc. 2009

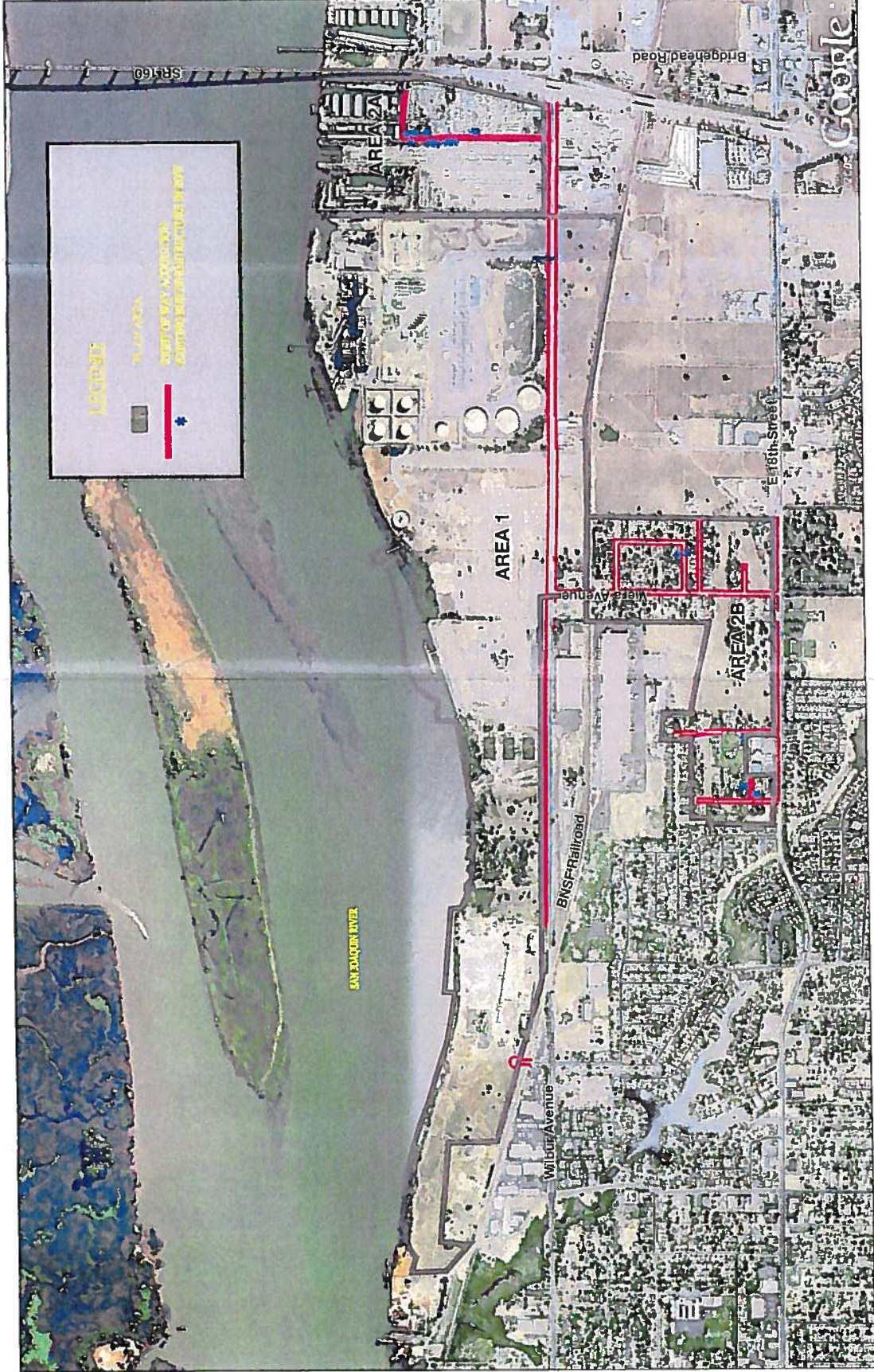
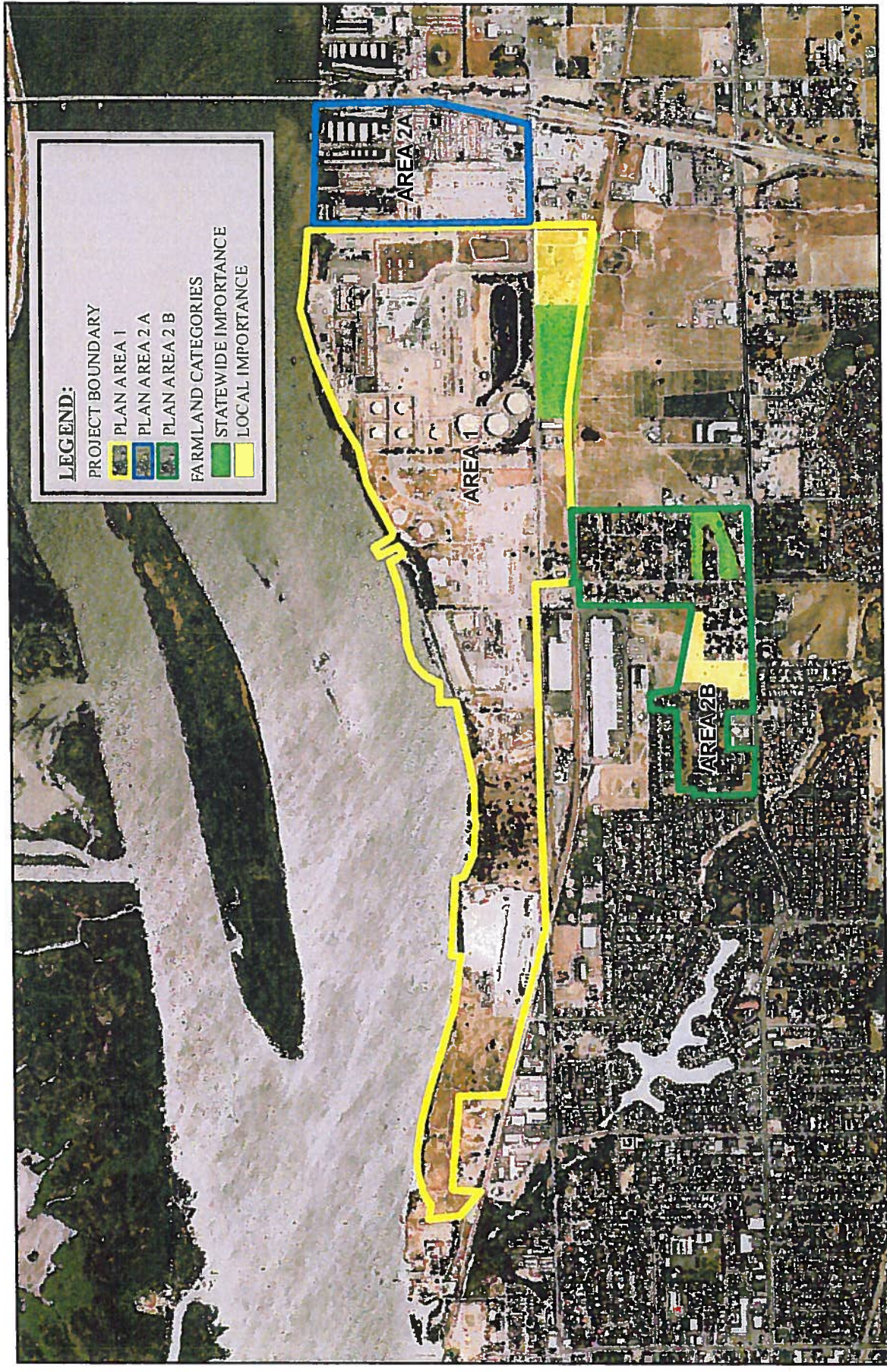


FIGURE 10
Potential Right of Way Acquisitions
 Source: Carlson, Barbee & Gibson, Inc., 2009



LEGEND:

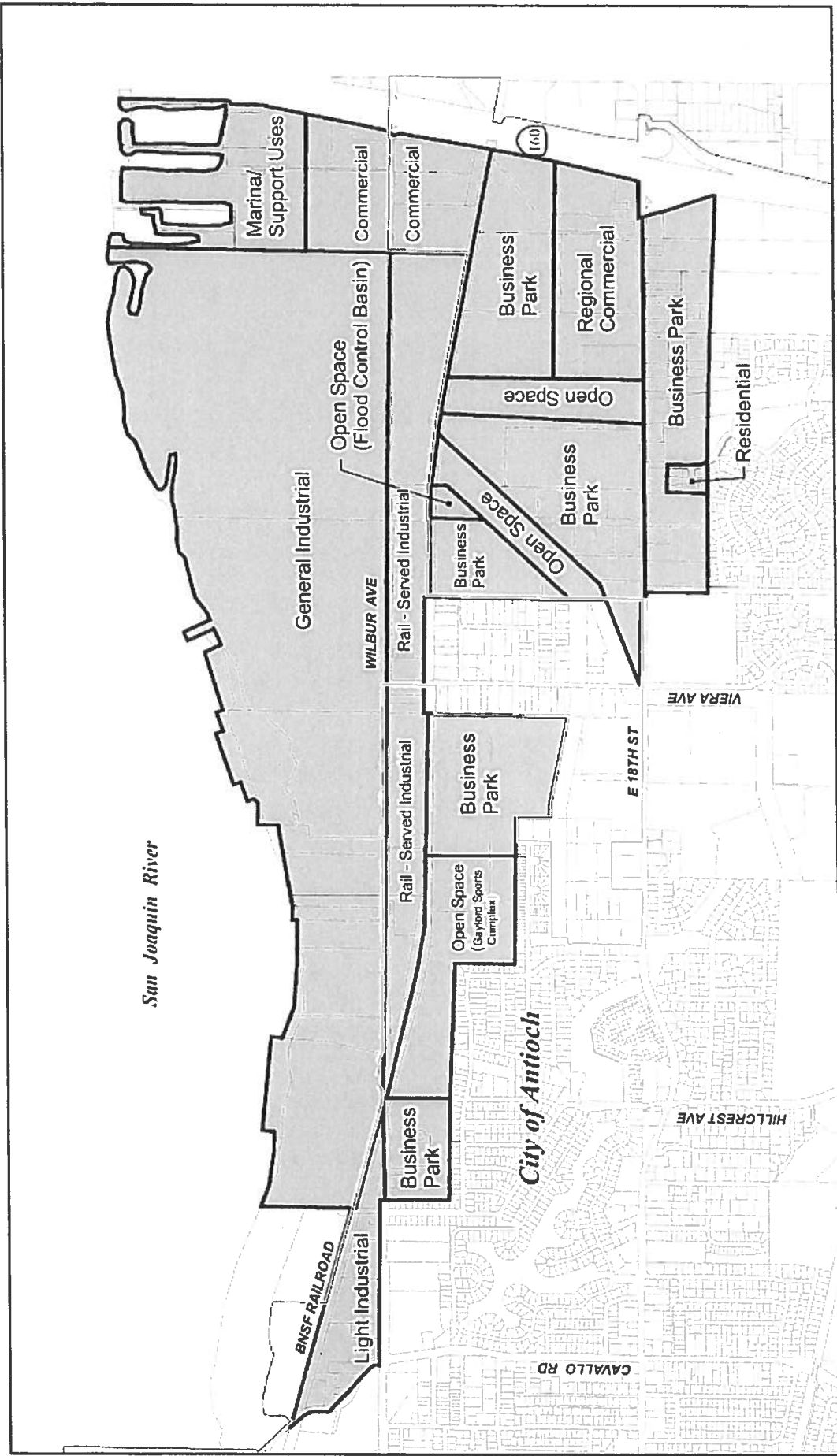
- PROJECT BOUNDARY
- PLAN AREA 1
- PLAN AREA 2 A
- PLAN AREA 2 B

FARMLAND CATEGORIES

- STATEWIDE IMPORTANCE
- LOCAL IMPORTANCE

1 : 18,000

0 750 1,500 Feet



Appendix A

CEQA Guidelines Amendments.
Appendix G – Environmental Checklist.



APPENDIX A
CEQA Guidelines Amendments
Appendix G – Environmental Checklist
Effective March 18, 2010

This analysis incorporates the text changes to Appendix G of the CEQA Guidelines pursuant to the CEQA Guidelines Amendments (adopted December 2009), which formally take effect on March 18, 2010. This analysis incorporates the new checklist questions for Agricultural and Forestry Resources, Greenhouse Gas Emissions, and Transportation and Circulation. Changes to the environmental checklist since the January 2010 CEQA Guidelines are highlighted, with text additions shown in underline and text deletions shown in ~~strikeout~~.

A-I Agricultural and Forestry Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <u>Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <u>Result in the loss of forest land or conversion of forest land to non-forest use?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use <u>or conversion of forest land to non-forest use?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

No Impact. Please refer to **Section II. Agricultural Resources** for a discussion of the conversion of farmland.

b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?

No Impact. Please refer to **Section II. Agricultural Resources** for a discussion of conflicts with existing zoning for agricultural use or a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

No Impact. The project site is not zoned for forest land or timberland use, nor is it under a Williamson contract. The project would therefore not conflict with existing zoning for forest land, timberland, Timberland Production. No mitigation is required.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site does not contain any forest land and the project would not therefore cause forest land to be converted to non-forest use. No mitigation is required.

e) Involve other changes in the existing environment which due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Less Than Significant Impact. Please refer to **Section II. Agricultural Resources** for a discussion of a loss in Farmland to non-agricultural use. The project site does not contain any forest land and so there would be no conversion of forest land to non-forest use.

A-II Greenhouse Gas Emissions

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) <u>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <u>Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Potentially Significant Impact. The General Plan EIR (2003) considered the effects of build out of the project area as part of its programmatic analysis of growth throughout the city. The city envisions the project area as a job center, and defined a focus area called the “Eastern Employment Area”, which included land within the city as well as the unincorporated land contained in Area 1 and 2a (Figure 12). The General Plan and EIR designate properties within Area 2b as residential and open space uses according to the existing pattern of development.

The General Plan EIR analyzed the anticipated build out of the Eastern Employment Area according to a total of 13 million square feet (msf) of Business Park/Industrial development: approximately 7.1 msf in Areas 1 and 2a, and approximately 5.9 msf in the incorporated area south of the BNSF railroad.

However, while other sections of this analysis have relied upon the Final EIR for the General Plan, prepared in 2003, with regard to potential impacts associated with the project, the State of California, in 2003, did not require any analysis of greenhouse gas emissions for CEQA analysis. Therefore, the Final EIR for the General Plan did not analyze the potential greenhouse gas emissions that might be associated with development of the Eastern Employment Area (nor any other portion of the City or its sphere of influence).

The City acknowledges that the regulatory environment has changed considerably since 2003 with regard to greenhouse gases. Key legislative policy changes are discussed in greater detail in item “b”

below. While the project (the proposed reorganization) would not lead to any land use change and thus no change in greenhouse gas emissions above present levels, this environmental document is looking at the issue in a programmatic manner.

As of January 2010, the City of Antioch has embarked on the preparation of a City-wide climate action plan. The plan, expected to be completed by late 2010, is anticipated to comprise a series of policies and actions that would allow the city to meet GHG reduction targets in compliance with state regulations, including AB 32.

As the specific policies to be included in the climate action plan have yet to be established, this analysis seeks to quantify anticipated greenhouse gas emissions associated with development of the Eastern Employment Area and provide appropriate mitigation measures.

Greenhouse gas emissions have been quantified for the project area using the URBEMIS2007 air quality model. **Table A-II-1** shows the construction and annual greenhouse gas emissions associated with build out of Areas 1, 2a, and 2b based on the proposed General Plan designations shown in Figure 4. To be conservative, the assumed service population is based on an area average of 2.0 employees per 1,000 square feet of industrial development. (Using a higher population such as might be associated with office or other uses would result in a lower per capita rate of emissions.)

Table A-II-1. Greenhouse Gas Emissions (in CO₂e)

Construction Emissions	Annual Greenhouse Gas Emissions	Annual Emissions Per Service Population
12,528 Metric Tons	67,825 Metric Tons/Year	4.69 Metric Tons/Year

Note: CO₂e stands for CO₂ equivalent. Source: CirclePoint, 2010.

In its proposed draft CEQA Guidelines Update (2009), the Bay Area Air Quality Management District establishes project-level thresholds for greenhouse gas emissions. Development of business park/industrial land uses could generate greenhouse gas emissions from both mobile sources (primarily automobile and vehicular traffic to and from the site) as well as from stationary sources (such as industrial heating/cooling equipment, exhaust pipes, etc). For stationary sources, BAAQMD proposes a GHG emissions threshold of 10,000 metric tons of CO₂ equivalent gases per year. For projects other than stationary sources, BAAQMD proposes a tri-part threshold:

- * compliance with a qualified climate action plan, or
- * an emission level of 1,100 metric tons of CO₂ equivalent per year, or
- * an emission level of 4.6 metric tons of CO₂ equivalent per year per service population (residents + employees).

As the City has no qualified climate action plan in place, the first threshold cannot be utilized for this project. As shown in **Table A-II-1**, the resulting GHG emissions from the potential build out of the project located in the Eastern Employment Area exceed BAAQMD's draft thresholds for

both stationary and non-stationary source projects set by BAAQMD, and also slightly exceeds the 4.6 metric tons of CO₂ equivalent per year per service population (residents + employees). This exceedance, at the programmatic level, is considered potentially significant.

Mitigation Measure A-II-1: All future discretionary applications for development within the project area must comply with one or both of the following requirements:

1. If the application is subject to CEQA, the CEQA analysis shall include an analysis of greenhouse gas impacts consistent with state, regional and local regulations in place at that time. This analysis would be expected to include a quantification of potential greenhouse gas emissions associated with a proposed action, a determination of significance and, if necessary, identification of emission reducing design elements pursuant to adopted guidance and emission reduction factors in effect at that time.
2. Upon the City's adoption of a Climate Action Plan, future project proponents shall demonstrate how their project(s) conform with the relevant goals, policies, and objectives of the Climate Action Plan

Implementation of **Mitigation Measure A-II-1** would ensure that no substantial increase in greenhouse gas emissions would occur within the project area, and that future development would comply with a qualified climate action plan. These actions would reduce the potentially significant impact of GHG emissions to a less than significant level. No further mitigation is required.

b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The City of Antioch has not adopted any plans, policies or regulations for the purpose of reducing the emissions of greenhouse gases. Applicable legislation on reducing the emissions of greenhouse gases is at the state level and is summarized below:

State of California Executive Order S-3-05

In June 2005, the Governor of California signed Executive Order S-3-05, which identified CalEPA as the lead coordinating State agency for establishing climate change emission reduction targets in California. The "Climate Action Team", a group of state agencies, was set up to implement Executive Order S-3-05. Under this order, the State plans to reduce greenhouse gas emissions to 80 percent below 1990 levels by 2050. GHG emission reduction strategies and measures to reduce global warming were identified in the 2006 Climate Action Team Report.

Assembly Bill 32 - The California Global Warming Solutions Act of 2006

In 2006, the governor of California signed AB 32, the Global Warming Solutions Act, into law. The Act requires California to cap its greenhouse gas emissions at 1990 levels by 2020. This legislation requires the California Air Resources Board (CARB) to establish a program for statewide GHG

emissions reporting, and monitoring/enforcement of that program. CARB recently published a list of discrete GHG emission reduction measures that can be implemented immediately. CARB was also required to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. CARB's Early Action Plan identified regulations and measures that could be implemented in the near future to reduce GHG emissions.

Many of the measures to reduce GHG emissions from transportation will come from CARB. AB 1493, the Pavley Bill, directed CARB to adopt regulations to reduce emissions from new passenger vehicles. CARB's AB32 Early Action Plan released in 2007 included a strengthening of the Pavley regulation for 2017 and included a commitment to develop a low carbon fuel standard (LCFS). Current projections indicate that with implementation of a strengthened Pavley Regulation, including LCFS, California will still fall short of the 1990 level targets for transportation emission reductions. Under the Bush Administration, the U.S. EPA blocked California's efforts to implement an LCFS, however, the Obama Administration has directed the U.S. EPA to reconsider its action. Nonetheless, the earlier U.S. EPA action and pending legal challenges by the automotive industry could continue to delay California's efforts to achieve emission reduction targets.

CARB is targeting other sources of emissions. The main measures to reduce GHG emissions will be contained in the AB32 Scoping Plan. A draft of that plan was released in June 2008 and was approved by CARB in December 2008. This plan includes a range of GHG reduction actions. Central to the draft plan is a cap and trade program covering 85 percent of the state's emissions. This program will be developed in conjunction with the Western Climate Initiative, comprised of seven states and three Canadian provinces, to create a regional carbon market. The plan also proposes that utilities produce a third of their energy from renewable sources such as wind, solar and geothermal, and proposes to expand and strengthen existing energy efficiency programs, such as building and appliance standards. The plan also includes full implementation of the Pavley standards to provide a wide range of less polluting and more efficient cars and trucks to consumers who will save on operating costs through reduced fuel use. The plan also calls for development and implementation of the Low Carbon Fuel Standard, which would require oil companies to make cleaner, domestically produced fuels. The regulatory process begins in 2009 to implement the plan. The details in regulating emissions and developing targeted fees to administer the program would be developed through this process. This would last two years and measures must be enacted by 2012.

Senate Bill 375 - California's Regional Transportation and Land Use Planning Efforts

California enacted legislation (SB 375) to expand the efforts of AB 32 by controlling indirect GHG emissions. SB 375 would develop emission-reduction goals around which regions could apply to planning activities. SB 375 provides incentives, such as transportation funding, for local governments and developers to implement new conscientiously planned growth patterns. This includes incentives for creating attractive, walkable and sustainable communities and revitalizing existing communities. The legislation also allows developers to bypass certain environmental reviews under CEQA if they build projects consistent with the new sustainable community strategies.

Development of more alternative transportation options that would reduce vehicle trips and miles traveled, along with traffic congestion, would be encouraged. SB 375 enhances CARB's ability to reach the AB 32 goals by directing the agency to develop regional GHG emission reduction targets to be achieved from the transportation sector for 2020 and 2035. CARB would work with the metropolitan planning organizations (e.g., ABAG and MTC) to align their regional transportation, housing and land use plans to reduce vehicle miles travelled and demonstrate the region's ability to attain its GHG reduction targets.

The proposed project would not directly generate greenhouse gas emissions since the project is comprised of procedural actions and does not involve any new construction or development. Current land uses and traffic patterns on the project site would not change under the proposed project and there would be no generation of greenhouse gases relative to existing conditions. Implementation of Mitigation Measure AQ-1 would ensure that any future development proposed for the project area complies with all pertinent legislative requirements pertinent to greenhouse gas emissions. No actual development could proceed until such conformance is demonstrated. Therefore the project would not conflict with AB 32, SB 375, and Executive Order S-3-05 and no impact would occur.

As of January 2010, the Bay Area Air Quality Management District (BAAQMD) is revising its CEQA Guidelines to provide its member agencies with specific recommendations and guidance in determining the significance of greenhouse gas emissions and identifying emission reducing project design elements. The City further anticipates that these new guidelines will include clear direction to cities and project proponents on how individual development proposals can avoid or minimize the production of new greenhouse gas emissions. The City anticipates BAAQMD will adopt these new CEQA Guidelines in 2010.

A-III Traffic and Transportation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:¹

- a) ~~Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)~~ Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- b) ~~Exceed, either individually or cumulatively,~~ Conflict with an applicable congestion management project, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹ The transportation and traffic analysis is consistent with the December 2009 CEQA Guidelines, Appendix G, which take effect March 18, 2010.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
fg) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highway and freeways, pedestrian and bicycle paths, and mass transit?

and

b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No Impact. The city utilizes level of service standards to evaluate the performance of the circulation system. Although the project could potentially extend roads and infrastructure to Areas 1, 2a, and 2b, the project would not induce population growth or result in any change to the existing uses on the project site. No increase in traffic would result from implementation of the proposed project since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. The project would not adversely affect level of service standards and would not conflict with any applicable city plan, ordinance, or policy. No mitigation is required.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The project site is not located within an airport land use plan. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast; Buchanan Field is about 15 miles to the west. Owing to this distance, implementation of the project would have no impact on air traffic patterns. No mitigation is required.

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The proposed project consists of a series of procedural actions. These include the imposition of City of Antioch street standards on all public roadways in the project area. At present, many existing roadways in the project area lack improvements such as pavement, crosswalks, sidewalks, and similar features that reduce transportation hazards. Over the long term, as properties within the project area are developed, the City would impose improvements to the public rights of way as conditions of approval to comply with the City of Antioch street standards in effect at that time. Therefore, the project would have a long term beneficial impact with regard to design hazards; for the purposes of this evaluation, the project is assumed to have a less than significant impact. No mitigation is required.

e) Result in inadequate emergency access?

No Impact. The project site is currently under the jurisdiction of the Contra Costa County Fire Prevention District (CCCFPD), which serves extensive areas within Contra Costa County. Implementation of the proposed project would not change the existing emergency access to the site since the proposed project consists of a series of procedural actions. Over the long term, as properties within the project area are developed, the City would conduct separate environmental review and would require any new development to comply with City and CCCFPD emergency access standards. However, the project would not introduce any new construction or development that would alter existing conditions, and therefore would result in no impact to emergency access. No mitigation is required.

f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. The proposed project consists of a series of procedural actions. These include the imposition of City of Antioch alternative transportation standards on all public roadways in the project area. At present, many existing roadways in the project area lack improvements such as bus turnouts for public bus routes. Over the long term, as properties within the project area are developed, the City would impose improvements to the public rights of way as conditions of approval to adhere to the City of Antioch alternative transportation standards in effect at that time. Therefore, the project would have a long term beneficial impact with regard to compliance with alternative transportation plans; for the purposes of this evaluation, the project is assumed to have a less than significant impact. No mitigation is required.

Appendix E

Responses to Comment Letters Received on the Draft IS/MND





April 5, 2010

Mindy Gentry, Associate Planner
Department of Community Development
City of Antioch
Third and "H" Streets
Antioch, CA 94509

**SUBJECT: Proposed Initial Study/Mitigated Negative Declaration
Northeast Antioch Area Reorganization**

Dear Mindy:

Thank you for including the Contra Costa Local Agency Formation Commission (LAFCO) in the environmental review process for the above project. We have reviewed the Draft Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration ("MND") for this project.

LAFCO's actions and decisions are guided by its own locally adopted policies and statutory requirements and procedures as set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH", California Government Code §56000 et seq.). The CKH and local policies charge LAFCO with encouraging the orderly formation of local agencies and the logical and efficient extension of municipal services. And as a Responsible Agency, as defined in the California Environmental Quality Act (CEQA), LAFCO may need to rely on the City's MND in its consideration of any subsequent boundary change application [e.g., annexation, reorganization, etc.] relating to this project.

LAFCO is an independent agency with discretion to approve or disapprove, with or without amendment, wholly, partially or conditionally, changes of organization or reorganization. LAFCO is required to consider a variety of factors when evaluating a project, including, but not limited to, the proposed project's potential impacts on agricultural land and open space, the provision of municipal services, the timely and available supply of water, adequate and proximate affordable housing, etc..

With regard to the MND, we offer the following comments and questions:

- 1. Please correct the document to reflect Contra Costa ~~County~~ LAFCO (delete "County").
- 2. Page 5 provides a brief description of the power plant project and that it will undergo a separate environmental review. What is the status/timing of this separate environmental review process?
- 3. Page 10 notes that the city may seek approval from LAFCO for an out of agency service agreement to serve the Mirant Marsh Landing Generating Station. Would the City seek out of agency service from both DDSD and the City of Antioch? What is the anticipated timing of such a request to LAFCO? Please explain.

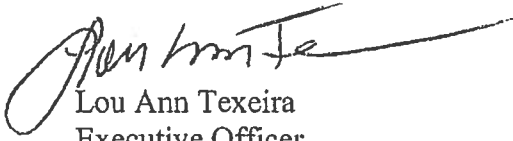
1.1
1.2
1.3

We acknowledge that the analysis contained in this document assumes no significant changes in or intensification of land uses or development beyond what would be permitted under current General Plan and zoning regulations, and recognizes that future development would be subject to additional environmental review.

Finally, we thank and commend the City of Antioch for taking a comprehensive approach to the Northeast Antioch area, and recognizing the critical service and boundary issues associated with Areas 1, 2a and 2b.

Thank you for your consideration of our comments. Please contact the LAFCO office if you have any questions.

Sincerely,



Lou Ann Texeira
Executive Officer

c: LAFCO Planner

RESPONSES TO COMMENTS

Letter 1 – Local Agency Formation Commission

Response to comment 1.1

Comment noted. The MND is revised on page 10 and page 54 to remove the word "County"

Response to comment 1.2

As noted in the Draft MND, the California Energy Commission (CEC) is currently processing an application by Mirant Marsh Landing, LLC, for certification to construct and operate a new power plant. A CEC staff assessment is expected to be issued for public review in April 2010. Following a 30-day public review period, the CEC will consider approval of the application based on the technical assessments prepared by staff and any public comments received. Hearings have not yet been scheduled but will likely be held in June 2010.

Response to comment 1.3

The City has initiated the annexation process for the area in question, which includes the site on which the Mirant Marsh Landing Power Plant is proposed. It is the City's expectation that the annexation process will be completed well in advance of Mirant Marsh Landing Power Plant being approved, constructed, and in need of utility hook ups for operation. However, in the unlikely event that the annexation process is not finalized by the time Mirant Marsh Landing is in need of water and sewer connections, it is possible that the City will request from LAFCO an Out of Agency Agreement to provide such services for Mirant Marsh Landing until such time as the annexation is completed. Any such request for an Out of Agency Agreement by the City would also include Delta Diablo Sanitation District along with the City of Antioch. The City currently has a similar Out of Agency Agreement with PG&E for the Gateway Power Plant, which is located adjacent to the site on which the Mirant Marsh Landing Facility is proposed.



Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373

TEL.: (925) 756-1900 ADMIN. FAX: (925) 756-1961 MAINT. FAX: (925) 756-1963 OPER. FAX: (925) 756-1962 TECH. SVCS. FAX: (925) 756-1960
www.ddsd.org

April 5, 2010

Ms. Mindy Gentry, Associate Planner
Economic Development Department
City of Antioch
P.O. Box 5007
Antioch, CA 94531

SUBJECT: NORTHEAST ANNEXATION DRAFT MITIGATED NEGATIVE
DECLARATION

Dear Ms. Gentry:

Thank you for providing the District with the opportunity to review the subject Draft Mitigated Negative Declaration. The draft study includes a review of the potential environmental impacts for the proposed reorganization (annexation) of three subareas totaling 678 acres into both the City of Antioch (City) and the Delta Diablo Sanitation District (District). As noted by the study, subarea 1 is an approximately 481 acre area predominantly occupied by heavy industrial uses and generally located south of the San Joaquin River, west of State Route 160, and north of the BNSF railroad. Subarea 2a is a 94 acre area currently occupied primarily by storage and marina and located between Area 1 and the Antioch Bridge (State Route 160). Area 2b is approximately 103 acres located south of Wilbur Avenue in the vicinity of Viera Avenue. Area 2b currently contains 120 existing residential uses that are served primarily by well water and private septic systems. The subareas, Area 1; Area 2a; and area 2b are located within the sphere of influence of the City and the District.

The following summarizes our comments/concerns related to recycled water, wastewater conveyance through District facilities, and wastewater treatment.

Wastewater Conveyance and Treatment

The existing DDSD sewer forcemain shown conceptually in Figure 6 consists of two separate sewer forcemains. One District sewer forcemain is 24 inches in diameter and the second forcemain is 14 inches in diameter. The 14 inch diameter forcemain joins with the 24 inch diameter force main just east of the Wilbur Avenue Bridge overcrossing of BNSF railroad. Both forcemains are necessary for conveyance of projected buildout flows from Bridgehead Pump Station. The pipeline corridor within the Wilbur Avenue public right of way is congested as it accommodates not only the two existing DDSD forcemains but also a number of gas transmission mains as well as a potable water transmission main. Page 9 of the draft mitigated negative declaration correctly identifies the need to obtain additional right of way along Wilbur Avenue not only for traffic, but also for future utility purposes.

It should be clarified on page 54 of the study that portions of the proposed reorganization area will have sewage flows routed through the DDSD Antioch Pump Station rather than the DDSD Bridgehead Pump Station. The conceptual sewer plan shown in Figure 7 is inconsistent with

2.1

draft District master plans for sewage flow routing of a portion of area 1 and a portion of area 2b in that portions are planned/ modeled as flowing directly to the District's Antioch Pump Station facility located on Fulton Shipyard Road to the west rather than as depicted to the Bridgehead Pump Station to the east. Attached is a District staff markup of Figure 6 delineating the areas currently programmed in District hydraulic models as tributary to Bridgehead Pump Station. It is recommended that the conceptual illustration of the 15 inch sewer in Wilbur west of Viera Avenue and the 8 inch sewer in East 18th Street west of Viera Avenue be revised to illustrate an alternate routing of flows through new City trunk lines in the westerly direction so that it is consistent with current District planning. If the western routing is determined to be undesirable to the City, the District is open to performing a special hydraulic review at the time of City trunk line predesign for the areas west of Viera Avenue. It is our understanding that it will be several years or more before funding for all the City sewer trunk lines identified in the Mitigated Negative Declaration is available and that the City will perform the necessary project-level environmental review of pipeline/utility construction impacts once more detailed plans for these facilities are developed.

2.1
(cont)

Recycled Water

Delta Diablo Sanitation District (DDSD) and the City of Antioch are working jointly to complete construction of a recycled water transmission main which will supply recycled water to the City of Antioch for various municipal parks and the Lone Tree Golf Course. This pipeline is sized to provide for future recycled water demands, including possible industrial recycled water use in the proposed reorganization area. The ability of DDSD to provide recycled water to the proposed reorganization area is dependent on a detailed evaluation of the demands, as well as a hydraulic analysis of the transmission and associated distribution system

2.2

If you have any questions, or need further clarification, please feel free to contact me at (925) 756-1939.

Sincerely,



Patricia Chapman
Associate Engineer

PC:cg

Enclosure

cc: Phil Harrington, City of Antioch
Victor Carneglia, City of Antioch
Caroline Quinn, Engineering Services Director, DDSD
Dean Eckerson, Principal Engineer, DDSD
Amanda Roa, Environmental Compliance Engineer, DDSD
DEV.03-DEVDOC-818
Chron File



DDSD Markup - 4/5/10

Area Tributary to Bridgehead Pump Station

RESPONSES TO COMMENTS

Letter 2 – Delta Diablo Sanitation District

Response to comment 2.1

Comment noted. Figure 7 of the MND is revised to more accurately reflect future planning for waste water treatment in the proposed annexation area.

Response to comment 2.2

Comment noted.

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR
CONSIDERATION AT THE COUNCIL MEETING OF MAY 8th 2012**

FROM: Allan J. Cantando, Chief of Police
PREPARED BY: Leonard A. Orman, Police Captain
DATE: May 1st 2012
SUBJECT: Edward Byrne Memorial Justice Assistance Grant (JAG) 2012

RECOMMENDATION

The City Council approve the allocated grant funds to: 1) Pay for a portion of the salary and benefits for the Police Department Volunteer Coordinator; and 2) Fund the REACH Youth for Positive Change program, an enhancement of the Youth Intervention Program.

BACKGROUND INFORMATION

The City of Antioch has been allocated to receive \$67,398 from the Edward Byrne Memorial Justice Assistance Grant 2012.

Due to the large allocations to cities and a relatively small allocation to the County of Contra Costa, we have been classified in what is called a disparate category. This requires jurisdictions responsible for determining individual allocations and documenting the said allocations in a Memorandum of Understanding.

The Police Chiefs of Contra Costa County as well as the Sheriff have agreed that the Contra Costa County Sheriff's Office will be the primary grantee and they will handle the creation of the MOU, grant reporting, as well as being the financial pass through of funds to the sub-grantees which will include the City of Antioch. The County will charge each sub-grantee five percent (5%) grant management fee which is permitted by the grant process.

A five percent (5%) management fee would equate to \$3370. The grant will partially fund salary and benefits of the Volunteer Coordinator which equates to approximately \$50,629. In addition, the grant will fully fund the Youth for Positive Change program, a juvenile diversion program, which equates to \$25,000.

The Volunteer Coordinator position is an integral part in maintaining and further recruiting unpaid volunteers that subsequently provide valuable and needed service though the police department to the Citizens of Antioch.

The Youth for Positive Change Program is designed for the most severe at-risk youth. Youth involved programs, including those with parent involvement take place during evenings and Saturdays. Activities include those addressing youth leadership, restorative justice, and community building. This approach has demonstrated success for youth in our community.

The attached MOU's must be signed and returned to the County prior to the grant deadline of May 14th 2012 at 5:00 P.M. PST.

FINANCIAL IMPACT

If approved, the City of Antioch will receive an allocation of \$67,398.

ATTACHMENTS

Attachment "A": Byrne Grant MOU

OPTIONS

- Do not approve grant funds for recommended allocations.

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE COUNTY OF CONTRA COSTA
AND PARTICIPATING CONTRA COSTA COUNTY LOCAL GOVERNMENT AGENCIES**

**FOR THE DISTRIBUTION OF:
REGULAR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
(JAG) GRANT - 2012**

THIS MEMORANDUM OF UNDERSTANDING is made and entered as of this **1ST Day of JULY, 2012**, in the County of Contra Costa, State of California, by and between **the Undersigned Local Government Agencies** acting by and through their respective governing bodies, related to the regular Edward Byrne Memorial Justice Assistance Grant (JAG) Grant - 2011 funds.

WHEREAS, the Federal government has made funds available under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3751(a)) through the Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA) for law enforcement purposes; and

WHEREAS, Contra Costa County has been designated as a disparate jurisdiction, that status requiring the submittal by all the undersigned parties of a single joint application for the total eligible allocation pursuant to a Memorandum of Understanding between all parties; and

WHEREAS, the Contra Costa County Office of the Sheriff will serve as the applicant FISCAL AGENT, and GRANTEE, for the joint funds (hereafter, the "GRANTEE/FISCAL AGENT"), and the other local government signatories shall be subgrantees (hereafter, each a "SUBGRANTEE", and collectively the "SUBGRANTEES"); and

WHEREAS, by this Memorandum of Understanding (M.O.U.) all parties agree to be bound by its terms; and

WHEREAS, all parties are required to allocate the grant funds among themselves;

NOW, THEREFORE, the parties hereto agree as follows:

- 1. Duration of Term.** The term of this Agreement shall commence on **OCTOBER 1, 2012**, and shall end on **SEPTEMBER 30, 2015**, plus any necessary period for reports, audits, and other post-grant compliance, unless extended by mutual agreement in accordance with any extension approved by the U.S. Department of Justice, Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA).
- 2. Length of Award.** Grant award is made the first fiscal year and may be expended during the following three (3) years, for a total of four (4) grant period years.

3. **Allocation Amounts.** The GRANTEE/FISCAL AGENT and SUBGRANTEES will receive allocations as listed:

Contra Costa County	\$36,435
City of Antioch	\$67,398
City of Richmond	<u>\$86,011</u>
	\$189,844 Total

4. **Administrative Fee.** Notwithstanding the above paragraph (3) above, an administrative fee of five percent (5%) will be deducted for each disbursement under this agreement and shall be paid to the GRANTEE/FISCAL AGENT.

5. **Use of Funds.** SUBGRANTEES agree that they shall only expend these funds for anyone of the purpose listed in the “Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2012 Local Solicitation” as follows:

(a) Use for state and local initiatives, (b) technical assistance, (c) training, (d) personnel, (e) equipment, (f) supplies, (g) contractual support, (h) information systems for criminal justice, and (i) criminal justice-related research and evaluation activities that will improve or enhance:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

6. **Prohibited Uses.** Grant funds may not be expended outside of the grant purpose areas as stated above in paragraph (5). Additionally, grant funds may not be used directly or indirectly for security enhancements or equipment for non-governmental entities who are not engaged in criminal justice or public safety.

Furthermore, grant funds may not be used directly or indirectly to provide for any of the following matters unless BJA certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

1. Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters).
2. Luxury items.
3. Real estate.
4. Construction projects (other than penal or correctional institutions)
5. Any similar matters.

7. **Additional Requirements:** SUBGRANTEES have read, understood, and agree to the rules and requirements as listed in the “Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2012 Local Solicitation.” All documents are located on website http://www.ojp.usdoj.gov/funding/other_requirements.htm .

8. **Reporting Requirements.** Under this grant, quarterly financial status reports, quarterly performance metrics reports, and an annual progress report must be submitted to the Bureau of Justice Administration.

SUBGRANTEES agree to submit the quarterly reports to the GRANTEE/FISCAL AGENT no later than the following dates, for the term of the grant:

- January 15 for the Quarter: October 1 through December 31
- April 15 for the Quarter: January 1 through March 31
- July 15 for the Quarter: April 1 through June 30
- October 15 for the Quarter: July 1 through September 30

The SUBGRANTEE's quarterly report shall contain a detailed list of all projects or activities for which grant funds were expended or obligated, including:

- a. the name of the project or activity;
- b. a description of the project or activity;
- c. an evaluation of the completion status of the project or activity, to include the status of performance measures;
- d. an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
- e. with respect to infrastructure investments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds available through this grant, and name of the person to contract.

SUBGRANTEES are required to submit quarterly reports if no activity occurred during the quarter.

SUBGRANTEES will not be required to submit quarterly reports if all grant fund allocations have been expended.

9. **GRANTEE/FISCAL AGENT Responsibilities.** The GRANTEE/FISCAL AGENT shall be responsible for submission of the application, receipt of the funds, administration of the funds including: distributing the funds; monitoring the award; submitting reports including performance measures and program assessment data; providing ongoing monitoring and oversight of any SUBGRANTEE of the funds, and audit responsibilities.

10. **Disbursement.** SUBGRANTEES shall submit to the GRANTEE/FISCAL AGENT all documentation that may be reasonably required to support reimbursement of expenditures and audit reviews. The GRANTEE/FISCAL AGENT will submit the reimbursement documentation to OJP through established reporting processes. GRANTEE/FISCAL AGENT will disburse funds upon receipt of the reimbursement funds from OJP. On no occasion will GRANTEE/FISCAL AGENT advance funds. Each disbursement to SUBGRANTEES will have deducted the 5% administration fee.

11. **Record-Keeping and Audits.** GRANTEE/FISCAL AGENT and SUBGRANTEES shall establish and maintain accurate files and records of all aspects of the grant projects, property, programmatic and financial records in accordance with the grant record requirements. SUBGRANTEES agree they shall co-operate fully and shall permit the GRANTEE/FISCAL AGENT, its employees and authorized representatives to inspect, audit, examine and make copies, excerpts and transcripts from documents related to the grant, as needed. Failure to do

so will allow the GRANTEE/FISCAL AGENT to withhold funds until the compliance by the SUBGRANTEE.

12. **Disallowance.** SUBGRANTEES agrees that if an individual SUBGRANTEE claims or receives reimbursement from the GRANTEE/FISCAL AGENT for an expenditure which is later disallowed by the federal government, that individual SUBGRANTEE shall promptly refund the disallowed amount to the GRANTEE/FISCAL AGENT upon the GRANTEE/FISCAL AGENT's request. At its option, the GRANTEE/FISCAL AGENT may offset all or any portion of the disallowed amount against any other payment due to the individual SUBGRANTEE, hereunder. Any such offset with respect to a portion of the disallowed amount shall not release the individual SUBGRANTEE from the obligation hereunder to refund the remainder of the disallowed amount.

12. **Mutual Indemnification.** GRANTEE/FISCAL AGENT agrees to indemnify and hold harmless SUBGRANTEES for the GRANTEE/FISCAL AGENT's share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorneys' fees, arising out of the willful misconduct or the negligent acts, errors or omissions of the GRANTEE/FISCAL AGENT in the performance of this Memorandum of Understanding.

SUBGRANTEE agrees to indemnify and hold harmless the GRANTEE/FISCAL AGENT for the SUBGRANTEE's share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorneys' fees, arising out of the willful misconduct or the negligent acts, errors or omissions of the SUBGRANTEE, its officers or employees.

This Memorandum of Understanding (M.O.U.) may be executed in counterparts including facsimile, and all counterparts, shall constitute one agreement, binding upon all parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this M.O.U. to be duly executed as of the date first specified herein. Each person signing this M.O.U. warrants that he or she has full and complete authority to sign this M.O.U. and binds the governmental agency for which he or she signs.

GRANTEE/FISCAL AGENT

**CONTRA COSTA COUNTY
OFFICE OF THE SHERIFF**

Signature

Sheriff-Coroner
Title

David O. Livingston
Print Name

Date

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE COUNTY OF CONTRA COSTA
AND PARTICIPATING CONTRA COSTA COUNTY LOCAL GOVERNMENT AGENCIES**

**FOR THE DISTRIBUTION OF:
REGULAR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
(JAG) GRANT - 2012**

IN WITNESS WHEREOF, the parties hereto have caused this M.O.U. to be duly executed as of the date first specified herein. Each person signing this M.O.U. warrants that he or she has full and complete authority to sign this M.O.U. and binds the governmental agency for which he or she signs.

SUBGRANTEES

CITY OF ANTIOCH

Signature

Title

Print Name

Date

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE COUNTY OF CONTRA COSTA
AND PARTICIPATING CONTRA COSTA COUNTY LOCAL GOVERNMENT AGENCIES**

**FOR THE DISTRIBUTION OF:
REGULAR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
(JAG) GRANT - 2012**

IN WITNESS WHEREOF, the parties hereto have caused this M.O.U. to be duly executed as of the date first specified herein. Each person signing this M.O.U. warrants that he or she has full and complete authority to sign this M.O.U. and binds the governmental agency for which he or she signs.

SUBGRANTEES

CITY OF RICHMOND


Signature

Title

Print Name

Date

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MAY 8, 2012**

From: Lynn Tracy Nerland, City Attorney 
Date: May 1, 2011
Subject: **Oversight Board to the City of Antioch as Successor Agency to the Antioch Development Agency: Conflict of Interest Code and Update**

RECOMMENDED ACTION: As the FPPC's designated code-reviewing body, it is recommended that the City Council adopt the resolution approving the Conflict of Interest Code for the Oversight Board to the City of Antioch as Successor Agency to the Antioch Development Agency (Attachment A)

BACKGROUND:

Under the Redevelopment Dissolution Act, the Oversight Board to the City of Antioch as Successor Agency to the Antioch Development Agency is a separate public entity and subject to the Political Reform Act. Accordingly, the Oversight Board is required to adopt a Conflict of Interest Code and its Board Members are required to file statements of economic disclosure (Form 700) in accordance with that Conflict of Interest Code. Pursuant to an informal advice letter dated April 25, 2012, the Fair Political Practices Commission (FPPC) has advised that the City Council be the code-reviewing body for the Oversight Board's Conflict of Interest Code (see Attachment B).

The Oversight Board to the City of Antioch as Successor Agency to the Antioch Development Agency had its first meeting on April 30, 2012. At that meeting, it adopted the attached Conflict of Interest Code, subject to City Council approval.

There is still some question as to whether the City of Antioch as Successor Agency to the Antioch Development Agency is a separate legal entity from the City of Antioch and thus required to adopt its own conflict of interest code. While that issue is being resolved at the state level, it is worth noting that anyone involved with the City as Successor Agency is already fully disclosing under the City's Conflict of Interest Code.

Dissolution of Antioch Development Agency

On December 29, 2011 the California Supreme Court issued a decision in the *California Redevelopment Association v. Matosantos* case. The case addressed the legality of the State budget bills to dissolve redevelopment agencies and redirect redevelopment assets to State obligations, unless the cities and counties opted to make voluntary payments to the State. The Court found the Dissolution Act (AB1x 26) constitutional and the Alternative Redevelopment Program Act (AB1x 27) unconstitutional. Thus, all redevelopment agencies in California were dissolved on February 1, 2012.

Successor Agency

Under the Dissolution Act, the Successor Agency, subject to an Oversight Board, winds down the operations of the Antioch Development Agency. On January 24, 2012, the City Council opted to be the Successor Agency to the Antioch Development Agency and to act as the Housing Successor to the Antioch Development Agency.

The City, as Successor Agency to the Antioch Development Agency, prepared a Recognized Obligation Payment Schedule (ROPS) by March 1, 2012. This will become a permanent schedule of obligations used by the County Auditor-Controller to allocate property tax increment to the City to pay the obligations listed on the ROPS. The ROPS is subject to the approval of the County Auditor-Controller, State Controller, State Department of Finance and the Oversight Board. The ROPS must be updated twice a year to reflect six months of payments due until all obligations are paid; therefore, the ROPS will be updated to reflect payments due from July 1 – December 31, 2012, etc.

Oversight Board

The following appointments to the Oversight Board were made pursuant to the requirements in the Dissolution Act:

- One member appointed by the county board of supervisors – *Supervisor Glover's Chief of Staff, David Fraser, was appointed.*
- One member appointed by the mayor of the city that formed the redevelopment agency – *Mayor Davis appointed Brian Kalinowski (as an individual regardless of whether he is serving on the City Council)*
- One member appointed by the largest special district, by property tax share, within the territory of the former redevelopment agency – *Keith Archuleta was appointed by the Contra Costa Fire District Board (Board of Supervisors)*
- One member appointed by the county superintendent of schools – *Tim Forrester, Associate Superintendent of Antioch Unified School District, was appointed*
- One member appointed by the Chancellor of the California Community College – *Student Trustee Francisco Hinojosa was appointed*
- One member of the public appointed by the county board of supervisors – *Martha Parsons was appointed*
- One member appointed by the mayor representing the employees of the former redevelopment agency – *Mayor Davis appointed Tina Wehrmeister, Community Development Director*

Oversight Boards have “fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues.” Pursuant to the Dissolution Act, the Oversight Board “may direct staff of the successor agency to perform work in furtherance of the oversight board’s duties and responsibilities” To date, the City of Antioch Finance Director and City Attorney, with the administrative assistance of the Community Development Secretary, have been providing information to the Oversight Board. However, the Oversight Board has been advised that the City Attorney’s client and responsibilities continue to be to the City of Antioch and the Oversight Board can engage its own legal counsel should it desire.

At its meeting on April 30, 2012, the Oversight Board elected Brian Kalinowski as Chair and Martha Parsons as Vice Chair and established its meeting schedule as the third Monday of the month at 3:00 p.m. in the Antioch City Council Chambers. City staff was directed to prepare an annotated agenda of the meeting. Agendas and other information regarding the Oversight Board may be found on the following Web site page dedicated to the dissolution of the Antioch Development Agency and the Oversight Board located at: <http://www.ci.antioch.ca.us/citygov/oversight/default.htm>

The Oversight Board also approved the ROPS for the City of Antioch as Successor Agency for January 2012 through June 2012 and July 2012 through December 2012.

FINANCIAL IMPACT

Under the Dissolution Act, the successor agency shall pay for all of the costs of the meetings of the Oversight Board and may include such costs in its administrative budget. Oversight Board members serve without compensation or reimbursement for expenses. No financial impact is anticipated from adoption of the Conflict of Interest Code.

OPTIONS

The City Council could direct that the designated officials or disclosure categories in that proposed Conflict of Interest Code be revised.

ATTACHMENTS

A – Resolution approving the Conflict of Interest Code for the Oversight Board to the City of Antioch as Successor Agency to the Antioch Development Agency

B – Letter from the FPPC dated April 25, 2012

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE CONFLICT OF INTEREST CODE
FOR THE OVERSIGHT BOARD TO THE CITY OF ANTIOCH
AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY**

Whereas, California Health and Safety Code section 34179 provides that Oversight Boards created pursuant to Assembly Bill x1 26, which dissolved redevelopment agencies in California, are subject to the Political Reform Act; and

Whereas, in an Informal Advice Letter (I-12-060) dated April 25, 2012, the Fair Political Practices Commission advised that the City Council is the Code reviewing body under the Political Reform Act for the Oversight Board to the Successor Agency to the Antioch Development Agency; and

Whereas, on April 30, 2012, the Oversight Board approved the attached Conflict of Interest Code, subject to approval by the Antioch City Council;

NOW THEREFORE BE IT RESOLVED THAT the Antioch City Council approves the attached Conflict of Interest Code including Appendices A (Disclosure Categories) and B (Designated Officials), which are incorporated by reference, for the Oversight Board to the City of Antioch as Successor Agency to the Antioch Development Agency

* * * * *

The foregoing resolution was passed and adopted by the Antioch City Council at a regular meeting thereof, held on the ____ day of _____, 2012 by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, CITY CLERK

**CONFLICT OF INTEREST CODE
FOR THE
OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE
ANTIOCH DEVELOPMENT AGENCY**

The Political Reform Act (Government Code §§81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. §18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Practices Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Oversight Board to the Successor Agency to the Antioch Development Agency.

Designated officials shall file their statements with the Successor Agency's City Clerk who will make the statements available for public inspection and reproduction. (Gov. Code §81008). Statements for all designated officials will be retained by the City Clerk.

APPENDIX "A"

DISCLOSURE CATEGORIES

Disclosure Category

1 All Interests in Real Property.

This includes any leasehold, beneficial or ownership interest, or an option to acquire such an interest, in real property located within the jurisdiction of the City of Antioch, or within two miles of the city limits. This includes interests owned directly, indirectly or beneficially by the designated employee, or other filer, or his or her immediate family if the fair market value of the interest is \$2,000.00 or more. Interests in real property of an individual includes a pro rate share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly or indirectly or beneficially, a 10% interest or greater. It is not required to disclose a residence which was used exclusively by the filer as his or her personal residence, unless it is also a place of business, or interests acquired by a blind trust pursuant to FPPC Regulation 18235.

2 All Investments not Held by Business Entity or Trust.

This includes any financial interest in any business entity located in or doing business within the City in which the filer or the filer's immediate family had a direct, indirect or beneficial interest aggregating \$2,000.00 or more during the reporting period. A business entity is located in or doing business in the jurisdiction if it, a parent or subsidiary, or a related business entity manufactures, distributes, sells or purchases products or services on a regular basis in the jurisdiction; or plans to do business in the jurisdiction; or has done business in the jurisdiction within the previous two years; or has an interest in real property in the jurisdiction; or has an office in the jurisdiction.

This does not include bank accounts, savings accounts and money market accounts; insurance policies; shares in a credit union; government bonds; diversified mutual funds registered with the Securities and Exchange Commission; common fund trust fund created under Financial Code section 1564; individual retirement accounts invested in non-reportable interests such as insurance policies, diversified mutual funds or government bonds.

3 Investments Held by a Business Entity or Trust.

This includes investments held by a business entity if the filer's pro rate share of the investment is \$2,000.00 or more and the investment is in a business entity located in, or doing business in, the jurisdiction.

4 Income (other than loans, gifts and honoraria).

This includes gross income and the filer's community property interest in spouse's gross income. Gross income is the total amount of income before deducting expenses, losses or taxes. Income aggregating \$500.00 or more received from any source located in or doing business in the jurisdiction must be disclosed, as defined in the real property disclosure category.

It is not required to report salary or reimbursements for expenses and per diem from a federal, state or local government agency; or reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization; or campaign contributions; or a devise or inheritance; or dividends, interest or other return on a security which is registered with the Securities and Exchange Commission; or payments from an insurance company; or interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union, an insurance policy or bond or other debt issued by a government agency; or income of dependent children; or alimony or child support payments; or payments received under a defined benefit pension plan.

5 Income (loans, gifts and honoraria).

This includes loans received by the filer or the filer's spouse aggregating \$500.00 or more from a single source which is located in or doing business in the jurisdiction, as defined for real property disclosures. This also includes gifts with an aggregate value of \$50.00 or more received during the reporting period from a single source. All gifts are reportable without regard to where the donor is located. Any number of gifts from one person, the value of which adds up to \$50.00 or more during the reporting period must be disclosed. This also includes honoraria, such as payment for making a speech, publishing an article, or attending an event. Payments aggregating \$50.00 or more during the reporting period must be disclosed. All of these forms of income are subject to the exceptions and exemptions provided by the Fair Political Practices Act and its regulations.

APPENDIX "B"
DESIGNATED OFFICIALS AND EMPLOYEES

The following officials and employees hold positions requiring disclosure of financial interests pursuant to California Government Code Section 87200 and shall file a Form 700:

The following officials, employees and consultants are in the following disclosure categories:

Oversight Board Members..... 1, 2, 3, 4, 5

** Consultants shall be designated on a case-by-case basis, depending upon the nature of their services. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Oversight Board's determination shall be a public record and shall be retained for public inspection in the same manner and location as this chapter.*



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
 (916) 322-5660 • Fax (916) 322-0886

April 25, 2012

Patrick Whitnell
 General Counsel
 League of California Cities
 1400 K Street, Suite 400
 Sacramento, California 95814

Re: Your Request for Advice
Our File No. I-12-060

Dear Mr. Whitnell:

This letter responds to your request for advice on behalf of the California League of Cities regarding applicability of the conflict-of-interest code and financial disclosure provisions of the Political Reform Act (the "Act")¹ to new local government agencies and officials holding positions in those agencies created by Assembly Bill 1X 26 ("AB 1X 26"), that was passed by the Legislature and signed into law in 2011. Because you have sought general guidance not limited to a particular public official or specific set of facts, we are treating your request as one for informal, rather than formal, assistance. (See Regulation 18329(b)(8)(B), (C) and (F).)²

FACTS

Since the 1950's, California redevelopment agencies have functioned under the Community Redevelopment Law (Health and Saf. Code § 33000 et seq.). AB 1X 26 (Stats. 2011, 1st Ex. Sess. 2011-2012, ch. 5) made extensive amendments to the Community Redevelopment Law. You have provided a summary of the provisions of the legislation that you think are relevant to your questions and we rely partially on this, as well as our own reading of the legislation, to summarize the pertinent provisions. However, given the length and complexity of the legislation and the possibility of further litigation on its provisions, we caution that our advice could change if there emerges a subsequent alternative interpretation or version of the legislation that affects applicability of the Act.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

The legislation provides for the dissolution of redevelopment agencies and an administrative process to wind down agency activities and dispose of agency assets, including distribution of all unencumbered redevelopment agency assets to the cities, county and various special districts in the county entitled to receive property tax proceeds. (Health and Saf. Code § 34177(d).) It creates two new public entities: successor agencies and oversight boards.

Successor agencies are designated as the successor entities to the former redevelopment agencies. (Health and Saf. Code §§ 34171(j), 34173(a).) All authority, rights, duties, and obligations previously vested with the former redevelopment agency are now vested in the successor agency. (Health and Saf. Code Secs. 34173(b), 34177.) The entity that serves as the successor agency is determined in one of several ways:

1. The city, county, city and county, or entities forming the joint powers authority that created the redevelopment agency is, in your view, by implication under the statute, designated as the successor agency unless it adopts a resolution electing not to serve as the successor agency. (Health and Saf. Code Sec. 34173(d)(1).)

2. If an agency that created the redevelopment agency elects not to be the successor agency, then the local agency (defined as “any city, county, city and county, or special district in the county of the former redevelopment agency”) in the county that first adopts a resolution electing to become the successor agency, and submits the resolution to the county auditor-controller, is deemed the successor agency. (Health and Saf. Code § 34173(d)(2).) Thus, for example and however unlikely, it is possible that a school district or another city in the county of a city that originally formed the redevelopment agency could become the successor agency for that redevelopment agency.

3. If no local agency elects to serve as successor agency, a public body referred to as a “designated local authority” is formed, and has all the powers and duties of a successor agency. The Governor appoints three residents of the county to serve as the governing board of the authority. (Health and Saf. Code § 34173(d)(3).)

Each successor agency has an oversight board composed of seven members. (Health and Saf. Code §§ 34171(f), 34179(a).) The oversight board directs staff of the successor agency to perform work in furtherance of the oversight board’s duties and responsibilities. (Health and Saf. Code §§ 34177(e), 34179(c), 34180, 34181.) The board members are selected as follows: 1. One member appointed by the county board of supervisors; 2. One member appointed by the mayor for the city that created the redevelopment agency; 3. One member appointed by the largest special district; 4. One member appointed by the county superintendent of education; 5. One member appointed by the Chancellor of the California Community Colleges; 6. One member of the public appointed by the county board of supervisors; 7. One member representing the employees of the former redevelopment agency appointed by the mayor or the chair of the board of supervisors. (Health and Saf. Code § 34179(a)(1-7).) The Governor may appoint individuals to fill oversight board member seats not filled by May 15, 2012, or that remain

vacant for more than 60 days. (Health and Saf. Code c 34179(b).) For purposes of the Act, the oversight board is deemed to be a local entity. (Health and Saf. Code §§ 34179(e).) Oversight board members do not receive compensation or reimbursement for expenses. (Health and Saf. Code §§ 34179(c).) Also, under Health and Safety Code, section 34179(j), commencing on and after July 1, 2016, all oversight boards existing in a county are consolidated under one oversight board whose members are appointed by various entities similar to those who appoint members to the original oversight boards.

You state that the relationship of the successor agency to the city or county that created the redevelopment agency is “murky at best.” With respect to the successor agency, various sections of AB 1X 26 imply that the city or county that created the redevelopment agency is the successor agency (unless they affirmatively elect not to be). (See, e.g., Health and Saf. Code §§ 34171(j), 34173(a), 34173(d)(1).) But, in your view, other sections of the legislation may indicate that a different interpretation is required. For example, Health and Safety Code section, 34190(c) provides that the successor agency is a public agency for purposes of the Meyers-Milias-Brown Act (MMBA) and Health and Safety Code Section 34190(d) provides that the successor agency shall become the employer of all employees of the redevelopment agency as of the date of the agency’s dissolution. In your view, these sections seem to imply that the successor agency is a separate public agency. Further, proposed amendments to AB 1X 26 provide that a successor agency is a public entity separate from the entity or entities that authorized the creation of each redevelopment agency.

In contrast, you state that it appears clear from the legislation that the oversight board is a separate public agency from the city or county that created the redevelopment agency. As noted above, the oversight board is a local entity for purposes of the Act (as well as the Public Records Act (Sec. 6250 et seq. and the Brown Act (Sec. 54950 et seq.)). Further, the oversight board has a fiduciary duty to the taxing entities that benefit from the distributions of property tax, which would include cities and counties. (Health and Saf. Code § 34179(i).) This same section also provides that the provisions of Section 1090 apply to oversight boards. Thus, in your view, the legislation apparently makes clear that the oversight boards are separate legal entities from the cities and counties that created the redevelopment agencies.

GENERAL SUMMARY OF THE ACT’S PROVISIONS APPLICABLE TO FINANCIAL DISCLOSURE BY PUBLIC OFFICIALS AND CONFLICT-OF-INTEREST CODES

The Act requires specified public officials of state and local government agencies to periodically file Statements of Economic Interests (FPPC Form 700) disclosing defined financial interests. These officials fall into two categories: (1) Officials holding positions specified in Section 87200, who are required to disclose the broadest range of financial interests (Sections 87200 – 87210); and (2) Officials holding agency positions that involve participation in government decisions that have financial impacts. These positions are designated in the agency’s conflict-of-interest code and disclosure for each position is tailored to the scope of the official’s job duties. (Sections 87300 – 87313.)

Each government agency is required, within certain timelines, to adopt a conflict-of-interest code (Section 87300) and amend it to reflect changes in the decision-making positions in the agency (Section 87306). It is the Act's stated policy that conflict-of-interest codes are formulated at the most decentralized level possible, with issues of what should be deemed an "agency" resolved by the code reviewing body. (Section 87301.) The code reviewing body is the government agency charged with reviewing and approving an agency's conflict-of-interest code. No code is effective unless approved by the code reviewing body. (Section 87303.)

Section 82011 details which agencies are code reviewing bodies. As is pertinent to your questions, the following are the code reviewing bodies for local government agencies: (1) The Fair Political Practices Commission (the "Commission") for any local government agency with jurisdiction in more than one county (Section 82011(a)); (2) The county board of supervisors for any county agency and any other local government agency with jurisdiction wholly within the county, other than the board itself, an agency of the judicial branch or a city agency (Section 82011(b)); and (3), the city council for any city agency except for the council itself (Section 82011(c)).

Section 87500 states where public officials are required to file their Statements of Economic Interests. As is generally pertinent to your question, officials in local government agencies file as follows: (1) With the county clerk, if the person holds the office of chief administrative officer, district attorney, county counsel, county treasurer, or member of the board of supervisors (Section 87500(e)); (2) With the city clerk, if the person holds the office of city manager or chief administrative officer, city councilmember, city treasurer, city attorney, or mayor (Section 87500(f)); (3) With his or her own agency, if the person is a planning commissioner (Section 87500(g), head of a local government agency, or member of a local board or commission for which the Commission is the code reviewing body (Section 87500(l); and (4) With his or her own agency or the agency's code reviewing body as designated by the code reviewing body, if the person is not otherwise covered under (1) – (3) above (Section 87500(p)).

QUESTIONS AND CONCLUSIONS

1. Who adopts the conflict-of-interest codes for the successor agency and the oversight board?

Conclusion: Unless determined otherwise by their code reviewing body, the successor agency and the oversight board both adopt their own conflict-of-interest codes.

Analysis: As set forth in Section 87300, each agency is required to adopt its own conflict-of-interest code. Furthermore, the Act, in Section 87301, requires that each conflict-of-interest code be formulated at the most decentralized level possible, which indicates that it is desirable that an autonomous or semi-autonomous governmental entity be classified as an "agency" and adopt its own code because it is most familiar with the job duties of its officers and employees. However, Section 87301 ultimately leaves the determination of what constitutes an "agency," and thus the decision of which entity is obligated to adopt the code, to the code reviewing body.

For example, assume that a city elects to be the successor agency for either its own or another entity's redevelopment agency. Based on the conclusions and analysis in Questions 2 and 3 below, the city council would therefore be the code reviewing body for both the successor agency and its oversight board and, under Section 87301, could: (1) determine that the successor agency or oversight board, or both, are new "agencies" and require them to adopt new conflict-of-interest codes; or (2) determine that the city itself is the "agency" and amend its own conflict-of-interest code to cover designated employees in the successor agency and oversight board.

2. Who are the code reviewing bodies for the successor agency and the oversight board?

Conclusion: The code reviewing body for a successor agency and its oversight board (except for consolidated oversight boards formed pursuant to Health and Safety Code Sec. 34179(j), see below) are as follows:

If a city, or subdivision thereof, serves as a successor agency, the code reviewing body of the successor agency and its oversight board is the city council. (Section 82011(c).)

If a county, city and county, "designated local authority" or other local government agency with jurisdiction wholly within a county, or subdivision thereof, serves as a successor agency, the code reviewing body of the successor agency and its oversight board is the county, or city and county, board of supervisors. (Section 82011(b).)

If a "designated local authority" or other local government agency with jurisdiction in more than one county, or subdivision thereof, serves as a successor agency, the code reviewing body of the successor agency and its oversight board is the Commission. (Section 82011(a).)

The code reviewing body of an oversight board formed on or after July 1, 2016 pursuant to Health and Safety Code Section 34179(j) is the county board of supervisors.

Analysis: At the outset, we think that a successor agency and oversight board should have the same code reviewing body. One of the purposes of the Act is to require public officials to disclose information about their financial interests that can be materially affected by their official actions and to disqualify them from acting when they have conflicts of interest. (Section 81002(c).) As the agency with the primary duty of administering and implementing the Act (Section 83111), we are charged to liberally interpret its provisions to accomplish its purposes (Section 81003). While we recognize that under AB 1X 26, successor agencies and their oversight boards are governed by different authorities and may at times have conflicting goals and interests, they also have control and oversight over the same obligations, assets and property. Therefore, it is logical and also serves the Act's desire for accurate financial disclosure that the same code reviewing body assesses how these obligations, assets and property can be affected by decisions in both agencies.

Under AB 1X 26, there appear to be, for purposes of the Act, five general types of entities that can become successor agencies. These are a city, county, city and county, other non-

city local government agency (such as a joint powers authority), and a “designated local authority.” (Health and Saf. Code Sec. 34173(d); also see Health and Saf. Code Sec. 34173(c).)

As described above, subdivisions (a), (b) and (c) of Section 82011 are very explicit as to which agency is the code reviewing body for four of these entities, namely, a city, county, city and county, and other non-city local government agency. Thus, in our view, it is clear that if one of these entities becomes a successor agency, the code reviewing body for the successor agency is the code reviewing body for that entity set forth in Section 82011(a), (b), or (c). In addition, as discussed, we think it proper under the Act that the oversight board’s code reviewing body be the same.

A slightly more difficult question arises in relation to “designated local authorities.” These entities are created pursuant to Health and Safety Code, section 34173(d) when no other local government agency elects to serve as the successor agency. In that case, the “‘designated local authority’ shall be immediately formed . . . in the county and shall be vested with all the powers and duties of a successor agency” (Health and Saf. Code § 34173(d).) The “designated local authority,” is formed when the Governor appoints three residents of the county to serve as the successor agency. (*Ibid.*) Since this entity is formed in a county and is run by three gubernatorial appointees who are required to be from that county, it seems apparent that a “designated local authority” is a type of local government agency operating in a county that is not under the control of a city. Accordingly, we conclude that the code reviewing body for a “designated local authority,” and its oversight board, would be the board of supervisors of that county pursuant to Section 82011(b) or, if the entity operates in more than one county, the Commission pursuant to Section 82011(a).

Finally, as mentioned above, we must craft a special rule for oversight boards formed on or after July 1, 2016 pursuant to Health and Safety Code Section 34179(j). These boards represent a consolidation of all oversight boards existing in a county having more than one oversight board as of that date. These boards are clearly non-city local government agencies operating within a county and thus, under Section 82011(b), their code reviewing body is the county board of supervisors.

3. Should entities that adopted separate conflict-of-interest codes for their redevelopment agencies repeal those codes?

Conclusion and Analysis: If an entity that adopted a conflict-of-interest code for its redevelopment agency does not become a successor agency for the redevelopment agency, we suggest that it repeal the code once the redevelopment agency is dissolved. However, if the entity becomes a successor agency for the redevelopment agency and assumes the responsibility of adopting a conflict-of-interest code for the successor agency, it may: (1) repeal the redevelopment agency’s code and either adopt a new code or amend its own code to cover designated employees of the successor agency; or (2) amend the redevelopment agency’s code to apply, as appropriate, to the activities of the successor agency. (See Sections 82011, 87300, 87301, 87303 and 87306.)

As for the oversight boards, the code reviewing bodies may either add the oversight board to an existing conflict-of-interest code of the agency or adopt a new conflict-of-interest code for the oversight board. Since Section 87301 states that conflict-of-interest codes shall be formulated at the most decentralized level possible and that questions relating to the formation of a code are resolved by the code reviewing body, each code reviewing body makes this determination, not the Commission. (Also see Regulation 18329.5.)

Please note that, since Section 87302.6 requires members of new boards and commissions to file Statements of Economic Interests in the same manner as individuals who file under Section 87200, members of these boards, subject to certain exceptions (see Section 87202(a), must generally file assuming office Statements of Economic Interests within 30 days of assuming office and continue to file as if 87200 filers until the oversight board's conflict-of-interest code is in place. The timeline for adopting a new code or amending a code to reflect the addition of the oversight board is provided in Sections 87303 and 87306.

Regulation 18732.5 provides direction on the filing, processing and retention of Statements of Economic Interests for agencies that are to be dissolved. Statements filed for designated employees of the redevelopment agencies must be maintained for seven years.

4. **Do 87200 filers appointed to the oversight board have to file an assuming office Statement of Economic Interests with the oversight board? If not, will they be required to file an amendment to their Statement of Economic Interests to include the board position?**

Conclusion and Analysis: If the agency for which the official files a Statement of Economic Interests under Section 87200 shares the same, or is wholly located within the same, geographical jurisdiction as the oversight board, the official does not have to file a Statement of Economic Interests with the oversight board. (Regulation 18754(a)(3)(A).) For example, a city councilmember serving on an oversight board for the city's former redevelopment agency would not have to file a Statement of Economic Interests with the city in connection with her service on the oversight board because the city and the oversight board share the same jurisdiction.

However, if this is not the case, the official must file Statements of Economic Interests with both agencies, although the official can expand his or her statements to cover reportable interests in both jurisdictions and file copies in both jurisdictions (so long as each filed statement is signed and verified by the official as if it were the original statement) if the oversight board adopts a conflict-of-interest code incorporating the provisions of Regulation 18730(b)(3), footnote 1. (See Regulation 18730(a).)

5. **Do designated employees employed by the successor agency or appointed to the oversight board have to file an assuming office statement? If not, will they be required to file an amendment to include their employment or their board position? What is the timing of any required filing or amendment?**

Conclusion and Analysis:

Successor Agencies:

If the successor agency is the entity that formed the redevelopment agency and the entity adopts a new conflict-of-interest code for the successor agency, the designated employees of the successor agency must file assuming office Statements of Economic Interests because the successor agency would be considered a new agency.³ (Sections 87300 and 87303.) Pending the effective date of the code, employees who make or participate in making agency decisions that may foreseeably have a material effect on any financial interest must file Statements of Economic Interests pursuant to Regulation 18734, and that regulation also governs treatment of these filings in relation to the filing requirements once the code becomes effective (see Regulation 18734(e)).

If the successor agency is the entity that formed the redevelopment agency and the entity instead amends the code of the former redevelopment agency to apply, as appropriate, to the activities of the successor agency (see Question 3 above), existing designated employees would file Statements of Economic Interests pursuant to the provisions of Regulation 18735 and employees in newly created positions would file pursuant to Regulation 18734.

If the successor agency is not the entity that formed the redevelopment agency, it must adopt a new conflict-of-interest code for that agency or incorporate designated employees in the successor agency into its existing conflict-of-interest code. In that case, until the new code or amendments become effective, employees who make or participate in making agency decisions that may foreseeably have a material effect on any financial interest must file Statements of Economic Interests pursuant to Regulation 18734 and, as mentioned above, that regulation also governs treatment of these filings in relation to the filing requirements once the code becomes effective (see Regulation 18734(e)).

Oversight Boards: As stated above, the oversight boards are new agencies and thus members of the boards must file assuming office and other Statements of Economic Interests pursuant to Section 87302.6 until the board or its code reviewing body adopts or amends a code to reflect addition of the oversight board.

³ In this instance, since the code reviewing body considers the successor agency a new agency, the designated employees of the former redevelopment agency must file leaving office Statements of Economic Interests in connection with their employment with the former redevelopment agency. (Section 87302(b).)

6. **Who is the filing officer? If only an amendment is required, is the filing officer the agency in which the board member filed the original statement? Who is the filing officer for statements filed by the governing board of a “designated local authority?”**

Conclusions and Analysis:

Successor Agencies:

The filing officer for the head of a successor agency, including the head of a “designated local authority,” and members of the board of a “designated local authority” is the Commission if the Commission is the successor agency’s or authority’s code reviewing body. (Section 87500(l).)

Otherwise, the filing officer for a successor agency’s, including a “designated local authority’s,” designated employees and board members, if any, is the successor agency or the successor agency’s code reviewing body as designated by the code reviewing body. (Section 87500(p).) For example, if a city becomes a successor agency and the city council is the successor agency’s code reviewing body, the city council must determine which city official or subdivision is the filing officer for the successor agency. (*Ibid.*)

Oversight Boards:

The filing officer for the head, or board member, of an oversight board is the Commission if the Commission is the oversight board’s code reviewing body. (Section 87500(l).)

Otherwise, the filing officer for the oversight board’s designated employees, including its board members, is the oversight board or the board’s code reviewing body as designated by the code reviewing body. (Section 87500(p).)

See Question 2 above to determine which agency is a successor agency’s or oversight board’s code reviewing body.

7. **Do members of the public appointed to a “designated local authority” or an oversight board have an obligation to file a Statement of Economic Interests? If so, who is deemed the filing officer?**

Conclusion and Analysis: Since the Act requires that conflict-of-interest codes be formulated at the most decentralized level possible (Section 87301), we normally defer to the judgment of the agency and its code reviewing body in determining which agency officials are required to be included in the code and, thus, file Statements of Economic Interests. Therefore, we decline to answer this question, although we note that, under AB 1X 26, all the board members of “designated local authorities” and oversight boards certainly appear to be making or participating in making agency decisions that may foreseeably affect financial interests.

8. What is the assuming office date for oversight board members?

Conclusion and Analysis: For purposes of this question and pursuant to Regulation 18722, an oversight board member assumes office on the earlier of the date he or she either is authorized to serve in the position, such as by being sworn in (Regulation 18722(a)(1)(A)), or begins to perform the duties of the position such as by making, participating in making, or using his or her official position to influence a government decision (Regulation 18722(a)(1)(B)).

9. What is the jurisdiction of a successor agency or oversight board?

Conclusions:

Except for oversight boards formed pursuant to Health and Safety Code Section 34179(j) (see Question 2 above and discussion below), the jurisdiction of a successor agency and its oversight board is the same.

If the successor agency is any type of local government agency other than a “designated local authority,” the jurisdiction of the successor agency and its oversight board is the same as that local government agency and includes any real property owned by the former redevelopment agency.

If the successor agency is a “designated local authority,” the jurisdiction of the successor agency and its oversight board is the county in which the successor agency operates and includes any real property owned by the former redevelopment agency.

Analysis: As previously discussed, successor agencies and their oversight boards are local government agencies under the Act. Section 82035 states that the jurisdiction of a local government agency is “the region, county, city, district or other geographical area in which it has jurisdiction” as well as, with respect to real property, any part of the property located within or not more than two miles outside the jurisdiction or within two miles of any land owned or used by the local government agency.

Thus, the jurisdiction of a successor agency is the jurisdiction, including the real property owned by the former redevelopment agency, of any local government agency that becomes the jurisdiction of the successor agency and, logically, the successor agency's oversight board. However, while it is relatively easy to determine the jurisdiction of an existing government agency such as a city or county, more explanation is required for newly formed “designated local authorities.” As discussed above, we think a “designated local authority” is a non-city local government agency whose code reviewing body is the county, pursuant to Section 82011(b). Accordingly, for the sake of consistency, we think the proper jurisdiction of a “designated local authority” and its oversight board should be the county in which it is located plus any real property owned by the former redevelopment agency.

Finally, in the case of an oversight board formed on or after July 1, 2016 pursuant to Health and Safety Code Section 34179(j), since its authority extends over any successor agency in a county, we conclude that its jurisdiction is the county in which it is located plus any real

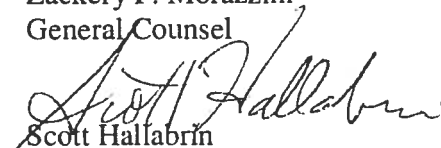
property owned by the successor agencies for which it has oversight (also see discussion under Question 2 above).

If you have other questions on this matter, please contact me at (916) 322-5660.


Sincerely,

Zackery P. Morazzini
General Counsel

By:


Scott Hallabrin
Counsel, Legal Division

By:


Sarah Olson
Political Reform Consultant
Technical Assistance Division

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MAY 8, 2012**

PREPARED BY: Ahmed Abu-Aly, Associate Engineer *AA*

REVIEWED BY: Ron Bernal, Director of Public Works/City Engineer *RB*

DATE: May 2, 2012

SUBJECT: Construction and Maintenance Agreement with BNSF Railroad Company for the Construction of the Wilbur Avenue Overhead Widening Project (P.W. 259-B)

RECOMMENDATION

It is recommended that the City Council approve the attached resolution authorizing the City Engineer to execute the attached Overpass Construction and Maintenance Agreement or substantially similar version with BNSF Railroad Company for the construction of the Wilbur Avenue Overhead Widening Project.

BACKGROUND INFORMATION

The Wilbur Avenue Overhead Widening project is a federally funded project through the Highway Bridge Rehab and Replacement (HBRR) federal program to seismically retrofit and widen the existing bridge to accommodate four lanes of traffic over the BNSF Railroad Company right of way.

The City must enter into the attached Construction and Maintenance agreement with BNSF to provide the City with the following:

1. Temporary Construction License agreement to perform all construction activities for the new structure within BNSF's right of way including construction of the new bridge footings and columns. The cost for this temporary license is \$21,161.
2. Permanent Maintenance Easement for the City's use to access BNSF's right of way and maintain the new overhead structure, columns and footings. The cost for this permanent maintenance easement is \$111,512.

The attached agreement has been reviewed by the City Attorney.

FINANCIAL IMPACT

Funding for this agreement is included in the current CIP budget as part of the right of way costs for this project and will be funded as follows: \$117,455.41 by the project federal grant and \$15,217.59 by gas tax funds.

OPTIONS

None.

ATTACHMENTS

A: BNSF Overpass Construction and Maintenance Agreement (Pages 1-29 of 104 pages)

AA/lm

5-8-12

RESOLUTION NO. 2012/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING
WILBUR OVERPASS CONSTRUCTION AND MAINTENANCE AGREEMENT WITH
BNSF RAILROAD COMPANY FOR THE CONSTRUCTION OF THE WILBUR
AVENUE OVERHEAD WIDENING PROJECT
(P.W. 259-B)**

WHEREAS, the City of Antioch wishes to delegate authorization to execute the Wilbur Avenue Overpass Construction and Maintenance agreement or substantially similar version and any other documents related to the agreement thereto to the Director of Public Works/City Engineer.

THEREFORE, BE IT RESOLVED by the City Council of the City of Antioch, that the Director of Public Works/City Engineer is hereby authorized and directed to sign the Wilbur Avenue Overpass Construction and Maintenance agreement with BNSF Railroad Company for the construction of the Wilbur Avenue Overhead Widening Project in the City of Antioch, a true copy of which is on file in the Office of the City Clerk.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted and passed by the City of Antioch, California, at a regular meeting thereof held on the 8th day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Denise Skaggs, City Clerk

ATTACHMENT "A"

OVERPASS AGREEMENT

BNSF File No. BF –
US DOT No: 029684K
Wilbur Avenue Overpass
U.S. D.O.T. No. 029684K
BNSF MP 1150.28
LS 7200, Stockton Subdivision

This Agreement ("**Agreement**") is executed to be effective as of this _____ day of _____, 20____ ("**Effective Date**"), by and between BNSF RAILWAY COMPANY, a Delaware corporation ("**BNSF**"), and the CITY OF ANTIOCH, a political subdivision of the State of California ("**Agency**").

RECITALS:

WHEREAS, BNSF owns and operates a line of railroad in and through the City of Antioch, State of California;

WHEREAS, Agency desires to improve and enlarge the existing Wilbur Avenue Overpass by widening the structure an additional 54' to the south.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE I – SCOPE OF WORK

1. The term "**Project**" as used herein includes any and all work related to the widening of the existing Wilbur Avenue Overpass (hereinafter referred to as the "**Structure**"), more particularly described on the Exhibit A attached hereto and incorporated herein, including, but not limited to, any and all changes to telephone, telegraph, signal and electrical lines and appurtenances, temporary and permanent track work, fencing, grading, alterations to or new construction of drainage facilities, preliminary and construction engineering and contract preparation. During construction of the Structure, vehicular traffic will be temporarily relocated on the existing Wilbur Avenue Overpass Structure. Additionally, temporary controls during construction must be in compliance with Section 8A-5, "Traffic Controls during Construction and Maintenance" of the Uniform Traffic Control Devices Manual, U.S. Department of Transportation.

ARTICLE II – BNSF OBLIGATIONS

In consideration of the covenants of Agency set forth herein and the faithful performance thereof, BNSF agrees as follows:

1. Upon Agency's payment to BNSF of the sum of Twenty-One Thousand One Hundred Sixty One and No/100 DOLLARS (\$21,161.00), BNSF shall grant to Agency, its successors and assigns, upon and subject to the terms and conditions set forth in this Agreement, a temporary non-exclusive license (hereinafter called, "**Temporary Construction License**") to construct the Structure across or upon the portion of BNSF's right-of-way described further on Exhibit A, excepting and reserving BNSF's rights, and the rights of any others who have obtained, or may obtain, permission or authority from BNSF, to do the following:

- (a) Operate, maintain, renew and/or relocate any and all existing railroad track or tracks, wires, pipelines and other facilities of like character upon, over or under the surface of said right-of-way;

AI

EASEMENT AGREEMENT

FOR CONSTRUCTION OF A SEPARATED GRADE CROSSING

(Overpass Agreement)

THIS EASEMENT AGREEMENT FOR CONSTRUCTING A NEW CROSSING AT SEPARATED GRADES ("**Easement Agreement**") is made and entered into as of the ____ day of _____ 2012 ("**Effective Date**"), by and between BNSF RAILWAY COMPANY, a Delaware corporation ("**Grantor**"), and the CITY OF ANTIOCH, a Municipal Corporation of the State of California ("**Grantee**").

A. Grantor owns or controls certain real property situated at or near the vicinity of Antioch, County of Contra Costa, State of California, at Mile Post 1150.20, as described or depicted on Exhibit "A" attached hereto and made a part hereof (the "**Premises**")

B. Grantor and Grantee have entered into that certain Overpass Agreement dated as of _____ concerning improvements on or near the Premises (the "**Overpass Agreement**").

C. Grantee has requested that Grantor grant to Grantee an easement over the Premises for the Easement Purpose (as defined below).

D. Grantor has agreed to grant Grantee such easement, subject to the terms and conditions set forth in this Easement and in the Overpass Agreement incorporated herein as if fully set forth in this instrument which terms shall be in full force and effect for purposes of this Easement even if the Overpass Agreement is, for whatever reason, no longer in effect.

NOW, THEREFORE, for and in consideration of the foregoing recitals which are incorporated herein, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section 1 **Granting of Easement.**

- 1.1 Easement Purpose. The "**Easement Purpose**" shall be for the purposes set forth in the Overpass Agreement. Any improvements to be constructed in connection with the Easement Purpose are referred to herein as "**Improvements**" and shall be constructed, located, configured and maintained by Grantee in strict accordance with the terms of this Easement Agreement and the Overpass Agreement.
- 1.2 Grant. Grantor does hereby grant unto Grantee a non-exclusive easement ("**Easement**") over the Premises for the Easement Purpose and for no other purpose. The Easement is granted subject to any and all restrictions, covenants, easements, licenses, permits, leases and other encumbrances of whatsoever nature whether or not of record, if any, relating to the Premises and subject to all with all applicable federal, state and local laws, regulations, ordinances, restrictions, covenants and court or administrative decisions and orders, including Environmental Laws (defined below) and zoning laws (collectively, "**Laws**"). Grantor may not make any alterations or improvements or perform any maintenance or repair activities within the Premises except in accordance with the terms and conditions of the Overpass Agreement.
- 1.3 Reservations by Grantor. Grantor excepts and reserves the right, to be exercised by Grantor and any other parties who may obtain written permission or authority from Grantor:
 - (a) to install, construct, maintain, renew, repair, replace, use, operate, change, modify and relocate any existing pipe, power, communication, cable, or utility lines and appurtenances and other facilities or structures of like character (collectively, "**Lines**") upon, over, under or across the Premises;

- (b) Construct, operate, maintain, renew and/or relocate upon said right-of-way, without limitation, such facilities as the BNSF may from time to time deem appropriate, provided such facilities do not materially interfere with the Agency's use of the Structure;
- (c) Otherwise use or operate the right-of-way as BNSF may from time to time deem appropriate, provided such use or operations does not materially interfere with the Agency's use of the Structure.

The Temporary Construction License shall be in the form attached hereto as Exhibit B and by this reference made a part hereof, and shall be for a term beginning on the Effective Date and ending on the earlier of (i) substantial completion of the Structure, or (ii) twenty-four (24) months following the Effective Date. The Temporary Construction License and related rights to be given by BNSF to Agency shall be without warranty of title of any kind, express or implied, and no covenant of warranty of title will be implied from the use of any word or words therein contained. The Temporary Construction License shall be for construction of the Structure and for no other purpose. Agency acknowledges and agrees that Agency shall not have the right, under the Temporary Construction License, to use the Structure. In the event Agency is evicted by anyone owning, or claiming title to or any interest in said right-of-way, BNSF will not be liable to Agency for any damages, losses or any expenses of any nature whatsoever. The granting of similar rights to others, subsequent to the date of this Agreement, will not impair or interfere with the rights granted to Agency pursuant to the Temporary Construction License.

Upon payment to BNSF of the additional sum of One Hundred Eleven Thousand Five Hundred Twelve and No/100 DOLLARS (\$111,512.00), such payment to be made within thirty (30) days of the giving of the notice required pursuant to Article III, Section 17 of this Agreement, and provided further that Agency is in compliance with the terms and conditions of this Agreement, BNSF shall deliver to Agency, its successors and assigns, an easement (hereinafter called, the "Easement") to enter upon and use that portion of BNSF's right-of-way as is necessary to use and maintain the Structure. The Easement shall be substantially in the form attached hereto as Exhibit B-1 and by this reference made a part hereof. If Agency fails to pay BNSF within the thirty day time period hereinabove set forth, BNSF may stop construction of the Project until full payment is received by BNSF.

2. BNSF will furnish all labor, materials, tools, and equipment for railroad work required for the construction of the Project, such railroad work and the estimated cost thereof being as shown on Exhibit D attached hereto and made a part hereof. In the event construction on the Project has not commenced within six (6) months following the Effective Date, BNSF may, in its sole and absolute discretion, revise the cost estimates set forth in said Exhibit D. In such event, the revised cost estimates will become a part of this Agreement as though originally set forth herein. Any item of work incidental to the items listed on Exhibit D not specifically mentioned therein may be included as a part of this Agreement upon written approval of Agency, which approval will not be unreasonably withheld. Construction of the Project must include the following railroad work by BNSF:

- (a) Procurement of materials, equipment and supplies necessary for the railroad work;
- (b) Preliminary engineering, design, and contract preparation;
- (c) Furnishing of flagging services during construction of the Project as required and set forth in further detail on Exhibit C, attached to this Agreement and made a part hereof;
- (d) Furnishing engineering and inspection as required in connection with the construction of the Project;
- (e) Providing a contract project coordinator, at Agency's expense, to serve as a project manager for the Project; and

3. BNSF will do all railroad work set forth in Article II, Section 2 above on an actual cost basis, when BNSF, in its sole discretion, determines it is required by its labor agreements to perform such work with its own employees working under applicable collective bargaining agreements.

4. Agency agrees to reimburse BNSF for work of an emergency nature caused by Agency or Agency's contractor in connection with the Project which BNSF deems is reasonably necessary for the immediate restoration of railroad operations, or for the protection of persons or BNSF property. Such work may be performed by BNSF without prior approval of Agency and Agency agrees to fully reimburse BNSF for all such emergency work.

5. BNSF may charge Agency for insurance expenses, including self-insurance expenses, when such expenses cover the cost of Employer's Liability (including, without limitation, liability under the Federal Employer's Liability Act) in connection with the construction of the Project. Such charges will be considered part of the actual cost of the Project, regardless of the nature or amount of ultimate liability for injury, loss or death to BNSF's employees, if any.

6. During the construction of the Project, BNSF will send Agency progressive invoices detailing the costs of the railroad work performed by BNSF under this Agreement. Agency must reimburse BNSF for completed force-account work within thirty (30) days of the date of the invoice for such work. Upon completion of the Project, BNSF will send Agency a detailed invoice of final costs, segregated as to labor and materials for each item in the recapitulation shown on Exhibit D. Pursuant to this section and Article IV, Section 7 herein, Agency must pay the final invoice within ninety (90) days of the date of the final invoice. BNSF will assess a finance charge of .033% per day (12% per annum) on any unpaid sums or other charges due under this Agreement which is past its credit terms. The finance charge continues to accrue daily until the date payment is received by BNSF, not the date payment is made or the date postmarked on the payment. Finance charges will be assessed on delinquent sums and other charges as of the end of the month and will be reduced by amounts in dispute and any unposted payments received by the month's end. Finance charges will be noted on invoices sent to Agency under this section. **For purposes of computing the time limits prescribed by Section 911.2 of the California Government Code for the presentment of a claim against the Agency, the cause of action for failure to reimburse BNSF for the costs of the Railroad work performed by it pursuant to this Agreement shall be deemed to have accrued one hundred and eighty (180) days of the date of the final invoice.**

ARTICLE III – AGENCY OBLIGATIONS

In consideration of the covenants of BNSF set forth herein and the faithful performance thereof, Agency agrees as follows:

1. Agency must furnish to BNSF plans and specifications for the Project. Four sets of said plans (reduced size 11" x 17"), together with two copies of calculations, and two copies of specifications in **English Units**, must be submitted to BNSF for approval prior to commencement of any construction. BNSF will give Agency final written approval of the plans and specifications substantially in the form of Exhibit E, attached to this Agreement and made a part hereof. Upon BNSF's final written approval of the plans and specifications, said plans and specifications will become part of this Agreement and are hereby incorporated herein. Any approval of the plans and specifications by BNSF shall in no way obligate BNSF in any manner with respect to the finished product design and/or construction. Any approval by BNSF shall mean only that the plans and specifications meet the subjective standards of BNSF, and such approval by BNSF shall not be deemed to mean that the plans and specifications or construction is structurally sound and appropriate or that such plans and specifications meet applicable regulations, laws, statutes or local ordinances and/or building codes.

2. Agency must make any required application and obtain all required permits and approvals for the construction of the Project.

3. Agency must provide for and maintain minimum vertical and horizontal clearances, as required in Exhibit C and as approved by BNSF as part of the plans and specifications for the Project.

4. Agency must acquire all rights of way necessary for the construction of the Project.

5. Agency must make any and all arrangements, in compliance BNSF's Utility Accommodation Manual (<http://www.bnsf.com/communities/faqs/pdf/utility.pdf>), for the installation or relocation of wire lines, pipe lines and other facilities owned by private persons, companies, corporations, political subdivisions or public utilities other than BNSF which may be necessary for the construction of the Project.

6. Agency must construct the Project as shown on the attached Exhibit A and do all work ("Agency's Work") provided for in the plans and specifications for the Project, except railroad work that will be performed by BNSF hereunder. Agency must furnish all labor, materials, tools and equipment for the performance of Agency's Work. The principal elements of Agency's Work are as follows:

- (a) Construction of the Structure;
- (b) All necessary grading and paving, including backfill of excavations and restoration of disturbed vegetation on BNSF's right-of-way;
- (c) Provide suitable drainage, both temporary and permanent;
- (d) Provide appropriate pedestrian control during construction;
- (e) Installation and maintenance of an 8-ft. high fence and/or concrete combination (throw fence) on the outside barrier of the Structure;
- (f) Job site cleanup including removal of all construction materials, concrete debris, surplus soil, refuse, contaminated soils, asphalt debris, litter and other waste materials to the satisfaction of BNSF;

7. Agency must apply and maintain said D.O.T. Crossing number **029684K** and Public Utility Commission crossing number **002-1150.30-A** in a conspicuous location on the Structure.

8. Agency's Work must be performed by Agency or Agency's contractor in a manner that will not endanger or interfere with the safe and timely operations of BNSF and its facilities.

9. For any future inspection or maintenance, either routine or otherwise, performed by subcontractors on behalf of the Agency, Agency shall require the subcontractors to execute and deliver to BNSF a letter agreement in the form of Exhibit C-1. Prior to performing any future maintenance with its own personnel, Agency shall: comply with all of BNSF's applicable safety rules and regulations; require any Agency employee performing maintenance to complete the safety training program at the BNSF's Internet Website "contractororientation.com"; notify BNSF when, pursuant to the requirements of Exhibit C, a flagger is required to be present; procure, and have approved by BNSF's Risk Management Department, Railroad Protective Liability insurance.

10. Agency must require its contractor(s) to notify BNSF's Roadmaster at least thirty (30) calendar days prior to requesting a BNSF flagman in accordance with the requirements of Exhibit C. Additionally, Agency must require its contractor(s) to notify BNSF's Manager of Public Projects thirty (30) calendar days prior to commencing work on BNSF property or near BNSF tracks.

11. Agency or its contractor(s) must submit four (4) copies of any plans (including two sets of calculations in **English Units**) for proposed shoring, falsework or cribbing to be used over, under, or adjacent to BNSF's tracks to BNSF's Manager of Public Projects for approval. The shoring, falsework or cribbing used by Agency's contractor shall comply with the BNSF Bridge Requirements set forth on Exhibit E, and BNSF's Instructions FOR PREPARATION OF DEMOLITION PLANS as set forth in Exhibit G with both Exhibits attached to this Agreement and incorporated herein, and all applicable requirements promulgated by state and federal agencies, departments, commissions and other legislative bodies. Exemptions or Waivers to the requirements specified in Exhibit F will not be allowed unless otherwise approved in writing by BNSF.

Falsework shall be designed according to the State of California, Department of Transportation FALSEWORKMANUAL available at this Web Site: [http://www.dot.ca.gov/hq/esc/construction/manuals/OSCCompleteManuals/FalseworkManual\(Rev32\).pdf](http://www.dot.ca.gov/hq/esc/construction/manuals/OSCCompleteManuals/FalseworkManual(Rev32).pdf). Any Demolition shall not commence until BNSF approves AGENCY demolition plan in writing.

12. Agency must include the following provisions in any contract with its contractor(s) performing work on said Project:

- (a) The Contractor is placed on notice that fiber optic, communication and other cable lines and systems (collectively, the "Lines") owned by various telecommunications companies may be buried on BNSF's property or right-of-way. The locations of these Lines have been included on the plans based on information from the telecommunications companies. The contractor will be responsible for contacting BNSF's Engineering Representative Jason Sanchez (909) 386-4075, BNSF's Signal Representative Jerry Langdon (760) 326-5443, and the telecommunications companies and notifying them of any work that may damage these Lines or facilities and/or interfere with their service. The contractor must also mark all Lines shown on the plans or marked in the field in order to verify their locations. The contractor must also use all reasonable methods when working in the BNSF right-of-way or on BNSF property to determine if any other Lines (fiber optic, cable, communication or otherwise) may exist.
- (b) The Contractor will be responsible for the rearrangement of any facilities or Lines determined to interfere with the construction. The Contractor must cooperate fully with any telecommunications company(ies) in performing such rearrangements.
- (c) Failure to mark or identify these Lines will be sufficient cause for BNSF's engineering representative Jason Sanchez to stop construction at no cost to the Agency or BNSF until these items are completed.
- (d) In addition to the liability terms contained elsewhere in this Agreement, the contractor hereby indemnifies, defends and holds harmless BNSF for, from and against all cost, liability, and expense whatsoever (including, without limitation, attorney's fees and court costs and expenses) arising out of or in any way contributed to by any act or omission of Contractor, its subcontractors, agents and/or employees that cause or in any way or degree contribute to (1) any damage to or destruction of any Lines by Contractor, and/or its subcontractors, agents and/or employees, on BNSF's property or within BNSF's right-of-way, (2) any injury to or death of any person employed by or on behalf of any telecommunications company, and/or its contractor, agents and/or employees, on BNSF's property or within BNSF's right-of-way, and/or (3) any claim or cause of action for alleged loss of profits or revenue by, or loss of service by a customer or user of such telecommunication company(ies). **THE LIABILITY ASSUMED BY CONTRACTOR WILL NOT BE AFFECTED BY THE FACT, IF IT IS A FACT, THAT THE DAMAGE, DESTRUCTION, INJURY, DEATH, CAUSE OF ACTION OR CLAIM WAS OCCASIONED BY OR CONTRIBUTED TO BY THE NEGLIGENCE OF BNSF, ITS AGENTS, SERVANTS, EMPLOYEES OR OTHERWISE, EXCEPT TO THE EXTENT THAT SUCH CLAIMS ARE PROXIMATELY CAUSED BY THE WILLFUL MISCONDUCT OR SOLE NEGLIGENCE OF BNSF.**

13. Agency must require compliance with the obligations set forth in this agreement, including Exhibit C and Exhibit C-1, and incorporate in each prime contract for construction of the Project, or the specifications therefor (i) the provisions set forth in Article III; (ii) the provisions set forth in Article IV; and (iii) the provisions set forth in Exhibit C and Exhibit C-1, attached hereto and by reference made a part hereof.

14. Except as otherwise provided below in this Section 14, all construction work performed hereunder by Agency for the Project will be pursuant to a contract or contracts to be let by Agency, and all such contracts must include the following:

- (a) All work performed under such contract or contracts within the limits of BNSF's right-of-way must be performed in a good and workmanlike manner in accordance with plans and specifications approved by BNSF;
- (b) Changes or modifications during construction that affect safety or BNSF operations must be subject to BNSF's approval;
- (c) No work will be commenced within BNSF's right-of-way until each of the prime contractors employed in connection with said work must have (i) executed and delivered to BNSF a letter agreement in the form of Exhibit C-1, and (ii) delivered to and secured BNSF's approval of the required insurance; and
- (d) To facilitate scheduling for the Project, Agency shall have its contractor give BNSF's representative Jason Sanchez 4 weeks advance notice of the proposed times and dates for work windows. BNSF and Agency's contractor will establish mutually agreeable work windows for the Project. BNSF has the right at any time to revise or change the work windows, due to train operations or service obligations. BNSF will not be responsible for any additional costs and expenses resulting from a change in work windows. Additional costs and expenses resulting from a change in work windows shall be accounted for in the contractor's expenses for the Project.
- (e) The plans and specifications for the Project must be in compliance with the Bridge Requirements set forth on Exhibit F, attached to this Agreement and incorporated herein.

15. Agency must advise the appropriate BNSF Manager of Public Projects, in writing, of the completion date of the Project within thirty (30) days after such completion date. Additionally, Agency must notify BNSF's Manager of Public Projects, in writing, of the date on which Agency and/or its Contractor will meet with BNSF for the purpose of making final inspection of the Project.

16. **TO THE FULLEST EXTENT PERMITTED BY LAW, AGENCY HEREBY RELEASES, INDEMNIFIES, DEFENDS AND HOLDS HARMLESS BNSF, ITS AFFILIATED COMPANIES, PARTNERS, SUCCESSORS, ASSIGNS, LEGAL REPRESENTATIVES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES AND AGENTS FOR, FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITIES, FINES, PENALTIES, COSTS, DAMAGES, LOSSES, LIENS, CAUSES OF ACTION, SUITS, DEMANDS, JUDGMENTS AND EXPENSES (INCLUDING, WITHOUT LIMITATION, COURT COSTS AND ATTORNEYS' FEES) OF ANY NATURE, KIND OR DESCRIPTION OF ANY PERSON (INCLUDING, WITHOUT LIMITATION, THE EMPLOYEES OF THE PARTIES HERETO) OR ENTITY DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM OR RELATED TO (IN WHOLE OR IN PART) (I) THE USE, OCCUPANCY OR PRESENCE OF AGENCY, ITS CONTRACTORS, SUBCONTRACTORS, EMPLOYEES OR AGENTS IN, ON, OR ABOUT THE CONSTRUCTION SITE, (II) THE PERFORMANCE, OR FAILURE TO PERFORM BY THE AGENCY, ITS CONTRACTORS, SUBCONTRACTORS, EMPLOYEES, OR AGENTS, ITS WORK OR ANY OBLIGATION UNDER THIS AGREEMENT, (III) THE SOLE OR CONTRIBUTING ACTS OR OMISSIONS OF AGENCY, ITS CONTRACTORS, SUBCONTRACTORS, EMPLOYEES, OR AGENTS IN, ON, OR ABOUT THE CONSTRUCTION SITE, (IV) AGENCY'S BREACH OF THE TEMPORARY CONSTRUCTION LICENSE OR EASEMENT GRANTED TO AGENCY PURSUANT TO ARTICLE II OF THIS AGREEMENT, (V) ANY RIGHTS OR INTERESTS GRANTED TO AGENCY PURSUANT TO THE TEMPORARY CONSTRUCTION LICENSE OR EASEMENT DISCUSSED IN ARTICLE II OF THIS AGREEMENT, (VI) AGENCY'S OCCUPATION AND USE OF BNSF'S PROPERTY OR RIGHT-OF-WAY, INCLUDING, WITHOUT LIMITATION, SUBSEQUENT MAINTENANCE OF THE STRUCTURE BY AGENCY, OR (VII) AN ACT OR OMISSION OF AGENCY OR ITS OFFICERS, AGENTS, INVITEES, EMPLOYEES OR CONTRACTORS OR ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM, OR ANYONE THEY CONTROL OR EXERCISE CONTROL OVER. THE LIABILITY ASSUMED BY AGENCY WILL NOT BE AFFECTED BY THE FACT, IF IT IS A FACT, THAT THE DAMAGE, DESTRUCTION,**

INJURY OR DEATH WAS OCCASIONED BY OR CONTRIBUTED TO BY THE NEGLIGENCE OF BNSF, ITS AGENTS, SERVANTS, EMPLOYEES OR OTHERWISE, EXCEPT TO THE EXTENT THAT SUCH CLAIMS ARE PROXIMATELY CAUSED BY THE WILLFUL MISCONDUCT OR SOLE NEGLIGENCE OF BNSF.

17. Agency must give BNSF's Manager of Public Projects written notice to proceed ("**Notice to Proceed**") with the railroad work after receipt of necessary funds for the Project. BNSF will not begin the railroad work (including, without limitation, procurement of supplies, equipment or materials) until written notice to proceed is received from Agency.

ARTICLE IV – JOINT OBLIGATIONS

IN CONSIDERATION of the premises, the parties hereto mutually agree to the following:

1. All work contemplated in this Agreement must be performed in a good and workmanlike manner and each portion must be promptly commenced by the party obligated hereunder to perform the same and thereafter diligently prosecuted to conclusion in its logical order and sequence. Furthermore, any changes or modifications during construction which affect BNSF will be subject to BNSF's written approval prior to the commencement of any such changes or modifications from the BNSF Project Manager.

2. The work hereunder must be done in accordance with the Bridge Requirements set forth on Exhibit F, the "Instructions for Preparation of Demolition Plans" as set forth in Exhibit G, and the detailed plans and specifications approved by BNSF.

3. Agency must require its contractor(s) to reasonably adhere to the Project's construction schedule for all Project work. The parties hereto mutually agree that BNSF's failure to complete the railroad work in accordance with the construction schedule due to inclement weather or unforeseen railroad emergencies will not constitute a breach of this Agreement by BNSF and will not subject BNSF to any liability. Regardless of the requirements of the construction schedule, BNSF reserves the right to reallocate the labor forces assigned to complete the railroad work in the event of an emergency to provide for the immediate restoration of railroad operations (BNSF or its related railroads) or to protect persons or property on or near any BNSF owned property. BNSF will not be liable for any additional costs or expenses resulting from any such reallocation of its labor forces. The parties mutually agree that any reallocation of labor forces by BNSF pursuant to this provision and any direct or indirect consequences or costs resulting from any such reallocation will not constitute a breach of this Agreement by BNSF.

4. BNSF will have the right to stop construction work on the Project if any of the following events take place: (i) Agency (or any of its contractors) performs the Project work in a manner contrary to the plans and specifications approved by BNSF; (ii) Agency (or any of its contractors), in BNSF's opinion, prosecutes the Project work in a manner which is hazardous to BNSF property, facilities or the safe and expeditious movement of railroad traffic; (iii) the insurance described in the attached Exhibit C-1 is canceled during the course of the Project; or (iv) Agency fails to pay BNSF for the Easement pursuant to Article II, Section 1 of this Agreement. The work stoppage will continue until all necessary actions are taken by Agency or its contractor to rectify the situation to the satisfaction of BNSF's Division Engineer or until additional insurance has been delivered to and accepted by BNSF. In the event of a breach of (i) this Agreement, (ii) the Temporary Construction License, or (iii) the Easement, BNSF may immediately terminate the Temporary Construction License or the Easement. Any such work stoppage under this provision will not give rise to any liability on the part of BNSF. BNSF's right to stop the work is in addition to any other rights BNSF may have including, but not limited to, actions or suits for damages or lost profits. In the event that BNSF desires to stop construction work on the Project, BNSF agrees to immediately notify the following individual in writing:

Ron Bernal, P.E.
Director of Public Works/City Engineer
City of Antioch
P.O. Box 5007
Antioch, CA 94531

5. Agency must supervise and inspect the operations of all Agency contractors to assure compliance with the plans and specifications approved by BNSF, the terms of this Agreement and all safety requirements of the BNSF railroad. If BNSF determines that proper supervision and inspection is not being performed by Agency personnel at any time during construction of the Project, BNSF has the right to stop construction (within or adjacent to its operating right-of-way). Construction of the Project will not proceed until Agency corrects the situation to BNSF's reasonable satisfaction. If BNSF feels the situation is not being corrected in an expeditious manner, BNSF will immediately notify Ron Bernal at (925) 779-6820 for appropriate corrective action.

6. Pursuant to this section and Article II, Section 6 herein, Agency must, reimburse BNSF in full for the actual costs of all work performed by BNSF under this Agreement. **In any action brought under this Agreement, the prevailing Party shall be entitled to recover its actual costs and attorneys fees pursuant to California Civil Code Section 1717, as well as other litigation costs, including expert witness fees. The prevailing Party shall also be entitled to recover all actual attorneys' fees and litigation costs incurred in connection with the enforcement of a judgment arising from such action or proceeding.**

7. All expenses detailed in statements sent to Agency pursuant to Article II, Section 6 herein will comply with the terms and provisions of the Federal Aid Highway Program Manual, U.S. Department of Transportation, as amended from time to time, which manual is hereby incorporated into and made a part of this Agreement by reference. The parties mutually agree that BNSF's preliminary engineering, design, and contract preparation costs described in Article II, Section 2 herein are part of the costs of the Project even though such work may have preceded the date of this Agreement.

8. The parties mutually agree that no construction activities for the Project, or future maintenance of the Structure once completed will be permitted during the fourth quarter of each calendar year. Emergency work will be permitted only upon prior notification to BNSF's NetworkOperationsCenter (telephone number: 800 832-5452). The parties hereto mutually understand and agree that trains cannot be subjected to delay during this time period.

9. Subject to the restrictions imposed by Article IV, Section 8 above, the construction of the Project will not commence until Agency gives BNSF's Manager of Public Projects thirty (30) days prior written notice of such commencement. The commencement notice will reference BNSF's file number 029684K and D.O.T. Crossing No. 029684K and must state the time that construction activities will begin.

10. In addition to the terms and conditions set forth elsewhere in this Agreement, including, but not limited to, the terms and conditions stated in Exhibit F, BNSF and Agency agree to the following terms upon completion of construction of the Project:

- (a) Agency will own and maintain, at its sole cost and expense, the Structure, the highway approaches, and appurtenances thereto, lighting, drainage and any access roadways to BNSF gates installed pursuant to this Agreement. BNSF may, at its option, perform maintenance on the Structure in order to avoid conflicts with train operations. BNSF will notify Agency prior to performing any such maintenance on the Structure. In the event such maintenance involves emergency repairs, BNSF will notify Agency at its earliest opportunity. Agency must fully reimburse BNSF for the costs of maintenance performed by BNSF pursuant to this subsection (b).
- (b) Agency must, at Agency's sole cost and expense, keep the Structure painted and free from graffiti.
- (c) Agency must apply and maintain vertical clearance signs, which consistently and accurately describe the minimum actual vertical clearance from the bottom of the Structure to the top of any pavement.

- (d) Agency must provide BNSF with any and all necessary permits and maintain roadway traffic controls, at no cost to BNSF, whenever requested by BNSF to allow BNSF to inspect the Structure or to make emergency repairs thereto.
- (e) It is expressly understood by Agency and BNSF that any right to install utilities will be governed by a separate permit or license agreement between the parties hereto.
- (f) Agency must keep the Structure and surrounding areas clean and free from birds, pigeons, scavengers, vermin, creatures and other animals.
- (g) If Agency (including its contractors and agents) or BNSF, on behalf of Agency, performs (i) alterations or modifications to the Structure, or (ii) any maintenance or other work on the Structure with heavy tools, equipment or machinery at ground surface level horizontally within 25'-0" of the centerline of the nearest track, or (iii) any maintenance or other work outside the limits of the deck of the Structure vertically above the top of the rail, then Agency or its contractors and/or agents must procure and maintain the insurance set forth in Exhibit C-1.

11. Agency hereby grants to BNSF, at no cost or expense to BNSF, a permanent right of access from Agency property to BNSF tracks for maintenance purposes.

12. Agency must provide one set of as built plans (prepared in English Units) to BNSF, as well as one set of computer diskettes containing as built CAD drawings of the Structure and identifying the software used for the CAD drawings. The "as built plans" must comply with the Bridge Requirements set forth on Exhibit F and depict all information in BNSF engineering stationing and mile post pluses. The "as built plans" must also include plan and profile, structural bridge drawings and specifications, and drainage plans. All improvements and facilities must be shown.

13. Subject to the restrictions imposed by Article IV, Section 8 above, Agency must notify and obtain prior authorization from BNSF's Manager of Public Projects before entering BNSF's right-of-way for **INSPECTION OR MAINTENANCE** purposes, and the BNSF Manager of Public Projects will determine if flagging is required. If the construction work hereunder is contracted, Agency must require its prime contractor(s) to comply with the obligations set forth in Exhibit C and Exhibit C-1, as the same may be revised from time to time. Agency will be responsible for its contractor(s) compliance with such obligations.

14. BNSF may, at its expense, make future changes or additions to the railroad components of the Structure if necessary or desirable, in BNSF's sole discretion, including, without limitation the following: (i) the right to raise or lower the grade or change the alignment of its tracks, (ii) the right to lay additional track or tracks, or (iii) the right to build other facilities in connection with the operation of its railroad. Such changes or additions must not change or alter the highway components of the Structure. If it becomes necessary or desirable in the future to change, alter, widen or reconstruct the highway components of the Structure to accommodate railroad projects, the cost of such work, including any cost incidental to alteration of railroad or highway facilities made necessary by any such changes to the Structure, will be the sole responsibility of the Agency.

15. Agency may, at Agency's sole expense, alter or reconstruct the highway components of the Structure if necessary or desirable, due to traffic conditions or pedestrian or other recreational traffic, provided, however, that any such alteration or reconstruction must not encroach further upon or occupy the surface of BNSF's right-of-way to a greater extent than is contemplated by the plans and specifications to be approved by BNSF pursuant to Article III, Section 1 herein, without obtaining BNSF's prior written consent and the execution of a supplement to this Agreement or the completion of a separate agreement.

16. Any books, papers, records and accounts of the parties hereto relating to the work hereunder or the costs or expenses for labor and material connected with the construction will at all reasonable times be open to inspection and audit by the agents and authorized representatives of the parties hereto, as

well as the State of California and the Federal Highway Administration, for a period of one (1) year from the date of the final BNSF invoice under this Agreement.

17. The covenants and provisions of this Agreement are binding upon and inure to the benefit of the successors and assigns of the parties hereto. Notwithstanding the preceding sentence, neither party hereto may assign any of its rights or obligations hereunder without the prior written consent of the other party.

18. In the event construction of the Project does not commence within 3 years of the Effective Date, this Agreement will become null and void.

19. Neither termination nor expiration of this Agreement will release either party from any liability or obligation under this Agreement, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to the date of termination or expiration.

20. To the maximum extent possible, each provision of this Agreement will be interpreted in such a manner as to be effective and valid under applicable law. If any provision of this Agreement is prohibited by, or held to be invalid under, applicable law, such provision will be ineffective solely to the extent of such prohibition or invalidity and the remainder of the provision will be enforceable.

21. This Agreement (including exhibits and other documents, manuals, etc. incorporated herein) is the full and complete agreement between BNSF and Agency with respect to the subject matter herein and supersedes any and all other prior agreements between the parties hereto.

22. Any notice provided for herein or concerning this Agreement must be in writing and will be deemed sufficiently given when sent by certified mail, return receipt requested, to the parties at the following addresses:

BNSF Railway Company:

BNSF's Manager of Public Projects
John R. Stilley
740 East Carnegie Drive
San Bernardino, California 92408

| City of Antioch

Ron Bernal, P.E.
Director of Public Works/City Engineer
City of Antioch
P.O. Box 5007
Antioch, CA 94531

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by its duly qualified and authorized officials as of the day and year first above written.

BNSF RAILWAY COMPANY

By: _____
Printed Name: _____
Title: _____

WITNESS:

AGENCY

CITY OF ANTIOCH

By: _____
Printed Name: _____
Title: _____

WITNESS:

A12

Exhibit A

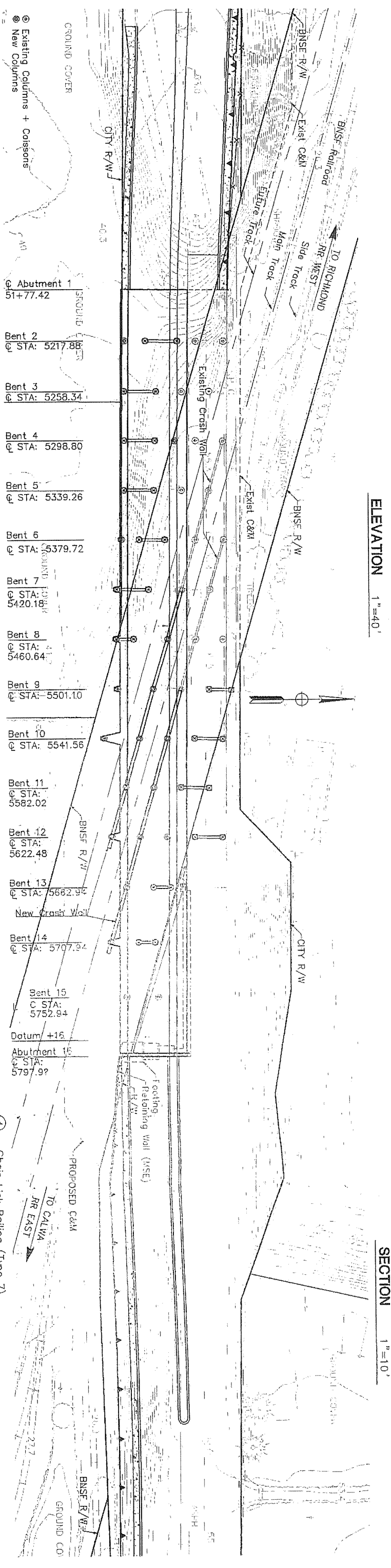
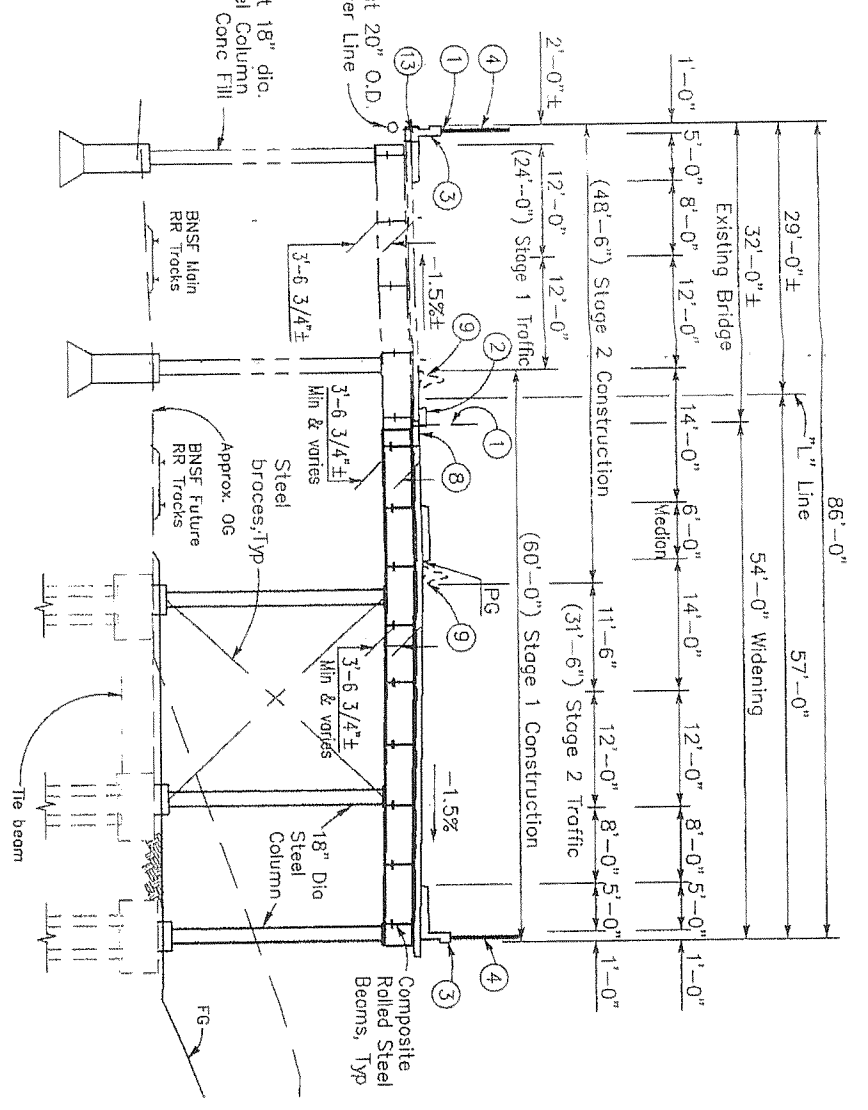
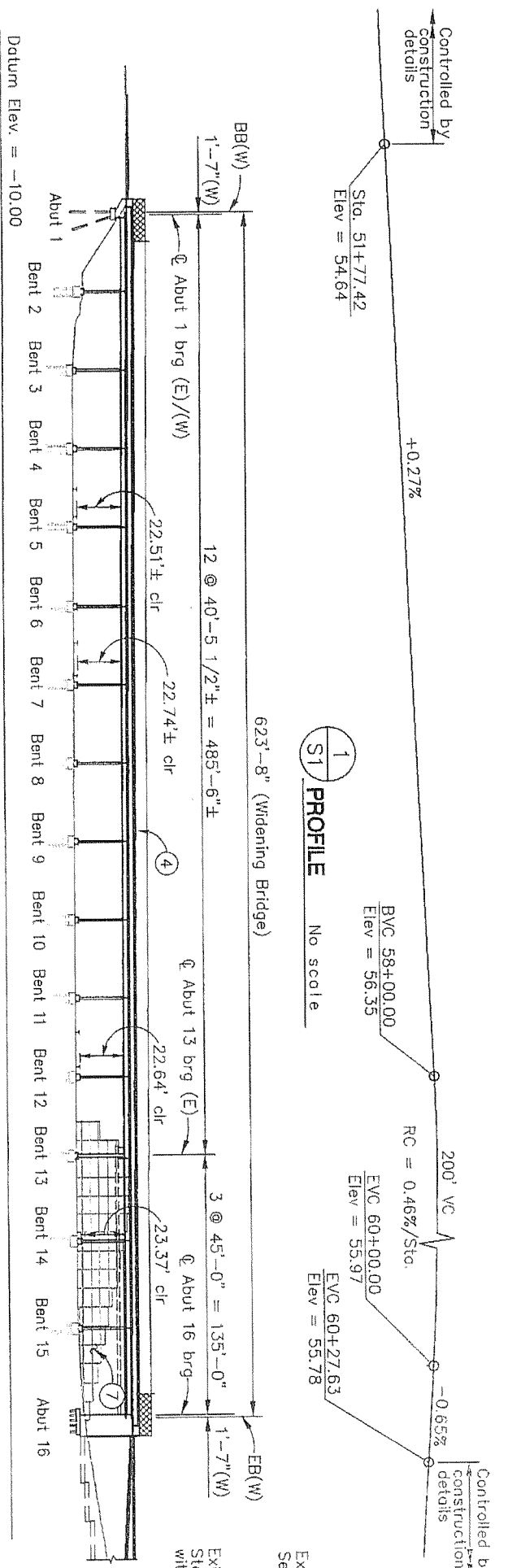
(Plan / Profile Sheets)

A13

EXHIBIT "A"
 ATTACHED TO CONTRACT BETWEEN
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
 AND
CITY OF ANTIOCH

FORT WORTH, TX
 SCALE AS SHOWN
 CALIFORNIA DIVISION
 DATE JULY 2008

J.W. FRANK
 VICE PRESIDENT AND
 CHIEF ENGINEER
 DESCRIPTION APPROVED



PLAN 1"=40'

ELEVATION 1"=40'

SECTION 1"=10'

- LEGEND**
- ① Remove Existing Steel Rolling
 - ② Remove existing Conc Curb
 - ③ Concrete Barrier (Type 26 Modified)
 - ④ Chain Link Rolling (Type 7)
 - ⑤ Existing Concrete Collision Walls
 - ⑥ New Concrete Collision Walls
 - ⑦ Existing Metal Bin Type Retaining Wall
 - ⑧ Closure 'Pour
 - ⑨ Temporary Rolling (Type K)
 - ⑩ MBGR, see 'Road Plans'
 - ⑪ Point 'Wilbur Avenue Overhead'
 - ⑫ Paint "28C-0054" & "RR PM 1150.3"

PM 1150.3
 AT SANDO
 CONTRA COSTA COUNTY
 CALIFORNIA

BNSF FILE NO. 05000051

A14

Exhibit B

(Easement Agreement to be Negotiated Directly with Justin Moon at JLL)

Justin M. Moon
Jones Lang LaSalle Americas, Inc.
3017 Lou Menk Drive, Suite 100
Fort Worth, Texas 76131
Telephone +1 817-230-2623
Fax +1 817-306-8129
justin.moon@am.jll.com
www.joneslanglasalle.com
Jones Lang LaSalle - Proud Real Estate Partner of BNSF

- (b) to install, construct, maintain, renew, repair, replace, use, operate, change, modify and relocate any tracks or additional facilities or structures upon, over, under or across the Premises; and
- (c) to use the Premises in any manner as the Grantor in its sole discretion deems appropriate, provided Grantor uses all commercially reasonable efforts to avoid material interference with the use of the Premises by Grantee for the Easement Purpose.

Section 2 **Term of Easement.** The term of the Two (2) Permanent Easements, unless sooner terminated under provisions of this Easement Agreement, shall be perpetual. The term of this Temporary Construction Easement, unless sooner terminated under provisions of this Easement Agreement, shall expire on the date that is twenty-four (24) months after the Effective Date.

Section 3 **No Warranty of Any Conditions of the Premises.** Grantee acknowledges that Grantor has made no representation whatsoever to Grantee concerning the state or condition of the Premises, or any personal property located thereon, or the nature or extent of Grantor's ownership interest in the Premises. Grantee has not relied on any statement or declaration of Grantor, oral or in writing, as an inducement to entering into this Easement Agreement, other than as set forth herein. GRANTOR HEREBY DISCLAIMS ANY REPRESENTATION OR WARRANTY, WHETHER EXPRESS OR IMPLIED, AS TO THE DESIGN OR CONDITION OF ANY PROPERTY PRESENT ON OR CONSTITUTING THE PREMISES, ITS MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, THE QUALITY OF THE MATERIAL OR WORKMANSHIP OF ANY SUCH PROPERTY, OR THE CONFORMITY OF ANY SUCH PROPERTY TO ITS INTENDED USES. GRANTOR SHALL NOT BE RESPONSIBLE TO GRANTEE OR ANY OF GRANTEE'S CONTRACTORS FOR ANY DAMAGES RELATING TO THE DESIGN, CONDITION, QUALITY, SAFETY, MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OF ANY PROPERTY PRESENT ON OR CONSTITUTING THE PREMISES, OR THE CONFORMITY OF ANY SUCH PROPERTY TO ITS INTENDED USES. GRANTEE ACCEPTS ALL RIGHTS GRANTED UNDER THIS EASEMENT AGREEMENT IN THE PREMISES IN AN "AS IS, WHERE IS" AND "WITH ALL FAULTS" CONDITION, AND SUBJECT TO ALL LIMITATIONS ON GRANTOR'S RIGHTS, INTERESTS AND TITLE TO THE PREMISES. Grantee has inspected or will inspect the Premises, and enters upon Grantor's rail corridor and property with knowledge of its physical condition and the danger inherent in Grantor's rail operations on or near the Premises. Grantee acknowledges that this Easement Agreement does not contain any implied warranties that Grantee or Grantee's Contractors (as hereinafter defined) can successfully construct or operate the Improvements.

Section 4 **Nature of Grantor's Interest in the Premises.** GRANTOR DOES NOT WARRANT ITS TITLE TO THE PREMISES NOR UNDERTAKE TO DEFEND GRANTEE IN THE PEACEABLE POSSESSION OR USE THEREOF. NO COVENANT OF QUIET ENJOYMENT IS MADE. In case of the eviction of Grantee by anyone owning or claiming title to or any interest in the Premises, or by the abandonment by Grantor of the affected rail corridor, Grantor shall not be liable to refund Grantee any compensation paid hereunder.

Section 5 **Improvements.** Grantee shall take, in a timely manner, all actions necessary and proper to the lawful establishment, construction, operation, and maintenance of the Improvements, including such actions as may be necessary to obtain any required permits, approvals or authorizations from applicable governmental authorities. Any and all cuts and fills, excavations or embankments necessary in the construction, maintenance, or future alteration of the Improvements shall be made and maintained in such manner, form and extent as will provide adequate drainage of and from the adjoining lands and premises of the Grantor; and wherever any such fill or embankment shall or may obstruct the natural and pre-existing drainage from such lands and premises of the Grantor, the Grantee shall construct and maintain such culverts or drains as may be requisite to preserve such natural and pre-existing drainage, and shall also wherever necessary, construct extensions of existing drains, culverts or ditches through or along the premises of the Grantor, such extensions to be of adequate sectional dimensions to preserve the present flowage of drainage or other waters, and of materials and workmanship equally as good as those now existing. In the event any construction, repair, maintenance, work or other use of the Premises by Grantee will affect any Lines, fences, buildings, improvements or other facilities (collectively, "**Other Improvements**"), Grantee will be responsible at Grantee's sole risk to locate and make any adjustments necessary to such Other Improvements. Grantee must contact the owner(s) of the Other Improvements notifying them of any work that may damage these Other Improvements and/or interfere with their service and obtain the owner's written approval prior to so affecting the Other Improvements. Grantee must

mark all Other Improvements on the Plans and Specifications and mark such Other Improvements in the field in order to verify their locations. Grantee must also use all reasonable methods when working on or near Grantor property to determine if any Other Improvements (fiber optic, cable, communication or otherwise) may exist. The Grantee agrees to keep the above-described premises free and clear from combustible materials and to cut and remove or cause to be cut and removed at its sole expense all weeds and vegetation on said premises, said work of cutting and removal to be done at such times and with such frequency as to comply with Grantee and local laws and regulations and abate any and all hazard of fire.

Section 6 **Taxes and Recording Fees**. Grantee shall pay when due any taxes, assessments or other charges (collectively, "**Taxes**") levied or assessed upon the Improvements by any governmental or quasi-governmental body or any Taxes levied or assessed against Grantor or the Premises that are attributable to the Improvements. Grantee agrees to purchase, affix and cancel any and all documentary stamps in the amount prescribed by statute, and to pay any and all required transfer taxes, excise taxes and any and all fees incidental to recordation of the Memorandum of Easement. In the event of Grantee's failure to do so, if Grantor shall become obligated to do so, Grantee shall be liable for all costs, expenses and judgments to or against Grantor, including all of Grantor's legal fees and expenses.

Section 7 **Environmental.**

7.1 Compliance with Environmental Laws. Grantee shall strictly comply with all federal, state and local environmental Laws in its use of the Premises, including, but not limited to, the Resource Conservation and Recovery Act, as amended (RCRA), the Clean Water Act, the Oil Pollution Act, the Hazardous Materials Transportation Act, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Toxic Substances Control Act (collectively referred to as the "**Environmental Laws**"). Grantee shall not maintain a "treatment," "storage," "transfer" or "disposal" facility, or "underground storage tank," as those terms are defined by Environmental Laws, on the Premises. Grantee shall not handle, transport, release or suffer the release of "hazardous waste" or "hazardous substances", as "hazardous waste" and "hazardous substances" may now or in the future be defined by any Environmental Laws.

7.2 Notice of Release. Grantee shall give Grantor immediate notice to Grantor's Resource Operations Center at (800) 832-5452 of any release of hazardous substances on or from the Premises, violation of Environmental Laws, or inspection or inquiry by governmental authorities charged with enforcing Environmental Laws with respect to Grantee's use of the Premises. Grantee shall use its best efforts to promptly respond to any release on or from the Premises. Grantee also shall give Grantor immediate notice of all measures undertaken on behalf of Grantee to investigate, remediate, respond to or otherwise cure such release or violation.

7.3 Remediation of Release. In the event that Grantor has notice from Grantee or otherwise of a release or violation of Environmental Laws which occurred or may occur during the term of this Easement Agreement, Grantor may require Grantee, at Grantee's sole risk and expense, to take timely measures to investigate, remediate, respond to or otherwise cure such release or violation affecting the Premises. If during the construction or subsequent maintenance of the Improvements, soils or other materials considered to be environmentally contaminated are exposed, Grantee will remove and safely dispose of said contaminated soils. Determination of soils contamination and applicable disposal procedures thereof, will be made only by an agency having the capacity and authority to make such a determination.

7.4 Preventative Measures. Grantee shall promptly report to Grantor in writing any conditions or activities upon the Premises known to Grantee which create a risk of harm to persons, property or the environment and shall take whatever action is necessary to prevent injury to persons or property arising out of such conditions or activities; provided, however, that Grantee's reporting to Grantor shall not relieve Grantee of any obligation whatsoever imposed on it by this Easement Agreement. Grantee shall promptly respond to Grantor's request for information regarding said conditions or activities.

7.5 Evidence of Compliance. Grantee agrees periodically to furnish Grantor with proof satisfactory to Grantor that Grantee is in compliance with this **Section 7**. Should Grantee not comply fully with the above-stated obligations of this **Section 7**, notwithstanding anything contained in any other provision hereof, Grantor may, at its option, terminate this Easement Agreement by serving five (5) days' notice of termination upon

Grantee. Upon termination, Grantee shall remove the Improvements and restore the Premises as provided in **Section 9**.

Section 8 **Default and Termination.**

8.1 **Grantor's Performance Rights.** If at any time Grantee, or Grantee's Contractors, fails to properly perform its obligations under this Easement Agreement, Grantor, in its sole discretion, may: (i) seek specific performance of the unperformed obligations, or (ii) at Grantee's sole cost, may arrange for the performance of such work as Grantor deems necessary for the safety of its rail operations, activities and property, or to avoid or remove any interference with the activities or property of Grantor, or anyone or anything present on the rail corridor or property with the authority or permission of Grantor. Grantee shall promptly reimburse Grantor for all costs of work performed on Grantee's behalf upon receipt of an invoice for such costs. Grantor's failure to perform any obligations of Grantee or Grantee's Contractors shall not alter the liability allocation set forth in this Easement Agreement.

8.2 **Abandonment.** Grantor may, at its option, terminate this Easement Agreement by serving five (5) days' notice in writing upon Grantee if Grantee should abandon or cease to use the Premises for the Easement Purpose. Any waiver by Grantor of any default or defaults shall not constitute a waiver of the right to terminate this Easement Agreement for any subsequent default or defaults, nor shall any such waiver in any way affect Grantor's ability to enforce any section of this Easement Agreement.

8.3 **Effect of Termination or Expiration.** Neither termination nor expiration will release Grantee from any liability or obligation under this Easement, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to the date of termination or expiration, or, if later, the date the Premises are restored as required by **Section 9**.

8.4 **Non-exclusive Remedies.** The remedies set forth in this **Section 8** shall be in addition to, and not in limitation of, any other remedies that Grantor may have under the Overpass Agreement, at law or in equity.

Section 9 **Surrender of Premises.**

9.1 **Removal of Improvements and Restoration.** Upon termination of this Easement Agreement, whether by abandonment of the Easement or by the exercise of Grantor's termination rights hereunder, Grantee shall, at its sole cost and expense, immediately perform **the following**:

- (a) remove all or such portion of Grantee's Improvements and all appurtenances thereto from the Premises, as Grantor directs at Grantor's sole discretion;
- (b) repair and restore any damage to the Premises arising from, growing out of, or connected with Grantee's use of the Premises;
- (c) remedy any unsafe conditions on the Premises created or aggravated by Grantee; and
- (d) leave the Premises in the condition which existed as of the Effective Date.

9.2 **Limited License for Entry.** If this Easement Agreement is terminated, Grantor may direct Grantee to undertake one or more of the actions set forth above, at Grantee's sole cost, in which case Grantee shall have a limited license to enter upon the Premises to the extent necessary to undertake the actions directed by Grantor. The terms of this limited license include all of Grantee's obligations under this Easement Agreement. Termination will not release Grantee from any liability or obligation under this Easement Agreement, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to the date of termination, or, if later, the date when Grantee's Improvements are removed and the Premises are restored to the condition that existed as of the Effective Date. If Grantee fails to surrender the Premises to Grantor upon any termination of the Easement, all liabilities and obligations of Grantee hereunder shall continue in effect until the Premises are surrendered.

Section 10 Liens. Grantee shall promptly pay and discharge any and all liens arising out of any construction, alterations or repairs done, suffered or permitted to be done by Grantee on the Premises or attributable to Taxes that are the responsibility of Grantee pursuant to **Section 6**. Grantor is hereby authorized to post any notices or take any other action upon or with respect to the Premises that is or may be permitted by Law to prevent the attachment of any such liens to any portion of the Premises; provided, however, that failure of Grantor to take any such action shall not relieve Grantee of any obligation or liability under this **Section 10** or any other section of this Easement Agreement.

Section 11 Tax Exchange. Grantor may assign its rights (but not its obligations) under this Easement Agreement to Goldfinch Exchange Company LLC, an exchange intermediary, in order for Grantor to effect an exchange under Section 1031 of the Internal Revenue Code. In such event, Grantor shall provide Grantee with a Notice of Assignment, attached as Exhibit C, and Grantee shall execute an acknowledgement of receipt of such notice.

Section 12 Notices. Any notice required or permitted to be given hereunder by one party to the other shall be delivered in the manner set forth in the Overpass Agreement. Notices to Grantor under this Easement shall be delivered to the following address: BNSF Railway Company, Real Estate Department, 2500 Lou Menk Drive, Ft. Worth, TX 76131, Attn: Permits, or such other address as Grantor may from time to time direct by notice to Grantee.

Section 13 Recordation. It is understood and agreed that this Easement Agreement shall not be in recordable form and shall not be placed on public record and any such recording shall be a breach of this Easement Agreement. Grantor and Grantee shall execute a Memorandum of Easement in the form attached hereto as Exhibit "B-1" (the "**Memorandum of Easement**") subject to changes required, if any, to conform such form to local recording requirements. The Memorandum of Easement shall be recorded in the real estate records in the county where the Premises are located. If a Memorandum of Easement is not executed by the parties and recorded as described above within 10 days of the Effective Date, Grantor shall have the right to terminate this Easement Agreement upon notice to Grantee.

Section 14 Miscellaneous.

14.1 All questions concerning the interpretation or application of provisions of this Easement Agreement shall be decided according to the substantive Laws of the State of **[Texas]** without regard to conflicts of law provisions.

14.2 In the event that Grantee consists of two or more parties, all the covenants and agreements of Grantee herein contained shall be the joint and several covenants and agreements of such parties. This instrument and all of the terms, covenants and provisions hereof shall inure to the benefit of and be binding upon each of the parties hereto and their respective legal representatives, successors and assigns and shall run with and be binding upon the Premises.

14.3 If any action at law or in equity is necessary to enforce or interpret the terms of this Easement Agreement, the prevailing party or parties shall be entitled to reasonable attorneys' fees, costs and necessary disbursements in addition to any other relief to which such party or parties may be entitled.

14.4 If any provision of this Easement Agreement is held to be illegal, invalid or unenforceable under present or future Laws, such provision will be fully severable and this Easement Agreement will be construed and enforced as if such illegal, invalid or unenforceable provision is not a part hereof, and the remaining provisions hereof will remain in full force and effect. In lieu of any illegal, invalid or unenforceable provision herein, there will be added automatically as a part of this Easement Agreement a provision as similar in its terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.

14.5 This Easement Agreement is the full and complete agreement between Grantor and Grantee with respect to all matters relating to Grantee's use of the Premises, and supersedes any and all other agreements between the parties hereto relating to Grantee's use of the Premises as described herein. However,

nothing herein is intended to terminate any surviving obligation of Grantee or Grantee's obligation to defend and hold Grantor harmless in any prior written agreement between the parties.

14.6 Time is of the essence for the performance of this Easement Agreement.

ADMINISTRATIVE FEE

15. Grantee acknowledges that a material consideration for this agreement, without which it would not be made, is the agreement between Grantee and Grantor, that the Grantee shall pay upon return of this Agreement signed by Grantee to Grantor's Broker a processing fee in the amount of \$2,000.00 over and above the agreed upon Acquisition Price. Said fee shall be made payable to BNSF Railway Company by a separate check.

[Signature page follows]

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Witness the execution of this Easement Agreement as of the date first set forth above.

GRANTOR:

BNSF RAILWAY COMPANY, a Delaware corporation

By: _____
Name: David P. Schneider
Title: General Director-Land Revenue Management

GRANTEE:

CITY OF ANTIOCH, a Municipal Corporation of the State of California

By: _____
Name: _____
Title: _____

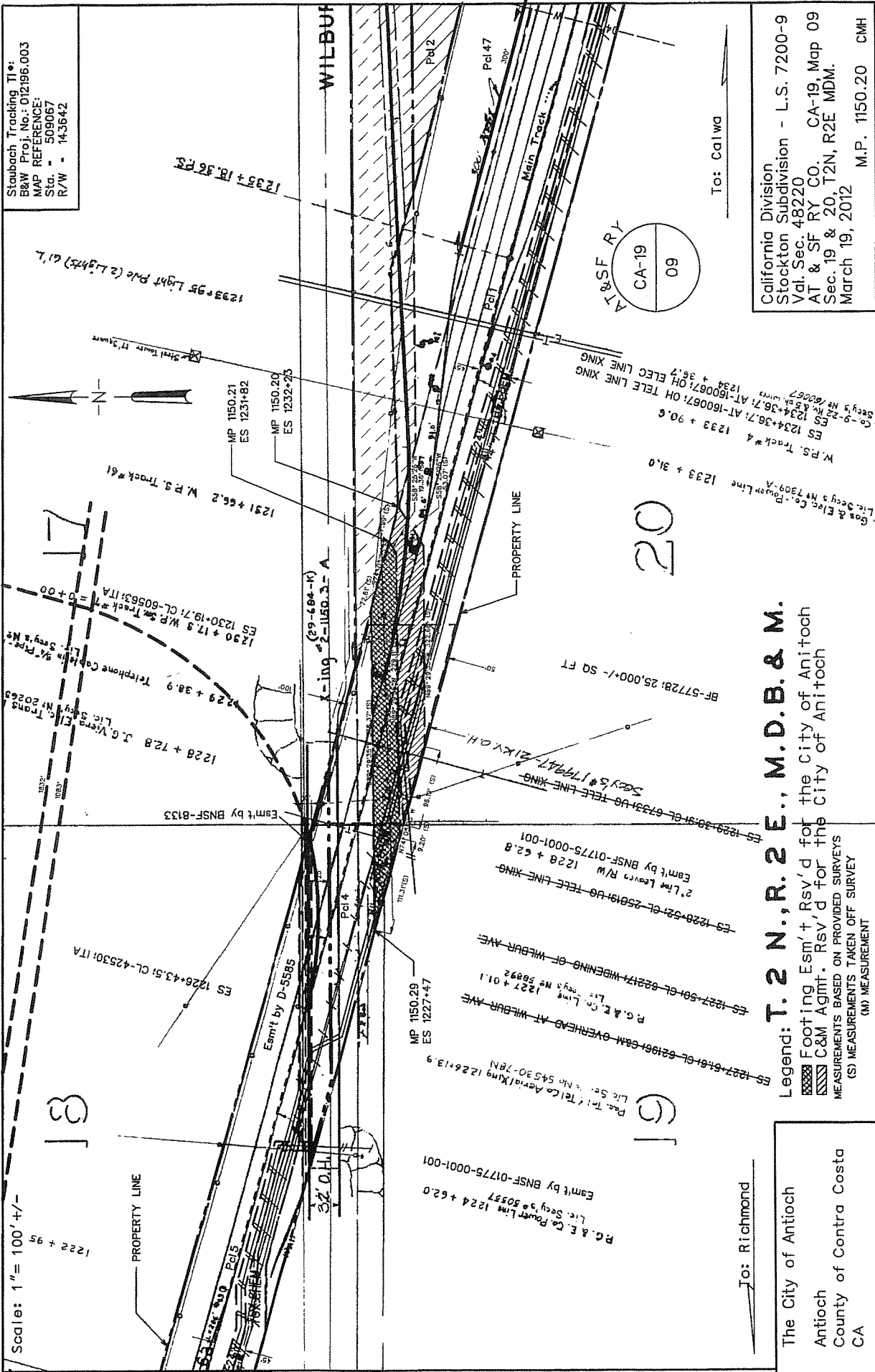
A21

EXHIBIT A

Premises

EXHIBIT "A"

Staubach, Tracking, Inc.
 B/W Proj. No.: 012196.003
 MAP REFERENCE:
 Sta. - 509067
 R/W - 143642



This map used by BNSF RAILWAY COMPANY in the ordinary course of business, but it is subject to audit and should be used only with the expressed understanding that the BNSF make no representations whatsoever about the quality, accuracy, errors or omissions relating to the map.

California Division
 Stockton Subdivision - L.S. 7200-9
 Val. Sec. 48220
 AT & SF RY CO. CA-19, Map 09
 Sec. 19 & 20, T2N, R2E MDM.
 March 19, 2012 M.P. 1150.20 CMH

Legend: T. 2 N., R. 2 E., M. D. B. & M.
 Footing Esm't Rsv'd for the City of Antioch
 C&M Agmt. Rsv'd for the City of Antioch
 MEASUREMENTS BASED ON PROVIDED SURVEYS
 (S) MEASUREMENTS TAKEN OFF SURVEY
 (M) MEASUREMENT

To: The City of Antioch
 At: Antioch
 County of Contra Costa
 CA

To: Richmond
 To: Calwa

Scale: 1" = 100' +/-

DRAWING NO. 3-54255

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EXHIBIT B

MEMORANDUM OF EASEMENT

A24

MEMORANDUM OF EASEMENT

THIS MEMORANDUM OF EASEMENT is hereby executed this _____ day of _____, 2012, by and between **BNSF RAILWAY COMPANY**, a Delaware corporation ("**Grantor**"), whose address for purposes of this instrument is 2500 Lou Menk Drive, Fort Worth, Texas 76131, and the **CITY OF ANTIOCH**, a Municipal Corporation of the State of California ("**Grantee**"), whose address for purposes of this instrument is 200 H Street, Antioch, California 94531, which terms "Grantor" and "Grantee" shall include, wherever the context permits or requires, singular or plural, and the heirs, legal representatives, successors and assigns of the respective parties:

WITNESSETH:

WHEREAS, Grantor owns or controls certain real property situated in Contra Costa County, California as described on **Exhibit "A"** attached hereto and incorporated herein by reference (the "**Premises**");

WHEREAS, Grantor and Grantee entered into an Easement Agreement, dated _____, 2012 (the "**Easement Agreement**") which set forth, among other things, the terms of an easement granted by Grantor to Grantee over and across the Premises (the "**Easement**"); and

WHEREAS, Grantor and Grantee desire to memorialize the terms and conditions of the Easement Agreement of record.

For valuable consideration the receipt and sufficiency of which are hereby acknowledged, Grantor does grant unto Grantee and Grantee does hereby accept from Grantor the Easement over and across the Premises.

The term of the Permanent Easements, unless sooner terminated under provisions of the Easement Agreement, shall be perpetual.

All the terms, conditions, provisions and covenants of the Easement Agreement are incorporated herein by this reference for all purposes as though written out at length herein, and both the Easement Agreement and this Memorandum of Easement shall be deemed to constitute a single instrument or document. This Memorandum of Easement is not intended to amend, modify, supplement, or supersede any of the provisions of the Easement Agreement and, to the extent there may be any conflict or inconsistency between the Easement Agreement or this Memorandum of Easement, the Easement Agreement shall control.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Memorandum of Easement to as of the date and year first above written.

GRANTOR:

BNSF RAILWAY COMPANY, a Delaware corporation

By: _____
Name: David P. Schneider
Title: General Director-Land Revenue Management

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on the _____ day of _____, 2012,
by _____ (name) as
_____ (title) of **BNSF RAILWAY COMPANY**, a Delaware
corporation.

Notary Public

My appointment expires: _____

(Seal)

A26

GRANTEE:
CITY OF ANTIOCH, a Municipal Corporation of
the State of California

By: _____
Name: _____
Title: _____

STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____,
2012, by _____ (name) as
_____ (title) of _____, a
_____.

Notary Public

My appointment expires: _____

(Seal)

EXHIBIT C
NOTICE OF ASSIGNMENT

Goldfinch Exchange Company LLC

A Delaware limited liability company

40 Lake Bellevue Drive, Suite 275

Bellevue, WA 98005

425-646-4020

425-637-2873 fax

NOTICE OF ASSIGNMENT

TO: CITY OF ANTIOCH, a Municipal Corporation of the State of California,
and any assignees or exchange intermediaries of Buyer

You and BNSF Railway Company ("BNSF") have entered into the Easement Agreement, dated _____ for the sale of the real property described therein. You are hereby notified that BNSF has assigned its rights as Grantor, but not its obligations, to Goldfinch Exchange Company LLC for the purpose of effecting a tax deferred exchange under Internal Revenue Code Section 1031. This is an assignment of rights only and BNSF will deed the property directly to you.

ACKNOWLEDGED:

CITY OF ANTIOCH, a Municipal Corporation of the State of California

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF May 8, 2012**

Prepared by: Mike Bechtholdt, Deputy Director of Public Works - Operations *MBS*
Approved by: Ron Bernal, Director of Public Works/City Engineer *REB*
Date: April 24, 2012
Subject: Purchase Public Works Service Vehicles

RECOMMENDATION

Authorize the cooperative purchase arrangement via the State Bid List, and issuance of a purchase order for five (5) Public Works service vehicles (cab and chassis only) to Downtown Ford Sales, Sacramento, CA for \$124,677.53.

BACKGROUND

Five (5) Public Works Service Vehicles are at or near the end of their useful service life and are scheduled for replacement. Staff is proposing to purchase the generic cab and chassis of these vehicles and retrofit the vehicles under separate bid to meet the service needs of their respective divisions. The proposed purchase is funded through the Vehicle Replacement Fund and provides what we believe to be the best value for Antioch.

<u>Type</u>	<u>Vehicle No.</u>	<u>Division</u>	<u>Chassis</u>
Service Truck	658	Collections Division	Single Rear Wheel
Service Truck	686	Water Distribution Division	Single Rear Wheel
Service Truck	676	Water Distribution Division	Single Rear Wheel
Service Truck	692	Water Distribution Division	Single Rear Wheel
Flatbed Dump	650	Street Maintenance Division	Dual Rear Wheel

FISCAL IMPACTS

Funds for this purchase are available in the FY 2011-12 vehicle replacement fund. Once taken out of service, the replaced vehicles will be sold at auction.

OPTIONS

Do not approve the recommended purchase.

ATTACHMENTS

None

05/08/12

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF May 8, 2012**

PREPARED BY: Mike Bechtholdt, Deputy Director of Public Works - Operations *MB*
REVIEWED BY: Ron Bernal, Director of Public Works/City Engineer *RB*
DATE: April 26, 2012
SUBJECT: Resolution Accepting Work and Authorizing the Director of Public Works/City Engineer to File a Notice of Completion for the Chichibu Recycled Water Specific Retrofit project.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution accepting work, authorizing the Director of Public Works/City Engineer to File a Notice of Completion for the Chichibu Recycled Water Specific Retrofit project.

BACKGROUND INFORMATION

In order for Chichibu Park to be able to tie into recycled water from the recently completed DDSD/City of Antioch Recycle Water Project, some improvements were required to meet requirements of the State of California. These include creating a new location for the picnic tables and barbeques that will not be impacted by the non-potable irrigation water. Existing deteriorated asphalt paths were removed and replaced with decomposed granite which will prevent the recycled water from collecting and pooling. Other work included irrigation modifications and replacing grass areas impacted by the work. Part of the project also involved removing and replacing the Dragon Post structure located at the north side of the park near the Longview Road entrance which was deteriorated beyond the point of repair.

On February 28, 2012, Council approved a bid award for the Chichibu Park Recycled Water Retrofit contract (Bid No. 988-0202-12G) to the overall low bidder, Robert A. Bothman, Inc., San Jose, CA, in the amount of \$126,975 with funding provided by the Proposition 50, Integrated Regional Water Management Grant Program.

On March 30, 2012 the contractor completed all work associated with this project.

FINANCIAL IMPACT

The final contract price for this project was \$126,975. Funding for this project has been allocated in the Water Fund in the current fiscal year budget. We have applied for reimbursement for this project from Proposition 50, Integrated Regional Water Management Grant Program. There are no impacts to the approved budgets.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

A: Resolution Accepting Work
B: Notice of Completion

RESOLUTION NO. 2012/XX

**RESOLUTION ACCEPTING WORK AND AUTHORIZING THE
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO FILE A NOTICE OF
COMPLETION AND AUTHORIZING FINAL
PAYMENT TO ROBERT A. BOTHMAN, INC.
FOR THE CHICHIBU RECYCLED WATER SPECIFIC RETROFIT PROJECT
(Bid No. 988-0202-12G)**

WHEREAS, the Director of Public Works/City Engineer for said City has certified the completion of all work provided to be done under and pursuant to the contract between the City of Antioch and Robert A. Bothman, Inc. and;

WHEREAS, it appears to the satisfaction of this City Council that said work under said contract has been fully completed and done as provided in said contract and the plans and specifications therein referred to;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Antioch, that:

1. The above-described work is hereby accepted.
2. The Director of Public Works / City Engineer is directed to execute and file for record with the County Recorder, County of Contra Costa, a Notice of Completion thereof.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 8th day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

Recorded at the request
of and for the benefit
of the City of Antioch

When recorded, return to:
City of Antioch
Public Works Department
P.O. Box 5007
Antioch, CA 94531-5007

NOTICE OF COMPLETION

FOR

CHICHIBU RECYCLED WATER SPECIFIC RETROFIT PROJECT ANTIOCH, CA (Bid No. 988-0202-12G)

NOTICE IS HEREBY GIVEN that the work and improvements hereinafter described, the contract for which was entered into by and between the City of Antioch and Robert A. Bothman, Inc. was completed on March 30, 2012.


The subject project consisted of recycled water site specific retrofit located at Chichibu Park located on Longview Drive in the City of Antioch, California.

**THE UNDERSIGNED STATES UNDER PENALTY OF
PERJURY THAT THE ABOVE IS TRUE AND CORRECT**

Date

Director of Public Works/City Engineer

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR
CONSIDERATION AT THE COUNCIL MEETING OF MAY 8, 2012**

FROM: Lonnie Karste, Project Consultant 
REVIEWED BY: Jim Jakel, City Manager
DATE: April 24, 2012
SUBJECT: Feasibility Review of the Development of a Synthetic Turf Field at Prewett Park

RECOMMENDATIONS

Receive and file.

BACKGROUND INFORMATION

The city council requested at their regular meeting of March 13, 2012, that staff research the feasibility and costing of developing a synthetic turf field at Prewett Park. Karste Consulting was asked to develop this review and report on this proposed development.

The original master plan for the Prewett Park site was developed in 1989 as part of the CFD89-1 (Mello Roos) area planning process. The master plan included the following amenities:

- **Completed Elements:** Aquatics center, community center, nature area (Burrowing owl preserve), amphitheater, center plaza and walking paths.
- **Remaining Elements:** Main library, formal gardens, children's play area, Maintenance center, play courts, large open meadow, group picnic areas, park restroom facilities and a water feature/lagoon.
- **New Completed Elements Added:** Police service center, library annex, skate board park and individual picnic areas.

The feasibility review of a synthetic turf field at the Prewett Park site included the following areas:

- Environmental review/mitigation and cost estimates
- Facility design and construction cost estimates
- Operational impacts

Environmental Review/Mitigation

LSA and Associates was the environmental firm that worked on the last mitigated negative declaration study/report that was done on the community center project at the Prewett Park site during the planning and construction process. They have outlined (see attachment “A”) the steps that would need to be taken for the development of this turf field. Those steps include:

1. CEQA review and documentation – known impact: burrowing owl habitat, burrowing owl assessment, exclusion and mitigation planning, construction supervision, etc. Environmental review and report costs estimate: \$150,000.
2. Site mitigation for burrowing owls: \$45,000-\$135,000 (dependent upon number of owls displaced).

Total Cost Estimate: \$285,000.

Facility Design and Construction Cost Estimates

Beals Alliance, a design firm, is currently working with the City of Antioch on the two synthetic turf fields to be located at Antioch Community Park. They have provided two (2) design options for the Prewett site (see attachment “B”). Project and construction management costs are approximately \$100,000.00 for either option

Option #1: Design and construction costs estimate: Approximately \$3.9M

Option #2: Design and construction costs estimate: Approximately \$3.1M

Comparison

The current two synthetic fields’ renovation project at Antioch Community Park is slated for construction this summer – \$2.4M

Operational Impacts;

This facility’s operations and maintenance would be covered by user fees (typically an hourly rate). These fees would include the following: staff coordination and supervision, utility costs – lighting, field maintenance, grooming and a field replacement fund development. This facility would have to be fiscally self sustaining or receive a subsidy for operations and replacement.

The city of Antioch currently has two fields of this type being designed and slated for construction in the summer of 2012 (pending approval – Bureau of Reclamation). There is no current history on demand or use for these types of facilities in Antioch. A financial model that has been developed for these two sites is based upon existing demand and increased use by the user groups that are anticipated. The coordination, maintenance and turf replacement costs are to

be covered by the projected increased use and the new user fees over the course of a 10-year period.

Field Replacement Cost Estimates

These fields are backed by an 8-year warranty, depending upon use. With proper care and maintenance, the life of these fields could be as much as 10-12 years. Replacement costs will vary – a conservative estimate is about \$80,000 - \$100,000 annually. The estimated cost of replacement per site is \$800,000 - \$1.0M (2012). These costs have been included in the financial model and user fee projections for the two fields currently under design.

The concern about the development of a third facility of this type is the demand for use. Without maximum field utilization of every field (3), the maintenance costs could be recovered, but there is no certainty that the replacement funds could be generated, perhaps risking all three fields.

SUMMARY

After reviewing the amount of funding available within the CFD89-1 (Mello Roos) - \$1,936,613 and comparing it to the potential cost for the development of either option:

Option #1 - \$4.2M approximate (including environmental work and mitigation)

Option #2 - \$3.4M approximate (including environmental work and mitigation)

There is not enough current available funding for site development for either option.

There is also some question of the demand for 3 fields of this type in the community, thus there is some risk in developing enough revenue to cover not only the soft costs but also the maintenance and replacement costs for this additional field. Potentially the development of this third field could risk the other two fields from being cost neutral to the city of Antioch.

FINANCIAL IMPACT

Current funds available to the city of Antioch from CFD89-1 (Mello Roos) for future development at Prewett park - \$1,936,613.

Proposed Third Field

Option #1 - \$4.2M approximate (costs all inclusive)

Option #2 - \$3.4M approximate (costs all inclusive)

ATTACHMENTS

- A. Scope of Service, LSA and Associates – Environmental Services
- B. Scope of Service, Beals Alliance – Design and Construction Services



LSA ASSOCIATES, INC.
157 PARK PLACE
PT. RICHMOND, CA 94801

510.236.6810 TEL
510.236.3480 FAX

BERKELEY
CARLSBAD
FT. COLLINS

FRESNO
IRVINE
PALM SPRINGS

RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
SOUTH SAN FRANCISCO

ATTACHMENT A

April 3, 2012

Lonnie Karste
Karste Consulting, Inc.
P.O. Box 954
Antioch, CA 94509

Subject: Preliminary Scope and Cost Estimate to Provide Technical Consulting Services for the Proposed Prewett Park Sports Field Project, City of Antioch, California

Dear Lonnie:

LSA Associates, Inc. (LSA) is pleased to submit this preliminary scope and cost estimate to provide technical environmental consulting services to the City of Antioch (City) for the above-referenced project. LSA understands that the City is contemplating the development of a new, synthetic turf sports field in the southwestern portion of the Prewett Park property. As such, this letter provides a preliminary estimate of what we believe would be required to comply with the California Environmental Quality Act (CEQA), as well as address potential project impacts on burrowing owls (*Athene cunicularia*), a California Species of Special Concern, which are known to occur on the property. This proposal is based on LSA's previous site-specific experience supporting the City's CEQA environmental review of the recent Prewett Park Community Center Project and providing technical guidance regarding burrowing owls during both the planning and construction phases of that project.

This proposal is organized by three major tasks: (1) CEQA Review/Documentation, (2) Burrowing Owl Assessment and Mitigation Planning, and (3) Construction Phase Assistance. Where appropriate, each major task is further broken down into subtasks with a brief description and cost estimate for each subtask.

SCOPE OF SERVICES

Task 1 – CEQA Review/Documentation

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the community center project did not include/address the future development of a sports field on the Prewett Park property. As such, it is foreseeable that the proposed sports field project could involve new, potentially significant (but mitigable) impacts that were not addressed in the prior CEQA analysis (e.g., impacts to burrowing owls and their habitat, additional vehicle trips and traffic, lighting, etc.). Therefore, based on our preliminary review of the proposed project and CEQA Guidelines (Section 15162), LSA recommends that a Subsequent IS/MND be prepared to identify substantial changes to the project and address any new or more substantial significant environmental effects. As part of this task, LSA would prepare a new traffic study to support the Subsequent IS/MND. *Estimated Cost Range = \$50,000 - \$80,000.*

Task 2 - Burrowing Owl Assessment and Mitigation Planning

This task pertains to the collection of data and information regarding burrowing owl use of the site so that potential impacts can be identified, analyzed and appropriate mitigation measures developed and coordinated with the California Department of Fish and Game (CDFG).

Task 2a – Breeding Season Survey. LSA will conduct a protocol-level breeding season burrowing owl survey of the project site in accordance with the recently reissued CDFG *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). A protocol-level breeding season survey consists of four site visits between February 15 and July 15; at least one visit should be conducted between February 15 and April 15, and the remaining three visits should be spaced at least three weeks apart between April 15 and July 15, with at least one visit after June 15. The results of the survey will be summarized in a stand-alone report that meets the information requirements of CDFG (2012) and is suitable for attachment to the project's IS/MND. *Estimated Cost Range = \$7,600 - \$9,500.*

Task 2b – Impact Assessment and Preliminary Mitigation Recommendations. LSA will prepare a burrowing owl impact assessment for the project in accordance with CDFG (2012) guidelines, based on the most current project design information available. The level of detail in the impact assessment will be dependent on the associated level of detail provided in the project description and as reflected on project design drawings. The results of the impact assessment will be used to develop preliminary avoidance and/or mitigation measures for the project. The impact assessment and preliminary mitigation recommendations will be summarized in a technical memorandum submitted to Karste Consulting and incorporated into the biological resources section of the CEQA document. *Estimated Cost Range = \$5,500 - \$7,500.*

Task 2c – Mitigation Planning. LSA will analyze both on- and off-site alternatives for mitigating permanent impacts on burrowing owls (e.g., loss of occupied burrows, loss of foraging habitat). This subtask includes consultation with CDFG, via both conference calls and on-site meetings, to develop and negotiate a project-specific mitigation strategy that adequately compensates for project impacts on burrowing owls. On-site mitigation would likely consist of an expansion of the existing Prewett Park Burrowing Owl Preserve, while off-site mitigation would consist of purchasing mitigation credits at a CDFG-approved conservation bank (e.g., Haera Wildlife Conservation Bank)¹.

If on-site mitigation is selected as the preferred mechanism to offset project impacts on burrowing owl, LSA will: (1) coordinate with the City and CDFG to define the new boundaries/configuration of the expanded preserve, including preparation of a concept-level, aerial-based figure of the proposed preserve for City review/use; (2) assist the City with amending the existing deed restriction to reflect the preserve expansion; (3) coordinate the review and approval of the amended deed restriction with CDFG on behalf of the City (per the requirements of the existing deed restriction for the preserve, the deed restriction may only be amended with the consent of CDFG); (4) coordinate with the City's land surveyor to facilitate the preparation of a new legal description for the expanded preserve (the new legal description will be an attachment to the amended deed restriction for the preserve); (5) coordinate with the City regarding the level of funding required for long-term management of the preserve, including preparation of annual cost estimates and identification of an appropriate funding

¹ Burrowing owl credits at the Haera Conservation Bank are currently \$15,000 per acre. Given that the project will impact approximately 130,000 square feet (3 acres) of burrowing owl habitat, off-site mitigation may cost anywhere from \$45,000 (1:1 mitigation ratio) to \$135,000 (3:1 mitigation ratio), depending on the quality of habitat impacted and associated mitigation ratio negotiated with CDFG.

mechanism that satisfies CDFG's requirements; and (6) update the existing preserve management plan to reflect the new preserve boundaries and any additional or modified management actions, allowable activities, monitoring methods, and/or other enhancements deemed necessary to ensure the long-term viability of suitable habitat for burrowing owl. *Estimated Cost Range = \$18,500 – \$22,200.*

Task 3 – Construction Phase Assistance

This task pertains to the implementation of measures to avoid “take” of burrowing owls during project construction, including possible burrow exclusion and closure efforts, contractor training, construction monitoring, and CDFG coordination.

Task 3a – Burrow Exclusion and Closure. Assuming that burrows suitable for use by burrowing owls are present on and adjacent to (within 250 feet) the proposed sports field site, LSA will visit the site during the non-breeding season prior to scheduled construction (i.e., December to January) to determine if any burrows are occupied by owls. If owls are found in or adjacent to the construction area, LSA will prepare a Burrowing Owl Exclusion Plan in accordance with CDFG guidelines (CDFG 2012) and submit the plan to CDFG for approval prior to excluding burrows. Following approval from CDFG, LSA will exclude occupied and suitable burrows in the construction area with one-way doors to encourage owls to move to nearby undeveloped lands, including those within the existing preserve. After doors are installed, LSA will check the site once daily during the ensuing 48-hour period to ensure the doors remain in place and to determine whether owls have moved. After 48 hours, LSA will supervise City maintenance or contractor personnel conducting the excavation and backfilling of burrows to prevent reoccupation. This burrow exclusion and closure work would occur during the month of January, immediately prior to the start of the burrowing owl breeding season. *Estimated Cost Range = \$8,300 - \$12,500.*

Task 3b – Pre-construction Site Monitoring. Following the completion of burrow exclusion and closure work conducted in the month of January, LSA will commence follow-up site monitoring to prevent re-occupation of the construction area by burrowing owls before commencement of construction activities. LSA will visit the site once a week in February and twice a week in March and April. These site visits will allow LSA to evaluate current site conditions, identify any owls on or in the vicinity of the site and monitor the establishment of any burrows or other suitable nesting/shelter sites. These visits will consist of a biologist surveying the entire project footprint and 250-foot buffer area at dawn or dusk for burrowing owls. If burrowing owls continue to be observed on or adjacent to the construction area following the burrow exclusion effort, LSA will advise the City and provide recommendations regarding specific measures/strategies to be implemented to minimize opportunities for burrowing owls to occupy the construction area and buffer area prior to the start of construction. As part of this task, LSA will prepare and submit weekly project status memos to CDFG summarizing owl observations, exclusion activities, and burrow excavations. LSA will also prepare and submit a brief letter report to CDFG, within one month of the initiation of grading, summarizing burrow exclusion activities and owl observations. *Estimated Cost Range = \$9,100 - \$10,400.*

Task 3c – Construction Monitoring and Contractor Training. LSA will monitor initial ground disturbance (i.e., initial site grading activities) to ensure that no owls are present within the construction area. As part of this task, LSA will also provide environmental training to contractors regarding presence of burrowing owls in the site vicinity and measures to take if any burrowing owls are observed in the construction area. *Estimated Cost Range = \$1,250 - \$2,400.*

Task 3e – As-needed Technical Assistance During Construction. LSA will provide as-needed technical consultation during the construction phase of the project, such as additional site visits to confirm that suitable burrows or other features that may be used by owls have been eliminated from the construction area, investigating observations of owls on or adjacent to the project site, field assistance and coordination related to locating/layout of preserve boundaries and/or responding to questions or requests for information by CDFG. *Estimated Cost Range = \$4,500 - \$6,500.*

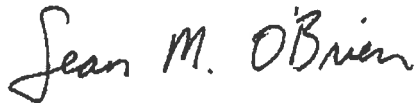
COST ESTIMATE

Based on LSA's prior experience with the environmental analysis and documentation for the Prewett Park Community Center Project and associated site-specific experience providing burrowing owl surveys/impact assessment, mitigation planning and construction-phase services to the City, we estimate a minimum budget of \$105,450 to a maximum budget of \$150,550, including reimbursable expenses, will be required to complete the tasks described above.

We appreciate the opportunity to submit this preliminary scope and cost estimate and would be happy to provide a formal proposal for this work if you desire. Please contact me or Matt Ricketts, Senior Wildlife Biologist, if you have any questions or require additional information.

Sincerely,

LSA ASSOCIATES, INC.

A handwritten signature in black ink that reads "Sean M. O'Brien". The signature is written in a cursive, slightly slanted style.

Sean O'Brien
Principal/Biologist



March 19, 2012

Lonnie Karste
 Karste Consulting
 PO Box 954
 Antioch, CA 94509

RE: Landscape Architectural Services
 PREWETT PARK
 Beals Alliance PROPOSAL No. P12-008

Dear Lonnie:

In response to your request, **Beals Alliance, Inc.**, is pleased to submit the following proposal to provide cost analysis for a new synthetic turf fields at Prewett Park in Antioch, California.

PROJECT UNDERSTANDING / HISTORY:

The City of Antioch is interested in pursuing the addition of a new synthetic field at 4701 Lone Tree Way, otherwise known as Prewett Park, to their recreational inventory. Lonnie Karste has requested Beals Alliance prepare a "field in space" design and cost budget analysis for this potential project.

GENERAL PROJECT ASSUMPTIONS:

- The field will be one standard size FIFA field of 80 yards by 120 yards with a 15 foot safety zone as the base project. This is approximately 105,000 sf.
- The addition of a softball/baseball synthetic turf infield and backstop as a potential addition to the field. This is approximately 9,000 sf.
- Spectator viewing on one side of the facility and around the soft/baseball backstop.
- The facility will be lighted for soccer, softball and baseball uses.
- A storage building of approximately 10X20 will be located accessible to the use area.
- There will be access to and around the field from the road for maintenance and service.
- Fencing of tubular steel fence, 8 feet tall will be itemized for the perimeter.
- An area approximately 15 feet outside the entire field/paving will be considered for walkways and landscaping totaling approximately 15,000 sf.
- The site is steep so the estimate will consider moving approximately 6,000 cy of earth on site and the addition of 400 lf of retaining wall maximum 3 feet tall.
- The soil is heavy clay so stabilization 18" deep will be added under all the synthetic turf area.
- The synthetic turf will be costed as CMAS using the same sf costs as the Antioch Community Park.

971.4286

75 Iron Point Circle, Suite 175 Folsom, CA 95630
 t 916.496.8000 f 916.496.8100 www.bealsalliance.com
 1006 6th Street Modesto, CA 95354
 7036 Cliff Avenue Bodega Bay, CA 94923

SPECIFIC SCOPE OF SERVICES:

- **Beals alliance** will prepare a “plan in space” meaning it is not attached to the site. The plan will be “representative” of the items listed above.
- A cost budget analysis will be prepared to permit Karste Consulting to be able to identify and discern the individual cost items.

SPECIAL PROVISIONS

- A. Without attempting to be all-inclusive and for purposes of clarity, the following items are specifically not included in the Scope of Services:
1. Meetings other than those listed.
 2. Engineering (Electrical, Structural, Mechanical, Geotechnical)
 3. Presentations to Public Bodies
- B. Services will be diligently pursued and every reasonable effort will be made to meet a mutually agreed upon schedule. If the completion of the services is delayed beyond the control of the Consultant, the time of completion shall be extended during such period and Consultant shall be held harmless from any and all claims arising out of such delay.

PROFESSIONAL COMPENSATION

The fixed fee for the above services is based on the current hourly rate of the office as defined in the attached Charge Rate Schedule. We propose a fixed fee of \$400.00 for the services outlined in the Scope of Work above using the project assumptions as a basis.

CHANGE IN SERVICES

Client may order changes in scope or character of service, either decreasing or increasing the amount of Consultant's services, and if necessary, changing the character of services. In the event that such changes are ordered, Consultant is entitled to full compensation for all services performed and expenses incurred prior to receipt of notice of change.

TERMINATION OF AGREEMENT

In the event the project is terminated or indefinitely suspended in the manner herein provided, the Landscape Architect shall turn over copies of any and all documents completed to that date. The Landscape Architect shall be entitled to compensation up to and including said termination date. Copyright of all work shall remain the property of **beals alliance**.

REGISTRATION

Beal alliance is licensed under William J. Beals III, Landscape Architect to practice in the State of California. Landscape Architects are regulated by the California Board of Landscape Architects. Any questions concerning a Landscape Architect may be referred to the Board at:

Landscape Architects Program
400 R Street, Suite 4000
Sacramento, CA 95814
Telephone: (916) 445-4954

BILLINGS AND PAYMENT

Invoices will be sent by the 10th of the month for work completed through the 25th of the previous month. Any additional services will be billed separate from contracted services. Payment is due and payable within 30 days of the statement date.

If this proposal meets with your approval, please issue a purchase order attaching this proposal as a verification of Scope of Services.

Sincerely,



William J. Beals III

Beals Alliance, Inc.

Approved,



Lonnie Karste

Karste Consulting

Beals Alliance, Inc.
CHARGE RATE SCHEDULE
Effective until December 31, 2012

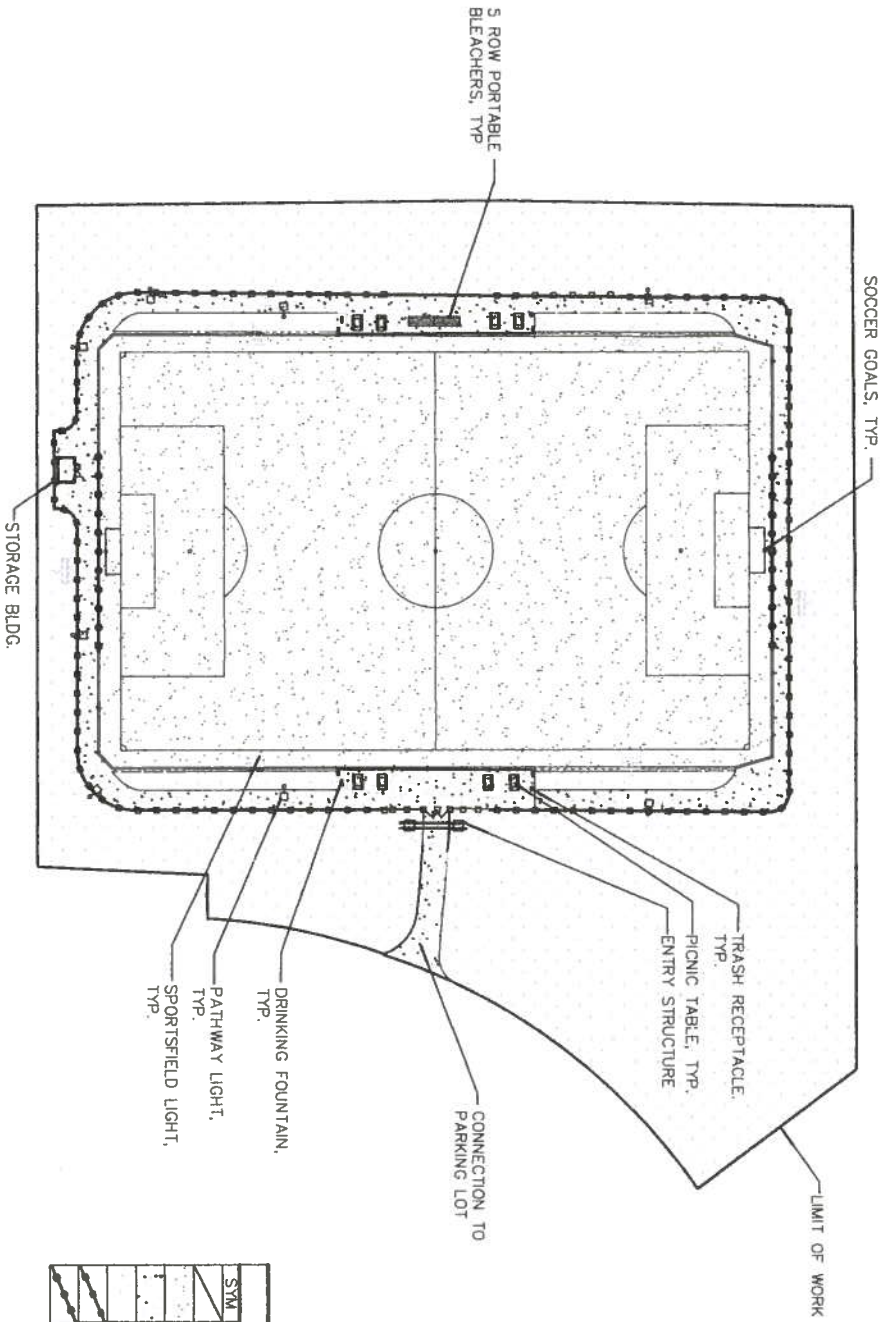
The following chart outlines the current charge rate for professional and office costs. Reimbursable rates and expenses are shown at the bottom.

CONSULTING RATES

Expert Witness - Principal	\$500.00 per hour
Research / Evaluation - Principal	\$300.00 per hour

PROJECT RATES

Managing Principal	\$250.00 per hour
Principal	\$175.00 per hour
Senior Civil Engineer	\$150.00 per hour
Project Manager, Construction Manager	
Level II	\$135.00 per hour



MATERIALS LEGEND	
SYM.	DESCRIPTION
---	LIMIT OF WORK
.....	SYNTHETIC TURF
.....	CONCRETE PAVING
.....	LANDSCAPE AREA
.....	8' ORNAMENTAL FENCE
.....	16' BLACK CHAINLINK FENCE

PRELIMINARY BUDGET PLAN OPTION 2

**PREWETT PARK
ANTIOCH, CALIFORNIA**



City Of Antioch
Prewett Park Option 2
Preliminary Statement of Probable Construction Costs

Beals Alliance
Prepared By: SB
28-Mar-12

Preliminary Budget Estimate

Item	Quantity	Unit	Unit Cost	Base Estimate
Demolition				\$161,250.00
Drainage and Utilities				\$82,050.00
Electrical				\$175,000.00
Hardscape Improvements				\$340,250.00
Site Furnishings				\$111,600.00
Fencing				\$222,715.00
Irrigation				\$114,000.00
Planting				\$93,240.00
Synthetic Turf Field				\$129,250.00
Subtotal - Base Bid				\$1,429,355.00
6% Mobilization and Bonding				\$85,761.30
10% Construction Contingency				\$142,935.50
Direct Purchase Items				\$450,000.00
Sportsfield Lighting (Musco)	1	ls	\$450,000.00	\$450,000.00
CMAS Items				\$543,400.00
2" Synthetic Turf	81,000	ea	\$4.60	\$372,600.00
Composite Drainage Mat	81,000	ea	\$1.80	\$145,800.00
Inlaid Striping	1	ls	\$25,000.00	\$25,000.00
Subtotal - Base Bid and Direct Purchase Items				\$2,651,451.80
Soft Cost				\$335,145.18
6% Design Fees				\$159,087.11
Geotech Report/Topo/Ceqa/SPC C-3				\$30,000.00
Civil Consultant				\$20,000.00
Electrical Consultant				\$20,000.00
Testing				\$26,514.52
Inspections				\$53,029.04
City Staff (If Billed against the Project)				\$26,514.52
Grand Total Project Base Bid, Directy Purchase Items and Soft Costs:				\$2,986,596.98

- Notes: 1) Construction Contingency is provided to cover for site conditions and additional work not anticipated for upgrades.
2) In Providing opinions of probable construction cost, the Client understands that the Landscape Architect has no control over costs or the price of labor equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made on the basis of the Landscape Architect's qualifications and experience. The Landscape Architect makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

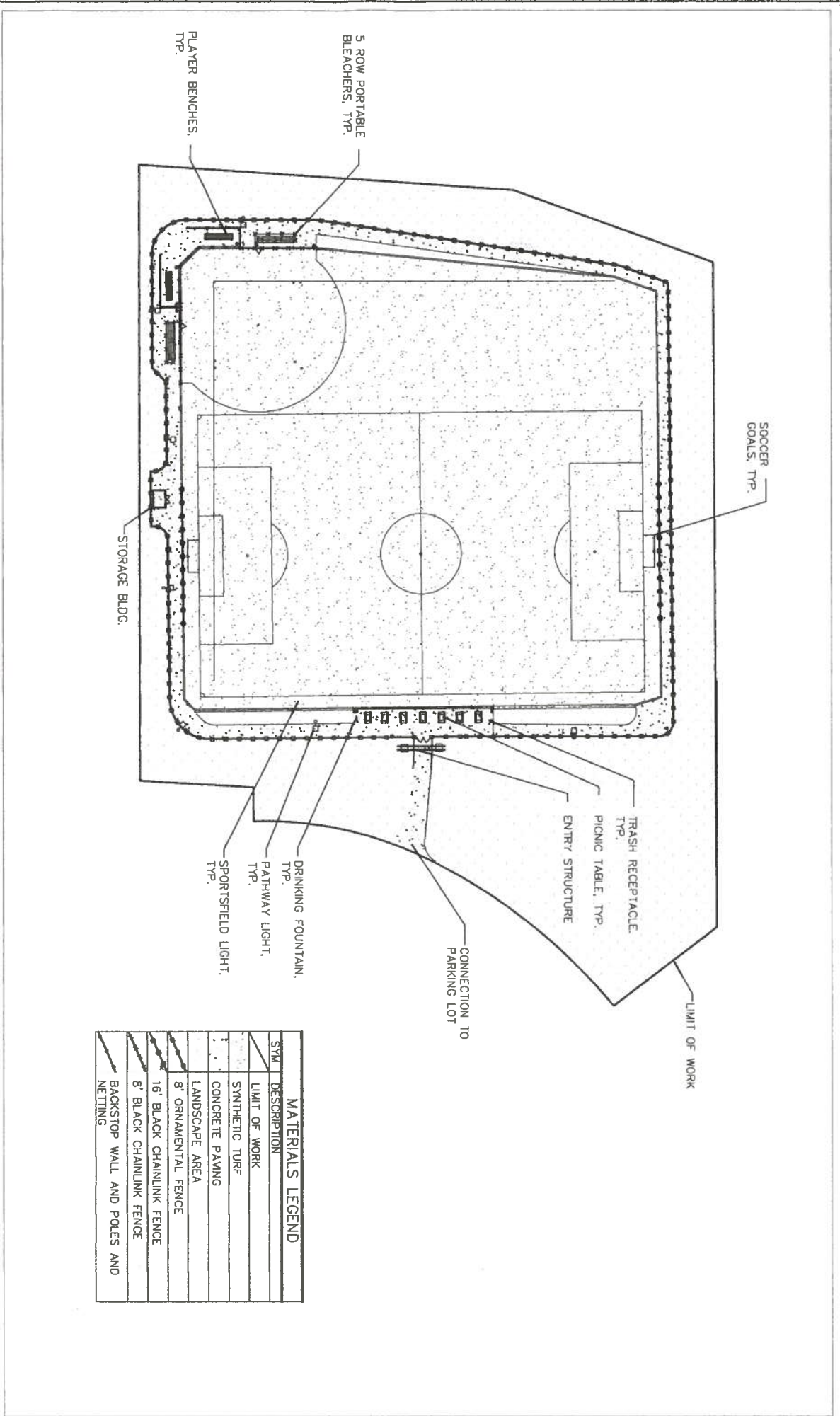
Preliminary Budget Estimate

Item	Quantity	Unit	Unit Cost	Base Estimate
Demolition				\$161,250.00
Grubbing & Clearing	181,000	sf	\$0.25	\$45,250.00
Temporary Construction Fencing	1,300	lf	\$3.50	\$4,550.00
Earthwork / Rough Grading	181,000	sf	\$0.45	\$81,450.00
Layout & Staking	1	ls	\$10,000.00	\$10,000.00
SWPPP Items	1	ls	\$20,000.00	\$20,000.00
Drainage and Utilities				\$82,050.00
Synthetic Turf Field Drainage	81,000	sf	\$0.65	\$52,650.00
Perimeter Drainage	84,000	sf	\$0.35	\$29,400.00
Electrical				\$175,000.00
Misc. Electrical	1	ls	\$75,000.00	\$75,000.00
Path Lighting	1	ls	\$100,000.00	\$100,000.00
Hardscape Improvements				\$340,250.00
Large Retaining Wall w/ Footing	600	lf	\$125.00	\$75,000.00
18" Lime Treatment	16,000	sf	\$0.55	\$8,800.00
Entry Structure	1	ls	\$30,000.00	\$30,000.00
12" Concrete Edgeband at Fence	1,300	lf	\$30.00	\$39,000.00
Precast Softball & Soccer Balls	4	ea	\$1,300.00	\$5,200.00
6" Concrete Mowband	150	lf	\$15.00	\$2,250.00
Concrete Connection From Entry to Parking Lot	1	ls	\$20,000.00	\$20,000.00
Concrete Paving (Pedestrian)	16,000	sf	\$10.00	\$160,000.00
Site Furnishings				\$111,600.00
Flagpoles	1	ea	\$5,000.00	\$5,000.00
Storage Bldg.	1	ls	\$50,000.00	\$50,000.00
Trash Receptacles	8	ea	\$800.00	\$6,400.00
Picnic Tables	8	ea	\$2,000.00	\$16,000.00
5 Row Bleachers	2	ea	\$7,500.00	\$15,000.00
Drinking Fountain	2	ea	\$4,500.00	\$9,000.00
Soccer Corner Flags	1	set	\$200.00	\$200.00
Soccer goal Pak w/ Safety System	1	set	\$10,000.00	\$10,000.00
Fencing				\$222,715.00
8' Ornamental Fence	1,785	lf	\$99.00	\$176,715.00
10' Double Swing Gate	1	ea	\$3,500.00	\$3,500.00
16' Double Swing Gate	1	ea	\$5,000.00	\$5,000.00
Guardrails & Handrails	130	lf	\$150.00	\$19,500.00
16' Chain Link Fence	200	lf	\$90.00	\$18,000.00
Irrigation				\$114,000.00
Quick Couplers @ Synthetic Turf	1	ls	\$30,000.00	\$30,000.00
Perimeter Irrigation	84,000	sf	\$1.00	\$84,000.00
Planting				\$93,240.00
Perimeter Landscape	84,000	sf	\$1.00	\$84,000.00
90 day maintenance	84,000	sf	\$0.11	\$9,240.00
Synthetic Turf Field				\$129,250.00
Fine Grading	81,000	sf	\$0.30	\$24,300.00
18" Lime Treatment	81,000	sf	\$0.55	\$44,550.00
Composite Header @ Synthetic	1,200	lf	\$4.50	\$5,400.00
4" Rock Base @ Synthetic Field	1,000	cy	\$55.00	\$55,000.00

Subtotal - Base Bid			\$1,429,355.00
6% Mobilization and Bonding			\$85,761.30
10% Construction Contingency			\$142,935.50
Direct Purchase Items			\$450,000.00
Sportsfield Lighting (Musco)	1 ls	\$450,000.00	\$450,000.00
CMAS Items			\$543,400.00
2" Synthetic Turf	81,000 ea	\$4.60	\$372,600.00
Composite Drainage Mat	81,000 ea	\$1.80	\$145,800.00
Inlaid Striping	1 ls	\$25,000.00	\$25,000.00
Subtotal - Base Bid and Direct Purchase Items			\$2,651,451.80
Soft Cost			\$335,145.18
6% Design Fees			\$159,087.11
Geotech Report/Topo/Ceqa/SPC C-3			\$30,000.00
Civil Consultant			\$20,000.00
Electrical Consultant			\$20,000.00
Testing			\$26,514.52
Inspections			\$53,029.04
City Staff (If Billed against the Project)			\$26,514.52
Grand Total Project Base Bid, Directy Purchase Items and Soft Costs:			\$2,986,596.98

- Notes: 1) Construction Contingency is provided to cover for site conditions and additional work not anticipated for upgrades.
- 2) In Providing opinions of probable construction cost, the Client understands that the Landscape Architect has no control over costs or the price of labor equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made on the basis of the Landscape Architect's qualifications and experience. The Landscape Architect makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

PRELIMINARY BUDGET PLAN OPTION 1
PREWETT PARK
ANTIOCH, CALIFORNIA



Preliminary Budget Estimate

Item	Quantity	Unit	Unit Cost	Base Estimate
Demolition				\$201,800.00
Grubbing & Clearing	214,000	sf	\$0.25	\$53,500.00
Temporary Construction Fencing	2,000	lf	\$3.50	\$7,000.00
Earthwork / Rough Grading	214,000	sf	\$0.45	\$96,300.00
Layout & Staking	1	ls	\$15,000.00	\$15,000.00
SWPPP Items	1	ls	\$30,000.00	\$30,000.00
Drainage and Utilities				\$109,850.00
Synthetic Turf Field Drainage	116,500	sf	\$0.65	\$75,725.00
Perimeter Drainage	97,500	sf	\$0.35	\$34,125.00
Electrical				\$175,000.00
Misc. Electrical	1	ls	\$75,000.00	\$75,000.00
Path Lighting	1	ls	\$100,000.00	\$100,000.00
Hardscape Improvements				\$411,750.00
Large Retaining Wall w/ Footing	600	lf	\$125.00	\$75,000.00
18" Lime Treatment	21,000	sf	\$0.55	\$11,550.00
Entry Structure	1	ls	\$30,000.00	\$30,000.00
12" Concrete Edgeband at Fence	2,000	lf	\$30.00	\$60,000.00
Precast Softball & Soccer Balls	4	ea	\$1,300.00	\$5,200.00
6" Concrete Mowband		lf	\$15.00	\$0.00
Concrete Connection From Entry to Parking Lot	1	ls	\$20,000.00	\$20,000.00
Concrete Paving (Pedestrian)	21,000	sf	\$10.00	\$210,000.00
Site Furnishings				\$147,000.00
Flagpoles	1	ea	\$5,000.00	\$5,000.00
Storage Bldg.	1	ls	\$50,000.00	\$50,000.00
5 Row Bleachers	4	ea	\$7,500.00	\$30,000.00
Player Benches	4	ea	\$2,000.00	\$8,000.00
Trash Receptacles	10	ea	\$800.00	\$8,000.00
Picnic Tables	7	ea	\$2,000.00	\$14,000.00
Drinking Fountain	2	ea	\$4,500.00	\$9,000.00
Backstop Padding	150	lf	\$50.00	\$7,500.00
Portable Mound	1	ea	\$3,000.00	\$3,000.00
Homeplate	1	ea	\$300.00	\$300.00
Bases	1	set	\$500.00	\$500.00
Wood Base Boards at Backstop	1	ls	\$1,500.00	\$1,500.00
Soccer Corner Flags	1	set	\$200.00	\$200.00
Soccer goal Pak w/ Safety System	1	set	\$10,000.00	\$10,000.00
Fencing				\$287,015.00
8' Ornamental Fence	1,785	lf	\$99.00	\$176,715.00
8' Chain Link Dugout Fence w/ roof and slats	204	lf	\$75.00	\$15,300.00
10' Double Swing Gate	1	ea	\$3,500.00	\$3,500.00
16' Double Swing Gate	1	ea	\$5,000.00	\$5,000.00
8' Dugout Gates	2	ea	\$2,000.00	\$4,000.00
Softball Backstop (Post, Fabric and Footings)	1	ls	\$45,000.00	\$45,000.00
Guardrails & Handrails	130	lf	\$150.00	\$19,500.00
16' Chain Link Fence	200	lf	\$90.00	\$18,000.00
Irrigation				\$135,000.00
Quick Couplers @ Synthetic Turf	1	ls	\$40,000.00	\$40,000.00
Perimeter Irrigation	95,000	sf	\$1.00	\$95,000.00
Planting				\$105,450.00
Perimeter Landscape	95,000	sf	\$1.00	\$95,000.00
90 day maintenance	95,000	sf	\$0.11	\$10,450.00

Synthetic Turf Field				\$210,875.00
Fine Grading	116,500	sf	\$0.30	\$34,950.00
18" Lime Treatment	116,500	sf	\$0.55	\$64,075.00
Composite Header @ Synthetic	2,000	lf	\$4.50	\$9,000.00
4" Rock Base @ Synthetic Field	1,870	cy	\$55.00	\$102,850.00
Subtotal - Base Bid				\$1,783,740.00
6% Mobilization and Bonding				\$107,024.40
10% Construction Contingency				\$178,374.00
Direct Purchase Items				\$550,000.00
Sportsfield Lighting (Musco)	1	ls	\$550,000.00	\$550,000.00
CMAS Items				\$770,800.00
2" Synthetic Turf	116,500	ea	\$4.60	\$535,900.00
Composite Drainage Mat	116,500	ea	\$1.80	\$209,700.00
Inlaid Striping	1	ls	\$25,000.00	\$25,000.00
Subtotal - Base Bid and Direct Purchase Items				\$3,389,738.40
Soft Cost				\$408,973.84
6% Design Fees				\$203,384.30
Geotech Report/Topo/Ceqa/SPC C-3				\$30,000.00
Civil Consultant				\$20,000.00
Electrical Consultant				\$20,000.00
Testing				\$33,897.38
Inspections				\$67,794.77
City Staff (If Billed against the Project)				\$33,897.38
Grand Total Project Base Bid, Directy Purchase Items and Soft Costs:				\$3,798,712.24

- Notes: 1) Construction Contingency is provided to cover for site conditions and additional work not anticipated for upgrades.
2) In Providing opinions of probable construction cost, the Client understands that the Landscape Architect has no control over costs or the price of labor equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made on the basis of the Landscape Architect's qualifications and experience. The Landscape Architect makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

Preliminary Budget Estimate

Item	Quantity	Unit	Unit Cost	Base Estimate
Demolition				\$201,800.00
Drainage and Utilities				\$109,850.00
Electrical				\$175,000.00
Hardscape Improvements				\$411,750.00
Site Furnishings				\$147,000.00
Fencing				\$287,015.00
Irrigation				\$135,000.00
Planting				\$105,450.00
Synthetic Turf Field				\$210,875.00
Subtotal - Base Bid				\$1,783,740.00
6% Mobilization and Bonding				\$107,024.40
10% Construction Contingency				\$178,374.00
Direct Purchase Items				\$550,000.00
Sportsfield Lighting (Musco)	1	ls	\$550,000.00	\$550,000.00
CMAS Items				\$770,600.00
2" Synthetic Turf	116,500	ea	\$4.60	\$535,900.00
Composite Drainage Mat	116,500	ea	\$1.80	\$209,700.00
Inlaid Striping	1	ls	\$25,000.00	\$25,000.00
Subtotal - Base Bid and Direct Purchase Items				\$3,389,738.40
Soft Cost				\$408,973.84
6% Design Fees				\$203,384.30
Geotech Report/Topo/Ceqa/SPC C-3				\$30,000.00
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 - 2) In Providing opinions of probable construction cost, the Client understands that the Landscape Architect has no control over costs or the price of labor equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made on the basis of the Landscape Architect's qualifications and experience. The Landscape Architect makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF MAY 8, 2012**

Prepared by: Dawn Merchant, Finance Director

Reviewed by: Jim Jakel, City Manager

Date: April 30, 2012

**Subject: PROPOSED UPDATES TO THE MASTER FEE SCHEDULE EFFECTIVE JULY 1, 2012
AND UPDATE ON WATER AND SEWER RATES**

RECOMMENDATION

Adopt the Resolution of the City Council of the City of Antioch Approving Updates to the Master Fee Schedule Effective July 1, 2012.

AMENDMENTS TO THE MASTER FEE

Attachment 2 contains the current Master Fee Schedule. Changes to fees are highlighted and contain strikethroughs and changes/additions in red throughout the document. The following is a brief summary of changes.

Proposed Police Department and Animal Services Amendments: Police fees have been adjusted to capture Consumer Price Index increases for 2011 and 2012 (a total of 5%) as fees were not increased in the 2011 Master Fee Schedule. A one year license fee for potential dangerous/vicious animal has been added as well as an inspection fee to cover the cost of animal services staff time if they need to visit a residence to verify such things as if secure fencing is in place, dog okay after a quarantine, etc.

Proposed Community Development Fee Amendments: Fees have increased in accordance with the San Francisco Area Consumer Price Index, with the exception of the Waste Management Fee which is being increased to cover the actual cost of processing.

Proposed Public Works Fee Amendments: A majority of increases are based on the San Francisco Area Consumer Price Index (other than water and sewer rates discussed in the next paragraph). Water and Sewer connection fees are being increased by the Engineering News Record Cost of Construction Index.

Water and sewer rates fee increases for fiscal years 2011 through 2015 were approved by resolutions 2010/44 and 2010/45. When the rate increases were approved, Council requested a rate review be conducted after two years. In accordance with this direction, Black & Veatch, who prepared the original rate study, has conducted a reconciliation of actual costs and revenues versus those projected by the 2010 rate study (2010 Study). A summary of the findings follows.

Water Utility

Over the past two years, the City has continued to see decreased consumption levels for all customer classes. At the same time, the Water Utility has realized decreased purchased water costs compared to projections and maintained tight control over all other expenses. Due to the savings from purchased water costs achieved in FY 09/10, the Water Utility was able to delay the need to issue a planned \$10M bond for capital improvement projects. Further, based on the reconciliation analysis conducted by Black & Veatch, if the Water Utility implements the remainder of the proposed rate increases from the 2010 Study, then there will be sufficient funds to cash finance the 5-year capital improvement program; meet the 60 day minimum working capital balance; and start to fund a modest level of Repair & Replacement (R&R) reserve for future capital needs. In the event that the proposed increases are not implemented, the Water

Utility will need to issue the \$10M bond and does run the risk of not generating sufficient revenues to meet debt covenant requirements.

Sewer Utility

For the Sewer Utility, delayed execution of some capital projects over the past 2 years has resulted in a temporary fund balance that is greater than originally anticipated. Reported revenues and expenditures for FY 10/11 and FY 11/12 (estimated) appear to be tracking as projected in the 2010 Rate Study. As a result, Black & Veatch has recommended that the City continue with the planned 4% rate increases for FY 12/13 and FY 13/14. Full execution of the sewer capital improvement program will fully deplete the current fund balance if no increases are implemented. Moreover, the City should continue planning on establishing the R&R fund to address future capital needs.

Based on Black & Veatch's analysis, both Enterprise Funds appear to be controlling costs and executing planned capital projects in a timely fashion. As such, Black & Veatch's analysis concludes that implementation of the FY 12/13 and FY 13/14 proposed rate increases are still necessary to maintain the financial viability of the utilities, as well as ensure the level of service expected by rate payers.

Staff is in agreement with Black & Veatch's findings and recommendations and therefore, Water and Sewer rates in the attached Master Fee reflect 8% and 4% increases respectively as approved in resolutions 2010/44 and 2010/45. Ann Bui from Black & Veatch will be discussing the findings at this meeting and is available for any questions.

Recreation and Community Services: Various rates are increasing to recover actual costs. Rental deposit fees are being increased to bring up to local standards and protect assets. Fees being added include microphone and podium rental which have been available for rental, but not included on the Master Fee Schedule; locker rental which has been charged but not included on the Master Fee Schedule and a late payment fee for Antioch Community Center rentals.

FINANCIAL IMPACT

The fee increases will ensure that the City recovers as much of the cost for providing services as possible. Although there have been some reductions in certain staff and benefit costs due to current concessions with the City's labor and bargaining groups, there are still increases in other labor costs, as well as overhead costs such as utilities, such that the Consumer Price Index is an accurate mechanism to use to increase some fees to ensure that they are limited to the reasonable cost of providing services. Recovery of fees is imperative to help overcome the financial challenges we are facing. Departments have incorporated proposed fees into their budgets.

ATTACHMENTS

1. Resolution of the City Council of the City of Antioch Approving Updates to the City of Antioch Master Fee Schedule effective July 1, 2012
2. Proposed Master Fee Schedule Changes

RESOLUTION NO. 2012/

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ANTIOCH APPROVING UPDATES TO THE CITY OF ANTIOCH
MASTER FEE SCHEDULE EFFECTIVE JULY 1, 2012

BE IT RESOLVED that the City of Antioch Master Fee, a true copy of which is on file in the City Clerk's office and incorporated herein by reference is hereby updated and the same shall be considered the Master Fee Schedule of the City of Antioch, all such updates becoming effective July 1, 2012, unless otherwise specifically stated.

* * * * *
*

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 8th day of May 2012, by the following vote:

AYES:
NOES:
ABSENT:

Denise Skaggs, CITY CLERK

CITY OF ANTIOCH MASTER FEE SCHEDULE

UPDATED EFFECTIVE JULY 1, 2012



CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

POLICE DEPARTMENT

DESCRIPTION	FEE AMOUNT	ACCT CODE
Personal/or Non Law Enforcement Local Criminal History Summary	\$ 25.00	100-3110.46010
Accident Investigation Report Copy	\$ 20.00 <u>\$21.00</u>	100-3110.46010
Administrative Tow Fee: DUI/suspended license, 30 day tows	\$ 108.00 <u>\$113.00</u>	100-3110.46300
Administrative Tow Fee: All others except evidence (victim vehicles & recovered stolen vehicles)	\$ 94.00 <u>\$99.00</u>	100-3110.46300
Bicycle Registration	\$ 6.00	100-3110.42030
Card Dealer Application Fee, plus	\$ 268.00 <u>\$281.00</u>	100-3110.46300
Fingerprint fee (renewable every 5 years)	\$ 44.00 <u>\$46.00</u>	100-3110.46300
Card Dealer Application Renewal (includes fingerprinting)	\$ 108.00 <u>\$113.00</u>	100-3110.46300
Card Room: Regulation fees per table/year	\$ 279.00 <u>\$293.00</u>	100-3110.46300
Card Room: Owner application fee, plus	\$ 2,352.00 <u>\$2,470.00</u>	100-3110.46300
Owner Department of Justice Fee	\$ 48.00 <u>\$50.00</u>	100-3110.46300
Clearance Letters	\$ 32.00 <u>\$34.00</u>	100-3110.46300
Code Enforcement (<u>Municipal Code Violations</u>)	Set by courts	
Crime Report Copy	Four pages or less – Free; Five pages or more – 20 cents per page for all pages	100-3110.46010
Event Screen	Four pages or less – Free; Five pages or more – 20 cents per page for all pages	100-3110.46010
DUI Arrest/Accident Processing-GC 53155/56	Direct costs of responding to an emergency incident to recovered - not to exceed \$12,000	100-3110.46300
Escort of Wide or Overload Vehicle	Actual police and engineering time for investigation of route and escort if required	100-3110.46300
False Alarm Permit Fee	\$ 33.00 <u>\$35.00</u>	100-3110.46315
False Alarm Response (After the third Response within a calendar year)	\$ 70.00 <u>\$74.00</u>	100-3110.46320
Fingerprint – Livescan (1-3 cards)	\$ 33.00 <u>\$35.00</u>	100-3110.46300
ABC Daily License Authorization	\$ 20.00 <u>\$21.00</u>	100-3110.46300
Gun Permit Fees – Concealed Weapons Application (non-refundable): Gun Permit – City Administration Fee Gun Permit – Dept. of Justice – Initial Application Gun Permit – Dept. of Justice Renewal Gun Permit – Fingerprint Fee Gun Permit – Permit Issuance Fee Gun Permit – Qualification (Time & Materials)	<u>Not to exceed \$100.00</u> \$ 126.00 \$ 97.00 \$ 48.00 \$ 53.00 \$ 4.00 \$ 88.00	100-3110.46300
Limo Driver - Application Fee	\$ 475.00 <u>\$499.00</u>	100-3110.46300
Limo Driver - Fingerprint Fee	\$ 44.00 <u>\$46.00</u>	100-3110.46300
Limo Driver - Renewal Fee Per Year	\$ 231.00 <u>\$243.00</u>	100-3110.46300
Limo Vehicle Inspection: per vehicle – per inspection	\$ 68.00 <u>\$70.00</u>	570-2610.46630
Notary Public (seal and certificate), Oath of Affirmation (Seal) (Per Signature)	\$ 16.00	100-3110.46300
Parking Enforcement	Established by Council Resolution	100-3150.43020
Parties & Nuisances – AMC Chapter 13, Sec 5-13.03/05	Cost of personnel & equipment, but not more than \$1,000.00	100-3110.46300

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
Reproduction Services - Media: Cassette/tape audio copy Photo print (black & white; color; digital Process)-service fee plus cost of prints Video Tape Duplication	\$ 38.00 <u>\$40.00</u> \$ 38.00 <u>\$40.00</u> \$ 60.00 <u>\$63.00</u>	100-3110.46300
Police Department Room Rental: <u>Nonprofit Uses:</u> Classroom (Animal Services area) per hr Community Room Use (police area) per hr <u>Commercial or Private:</u> Classroom use (Animal Services area) per hr Community Room Use (Police area) per hr	\$ 29.00 <u>\$30.00</u> \$ 49.00 <u>\$51.00</u> \$ 49.00 <u>\$51.00</u> \$ 84.00 <u>\$86.00</u>	100-3110.46300
Second hand dealer - application fee	\$ 825.00 <u>\$866.00</u>	100-3110.46300
Second hand dealer - Department of Justice fee	\$ 195.00 <u>\$205.00</u>	100-3110.46300
Second hand dealer - Renewal fee	\$ 425.00 <u>\$446.00</u>	100-3110.46300
Special Event Regulation (group putting on Event) Event charged for Police Officer, Corporal and Sergeant at overtime rate for Step "E" of regular pay scale plus a 25% Administrative Fee. Event charged for Reserve Police Officer at Step "A" rate of regular officer pay scale plus a 25% Administrative Fee	Time, materials and Administrative overhead cost	100-3120.46300
Subpoena, Civil deposit/officer/day plus Admin fee	\$ 150.00 <u>deposit plus actual cost</u>	753-0000.22315
Subpoena, Civil Administrative Fee	Clerical cost @ max of \$24/hr (\$6 per ¼ hr), plus 10 cents/page document duplication – charged by clerical staff	100-3110.47010
Subpoena Duces Tecum/Deposition Subpoena, Plus reasonable/actual costs (per 1563 E.C.)	Clerical cost @ max of \$24/hr (\$6 per ¼ hr), plus 10 cents/page document duplication – charged by clerical staff	100-3110.47010
Taxi driver application, plus	\$ 475.00 <u>\$499.00</u>	100-3110.46300
Taxi driver fingerprint	\$ 44.00 <u>\$46.00</u>	100-3110.46300
Taxi permit renewal per year	\$ 246.00 <u>\$258.00</u>	100-3110.46300
Taxi owner application, plus	\$ 475.00 <u>\$499.00</u>	100-3110.46300
Taxi owner fingerprint	\$ 44.00 <u>\$46.00</u>	100-3110.46300
Taxi-vehicle inspection: per inspection per year	\$ 68.00 <u>\$70.00</u>	570-2610-46630
Verification letters	\$ 22.00 <u>\$23.00</u>	100-3110.46300

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

ANIMAL SERVICES

DESCRIPTION	FEE AMOUNT	ACCT CODE
Adoption Fees		
Adopt - Dog/Cat	\$ 17.00	214-3320.46710
Adopt - Rabbit	\$ 12.00	
Adopt - Small animal (rats, hamsters, guinea pigs)	\$ 6.00	
Animal Licensing Fees – Dogs		214-3320.42010
License - Altered:		
Altered License - 1 Year	\$ 18.00	
Altered License - 2 Year	\$ 33.00	
Altered License - 3 year	\$ 48.00	
Senior Citizen License - Altered		214-3320.42010
Senior Altered License - 1 Year	\$ 9.00	
Senior Altered License - 2 Year	\$ 17.00	
Senior Altered License - 3 Year	\$ 24.00	
License - Unaltered		214-3320.42010
Unaltered License - 1 Year	\$ 38.00	
Unaltered License - 2 Year	\$ 67.00	
Unaltered License - 3 Year	\$ 102.00	
Senior Citizen License - Unaltered		214-3320.42010
Senior Unaltered License - 1 Year	\$ 19.00	
Senior Unaltered License - 2 Year	\$ 34.00	
Senior Unaltered License - 3 Year	\$ 51.00	
License - Unaltered & Impounded (U&A)		
License U&A - 1 yr	\$ 60.00	
License U&A - 2 yr	\$ 89.00	
License U&A - 3 yr	\$ 124.00	
<u>License – Potential Dangerous/Vicious Animal</u>		
<u>Potentially Dangerous-Vicious Animal – 1 Year</u>	<u>\$ 55.00</u>	<u>214.3320-42010</u>
License - Fees, Other		
License - Dog Fanciers/year	\$ 108.00	
License - Tag Transfer - Dog Fanciers	\$ 6.00	
License - Fee - Duplicate for lost license tag	\$ 6.00	
Animal Licenses - Late Fee Penalty	\$ 33.00	214.3320.42020
Cat Trap Fees:		214-3320.47010
Trap Deposit	\$ 54.00 <u>\$60.00</u>	
Trap Rental/day	\$ 6.00	
Board/Care Fees:		214-3320.46710
Dog/day	\$ 17.00	
Cat or small animal/day	\$ 17.00	
Livestock, reptiles/day	\$ 17.00 <u>(at cost if not at Animal Shelter)</u>	
<u>Potentially Dangerous/Vicious Animal/day</u>	<u>\$ 25.00</u>	
<u>Potentially Dangerous/Vicious Animal</u>	<u>\$504.00, or cost of the investigation, administrative and court time, whichever is greater</u>	
<u>Impound Fee</u>	<u>\$ 150.00</u>	<u>214.3320-46719</u>
<u>Conditional Release Agreement</u>	<u>\$ 50.00+ inspection fees + impound, boarding, alteration, microchipping and other fees and costs</u>	
<u>Appeal of Potentially Dangerous/Vicious Determination</u>	<u>\$ 400.00 + impound, boarding, alteration, microchipping, vaccinations and other fees and costs paid before appeal heard; Appeal fee of \$400 may be returned if determination overturned at appeal but other fees still apply)</u>	

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
Disposal Fees: Disposal - dog licensed* Disposal - dog unlicensed Disposal - cat Disposal - other animal *If the dog to be disposed has a current, multiple year license and has a full year's credit remaining, that amount will be applied against the disposal fee. There will be no refunds.	\$ 17.00 \$ 33.00 \$ 17.00 \$ 17.00	214-3320.46731
Euthanasia Fees Euthanasia - dog with license Euthanasia - dog unlicensed Euthanasia - cat Euthanasia - small animal Vet Pick up Vet Per Animal Charge	\$ 33.00 \$ 52.00 \$ 33.00 \$ 22.00 \$ 36.00 \$ 8.00	214-3320.46728
Handling Fees: Pick up fees: Dog (plus surrender fee) Cat or small animal (plus surrender fee)	\$ 33.00 \$ 33.00	214-3320.46719
Impound Fees: With Current license: Impound - Dog - 1 st Impound - Dog - 2 nd within 12 months Impound - Dog - 3 rd within 24 months Impound - Dog - 4 th within 36 months Unlicensed: Impound - Dog - 1 st Impound - Dog - 2 nd within 12 months Impound - Dog - 3 rd within 24 months Impound - Dog - 4 th within 36 months Other Fees: Impound - Cat/ Small Impound - Livestock After Hours Impound	\$ 27.00 \$ 65.00 \$ 108.00 \$ 161.00 \$ 44.00 \$ 81.00 \$ 166.00 \$ 215.00 \$ 27.00 \$ 54.00 \$ 27.00	214-3320.46719
Inspection Fee	<u>\$ 50.00</u>	
Unaltered Dog/Cat Penalty (State law operative January 2000) State law (Food & Ag. Code section 31751.7) mandates that a fine shall be levied against the owners of unaltered dogs and cats that are impounded. These fines are charged in addition to the City's redemption: Penalty - First Offense Penalty - Second Offense Penalty - Third Offense	\$ 39.00 <u>\$35.00</u> \$ 54.00 <u>\$50.00</u> \$ 108.00 <u>\$100.00</u>	214-3320.46719
Microchipping Fees: Microchipping of dogs and cats - includes microchip implant and registration on the Animal Shelter database.		214-3320.46735

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
Pet owners may additionally register their pets directly with the American Kennel club by sending a \$6.25 registration fee: Adopted and "Return to Owner" animals Micro - Antioch Residents Micro - Non-residents	\$ 22.00 \$ 22.00 \$ 27.00	
Vaccinations – Fee is per vaccination	\$ 16.00	214-3320.46716
Neuter or Spay Fees: Neuter Fees: Neuter – Feline/Canine Spay Fees: Spay – Feline/Canine	Vet Cost Vet Cost	214-3320.46734
Redemption Fees: Redemption fees to be charged to pet owner(s) upon the redemption of their pet: 1. Administration of reasonable veterinary medical treatments, which may be required in order to treat an injured and/or sick animal. 2. Medical treatments which may include the administration of veterinary drugs and/or medicinal products	Vet cost Vet Cost	214-3320.46733
Quarantine Fees: Quarantine Admin Fee - Home Quarantine Admin Fee - Shelter, plus Dog/board (10 day) Cat or small animal (10 day) Livestock Dog/Cat Vaccination	\$ 49.00 + <u>inspection fees</u> \$ 49.00+ board fees \$ 215.00 <u>\$25.00 per day</u> \$ 134.00 <u>\$20.00 per day</u> \$ 108.00 <u>25.00 per day (at cost if not at Animal Shelter)</u> \$ 17.00	214-3320.46710
Surrender Fees: Surrender - dog with license Surrender - dog unlicensed Surrender - puppy litter Surrender - kitten litter Surrender - small animals (rats, misc. hamsters, birds, snakes) Surrender - cat/rabbit/snake/lizard (2 lbs and larger) Surrender - vaccination for unvaccinated dogs & cats (fee is per vaccination)	\$ 27.00 \$ 49.00 \$ 38.00 \$ 38.00 \$ 12.00 \$ 27.00 \$ 17.00	214-3320.46725

COMMUNITY DEVELOPMENT

DESCRIPTION	FEE AMOUNT	ACCT CODE
PLANNING/ENGINEERING HOURLY RATES: Asst. City Engineer/Dep. Dir of Community Development Planner/Engineer/Sr. Public Works Inspector Public Works Inspector Community Development Technician All Other Staff Time Positions Not Listed Above	\$177 <u>\$182</u> /hour \$133 <u>\$137</u> /hour \$116 <u>\$119</u> /hour \$ 99 <u>\$102</u> /hour Full Hourly Rate x 100% (based on 1800 hrs/yr)	Various

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
PLANNING FEES:		
Administrative Use Permit Fee	\$ 56.00 \$58.00	100-5130.46610
Application Extension	\$ 167.00 \$172.00	100-5130.46610
Environmental Document Preparation/Review	Developer pays full consultant cost plus 35% of contract to City for admin	
General Plan Maintenance Fee/residential permit	\$ 169.00 \$174.00	100-5130.46617
Home Occupation Review	\$ 42.00 \$43.00	100-5130.46610
Review of Building Permit/unit	\$ 111.00 \$114.00	100-5130.46610
Sign- Admin Approval	\$ 56.00 \$58.00	100-5130.46610
Specific Plan Admin	Developer pays full consultant cost plus 35% of contract to City for admin	100-5130.46610
Zoning Verification Letter	\$ 56.00 \$58.00	100-5130.46610
PLANNING DEPOSIT APPLICATIONS – The following are deposits required for the items of work. Actual costs will be billed monthly on a time and material basis:		100-0000.27000
Annexations	\$ 3,000.00	
Design Review (deposit)	\$ 2,000.00	
Development Agreement (deposit)	\$ 2,500.00	
Final Development Plan (deposit)	\$10,000.00	
General Plan Amendment (deposit)	\$ 2,000.00	
Master Development Plan (deposit)	\$ 2,000.00	
Merger of Contiguous Parcels (deposit)	\$ 1,500.00	
Municipal Code Amendment Review (deposit)	\$ 2,000.00	
Preliminary Development Plan (deposit)	\$ 2,000.00	
Residential Development Application (deposit)	\$ 3,000.00	
Sign - Design Review Approval (deposit)	\$ 500.00	
Sign - Sign Program (deposit)	\$ 500.00	
Tentative Tract Map: 1-4 lots (deposit)	\$ 7,500.00	
Tentative Tract Map: 5 or more lots (deposit)	\$25,000.00	
Use Permit (deposit)	\$ 2,000.00	
Variance Review (deposit)	\$ 500.00	
Zoning/Rezoning Request (deposit)	\$ 2,000.00	
Administrative Use Permit (deposit)	\$1,500.00	
BUILDING FEES		
Pool Safety Fee – applies to all pools, hot tubs, or any structure capable of holding more than 18” of water	1/10 of 1% of valuation	100-5160.46650
Certified Access Specialist Consultation Fee	Actual Consultant Cost + 10% admin fee	100-5160.46651
Solar Photovoltaic System – Reso. #2008/30 (Building Permit Fee)	\$ 248.00	100-5160.42040
Residential Construction:	<u>Valuation:</u>	100-5160.42040
Dwellings, sf	\$105.52 \$108.67/sf	
Private Garages, sf	\$ 41.00 \$42.10/sf	
Sheds less than 300 sf	\$ 13.45 \$13.95/sf	
Building Permits, minimum	\$ 74.79	
Plumbing fee, sq ft; Mechanical fee, sq ft; Electrical fee, sq ft; and Insulation fee, sq ft	<u>Valuation:</u> \$0.08/sf Commercial, and \$0.06/sf Residential for plumbing, mechanical, electrical and insulation	100-5160.42040
Minimum fee - Plumbing fee, Mechanical fee, Electrical fee, and Insulation fee	\$ 74.79	

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
Patios, carports, patio covers, sq ft Wood decks/lath patios, sq ft	<u>Valuation:</u> \$ 11.85 <u>\$12.20</u> / sq ft \$ 9.56 <u>\$9.84</u> /sq ft	100-5160.42040
Plan Check Fee	65% of Building Permit Fee	100-5160.46605
Green Building Verification & Compliance Fee	18% of Building Permit Fee (Single family dwelling <u>New residential</u> & room additions) 15% of Building Permit Fee (New Commercial & Tenant Improvement with Title 24)	1005160- 46658
Pool, residential + plan check	\$ 40,000 valuation or contract value, whichever is greater	100-5160.42040
Pool, commercial + plan check	Contract Price	100-5160.42040
Spas + plan check	\$ 7,100 valuation	100-5160.42040
Doughboy (no plan check)	\$ 1,100 valuation	100-5160.42040
Special Inspections (verbal)	\$ 100.00	100-5160.42040
Special Inspections (written)	\$ 125.00	
Special Inspections/Reinspection (3 rd)	\$ 100.00	
Grading	Contract Price	100.5160.42040
Plot Plan Modification/Resubmittal - per lot	\$ 50.00	100-5160.42040
Changes to existing permits for new houses/permit	\$ 250.00	100-5160.42040
Reroof Under 20 squares with tear off Over 20 squares with tear off Comp over Comp	<u>Valuation:</u> \$ 6,500.00 \$10,000.00 \$ 4,500.00 Or contract value, whichever is greater	100-5160.42040
Technology Fee	2% of building permit fee	100-5160.46655
Energy Inspection Fee	2% of building permit fee	100-5160.46656
Accessibility Fee (Non-residential)	2% of building permit fee	100-5160.46657
Antioch 2014 Building Permit Fees		
Total Valuation	<u>2014-2012 Fee</u>	
\$1 to \$2,000	\$ 74.79	
\$2,001 to \$25,000	\$ 74.79 for the first \$2,000+ \$15.12 for each additional \$1,000 or fraction thereof, up to and including \$25,000	
\$25,001 to \$50,000	\$ 422.55 for the first \$25,000+ \$10.91 for each additional \$1,000 or fraction thereof, up to and including \$50,000	
\$50,001 to \$100,000	\$ 695.25 for the first \$50,000+ \$7.56 for each additional \$1,000 or fraction thereof, up to and including \$100,000	
\$100,001 to \$500,000	\$1,073.25 for the first \$100,000 + \$6.05 for each additional \$1,000 or fraction thereof, up to and including \$500,000	
\$500,001 to \$1,000,000	\$3,492.45 for the first \$500,000 + \$5.13 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000	
\$1,000,001 and up	\$6,057.45 for the first \$1,000,000 + \$3.40 for each additional \$1,000 or fraction thereof	
ABATEMENT FEES (COMMUNITY DEV.)	\$ 175.00	100-5140.46025
Abatement or impound vehicle, RV, boat, and/or trailer		
Code Compliance Inspection (Property Owner's Request) Nuisance Codes	\$ 125.00	100-5140.46025
Public Hearing Tape Duplication – with replacement tape	\$ 50.00	100-5140.46025
Public Nuisance Abatement – Administrative Cost	35% of actual abatement costs, or \$250, whichever is greater, plus filing fees	100-5140.46020
Public Nuisance Abatement Assessment	Actual abatement cost - 100% to property owner	100-5140.46025
Public Nuisance Hearing/Abatement Cost Hearing	\$ 125.00	100-5140.46025

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2011

DESCRIPTION	FEE AMOUNT	ACCT CODE
Newspaper Publishing	Actual cost	
Public Nuisance Hearing Posting	\$ 50.00	
30-day late charge	\$ 30.00	
Release of Tax Lien	\$ 100.00 <u>\$35.00</u>	100-5140.46020
Sign Retrieval: 9 sq ft or smaller	\$ 10.00	100-5140.46610
Larger than 9 sq ft	\$ 20.00	
Storage of vehicles, boats, mobile equipment, etc. at City facility	\$20 per day minimum	100-5140.46610
Public Storage of Abated Article	Actual storage cost + 35% admin fee	100-5140.46020
RESIDENTIAL RENTAL INSPECTION PROGRAM (RRIP) (Reso 2007/57)		
Initial Registration (charged when the property enters the program)	\$ 61.00 <u>\$63.00</u>	
Inspection Fee (charged with enrollment or renewal of non self-certified properties from 1-4 units)	\$ 193.00 <u>\$199.00</u>	
Additional Unit Inspection Fee (charged per unit after 4 units)	\$ 10.00	
Annual Self-Certification/Renewal Fee (when eligible for self-certification)	\$ 27.00 <u>\$28.00</u>	
Re-Inspection Fee (charged for follow up inspections due to non-compliance found in initial inspection and first follow-up)	\$ 108.00 <u>\$111.00</u>	
MISCELLANEOUS COMMUNITY DEV. FEES:		
Annexation Review: (Fees subject to change by LAFCO, or State of California) Pass Through		Pass through
LAFCO Fee		
State Fee (Refer to State Board of Equalization Schedule for State Processing fee).		
City Annexation Fee – all fees to be escalated by the SF CPI, all consumers annually using 1984 base CPI as 1.00		100-0000.27000
<u>Commercial/Industrial Properties</u>	\$660-\$680 per gross acre <u>due at annexation; and</u> \$881-\$907 per gross acre <u>due with subdivision or building permit</u>	
<u>Residential Properties</u>	\$660-\$680 per gross acre <u>due at annexation; and</u> \$881-\$907 per gross acre <u>due with subdivision or building permit</u>	
	OR	
	\$221-\$228 per gross acre <u>due at annexation; and</u> \$264-\$272 per lot <u>due with subdivision or building permit</u>	
Annexation Fee in FUA #1 for Lone Tree Area	\$ 56.00 <u>\$58.00</u> per acre	100-5130.42050
Waste Management Plan Processing	\$ 30.00 <u>\$35.00</u>	226-5225.47010
GIS Based Mapping Fee (transferred to County)	\$50/unit	100-0000.22024
City Base Map with Street grid 60 x 78 (wallsize), 1:600 scale	\$60 with photo paper \$50 with heavyweight paper	573-1435.43200

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
City Base Map without street grid 60 x 78 (wallsize), 1:600 scale	\$60 with photo paper \$50 with heavyweight paper	573-1435.43200
City Base Map 34x44	\$45 with photo paper \$40 with heavyweight paper	573-1435.43200
City Subdivision Map 34x44	\$45 with photo paper \$40 with heavyweight paper	573-1435.43200
General Plan Map 34x44	\$45 with photo paper \$40 with heavyweight paper	573-1435.43200

PUBLIC WORKS

DESCRIPTION	FEE AMOUNT	ACCT CODE
Mobile Stage Rental/day	Within 20-mile radius: \$1,220 <u>\$1,255</u> for first day, plus \$200/day. Outside 20-mile radius: \$1,220 <u>\$1,255</u> for first day, plus \$115 <u>\$118</u> /hour for moving stage, plus \$200/day	621-2210.46820
Public Works Department Training Room Rental:		100-2140.46300
Government and Nonprofit Uses – per hour	\$ 49.00 <u>\$51.00</u>	
Commercial or Private Uses – per hour	\$ 84.00 <u>\$86.00</u>	
Public Works Services: <ul style="list-style-type: none"> • Streets • Signs • Water (Distribution & Treatment) • Wastewater Collections • Storm Channels • Landscaping 	Actual labor costs, plus fringe benefits, 40% and overhead plus hourly cost of equipment and actual cost of materials.	100-2160.46630 100-2180.46630 611-2310.46630 621-2210.47010 229-2585.47010 Various SLLMD accounts
<u>Public Works Gate Keys</u> <ul style="list-style-type: none"> • <u>Streets</u> • <u>Water (Distribution & Treatment)</u> • <u>Wastewater Collections</u> • <u>Storm Channels</u> • <u>Landscaping</u> 	<u>\$50.00/key (all programs)</u>	<u>100-2160.46630</u> <u>611-2310.46630</u> <u>621-2210.47010</u> <u>229-2585.47010</u> <u>SLLMD account</u>
<u>Sandbags (Limit 20/customer)</u> <ul style="list-style-type: none"> • <u>Sandbags (filled)</u> • <u>Sandbags (empty)</u> 	<u>\$1.00/ea</u> <u>\$0.50/ea</u>	<u>621-2220-47010</u> <u>611-2620-47010</u>
Recreational Vehicle Storage Facility Park Maintenance District 1 <u>1A</u> 20 ft/25 ft spaces/month 30 ft spaces/month	\$ 50.00 \$ 65.00 <u>\$60.00</u>	255-4551.44810

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
40 ft spaces/month <u>Flex Space (dependant on availability)</u>	\$ 75.00 <u>\$70.00</u> <u>Per Master Fee rates listed above</u>	
Lock-out fee (delinquent accounts)	\$ 19.00/ea	
Reconnect fee (reinstate accounts)	\$ 19.00/ea	
Replacement Gate Cards	\$ 19.00/ea	
Alarm user card replacement fee	\$ 19.00/ea	
Wait list fee for non-tenants (non-refundable)	\$ 25.00	
Park Maintenance Memorial Tree Grove: Tree, planting and memorial plaque	\$450.00 <u>\$463.00</u>	100-0000.22054
ENGINEERING FEES:		
Building Move	\$ 400.00	100-5180.42090
Encroachment Permit – Application and Processing	\$ 150.00	100-5150.42070
Encroachment agreement (permanent structure)	\$ 50.00	
Encroachment permit - More than \$100,000 <u>project</u>	Time & materials	
Encroachment Permit - \$0 - \$1,500 <u>project</u>	\$150.00 minimum	
Encroachment Permit - \$1,501- \$10,000 <u>project</u>	10% of valuation	
Encroachment Permit - \$10,001 - \$100,000 <u>project</u>	Additional 5% over \$10k	
Contract Admin (assume \$100,000 project)	25% of valuation	
Geological Reports	\$250.00	100.0000.27000
Sidewalk repair inspection (assume \$10,000 improvements)	10% of valuation	100-1250.46400
Wide Load Vehicle Permit (State law restricts this fee to \$16)	\$ 16.00	100-5180.42090
Sale of Maps and Documents:		
Plans & specs for PW contract, minimum	\$ 25.00	Various
Construction details/set	\$ 20.00	
Construction details/page	\$ 0.20	
Water System Master Plan, each	\$ 20.00	
Urban Water Management Plan, each	\$ 30.00	
FUA #2/East Lone Tree EIR	\$ 25.00	
East 18 th St Specific Plan	\$ 25.00	
Southeast Specific Plan	\$ 25.00	
Sand Creek Specific Plan	\$ 25.00	
Plan Sheet (18"x26") each	\$ 3.00	
Plan Sheet (24"x36") each	\$ 4.00	
Copies (8 1/2 x 11) Four pages or less	<u>Free note: this fee is duplicated on page 21</u>	
Five pages or more	<u>_____ .20 per page</u>	
Lone Tree Way Bridge & Arterial Benefit District (See Reso 92/254 concerning Lone Tree Corridor Overlapping Benefit District, AD No. 27/31)	Resolution 92/254	
Park In Lieu Fees (per unit):		216-2520.46640
Single Family, detached	\$1,050.00	
Single Family, attached	\$ 770.00	
Duplexes	\$ 665.00	
Multi-Family	\$ 665.00	
Mobile Home	\$ 665.00	
Southeast Community Park Surcharge (Mello Roos Area)	\$ 200.00	

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE																						
Double Check Valve/Reduced Pressure Devices (monthly by meter size according to sizes listed below): Standard <u>5/8", 3/4"</u> Meter Service Fee, \$13.89 <u>\$15.00</u> , plus the following: <u>5/8 inch, 3/4 inch</u> <u>1 inch</u> 1 1/2 inch 2 inches 3 inches 4 inches 6 inches 8 inches 10 inches 12 inches Backflow Prevention Device Installation	\$13.89 <u>\$15.00</u> plus rates below Detector-Double Check/RP Device <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">Inside City</td> <td style="text-align: center; border-bottom: 1px solid black;">Outside City</td> </tr> <tr> <td style="text-align: center;">\$ 3.27/\$13.46 <u>\$3.47/6.89</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;"><u>\$3.59 / \$7.10</u></td> <td style="text-align: center;"><u>Double</u></td> </tr> <tr> <td style="text-align: center;">\$ 4.50/\$14.73 <u>\$5.88 / \$9.27</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$ 6.25/\$18.36 <u>\$6.36 / \$9.82-</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$ 8.77/\$20.16 <u>\$16.33 / \$21.79</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$ 13.79/\$27.57 <u>\$22.91 / \$26.47</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$ 19.60/\$39.20 <u>\$31.10 / \$39.69</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$ 41.80/\$83.60 <u>\$57.93 / \$70.04</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$ 75.07/\$150.15 <u>\$80.62 / \$91.93</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$121.34/\$242.68 _____</td> <td style="text-align: center;">Double</td> </tr> </table> Actual Cost	Inside City	Outside City	\$ 3.27/\$13.46 <u>\$3.47/6.89</u>	Double	<u>\$3.59 / \$7.10</u>	<u>Double</u>	\$ 4.50/\$14.73 <u>\$5.88 / \$9.27</u>	Double	\$ 6.25/\$18.36 <u>\$6.36 / \$9.82-</u>	Double	\$ 8.77/\$20.16 <u>\$16.33 / \$21.79</u>	Double	\$ 13.79/\$27.57 <u>\$22.91 / \$26.47</u>	Double	\$ 19.60/\$39.20 <u>\$31.10 / \$39.69</u>	Double	\$ 41.80/\$83.60 <u>\$57.93 / \$70.04</u>	Double	\$ 75.07/\$150.15 <u>\$80.62 / \$91.93</u>	Double	\$121.34/\$242.68 _____	Double	
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Fire Protection: Fire Protection water service charge for unmetered connections to water system equipped with a detector check assembly for privately owned sprinklers, hydrants, or other outlets used for firefighting; Monthly Standard <u>5/8", 3/4"</u> Meter Service Fee \$13.89 <u>\$15.00</u> plus the following: <u>Fire sprinkler requires 1" Double Check Detector</u> <u>Backflow Test on ALL new fireline installations</u> <u>Test on Residential Properties</u> <u>Test on Commercial Properties</u> 4 inches and under 6 inches 8 inches 10 inches 12 inches Backflow Prevention Device Installation	\$13.89 <u>\$15.00</u> plus rates below Detector-Check/RP Device <u>Double Check Detector Assembly (DCDA)</u> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">Inside City</td> <td style="text-align: center; border-bottom: 1px solid black;">Outside City</td> </tr> <tr> <td style="text-align: center;"><u>\$94.00</u></td> <td></td> </tr> <tr> <td style="text-align: center;"><u>\$188.00</u></td> <td></td> </tr> <tr> <td style="text-align: center;">\$ 13.79/\$27.57 <u>\$31.65</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$ 19.60/\$39.20 <u>\$41.43</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$ 41.80/\$83.60 <u>\$67.55</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$ 75.07/\$150.15 <u>\$92.82</u></td> <td style="text-align: center;">Double</td> </tr> <tr> <td style="text-align: center;">\$121.34/\$242.68 _____</td> <td style="text-align: center;">Double</td> </tr> </table> Actual Cost	Inside City	Outside City	<u>\$94.00</u>		<u>\$188.00</u>		\$ 13.79/\$27.57 <u>\$31.65</u>	Double	\$ 19.60/\$39.20 <u>\$41.43</u>	Double	\$ 41.80/\$83.60 <u>\$67.55</u>	Double	\$ 75.07/\$150.15 <u>\$92.82</u>	Double	\$121.34/\$242.68 _____	Double	<u>611-2310-46825</u>						
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Hydrant Meter Water Installation: Deposit for Hydrant Meter Hydrant Meter Monthly Charge Installation and/or Relocation	\$ 718.50 <u>\$775.98</u> \$ 37.63 <u>\$40.64</u> \$ 69.84 <u>\$75.43</u>	611-2310.46825																						

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE																																												
Hydrant water usage/unit (per Rate Study adopted by Reso. 2010/44)	\$ 6.33 <u>\$6.84</u> (outside City fees doubled per Reso. 2010/44)																																													
Water Utility Penalty, 10% of unpaid bill	10%	611-2310.46830																																												
Water Service Charge for Monthly Maintenance of Water Lines by Meter Size:	<u>Effective 7/1/12</u> (Approved 6/22/10) Reso. 2010/44: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"></td> <td style="text-align: center;"><u>Inside City</u></td> <td style="text-align: center;"><u>Outside City</u></td> <td></td> </tr> <tr> <td>5/8", 3/4"</td> <td style="text-align: center;">\$ 13.89 <u>\$15.00</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> <tr> <td>1"</td> <td style="text-align: center;">\$ 22.49 <u>\$24.29</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> <tr> <td>1-1/2"</td> <td style="text-align: center;">\$ 42.49 <u>\$45.89</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> <tr> <td>2"</td> <td style="text-align: center;">\$ 67.30 <u>\$72.68</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> <tr> <td>3"</td> <td style="text-align: center;">\$ 139.53 <u>\$150.69</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> <tr> <td>4"</td> <td style="text-align: center;">\$ 219.59 <u>\$237.16</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> <tr> <td>6"</td> <td style="text-align: center;">\$ 434.72 <u>\$459.50</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> <tr> <td>8"</td> <td style="text-align: center;">\$ 645.80 <u>\$697.46</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> <tr> <td>10"</td> <td style="text-align: center;">\$1,383.73 <u>\$1,494.43</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> <tr> <td>12"</td> <td style="text-align: center;">\$2,499.50 <u>\$2,699.46</u></td> <td style="text-align: center;">Double</td> <td></td> </tr> </table>		<u>Inside City</u>	<u>Outside City</u>		5/8", 3/4"	\$ 13.89 <u>\$15.00</u>	Double		1"	\$ 22.49 <u>\$24.29</u>	Double		1-1/2"	\$ 42.49 <u>\$45.89</u>	Double		2"	\$ 67.30 <u>\$72.68</u>	Double		3"	\$ 139.53 <u>\$150.69</u>	Double		4"	\$ 219.59 <u>\$237.16</u>	Double		6"	\$ 434.72 <u>\$459.50</u>	Double		8"	\$ 645.80 <u>\$697.46</u>	Double		10"	\$1,383.73 <u>\$1,494.43</u>	Double		12"	\$2,499.50 <u>\$2,699.46</u>	Double		611-2310.46840
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Water for Construction/home: (Slab-Prestressing exercises)	\$ 27.00 <u>\$32.36</u>	611-2310.46845																																												
<u>Water Meter Installation:</u> Single Family Residential: New Subdivision With Lateral 3/4" meter with remote reading 1" meter with remote reading Existing Subdivision, Lateral Not Installed: Water Meter/lateral installation, except single family residential (all sizes)	 \$ 279.83 <u>\$302.22</u> \$ 487.94 <u>\$526.98</u> Actual Cost Actual Cost	611-2310.46850																																												
Backflow device penalties, 10% of unpaid bill	10% of unpaid bill	611-2310.46855																																												
Water turn on/off (nonpayment) Water Meter Tests - service charge Water Meter Replacement Water Meter Tampering + parts & labor Meter Reread (no charge if City error) Water Turn On/Off (after hours) Water Turn Off to private/vacant property (after hours)	\$ 62.57 <u>\$67.58</u> Time & Materials Time & Materials \$ 212.24 <u>\$229.22</u> \$ 43.49 <u>\$46.97</u> \$ 125.27 <u>\$129.00</u> \$ 125.27 <u>\$129.00</u>	611-2310.46830																																												
Water Deposits: Residential Commercial	\$ 90.00 (requires guaranteed funds) 1.5 times month avg	Deposit Acct: 611-0000.22100																																												
Meter Key Checkout, deposit Meter Key charge if not returned within 30 days	\$ 102.00 <u>\$105.00</u> \$ 102.00 <u>\$105.00</u>	611-2310-47010																																												
Delinquent sewer charges, % of unpaid bill	10%	621-2210-46820																																												
Sewer Lateral Maintenance/month/unit Sewer Service/month	\$ 0.29 <u>\$0.30</u> \$ 9.94 <u>\$10.34</u> ; effective 7/1/14 per 12 per Reso. 2010/45	621-2210-46820																																												
Fee to televise sewer mains	\$0.95 <u>\$1.00</u> /ft + time/materials	621-2210.46630																																												
Southeast Gravity Sewer Fee/unit, <u>per city ordinance #846-C-S</u>	\$663.74 <u>\$652.00</u>	623-2570.46810																																												
Fee for inspection/certification of storm water collection facilities – C-3 requirements	\$129.00 <u>\$133.00</u> plus time and materials for inspection/repair or replacements costs	229-2585.47010																																												

CITY OF ANTIOCH
MASTER FEE SCHEDULE
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WATER & SEWER FACILITY RESERVE FEES			
<p>In January 2003, the three components for capacity charges (connection, annex, and storage) were combined into one charge (612-2560.46860) in order to improve administration and reduce the complexity of capacity charge development and implementation. Sewer connection fees are reported in 622-2570.46810. Water Storage Fees, Water Service District Annexation Fees and Water and Sewer Connection Fees shall automatically adjust in each succeeding year in accordance with the "Engineering News Record Cost of Construction Index".</p>			
Water Meter Size or Customer Class	Sewer Connection 622-2570.46810	Water Capacity 612-2560.46860	Total Water Capacity & Sewer Connection
Non-Residential: ¾ inch, <u>5/8 inch</u>	<u>\$2,166.67</u> <u>\$2,229.50</u>	<u>\$5,734.20</u> <u>\$5,900.49</u>	<u>\$7,900.87</u> <u>\$8,129.99</u>
1-inch	<u>\$4,690.47</u> <u>\$4,826.50</u>	<u>\$9,556.99</u> <u>\$9,834.15</u>	<u>-\$14,247.46</u> <u>\$14,660.65</u>
1-1/2 inch	<u>-\$8,412.67</u> <u>\$8,656.64</u>	<u>-\$19,113.99</u> <u>\$19,668.29</u>	<u>-\$27,526.66</u> <u>\$28,324.93</u>
2-inch	<u>\$13,460.27</u> <u>\$13,850.62</u>	<u>-\$30,582.38</u> <u>\$31,469.27</u>	<u>-\$44,042.65</u> <u>\$45,319.89</u>
3-inch	<u>\$26,920.54</u> <u>\$27,701.24</u>	<u>-\$57,341.96</u> <u>\$59,004.88</u>	<u>-\$84,262.50</u> <u>\$86,706.12</u>
4-inch	<u>-\$42,063.35</u> <u>\$43,283.18</u>	<u>-\$95,569.94</u> <u>\$98,341.47</u>	<u>-\$137,633.29</u> <u>\$141,624.65</u>
6-inch	<u>-\$84,126.69</u> <u>\$86,566.37</u>	<u>-\$191,139.87</u> <u>\$196,682.93</u>	<u>-\$275,266.56</u> <u>\$283,249.30</u>
8-inch	<u>\$134,602.71</u> <u>\$138,506.19</u>	<u>-\$431,573.71</u> <u>\$444,089.35</u>	<u>\$566,176.42</u> <u>\$582,595.54</u>
10-inch	<u>\$243,967.41</u> <u>\$251,042.47</u>	<u>-\$439,621.71</u> <u>\$452,370.74</u>	<u>\$683,589.12</u> <u>\$703,413.21</u>
12-inch	<u>\$361,744.79</u> <u>\$372,235.38</u>	<u>-\$821,901.46</u> <u>\$845,736.60</u>	<u>-\$1,183,646.25</u> <u>\$1,217,971.98</u>
Residential: Single dwelling unit	<u>\$2,166.67</u> <u>\$2,229.50</u>	<u>-\$5,734.20</u> <u>\$5,900.49</u>	<u>-\$7,900.87</u> <u>\$8,129.99</u>
Duplex (2 dwelling unit)	<u>\$4,333.34</u> <u>\$4,459.01</u>	<u>-\$8,953.39</u> <u>\$9,213.04</u>	<u>\$13,286.73</u> <u>\$13,672.05</u>
Additional dwelling units	<u>-\$375.68</u> <u>\$386.57</u>	<u>-\$4,433.69</u> <u>\$4,562.27</u>	<u>\$4,809.37</u> <u>\$4,948.84</u>

MARINA

DESCRIPTION	FEE AMOUNT	ACCT CODE
Open berths (length of boat, all overhangs included, or berth, whichever is greater) per month. Does not include electric power.	\$5.75/ft/mo	631-2410.44830
Covered berth (length of boat, all overhangs included, or berth, whichever is greater) per month. Does not include electric power.	\$7.25/ft/mo	631-2410.44830
Electric Sub Meter charge/month, at PG&E prevailing rates for the type of service, adjusted for time of year.	Charge at PG&E established rates per kwh for the type of service, adjusted for time of year	631-2410.44830
Skiff berths: DOES NOT INCLUDE WATER, POWER, AND USE OF MARINA SHOWERS. Open boat only. Maximum length overall (LOA) with all extensions, including outboard motor in the stored (up) position. Maximum 19' LOA/month Maximum 16' LOA/month Maximum 14' LOA/month Skiff berths: Use of showers/month	\$ 40.00 \$ 34.00 \$ 30.00 \$ 15.00	631-2410.44830
Live-aboard fees/month	First person - \$75.00; each additional person - \$50.00	631-2410.44830

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

Wait-list fee for non-tenants (non-refundable)	\$ 50.00	631-2410.44840
Transient overnight vessels: Vessels less than 35'/night Vessels 35' to 44'/night Vessels 45' and over per night	\$ 15.00 \$ 20.00 \$ 25.00	631-2410.44830
Dock boxes/month Lien sale filing fee Vessel chaining (impound) fee - each occurrence Vessel de-watering (pumping) fee. First pumping is free; thereafter, charge is \$60.00/pumping. Labor fee for re-tying, moving, towing, salvaging, repairing, installing, removing, cleaning, etc., per hour (in ½ hour minimum increments) Materials used to re-tie, repair, install, remove, etc.	\$ 5.00 \$100.00 \$150.00 \$ 60.00 \$ 60.00 \$15.00 Cost + 20%	631-2410.47010
Boat Launch Fees (per reso 2011/75): Daily rate Annual pass (January – December)	\$5.00 \$100.00	631-2425.46030

RECREATION AND COMMUNITY SERVICES

DESCRIPTION	FEE AMOUNT	ACCT CODE
Senior Bus One-Way Fares	\$ 0.50 <u>\$1.00</u>	218-4310.46140
Nick Rodriguez Com. Ctr Maintenance and Operation: Performing Arts Groups/Sanction Groups: Theater use application fee multiple dates —(more than 2 dates) per production —Theater Rehearsal: —Regular —Rental Non-regular 1st hr —Rental Non-regular 2nd hr + 1st hr —Theater Performance: —Rental 1st hour —Rental 2nd hour + 1st hr —Custodial fee cleanup (2 hr minimum)	\$ 50.00 \$ 13.00 \$ 23.00 \$ 19.00 \$ 23.00 \$ 19.00 \$ 20.00	219-4410.44810
Nick Rodriguez Comm Cntr Maint & Operation: <u>Nonprofit Uses:</u> Theater/hr Multi-Use Room/hr Arts & Crafts Room/hr Conference Room/hr Classroom/hr Technician/hr Grand piano rental (organizations & individuals)	\$ 66.00 \$ 66.00 \$ 50.00 \$ 50.00 \$ 50.00 \$ 30.00 \$ 50.00	219-4410.44810
<u>Nick Rodriguez Comm Ctr Maintenance & Operation</u> <u>Commercial and Private:</u> Theater/hr Multi-Use Room/hr Arts & Crafts Room/hr Conference Room/hr Classroom/hr	\$100.00 \$100.00 \$ 70.00 \$ 70.00 \$ 70.00	219-4410.44810

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
Technician/hr	\$ 40.00	
Grand Piano Rental:		
1 Day	\$ 73.00	
2 Days	\$103.00	
Each additional day	\$ 43.00	
Rental for performance hours:		
Utility fee/hr	\$ 24.00	
Supervision fee/hr	\$ 24.00	
Custodial fee/hr (2-hr min.) <u>Flate rate</u>	\$ 24.00 <u>\$48.00</u>	
Setup Charge/hr (2-hr min.)	\$ 24.00	
<u>Other Fees:</u>		
Commercial/Private/Nonprofit		
Reservation & Cleaning Deposit Fee (refundable)	\$300.00 <u>\$500.00</u>	
Alcohol Use Fee (non-refundable)	\$100.00	
Security Guard	\$ 50.00/hr per guard in attendance	
Police Response Deposit (refundable)	\$500.00	219-0000.22000
Alcohol Use: If alcohol will be served, a security guard is required. Example: 0-100 guests = 1 security guard, 101-200 guests = 2 security guards and 201-300 guests = 3 security guards, etc. The security personnel are required to be present at the beginning of the event to the end.		
Class Programs		
Late fee for not picking up children at scheduled release time - \$5.00 per 5 minute interval per child	\$5.00 per 5 minute interval per child	219-4430.46135
Neighborhood Programs		219-4440.46135
Sports Programs		219-4450.46135
Special Population		219-4470.46135
Youth Instructional Dance Recital (Entrance Fee)	\$ 5.00	219-4430.46135
Jensen Family Picnic Grove:		219-4450.46135
Picnic Rental Areas: Three picnic areas are available to rent on a daily basis. Applicants may reserve any combination of picnic areas that fit their needs. (All areas combined will accommodate 160 guests)		
All Areas: Picnic Alcohol Day Use Permit \$15.00		219-4450.46135
Area 4, Capacity 40		219-4450.46135
Hourly Rate	\$ 20.00/hr - minimum of 2 hours	
Daily Rate (8am to dusk)	\$100.00	
Area 3, Capacity 50		219-4450.46135
Hourly Rate	\$ 22.00/hr - minimum of 2 hours	
Daily Rate (8am to dusk)	\$110.00	
Area 2, Capacity 70		219-4450.46135
Hourly Rate	\$ 25.00/hr - minimum of 2 hours	
Daily Rate (8am to dusk)	\$125.00	
Athletic Fields:		
<u>Regular Sessions (Day Use - 1 Hr Minimum)</u>		
A. The following are for Private Youth and Adult regular day use sessions.		
City Park Field	\$ 18.00 <u>\$19.00</u>	219-4450.46135
Memorial Field	\$ 14.00 <u>\$15.00</u>	219-4450.46135
Complex Field	\$ 18.00 <u>\$19.00</u>	219-4450.46135
Neighborhood Park Fields	\$ 14.00 <u>\$15.00</u>	219-4450.46135
Day Use - The rate for all parks when scheduled by Youth		

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
Sports Group is \$7.00 \$8.00 /hour. Soccer teams 18 years and over are classified as adult.		
B. The following are for Private Youth and Adult regular night use sessions.		
City Park Field	\$ 52.00/hr	219-4450.46135
Memorial Field	\$ 42.00/hr	219-4450.46135
Complex Field	\$ 52.00/hr	219-4450.46135
<u>Tournament Use</u>		219-4450.46135
Private Youth Hardball /Team	\$ 90.00	
Private Youth and Adult Softball/team	\$ 65.00	
Private Youth and Adult Soccer/team	\$ 65.00	
Security deposit for softball and soccer	\$105.00	
<u>Cancellation Fees</u> (Cancellation fees are the same for both softball and soccer.)		219-4450.46135
Administrative fee for cancellations	\$ 50.00	
Tournaments:		
Less than 60 days' notice	Security deposit	
Less than 10 days' notice	Use fee	
<u>Concessions</u>		219-4480.46135
Food concession operated by City contractor during all activities sufficient enough to justify opening, or \$505 per day to keep concessions closed.		
Little League Prep, City Facilities	\$30.00 \$35.00 per prep	219-4450.46135
Sports Complex Field Prep	\$30.00 \$35.00 per prep	
Staff/Tractor Rental	\$21.00 \$25.00 /hr	
Field Lining/Painting - Soccer-Baseball Fields	\$20.00 \$25.00 /hr+Material Cost	
PREWETT PARK:		641-4630.46110
Daily Admission – Weekend/Holidays	\$ 14.00	
Daily Admission - Weekday	\$ 12.00	
Daily Admission - After 4:00 pm	\$ 5.00	641-4630.46110
Active Military/Seniors	\$ 5.00	
Early Bird Slider Party 10:30 am – 11:45 am (use of 2 slides or sport pool)	\$ 230.00	
Antioch Resident Season Pass		641-4630.46112
Single Season Pass	\$ 65.00	
Single Season Pass- Early Discount	\$ 48.75	
After purchase of 3 regular price single passes	\$ 55.00	
Early Discount after purchase of 3 single passes	\$ 41.25	
Early discount of 25% if purchased by Opening Day		
Non-Resident Pass		641-4630.46124
Single Season Pass	\$ 70.00	
Single - Early Discount	\$ 52.50	
After purchase of 3 regular price single passes	\$ 60.00	
Early Discount after purchase of 3 single passes	\$ 45.00	
Early discount of 25% if purchased by Opening Day		
Park Buy-Outs - 3 hours (as available) 6:30 - 9:30 pm or 7:00 – 10:00 pm	\$1,800.00	641-4630.46122
Groups: 10 or more: Weekend	\$ 12.00	641-4630.46120

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
Weekday 50 or more: Weekend & Weekday	\$ 10.00 \$ 9.00	
Lost Season Pass (new card issued)	\$ 5.00	641-4630.46010
<u>Locker Rental – Small</u>	<u>\$1.00</u>	<u>641-4630.46010</u>
<u>Locker Rental - Large</u>	<u>\$2.00</u>	<u>641-4630.46010</u>
Lost locker key	\$ 10.00	641-4610.46010
Multi-Use Room (Commercial & Private) Conference Room Classroom Patio Area	\$ 80.00/hr \$ 53.00/hr \$ 53.00/hr \$ 30.00/hr	641-4640.44810
Multi Use Room (Non-profit) Conference Room Classroom Patio Area	\$ 53.00/hr \$ 35.00/hr \$ 35.00/hr \$ 20.00/hr	641-4640.44810
Room cleaning deposit (refundable) Alcohol use fee (non-refundable) Security Guard Police Response Deposit (refundable) Alcohol Use: If alcohol will be served, a security guard is required. Example: 0-100 guests = 1 security guard, 101-200 guests = 2 security guards and 201-300 guests = 3 security guards, etc. The security personnel are required to be present at the beginning of the event to the end.	\$ 300.00 <u>\$500.00</u> \$ 100.00 \$ 50.00/hr per guard in attendance \$ 500.00	641-4640.44810
Prewett Aquatics Fees - Fees set to cover all direct costs such as instructors, staff, materials, and contracted services, plus necessary overhead. City costs include arranging of programs and the use of City facilities. When applicable, \$10.00 is added to the rate when participants are nonresidents.	Fees set to cover all direct costs <u>\$10.00 added when non-resident</u>	641-4620.46135
Group Rate Swim Lessons (25 minutes for youngsters with smaller student/teacher ratio; 35 minutes for upper levels with higher student/teacher ratio): Resident Non-Resident	\$ 49.00 \$ 59.00	
Private Swim Lessons (25 Minutes <u>8-25 minute sessions</u>): Resident Non-Resident	\$115.00 \$125.00	
Water Aerobics (One-Hour Class <u>36-1 hr sessions</u>) Resident Non-Resident Drop-In Fee	\$115.00 \$125.00 \$ 5.00	
Arthritis Water Exercise (One-Hour Class) Resident Non-Resident Drop-In Fee	\$ 45.00 \$ 55.00 \$ 5.00	
Lap Swim (One Hour to 24 <u>1.5 Hr sessions</u> Class) Resident Non-Resident Drop-In Fee	\$72.00 \$82.00 \$ 4.00 <u>\$5.00</u>	

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

DESCRIPTION	FEE AMOUNT	ACCT CODE
New Antioch Community Center		219-4495.44810
<u>Commercial/ Private</u>		
Community Hall (full ballroom)	\$ 239.00/hr \$2,151.00/10hr rate	
Community Hall (1/2 ballroom)	\$ 134.00/hr \$1,206.00/10 hr rate	
Community Hall (1/4 ballroom)	\$ 84.00/hr \$ 756.00/10 hr rate	
Gymnasium	\$ 70.00/hr sporting events \$1,250.00 half day event use \$2,500.00 full day event use	
Multi-Purpose Room	\$ 74.00/hr	
Amphitheatre	\$ 130.00/hr \$1,170.00/10 hr rate	
Lobby	\$ 120.00/hr	
With Ballroom	\$ 75.00/hr	
Full Service Catering Kitchen	\$ 45.00/hr	
Kitchen Sanitation Fee	\$ 62.00 <u>\$75.00/day</u>	
Community Hall Projector and Screen	\$ 150.00/day	
Community Hall Screen Alone	\$ 50.00/day	
Classroom Projector and Screen	\$ 80.00/day	
Classroom Screen Alone	\$ 30.00/day	
<u>Podium</u>	<u>\$25.00</u>	
<u>Microphone</u>	<u>\$15.00</u>	
<u>Wireless Microphone</u>	<u>\$22.00</u>	
Date Change Fee	\$ 20.00 <u>\$30.00</u>	
<u>Late Payment Fee (if paid less than 30 days prior to event)</u>	<u>\$30.00</u>	
<u>Non-Profit</u>		
25% off Commercial/Private fees		
Room Cleaning Deposit (refundable)	\$ 300.00 <u>\$500.00</u>	
Alcohol use fee (non-refundable)	\$ 100.00	
Security Guard	\$ 50.00/hr per guard in attendance	
Police Response Deposit (refundable)	\$ 500.00	
Alcohol Use: If alcohol will be served, a security guard is required. Example: 0-100 guests = 1 security guard, 101-200 guests = 2 security guards and 201-300 guests = 3 security guards etc. The security personnel are required to be present at the beginning of the event to the end.		
Prewett Grand Plaza:		219-4495.44810
Plaza Rental Areas: Two picnic areas are available to rent on an hourly or daily basis.		
Picnic Alcohol Day Use Permit \$15.00		
Plaza Area A – Capacity 60		219-4495.44810
Hourly Rate	\$ 25.00/hr – minimum of 2 hours	
Daily Rate (8am to dusk)	\$125.00	
Plaza Area B – Capacity 50		219-4495.44810
Hourly Rate	\$ 22.00/hr	
Daily Rate (8am to dusk)	\$110.00	
Plaza A & B – Capacity 120		
Hourly Rate	\$ 45.00/hr	
Daily Rate (8am to dusk)	\$225.00	

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2014

CIVIC ARTS

DESCRIPTION	FEE AMOUNT	ACCT CODE
Lynn House Gallery	\$500.00 for a minimum of 5 hours. Deposit fee \$100*. \$25.00 Cancellation/postponement fee 30 days before event. No deposit refund if cancellation within 30 days before event. Supplemental fee to cover direct costs for additional accommodations (e.g., furniture, furnishings, etc.) *Non-profit & other special events: Fee to cover direct costs.	215-4320.44810 Deposit: 215-0000.2200

MISCELLANEOUS

DESCRIPTION	FEE AMOUNT	ACCT CODE
Business License Application Fee	\$ 30.00	100-1250.41150
Business License Verification Fee	\$ 25.00 each	100-1250.41150
Business License Stickers on vehicles, taxicabs	\$ 5.00 each	100-1250.41150
Processing of Criminal Complaint	\$150.00 (includes court costs)	100-1250.41140
Drainage Fee Processing of Total Districts: D-55 D-56 J-29 D-29 DA-130	½ of 1% ½ of 1% ½ of 1% ½ of 1% ½ of 1%	100-1250.46400
School Impact Fees, % of revenue	1%	100-1250.46400
Fire Protection Fees, % of revenue	1%	100-1250.46400
COBRA Administration fees, % of premium	2%	100-1250.46400
Returned or rejected items charges	\$ 25.00 minimum CA Civil Code Section 1719. (a) \$25.00 first, \$35.00 subsequent checks; or triple the amount of the check if under CA Civil Code Section 1719. (a)(2) "mailed by certified mail."	100-1250.47010
Mailing inserts thru stuffing machine	\$0.05 each	100-1320.46919
STAFF TIME HOURLY BILLABLE RATES: City Attorney	Full Hrly Rate x 35.51% (based on 1800 hrs/yr)	Various
All Staff Time Charges Not Specifically Listed Elsewhere	Full Hrly Rate x 100% (based on 1800 hrs/yr)	
Administrative Appeals Fee	\$ 50.00	100-1250.46400
<u>Citation Appeals Fee (pursuant to Section 1-5.05 of AMC)</u>	<u>Deposit equal to amount of fine</u>	
Surcharge on unpaid invoices over 30 days, % Of unpaid amount	10%	100.1250.46400

CITY OF ANTIOCH
MASTER FEE SCHEDULE
UPDATED EFFECTIVE JULY 1, 2011

DESCRIPTION	FEE AMOUNT	ACCT CODE
<u>Other Service Charges</u>		
Voter Transcripts	\$ 5.00	
Agenda Mailing/year	\$ 48.00	
Minutes Mailing/year	\$ 48.00	
Business License List	\$ 50.00	
Business License Labels	\$ 75.00	
New Business List/month	\$ 5.00	
Business License List on Disk	\$ 50.00	
Senior Labels	\$ 30.00	
Master Fee Resolution	\$ 6.00	
Financial Reports	\$ 20.00	
City Budget	\$ 20.00	
Initiative Fee	\$200.00	
Copies - letter/legal size:		
Four pages or less – free		
Five pages or more	\$ 0.20 per page for all pages	
CD/DVD Production/Reproduction	\$10.00	
GIS maps (573-1435-46010)	\$ 40.00	
Records & Information Research	Actual cost of labor plus 25% overhead	
Council Chambers		
Nonprofit-Governmental Uses:		
Audio/Visual Technician & equipment rental rate/hour	Actual cost paid to technician by renter of Council Chambers	
Deposit (refunded after walk-thru to verify clean and no equipment is missing)	\$100.00	
Senior Discounts are offered for the following:		
<ol style="list-style-type: none"> 1. Waiver of the monthly water service charge (for accounts with established discount prior to April 26, 2011) 2. 50% discount on dog licenses 3. Garbage service (application is forwarded to Allied Waste) 4. Comcast Cable Service (application is forwarded to Comcast) 		
Requirements to qualify for the senior discount are as follows:		
<ol style="list-style-type: none"> 1. Sixty-two (62) years of age or older and total household income of no more than the very low income limits for 1 person tied to the Oakland-Fremont area as established by the U.S. Department of Housing and Urban Development Program Income Limits. Household income includes Social Security and all retirement benefits. In the case of a husband and wife, it is the total yearly amount of income earned; OR 2. Disabled as established by the Social Security Administration Supplemental Income Program for the aged, blind, and disabled. 		

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AND ACTION AT THE MEETING OF MAY 8, 2012**

Prepared by: Teri House, CDBG Consultant *TH*
Reviewed by: Ryan Graham, Deputy Director of Community Development
Approved by: Tina Wehrmeister, Director of Community Development *TW*
Date: April 30, 2012
Subject: FY 2012-13 Annual CDBG Action Plan Funding

RECOMMENDATION

- 1) It is recommended the City Council approve either Option A or B of the funding recommendations of the CDBG subcommittee, and approve the Resolution reflecting the final recommendations and adopting the draft fiscal year (FY) 2012-13 Action Plan.
- 2) It is recommended the City Council approve the Substantial Amendments to the Contra Costa Consortium 2010-15 Consolidated Plan, which include revisions to the following tables: Table 2A - Priority Housing Needs/Investment Plan; Table 1B – Special Needs (Non Homeless) Populations; and Table 2B – Priority Community Development Needs, and approve the Resolution with Exhibit A containing the above tables. The purpose of these changes is to accurately reflect the impact that the State take-away of Redevelopment Agency funds will have upon the achievement of federal CDBG goals and objectives.

BACKGROUND INFORMATION

FY 2012-13 Annual Action Plan

The City of Antioch's annual Action Plan describes the specific activities the City will undertake during the program year to address priority needs identified in the Contra Costa Consortium 5-Year Consolidated Plan for 2010-15. The Action Plan identifies the use of grant funds and program income, including Redevelopment Agency and other funds sources, received during the program year by activity, and the proposed accomplishments of each activity. The Plan also addresses actions the City proposes to undertake during the year to address obstacles in meeting underserved persons, foster and maintain affordable housing, reduce the number of households living under the poverty level, and enhance coordination between public and private housing and social service agencies.

FY 2012-13 Action Plan Funding

The City of Antioch's federal CDBG allocation for 2012-13 is \$659,487. This is a slight increase from the FY 2011-12 allocation of \$653,350. This change is based on the new Community Survey data that shows an increased poverty rate in Antioch. In addition to the CDBG grant amount, the City will utilize approximately \$34,307 in carry-over or residual funds from prior years, as well as \$70,000 in Housing Revolving Loan Funds. The total amount of CDBG funds recommended for allocation is \$763,794.

Public Services are capped by HUD at 15% of the grant amount plus 15% of the prior year (FY 2011-12) program income. Public Service activities are being recommended at \$100,000 and fall within these parameters. Administration of the CDBG program is also capped, at 20% of the grant amount plus 20% of the present year (FY 2012-13) program income (estimated to be \$0), or \$131,897. The Subcommittee is recommending that Fair Housing Counseling, a HUD requirement, be funded from Administration for \$20,000. The remainder of the funds is \$531,897, and is recommended for a variety of activities that may include Housing, Infrastructure, Public Facilities, and Economic Development.

FY 2012-13 Action Plan Recommendations

The CDBG Subcommittee this grant cycle consisted of Council Members Mary Rocha and Wade Harper. Agencies were invited to make a 10 minute presentation to the Subcommittee and these presentations were scheduled on March 19 and 26, 2012. Both Council members met with agencies and heard their presentations in the Public Services category. Council member Harper alone met with and heard agencies submitting applications in the Infrastructure/Public Facilities, Economic Development, and Housing categories. Council member Rocha recused herself from considering applications in these categories due to a conflict of interest created when her employer submitted an Infrastructure application, and will recues herself during the discussion of these items at the Public Hearing.

Public Services

The Subcommittee is recommending the maximum amount of CDBG funding possible in the Public Services category, which is \$100,000 (see Attachment "A"). Due to a decision by the state to dissolve Redevelopment Agencies and seize their funds to help balance the State budget, the City can no longer utilize Antioch Development Agency (ADA) funds, which would have been \$143,000 this year, to fund a wide variety of housing and homeless activities in the Public Services category.

The loss of these funds has a tremendous impact upon the nonprofit agencies that serve Antioch residents, and created a very painful decision-making process for the Council Sub Committee. Many very worthy agencies and services that have been supported by the City of Antioch for numerous years were NOT able to be funded this year. In an effort to include as many fine services as possible, the Sub Committee is even recommending a few grants at an amount less than the \$10,000 minimum

recommended by Council and HUD. Staff has discussed this with Antioch's HUD representative, and feels that there is sufficient administrative capacity due to the loss of the 11 ADA grants.

Before the ADA fund seizure, Council prioritized Seniors and Youth as being the only populations to be served with Public Services funding. This was possible because ADA funds were being utilized to fund Housing services and projects, and fund an array of services for the Homeless. As Housing and services to the homeless remain a top priority for both Antioch and HUD, the Subcommittee included those as Antioch priorities for the purposes of Public Services and other funding.

Seniors

Funding to benefit Seniors comprises 55% of the Public Services category. Senior services include those centered around and delivered at the Antioch Senior Center, and services to the City's most vulnerable residents.

Senior Center services include:

- \$35,000 for the Senior Center operations and programs, including the Senior Lunch program, providing services to over 500 seniors;
- \$5,000 for Contra Costa Senior Legal Services to deliver free legal counsel and programs at the Senior Center, serving approximately 85 seniors; and
- \$5,000 for Senior Outreach Services – Care Management, to deliver free information and referral, counseling, and case management at the Senior Center, serving approximately 40 seniors.

Senior services for the most vulnerable residents includes:

- \$5,000 for Ombudsman Services, to provide advocacy to approximately 350 severely disabled seniors residing in care facilities in Antioch; and
- \$5,000 for Senior Outreach Services – Meals on Wheels delivering hot meals to approximately 140 homebound Antioch residents.

Youth

Funding for Youth comprises 20% of the Public Services category, and includes:

- \$15,000 for Youth Recreation Scholarships to provide 120 youth from lower income families with scholarships so that they may participate in a variety of recreation and youth camp activities; and
- \$5,000 for Community Violence Solutions, Child Sexual Assault Intervention, to support the Children's Interview Center program serving approximately 30 Antioch child sexual assault victims aged 2-17 years, as well as developmentally disabled individuals of any age.

Housing and Homeless

Funding for Housing and Homeless related services comprises 25% of the Public Services recommendations. These services benefit families and individuals of all ages, and include:

- \$10,000 for Tenant/Landlord Counseling provided by Bay Legal and Echo Housing to advise tenants and landlords of their rights and responsibilities, and provide legal counsel and advice, brief services, or legal representation to a proposed 190 clients.
- \$5,000 for Adult Interim Housing provided by the Contra Costa Health Services Homeless program, services approximately 25 homeless Antioch adults; and
- \$10,000 to SHELTER, Inc. for Homeless Prevention to provide one-time financial assistance (typically for move-in costs or past-due rent) to approximately 150 persons who are at high risk of becoming homeless.

In making these recommendations, the City is painfully aware that it has a number of fine community partners that the City approved grants for last year and would like to continue to support, but simply can no longer make that possible with the vastly reduced funds available. These include the Child Abuse Prevention Council, Contra Costa Crisis Center, Contra Costa Food Bank, Bedford Center, Amador Institute, Court Appointed Special Advocates, Lion's Center for the Visually Impaired, STAND! For Families Free of Violence; Northern California Family Center; and the Community Housing Development Corporation. The City of Antioch places a very high value on their services in our community, and hopes they are able to find other resources to continue their fine valued work in Antioch.

Infrastructure, Housing and Economic Development

The Subcommittee is recommending \$531,897 in CDBG funding in the Infrastructure, Housing and Economic Development categories. This includes is \$131,897 for Code Enforcement, and \$400,000 for all other projects. ADA funds *no longer available* to help fund Housing projects and services would have been \$985,000 this year, for a total loss to the grant process (including Public Services) of \$1,128,000 for FY 2012-13.

Again, the loss of ADA funds has a tremendous impact upon the funding decisions in this category. Not only does it compel all of the housing projects to compete for a vastly smaller pool of CDBG funding, it is also problematic because of the manner in which a city must qualify Code Enforcement to make it eligible as a CDBG-funded activity. In prior meeting this year, Council voted to fund Code Enforcement at a flat 20% of the CDBG grant, which comes to \$131,897 in FY 2012-13. Code Enforcement is a Housing category activity that requires a further investment in housing related activities to justify and support its existence as a CDBG-funded activity. The CDBG manual provided on the HUD website states that:

“The costs incurred for code enforcement efforts are an eligible expense under CDBG provided that: The enforcement takes place in deteriorated or deteriorating area(s); and The enforcement effort is accompanied by public or private improvements or services (e.g., a homeowner rehab program) and can be expected to arrest the decline of the area(s).”

The types of resources necessary that “can be expected to arrest the decline of the area” are unique to each city and area, and determined by the jurisdiction. Staff has determined that the resources necessary to begin the process of arresting the decline of the identified lower income areas in the first year of the new Code Enforcement program are as follows:

Code Enforcement activities in deteriorating lower income areas, concentrating on:

- abandoned/foreclosed homes;
 - accumulation of trash and debris and overgrown vegetation that provide breeding grounds for rodents and other vectors;
 - abandoned vehicles;
 - outreach to multifamily housing owners in lower income areas informing them of the availability of Tenant/Landlord Counseling services and the availability of resources for rehabilitation;
 - outreach to tenants in lower income areas informing them of the availability of Tenant/Landlord Counseling and their rights and responsibilities; and
 - outreach to homeowners in lower income areas about the availability of housing rehabilitation loans to improve deteriorating homes and assist seniors with disability improvements; and connection to other resources for lower income residents.
-
- Multifamily Housing Rehabilitation loans to assist owners of dilapidated apartments in lower income areas to perform necessary repairs on their buildings;
 - Tenant-Landlord Counseling (a Public Services activity) to help both landlords and tenants understand their rights and responsibilities;
 - Single Family Homeowner Housing Rehabilitation loans to assist largely aging lower income homeowners to make necessary repairs to their homes; and
 - Infrastructure improvements in lower income areas, such as street rehabilitation, curb cuts, storm drain and sewer improvements, funded with CDBG and other fund sources;

Without complimentary resources, the City cannot fund Code Enforcement. Unfortunately, without ADA fund resources, the City’s severely limited resources mean that Council must make the difficult choice to retain economic development activities

and substantially decrease the City's Street Rehabilitation project over the next two years, or eliminate Economic Development to better fund the Street Rehabilitation.

Therefore, the Subcommittee has put before Council two options:

Option A accomplishes the following:

- Provides for a comprehensive approach to arresting the decline of identified lower income areas by funding Code Enforcement at the Council stated amount of 20% of the grant and funding the necessary Housing rehabilitation programs at the minimum level acceptable to the contractor. Funding for these Housing activities comprises 43% of the available CDBG funds this year.

It should be noted that, last year, the Homeowner Housing Rehab program was approved for funding at \$500,000 and the Rental Housing Rehab program at \$185,000 in ADA funds. The Housing programs also included a First Time Homebuyer program approved at \$300,000, for a total Housing investment of \$985,000.

- Provides for a minimal amount of Downtown Roadway work, at 17% of available funds. This project was funded at \$264,169 last year and the Sidewalk and Handicap Ramp program funded at \$87,500, for a total of \$351,669 in City infrastructure last year, as compared to \$134,052 (38%) this year.
- Provide for both individual job training and placement, and small business/microenterprise development and support.

Option A – Includes Economic Development				
Agency	Program	Recommendation		
		CDBG	Hsg RLF	Total
City of Antioch	Code Enforcement	\$131,897	0	\$131,897
CC County	Homeowner Housing Rehabilitation	\$100,000	\$0	\$100,000
CC County	Multifamily Housing Rehabilitation	\$30,000	\$70,000	\$100,000
City of Antioch	Downtown Street, Curb Cuts	\$135,000	N/A	\$135,000
Opportunity Junction	Job Training & Placement	\$50,000	N/A	\$50,000
Antioch Chamber	Small Business Training	\$15,000	N/A	\$15,000
	TOTAL	\$461,897	\$70,000	\$531,897

Option B accomplishes the following:

- Provides for a comprehensive approach to arresting the decline of identified lower income areas by funding Code Enforcement at the Council stated amount of 20% of the grant and funding the necessary Housing rehabilitation programs at the minimum level acceptable to the contractor.
- Provides maximum funding for Downtown Roadway work, at \$200,000 or 26% of available funds (56% of last year’s infrastructure funding.)
- Eliminates CDBG-funded Economic Development Activities to better focus on streets which benefit lower income areas.

Option B –Excludes Economic Development				
Agency	Program	Recommendation		
		CDBG	Housing RLF	Total
City of Antioch	Code Enforcement	\$131,897	0	\$131,897
CC County	Homeowner Housing Rehabilitation	\$30,000	\$70,000	\$100,000
CC County	Multifamily Housing Rehabilitation	\$100,000	0	\$100,000
City of Antioch	Downtown Street, Curb Cuts	\$200,000	N/A	\$200,000
	TOTAL	\$461,897	\$70,000	\$531,897

In both options, funding for improvements to the City’s street and sidewalk infrastructure is significantly reduced from previous years, necessitated by the loss of Redevelopment funds. Once CDBG funds to a government sponsored project are reduced, they are difficult to regain. The jurisdiction must show a “substantial increase” in the number of people served in the subsequent funding cycle in order to increase funding. Otherwise, the project must remain unfunded for at least one year, and then show evidence that funding the program would not be supplanting other government funds. The area in which the roadway work is now occurring is the largest lower income census tract and block group in the City; therefore relocating the work to another larger area to show a substantial increase in persons served would not be possible. Council should consider any reduction in funding for the Downtown Roadway project to be of a long duration or permanent, with no increases likely even if the City were to receive an increase in CDBG funding.

SUBSTANTIAL AMENDMENTS TO THE CONSOLIDATED PLAN

The City of Antioch tables and charts contained within the Contra Costa Consortium 2010-15 Consolidated Plan included accomplishments based, in part, on the availability of Redevelopment Housing Set-aside funds for housing programs and projects. Now

that these funds are no longer available, the Consolidated Plan must be revised. The substantial amendment to the Con Plan was advertised for public comment for the required 30-day period. No public comment was received prior to this meeting.

Amendments to the Consolidated Plan include revisions to the Priority Need level, which has been discussed at previous Public Hearings. As a review, a designation of High indicates that the jurisdiction will definitely fund activities in a category; Medium indicates that it *May* provide funding; and Low indicates that it will *Not* provide funding. As the City is now entering into the third year of the Consolidated Plan, it has become evident which activities will and will not be funded by the end of 2014-15; therefore, greater accuracy is possible in the updates below. HUD prefers all that jurisdictions meet their Consolidated Plan goals, so this revision is timely and will enable the City to go forward in successfully achieving these revised goals.

The amendments include numerous revisions to the following tables, which are included as Exhibit "A" to the resolution approving revisions to the Consolidated Plan. In general, these amendments are more administrative than indicative of policy, and are necessary adjustments to make mid-cycle.

- Table 2A – Priority Housing Needs/Investment Plan Goals by SubPopulation. The Priority Need Level is proposed to be changed from Medium to Low for housing for persons with physical disabilities, developmental disabilities, and alcohol and drug abuse, due to the vastly limited funds available and the project already in the works. The amount of funding to address the estimated need has been updated from very vague estimates formed in 2009, to reflect actual estimates of available resources through the end of the Consolidated Plan (2015).
- Table 2A – Housing Goals by Funding Source and Activity Type. This is a companion table to the Priority Housing Needs Table of the same number, and further breaks down the investment in affordable housing.
- Table 1B – Priority Community Development Needs for Special Needs (Non Homeless) Populations. The Priority Need Level is proposed to be changed from Medium to Low for services to persons with severe mental illness, developmentally disabled, and persons with alcohol and other drug addictions, and the proposed funding eliminated accordingly for the following reasons: 1) no applications were received in these categories, 2) the funding pool for such public services has been drastically reduced due to the loss of ADA funding, and 3) Housing related public services became a higher priority with the addition of Code Enforcement and the loss of ADA funds.
- Table 2B – Priority Community Development Needs. The Priority Need Level is proposed to be changed from Medium to High for Street Improvements and Sidewalks as previously discussed and from Medium to Low for Child Care Services, Substance Abuse Services, and Health Services.

FISCAL IMPACTS

There is a potential impact to the General Fund for City sponsored projects if Council reduces funding recommendations for City-run programs. Depending on the program, the scope of services may be proportionally reduced or Council may choose to backfill with other funding sources, thereby impacting the General Fund.

OPTIONS

The Council can choose Option A or B, or reject sub-committee and staff recommendations and provide new direction to staff.

ATTACHMENTS

A. FY 2012-13 CDBG Sub-Committee Recommendations

RESOLUTION NO. 2012/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE ONE-YEAR COMMUNITY DEVELOPMENT BLOCK GRANT DRAFT FY 2012-13 ACTION PLAN

WHEREAS, the City of Antioch, an entitlement community, has expressed its intention of receiving Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, FY 2012-13 is the first year of the 2012-14 two-year funding cycle, and proposals to provide a wide array of services and programs to benefit lower income persons and areas were solicited by the Contra Costa HOME Consortium according to HUD procurement regulations; and

WHEREAS, the City of Antioch solicited comments from April 4 to May 7, 2012 on the draft FY 2012-13 Annual Action Plan with funding to the agencies for programs and projects expressed in Exhibit "A" of this resolution; and

WHEREAS, the City Council conducted a public hearing on May 8, 2012 to receive and consider public comments on the proposed FY 2012-13 Action Plan.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby approves and adopts the funding recommendations of the draft FY 2012-13 Action Plan, selecting Option [A or B] as presented in the staff report prepared for the May 8, 2012 public hearing. This is the third year of the 2010-15 Contra Costa Consolidated Plan, herein referred to and on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED, that the City Manager, or his successor, is designated as the City representative to submit the draft FY 2012-13 Action Plan and all understandings and assurances contained therein, and directs and authorizes said representative to act in connection with the submission and to provide such additional information as may be required.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 8th day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

RESOLUTION NO. 2012/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
SUBSTANTIALLY AMENDING CITY OF ANTIOCH PRIORITIES AND GOALS
IN THE 2010-15 CONSOLIDATED PLAN FOR THE CONTRA COSTA CONSORTIUM**

WHEREAS, the City of Antioch, an entitlement community, joined with the Contra Costa Consortium for the purpose of preparing the 2010-15 Consolidated Plan, encompassing all of Contra Costa County; and

WHEREAS, the 2010-15 Consolidated Plan outlines existing and future housing and community development needs for the five year planning period of 2010-15, and sets forth the strategies the Consortium, including Antioch, will undertake and prioritize for using federal funds to address those needs; and

WHEREAS, due to the dissolution of Redevelopment agencies throughout the State of California, and the resulting loss of over \$1.1 million in revenue that was used annually by the City of Antioch for housing-related grants in previous years, the City of Antioch Priorities and Goals must be substantially amended; and

WHEREAS, Consolidated Plan Tables 2A, 1B and 2B, which set forth the priorities and goals for funding the needs of lower income areas and persons residing in the City of Antioch; reflect these changes; and

WHEREAS, the City of Antioch solicited comments from April 4 to May 7, 2012 on the Substantial Amendment to the 2010-15 Consolidated Plan with changes expressed in Exhibit "A" of this resolution; and

WHEREAS, the City Council conducted a public hearing on May 8, 2012 to receive and consider public comments on the proposed Substantial Amendment to the 2010-15 Consolidated Plan.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby approves and adopts the Substantial Amendments of the 2010-15 Consolidated Plan contained in Exhibit "A", herein referred to and on file in the Office of the City Clerk.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 8th day of May, 2012 by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

EXHIBIT A

Table 2A - CCC Consolidated Plan, City of Antioch - REVISED 5/8/12
Priority Housing Needs/Investment Plan Goals - Housing Goals by Sub Population

Priority Need	Priority Need (Original)	Priority Need (Revised)	5-Year Goal # Households (Original)	5-Year Goal Hold (Revised)	10-11 Goal (Original)	10-11 Actual Hold (Revised)	10-11 Goal (Original)	10-11 \$ to Address (Revised)	11-12 Goal (Original)	11-12 Hold (Revised)	11-12 \$ to Address (Revised)	12-13 Units (Original)	12-13 Hold (Revised)	12-13 \$ to Address (Revised)	13-14 Goal (Original)	13-14 Hold (Revised)	13-14 \$ to Address (Revised)	14-15 Goal (Original)	14-15 Hold (Revised)	14-15 \$ to Address (Revised)	
Renters																					
0-30 of MFI	H	\$ 250,000	25	7	5	0	5	\$ 20,745	5	2	\$ 134,335	5	0	\$ 60,000	5	0	\$ 134,335	5	0	\$ 60,000	
31-50% of MFI	H	\$ 600,000	150	109	80	10	70	\$ 10,440	0	3	\$ 2,209,360	0	3	\$ 40,000	0	83	\$ 2,209,360	0	3	\$ 40,000	
51-80% of MFI	H	\$ 100,000	5	136	1	4	1	\$ 131,544	1	2	\$ 40,000	1	2	\$ 2,383,695	1	2	\$ 2,383,695	1	2	\$ 40,000	
Subtotal		\$ 950,000	180	252	86	14	76	\$ 162,729	6	5	\$ 100,000	6	5	\$ 2,593,615	6	5	\$ 2,593,615	6	5	\$ 100,000	
Owners																					
0-30 of MFI	M	\$ -	0	170	44	44	525,138	0	0	0	\$ 316,596	42	42	\$ 38,472	0	42	\$ 38,472	0	42	\$ 38,472	
31-50% of MFI	H	\$ 250,000	30	328	6	86	708,370	6	6	0	\$ 527,624	6	82	\$ 588,114	6	80	\$ 138,114	6	80	\$ 138,114	
51-80% of MFI	H	\$ 550,000	80	4	16	0	16	0	16	0	\$ 166,620	16	2	\$ 258,334	16	1	\$ 33,334	16	1	\$ 33,334	
Subtotal		\$ 800,000	110	502	22	130	1,233,508	22	0	126	\$ 884,920	22	126	\$ 884,920	22	123	\$ 209,920	22	123	\$ 209,920	
TOTAL RENTERS & OWNERS		\$ 1,750,000	290	754	108	144	1,426,058	98	138	138	\$ 1,173,569	22	252	\$ 984,920	28	213	\$ 2,593,615	22	128	\$ 309,920	
Homeless (NOTE: Homeless category includes persons in CDBG funded homeless shelter and domestic violence shelter programs, and is NOT a subset of above Renters/Owners.)																					
Individuals	H	\$ 44,000	250	84	50	39	15,000	50	0	15	\$ 5,000	50	15	\$ 5,000	50	15	\$ 5,000	50	15	\$ 5,000	
Families	H	\$ 18,500	0	40	25	25	10,000	0	15	15	\$ 8,500	0	0	\$ 5,000	0	0	\$ 5,000	0	0	\$ 5,000	
TOTAL		\$ 44,000	250	124	50	64	25,000	50	15	15	\$ 8,500	50	15	\$ 5,000	50	15	\$ 5,000	50	15	\$ 5,000	
Non-Homeless Special Needs (NOTE: This is a SUBSET of Renters/Owners above, and is included in that total. Includes mobile home space rental subsidy annually for 120 low-income seniors.)																					
Elderly	H	\$ 450,000	75	565	75	97	87,020	97	97	97	\$ 87,020	97	97	\$ 87,020	97	177	\$ 2,236,436	97	97	\$ 87,020	
Frail Elderly	H	\$ 400,000	75	125	25	25	22,900	75	25	25	\$ 22,900	25	25	\$ 22,900	25	25	\$ 22,900	25	25	\$ 22,900	
Severe Mental Illness	M	\$ 50,000	3	5	0	0	3	0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 134,339	0	0	\$ 0	
Physical Disability	M	\$ 150,000	10	0	5	0	5	0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	
Developmental Disability	M	\$ -	0	0	0	0	0	0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	
Alcohol/Drug Abuse	M	\$ -	0	0	0	0	0	0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	
HIV/AIDS	L	\$ -	0	0	0	0	0	0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	
Victims of Domestic Violence	L	\$ -	0	0	0	0	0	0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	
Sub Total Special Needs		\$ 1,050,000	163	695	80	122	109,920	83	122	122	\$ 109,920	122	122	\$ 109,920	122	207	\$ 2,393,675	122	122	\$ 109,920	
Total Section 215		\$ 950,000	180	85	86	0	76	0	6	0	\$ 0	6	0	\$ 0	6	85	\$ 2,283,755	6	0	\$ 0	
215 Renter		\$ 800,000	110	125	22	25	22,900	22	25	25	\$ 22,900	22	25	\$ 22,900	22	25	\$ 22,900	22	25	\$ 22,900	
215 Owner		\$ 150,000	70	60	64	0	54	0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	0	0	\$ 0	

* Section 215 Affordable Housing is defined as follows:
 1) Rental Housing: A rental housing unit is considered to be an affordable housing unit if it is occupied by an extremely low, very low, or low-income household and bears a rent that is the lesser of a) the existing Section 8 Fair Market Rent for comparable units in the area, or b) 30% of the adjusted income of a family whose income equals 65% of the median income for the area, except that HUD may establish income ceilings higher or lower than 65% of the median income because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.
 2) Homeownership: a) Housing that is for purchase (with or without rehabilitation) qualifies as affordable housing if it (i) is purchased by an extremely low, very low, or low-income first-time homebuyer who will make the housing his or her principal residence and; (ii) has a sale price that does not exceed the mortgage limits for the type of single family housing for the area, under HUD's single family insuring authority under the National Housing Act. B) Housing that is to be rehabilitated, but is already owned by a family when assistance is provided, qualifies as affordable housing if the housing (i) is occupied by an extremely low, very low, or low-income household which uses the house as its principal residence and; (ii) has a value, after rehabilitation, that does not exceed the mortgage limit for the type of single family housing for the area, as described in a) above.

Table 1B – Antioch Special Needs (Non Homeless) Populations 2010-15 CCC Consolidated Plan - REVISED 5/8/12

Special Needs SubPopulations	Priority Need Level (Original)	Priority Need Level (Revised)	Unmet Need (Original)	Unmet Need (Revised)	\$ to Address Unmet Need (Original)	\$ to Address Unmet Need (Revised)	Multi Year Goal (Original)	Multi Year Goal (Revised)	Annual Goals (Original)	Avg Annual Goal (Revised)
Elderly	H		1,300	6,000	31,000	200,000	1,300	6,000	260	1,200
Frail Elderly	H		300	600	15,000	29,000	300	600	60	120
Severe Mental Illness	M	LOW	0	0	0	0	0	0	0	0
Developmentally Disabled	M	LOW	0	0	0	0	0	0	0	0
Physically Disabled	M		1,740	50	5,000	10,000	1,740	50	348	10
Persons w/Alcohol & Other Drug Addictions	M	LOW	500	0	10,000	0	500	0	100	0
Persons w/HIV/AIDS	L		100	0	5,000	0	100	0	20	0
Victims of Domestic Violence	H		50	40	15,000	18,500	50	40	10	5
Other			0	0	0	0	0	0	0	0
TOTAL			3,990	6,690	81,000	257,500	3,990	6,690	798	1,335

Table 2B - Antioch Priority Community Development Needs - CCC Consolidated Plan REVISED 5/8/12

Priority Need	Priority Need Level (Original)	Priority Need Level Revised	Unmet Need (Original)	Unmet Need Revised	\$ to Address Unmet Need (Original)	\$ to Address Unmet Need Revised	5-Year Goal (Original)	5-Year Goal Revised	Annual Goal (Original)	Annual Goal Revised
Acquisition of Real Property	L									
Disposition	L									
Clearance & Demolition	L									
Clearance of Contaminated Sites	L									
Code Enforcement	H		5	300 Hslds	\$ 240,000	\$ 350,000	5	300 Hslds	1	60 Hslds
Public Facility (General)	M									
Senior Centers	L									
Handicapped Centers	L									
Homeless Facilities	L									
Youth Centers	L									
Neighborhood Facilities	L									
Child Care Centers	L									
Health Facilities	L									
Mental Health Facilities	L									
Parks &/or Recreation Facilities	L									
Parking Facilities	L									
Tree Planting	L									
Fire Stations/Equipment	L									
Abused/Neglected Children Facilities	L									
Asbestos Removal	L									
Non-Residential Historic Preservation	L									
Other Public Facility Needs	L									
Infrastructure (General)	M									
Water/Sewer Improvements	L									
Street Improvements	M	H		25,000 ppl		\$ 900,000		25,000		4,166
Sidewalks	M	H		30,000 ppl		\$ 175,000		30,000		6,000
Solid Waste Disposal Improvements	L									
Flood Drainage Improvements	L									
Other Infrastructure	M									
Public Services (General)	H		10,000	12,000 ppl	\$ 600,000	\$ 125,000	10,000	12,000	2,000	2,400
Senior Services	H		5,000	6,600 ppl	\$ 205,000	\$ 229,000	5,000	6,600	1,000	1,320
Handicapped Services	M			50 ppl		\$ 10,000		50		10
Legal Services	H		600	125 ppl	\$ 15,000	\$ 15,000	600	125	120	25
Youth Services	H		705		\$ 100,000		705		141	
Child Care Services	M	L								
Transportation Services	L									
Substance Abuse Services	M	L								
Employment/Training Services	M									
Health Services	M	L								
Lead Hazard Screening	L									
Crime Awareness	L									
Fair Housing Activities	H		90		\$ 50,000	\$ 80,000	90		18	
Tenant Landlord Counseling	H		900	300 ppl	\$ 100,000	\$ 50,000	900	300 ppl	180	60
Other Services	M					\$ 125,000				
Economic Development (General)	M									
C/I Land Acquisition/Disposition	L									
C/I Infrastructure Development	M									
C/I Building Acq/Const/Rehab	M									
Other C/I	L									
ED Assistance to For-Profit	L									
ED Technical Assistance	M									
Micro-enterprise Assistance	M									
Other										

NOTE: Table 1B -Special Needs (Non Homeless) Populations is considered to be a SUBSET of this table, and all projections are included in this Table 2B.

ATTACHMENT "A"

Antioch CDBG FY 2012-13 Recommendations				Fund Source			
Agency	Program	2012-13 CDBG		\$659,487	\$34,307	\$70K	\$763,794
		Request	Recom- mend	Grant	Residual *	Hsg RLF*	Total
Public Services (capped at 15% of grant) - Max \$100,000							
CD-1 General Public Services							
Advocates for Humanity	Tenant/Landlord Counseling	\$ 20,000	0				0
Bay Legal	Tenant/Landlord Counseling	\$ 20,000	10,000	10,000			10,000
BayLegal	Legal Safety Net Project	\$ 15,000	0				0
Child Abuse Prev Council	Nurturing Parenting	\$ 10,000	0				0
Contra Costa Crisis Center	211 Call Service	\$ 10,000	0				0
Food Bank	Food Distribution	\$ 10,000	0				0
Loaves & Fishes	Feeding the Hungry	\$ 10,659	0				0
Opportunity Junction	Technology Center	\$ 20,000	0				0
CD-2 Senior Services							
Bedford Center	Adult Care Scholarships	\$ 10,000	0				0
CC Senior Legal Services	Senior Legal Services	\$ 10,000	5,000	5,000			5,000
City - Senior Center	Administration & Programs	\$ 36,242	35,000	35,000			35,000
Ombudsman Services	Ombudsman Services	\$ 10,000	5,000	5,000			5,000
Senior Outreach Services	Care Management	\$ 10,000	5,000	5,000			5,000
Senior Outreach Services	Meals on Wheels	\$ 10,000	5,000	5,000			5,000
CD-3 Youth Services							
Amador Institute	Youth Development	\$ 33,924	0				0
City - Youth Recreation	Youth Recreation Scholarships	\$ 15,000	15,000	15,000			15,000
Community Violence Solutions	Child Sexual Assault Intervention	\$ 10,000	5,000	5,000			5,000
Court Appointed Special Advocates	Advocacy for Abused Children	\$ 10,000	0				0
Legacy Treatment Centers	Black Diamond Sports	\$ 20,041	0				0
CD-4 Non Homeless Special Needs Services							
Lions Center for Visually Impaired	Independent Living Skills	\$ 10,000	0				0
STAND!	DV Emergency Shelter	\$ 10,000	0				0
H-1 Homeless Services (Providing Housing)							
CC Health Svcs Homeless Shelter	Adult Interim Housing	\$ 20,000	5,000	5,000			5,000
N Cal Family Ctr	Runaway Youth Shelter	\$ 10,000	0				0
H-1 Homeless Services (Providing Services Only)							
SHELTER Inc.	Emergency Housing Services	\$ 14,000	10,000	10,000			10,000
AH-4 Foreclosure Services							
CHDC-Home Equity Preservation A.	Foreclosure Counseling	\$ 47,000	0				0
TOTAL PUBLIC SERVICES		\$ 401,866	100,000	00,000			100,000
Administration, Planning & Fair Housing (capped at 20% of grant) Max 131,897							
CD-5 Fair Housing Services							
Advocates for Humanity	Fair Housing	\$ 20,000	0				0
Bay Legal -Fair Housing	Fair Housing	\$ 20,000	20,000	20,000			20,000
CD-8 Administration & Planning							
City of Antioch	Administration & Planning	\$ 131,897	111,897	111,897			111,897
TOTAL ADMINISTRATION & FAIR HOUSING		\$ 171,897	131,897	131,897			131,897
*Residual funds are unexpended CDBG funds from prior years; ** Hsg RLF is the Housing Revolving Loan Fund and can only be spent on qualifying housing programs.							

OPTION A

Economic Development, Infrastructure & Housing

CD-6 Economic Development (capped by Council at 10% of grant) MAX \$65,000

Antioch Chamber	Nx Level Small Business Trng	17,270	15,000	15,000			15,000
CC Child Care Council	Road to Success	20,000	0				0
Opportunity Junction	Job Training & Placement	90,000	50,000	50,000			50,000
Workforce Devlp Board	Sml Business Mgmt Dev. Ctr	15,000	0				0
Subtotal Economic Development		142,270	65,000	65,000			65,000

CD-7 Infrastructure and Public Facilities

City Roadway	Downtown Roadway Rehab	350,000	135,000	135,000			135,000
Brighter Beginnings	Improvements - First 5 Ctr.	32,750	0				0
Subtotal Infrastructure & Public Facilities		382,750	135,000	135,000			135,000

AH 1-3 Affordable Housing

City of Antioch	Code Enforcement	131,897	131,897	131,897			131,897
CCC Dept. of Conservation	Homeowner Hsg Rehab	500,000	100,000	95,693	4,307		100,000
CCC Housing Authority	Multi-family Hsg Rehab	200,000	100,000		30,000	70,000	100,000
Bay Area Homebuyer Agency	First Time Homebuyer Prog.	325,750	0				0
Subtotal Housing		1,157,647	331,897	227,590	34,307	70,000	331,897
Total Economic Development, Infrastructure, and Housing		1,682,667	531,897	427,590	34,307	70,000	531,897
			763,794	659,487	34,307	70,000	763,794

OPTION B

Economic Development, Infrastructure & Housing

CD-6 Economic Development (capped by Council at 10% of grant)

Antioch Chamber	Nx Level Small Business Trng	17,270	0				0
CC Child Care Council	Road to Success	20,000	0				0
Opportunity Junction	Job Training & Placement	90,000	0				0
Workforce Devlp Board	Sml Business Mgmt Dev. Ctr.	15,000	0				0
Subtotal Economic Development		142,270	0				0

CD-7 Infrastructure and Public Facilities

City Roadway	Downtown Roadway Rehab	350,000	200,000	200,000			0
Brighter Beginnings	Improvements - First 5 Ctr	32,750	0				0
Subtotal Infrastructure & Public Facilities		382,750	200,000	200,000	0	0	200,000

AH 1-3 Affordable Housing

City of Antioch	Code Enforcement	131,897	131,897	131,897			131,897
CCC Dept. of Conservation	Homeowner Hsg Rehab	500,000	100,000	95,693	4,307		100,000
CCC Housing Authority	Multi-family Hsg Rehab	200,000	100,000		30,000	70,000	100,000
Bay Area Homebuyer Agency	First Time Homebuyer Program	325,750	0				0
Subtotal Housing		1,157,647	331,897	227,590	34,307	70,000	331,897
Total Economic Development, Infrastructure, and Housing		1,682,667	531,897	427,590	34,307	70,000	531,897
TOTAL RECOMMENDATIONS FOR ALL FUND SOURCES			763,794	659,487	34,307	70,000	763,794

AZ

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MAY 8, 2012**

Prepared by: Ken Warren, Assistant Engineer *kw*
Approved by: Ron Bernal, Director of Public Works/City Engineer *REB*
Date: May 1, 2012
Subject: Nelson Ranch Park Informational Update (PW 547-P)

RECOMMENDATION

It is recommended that the City Council receive the staff report, public comment and provide staff direction on further modifications, if any, to Nelson Ranch Park.

BACKGROUND INFORMATION

Introduction

During the public comments portion of the February 14, 2012 City Council meeting, several Menona Court residents voiced their concerns regarding development of Nelson Ranch Park located adjacent to the rear wall of their properties. In response to their comments, the City Council directed staff to place an item on a future agenda for Council to hear and consider the resident's concerns. The City Council received staff's report at their March 13, 2012 meeting, heard and considered the Menona Court resident's concerns, and provided direction to staff to have the developer responsible for constructing the park improvements perform certain modifications to the park and increase the height of several adjacent resident's rear yard walls from 6' to 8'. These modifications include the removal of two shade structures along with barbeques and picnic tables and benches within the same area. The Minutes from the March 13, 2012 City Council meeting is provided as Attachment "A".

Sweetwater Street (Nelson Ranch Subdivision) Residents Concerns

At the April 24, 2012 City Council meeting, four residents from the Sweetwater Street Neighborhood Watch Group from the Nelson Ranch subdivision spoke during public comments. In addition to concerns about excessive speeding through their neighborhood, the residents also wanted to know why Nelson Ranch Park had not been opened and whether some park improvements were going to be removed. Council informed the residents that City staff would contact them to discuss their concerns.

After making initial contact with the residents who spoke at the April 24th Council meeting, staff and the City Council has received numerous e-mails, phone calls and voice-messages from the Sweetwater Street neighborhood residents, related to the proposed Nelson Ranch neighborhood park modifications, and expressing their disagreement with Council's direction to have two shade structures with picnic tables and barbeques removed. In response to the significant amount of interest and inquiries on this subject, staff agendaized this item to provide the residents an opportunity to express their concerns.

Park Description and Opening

Nelson Ranch Park has a linear design that stretches along the south side of Wild Horse Road from Ridgeline Drive to just east of Le Conte Circle. South of the park is KB Homes' Viera Ranch II, Phase III residential subdivision and the Contra Costa Water District Canal corporate yard. North of the park site is the 369-lot Nelson Ranch Subdivision which is being built by Standard Pacific Housing. Standard Pacific is also constructing the park which is being funded by Park-In-Lieu fees paid via building permits by home builders. A Vicinity Map is provided as Attachment "B".

Except for the modifications directed by Council, construction of the \$2,500,000, 5.4 acre neighborhood park improvements have been installed and is half-way through the 90-day warranty period. Pending the completion of the modifications, the anticipated opening date is June 20th. Standard Pacific Housing has been informed that the park will not be allowed to open until the modifications directed by the Council have been completed.

Shade Structures

On March 15, 2012 staff met at the park site with the project manager for Standard Pacific Housing to discuss the proposed park modifications and to solicit construction estimates to raise the height of the neighbor's walls and remove/relocate the two shade structures, appurtenant picnic tables and barbeque pedestals.

The park developer was asked to investigate the cost of relocating the shade structures to the northwestern and northeastern edges of the ball field where two picnic tables are currently located (see Attachment "C"). As indicated above, it was determined that the heavy equipment necessary to relocate the substantial structures intact would cause significant damage to the recently completed park improvements, along with irrigation and landscaping. The only recourse left is to dismantle the structures to a point where they can be carried by hand to their new destination, or to demolish the existing structures and build new structures from scratch. Cost estimates for these options are included in the Financial Impacts section of this report.

FINANCIAL IMPACT

The park developer has provided an estimate for the cost of work to remove and relocate the shade structures and associated amenities. The following options may be considered:

OPTIONS	DESCRIPTION	UNIT COST / LOCATION	TOTAL COST
1	Remove and dispose of the shade structures, picnic tables and concrete pad, including landscape repair:	\$37,500	\$75,000
2	Dismantle and relocate the shade structures, remove and dispose of the picnic table and concrete pad, including landscape repair:	\$67,500	\$135,000
3	Build new shade structures in new locations (\$48,000 each) PLUS Option 1 cost to remove and dispose of existing shade structures, etc (\$37,500 each)	\$85,500	\$171,000

The cost of this work would be paid for from Park-in-Lieu funds.

OPTIONS

Council could order additional work to mitigate the concerns of the Nelson Ranch Subdivision residents or modify their March 13th direction.

ATTACHMENTS

- A: Minutes from March 13, 2012 Council Meeting
- B: Vicinity Map
- C: Shade Structure Locations

4. NELSON RANCH PARK CONSTRUCTION UPDATE (PW 547-P)

Director of Public Works/City Engineer Bernal presented the staff report dated March 7, 2012, recommending the City Council motion to receive the staff report, public comment and provide staff direction on modifications, if any, to the Nelson Ranch Park.

In response to Councilmember Agopian, Director of Public Works/City Engineer Bernal stated it would cost approximately \$200,000 to remove and rebuild the play area in a different location.

Julie Young, Antioch resident, speaking on behalf of Chris Young, Darlene and William Moore, Stacy Christopher and Shannon Cook and Martin and Mary Penilla, displayed several photos of the park for the City Council. She expressed concern the negative impacts had not been addressed or mitigated. She requested a meeting with a representative of the City Council and staff to discuss possible solutions.

Chris Young added the elevation of the park is several feet higher than the wall, and headlights shine directly into their property. He voiced his support for relocating the shade structures and picnic tables.

Following discussion, the City Council agreed to mitigate the neighbors' concerns by removing the shade structures and picnic tables and increasing the wall across the lots in question. Mayor Pro Tem Harper stated he would have preferred to add lattice work to existing fencing; however, he would support the City Council in their position to replace the masonry wall. Council consensus agreed access to the park should remain open and the tot lot should remain in place.

Councilmember Kalinowski requested the masonry wall be completed prior to park opening to the public and benches be installed adjacent to the play structure.

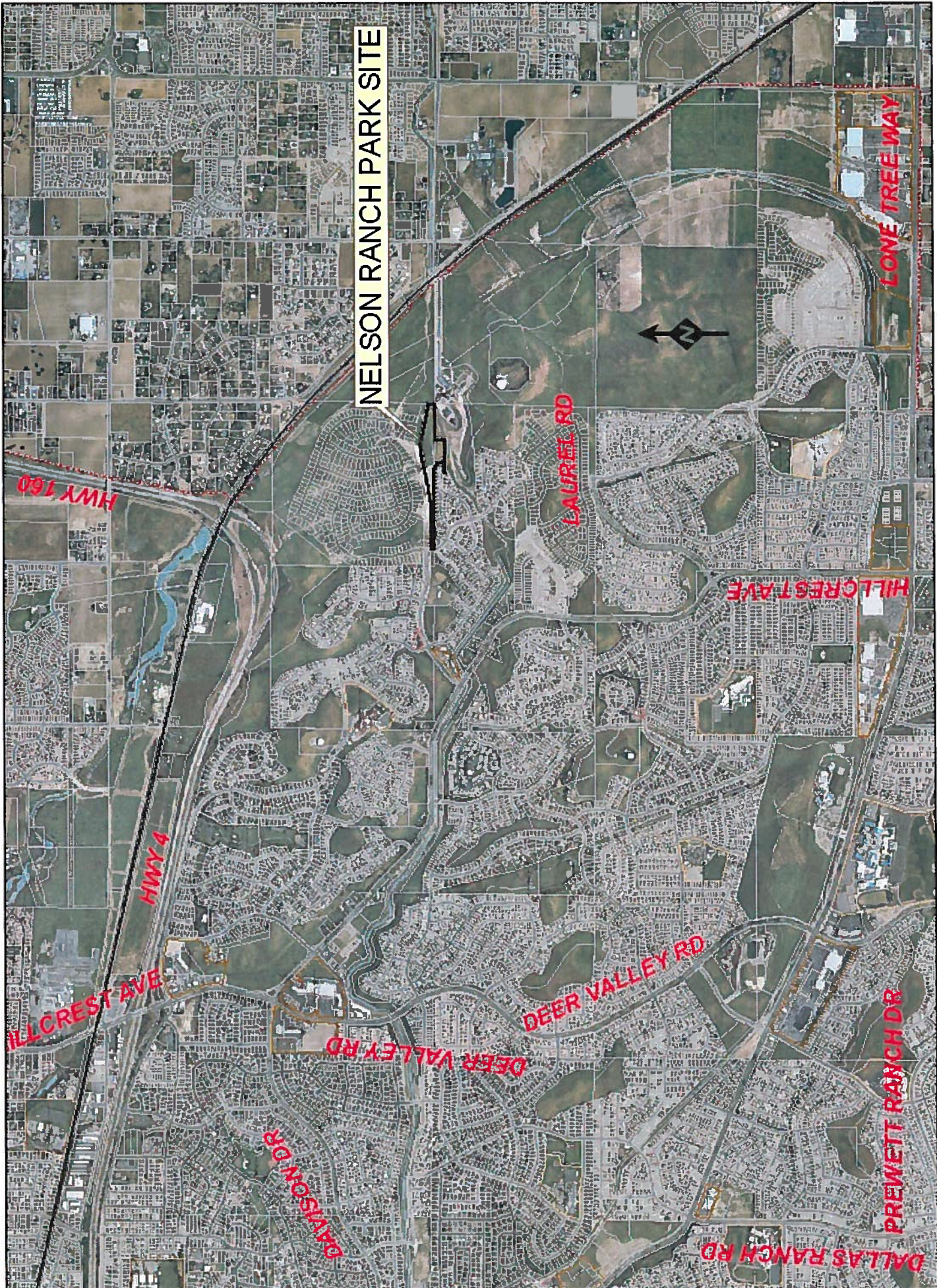
On motion by Councilmember Kalinowski, seconded by Councilmember Agopian, the Council unanimously directed staff to make the following modifications to the Nelson Ranch Park;

- 300 linear foot of fencing shall be removed and replaced with an approximate 8 foot high masonry wall.
- Both shade structures, picnic tables, and barbeques shall be removed.
- Should there not be consensus among the property owners of the 300 feet, the fencing item would come back to the City Council for authorization of the lattice work to be completed.
- Access to the park shall remain open with a report back to the City Council 45 days after the park opens to the public.

Mayor Pro Tem Harper thanked Ms. Young for bringing the item before the City Council.

Mayor Pro Tem Harper declared a recess at 10:16 P.M. The meeting reconvened at 10:21 P.M. with all Councilmembers present with the exception of Mayor Davis.

NELSON RANCH PARK SITE



NELSON RANCH PARK - VICINITY MAP ATTACHMENT "B1" 5,000 Feet



NELSON RANCH PARK -- VICINITY MAP ATTACHMENT 'B2'

