

# ANNOTATED AGENDA

for  
July 30, 2013

*CITY COUNCIL MEETING  
Adjourned Regular Meeting  
Including the Antioch City Council  
acting as Successor Agency/Housing Successor  
to the Antioch Development Agency*

LOCATION: Public Works Building Training Room  
1201 West Fourth Street, Antioch, CA

Order of Council vote: AYES: Council Members Wilson, Rocha, Tiscareno, Agopian and Mayor Harper

### 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 3<sup>rd</sup> Floor of City Hall, 200 H Street, 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.

**6:02 P.M. ROLL CALL** for Closed Sessions – **All Present**

**PUBLIC COMMENTS** for Closed Sessions – **None**

#### CLOSED SESSIONS:

- 1) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Initiation of Litigation pursuant to California Government Code section 54956.9 (d)(4): 1 potential case  
**Direction to Legal Counsel**
- 2) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Pursuant to Government Code section 54956.9(d)(1): United States ex rel. John Hendrix, et al. v. J-M Manufacturing Co. Inc. d/b/a JM Eagle and Formosa Plastics Corp. USA; United States District Court, Central District of California Case No. ED CV-06-00055 (GW); State of Nevada et al v. J-M Manufacturing Co. Inc. et al, Superior Court County of Los Angeles, Case No. BC459943.  
**Direction to Legal Counsel**
- 3) **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision  
**No action**

**7:00 P.M. ROLL CALL** for Council Members/City Council Members acting as Successor Agency/ Housing Successor to the Antioch Development Agency Adjourned Regular Meeting – **All Present**

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

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

**CITY COUNCIL SUBCOMMITTEE REPORTS**

**MAYOR'S COMMENTS**

**PRESENTATIONS** – *Police Statistics Second Quarter 2013, presented by Chief Allan Cantando*  
– *AB109 Program Update, presented by Iris Archuleta*

PRESENTATION

PRESENTATION

**1. CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR JUNE 25, 2013 AND JULY 9, 2013**

**Approved, 5/0**

Recommended Action: Motion to approve the minutes

MINUTES

MINUTES

**B. APPROVAL OF COUNCIL WARRANTS**

**Approved, 5/0**

Recommended Action: Motion to approve the warrants

STAFF REPORT

**C. APPROVAL OF TREASURER'S REPORT FOR JUNE 2013**

**Approved, 5/0**

Recommended Action: Motion to approve the report

STAFF REPORT

**D. STATEMENT OF INVESTMENT POLICY**

**Reso No. 2013/39, 5/0**

Recommended Action: Motion to adopt the resolution approving the Statement of Investment Policy

STAFF REPORT

**E. MEASURE WW PARK AND RECREATION SECURITY CAMERA PROGRAM – AWARDING OF CONTRACT**

**Approved, 5/0**

- Recommendations:
- 1) Motion to award the Park and Recreation Security Camera Program contract to QPCS as a sole source vendor.
  - 2) Motion to approve change order to Odin Systems for completion of second phase of marina/boat launch and authorize the City Manager to execute it.
  - 3) Motion to authorize the City Manager to enter into an agreement with QPCS to provide security camera installation services.

STAFF REPORT

**F. RESOLUTION APPROVING AN UPDATED CLASS SPECIFICATION FOR CHIEF BUILDING OFFICIAL, WITHOUT ANY SALARY CHANGE**

**Reso No. 2013/40, 5/0**

Recommended Action: Motion to adopt the resolution

STAFF REPORT

**G. RESOLUTION APPROVING UPDATED CLASS SPECIFICATIONS FOR ADMINISTRATIVE ANALYST I/II/III IN THE CONFIDENTIAL BARGAINING UNIT, WITHOUT ANY SALARY CHANGES**

**Reso No. 2013/41, 5/0**

Recommended Action: Motion to adopt the resolution

STAFF REPORT

**CONSENT CALENDAR — Continued**

City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency (Continued)

**H. APPROVAL OF SUCCESSOR AGENCY WARRANTS**

Recommended Action: Motion to approve the warrants

**Approved, 5/0**

STAFF REPORT

**I. APPROVAL OF HOUSING SUCCESSOR WARRANTS**

Recommended Action: Motion to approve the warrants

**Approved, 5/0**

STAFF REPORT

**END OF CONSENT CALENDAR**

**PUBLIC HEARING**

2. Z-13-03 - THE CITY OF ANTIOCH IS REQUESTING APPROVAL OF THE PREZONING FOR THE NORTHEAST ANTIOCH AREA. THERE ARE THREE SUBAREAS CONSIDERED FOR PREZONING, WHICH ARE ALL LOCATED WITHIN UNINCORPORATED CONTRA COSTA COUNTY, CONSISTING OF APPROXIMATELY 678 ACRES. THE ZONING FOR AREA 1 (470 ACRES) IS BEING PROPOSED AS HEAVY INDUSTRIAL AND OPEN SPACE, AREA 2A AS URBAN WATERFRONT (94 ACRES), AND AREA 2B (103 ACRES) AS A STUDY ZONE. THE THREE SUBAREAS ARE LOCATED GENERALLY SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH. A MITIGATED NEGATIVE DECLARATION IS ALSO BEING CONSIDERED FOR ADOPTION. THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE PREZONING AND MITIGATED NEGATIVE DECLARATION BY A 6-0 VOTE WITH ONE MEMBER ABSENT. THE CITY COUNCIL WILL ALSO CONSIDER WAIVING ANNEXATION FEES, WITH EXCEPTIONS (*Continued from 07/09/13*).

Recommended Action: **1<sup>st</sup> Motion:**

**Reso No. 2013/42, 5/0**

- 1) Motion to approve the resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan;
- 2) Motion to introduce the ordinance by title only;
- 3) Motion to introduce the ordinance Prezoning the Northeast Antioch Area; and

**To 08/13/13 for adoption, 5/0**

***Motion to approve the resolution adopting the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Motion to introduce the ordinance prezoning Areas 1, 2a, and 2b, consisting of approximately 678 acres of unincorporated land, located generally south of the Sacramento County line along the San Joaquin River in the vicinity of Wilbur Avenue, west of the City of Oakley, north and east of the boundaries of the City of Antioch, as depicted in Attachment "B" with Exhibit 1 to the ordinance depicting the zoning districts and Exhibit 2 to the***

STAFF REPORT



**ordinance reaffirming the Zoning Goals for Area 2B including to maintain the rural character of the Study Area; not having an automatic trigger for sewer connections solely based on distance to a new sewer system but related to County Environmental Health's determination and directing staff to propose final zoning for the Study District as soon as possible; and**

**2<sup>nd</sup> Motion:**

**Motion to direct staff to work with NRG, County and other parties to develop a program to defray cost of the water and sewer connection fees for Areas 2A and 2B**

**Approved, 5/0**

- 4) Motion to adopt the resolution waiving, with exceptions, the City's annexation fee for Areas 1, 2a, and 2b.

**Reso No. 2013/43, 5/0**

**COUNCIL REGULAR AGENDA**

3. DISCUSSION OF ANNEXATION AND TAX REVENUE ALLOCATION AGREEMENT BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA COUNTY FOR THE NORTHEAST ANTIOCH ANNEXATION AND AGREEMENT BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA COUNTY FOR THE FUNDING AND CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS SERVING ANNEXATION AREA 2B (*Continued from 07/09/13*).

***Direction provided to staff regarding the agreements***

Recommended Action: Motion to receive public comment and provide direction to staff regarding the agreements

STAFF REPORT

4. ONE FULL-TERM APPOINTMENT FOR ONE VACANCY ON THE ECONOMIC DEVELOPMENT COMMISSION (EDC)

***Appointed Richard Asadoorian – Term expires June 2017, 5/0***

Recommended Action: Motion to receive and file the applications, and the Mayor appoint and Council approve the appointment of one commissioner

STAFF REPORT

**PUBLIC COMMENT**

**STAFF COMMUNICATIONS**

**COUNCIL COMMUNICATIONS**

**ADJOURNMENT – 10:47 p.m.**

# ANTIOCH

California



**ALLAN CANTANDO**  
**Chief of Police**

# CITY COUNCIL REPORT



MID-YEAR 2013

# **PART 1 CRIME**

# PART 1 CRIME STATISTICS

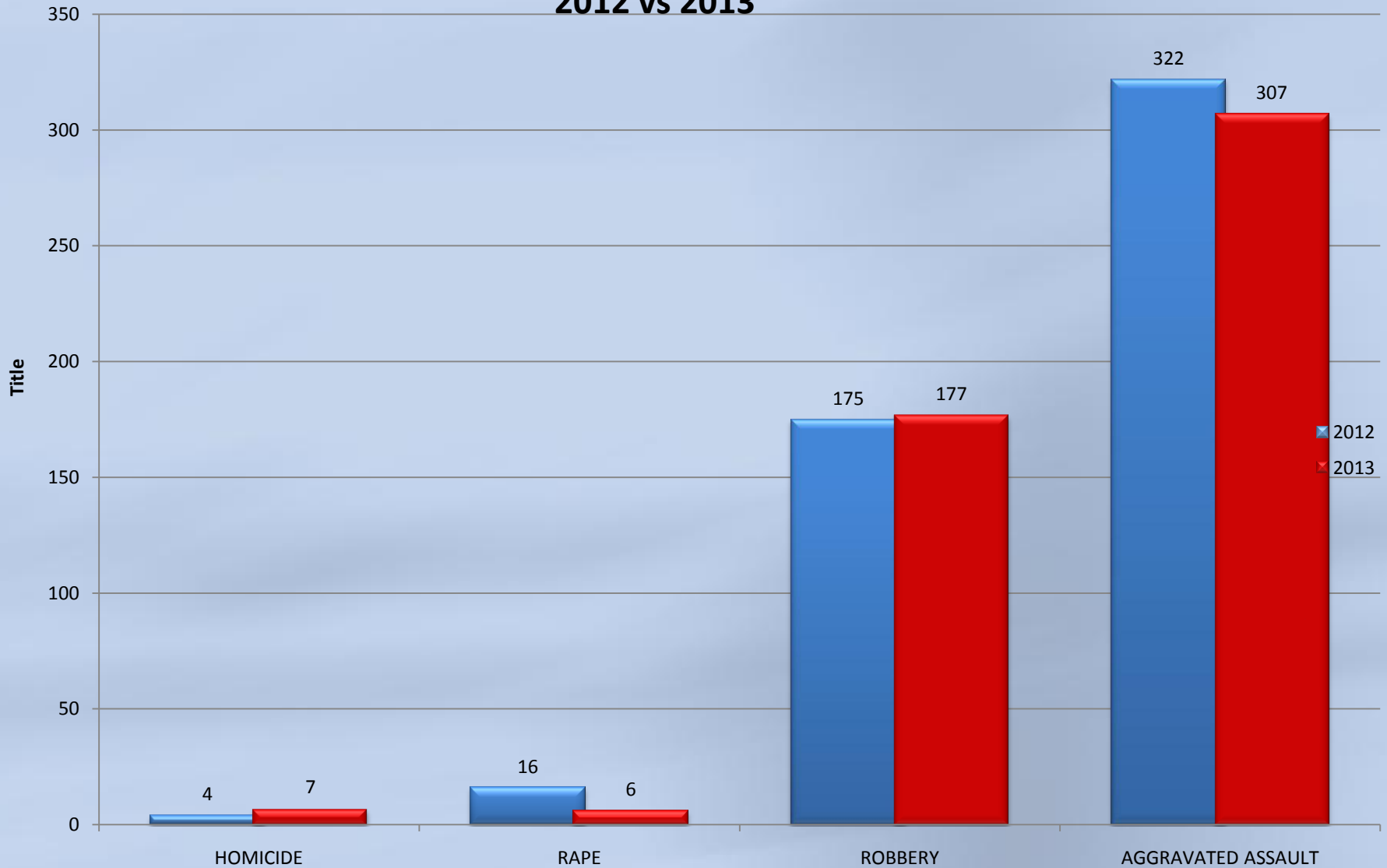
## January – June 2012 vs. 2013

	Jan-Jun 2012 Total	Jan-Jun 2013 Total	#Change 2012 - 2013	%Change 2012 - 2013
<b>*HOMICIDE</b>	<b>4</b>	<b>7</b>	<b>3</b>	<b>75.0%</b>
<b>RAPE</b>	<b>16</b>	<b>6</b>	<b>-10</b>	<b>-62.5%</b>
<b>ROBBERY</b>	<b>175</b>	<b>177</b>	<b>2</b>	<b>1.1%</b>
<b>AGGRAVATED ASSAULT</b>	<b>322</b>	<b>307</b>	<b>-15</b>	<b>-4.7%</b>
<b>Total Violent Crime</b>	<b>517</b>	<b>497</b>	<b>-20</b>	<b>-3.9%</b>
<b>BURGLARY</b>	<b>889</b>	<b>721</b>	<b>-168</b>	<b>-18.9%</b>
<b>THEFT</b>	<b>1023</b>	<b>892</b>	<b>-131</b>	<b>-12.8%</b>
<b>AUTO THEFT</b>	<b>575</b>	<b>458</b>	<b>-117</b>	<b>-20.3%</b>
<b>Total Property Crime</b>	<b>2487</b>	<b>2071</b>	<b>-416</b>	<b>-16.7%</b>
<b>TOTAL PART 1 Crime</b>	<b>3004</b>	<b>2568</b>	<b>-436</b>	<b>-14.5%</b>
<b>ARSON</b>	<b>17</b>	<b>30</b>	<b>13</b>	<b>76.5%</b>
<b>Adult Arrests</b>	<b>1472</b>	<b>1494</b>	<b>22</b>	<b>1.5%</b>
<b>Juvenile Arrests</b>	<b>498</b>	<b>405</b>	<b>-93</b>	<b>-18.7%</b>
<b>TOTAL ARRESTS</b>	<b>1970</b>	<b>1899</b>	<b>-71</b>	<b>-3.6%</b>

# PART 1 VIOLENT CRIME

January - June

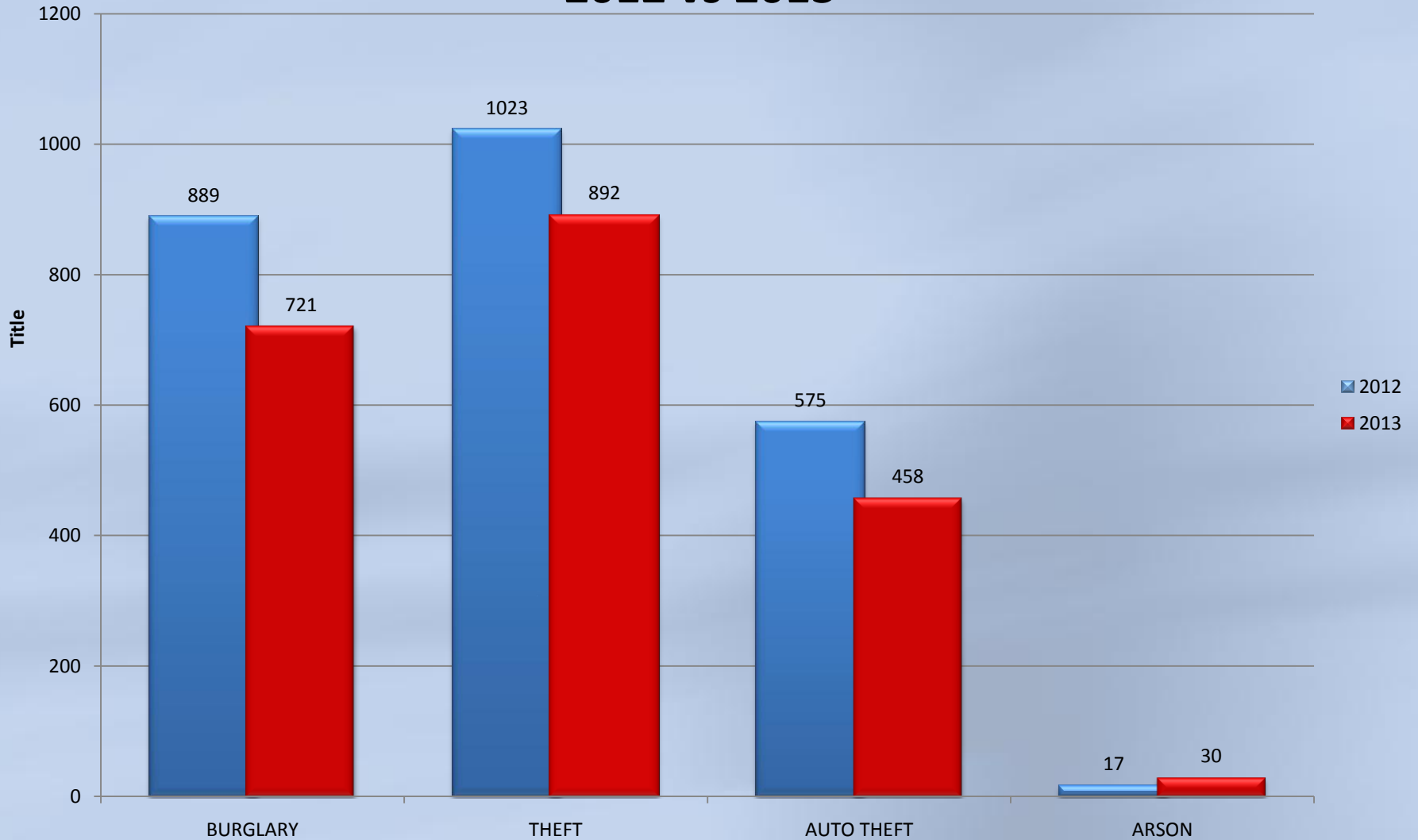
2012 vs 2013



# CITY OF ANTIOCH PROPERTY CRIMES

## January - June

### 2012 vs 2013



# UCR REPORTED PART 1 CRIME / CLEARANCES

## 2009 – 2013 6-Months

	2009	2010	2011	2012	2013 6mo	*2011 Nat'l Clearance Rate
<b>HOMICIDE</b>	5	13	5	10	7	
CLEARANCE	6	11	6	6	2	
Clearance Rate	<b>120%</b>	<b>85%</b>	<b>120%</b>	<b>60%</b>	<b>29%</b>	<b>63.5%</b>
<b>RAPE</b>	40	32	21	29	6	
CLEARANCE	23	24	11	12	5	
Clearance Rate	<b>58%</b>	<b>75%</b>	<b>52%</b>	<b>41%</b>	<b>83%</b>	<b>39.4%</b>
<b>ROBBERY</b>	315	313	290	372	177	
CLEARANCE	104	94	88	109	45	
Clearance Rate	<b>33%</b>	<b>30%</b>	<b>30%</b>	<b>29%</b>	<b>25%</b>	<b>28.3%</b>
<b>AGR ASSAULT</b>	537	506	502	657	307	
CLEARANCE	343	288	257	305	143	
Clearance Rate	<b>64%</b>	<b>57%</b>	<b>51%</b>	<b>46%</b>	<b>47%</b>	<b>53.6%</b>
<b>BURGLARY</b>	824	1,087	1,335	1,741	721	
CLEARANCE	72	87	98	117	67	
Clearance Rate	<b>9%</b>	<b>8%</b>	<b>7%</b>	<b>7%</b>	<b>9%</b>	<b>11.3%</b>
<b>THEFT</b>	1,082	1,049	1,571	1,920	892	
CLEARANCE	333	368	368	361	130	
Clearance Rate	<b>31%</b>	<b>35%</b>	<b>23%</b>	<b>19%</b>	<b>15%</b>	<b>20.7%</b>
<b>MVTHEFT</b>	747	960	967	1,094	458	
CLEARANCE	60	108	103	112	63	
Clearance Rate	<b>8%</b>	<b>11%</b>	<b>11%</b>	<b>10%</b>	<b>14%</b>	<b>9.9%</b>
<b>ARSON</b>	40	37	56	51	30	
CLEARANCE	12	7	7	4	3	
Clearance Rate	<b>30%</b>	<b>19%</b>	<b>13%</b>	<b>8%</b>	<b>10%</b>	<b>15.7%</b>

\*[http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/tables/table\\_25](http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/tables/table_25)  
 Cities (100,000 - 249,999)



# **BUREAU OF SUPPORT SERVICES**

# VOLUNTEER PROGRAM

## January – June 2013

- APD Volunteers have worked a total of **5,073.60** hours

Field Services	3902.86
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Investigations	88.92
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Professional Standards	230.92
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Records	850.90
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- The value of the work provided is: **\*\$118,164.14**

- Decoy Patrol Car Program is functioning 6 days a week.

\* Based on \$23.29 an hour

# ANIMAL SERVICES KENNEL STATISTICS

<u>INTAKES BETWEEN 01/01/13 AND 06/30/13</u>				
		DOG	OTHER	TOTAL
ADOPTRET	4	4	0	<b>8</b>
DOA	69	41	37	<b>147</b>
EUTH REQ	8	35	1	<b>44</b>
OWNER SUR	113	103	23	<b>239</b>
POSS.OWNER	19	201	3	<b>223</b>
PROTCT.HD	0	33	35	<b>68</b>
QUARANTINE	2	33	0	<b>35</b>
STRAY	533	504	38	<b>1075</b>
WILDLIFE	0	0	31	<b>31</b>
<b>TOTAL</b>	<b>748</b>	<b>954</b>	<b>168</b>	<b>1870</b>

<u>OUTCOMES BETWEEN 01/01/13 AND 06/30/13</u>				
ADOPTION	151	192	8	<b>351</b>
DIED	46	18	6	<b>70</b>
DOA	84	40	38	<b>162</b>
ESCAPED	0	1	0	<b>1</b>
EUTH	239	275	51	<b>565</b>
FOSTER	34	23	5	<b>62</b>
MISSING	1	0	1	<b>2</b>
RELEASE	0	0	11	<b>11</b>
RESCUE	122	184	42	<b>348</b>
RTO	12	212	2	<b>226</b>
<b>TOTAL</b>	<b>689</b>	<b>945</b>	<b>164</b>	<b>1798</b>

<u>ANIMALS ADOPTED BETWEEN 01/01/13 AND 06/30/13</u>				
	CAT	DOG	OTHER	TOTAL
<b>ADOPTED</b>	<b>145</b>	<b>192</b>	<b>8</b>	<b>345</b>

January – June 2013

100 Volunteers worked **3,128.56 Hours**

\*Value of work provided: **\$72,864.16**

\* *Based on \$23.29 an hour*

Animal Control Calls for Service 1<sup>st</sup> 6-months 2013 - **1487**

Animals on hand on June 30, 2013 - **319**

# SPECIALIZED UNITS

## FUGITIVE APPREHENSION

### January – June 2013

**#OPERATIONS** 4

**#CASES Involved** 8

**# ARRESTED** 14

#### **CHARGES**

- 1 Carjacking
- 2 ADW w/Firearm
- 4 Homicide
- 1 Terrorist Threats
- 1 PAL (Parolee-at-large)
- 1 Kidnapping/Robbery
- 2 Accessory
- 2 Sexual Assault/Child Endangerment

# CRIME SUPPRESSION DETAILS

## January – June 2013

# <u>OPERATIONS</u>	8
# <u>CASES</u> Involved	51
# <u>ARRESTED</u>	65

### Charges Included:

Burglary Tools	Probation Violation
Domestic Violence	Prostitution
Drugs / Narcotics	Resist Arrest
DUI	Warrant
Firearms / Weapons	Witness Intimidation

# SPECIALIZED UNITS SWAT OPERATIONS January – June 2013

## NATURE OF DEPLOYMENT

<b>Search/Arrest Warrant:</b> Armed Robbery	1
<b>MSOA - Search/Arrest Warrant:</b> Attempted Murder, Assault Weapons	1
<b>Search Warrant:</b> Narcotic Sales, Gang Member, Firearms, Threats to Officers	1
	<b><u>TOTAL OPERATIONS</u> 3</b>

## OUTCOME

SUSPECTS IN-CUSTODY	2
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# **BUREAU OF FIELD SERVICES**

# CALLS FOR SERVICE

## January – June 2012 vs. 2013

<b>PRIORITY</b>	<b>2012-6mo</b>	<b>2013-6mo</b>	<b>%CHANGE</b>
1	4,359	4,482	2.8%
2	19,160	20,516	7.1%
3	14,032	12,219	-12.9%
4	2,647	2,693	1.7%
5	1,048	1,087	3.7%
<b>TOTALS</b>	<b>41,246</b>	<b>40,997</b>	<b>-0.6%</b>

<b>HOW REC'D</b>	<b>2012-6mo</b>	<b>2013-6mo</b>	<b>%CHANGE</b>
OFFICER ON-VIEW	4,089	3,496	-14.5%
PHONE	37,013	37,402	1.1%
*OTHER	144	99	-31.3%
<b>TOTALS</b>	<b>41,246</b>	<b>40,997</b>	<b>-0.6%</b>

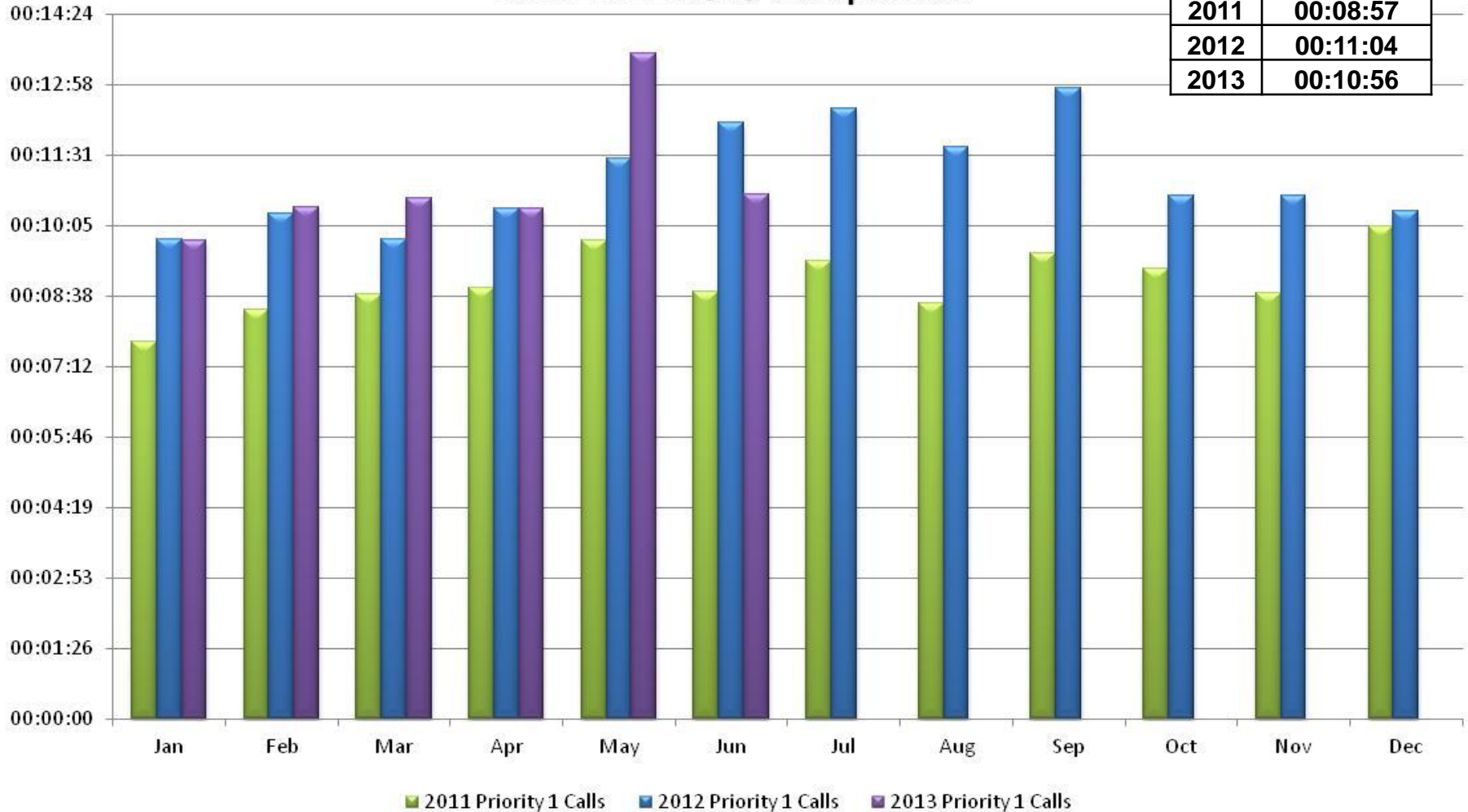
\*Calls For Service which usually are reported at the Station, via teletype or other non-typical means.



# CALL RECEIVED to OFFICER ARRIVED

Priority 1 Response Times  
Receive to Arrive  
2011-2012-2013 Comparison

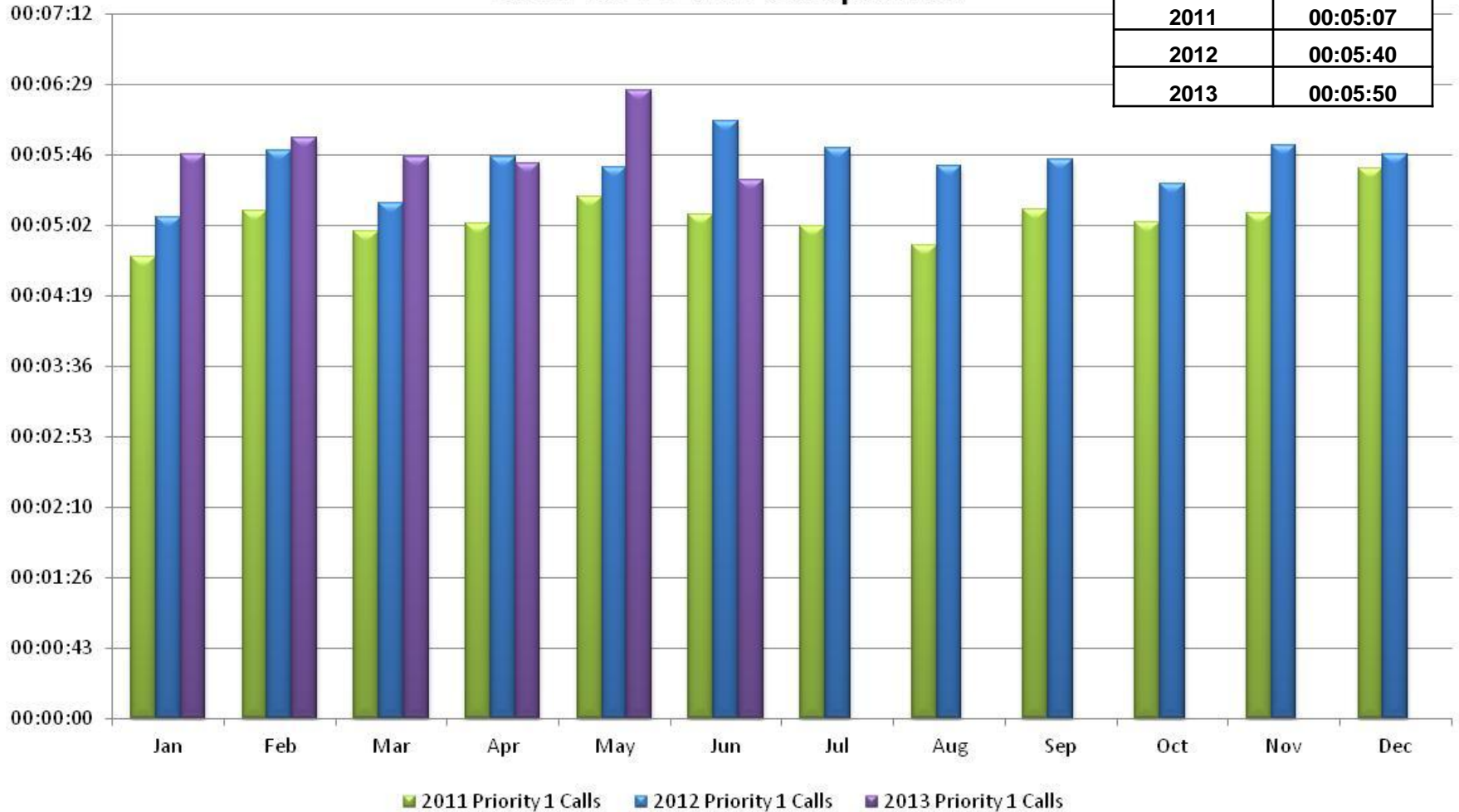
Year	AVG Rec'd to Arr
2011	00:08:57
2012	00:11:04
2013	00:10:56



# CALL DISPATCHED to OFFICER ARRIVED

**Priority 1 Response Times  
Dispatch to Arrive  
2011-2012-2013 Comparison**

Year	AVG Dispatch to Arrive
2011	00:05:07
2012	00:05:40
2013	00:05:50



# ARRESTS & CITATIONS

## January – June 2012 vs. 2013

### ARRESTS

	2012-6mo	2013-6mo	%CHANGE
<b>Total</b>	2,096	1,946	-7.2%

### CITATIONS

CLASS	2012-6mo	2013-6mo	%CHANGE
ATMC	103	55	-46.6%
TRAFFIC	1,104	619	-43.9%
**PARK	723	632	-12.6%
<b>TOTAL</b>	<b>1930</b>	<b>1306</b>	<b>-32.3%</b>

\*\*Includes Parking Citations Issued by VIPS

PARK by VIPS	272	480
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# TRAFFIC

## January – June 2012 vs. 2013

<b><u>TRAFFIC COLLISIONS</u></b>			
<b><u>CLOSE CLASS</u></b>	<b>2012-6mo</b>	<b>2013-6mo</b>	<b>%CHANGE</b>
ACCN	623	671	7.7%
DUIX/DUIF	132	121	-8.3%
ACCI	125	101	-19.2%
OTHERS	5	13	160.0%
<b>Total</b>	<b>885</b>	<b>906</b>	<b>2.4%</b>

	<b>2012</b>	<b>2013</b>	<b>%CHANGE</b>
<b><u>TRAFFIC FATALITIES</u></b>	4	3	-25%

# K-9 Program

- The Antioch Police Department currently has 5 certified and working teams.
- From April through June 2013, there were 102 deployments and 4 physical apprehensions.
- One of the teams will be retiring in September of 2013.
- We have appointed 2 new K9 handlers. We will purchase 1 of the new dogs on July 28, 2013.
- The purchases were made possible as a result of continued City and community support as well as fund raising efforts and grants.

# **CURRENT STAFFING LEVELS**

# SWORN POSITIONS

- **102** Authorized Sworn positions
- **84** Fulltime positions are filled
- **74** Full duty Officers
- **4** in the Police Academy
- **2** in FTO
- **3** of the **5** PERS Reciprocity Lateral Positions have been filled.

# RECRUITMENTS AND HIRING

- We are currently recruiting Police Laterals, Academy Students & Graduates, and Entry Level Candidates, as well as Lateral Dispatchers.
- We are conducting oral board interviews and backgrounds on Police Trainee Candidates in order to send them to the **September 2013** Contra Costa County SO Academy.
- We have closed the Entry Level Dispatch recruitment and have over **400** applications. We are currently evaluating the timing of processing these candidates.



# Reserves

- 4 active Reserve Officers.
- We have initiated the background process with 5 Reserve Police Officer applicants.
- We continue to accept applications for Police Reserves.

# POLICE DEPARTMENT RECRUITMENT

## January through July 2013

Type of Recruitment	Number of Applicants	No. of Applicants on Eligibility List	Total Number of Hires *
Lateral	57	14	3
Academy Grad/Enrollee	230	14	1
Trainee	609	15	4
Reserves	103	7	
Community Services Officer	149	28	3
Police Dispatcher - Entry Level	441		
Police Dispatcher - Lateral	94	3	2
<b>Total Applicants</b>	<b>1683</b>	<b>81</b>	<b>13</b>

*Note: Not all applicants met minimum requirements at the level for which they applied.*

# **NEW DEVELOPMENTS**

# ALCOHOL DECOY OPERATION

- **APD Explorers** (under age 21) attempted to purchase alcohol using their real ID and/or telling the clerk their real age.
- Two cover arrest teams staged outside each buy location.
- Of the **15** locations hit, only **3** sold alcohol to our Explorers.
- The information was forwarded to ABC.

# BAR CHECKS

- Inspections were conducted at **13** of the known drinking establishments in the city of Antioch with agents from the Department of Alcohol Beverage Control.
- The businesses we inspected were given warnings for minor violations specific to licensing.
- More serious action was taken against **1** bar that was operating out of the provisions of its license. ABC has opened an investigation into the issue.

# SPECIAL OLYMPICS Tip-A-Cop and Torch Run





# WELCOME NEW ANTIOCH POLICE OFFICERS

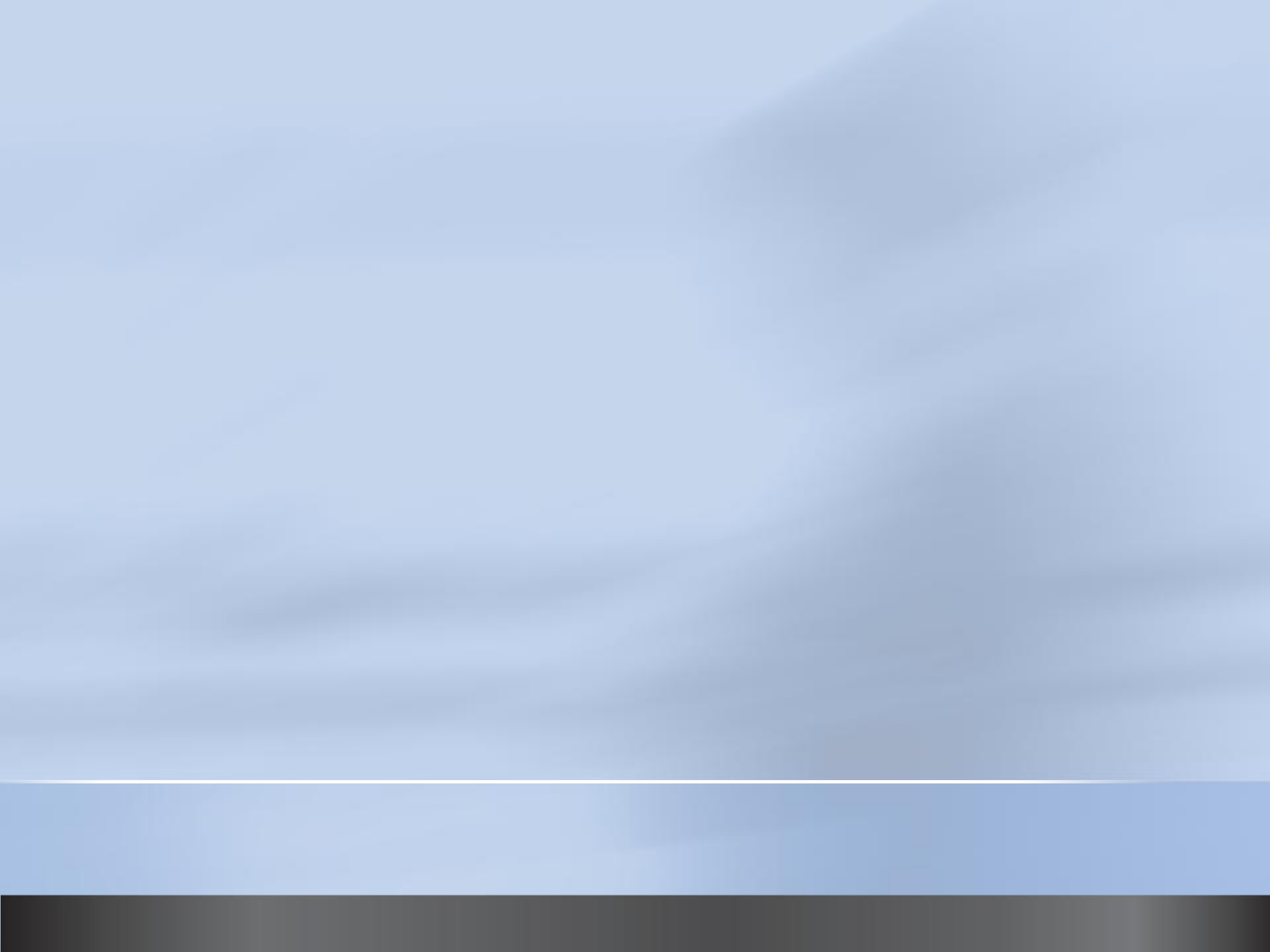


# RECENT PROMOTION LEAD DISPATCHER





**Questions?**



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

**Regular Meeting  
7:00 P.M.**

**June 25, 2013  
Council Chambers**

**6:15 P.M. - CLOSED SESSIONS**

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to Government Code section 94956.9(d)(2); Letter of May 28, 2013 and from the California Apartment Association regarding the Business License Tax proposal
  
- 2. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, No action was taken; and **#2 CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**, No action was taken.

Mayor Harper called the meeting to order at 7:04 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Rocha, Tiscareno, Agopian and Mayor Harper

**PLEDGE OF ALLEGIANCE**

Vanessa Couver led the Council and audience in the Pledge of Allegiance.

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Joy Motts, Celebrate Antioch Foundation, and members of the 4<sup>th</sup> of July committee, announced they were successful in raising funds for the event, which would begin at 4:00 P.M. in downtown Antioch. They thanked the City Council and citizens of Antioch for their support and provided contact information for anyone wishing to make a contribution.

Maddy McHugh, representing Litter Liberators, discussed their efforts to encourage 4<sup>th</sup> of July parade attendees, to clean up after themselves. She invited the City Council and public to join their efforts.

## **PUBLIC COMMENTS**

Fred Hoskins, Antioch resident, announced the Arts and Cultural Foundation would be hosting a Celebration of Art from 1:00 P.M. – 4:00 P.M. on June 29, 2013 and artists would be selling their work on July 9, 2013, at the Antioch Historical Museum. He suggested the City sponsor activities focused towards youth from ages 12 – 20 years old and offered to assist in the effort.

## **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Rocha reported on her attendance at the Community Services Committee meeting in Sacramento.

## **MAYOR'S COMMENTS**

Mayor Harper reported on his attendance at the NRG Power Plant ribbon-cutting ceremony.

## **PRESENTATION**

*Contra Costa Water District presented by Board Members Bette Boatmun and Karl Wandry*

Contra Costa Water District, Board Members Bette Boatmun and Karl Wandry gave a brief overhead presentation of the Contra Costa Water District. They thanked City Engineer/Director of Public Works Bernal and City staff for their assistance.

Mayor Harper thanked Ms. Boatmun and Mr. Wandry for the update.

1. **COUNCIL CONSENT CALENDAR**
  - A. **APPROVAL OF COUNCIL MINUTES FOR JUNE 11, 2013**
  - B. **APPROVAL OF COUNCIL WARRANTS**
  - C. **APPROVAL OF TREASURER'S REPORT FOR MAY 2013**
  - D. **RESOLUTION NO. 2013/29 SALARY AND BENEFITS DECREASE FOR ELECTED OFFICIALS**
  - E. **CONSULTING SERVICES AGREEMENT WITH MUNICIPAL RESOURCE GROUP (MRG) LLC**

- F. EXTEND THE CONTRACT FOR THE CURB, GUTTER AND SIDEWALK REPAIR, INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE HANDICAP ACCESSIBLE RAMPS AT MISCELLANEOUS LOCATIONS FOR A PERIOD OF ONE YEAR (P.W. 507-14)
- G. APPROVAL OF CONTRACTS TO REHABILITATE THE MARINA SEWER LIFT STATION
- H. HONEYWELL HVAC SERVICE CONTRACT
- I. LETTER OF OPPOSITION TO AB 325 (ALEJO) REGARDING HOUSING ELEMENT LAWS
- J. GRAND JURY REPORT: "OUTSOURCING MUNICIPAL SERVICES" (REPORT 1302)
- K. GRAND JURY REPORT: "ENCOURAGING CITIZENS TO APPLY FOR GRAND JURY SERVICE" (REPORT 1308)
- L. COUNTYWIDE GUN BUYBACK PROGRAM

City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency

- M. APPROVAL OF SUCCESSOR AGENCY WARRANTS
- N. APPROVAL OF HOUSING SUCCESSOR WARRANTS
- O. SA RESOLUTION NO. 2013/07 OF THE CITY OF ANTIOCH AS SUCCESSOR AGENCY AND HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY ADOPTING THE FISCAL YEAR 2013-14 BUDGET AND REVISING THE 2012-13 BUDGET AS RELATED TO THE ACTIVITES OF THE SUCCESSOR AGENCY AND HOUSING SUCCESSOR

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar.

**PUBLIC HEARING**

- 2. PW-652 - SCOTT BRODER IS REQUESTING AN AMENDMENT TO THE CONDITIONS OF APPROVAL ON THE TENTATIVE MAP FOR THE GOLDEN BOW ESTATES. THE AMENDMENT WOULD REMOVE THE ONE-STORY RESTRICTION AND ALLOW THE

**CONSTRUCTION OF A TWO-STORY HOUSE ON LOT 4 OF THE SUBDIVISION. THE PLANNING COMMISSION RECOMMENDED DENIAL OF THE AMENDMENT TO THE CITY COUNCIL BY A 7-0 VOTE. THE PROJECT IS LOCATED AT 3501 RAM COURT (APN: 076-680-004) (Continued from 06/11/13)**

Senior Planner Gentry presented the staff report dated June 20, 2013 recommending the City Council uphold the Planning Commission's recommendation to deny the request.

Mayor Harper opened the public hearing.

City Attorney Nerland reviewed the speaker rules for the public hearing.

**PROPONENTS**

Michael Hechathorn, representing the applicant, reported since the Planning Commission meeting, they had made changes to address the neighbors concerns. He noted all rear windows had been removed, a vegetative visual barrier had been added and they had included a flat roof system to reduce the height of the structure.

James Koch, Antioch resident, spoke in support of Mr. Broder and removal of the single-story restriction on the lot.

**OPPONENTS**

William and Anita Saunders, Antioch residents, stated if the house were built as proposed, it would have a negative impact on their property values and privacy. They spoke in support of the applicant abiding by the original conditions of approval for the property.

Mayor Harper closed the public hearing.

Mayor Harper stated the rights of residents who lived in the area, should be supported.

Councilmember Agopian commented that the original conditions of approval for this development were clear and concise to reduce impacts to the surrounding neighborhoods and the revisions proposed were not adequate to address the neighbors concerns.

**RESOLUTION NO. 2013/30**

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the City Council upheld the Planning Commission's recommendation and denied the request for an amendment to the resolution.

3. **DAVIDON HOMES IS REQUESTING APPROVAL OF A DEVELOPMENT AGREEMENT APPLICABLE TO THE APPROXIMATELY 170 ACRE PROPERTY GENERALLY LOCATED EAST OF CANADA VALLEY ROAD AND WEST OF STATE ROUTE 4 (BYPASS). DAVIDON HOMES HAS ENTITLEMENTS TO DEVELOP THE SUBJECT PROPERTY WITH 525 SINGLE FAMILY HOMES. THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THE DEVELOPMENT AGREEMENT BY A 5-0 VOTE WITH TWO ABSENCES ON JUNE 5, 2013.**

Community Development Director Wehrmeister presented the staff reports dated June 20, 2013 and June 25, 2013 recommending the City Council read by title only and to introduce the ordinance.

In response to Councilmember Tiscareno, Karen Murphy, Consulting Attorney, clarified provision in the Development Agreement referenced that Davidon had committed to hire union contractors for plumbing, electrical, and HVAC construction trades.

In response to Councilmember Agopian, City Attorney Nerland stated that staff would need to research the City's ability to add an owner occupied provision; however, it was her understanding those provisions only withstood legal challenge when they were adopted by a Homeowners Association.

Mayor Harper opened the public hearing.

### **PROPONENT**

Jeff Thayer, Davidon Homes, thanked staff and everyone involved for working on the Development Agreement and stated he felt there was a great structure for an even build out of the project. He noted in the past, their experience had been that most work done on site was completed by union contractors.

In response to Council, Mr. Thayer stated they could not include written provisions regarding local hires; however it was advantageous to have workers who live in East County. He noted that the earliest date for grading to begin was approximately one-year and when the market improved; they would be prepared to move forward with construction. Speaking in regards to an owner occupied requirement, he clarified, in the past, homes being purchased as rentals had not been an issue and it would be difficult to write a provision that was enforceable. He also noted they could not support adding such a provision to the Development Agreement.

### **OPPONENT**

Ralph Hernandez, Citizens for Democracy, stated he felt Antioch had too much housing stock and approval of this development would put a strain on the City's infrastructure.

Mayor Harper closed the public hearing.

Following discussion, the Council agreed the City would have the infrastructure in place to support more housing and it would be a positive project for the City.

Councilmember Agopian encouraged the developer to make the project as energy efficient as possible and requested the Homeowners Association consider adding a homeowner occupancy requirement.

On motion by Councilmember Tiscareno, seconded by Councilmember Agopian, the Council unanimously 1) Read the ordinance by title only, and 2) Introduced the ordinance approving a development agreement between the City of Antioch and Davidon Homes for the Park Ridge Subdivision Project.

#### **REGULAR COUNCIL/ PUBLIC FINANCING AUTHORITY AGENDA**

#### **4. APPROVING OPERATING BUDGET FOR THE FISCAL YEAR 2013-14 WITH PROPOSED REVISIONS TO THE FISCAL YEAR 2012-13 BUDGET AND THE 2013-18 CAPITAL IMPROVEMENT PROGRAM**

City Manager Jakel introduced the budget item. He recognized staff for working on the draft document and the City Council for their comprehensive review of all the information.

Finance Director Merchant presented the staff report dated June 18, 2013 recommending the City Council adopt the resolution.

Following discussion, Council supported Councilmember Rocha's request to direct staff to bring back more information regarding the Child Care Fund and the Civic Arts Funds.

#### **RESOLUTION NO. 2013/31**

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously adopted the resolution and directed staff to bring back information on the Child Care and Civic Arts Funds.

#### **5. RESOLUTION OF THE CITY OF ANTIOCH PUBLIC FINANCE AUTHORITY ADOPTING THE 2013-14 AND REVISING THE 2012-13 BUDGETS**

Finance Director Merchant presented the staff report dated June 18, 2013 recommending the City Council adopt the resolution.



Councilmember Agopian stated that due to deficit spending, he was reluctantly voting to approve the budget.

**RESOLUTION NO. 2013/32**

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously adopted the resolution.

Mayor Harper declared a recess at 8:43 P.M. The meeting reconvened at 8:57 P.M. with all Councilmembers present.

**6. SALES TAX BALLOT MEASURE** *(Continued from 06/11/13)*

City Attorney Nerland presented the staff report dated June 18, 2013 recommending the City Council: 1) Motion to read by title only and adopt the "Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization" (two-thirds vote); and 2) Adopt the resolution of the City Council of the City of Antioch Declaring a Fiscal Emergency; Calling for and Noticing a Municipal Election on November 5, 2013 to present to voters a Measure to Adopt a Temporary One-half Cent Transactions and Use (Sales) Tax to Fund all essential Antioch City Services including Police, Code Enforcement, and Street Repairs.

Following the City Council's introduction of the Sales Tax Ordinance on May 28, 2013, the City Attorney indicated that the next step is to make a motion to adopt the ordinance and to approve the resolution declaring the emergency and calling for a Special Election for November 5, 2013 on a ballot measure to temporarily increase the sales tax by one-half ( $\frac{1}{2}$ ) cent for seven (7) years and subject to an independent audit, Citizens' Oversight Committee, and annual budget reporting.

To do so, the City Attorney explained that the City Council would need to unanimously adopt the resolution and in particular, to determine that an emergency exists due to the City's financial condition that requires the voters to consider the tax during a year when no council members are standing for election.

Referring back to the earlier staff report and testimony on the agenda regarding the budget and prior budget study sessions earlier this year, the City Attorney indicated that pages 2 through 7 of the Resolution discuss the City's fiscal emergency. To summarize:

- The City's General Fund revenues have dropped almost \$13 million since 2007 and yet the City's population and the community's needs keep increasing;
- The City has taken extreme measures to address this budget shortfall by reducing staffing by 40%; implementing weekly furloughs, increasing employee contributions towards retirement costs, and drastically reducing post-retirement medical benefits for new employees; and

- The City has also reduced operating budgets and deferred equipment replacement.

Despite these significant expenditure cuts, serious budget issues remain. These budget concerns only intensify if services are restored to meet community needs. These community needs include:

- Law enforcement with violent crimes and property crimes increasing in 2012 as well as the Police Department's response time given limited staffing;
- Significant backlog of Code Enforcement cases;
- \$52 million worth of needed street rehabilitation and maintenance work;
- And of course with the State dissolving redevelopment, there is only the City's general fund left to fund economic development activities to provide local jobs for community members, generate income to be spent locally, and to enhance property values.

By way of a more specific example, if the City recruited police officers quickly enough to fill all of the vacancies in the next fiscal year (not even increase police staffing), then

- expenditures would significantly exceed revenue projections,
- the City would be significantly deficit spending, and
- soon unable to meet its obligations.

The same would be true if additional Code Enforcement officers were hired or the City repaired all of its streets.

The City Attorney then directed the City Council's attention to the second part of the resolution calling the election establishes the election procedures. The decision points for the Council were identified and explained:

- *Will the City Council authorize the Mayor, Mayor Pro Tem or other Council Member to file the argument in support of the ballot measure with the deadline for the submittal of arguments for or against the measure is 5:00 p.m. Tuesday, July 9, 2013?*
- *Does the City Council want to submit the argument in support of the ballot measure as the 1) "Antioch City Council"; or 2) have each City Council Member sign the argument; or 3) task the Mayor or a Council Member with obtaining appropriate signatories?*
- *Does the City Council want to prohibit rebuttal arguments?*

The City Attorney then asked if there were any questions, and if not, then the Council would want to take public comments and then decide whether to go forward with the recommended sales tax measure and provide direction on the election procedures just discussed.

Mark Jordan, Antioch resident, spoke in support of the Sales Tax and Business Tax Ballot Measures and urged the City to combine them and place them on the November 5, 2013 ballot.

Fred Hoskins, Antioch resident, spoke in opposition to the Sales Tax Ballot Measure and suggested the City focus on determining what caused the increase in criminal activity.

Ralph Hernandez, Chair for Citizen's for Democracy, spoke in opposition to the Sales Tax Ballot Measure and suggested the City Council add revenue by renegotiating contracts with employees.

Rollie Katz, Public Employee Union Local One, stated he felt it was appropriate for the City Council to declare a fiscal emergency. He urged the City Council to adopt the resolution declaring a fiscal emergency and adopt the resolution to put the matter on the November 5, 2013 ballot.

Norma Hernandez, Antioch resident, spoke in opposition to the Sales Tax Ballot Measure and urged the City Council to add revenue by renegotiating employee contracts.

Following discussion, the City Council agreed there was a fiscal emergency and stated City employees had done their part with the concession they had made to help address the financial crisis. They also agreed that the Sales Tax Ballot Measure should be placed on the ballot to allow the community to vote on the level of service the City would provide residents.

City Attorney Nerland reiterated the deadline for submittal of arguments for and against the measure was 5:00 P.M. on July 9, 2013 at the City Clerk's Office.

Following discussion, City Attorney Nerland clarified State Law provided 14 days for the submittal of arguments and the recommendation before Council was what State Law had set forth for Initiatives and Ballot Measures.

**ORDINANCE 2068 C-S**  
**RESOLUTION NO. 2013/33**

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously 1) Read by title only and adopted the "Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization"; and 2) Adopted the Resolution of the City Council of the City of Antioch Declaring a Fiscal Emergency; Calling for and Noticing a Municipal Election on November 5, 2013 to present to voters a Measure to Adopt a Temporary One-half Cent Transactions and Use (Sales) Tax to Fund all essential Antioch City Services including Police, Code Enforcement, and Street Repairs with the following:

- Mayor/Mayor Pro Tem authorized to file argument in support
- Authorize Mayor/Mayor Pro Tem to make decisions as to appropriate signatories
- Prohibit rebuttal arguments
- Tuesday, July 9, 2013 at 5:00 p.m. is the deadline date to file arguments for/against with the City Clerk

City Clerk Simonsen reported the City Clerk's Office would publish the consolidated notice of elections, synopsis of the measure, and notice to file arguments on June 28, 2013. He noted packets were available for parties wishing to file ballot arguments.

## **7. BUSINESS LICENSE TAX BALLOT MEASURE** *(Continued from 06/11/13)*

City Attorney Nerland presented the staff report dated June 20, 2013 recommending the City Council adopt the resolution of the City Council of the City of Antioch Declaring a Fiscal Emergency; Calling for and Noticing a Municipal Election on November 5, 2013 to present to voters a Measure to Confirm the Existing Business License Taxes and adopt a Residential Landlord Business License Tax.

Norma Hernandez, Antioch resident, spoke in opposition to the residential landlord Business License Tax Ballot Measure.

Ralph Hernandez, Chair for Citizens for Democracy, spoke in opposition to the Business License Tax Ballot Measure and he suggested the City renegotiate their employee contracts.

Theresa Karr, on behalf of the California Apartment Association, spoke in opposition to the Business License Tax Ballot Measure and requested the City Council reconsider placing the Item on the November 5, 2013 Special Election ballot. She offered to work with the City and business community to find a more equitable approach to the City's business license tax.

Mark Jordan, Antioch resident, spoke in support of the Business License Tax Ballot Measure and requested Council place the Item on the November 5, 2013 Special Election ballot to allow the residents to decide on the merits of the tax measure.

Terry Peterson, Marina Creek Apartments, reviewed his letter in opposition to the Business License Tax Ballot Measure dated June 10, 2013 and urged the City Council to vote NO on the proposed resolution.

Terry Ramus, Antioch resident, stated they had proposed the Business License Tax Ballot Measure due to the large impact rental properties had in terms of the calls for service and demands on the police force. He urged the City Council to put the Measure on the Ballot to allow residents the opportunity to vote on the Item.

Rollie Katz, Public Employee Local One, reiterated the sacrifices employees had made in the fiscal crisis. He stated people who rent properties to generate income in most incidences, are operating a business and it was appropriate to have them pay a business license tax. He urged the Council to place the Item on the ballot and provide the voters the opportunity to vote on its merits.

Dave Larson urged the City Council to vote to declare a fiscal emergency and spoke in support of the Business License Tax Ballot Measure.

Councilmember Rocha stated she was not in favor of the Business License Tax Ballot Measure as proposed, noting the City had a rental inspection program in place; which they had failed to implement successfully. She stated more time was needed for the community group and apartment management to discuss the issue and find a solution.

Councilmember Tiscareno stated that he supported the Antioch Police Department, Code Enforcement, and the Business License Tax Ballot Measure; however based on the results of the survey, he did not want to compromise the Sales Tax Ballot Measure by placing this Measure on the Ballot. He stated rental properties should pay their fair share and he urged stakeholders to continue to work on a compromise that all parties could support.

Councilmember Wilson stated she felt the Business License Tax Ballot Measure was fair and the survey only informed the Council on how they should move forward and educate the public. She noted if marketed together, she believed both ballot measures would be successful. She stated the community group had provided a great opportunity and she supported the Business License Tax Ballot Measure.

Councilmember Agopian stated the same fiscal emergency applies for both Ballot Measures and the Sales Tax Ballot Measure alone, would not provide enough money to adequately fund public safety improvements. He clarified the goal was to provide a safer community which would improve rents, home values, and appraisals. He voiced his support for the Business Tax Ballot Measure and urged the City Council to allow voters the opportunity to vote on the Item.

Mayor Harper stated that he believed the consultant and polling results which indicated the Business Tax Ballot Measure would not pass, therefore he did not want to compromise the Sales Tax Ballot Measure by placing it on the ballot. He urged the Apartment Association to work with the community group and stated he was prepared to put the Item on the ballot for 2014.

A motion was made by Councilmember Agopian and seconded by Councilmember Wilson to 1) Approve the resolution declaring a fiscal emergency, 2) Approve the ordinance to confirm the existing business license taxes and adopt a residential landlord business license, 3) Mayor/Mayor Pro Tem authorized to file argument in support, 4) Authorize Mayor/Mayor Pro Tem to make decisions as to appropriate signatories, 5) Prohibit rebuttal arguments, 6) Tuesday July 9, 2013 is

the deadline date to file arguments for/against with City Clerk tax. The motion failed by the following vote:

*Ayes: Wilson, Agopian*

*Noes: Harper, Rocha, Tiscareno*

Councilmember Rocha requested City Manager Jakel work with the Apartment Association to develop an equitable solution and if unsuccessful, she would support placing the Item on the ballot for 2014.

City Manager Jakel responded that he would reach out to the Apartment Association.

Mayor Harper urged the Apartment Association to work cooperatively with the City in the future and thanked everyone involved in bringing forward the Business License Tax Ballot Measure.

## **PUBLIC COMMENTS**

Norma Hernandez, Antioch resident, thanked the City Council for their decision on the Business License Ballot Measure and reiterated her opposition to the Sales tax Ballot Measure. She urged the City Council to be more business friendly and consult with Citizens for Democracy on a future Business License Tax Ballot Measure for rental properties.

## **STAFF COMMUNICATIONS**

City Manager Jakel announced the next Council meeting would be held on July 9, 2013 and due to a conflict in meeting schedules, and with concurrence of the City Council, the July 23, 2013 meeting would be rescheduled for July 30, 2013. Additionally, the Council would be meeting once in the month of August on August 13, 2013.

City Clerk Simonsen announced the City would be accepting applications for the Contra Costa Transportation Authority Community Advisory Committee. Deadline for submittal of applications was July 31, 2013 at 5:00 P.M. at the City Clerks Office.

## **COUNCIL COMMUNICATIONS**

Councilmember Agopian reported on his attendance at the ribbon-cutting ceremony for NRG and the Mayor's Conference.

Councilmember Tiscareno reported on his attendance at the ribbon-cutting ceremony for NRG, Relay for Life, and the Crime Prevention Commission meeting.

Councilmember Rocha wished everyone a happy 4<sup>th</sup> of July and announced a concert would be held in Waldie Plaza on July 6, 2013.

Councilmember Wilson reported on her attendance at the ribbon-cutting ceremony for NRG, Tip-A-Cop event, and her participation in a panel discussion for Netroots Nation National Conference.

Mayor Harper thanked the community for their participation and the City Council for their thoughtful consideration on matters before them this evening. He wished everyone a Happy 4<sup>th</sup> of July.

#### **ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 10:34 P.M. to the next regular Council meeting on July 9, 2013.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk

## CITY COUNCIL MEETING

Regular Meeting  
7:00 P.M.

July 9, 2013  
Council Chambers

### 6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session is authorized by California Government Code section 54957.6. City designated representatives; Michelle Fitzer and Denise Haskett; Employee organization: APSMA

At 6:30 P.M., the City Council met in closed session with all members present and no members of the public wishing to comment.

The City Attorney reported that a Closed Session Urgency Item had come to her attention, since the posting of the agenda, when she spoke to counsel in the State of Indiana regarding a case filed by the Cincinnati Specialty Underwriters Insurance Company against F.D. Deskins and the City of Antioch regarding insurance coverage in the underlying lawsuit that the City filed regarding the water treatment plant. The City needs to decide how to handle this lawsuit before the next Council meeting because of court deadlines. Therefore, by unanimous vote, the City Council added the following Urgency Item to the Closed Session Agenda:

2. **URGENCY ITEM – CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**—Pursuant to Government Code section 54956.9(d)(1): *City of Antioch vs. Black & Veatch Corporation, F.D. Deskins Company, Inc., TW Associates dba MISCOWater, Contra Costa Superior Court Case No. 00227; The Cincinnati Specialty Underwriters Insurance Company v. F.D. Deskins Company Inc. and City of Antioch, Hamilton Circuit Court, Indiana, Cause No. 29C01 1306 CT511.*

Coming out of closed session, on the first Item, the Council gave direction to the Labor Negotiators.

On the second added Urgency Item (#2), the Council gave direction to the City Attorney.

City Attorney Nerland announced there was another Urgency Item staff would like to bring forward for the regular agenda and copies of that staff report were available in Council Chambers.

Mayor Harper called the meeting to order at 7:05 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Rocha, Tiscareno, Agopian and Mayor Harper

### PLEDGE OF ALLEGIANCE

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



The City Attorney reported that staff recommended that an Urgency Item be added as Item 5 to the Regular Agenda regarding the letter received yesterday from Joseph Canciamilla, County Clerk-Recorder and Registrar of Voters. The letter indicated that despite numerous emails and phone calls between the County Elections Office and the City over the past several months regarding the July 9, 2013 deadline for ballot arguments on Antioch's sales tax ballot measure, Mr. Canciamilla determined yesterday that the City needed to accept ballot arguments until August 16, 2013. There was a need to take action since the deadline for the ballot arguments had been 5:00 p.m. July 9, 2013 at which time the documents would become public. If the deadline were being extended by the County Elections Office, then the electorate would need to be notified immediately. By unanimous vote, the Council added the Urgency Item to the Regular Agenda as Item 5.

**5. URGENCY ITEM – REGULAR AGENDA: COMMUNICATIONS FROM THE COUNTY CLERK'S OFFICE REGARDING THE DEADLINE FOR SUBMISSION OF BALLOT ARGUMENTS ON THE "RESTORING ANTIOCH SERVICES SALES TAX"**

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None**

**ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS**

City Clerk Simonson announced the following Board, Commission and Committee openings:

- Board of Administrative Appeals – 1 (Alternate) vacancy, 4-year term
- Parks and Recreation Commission - 2 partial vacancies, expiring April 2014
- Planning Commission – 1 partial vacancy – expiring October 2013
- Contra Costa Transportation Authority Citizen Advisory Committee – 1 vacancy – 4-year term

Deadline for applications was 5:00 P.M. July 25, 2013.

**PUBLIC COMMENTS**

Fred Hoskins, Antioch resident, spoke in opposition to the Sales Tax Ballot Measure and encouraged the City to engage the community to support activities through neighborhood groups.

Karl Dietzel, Antioch resident, encouraged the Council to reduce their salaries to fund an additional Code Enforcement Officer.

Marty Fernandez, Antioch resident, discussed articles published in the Contra Costa Times regarding the City of Richmond collecting code enforcement fines and the Fire Chief in San Ramon who negotiated contracts for the union.

Michelle Rand, Antioch resident, gave a brief personal history and discussed her desire to regain custody of her children.

Daniel Avalar, Antioch resident, stated his neighborhood had received road improvements, which had left the road in poor condition. He requested the City address the situation. Mayor Harper stated he would give his information to the Public Works department so they could review his concerns.

### **COUNCIL SUBCOMMITTEE REPORTS**

Councilmember Wilson reported on her attendance at the League of California Cities meeting.

Councilmember Tiscareno reported the Lone Tree Golf Course subcommittee meeting had been rescheduled for August.

**MAYOR'S COMMENTS** - None

### **PRESENTATIONS**

#### *Life Saving Recognition, presented by Chief Allan Cantando*

Chief Cantando reported on June 5, 2013, after finding Antioch resident Mr. Cooper unresponsive, Kevin Brady and Antioch Police Officer Ryan McDonald performed CPR and used a defibrillator to get his heart back into rhythm. He acknowledged Mr. Brady and Officer McDonald for being heroes who saved Mr. Cooper's life.

Mayor Harper and the City Council presented Mayor's Hero Awards to Kevin Brady and Officer Ryan McDonald and thanked them for being exemplary citizens.

Mr. Brady thanked the City Council and stated it was an honor to be recognized by the City of Antioch and Antioch Police Department. He stated he was very pleased that Mr. Cooper had recovered.

Mr. Cooper stated he was very thankful to be alive and acknowledged Mr. Brady and Officer McDonald for making it possible.

Erica Rodriguez-Langley, on behalf of Assemblyman Jim Frasier's Office, presented Certificates of Recognition to Kevin Brady and Officer Ryan McDonald, from the California State Assembly.

Officer McDonald thanked the City and Assemblyman Frazier for the recognition and stated the real award was seeing Mr. Cooper this evening.

#### *Municipal Internship Program, presented by Jeffery Belle*

Jeff Belle, Senior Fellow Public Policy and Leadership Development, gave a brief overhead presentation of the Municipal Internship Program (A-MIP).

In response to Mayor Harper, Mr. Belle stated the internship information was on the City's Website.

Councilmember Rocha stated she had met with three participants of the Municipal Internship Program and she had been impressed by their presentations.

**1. COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR JUNE 25, 2013 TO BE CONTINUED TO ADJOURNED REGULAR MEETING ON JULY 30, 2013 AT 7:00 P.M. AT THE PUBLIC WORKS BUILDING TRAINING ROOM LOCATED AT 1201 WEST FOURTH STREET, ANTIOCH, CA**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. ORDINANCE 2069 C-S ADOPTION OF AN ORDINANCE FOR DAVIDON HOMES DEVELOPMENT AGREEMENT APPLICABLE TO THE APPROXIMATELY 170 ACRE PROPERTY GENERALLY LOCATED EAST OF CANADA VALLEY ROAD AND WEST OF STATE ROUTE 4 (BYPASS). DAVIDON HOMES HAS ENTITLEMENTS TO DEVELOP THE SUBJECT PROPERTY WITH 525 SINGLE FAMILY HOMES. THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THE DEVELOPMENT AGREEMENT BY A 5-0 VOTE WITH TWO ABSENCES ON JUNE 5, 2013 (*Introduced on 06/25/13*).**
- D. ASSESSING FISCAL RISK – RESPONSE TO GRAND JURY REPORT (REPORT 1311)**
- E. AUTHORIZE RESPONSE TO GRAND JURY REPORT NO. 1305 “GETTING TO CLEAN WATER IN CONTRA COSTA COUNTY – WHAT’S THE PLAN AND WHERE’S THE MONEY?”**
- F. APPROVE AMENDMENT NO. 4 TO THE CONSULTANT SERVICES AGREEMENT FOR MONITORING WELLS CLOSURE SUPPORT WITH NICHOLS CONSULTING ENGINEERS, CHTD. (P.W. 143-P, 514-4 AND 516-A)**
- G. RESOLUTION NO. 2013/34 OF LOCAL SUPPORT AND AUTHORIZING THE FILING OF A GRANT APPLICATION TO MTC FOR FEDERAL FUNDING FOR THE NINTH STREET ROADWAY IMPROVEMENTS (P.W. 687)**
- H. RESOLUTION NO. 2013/35 OF LOCAL SUPPORT AND AUTHORIZING THE FILING OF A GRANT APPLICATION TO MTC FOR FEDERAL FUNDING FOR THE SIDEWALK, HANDICAP RAMPS AND PEDESTRIAN IMPROVEMENTS AT VARIOUS LOCATIONS PROJECT (P.W. 409-3)**

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar with the exception of Items D and G, which were removed for further discussion.

**Item D** – George Briggs, Antioch resident, stated he felt the response to the County Grand Jury Report indicated a lack of understanding on the aspects of an internal control. He suggested the City have an auditor review their cash position before they start taking from reserves and noted he felt the City's liabilities were understated.

Finance Director Merchant explained that every year the financial statements are audited and the auditors test the validity of the reserve balance. She stated she was confident the audit proceedings in the City were transparent and rigorous and gave accurate information to the Council and public. She clarified the grand jury was asking for internal audit committees because some cities have significant and continual findings. She noted, the recommendation was geared toward cities that cannot seem to cure those internal control problems. She added that it was noted that Antioch's problems were not recurring issues.

Councilmember Agopian stated it had been his experience that the City had good internal control and external auditors were thorough, provided accurate reports on deficiencies, and were completely unbiased. He stated there was value in including the public and, in the future, the City could consider how to proceed with that endeavor.

Finance Director Merchant stated typically the auditors are rotated every 5-6 years.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously approved Item D.

**Item G** - Fred Hoskins, Antioch resident, stated he felt 9<sup>th</sup> Street was a safety hazard and encouraged the City to include in the resolution, traffic calming measures.

Director of Public Works/City Engineer Bernal stated residents could make a request for traffic calming measures to the Public Works Department. He discussed the City and State requirements for the installation of speed tables and stop signs. He stated he would look at the street to determine what could be done to slow traffic and he offered to check with the Antioch Police Department regarding the availability of the speed trailer for the area.

On motion by Councilmember Tiscareno, seconded by Councilmember Agopian, the Council unanimously approved Item G.

## **PUBLIC HEARING**

- 2. Z-13-03 - THE CITY OF ANTIOCH IS REQUESTING APPROVAL OF THE PREZONING FOR THE NORTHEAST ANTIOCH AREA. THERE ARE THREE SUBAREAS CONSIDERED FOR PREZONING, WHICH ARE ALL LOCATED WITHIN UNINCORPORATED CONTRA COSTA COUNTY, CONSISTING OF APPROXIMATELY**

**678 ACRES. THE ZONING FOR AREA 1 (470 ACRES) IS BEING PROPOSED AS HEAVY INDUSTRIAL AND OPEN SPACE, AREA 2A AS URBAN WATERFRONT, (94 ACRES), AND AREA 2B (103 ACRES) AS A STUDY ZONE. THE THREE SUBAREAS ARE LOCATED GENERALLY SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH. THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE PREZONING BY A 6-0 VOTE WITH ONE MEMBER ABSENT. ALSO FOR CONSIDERATION BY THE CITY COUNCIL WILL BE THE ANNEXATION AND TAX REVENUE ALLOCATION AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE COUNTY FOR THE NORTHEAST ANTIOCH ANNEXATION AND AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE COUNTY FOR THE FUNDING AND CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS SERVING ANNEXATION AREA 2B. A MITIGATED NEGATIVE DECLARATION IS ALSO BEING CONSIDERED FOR ADOPTION.**

Staff recommended the City Council motion to continue to the Adjourned Regular Meeting on July 30, 2013 at 7:00 P.M. at the Public Works Building Training Room located at 1201 W. Fourth Street, Antioch.

Mayor Harper opened the public hearing. There were no requests to speak.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously continued the public hearing to July 30, 2013 at 7:00 P.M. at the Public Works Building Training Room.

**3. PUBLIC HEARING TO CONFIRM ASSESSMENTS FOR THE LANDSCAPE MAINTENANCE DISTRICTS 1, 2A, 4, 5, 9, AND 10 FOR FISCAL YEAR 2013/2014 (PW 500)**

Public Works Director Bernal presented the staff report dated July 1, 2013 recommending the City Council adopt the resolution.

Mayor Harper opened and closed the public hearing. There were no requests to speak.

**RESOLUTION NO. 2013/36**

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously approved the resolution.

**4. ADOPTION OF AN URGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF TOBACCO AND PARAPHERNALIA RETAILERS AND INCLUDING THE PROHIBITION ON COMPUTER GAMING AT TOBACCO AND PARAPHERNALIA RETAILERS**

City Attorney Nerland stated that on the dais were materials from the Contra Costa County Health Services Department provided in support of the moratorium. Extra copies of this information were available in the Council Chambers for members of the public.

City Attorney Nerland presented the staff report dated June 27, 2013 recommending the City Council adopt the urgency ordinance.

Mayor Harper opened the public hearing.

In response to Mayor Harper, City Attorney Nerland explained that an update of the City's Zoning Ordinance and General Plan was labor intensive and required resources the City did not have at this time. She added that staff was focusing on uses that have the most negative impacts.

Councilmember Rocha requested a review of the City's policy regarding smoking in outdoor spaces.

Jamie Jenett, Policy Coordinator for the Tobacco Prevention Project through Contra Costa Health Services, provided information and technical assistance on tobacco retailer license ordinances. She offered her department as a resource for the City of Antioch.

In response to Mayor Harper, Ms. Jenett offered to provide additional information on the citations given during sting operations for the sale of tobacco products to minors.

In response to Councilmember Agopian, City Attorney Nerland explained a business fee for conducting enforcement and administering the program would not need to be voted on by the electorate.

Councilmember Agopian stated he was in support of the moratorium to allow staff sufficient time to study all the issues and bring back an enforceable and effective ordinance. He stated zoning for these types for businesses, should also be considered.

Mayor Harper closed the public hearing.

Discussion ensued regarding computer gaming uses wishing to locate in liquor stores and other businesses. Chief Cantando explained there were challenges being made regarding the legality of these types of businesses and until there was a definitive answer from the Attorney General, the City needed to be cautious.

City Attorney Nerland reiterated the challenges of completing a comprehensive review of the entire municipal code.

**ORDINANCE 2070 C-S**

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously adopted the urgency ordinance.

## REGULAR AGENDA

**5. URGENCY ITEM – REGULAR AGENDA ITEM #5: COMMUNICATIONS FROM THE COUNTY CLERK’S OFFICE REGARDING THE DEADLINE FOR SUBMISSION OF BALLOT ARGUMENTS ON THE “RESTORING ANTIOCH SERVICES SALES TAX”**

The City Attorney indicated that staff had been scrambling since yesterday when they received a letter from the County Clerk’s Office to resolve this matter without bringing to the Council. Those efforts failed, so a staff report and related materials were put together quickly, with copies on the dais and in the back of the Council Chambers for the public.

The City Attorney reported that yesterday, the City Clerk received a letter from Joseph Canciamilla, County Clerk-Recorder and Registrar of Voters. Despite numerous emails and phone calls between the County Elections Office and the City over the past several months regarding the July 9, 2013 deadline for ballot arguments on Antioch’s Sales Tax Ballot Measure, Mr. Canciamilla determined yesterday, the City needed to accept ballot arguments until August 16, 2013.

Since yesterday, City staff had tried, without success, to understand Mr. Canciamilla’s abrupt departure from long-standing past practice. Phone conversations with the County Elections Office provided few answers as to the motivation for changing procedures in the middle of an election cycle or to the logistical questions such as the fact that City Hall is closed on Fridays, including Friday, August 16, 2013. County Elections has admitted that this changed procedure was not communicated to Antioch previously. The email received today from County Elections simply stated that the County would not accept the City Council’s resolution calling the election on the ballot measure.

The City Clerk sent a letter today to Mr. Canciamilla to which no response was received.

Given these issues and the desire to maintain the integrity of the elections process, the City Clerk’s Office accepted ballot arguments today, as well as the City Attorney’s Impartial Analysis, but has kept them under seal (not made them public).

The City Attorney indicated that reluctantly, she and the City Manager were recommending that the City Council adopt the amended resolution indicating that as directed by the County Clerk-Recorder, the City Clerk’s Office will accept ballot arguments on the Sales Tax Ballot Measure until 5:00 p.m. on Friday, August 16, 2013 and that the City Clerk will keep any ballot arguments received sealed (confidential) until that date, along the Impartial Analysis. The City Clerk will make arrangements to keep City Hall opened on the furlough day of Friday, August 16, 2013, 8:00 a.m. – 5:00 p.m. Further, pursuant to Elections Code Section 9163, any ballot arguments already submitted can be changed up to 5:00 p.m. on Friday, August 16, 2013.

City Manager Jakel then stated that he concurred with comments made by City Attorney Nerland adding key staff had spent too much time in the past 30 hours working on an issue created on July 8, 2013, by the County Elections Department. He noted it was frustrating and inefficient as the City and community had more important issues to face.



The City Manager reported that the County Elections office, without a phone call but rather an email and without respect to past practices and in spite of months of contact by the City regarding our intents, had abruptly decided to change the election procedures for November 2013. He stated they do not know the purpose or motivation for the change and it is not in his view the way for the County to handle its business. He noted last minute changes that suddenly alter a course of action and affect people's ability to vote was the type of government behavior that contributed to the public's dissatisfaction with government.

The City Manager stated he would suggest that the City proceed as planned, however it was more respectful to the voters to extend the date to August 16, 2013 so that there was no further uncertainty introduced into what was a simple election issue. He noted they could then continue to understand what the County's intent was and establish a cooperative working relationship with the Elections Department.

City Clerk Simonsen then stated that according to California election code, he was the City's Election Official and when Council called for an election; his duty was to follow through with all requirements. He clarified there was no provision in the California Election Code for the submittal of ballot argument period, to exceed 14 days.

Additionally, he stated he had contacted members of the City Clerks' Association which included four Master Municipal Clerks and explained that on June 25, 2013, the City Council did the second reading and notification calling for an election on November 5, 2013, and the Board of Supervisors and County Clerk's Office were notified. He also noted that he had announced ballot argument forms would be available in the City Clerk's office and the deadline for submittals was 5:00 P.M. Tuesday July 9, 2013.

City Clerk Simonsen reported each Master Municipal Clerk indicated it was the City Clerk's duty to run the election for the City of Antioch once Council made a notification that the City had a 14 day period for the submittal of ballot arguments to the City Clerk, who was then responsible to transmit those materials to the County Elections Clerk's Office. Additionally, they clarified that according to elections code, the City hired the County to print materials, send them out, conduct the election, certify counts and send to the City Clerk to certify and send to Council. He added the Master Municipal Clerks agreed that the City was correct in their interpretation of the procedure.

City Clerk Simonsen stated he informed the Assistant County Clerk's office that the City could not receive ballot arguments on August 16, 2013 because City Hall would be closed and if they received arguments until 5:00 P.M. on August 15, 2013, it would be impossible to deliver the packet to Martinez by the time their office closed. He stated he then requested the deadline be moved to August 14, 2013 and he was told by the Assistant County Clerk that August 14, 2013, would be acceptable. City Clerk Simonsen questioned how the County Elections Office could arbitrarily change the date of August 16, 2013 to August 14, 2013 and not accept the date of July 9, 2013.

City Clerk Simonsen stated if Council agreed to extend the deadline, he suggested extending it to August 14, 2013, however personally, he would recommend Council retain the deadline date of July 9, 2013. He stated he was serious in the performance of his duties according to elections



code and it was not acceptable to have procedures absorbed by another agency who was attempting to take away the City's duties.

Mayor Harper thanked City Clerk Simonsen for his due diligence and corresponding with the County Elections Office since the beginning of the process.

City Clerk Simonsen reported that he had received one ballot argument in favor and two ballot arguments in opposition to the Sales Tax Ballot Measure and they had remained sealed and locked inside the vault. He added ballot arguments could be taken back and revised until the deadline.

City Attorney Nerland clarified in part, this Item was brought forward as an Urgency Item, as under the elections code, once the deadline was hit, the ballot arguments and impartial analysis become public. She noted they did not want to make them public if the County Clerk was going to force the City to extend the time into August. She stated she was concerned that the Assistant Registrar at the County had not indicated in writing that the August 14, 2013 date was acceptable and the City had two documents that indicated they were not going to accept the City Council's resolution unless it stated August 16, 2013. She noted if the County continues to refuse the City's resolution; the ballot measure would not go to the voters.

City Clerk Simonsen responded that he had retained the voicemail recording received from the Assistant County Clerk's Office indicating the County would accept the August 14, 2013, deadline.

City Attorney Nerland added that the City had been led to believe the issue had been resolved and then they were told they had to comply with the County's request to extend the deadline. She noted that was why the City Clerk's letter was sent at 4:30 P.M. on July 9, 2013.

In response to Councilmember Rocha, City Clerk Simonsen stated if the City did not extend the deadline and the County refused to put the Item on the ballot, he would challenge it in Superior Court. He added that if the Council were to extend the deadline per the County's request, he would be pursuing this issue through the League of California Cities and City Clerk's Association.

Speaking to the letter from Joseph Canciamilla, City Attorney Nerland stated that a draft resolution had been sent to the County Elections Office which included the date for the ballot argument and the County Elections Office approved it and indicated the City could submit all information as one package emailed and delivered on July 10, 2013. Speaking to the letters reference to Election Code 9286, City Clerk Simonsen clarified that this ballot measure was not consolidated with another election overlapping boundaries with the City of Antioch.

Councilmember Agopian stated he agreed with staff's analysis of the code and procedures; however, he felt not extending the deadline would result in further complications regarding the election. He suggested the Council agree with the staff recommendation to extend the deadline to August 16, 2013. He encouraged City Clerk Simonsen to pursue this item further.

Councilmember Tiscareno agreed with Councilmember Agopian and suggested a City launch a formal complaint.

City Attorney Nerland stated it would be for a court to determine if the County's position could be challenged however she was not sure it was advisable based on their relationship with the County as well as the City's finances and keeping the process as clear as possible for the electorate.

City Attorney Nerland reported ballot arguments are public records one minute after the deadline and all ballot arguments and the impartial analysis have stayed sealed and confidential. She noted if the Council were to adopt the resolution to extend the period to August 16, 2013, those submittals would remain sealed and locked in the vault and under the elections code, anyone wishing to revise their argument, could do so and resubmit them, by 5:00 P.M. on August 16, 2013.

City Clerk Simonsen expressed concern that he would not be able to get the ballot arguments to the County Clerk's office by the time they close, if the deadline were extended to 5:00 P.M. on August 16, 2013.

City Attorney Nerland stated in prior elections, the City emailed the County the information immediately following the 5:00 P.M. deadline on Friday and then the documents were delivered on Monday morning.

City Manager Jakel stated he would seek clarification from the County Recorder regarding when the information needed to be transmitted. He added the only written information the City had from County Clerk Canciamilla stated the deadline was August 16, 2013 and he feels deviating from that date would add a level of risk and confusion. He noted after Council makes a determination, staff would contact the County and clarify how to proceed.

City Attorney Nerland stated she would be willing to meet with County Clerk Canciamilla on Friday August 16, 2013 at 6:00 P.M. to give him all the pertinent information.

**RESOLUTION NO. 2013/37**

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously adopted the resolution indicating that as directed by County Clerk-Recorder, the City Clerk's Office will accept ballot arguments on the Sales Tax Ballot Measure until 5:00 P.M. on Friday, August 15, 2013 and that the City Clerk will keep any ballot arguments received sealed (confidential) until that date, along the Impartial Analysis. The City Clerk will make arrangements to keep City Hall opened on the furlough day of Friday, August 16, 2013.

**PUBLIC COMMENTS** - None

**STAFF COMMUNICATIONS**

City Manager Jakel reminded the public that the July 23, 2013 City Council meeting had been cancelled and rescheduled for July 30, 2013 at the Public Works Building Training Room, 1201 West Fourth Street, Antioch. He noted the location had been changed due to upgrades being made in the Council Chambers. He announced Council would be meeting one time in August on August 13, 2013.

## **COUNCIL COMMUNICATIONS**

Councilmember Agopian stated Council had received a letter from the Building Industry Association regarding planning around ABAG recommendations and MTC Governing Board adopting policy. He stated after reading the letter, he suggested Council direct City Manager Jakel to write a letter asking them to postpone their decision so more time can be given to how best to achieve the stated objectives.

In response to Councilmember Agopian, City Manager Jakel stated he had received a copy of the letter and he would work with Director of Community Development Wehrmeister to craft a letter expressing the City's reservations.

Councilmember Tiscareno thanked the 4<sup>th</sup> of July committee for putting on a fantastic event. He reported on his attendance at the Jr. Giants opening day and thanked Chief Cantando and the Antioch Police Department Police Activities League (PAL) for sponsoring the event.

Councilmember Rocha reported on her attendance at the Jr. Giants opening day and the Blues Concert held downtown on July 6, 2013. She invited the public to attend the concert in downtown at 6:00 P.M. on July 13, 2013.

Councilmember Wilson reported on her attendance at the 4<sup>th</sup> of July event and the opening day of the Jr. Giants program. She thanked Director of Public Works/City Engineer Bernal and Mike Bechtoldt for taking her on a tour of the Public Works facilities.

Councilmember Rocha announced *One Justice Free Worker Right Clinic* would be held on July 15, 2013 from 1:00 P.M. – 5:00 P.M. at the Antioch Library.

Mayor Harper acknowledged the entire City Council for attending many events throughout the community. He requested staff consider looking at the feasibility of a moratorium on Cash for Gold establishments. He stated this Council meeting had been very heartfelt and interesting.

## **ADJOURNMENT**

With no further business, Mayor Harper adjourned the meeting at 9:36 P.M. to the next Adjourned Regular Council meeting on July 30, 2013 at the Public Works Building Training Room.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk

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 FUND/CHECK#

**100 General Fund**

**Non Departmental**

346129	DIVISION OF STATE ARCHITECT	SB 1186 REMITTANCE	219.30
346131	7 ELEVEN	DEPOSIT REFUND	1,391.83
346152	CA BUILDING STANDARDS COMMISSION	2ND QTR REMITTANCE	1,409.00
346167	DEPT OF CONSERVATION	2ND QTR SMI FEES	2,593.51
346262	CONTRA COSTA WATER DISTRICT	FACILITY RESERVE CHARGES	136,664.00
346263	CONTRA COSTA WATER DISTRICT	FACILITY RESERVE CHARGES	48,807.00
346264	CONTRA COSTA WATER DISTRICT	TREATED WATER CAPACITY FEE	11,213.80
346265	CONTRA COSTA WATER DISTRICT	TREATED WATER CAPACITY FEE	31,398.64
346273	ECC REG FEE AND FIN AUTH	ECCRFFA-RTDIM	94,860.00
346274	ECC REG FEE AND FIN AUTH	ECCRFFA-RTDIM	265,608.00
346338	THOMPSON, TRACY AND SHERI	BARRICADE DEPOSIT REFUND	60.00

**City Attorney**

346083	JACKSON LEWIS LLP	LEGAL SERVICES	708.00
346084	JARVIS FAY AND DOPORTO LLP	LEGAL SERVICES	300.37
346222	SHRED IT INC	SHRED SERVICES	101.75
346250	BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	5,986.50
346252	COLANTUONO AND LEVIN PC	LEGAL SERVICES	585.00

**City Manager**

202861	DS WATERS OF AMERICA	WATER	38.87
202862	NATURES BOUNTY	MEETING EXPENSE	15.00
346102	PECKHAM AND MCKENNEY	RECRUITMENT DEPOSIT	6,166.66
346145	BANK OF AMERICA	MEETING EXPENSE	846.47
346249	BRIDGEHEAD CAFE	MEETING EXPENSE	159.64

**City Treasurer**

346278	GARDA CL WEST INC	ARMORED CAR PICK UP	210.12
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**Human Resources**

346222	SHRED IT INC	SHRED SERVICES	61.46
346281	GOVERNMENTJOBS.COM INC	LICENSE RENEWAL	5,800.00
346284	IEDA INC	PROFESSIONAL SERVICES	3,217.74
346300	OCCUPATIONAL HEALTH CENTERS OF CA	EMPLOYMENT MEDICAL SERVICES	182.50
346308	PARS	PROFESSIONAL SERVICES	1,054.19

**Economic Development**

346147	BAY ALARM COMPANY	ALARM MONITORING	255.00
346296	MUNICIPAL RESOURCE GROUP LLC	CONSULTANT SERVICES	7,776.00
919910	BERNICK, MICHAEL	CONSULTANT SERVICES	2,820.00

**Finance Administration**

346143	BANK OF AMERICA	IPAD ACCESSORIES	193.96
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**Finance Accounting**

346141	AT AND T MCI	BITECH PHONE LINE	480.74
346222	SHRED IT INC	SHRED SERVICES	101.75
919940	SUNGARD PUBLIC SECTOR INC	MONTHLY ASP SERVICE	12,732.85

**Finance Operations**

346176	FEDEX	SHIPPING	33.41
346208	NEOPOST	EQUIPMENT RENTAL	7,525.43

Prepared by: Georgina Meek  
 Finance Accounting

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346230 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	17.00
346298 NEOPOST	EQUIPMENT CONTRACT	2,145.20
<b>Non Departmental</b>		
202806 OREILLY AUTO PARTS	BUS LIC APP FEE REFUND	30.00
202808 DADS PROFESIONAL PAINTING	BUS LIC STICKER FEE REFUND	5.00
202809 GOLD STAR INSULATION LP	BUS LIC OVERPAYMENT REFUND	25.00
346295 MUNICIPAL POOLING AUTHORITY	UNMET LIABILITY DEDUCTIBLE	15,199.36
<b>Public Works Maintenance Administration</b>		
346095 NEXTEL SPRINT	CELL PHONE	57.47
346144 BANK OF AMERICA	SUPPLIES	183.31
<b>Public Works Street Maintenance</b>		
346066 BECHTHOLDT, MICHAEL J	SAFETY BOOTS REIMBURSEMENT	160.00
346088 L SERPA TRUCKING INC	TRUCK RENTAL	8,167.20
346095 NEXTEL SPRINT	CELL PHONE	57.47
346100 PACIFIC PRODUCTS AND SERVICES INC	POWER DRILL BREAKER	6,574.15
346105 PITTS, BRYAN J	SAFETY BOOTS REIMBURSEMENT	215.93
346108 RED WING SHOE STORE	SAFETY SHOES-ULLMANN	160.00
346153 CAMCODE	CITY OF ANTIOCH TAGS	925.54
919922 TELFER OIL COMPANY	SUPPLIES	1,054.15
919928 COMPUCOM SYSTEMS INC	COMPUTER EQUIPMENT	1,625.67
<b>Public Works-Signal/Street Lights</b>		
346061 AT AND T MCI	PHONE	568.82
346099 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	421.80
346230 UNITED PARCEL SERVICE	SHIPPING	66.69
346234 WESCO RECEIVABLES CORP	STREET LIGHTS	17,505.39
919917 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	2,684.32
919934 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	3,644.98
919948 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	4,109.90
<b>Public Works-Striping/Signing</b>		
346073 CRESCO EQUIPMENT RENTALS	SUPPLIES	177.74
346086 KELLY MOORE PAINT CO	SUPPLIES	185.27
346095 NEXTEL SPRINT	CELL PHONE	57.47
346113 SHERWIN WILLIAMS CO	SUPPLIES	147.06
346175 FASTENAL CO	SUPPLIES	111.21
346184 HOME DEPOT, THE	SUPPLIES	180.01
346200 MANERI SIGN COMPANY	SIGN	74.33
346212 ORCHARD SUPPLY HARDWARE	SIGN	13.66
346275 FASTENAL CO	SUPPLIES	165.68
346292 MANERI SIGN COMPANY	SIGN	151.91
346306 PACIFIC PRODUCTS AND SERVICES INC	SUPPLIES	239.37
<b>Public Works-Facilities Maintenance</b>		
346061 AT AND T MCI	PHONE	46.34
346134 AMERICAN PLUMBING INC	PLUMBING SERVICES	550.40
346170 DREAM RIDE ELEVATOR	ELEVATOR REPAIR	480.00
346179 GENERAL PLUMBING SUPPLY CO	SUPPLIES	63.52
346211 OMEGA INDUSTRIAL SUPPLY	SUPPLIES	277.81

Prepared by: Georgina Meek  
 Finance Accounting

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919928	COMPUCOM SYSTEMS INC	COMPUTER EQUIPMENT	812.84
919931	GRAINGER INC	SUPPLIES	215.78
<b>Public Works-Parks Maint</b>			
346061	AT AND T MCI	PHONE	80.49
346098	PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	6,445.00
346212	ORCHARD SUPPLY HARDWARE	SUPPLIES	26.00
346226	STEWARTS TREE SERVICE	TREE SERVICES	1,485.00
346282	HORIZON	IRRIGATION VALVES	1,053.92
919936	JOHN DEERE LANDSCAPES PACHECO	VALVES	3,522.66
<b>Public Works-Median/General Land</b>			
346061	AT AND T MCI	PHONE	148.92
346098	PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	1,914.00
346140	APEX GRADING	WEED ABATEMENT DISKING	1,500.00
346185	HORIZON	SPRINKLERS	480.89
346210	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
346282	HORIZON	IRRIGATION SUPPLIES	91.19
346305	PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	3,190.00
346335	STEWARTS TREE SERVICE	TREE SERVICES	1,400.00
346347	WESCO RECEIVABLES CORP	SUPPLIES	434.00
919936	JOHN DEERE LANDSCAPES PACHECO	SPRINKLERS	200.99
<b>Public Works-Work Alternative</b>			
346095	NEXTEL SPRINT	CELL PHONE	268.36
<b>Police Administration</b>			
202647	CLEAR INC.	RENEWAL FEES	50.00
202649	CONTRA COSTA COUNTY	CERTIFICATE FEE	16.00
202652	CNOA	TRAINING-FORTNER	35.00
202653	CNOA	TRAINING-MORTIMER	35.00
346064	BARAKOS, DIMITRI A	PER DIEM	183.00
346068	CALIFORNIA ASSOC OF TACTICAL TRAINERS	TUITION-MALSOM/GIRARD	854.00
346072	COUNTY OF SAN MATEO - SHERIFF	TUITION-MORTIMER	225.00
346074	DOUBLETREE HOTEL	LODGING-BARAKOS	288.79
346120	TRAINING INNOVATIONS INC	ANNUAL RENEWAL	600.00
346157	COMCAST	CABLE	26.31
346159	CONCORD UNIFORMS LLC	UNIFORMS	2,187.25
346162	CONTRA COSTA COUNTY	LEGAL SERVICES	8,389.00
346230	UNITED PARCEL SERVICE	SHIPPING	28.28
346241	BANK OF AMERICA	BUSINESS EXPENSE	1,546.27
346242	BANK OF AMERICA	BUSINESS EXPENSE	36.00
919915	HAMMONS SUPPLY COMPANY	SUPPLIES	35.84
919933	HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	2,548.00
919935	IMAGE SALES INC	ID CARDS	16.01
919947	HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	915.26
<b>Police Community Policing</b>			
202646	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	99.65
202648	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	95.95
202650	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	59.20

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346092 MOORE K9 SERVICES	K9 TRAINING	250.00
346186 HUNT AND SONS INC	FUEL	77.11
<b>Police Traffic Division</b>		
919914 GRAINGER INC	SUPPLIES	131.29
<b>Police Investigations</b>		
202650 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	40.00
346165 COURT SERVICES INC	PRISONER TRANSPORTATION	673.00
346229 THOMSON WEST	ONLINE DATABASE	310.91
<b>Police Communications</b>		
346060 AT AND T MCI	PHONE	655.27
346061 AT AND T MCI	PHONE	1,174.69
346062 AT AND T MOBILITY	HIGH SPEED WIRELESS	2,291.10
346135 AMERICAN TOWER CORPORATION	TOWER RENTAL	216.12
346307 PACIFIC TELEMAGEMENT SERVICES	LOBBY PAYPHONE	78.00
919946 HUBB SYSTEMS LLC DATA 911	DISK DRIVE	631.71
<b>Office Of Emergency Management</b>		
346061 AT AND T MCI	PHONE	307.16
<b>Police Community Volunteers</b>		
346159 CONCORD UNIFORMS LLC	UNIFORMS	32.65
346243 BANK OF AMERICA	MEETING EXPENSE	76.00
<b>Police Facilities Maintenance</b>		
346061 AT AND T MCI	PHONE	298.58
346095 NEXTEL SPRINT	CELL PHONE	2,541.22
346133 AMERICAN GREENPOWER USA INC	SUPPLIES	1,719.70
346170 DREAM RIDE ELEVATOR	ELEVATOR SERVICE	80.00
346315 RANGE MAINTENANCE SERVICES LLC	RANGE USE FEES	2,341.00
<b>Community Development Land Planning Services</b>		
346090 LOEWKE PLANNING ASSOCIATES	CONSULTING SERVICES	8,350.00
346160 CONTRA COSTA COUNTY	LAFCO NET FY13-14	16,111.23
346195 LOEWKE PLANNING ASSOCIATES	CONSULTING SERVICES	3,890.00
346311 PMC	CONSULTING SERVICES	4,340.68
<b>Community Development Neighborhood Improvement</b>		
202825 CONTRA COSTA COUNTY	LIEN RELEASE FEE	60.00
346146 BANK OF AMERICA	SUPPLIES	56.31
346188 INTERWEST CONSULTING GROUP INC	CONSULTING SERVICES	8,895.00
346221 SHERWIN WILLIAMS CO	PAINT	187.92
346326 SOFTCHOICE CORPORATION	VIRTUAL DESKTOP ACCESS	221.90
<b>PW Engineer Land Development</b>		
346061 AT AND T MCI	PHONE	30.47
346087 KIMLEY HORN AND ASSOCIATES INC	ENGINEERING SERVICES	7,541.49
346095 NEXTEL SPRINT	CELL PHONE	169.19
<b>Community Development Building Inspection</b>		
346056 AMS DOT NET INC	PROFESSIONAL SERVICES	313.65
346095 NEXTEL SPRINT	CELL PHONE	61.04
346136 AMS DOT NET INC	USC CHASSIS,FABRICS & SERVERS	216.19
346316 RED WING SHOE STORE	SAFETY SHOES-HANSEN	190.00

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**Capital Imp. Administration**

202459 DS WATERS OF AMERICA WATER DISPENSER 34.38

**Community Development Engineering Services**

346095 NEXTEL SPRINT CELL PHONE 57.47

**212 CDBG Fund**

**CDBG**

346188 INTERWEST CONSULTING GROUP INC CONSULTING SERVICES 13,095.00  
 346192 KENNEDY, JANET CONSULTING SERVICES 577.50  
 346244 BAY AREA LEGAL AID CDBG SERVICES 14,159.96  
 346260 CONTRA COSTA COUNTY CDBG SERVICES 1,875.96  
 346261 CONTRA COSTA SENIOR LEGAL SERVICES CDBG SERVICES 1,032.18  
 346301 OMBUDSMAN SERVICES OF CCC CDBG SERVICES 1,250.00  
 346304 OPPORTUNITY JUNCTION CDBG SERVICES 12,499.94  
 346323 SENIOR OUTREACH SERVICES CDBG SERVICES 1,275.20  
 346324 SHELTER INC CDBG SERVICES 4,174.98  
 919916 HOUSE, TERI CONSULTING SERVICES 6,532.50

**CDBG NSP**

346161 CONTRA COSTA COUNTY INSPECTION SERVICES 1,707.80  
 346182 HEART AND HANDS OF COMPASSION NSP REHABILITATION LOAN 16,338.56  
 346192 KENNEDY, JANET CONSULTING SERVICES 1,890.00

**213 Gas Tax Fund**

**Streets**

346099 PACIFIC GAS AND ELECTRIC CO ELECTRIC 42.10  
 346293 MARK THOMAS AND CO INC CONSULTING SERVICES 17,489.34  
 346343 VSS INTERNATIONAL INC PAVEMENT PROJECT 332,930.59  
 919951 TESTING ENGINEERS INC SAMPLE TESTING 400.00

**214 Animal Control Fund**

**Animal Control**

346065 BAYER HEALTH CARE SUPPLIES 95.15  
 346076 EAST BAY VETERINARY EMERGENCY VETERINARY SERVICES 443.64  
 346077 EAST HILLS VETERINARY HOSPITAL VETERINARY SERVICES 360.00  
 346093 MWI VETERINARY SUPPLY CO SUPPLIES 811.77  
 346095 NEXTEL SPRINT CELL PHONE 484.16  
 346138 ANTIOCH VETERINARY HOSPITAL VETERINARY SERVICES 584.15  
 346172 EAST BAY VETERINARY EMERGENCY VETERINARY SERVICES 1,364.95  
 346174 EAST HILLS VETERINARY HOSPITAL VETERINARY SERVICES 360.00  
 346180 GOLOGO PROMOTIONS SHIRTS 258.04  
 346183 HILLS PET NUTRITION SUPPLIES 1,496.72  
 346236 ZOETIS LLC ANIMAL CARE SUPPLIES 546.20  
 919932 HAMMONS SUPPLY COMPANY SUPPLIES 747.17

**Maddie's Fund Grant**

346077 EAST HILLS VETERINARY HOSPITAL VETERINARY SERVICES 4,130.64  
 346174 EAST HILLS VETERINARY HOSPITAL VETERINARY SERVICES 14,881.70  
 346207 MWI VETERINARY SUPPLY CO VETERINARY SUPPLIES 1,028.74



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**216 Park-In-Lieu Fund**

***Parks & Open Space***

346128 WESTERN WATER FEATURES INC	RESURFACING PROJECT	246,816.38
346215 PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	43.38
346245 BEALS ALLIANCE INC	CONSULTING SERVICES	2,564.01
346248 BPXPRESS	REPRODUCTION SERVICES	176.19
346256 CONTRA COSTA COUNTY	PLAN CHECK FEE	2,526.00
346267 CRESCO EQUIPMENT RENTALS	EQUIPMENT RENTALS	455.66
346288 LINCOLN EQUIPMENT INC	SUPPLIES	239.80
919937 KARSTE CONSULTING INC	CONSULTING SERVICES	1,680.00
919945 GRAINGER INC	SUPPLIES	21.38

**219 Recreation Fund**

***Non Departmental***

346283 HUB INTERNATIONAL OF CA INSURANCE	LIABILITY INSURANCE	377.94
346299 NEW WAY SERVICES	DEPOSIT REFUND	500.00
346320 SANCHEZ, RAFAEL	DEPOSIT REFUND	1,000.00
346325 SILENT PARTNER PRIVATE SECURITY	SERCURITY SERVICES	2,350.00

***Recreation Admin***

202853 ADULLAM CHRISTIAN CENTER	OVERPAYMENT REFUND	96.00
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***Senior Programs***

346061 AT AND T MCI	PHONE	96.95
346146 BANK OF AMERICA	FURNITURE	3,185.77
346164 COSTCO	SUPPLIES	126.89

***Recreation Classes/Prog***

202850 TRIEST, DEBORAH	OVERPAYMENT REFUND	18.70
202851 CAREY, CHRISTINA	CLASS REFUND	55.00
202852 FADRIGON, DARREN	CLASS REFUND	56.00
202854 ARCEO, VIRGINA	CLASS REFUND	54.00
202855 JOHNS, JULIE	CLASS REFUND	54.00
346110 RILEY, JUNE	CLASS REFUND	192.00
346194 LINDSAY, DAVIDA	CLASS REFUND	193.00
346198 MADSEN, MELISSA	CONTRACTOR PAYMENT	1,545.00
346201 MANUEL, KIMBERLY MICHELLE	CLASS OVERPAYMENT REFUND	140.00
346235 YEATES, SHA'ALA	CLASS REFUND	203.00
346268 DAVIS, INGE	CLASS REFUND	109.00
346272 DIABLO LIVE SCAN	FINGERPRINTING	40.00

***Recreation Camps***

346146 BANK OF AMERICA	SUPPLIES	206.19
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***Recreation Sports Programs***

346237 ADETRONICS	FINGERPRINTING	25.00
346254 CONCORD SOFTBALL UMPIRES	UMPIRE FEES	1,725.00
346331 STATE OF CALIFORNIA	FINGERPRINTING	96.00

***Recreation Concessions***

346061 AT AND T MCI	PHONE	156.80
346164 COSTCO	SUPPLIES	542.10

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**Recreation-New Comm Cntr**

346060	AT AND T MCI	PHONE	63.59
346091	MARLIES CLEANING SERVICE	CLEANING SERVICES	277.00
346099	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	8,777.35
346146	BANK OF AMERICA	DRY CLEANING	160.60
346148	BAY BUILDING MAINTENANCE INC	JANITORIAL SERVICE	995.00
346155	COLE SUPPLY CO INC	SUPPLIES	40.94
346158	COMCAST	CONNECTION SERVICE	1,586.93
346164	COSTCO	SUPPLIES	307.53
346253	COLE SUPPLY CO INC	SUPPLIES	3.52
919932	HAMMONS SUPPLY COMPANY	SUPPLIES	311.04

**220 Traffic Signalization Fund**

**Traffic Signals**

346225	STEINY & COMPANY	TRAFFIC SIGNAL PROJECT	24,957.44
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**222 Measure C Fund**

**Streets**

346078	FEDERAL ADVOCATES INC	ADVOCACY SERVICES	5,000.00
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**226 Solid Waste Reduction Fund**

**Solid Waste Used Oil**

346150	C2 ALTERNATIVE SERVICES	RECYCLING CLASS	650.00
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**Solid Waste**

202824	TARGET STORES	SUPPLIES	15.62
346080	HAAS-WAJDOWICZ, JULIE A	EXPENSE REIMBURSEMENT	7.17
346188	INTERWEST CONSULTING GROUP INC	CONSULTING SERVICES	465.00
346272	DIABLO LIVE SCAN	FINGERPRINTING	20.00
346331	STATE OF CALIFORNIA	FINGERPRINTING	32.00

**229 Pollution Elimination Fund**

**Channel Maintenance Operation**

346056	AMS DOT NET INC	PROFESSIONAL SERVICES	278.80
346057	ANKA BEHAVIORAL HEALTH INC	LANDSCAPE SERVICES	5,520.00
346095	NEXTEL SPRINT	CELL PHONE	48.76
346136	AMS DOT NET INC	USC CHASSIS, FABRICS & SERVERS	192.16
346140	APEX GRADING	WEED ABATEMENT DISKING	500.00
346142	ATLANTIS DIVING AND SALVAGE CO	DIVE TEAM SERVICES	2,500.00
346218	RMC WATER AND ENVIRONMENT	CONSULTING SERVICES	29,636.25
346239	ANKA BEHAVIORAL HEALTH INC	LANDSCAPE SERVICES	5,485.00
346246	BENCHMARK CONSULTANTS	SURVEY MONITORING	565.00
346255	CONTRA COSTA COUNTY	INSPECTION FEES	435.00
346271	DEPT OF FISH AND GAME	PROJECT FEES	224.00

**Storm Drain Administration**

346080	HAAS-WAJDOWICZ, JULIE A	EXPENSE REIMBURSEMENT	36.90
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**238 PEG Franchise Fee Fund**

**Non Departmental**

346107	QUALITY SOUND	AUDIO VISUAL PROJECT	44,519.25
346314	QUALITY SOUND	AUDIO VISUAL PROJECT	46,399.85

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**251 Lone Tree SLLMD Fund**

***Lonetree Maintenance Zone 1***

346061 AT AND T MCI	PHONE	63.49
346140 APEX GRADING	WEED ABATEMENT DISKING	6,000.00
346210 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	192.00
346335 STEWARTS TREE SERVICE	TREE SERVICES	645.00

***Lonetree Maintenance Zone 2***

346061 AT AND T MCI	PHONE	122.94
346140 APEX GRADING	WEED ABATEMENT DISKING	4,500.00

***Lonetree Maintenance Zone 3***

346061 AT AND T MCI	PHONE	47.00
346099 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	46.31
346140 APEX GRADING	WEED ABATEMENT DISKING	6,000.00

**252 Downtown SLLMD Fund**

***Downtown Maintenance***

346082 HILLCREST TOPSOIL	BARK	392.11
346210 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
346335 STEWARTS TREE SERVICE	TREE SERVICES	500.00

**253 Almondridge SLLMD Fund**

***Almondridge Maintenance***

346140 APEX GRADING	WEED ABATEMENT DISKING	500.00
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**254 Hillcrest SLLMD Fund**

***Hillcrest Maintenance Zone 1***

346061 AT AND T MCI	PHONE	31.75
346140 APEX GRADING	WEED ABATEMENT DISKING	7,000.00
346210 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
346213 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	3,388.00
346335 STEWARTS TREE SERVICE	TREE SERVICES	1,800.00

***Hillcrest Maintenance Zone 2***

346061 AT AND T MCI	PHONE	109.88
346098 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	3,712.00
346140 APEX GRADING	WEED ABATEMENT DISKING	4,500.00
346210 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	960.00
346213 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	9,246.60
346226 STEWARTS TREE SERVICE	TREE SERVICES	1,800.00

***Hillcrest Maintenance Zone 4***

346061 AT AND T MCI	PHONE	92.73
346098 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	2,088.00
346140 APEX GRADING	WEED ABATEMENT DISKING	9,000.00
346210 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
346213 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	4,880.00
346335 STEWARTS TREE SERVICE	TREE SERVICES	1,150.00

**255 Park 1A Maintenance District Fund**

***Park 1A Maintenance District***

346061 AT AND T MCI	PHONE	14.32
346099 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	32.82

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346140 APEX GRADING	WEED ABATEMENT DISKING	1,000.00
346210 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
346330 STANTON, RICHARD	RV MGMT SERVICES	375.00
<b>256 Citywide 2A Maintenance District Fund</b>		
<b>Citywide 2A Maintenance Zone 3</b>		
346140 APEX GRADING	WEED ABATEMENT DISKING	3,500.00
<b>Citywide 2A Maintenance Zone 4</b>		
346140 APEX GRADING	WEED ABATEMENT DISKING	5,000.00
346305 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	2,262.00
<b>Citywide 2A Maintenance Zone 5</b>		
346140 APEX GRADING	WEED ABATEMENT DISKING	10,500.00
<b>Citywide 2A Maintenance Zone 6</b>		
346140 APEX GRADING	WEED ABATEMENT DISKING	1,500.00
346210 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
346335 STEWARTS TREE SERVICE	TREE SERVICES	350.00
<b>Citywide 2A Maintenance Zone 8</b>		
346140 APEX GRADING	WEED ABATEMENT DISKING	10,500.00
<b>Citywide 2A Maintenance Zone 9</b>		
346061 AT AND T MCI	PHONE	63.49
346140 APEX GRADING	WEED ABATEMENT DISKING	10,500.00
346210 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
<b>Citywide 2A Maintenance Zone 10</b>		
346140 APEX GRADING	WEED ABATEMENT DISKING	8,000.00
<b>257 SLLMD Administration Fund</b>		
<b>SLLMD Administration</b>		
346095 NEXTEL SPRINT	CELL PHONE	163.70
346185 HORIZON	IRRIGATION SUPPLIES	922.23
346212 ORCHARD SUPPLY HARDWARE	SUPPLIES	14.30
919928 COMPUCOM SYSTEMS INC	COMPUTER EQUIPMENT	1,625.66
919936 JOHN DEERE LANDSCAPES PACHECO	CONTROLLER INSTALLATION	2,554.52
919939 QUENVOLDS	SAFETY SHOES-HARRIS	23.32
919950 QUENVOLDS	SAFETY SHOES-BURGESS	215.92
<b>259 East Lone Tree SLLMD Fund</b>		
<b>Zone 1-District 10</b>		
346099 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	53.56
346140 APEX GRADING	WEED ABATEMENT DISKING	1,000.00
<b>311 Capital Improvement Fund</b>		
<b>Measure WW</b>		
919937 KARSTE CONSULTING INC	CONSULTING SERVICES	1,200.00
<b>Energy Efficiency</b>		
346080 HAAS-WAJDOWICZ, JULIE A	EXPENSE REIMBURSEMENT	60.22
<b>Public Buildings &amp; Facilities</b>		
346196 LSA ASSOCIATES INC	PROFESSIONAL SERVICES	7,095.70
346248 BPXPRESS	REPRODUCTION SERVICES	86.89
346280 GOODLAND LANDSCAPE CONSTRUCTION	TURF FIELD PROJECT	549,442.43
919937 KARSTE CONSULTING INC	CONSULTING SERVICES	960.00

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**376 Lone Diamond Fund**

**Assessment District**

346218 RMC WATER AND ENVIRONMENT	CONSULTING SERVICES	21,611.63
346248 BPXPRESS	REPRODUCTION SERVICES	301.59
919951 TESTING ENGINEERS INC	SAMPLE TESTING	600.00

**411 Golf Course Clubhouse Fund**

**Non Departmental**

346346 WELLS FARGO BANK	FY 2014 TRUSTEE FEE	1,300.00
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**416 Honeywell Capital Lease Fund**

**Non Departmental**

346063 BANK OF AMERICA	LOAN PAYMENT	42,588.54
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**570 Equipment Maintenance Fund**

**Non Departmental**

346186 HUNT AND SONS INC	FUEL	15,361.83
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**Equipment Maintenance**

202771 DELTA TRUCK CENTER	EXHAUST FLUID	27.00
346058 ANTIOCH AUTO PARTS	SUPPLIES	192.51
346075 EAST BAY TIRE CO	TIRE REPAIR	62.34
346112 SCOTTOS AUTO BODY INC	PATROL CAR PAINT	3,050.00
346137 ANTIOCH AUTO PARTS	AUTO PARTS STOCK	1,193.67
346144 BANK OF AMERICA	ANTENNAS	109.28
346171 EAST BAY TIRE CO	TIRE REPAIR	38.00
346217 PURSUIT NORTH	VEHICLE BUILD	3,213.06
346224 SNAP ON INDUSTRIAL	EQUIPMENT	4,248.15
346227 SUPERIOR AUTO PARTS	BRAKE PARTS	8.44
346233 WALNUT CREEK FORD	BRAKE DRUM	279.05
346240 ANTIOCH AUTO PARTS	BATTERIES	686.65
346300 OCCUPATIONAL HEALTH CENTERS OF CA	EMPLOYMENT MEDICAL SERVICES	465.00
346318 ROBERTSON ENGINEERING NC	TECHNICAL SUPPORT	4,320.00
346322 SCOTTOS AUTO BODY INC	AUTO BODY SHOP SERVICES	4,800.00
346331 STATE OF CALIFORNIA	FINGERPRINTING	32.00
346336 SUPERIOR AUTO PARTS	BRAKE PARTS	27.99
346344 WALNUT CREEK CHRYSLER JEEP DODGE	HEATER MOTOR AND FAN	137.52
346345 WALNUT CREEK FORD	AC LINE	198.23
919919 KIMBALL MIDWEST	SUPPLIES	756.58
919925 A1 TRANSMISSION	TRANSMISSION REBUILD	1,532.90
919928 COMPUCOM SYSTEMS INC	COMPUTER EQUIPMENT	812.84

**573 Information Services Fund**

**Information Services**

346061 AT AND T MCI	PHONE	58.43
346095 NEXTEL SPRINT	CELL PHONE	56.48

**Network Support & PCs**

346061 AT AND T MCI	PHONE	93.14
346095 NEXTEL SPRINT	CELL PHONE	120.82
346156 COMCAST	INTERNET SERVICE	78.29
346158 COMCAST	CONNECTION SERVICE	1,030.41

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346168	DIGITAL SERVICES	WEBSITE MAINTENANCE	2,730.00
346321	SCAN	ANNUAL DUES	80.00
346326	SOFTCHOICE CORPORATION	VIRTUAL DESKTOP ACCESS	221.90
919911	COMPUTERLAND	COMPUTER EQUIPMENT	43.04
919927	CDW GOVERNMENT INC	SYMANTEC BACKUP EXEC 2012	4,669.16
<b>Telephone System</b>			
202259	AMERICAN MESSAGING	PAGER	39.41
346059	AT AND T MCI	PHONE	17.19
346060	AT AND T MCI	PHONE	183.50
346061	AT AND T MCI	PHONE	2,333.33
<b>GIS Support Services</b>			
346069	CALIFORNIA SURVEY & DRAFTING SUPPLY	TONER	818.77
346272	DIABLO LIVE SCAN	FINGERPRINTING	20.00
<b>Office Equipment Replacement</b>			
346056	AMS DOT NET INC	PROFESSIONAL SERVICES	313.65
346081	HEWLETT PACKARD COMPANY	COMPUTER EQUIPMENT	1,767.93
346136	AMS DOT NET INC	USC CHASSIS,FABRIC & SERVERS	216.19
919911	COMPUTERLAND	COMPUTER EQUIPMENT	64.02
<b>580 Loss Control Fund</b>			
<b>Human Resources</b>			
346284	IEDA INC	PROFESSIONAL SERVICES	3,884.46
346300	OCCUPATIONAL HEALTH CENTERS OF CA	EMPLOYMENT MEDICAL SERVICES	665.00
<b>611 Water Fund</b>			
<b>Non Departmental</b>			
346175	FASTENAL CO	SUPPLIES	433.87
346211	OMEGA INDUSTRIAL SUPPLY	SUPPLIES	356.18
346279	GOLOGO PROMOTIONS	SUPPLIES	284.05
919915	HAMMONS SUPPLY COMPANY	SUPPLIES	1,640.22
919932	HAMMONS SUPPLY COMPANY	SUPPLIES	1,690.85
919942	AIRGAS NCN	SUPPLIES	118.38
<b>Water Supervision</b>			
202807	MCNULTY, KATHLEEN	SAME DAY FEE REFUND	86.00
346095	NEXTEL SPRINT	CELL PHONE	85.74
346189	JEFFUS, RON	SAME DAY FEE REFUND	175.00
346205	MORQUITA NEAL OR JAMES TIPLER	SAME DAY FEE REFUND	175.00
346247	BESSER, DENISE	TAMPER FEE REFUND	212.24
<b>Water Production</b>			
346054	AIR FILTER/CONTROL	AIR FILTERS	465.97
346060	AT AND T MCI	PHONE	127.16
346061	AT AND T MCI	PHONE	822.56
346067	BORGES AND MAHONEY	CHLORINE PARTS	2,118.08
346079	FISHER SCIENTIFIC COMPANY	SUPPLIES	454.53
346085	KARL NEEDHAM ENTERPRISES INC	RENTAL EQUIPMENT	29,545.60
346089	LAW OFFICE OF MATTHEW EMRICK	LEGAL SERVICES	5,033.00
346095	NEXTEL SPRINT	CELL PHONE	66.94
346109	REINHOLDT ENGINEERING CONSTR	INSPECTION SERVICE	350.00

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346111	ROBERTS AND BRUNE CO	PIPE FITTINGS	452.72
346114	SHUTE MIHALY AND WEINBERGER LLP	LEGAL SERVICES	567.00
346115	SIEMENS INDUSTRY INC	SERVICE DI H2O SYSTEM	416.00
346124	UNIVAR USA INC	CAUSTIC	12,371.85
346127	WESCO RECEIVABLES CORP	BATTERIES	1,271.84
346132	ACME SECURITY SYSTEMS	CARD READER INSTALLATION	12,685.84
346137	ANTIOCH AUTO PARTS	SUPPLIES	45.67
346140	APEX GRADING	WEED ABATEMENT DISKING	3,000.00
346144	BANK OF AMERICA	EQUIPMENT	580.58
346177	FLOW SCIENCE INCORPORATED	PROFESSIONAL SERVICES	12,865.11
346181	HACH CO	LAB SUPPLIES	831.22
346190	JOHNSON, GAVIN LEE	CERTIFICATION REIMBURSEMENT	125.00
346193	KRUGER INC	SAND PUMP KITS	10,286.44
346202	MATAMOROS WELDING CO	WELDING REPAIR	810.00
346203	MEDORA CORP	MOTOR POWER CORD	367.32
346213	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,714.00
346219	ROBERTS AND BRUNE CO	REPAIR KIT	651.00
346220	SECO CONTROLS LLC	CONTROLLER	1,299.34
346228	TELSTAR INSTRUMENTS INC	ELECTRONIC SERVICES	3,612.40
346231	UNIVAR USA INC	CAUSTIC	6,211.91
346238	ANIMAL DAMAGE MANAGEMENT	PEST CONTROL SERVICES	125.00
346266	CONTRA COSTA WATER DISTRICT	RAW WATER	687,442.99
346277	FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	228.06
346316	RED WING SHOE STORE	SAFETY SHOES-LISTEK	194.72
346319	S AND S SUPPLIES AND SOLUTIONS	SCBA REPAIR	170.00
346328	SPAULDING, ANN B	CONSULTING SERVICES	1,500.00
346340	UNIVAR USA INC	CAUSTIC	12,260.96
346347	WESCO RECEIVABLES CORP	SUPPLIES	1,977.78
919909	AIRGAS SPECIALTY PRODUCTS	AMMONIA	2,219.35
919912	EUROFINS EATON ANALYTICAL INC	TESTING AND ANALYSIS	400.00
919913	GENERAL CHEMICAL CORP	ALUM	4,285.42
919918	KARSTE CONSULTING INC	CONSULTING SERVICES	840.00
919921	SIERRA CHEMICAL CO	CHLORINE	4,064.55
919926	AIRGAS SPECIALTY PRODUCTS	AMMONIA	4,534.30
919929	EUROFINS EATON ANALYTICAL INC	TESTING AND ANALYSIS	1,200.00
919930	GENERAL CHEMICAL CORP	ALUM	13,024.29
919931	GRAINGER INC	LOCKS	91.97
919938	NTU TECHNOLOGIES INC	POLYMER	2,700.00
919948	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	554.28
<b>Water Distribution</b>			
202769	CWEA SFBS	RENEWAL-SCHATZ	82.00
202881	CWEA SFBS	RENEWAL-COLEFIELD	5.00
346055	ALL PRO PRINTING SOLUTIONS	ENVELOPES	8,822.61
346056	AMS DOT NET INC	PROFESSIONAL SERVICES	1,289.45
346061	AT AND T MCI	PHONE	15.87
346095	NEXTEL SPRINT	CELL PHONE	350.27

Prepared by: Georgina Meek  
 Finance Accounting  
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CITY OF ANTIOCH  
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346096 OLSON, JAMIE M	RENEWAL REIMBURSEMENT	82.00
346104 PETERS, BRANDON W L	TRAVEL EXPENSE	746.17
346111 ROBERTS AND BRUNE CO	PIPE & FITTINGS	2,652.83
346122 TYLER TECHNOLOGIES	ANNUAL SOFTWARE MAINTENANCE	9,760.43
346123 UNITED STATES POSTAL SERVICE	POSTAGE	5,000.00
346136 AMS DOT NET INC	USC CHASSIS,FABRIC & SERVERS	888.78
346137 ANTIOCH AUTO PARTS	SUPPLIES	48.96
346175 FASTENAL CO	SUPPLIES	761.50
346191 KEN KELLER SALES	MUFFLER	170.67
346197 LUCITY INC	CONSTANT CONNECTION PROGRAM	10,240.00
346199 MAIL STREAM	MAILING SERVICES	213.47
346206 MT DIABLO LANDSCAPE CENTERS INC	SUPPLIES	898.61
346219 ROBERTS AND BRUNE CO	PIPE & FITTINGS	635.81
346275 FASTENAL CO	WELDING BIB	41.03
346276 FASTLANE TEK INC	CONSULTING SERVICES	1,075.78
346291 MAIL STREAM	MAILING SERVICES	321.58
346326 SOFTCHOICE CORPORATION	VIRTUAL DESKTOP ACCESS	443.80
919928 COMPUCOM SYSTEMS INC	COMPUTER EQUIPMENT	6,502.69
919936 JOHN DEERE LANDSCAPES PACHECO	IRRIGATION SUPPLIES	461.84
<b>Water Meter Reading</b>		
346095 NEXTEL SPRINT	CELL PHONE	47.13
346342 VERIZON WIRELESS	DATA CHARGES	38.01
<b>Public Buildings &amp; Facilities</b>		
346214 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	6,027.13
346223 SIMPSON SANDBLASTING	WATER STORAGE PROJECT	43,112.39
346248 BPXPRESS	REPRODUCTION SERVICES	460.97
<b>Warehouse &amp; Central Stores</b>		
346095 NEXTEL SPRINT	CELL PHONE	49.16
346230 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	17.00
<b>621 Sewer Fund</b>		
<b>Sewer-Wastewater Collection</b>		
346055 ALL PRO PRINTING SOLUTIONS	ENVELOPES	8,822.59
346056 AMS DOT NET INC	PROFESSIONAL SERVICES	1,289.45
346061 AT AND T MCI	PHONE	62.62
346095 NEXTEL SPRINT	CELL PHONE	163.11
346104 PETERS, BRANDON W L	TRAVEL EXPENSE	746.18
346122 TYLER TECHNOLOGIES	ANNUAL SOFTWARE MAINTENANCE	9,760.41
346123 UNITED STATES POSTAL SERVICE	POSTAGE	5,000.00
346132 ACME SECURITY SYSTEMS	INSTALLATION OF CARD READER	12,685.84
346136 AMS DOT NET INC	USC CHASSIS,FABRIC & SERVERS	888.78
346149 BKF ENGINEERS INC	ENGINEERING SERVICES	10,616.00
346175 FASTENAL CO	SUPPLIES	52.04
346197 LUCITY INC	CONSTANT CONNECTION PROGRAM	10,240.00
346199 MAIL STREAM	MAILING SERVICES	213.47
346209 OCT WATER QUALITY ACADEMY	SEWER TEST CLASSES	450.00
346216 PORTER, CLEVELAND J	CERTIFICATION REIMBURSEMENT	170.00

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7/25/2013



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346276	FASTLANE TEK INC	CONSULTING SERVICES	5,503.88
346291	MAIL STREAM	MAILING SERVICES	321.58
346316	RED WING SHOE STORE	SAFETY SHOES-LAWSON	215.86
346317	RESTORATION MANAGEMENT COMPANY	SEWER SERVICES	1,407.62
346326	SOFTCHOICE CORPORATION	MS VIRTUAL DESKTOP ACCESS	443.80
346342	VERIZON WIRELESS	DATA CHARGES	76.02
919908	3T EQUIPMENT COMPANY	SUPPLIES	642.24
919915	HAMMONS SUPPLY COMPANY	SUPPLIES	97.38
919924	3M AOSAFETY EYEWARE	SAFETY GLASSES-RAMIREZ	226.10
919928	COMPUCOM SYSTEMS INC	COMPUTER EQUIPMENT	5,689.93
919941	3T EQUIPMENT COMPANY	EQUIPMENT REPAIR	1,843.14
<b>631 Marina Fund</b>			
<b>Non Departmental</b>			
346139	ANTROBUS, MARSHA	BERTH DEPOSIT REFUND	290.00
346151	CALDERWOOD, RENEE	BERTH DEPOSIT REFUND	261.00
346163	CORNS, STUART	BERTH DEPOSIT REFUND	232.00
346178	GADDY, LAWRENCE	BERTH DEPOSIT REFUND	290.00
346204	MOORE, MICHAEL	BERTH DEPOSIT REFUND	282.75
<b>Marina Administration</b>			
346061	AT AND T MCI	PHONE	74.47
346297	NASH, LAWRENCE E	EXPENSE REIMBURSEMENT	22.90
<b>Marina Maintenance</b>			
346169	DOGGIE WALK BAGS INC	DOG WALK BAGS	287.29
346297	NASH, LAWRENCE E	EXPENSE REIMBURSEMENT	71.15
<b>Major Projects</b>			
346248	BPXPRESS	REPRODUCTION SERVICES	138.39
<b>641 Prewett Water Park Fund</b>			
<b>Non Departmental</b>			
346283	HUB INTERNATIONAL OF CA INSURANCE	LIABILITY INSURANCE	125.98
<b>Recreation Aquatics</b>			
202913	WALMART	SUPPLIES	13.34
202916	MASTER, KATHY	CLASS REFUND	58.00
202918	HUMANN, KRISTA	CLASS REFUND	55.00
346146	BANK OF AMERICA	TRAINING	490.00
346272	DIABLO LIVE SCAN	FINGERPRINTING	280.00
346331	STATE OF CALIFORNIA	FINGERPRINTING	160.00
<b>Recreation Water Park</b>			
202823	GENERAL PLUMBING SUPPLY CO	SUPPLIES	10.32
202911	PRAXAIR DISTRIBUTION INC	OXYGEN TANK RENTAL	49.05
202915	LOWES COMPANIES INC	SUPPLIES	26.02
202917	STAPLES	SUPPLIES	49.13
346061	AT AND T MCI	PHONE	46.03
346146	BANK OF AMERICA	SUPPLIES	76.84
346164	COSTCO	POSTAGE	479.73
346231	UNIVAR USA INC	CHEMICALS	5,205.92
346272	DIABLO LIVE SCAN	FINGERPRINTING	480.00

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CITY OF ANTIOCH  
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346286 KING DJ COMPANY	EVENT ENTERTAINMENT	295.00
346289 LISTEK ENTERPRISES INC	PARTY PIZZA	1,140.70
346290 MAGIC PRINCESS PARTIES INC	EVENT ENTERTAINMENT	504.00
346331 STATE OF CALIFORNIA	FINGERPRINTING	256.00
346340 UNIVAR USA INC	CHEMICALS	2,059.93
<b>Rec Prewett Concessions</b>		
202912 KAMPS PROPANE	CYLINDER RENTAL	8.68
202914 PARTY CITY	SUPPLIES	85.63
346061 AT AND T MCI	PHONE	46.03
346126 US FOODSERVICE INC	SUPPLIES	4,875.51
346154 COCA COLA BOTTLING CO	CONCESSION SUPPLIES	820.16
346164 COSTCO	SUPPLIES	241.58
346187 ICEE COMPANY, THE	SUPPLIES	316.80
346232 US FOODSERVICE INC	CONCESSION SUPPLIES	7,615.74
346272 DIABLO LIVE SCAN	FINGERPRINTING	180.00
<b>721 Employee Benefits Fund</b>		
<b>Non Departmental</b>		
346070 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
346071 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
346097 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	1,268.99
346101 PARS	PAYROLL DEDUCTIONS	6,550.10
346103 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	97.27
346106 PERS	PAYROLL DEDUCTIONS	279,410.90
346116 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
346117 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	214.00
346118 STATE OF FLORIDA DISBURSE UNIT	PAYROLL DEDUCTIONS	150.00
346119 TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77
346121 RECIPIENT	PAYROLL DEDUCTIONS	112.15
346125 US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	315.58
346130 EMPLOYEE	PAYROLL DEDUCTIONS	270.26
346251 CLAYTON FITNESS CENTER	PAYROLL DEDUCTIONS	35.99
346258 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
346259 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
346269 DELTA PARK ATHLETIC CLUB	PAYROLL DEDUCTIONS	37.00
346270 DELTA VALLEY ATHLETIC CLUB	PAYROLL DEDUCTIONS	54.00
346285 IN SHAPE HEALTH CLUBS	PAYROLL DEDUCTIONS	1,026.00
346287 LINA	PAYROLL DEDUCTIONS	4,646.49
346294 MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	2,458.75
346302 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	2,223.00
346303 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	1,250.50
346309 PARS	PAYROLL DEDUCTIONS	6,491.96
346310 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	56.90
346312 PERS	PAYROLL DEDUCTIONS	312,420.81
346313 PUBLIC EMPLOYEES UNION LOCAL 1	PAYROLL DEDUCTIONS	2,062.56
346327 SOLAR SWIM AND GYM	PAYROLL DEDUCTIONS	27.00
346329 STANDARD LIFE INSURANCE	PAYROLL DEDUCTIONS	1,221.70

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 Finance Accounting

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
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346332	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
346333	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	214.00
346334	STATE OF FLORIDA DISBURSE UNIT	PAYROLL DEDUCTIONS	150.00
346339	RECIPIENT	PAYROLL DEDUCTIONS	112.15
346341	US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	235.05
346348	XTREME FITNESS	PAYROLL DEDUCTIONS	104.00
919920	NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	19,916.02
919923	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,334.13
919943	ANTIOCH PD SWORN MGMT ASSOC	PAYROLL DEDUCTIONS	536.75
919944	APOA	PAYROLL DEDUCTIONS	11,988.17
919949	NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	36,813.91
919952	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	4,867.13
<b>722 City Dental Plan Fund</b>			
<i>Non Departmental</i>			
346337	TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77
<b>736 APFA Lone Diamond Reassessment 1998 Fund</b>			
<i>Non Departmental</i>			
346094	NBS LOCAL GOVERNMENT SOLUTIONS	SUPPLIES REIMBURSEMENT	8,791.66
<b>752 Storm Drain Deposits Fund</b>			
<i>Non Departmental</i>			
346257	CONTRA COSTA COUNTY	DRAINAGE FEES	1,677.95
<b>760 ECWMA Fund</b>			
<i>Non Departmental</i>			
346166	DELTA DIABLO SANITATION DISTRICT	MEETING EXPENSE	439.67



STAFF REPORT TO THE CITY COUNCIL  
FOR CONSIDERATION AT THE COUNCIL MEETING OF JULY 30, 2013

SUBMITTED BY: Donna Conley, City Treasurer *DC*  
DATE: July 17, 2013  
SUBJECT: Treasurer's Report: JUNE 2013

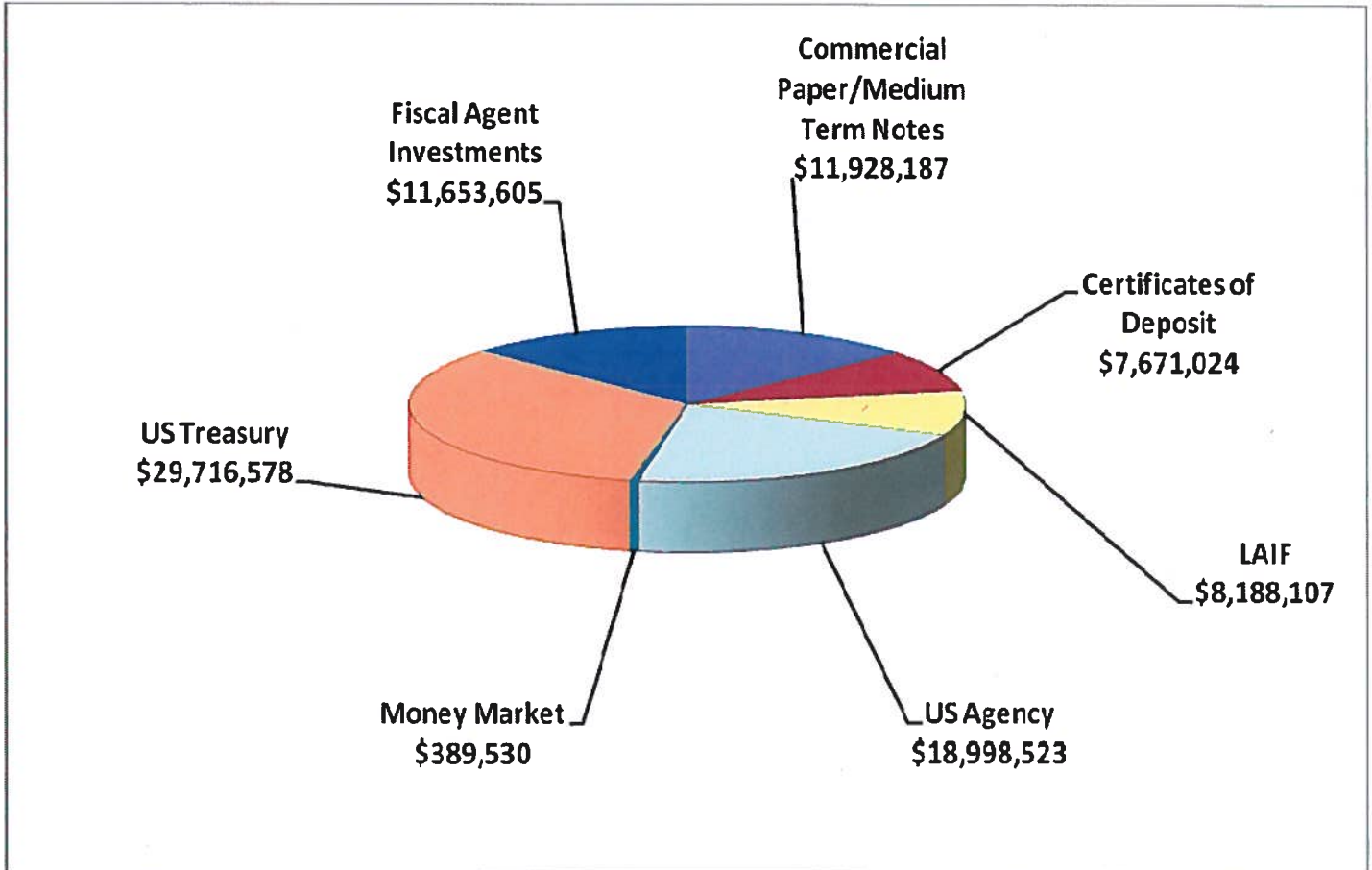
RECOMMENDATION: Review and file.

BACKGROUND: City of Antioch's portfolio as of June 2013 is in Compliance with The City's current Investment Policy. Based on the Portfolio as of June 2013 the City of Antioch is able to meet its expenditure requirements for the next six months.

*DC*  
7-30-2013

CITY OF ANTIOCH  
SUMMARY REPORT ON THE CITY'S INVESTMENTS

JUNE 30, 2013



**Total of City and Fiscal Agent Investments = \$88,545,554**

All City investments are shown above and conform to the City Investment Policy. All investment transactions during this period are included in this report. As Treasurer of the City of Antioch and Finance Director of the City of Antioch, we hereby certify that sufficient investment liquidity and anticipated revenue are available to meet the next six (6) months' estimated expenditures.

  
Donna Conley  
Treasurer

  
Dawn Merchant  
Finance Director

**Summary of Fiscal Agent Balances by  
Debt Issue**

	<u>Amount</u>
Antioch Public Financing Authority 2003 Water Revenue Bonds	1,431,554
Antioch Public Financing Authority 2002 Lease Revenue Bonds	908,233
Antioch Public Financing Authority 1998 Reassessment Revenue Bonds	8,642,624
Antioch Development Agency 2009 Tax Allocation Bonds	146,044
Antioch Development Agency 2000 Tax Allocation Bonds	91,579
ABAG Lease Revenue Bonds	<u>433,573</u>
	<u>\$11,653,605</u>



CITY OF ANTIOCH, CA - 04380500

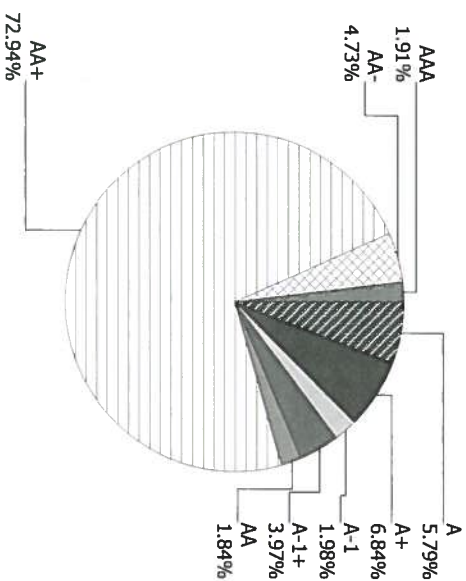
Managed Account Issuer Summary

For the Month Ending June 30, 2013

Issuer Summary

Issuer	Market Value of Holdings	Percent
APPLE INC	633,127.04	0.93
BANK OF NEW YORK	1,439,348.21	2.11
BANK OF NOVA SCOTIA	1,350,800.55	1.98
BERKSHIRE HATHAWAY INC	853,228.30	1.25
CA ST DEPT OF WATER REV BONDS	500,000.00	0.73
CATERPILLAR INC	251,357.50	0.37
DEERE & COMPANY	452,287.80	0.66
FANNIE MAE	7,095,604.71	10.42
FEDERAL HOME LOAN BANKS	3,025,194.00	4.44
FREDDIE MAC	7,048,744.78	10.35
GENERAL ELECTRIC CO	2,207,581.22	3.24
IBM CORP	304,748.38	0.45
JP MORGAN CHASE & CO	2,686,180.60	3.95
MET WATER DISTRICT OF SOUTHERN CA	800,160.00	1.18
PROCTER & GAMBLE CO	501,434.00	0.74
RABOBANK NEDERLAND	1,691,787.30	2.48
SKANDINAVISKA ENSKILDA BANKEN SA	1,699,923.50	2.50
STANDARD CHARTERED BANK	1,000,420.00	1.47
STATE OF CALIFORNIA	549,164.00	0.81
SVENSKA HANDELSBANKEN	1,701,492.60	2.50
TOYOTA MOTOR CORP	721,224.20	1.06
UNITED STATES TREASURY	29,658,161.80	43.57
WAL-MART STORES INC	397,327.60	0.58
WELLS FARGO & COMPANY	1,517,089.50	2.23
<b>Total</b>	<b>\$68,086,387.59</b>	<b>100.00%</b>

Credit Quality (S&P Ratings)



PFM Asset Management LLC



CITY OF ANTIOCH, CA - 04380500

Managed Account Detail of Securities Held

For the Month Ending June 30, 2013

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note												
US TREASURY NOTES	DTD 05/16/2011 1.000% 05/15/2014	912828OM5	650,000.00	AA+	Aaa	03/27/12	03/29/12	658,582.03	0.38	830.16	653,524.18	654,595.50
US TREASURY NOTES	DTD 09/15/2011 0.250% 09/15/2014	912828RG7	1,150,000.00	AA+	Aaa	10/12/11	10/14/11	1,140,701.17	0.53	843.75	1,146,141.43	1,150,404.80
US TREASURY NOTES	DTD 12/15/2011 0.250% 12/15/2014	912828RV4	1,200,000.00	AA+	Aaa	01/05/12	01/06/12	1,195,312.50	0.38	131.15	1,197,671.57	1,200,280.80
US TREASURY NOTES	DTD 02/15/2012 0.250% 02/15/2015	912828SE1	1,500,000.00	AA+	Aaa	02/22/12	02/27/12	1,492,207.03	0.43	1,408.84	1,495,721.85	1,499,121.00
US TREASURY NOTES	DTD 03/01/2010 2.375% 02/28/2015	912828MR8	1,500,000.00	AA+	Aaa	06/20/12	06/21/12	1,578,457.03	0.42	11,907.27	1,548,634.73	1,551,855.00
US TREASURY NOTES	DTD 03/01/2010 2.375% 02/28/2015	912828MR8	2,500,000.00	AA+	Aaa	04/30/12	05/01/12	2,639,453.13	0.39	19,845.45	2,582,224.83	2,586,425.00
US TREASURY NOTES	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	170,000.00	AA+	Aaa	03/13/12	03/15/12	169,428.91	0.49	187.09	169,674.14	170,199.22
US TREASURY NOTES	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	825,000.00	AA+	Aaa	06/27/12	06/28/12	824,355.47	0.40	907.95	824,594.27	825,966.80
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	325,000.00	AA+	Aaa	10/23/12	10/26/12	337,098.63	0.39	2,372.41	334,130.99	334,191.33
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	465,000.00	AA+	Aaa	08/22/12	08/23/12	483,418.36	0.39	3,394.37	478,081.53	478,150.67
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	3,625,000.00	AA+	Aaa	09/06/12	09/10/12	3,772,832.03	0.33	26,461.50	3,731,739.18	3,727,518.63
US TREASURY NOTES	DTD 11/30/2010 1.375% 11/30/2015	912828PJ3	2,550,000.00	AA+	Aaa	11/29/12	12/05/12	2,627,595.70	0.35	2,969.77	2,612,820.96	2,604,187.50
US TREASURY NOTES	DTD 11/30/2010 1.375% 11/30/2015	912828PJ3	2,735,000.00	AA+	Aaa	11/01/12	11/05/12	2,815,981.64	0.40	3,185.23	2,798,830.50	2,793,118.75
US TREASURY NOTES	DTD 05/02/2011 2.000% 04/30/2016	912828OF0	950,000.00	AA+	Aaa	03/27/13	03/28/13	997,277.34	0.38	3,201.09	993,327.21	986,516.10



PFM Asset Management LLC





Managed Account Detail of Securities Held

For the Month Ending June 30, 2013

CITY OF ANTIOCH, CA - 04380500

Security Type / Description	Dated Date / Coupon / Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>U.S. Treasury Bond / Note</b>											
US TREASURY NOTES	06/30/2009 3.250%	912828KZ2	AA+	Aaa	05/10/13	05/15/13	2,200,000.00	0.41	194.29	2,386,213.02	2,368,093.20
DTD 06/30/2009 3.250%											
US TREASURY NOTES	06/30/2009 3.250%	912828KZ2	AA+	Aaa	05/22/13	05/24/13	2,950,000.00	0.44	260.53	3,196,230.78	3,175,397.70
DTD 06/30/2009 3.250%											
US TREASURY NOTES	06/30/2009 3.250%	912828KZ2	AA+	Aaa	05/24/13	05/31/13	3,300,000.00	0.53	291.44	3,567,016.33	3,552,139.80
DTD 06/30/2009 3.250%											
<b>Security Type Sub-Total</b>							<b>28,595,000.00</b>	<b>0.41</b>	<b>78,392.29</b>	<b>29,716,577.50</b>	<b>29,658,161.80</b>
<b>Municipal Bond / Note</b>											
METRO WTR DIST AUTH, CA TXBL REV BONDS	06/28/2012 0.616%	59266THP9	AAA	Aa1	06/21/12	06/28/12	575,000.00	0.62	1,771.00	575,000.00	575,115.00
DTD 06/28/2012 0.616%											
METRO WTR DIST AUTH, CA TXBL REV BONDS	06/28/2012 0.943%	59266THO7	AAA	Aa1	06/21/12	06/28/12	225,000.00	0.94	1,060.88	225,000.00	225,045.00
DTD 06/28/2012 0.943%											
CA ST DEPT OF WATER TXBL REV BONDS	09/27/2012 0.650%	13066KX87	AAA	Aa1	09/19/12	09/27/12	500,000.00	0.65	270.83	500,000.00	500,000.00
DTD 09/27/2012 0.650%											
CA ST TXBL GO BONDS	03/27/2013 1.050%	13063BN73	A	A1	03/13/13	03/27/13	550,000.00	0.93	1,507.92	551,689.37	549,164.00
DTD 03/27/2013 1.050%											
<b>Security Type Sub-Total</b>							<b>1,850,000.00</b>	<b>0.76</b>	<b>4,610.63</b>	<b>1,851,689.37</b>	<b>1,849,324.00</b>
<b>Federal Agency Bond / Note</b>											
FNMA NOTES	07/18/2011 0.875%	3135G0B8	AA+	Aaa	09/29/11	09/30/11	575,000.00	0.66	1,691.06	576,438.12	579,042.83
DTD 07/18/2011 0.875%											
FHLMC NOTES	08/12/2011 0.500%	3134G2Y5	AA+	Aaa	09/20/11	09/21/11	1,600,000.00	0.55	2,266.67	1,599,127.94	1,604,451.20
DTD 08/12/2011 0.500%											
FREDDIE MAC GLOBAL NOTES	08/05/2011 0.750%	3134G2WG3	AA+	Aaa	09/28/11	09/30/11	910,000.00	0.68	1,876.88	910,753.15	915,312.58
DTD 08/05/2011 0.750%											





CITY OF ANTIPOCH, CA - 04380500

Managed Account Detail of Securities Held

For the Month Ending June 30, 2013

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
FREDDIE MAC GLOBAL NOTES	DTD 08/05/2011 0.750% 09/22/2014	3134G2WG3	AA+	Aaa	08/30/11	08/31/11	2,462,838.00	0.58	5,053.13	2,455,168.25	2,464,303.10
FHLB NOTES	DTD 11/08/2010 0.875% 12/12/2014	313371PC4	AA+	Aaa	01/19/12	01/19/12	3,028,170.00	0.55	1,385.42	3,014,128.14	3,025,194.00
FANNIE MAE GLOBAL NOTES	DTD 04/19/2012 0.500% 05/27/2015	3135G0KM4	AA+	Aaa	04/17/12	04/19/12	1,376,011.80	0.59	651.67	1,377,543.78	1,382,250.78
FNMA NOTES (CALLABLE)	DTD 08/07/2012 0.500% 08/07/2015	3135G0NG4	AA+	Aaa	08/02/12	08/07/12	3,399,660.00	0.50	6,800.00	3,399,761.49	3,394,101.00
FREDDIE MAC GLOBAL NOTES	DTD 07/11/2012 0.500% 08/28/2015	3134G3ZAI	AA+	Aaa	07/30/12	07/31/12	1,827,129.78	0.46	3,067.01	1,826,498.84	1,826,189.90
FANNIE MAE GLOBAL NOTES	DTD 11/16/2012 0.375% 12/21/2015	3135G0SBO	AA+	Aaa	11/14/12	11/16/12	947,786.50	0.45	98.96	948,230.45	944,693.30
FANNIE MAE GLOBAL NOTES	DTD 02/15/2013 0.500% 03/30/2016	3135G0VA8	AA+	Aaa	02/14/13	02/15/13	799,088.00	0.54	1,011.11	799,197.05	795,516.80
FREDDIE MAC GLOBAL NOTES	DTD 03/07/2013 0.500% 05/13/2016	3137EAD09	AA+	Aaa	03/06/13	03/07/13	239,985.60	0.50	160.00	239,986.86	238,488.00
<b>Security Type Sub-Total</b>							<b>17,168,941.36</b>	<b>0.54</b>	<b>24,061.91</b>	<b>17,146,834.07</b>	<b>17,169,543.49</b>
<b>Corporate Note</b>											
JP MORGAN CHASE & CO NOTES	DTD 05/18/2009 4.650% 06/01/2014	46625HHN3	A	A2	12/19/11	12/22/11	1,062,853.30	2.43	3,913.75	1,030,205.11	1,046,248.90
PROCTER & GAMBLE CO CORP NOTES	DTD 08/15/2011 0.700% 08/15/2014	742718DU0	AA-	Aa3	08/10/11	08/15/11	497,945.00	0.84	1,322.22	499,225.36	501,434.00
BERKSHIRE HATHAWAY INC (FLOATING)	DTD 08/15/2011 0.975% 08/15/2014	084670BA5	AA	Aa2	08/10/11	08/15/11	850,000.00	0.98	1,082.09	850,000.00	853,228.30
GENERAL ELEC CAP CORP GLOBAL NOTES	DTD 01/09/2012 2.150% 01/09/2015	36962G5M2	AA+	A1	05/23/12	05/29/12	1,061,434.50	1.72	10,785.83	1,056,732.73	1,070,651.40



PFM Asset Management LLC



CITY OF ANTIOCH, CA - 04380500

Managed Account Detail of Securities Held

For the Month Ending June 30, 2013

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value	
<b>Corporate Note</b>												
GENERAL ELEC CAP CORP GLOBAL NOTES	DTD 01/09/2012 2.150% 01/09/2015	36962G5M2	AA+	A1	01/04/12	01/09/12	1,113,840.40	2.19	11,453.53	1,114,402.20	1,136,929.82	
IBM CORP GLOBAL NOTES	DTD 02/06/2012 0.550% 02/06/2015	459200HB0	AA-	Aa3	02/01/12	02/06/12	303,508.55	0.72	675.66	304,202.03	304,748.38	
BANK OF NEW YORK MELLON (CALLABLE) NOTES	DTD 02/21/2012 1.200% 02/20/2015	06406HCC1	A+	Aa3	02/13/12	02/21/12	374,658.75	1.23	1,637.50	374,812.18	378,041.63	
CATERPILLAR FIN CORP NOTES	DTD 05/30/2012 1.100% 05/29/2015	14912L5D9	A	A2	05/22/12	05/30/12	249,920.00	1.11	244.44	249,948.68	251,357.50	
JOHN DEERE CAPITAL CORP GLOBAL NOTES	DTD 06/29/2012 0.950% 06/29/2015	24422ERS0	A	A2	06/26/12	06/29/12	449,878.50	0.96	23.75	449,918.84	452,287.80	
WELLS FARGO & COMPANY	DTD 06/27/2012 1.500% 07/01/2015	94974BFE5	A+	A2	03/26/13	03/28/13	762,978.08	0.73	5,625.00	761,506.49	758,544.75	
WELLS FARGO & COMPANY	DTD 06/27/2012 1.500% 07/01/2015	94974BFE5	A+	A2	03/27/13	03/28/13	762,757.50	0.74	5,625.00	761,311.19	758,544.75	
JPMORGAN CHASE & CO GLOBAL NOTES	DTD 10/18/2012 1.100% 10/15/2015	46623E1R1	A	A2	10/15/12	10/18/12	1,649,323.50	1.11	3,831.67	1,649,480.17	1,639,931.70	
BANK OF NEW YORK MELLON (CALLABLE)	DTD 10/25/2012 0.700% 10/23/2015	06406HCD9	A+	Aa3	10/18/12	10/25/12	424,562.25	0.73	561.94	424,661.31	423,526.10	
BANK OF NEW YORK MELLON (CALLABLE)	DTD 10/25/2012 0.700% 10/23/2015	06406HCD9	A+	Aa3	12/17/12	12/20/12	638,067.20	0.81	846.22	638,425.61	637,780.48	
WAL-MART STORES INC GLOBAL NOTES	DTD 04/11/2013 0.600% 04/11/2016	93114ZDE0	AA	Aa2	04/04/13	04/11/13	399,716.00	0.62	533.33	399,736.87	397,327.60	
APPLE INC GLOBAL NOTES	DTD 05/03/2013 0.450% 05/03/2016	037833AH3	AA+	Aa1	04/30/13	05/03/13	638,841.60	0.51	464.00	638,903.41	633,127.04	
TOYOTA MOTOR CREDIT CORP	DTD 05/17/2013 0.800% 05/17/2016	89236TAL9	AA-	Aa3	05/14/13	05/17/13	724,702.75	0.81	708.89	724,714.73	721,224.20	
<b>Security Type Sub-Total</b>							<b>11,964,987.88</b>	<b>1.21</b>	<b>49,334.82</b>	<b>11,928,186.91</b>	<b>11,964,934.35</b>	



PFM Asset Management LLC



**Managed Account Detail of Securities Held**

For the Month Ending June 30, 2013

CITY OF ANTIOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	S&P Par Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Certificate of Deposit</b>											
STANDARD CHARTERED BK NY LT CD (FLOAT)	03/18/2013 0.353%	85325BVS0	A-1+	P-1	03/18/13	03/18/13	1,000,000.00	0.37	127.29	1,000,000.00	1,000,420.00
SVENSKA HANDELSBANKEN NY FLOATING LT CD	04/05/2013 0.461%	86958CVF8	A-1+	P-1	04/03/13	04/05/13	1,699,741.11	0.48	1,894.35	1,699,799.86	1,701,492.60
BANK OF NOVA SCOTIA HOUS CERT DEPOS (FLT)	03/06/2013 0.520%	06417FPL8	A-1	P-1	03/04/13	03/06/13	1,350,000.00	0.59	483.37	1,350,000.00	1,350,800.55
SKANDINAVISKA ENSKILDA NY CERT DEPOS(FLT)	04/16/2013 0.652%	83051HJH0	A+	A1	04/11/13	04/16/13	1,700,000.00	0.66	2,340.31	1,700,000.00	1,699,923.50
RABOBANK NEDERLAND NV NY CD	04/29/2013 0.600%	21684BEP5	AA-	AA2	04/25/13	04/29/13	1,700,000.00	0.61	1,785.00	1,700,000.00	1,691,787.30
<b>Security Type Sub-Total</b>							<b>7,449,741.11</b>	<b>0.55</b>	<b>6,630.32</b>	<b>7,449,799.86</b>	<b>7,444,423.95</b>
<b>Managed Account Sub-Total</b>							<b>66,910,000.00</b>	<b>0.61</b>	<b>163,029.97</b>	<b>68,093,087.71</b>	<b>68,086,387.59</b>
<b>Securities Sub-Total</b>							<b>\$66,910,000.00</b>	<b>0.61%</b>	<b>\$163,029.97</b>	<b>\$68,093,087.71</b>	<b>\$68,086,387.59</b>
<b>Accrued Interest</b>											<b>\$163,029.97</b>
<b>Total Investments</b>											<b>\$68,249,417.56</b>



PFM Asset Management LLC





CITY OF ANTIOCH, CA - 04380500

Managed Account Security Transactions & Interest

For the Month Ending June 30, 2013

Transaction Type	Trade Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
<b>INTEREST</b>										
06/01/13	06/01/13	CA ST DEPT OF WATER TXBL REV BONDS	13066KX87	500,000.00	0.00	1,625.00	1,625.00			
		DTD 09/27/2012 0.650% 12/01/2015								
06/01/13	06/01/13	JP MORGAN CHASE & CO NOTES	46625HHN3	1,010,000.00	0.00	23,482.50	23,482.50			
		DTD 05/18/2009 4.650% 06/01/2014								
06/03/13	06/03/13	MONEY MARKET FUND	MONEY0002	0.00	0.00	0.33	0.33			
06/06/13	06/06/13	BANK OF NOVA SCOTIA HOU5 CERT DEPOS (FLT)	06417PPL8	1,350,000.00	0.00	1,901.25	1,901.25			
		DTD 03/06/2013 0.520% 03/06/2015								
06/12/13	06/12/13	FHLB NOTES	313371PC4	3,000,000.00	0.00	13,125.00	13,125.00			
		DTD 11/08/2010 0.875% 12/12/2014								
06/15/13	06/15/13	US TREASURY NOTES	912828RV4	1,200,000.00	0.00	1,500.00	1,500.00			
		DTD 12/15/2011 0.250% 12/15/2014								
06/18/13	06/18/13	STANDARD CHARTERED BK NY LT CD (FLOAT)	85325BVS0	1,000,000.00	0.00	308.45	308.45			
		DTD 03/18/2013 0.353% 03/18/2014								
06/21/13	06/21/13	FANNIE MAE GLOBAL NOTES	3135GOSB0	950,000.00	0.00	1,781.25	1,781.25			
		DTD 11/16/2012 0.375% 12/21/2015								
06/29/13	06/29/13	JOHN DEERE CAPITAL CORP GLOBAL NOTES	24422ERS0	450,000.00	0.00	2,137.50	2,137.50			
		DTD 06/29/2012 0.950% 06/29/2015								
06/30/13	06/30/13	US TREASURY NOTES	912828KZ2	2,200,000.00	0.00	35,750.00	35,750.00			
		DTD 06/30/2009 3.250% 06/30/2016								
06/30/13	06/30/13	US TREASURY NOTES	912828KZ2	3,300,000.00	0.00	53,625.00	53,625.00			
		DTD 06/30/2009 3.250% 06/30/2016								
06/30/13	06/30/13	US TREASURY NOTES	912828KZ2	2,950,000.00	0.00	47,937.50	47,937.50			
		DTD 06/30/2009 3.250% 06/30/2016								
<b>Transaction Type Sub-Total</b>				<b>17,910,000.00</b>	<b>0.00</b>	<b>183,173.78</b>	<b>183,173.78</b>			
<b>Managed Account Sub-Total</b>				<b>0.00</b>	<b>183,173.78</b>	<b>183,173.78</b>				
<b>Total Security Transactions</b>				<b>\$0.00</b>	<b>\$183,173.78</b>	<b>\$183,173.78</b>				



PFM Asset Management LLC



**STAFF REPORT TO THE CITY COUNCIL  
FOR CONSIDERATION AT THE COUNCIL MEETING OF**

**PREPARED BY: DONNA CONLEY**

Handwritten initials "DC" in black ink, positioned to the right of the name "DONNA CONLEY".

**DATE: JULY 30, 2013**

**SUBJECT: STATEMENT OF INVESTMENT POLICY**

**RECOMMENDATION:**

Adopt the Resolution

**BACKGROUND:**

Effective January 1, 1986, State Law required that the City adopt guidelines for the investing of the City's monies. I am attaching a Resolution and a Statement of the Investment Policy for your consideration. There have been no new changes.

A handwritten signature, a stylized letter "D", in black ink.

7-30-2013

**CITY OF ANTIOCH**  
**STATEMENT OF INVESTMENT POLICY**

**I. INTRODUCTION**

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment process. The initial step toward a prudent investment policy is to organize and formalize investment related activities. Related activities which comprise good cash management include accurate cash projection, the expeditious collection of revenue, the control of disbursements, cost effective banking relations, and a short term borrowing program which coordinates working capital requirements and investment opportunity. In concert with these requirements are the many facets of an appropriate and secure short term investment program.

**II. OBJECTIVES**

A. Safety of principal is the foremost objective of the City, followed by liquidity and yield. Each investment transaction shall seek to first ensure that capital losses are avoided, whether they are from securities defaults or erosion of market value.

B. Investment decisions should not incur unreasonable investment risks in order to obtain current investment income.

C. The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated. This need for investment liquidity may be tempered to the extent that the City is able to issue short term notes to meet its operating requirements.

D. The investment portfolio shall be managed to attain a market average rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and cash flow requirements, and state and local law, ordinances or resolutions that restrict the placement of short term funds.

E. Portfolio performance will be measured against a total return index with securities with similar attributes and similar average maturity, e.g., the Merrill Lynch 1-3 Year U.S. Treasury Index.

F. The City's investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks associated with concentrating investments in specific security types or in individual financial institutions.

G. While the City will not make investments for the purpose of trading or speculation as the dominant criterion, the City Treasurer shall seek to enhance total portfolio return by means of active portfolio management. The prohibition of speculative investments precludes pursuit of gain or profit through unusual risk and precludes investments primarily directed at gains or profits from conjectural fluctuations in market prices. However, as long as the original investments can be justified by their ordinary earning power, trading in response to changes in market value or market direction is a requirement of portfolio management.

H. The City adheres to the guidance provided by the "prudent investor rule", which obligates a fiduciary to ensure that investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

I. All participants in the investment process shall act responsibly as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust. Nevertheless, in a diversified portfolio, it must be recognized that occasional measured losses are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

**III. DELEGATION OF AUTHORITY**

The responsibility for conducting the City's investment program resides with the City Treasurer, who shall establish written procedures for the operation of the investment program, consistent with this investment policy. Such procedures shall include explicit delegation of authority for all investment activities. Transactions may be

## CITY OF ANTIOCH STATEMENT OF INVESTMENT POLICY

delegated to an independent investment advisor registered with the SEC who will meet at least quarterly with the City Treasurer and Finance Director to review general strategies and monitor results.

### IV. PERMITTED INVESTMENT INSTRUMENTS

The City of Antioch shall strive to maintain the level of investment of all idle funds as near 100% as possible, through daily and projected cash flow determinations. Idle cash management and investment transactions are the responsibility of the City Treasurer. The City Treasurer, or designee, is authorized to purchase the following investment instruments.

- A. U.S. Treasury, notes, bonds, bills, or other certificates of indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest.
- B. Federal agency or United States government-sponsored enterprise obligations, participation, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises including debt guaranteed under the FDIC's Temporary Liquidity Guarantee Program, which is backed by the full faith and credit of the U.S. Government. The details of the FDIC guarantee are provided in the FDIC's regulations, 12 CFR Part 370, and at the FDIC's website <http://www.fdic.gov/tlgp>.
- C. Obligations of the State of California or any local agency within the state, including bonds payable solely out of revenues from a revenue producing property owned, controlled or operated by the state or any local agency or by a department, board, agency or authority of the state or any local agency.
- D. Registered treasury notes or bonds of any of the other 49 United States in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 United States, in addition to California.
- E. Repurchase Agreements. Repurchase agreements are to be used solely as short-term investments not to exceed 30 days. The City may enter into repurchase agreements with primary government securities dealers rated "A" or better by two nationally recognized rating services. Counterparties should also have (i) a short-term credit rating in the highest category by a nationally recognized statistical rating organization (NRSRO); (ii) minimum assets and capital size of \$25 billion in assets and \$350 million in capital; (iii) five years of acceptable audited financial results; and (iv) a strong reputation among market participants.

The following collateral restrictions will be observed: Only U.S. Treasury securities or Federal Agency securities will be acceptable collateral. All securities underlying repurchase agreements must be delivered to the City's custodian bank versus payment or be handled under a properly executed tri-party repurchase agreement. The total market value of all collateral for each repurchase agreement must equal or exceed 102% of the total dollar value of the money invested by the City for the term of the investment. For any repurchase agreement with a term of more than one day, the value of the underlying securities must be reviewed on an on-going basis according to market conditions. Market value must be calculated each time there is a substitution of collateral.

The City or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to repurchase agreement. The City shall have properly executed a PSA agreement with each counter party with which it enters into repurchase agreements.

- F. Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers' acceptances. Purchases of bankers' acceptances may not exceed 180 days' maturity, or 40% of the City's surplus money that may be invested. However, no more than 30% of the City's surplus funds may be invested in the bankers' acceptances of any one commercial bank. Eligible bankers' acceptances are restricted to issuing financial institutions with short-term paper rated in the highest category by one NRSRO.



**CITY OF ANTIOCH**  
**STATEMENT OF INVESTMENT POLICY**

- G. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization (NRSRO). The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2) below:
1. The entity meets the following criteria: (A) is organized and operating in the United States as a general corporation. (B) has total assets in excess of five hundred million dollars (\$500,000,000). (C) has debt other than commercial paper, if any, that is rated "A" or higher by a nationally recognized statistical-rating organization (NRSRO).
  2. The entity meets the following criteria: (a) is organized within the United States as a special purpose corporation, trust, or limited liability company. (b) Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond. (c) Has commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Eligible commercial paper shall have a maximum maturity of 270 days or less. The City may invest no more than 25% of its money in eligible commercial paper, and the City may purchase no more than 10% of the outstanding commercial paper of any single issuer.

- H. Medium term notes with a maximum maturity of five years issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. No more than 15% of the notes eligible for investment under this subdivision shall be rated in a rating category of "A" or its equivalent or better by two NRSRO's. The remainder of notes eligible for investment under this subsection must be rated AA or higher by two NRSRO's. Purchases of medium term notes may not exceed 30% of the City's portfolio.
- I. FDIC-insured or fully collateralized time certificates of deposit in financial institutions located in California, including U.S. branches of foreign banks licensed to do business in California. All time deposits must be collateralized in accordance with California Government Code Section 53561, either at 150% by promissory notes secured by first mortgages and first trust deeds upon improved residential property in California eligible under Section (m) or at 110% by eligible marketable securities listed in Subsections (a) through (l) and (n) and (o). The City, at its discretion and by majority vote of the Investment Advisory Committee, on a quarterly basis, may waive the collateralization requirements for any portion of the deposit that is covered by federal insurance. To be eligible to receive local agency deposits, a financial institution must have received a minimum overall satisfactory rating for meeting the credit needs of California Communities its most recent evaluation.
- J. Negotiable Certificates of Deposit issued by a nationally or state-chartered bank or a state or federal savings and loan association or by a state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit may not exceed 30% of the City's surplus money.
1. Certificates with maturities greater than six months through one year shall have an A-1/P-1 rating, or its equivalent or better, as provided for by one of the *NRSRO's*.
  2. Certificates with maturities greater than one year and through four years shall have a long term rating of "A", its equivalent or higher from one or more *NRSRO's*.
- K. State of California's Local Agency Investment Fund (LAIF). Investment in LAIF may not exceed \$40 million.
1. The LAIF portfolio should be reviewed periodically.
- L. California Asset Management Program (CAMP).
- M. Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, et seq.). To be eligible for investment pursuant to this subdivision these companies shall either:

**CITY OF ANTIOCH**  
**STATEMENT OF INVESTMENT POLICY**

1. Attain the highest ranking letter or numerical rating provided by not less than two of the three largest nationally recognized statistical-rating organization or
2. Have an investment advisor registered or exempt from registration with the Securities and Exchange Commission with not less than five years experience managing money market mutual funds and with assets under management in excess of \$500,000,000.

The purchase price of shares shall not exceed 20 percent of the investment portfolio of the City.

N. Insured savings account or money market account. To be eligible to receive local agency deposits, a financial institution must have received a minimum overall satisfactory rating for meeting the credit needs of California Communities in its most recent evaluation.

2. Credit criteria listed in this section refers to the credit of the issuing organization at the time the security is purchased.

**V. PROHIBITED INVESTMENTS**

Any security type or structure not specifically approved by this policy is hereby specifically prohibited. Security types which are thereby prohibited include, but are not limited to:

1. Reverse repurchase agreements.
2. The City shall not invest any funds in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages, or in any security that could result in zero interest accrual if held to maturity.
3. The City will not invest in any companies that produce alcohol for public consumption or tobacco products.

**VI. MATURITY**

Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled as to permit the City to meet all projected obligations. Unless otherwise specified in this section, no investment shall be made in any security, other than a security underlying a repurchase or reverse repurchase agreement as authorized by this section that at the time of the investment has a term remaining to maturity in excess of five years.

**VII. DIVERSIFICATION**

It is City policy to diversify the investment portfolio in order to reduce the risk of loss resulting from other concentration of assets in a specific maturity, a specific issuer, or a specific class of securities. The following strategies and constraints shall apply:

A. Portfolio maturities shall be staggered in a way to avoid undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.

B. Concern for liquidity shall be insured through practices that include covering the next vendor disbursement date and payroll date through maturing investments.

C. Risks of market price volatility shall be controlled through maturity diversification such that aggregate price losses on instruments with maturities exceeding one year shall not be greater than coupon interest and investment income received from the balance of the portfolio.

D. Specific diversification limitation shall be imposed on the portfolio as follows:

**CITY OF ANTIOCH  
STATEMENT OF INVESTMENT POLICY**

1. The target average maturity of the portfolio will be 18 months, plus or minus six months. During increasing rate environments the average maturity is to be shortened toward the 12 month goal and during decreasing rate environments the average maturity is to be lengthened toward the 24 month goal.

2. Except for deposits in the Local Agency Investment Fund, instruments of the U.S. Government or its Agencies and fully collateralized certificates of deposit, no more than 10% of the overall portfolio may be invested in the securities of a single financial institution if the maturity is greater than one year, no more than 20% may be invested in a single issuer if the maturity is one year or less.

3. In accordance with California statutes, City deposits including collateralized certificates of deposit shall not exceed the total paid up capital (to include capital notes and debentures) and surplus of any depository bank, or the total of the net worth of any savings and loan association.

**VIII. RISK TOLERANCE**

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. No individual investment transaction shall be undertaken which jeopardizes the total capital position of the overall portfolio. The City Treasurer shall periodically establish guidelines and strategies to control risks of default, market price changes and illiquidity.

In addition to these general policy considerations, the following specific policies will be strictly observed.

A. All investment funds will be placed directly with qualified financial institutions. The City will not deposit or invest funds through third parties or money brokers.

B. All transactions will be executed on a delivery versus payment basis with one exception: Upon the City's receipt of an account number from an authorized official, a California savings and loan institution and Bay Area banks shall have 48 hours from the transaction settlement date in which to deliver the certificate of deposit for a collateralized deposit to the City's safekeeping, even though payment is made by the City on the settlement date.

C. A competitive bid process, utilizing a minimum of three financial institutions deemed eligible by the City's Investment Advisor, will be used to place all investment purchases. Based on a quarterly evaluation, securities dealers, banks and other financial institutions will be dropped or continued on the eligibility list. The following criteria will be used in the quarterly evaluation:

1. Number of transactions competitively won.
2. Prompt and accurate confirmation of transactions.
3. Efficient securities delivery.
4. Accurate market information account servicing.

D. The City Treasurer shall forward a copy of and updates to the City's Investment Policy to the City's Investment Advisor and require written acknowledgment of the Policy.

**IX. SAFEKEEPING AND CUSTODY**

To protect against potential fraud and embezzlement, the assets of the City shall be held in the City's vault or secured through third party custody and safekeeping procedures. City Treasurer or designee shall be bonded to protect the public against possible embezzlement and malfeasance. Safekeeping procedures shall be reviewed annually by an independent auditor. The auditor may conduct surprise audits of safekeeping and custodial procedures.

**X. REPORTING REQUIREMENTS**

The City Treasurer shall render to the City Council at least a quarterly investment report, which shall include, at a minimum, the following information for each individual investment:

**CITY OF ANTIOCH**  
**STATEMENT OF INVESTMENT POLICY**

1. Type of investment instrument (i.e., Treasury Bill, medium term note);
2. Issuer name (i.e., General Electric Credit Corporation);
3. Purchase date (trade and settlement date);
4. Maturity date;
5. Par value;
6. Purchase price;
7. Current market value and the source of the valuation;
8. Overall portfolio yield based on cost.

The quarterly report also shall (a) state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance; (b) include a description of any of the City's funds, investments, or programs that are under the management of contracted parties, including lending programs; and (c) include a statement denoting the ability of the City to meet its expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

The Treasurer will submit to City Council a monthly report of investment transactions.

The City Treasurer shall annually render to the City Council a Statement of Investment Policy, which the City Council shall consider at a public meeting.

**RESOLUTION NO. 2013/\*\***

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
ADOPTING THE STATEMENT OF INVESTMENT POLICY**

---

**BE IT RESOLVED** that the City Council of the City of Antioch hereby adopts the Statement of Investment Policy, as attached hereto:

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at an Adjourned Regular Meeting thereof, held on the 30th day of July, 2013, by the following vote:

**AYES:** Council Members



**NOES:**

**ABSENT:**

---

**ARNE SIMONSEN  
CITY CLERK OF THE CITY OF ANTIOCH**

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR  
CONSIDERATION AT THE COUNCIL MEETING OF JULY 30, 2013**

**FROM:** Alan Barton, Director of information services   
**PREPARED BY:** Lonnie Karste, Karste Consulting Inc.   
**DATE:** July 23, 2013  
**SUBJECT:** Measure WW Park and Recreation Security Camera Program –  
Awarding of Contract

**RECOMMENDATIONS**

1. Award the Park and Recreation Security Camera Program contract to QPCS as a sole source vendor.
2. Approve change order to Odin systems for completion of second phase of marina/boat launch.
3. Authorize the City Manager to enter into an agreement with QPCS to provide security camera installation services.

**BACKGROUND INFORMATION**

In January 2009, East Bay Regional Park District offered a local grant program to cities to enhance parks within the city called Measure WW.

The Police Department identified three parks in the City that have higher crimes compared to other parks. The crimes ranged from vandalisms, copper wire thefts, assaults and disturbances. We developed a wireless security camera surveillance program that will put a total of seven high-grade surveillance cameras at the parks. This project would provide an enhanced layer of public safety that can be monitored in real time. The public's usage and attendance of the parks is anticipated to increase. The high costs of repairs and maintenance due to vandalisms and thefts will greatly decrease, saving money and increasing the longevity of the infrastructure. The Park Security Camera program was approved by both EBRP and the City Council in 2010.

1. The Antioch Marina – located at 10 Marina Place.
2. Community Park/Worth Shaw Sports Complex - located at 801 James Donlon Boulevard.
3. Knoll Park – located at 5000 Country Hills Drive.

This phase of the project is underway and expected to be completed in February 2014.

7-30-13

During the past fiscal year, the city council requested staff to review the possibility of adding additional facilities to this security camera program.

These facilities included:

- 1) The existing launch ramp on Fulton Shipyard Road.
- 2) The new launch ramp located at 10 Marina Place (Antioch marina).
- 3) Lone Tree Golf Course and Event Center site (a city owned facility). ***This recommendation came from the joint City Council and Golf Course Board of Directors Subcommittee.***

The funds available through the current Measure WW Grant are limited and the goal was to secure the remainder of these funds for these proposed projects /facilities. The Measure WW application for these sites has been submitted and approved.

The current vendor's (Odin Systems Inc.) design and technology is more than three years old. As staff began to research adding new cameras to the existing system for these proposed new sites, they were informed that the support infrastructure could be expanded, but the backbone and hardware support costs needed for this expansion were significant. Based upon these findings, staff continued to seek alternate options to reduce the costs and yet provide the same high quality camera presence.

In an effort to meet both the desires of the City Council to protect two of these three sites and meet the fiscal constraints of the Measure WW funding allocation, staff is recommending a new sole source vendor, QPCS, be used for two of these three sites.

Staff also recommends that Odin Systems Inc. be used to complete the second phase of the current marina project at the Antioch marina/boat launch ramp located at 10 Marina Place.

The new vendor, QPCS, is recommended for use for both the Lone Tree Golf and Event Center site and the boat launch on Fulton Shipyard Road.

The new QPCS product is a self-contained camera system that does not require the same level of hardware purchase and infrastructure support as the currently installed system.

In California, QPCS has established exclusive partnerships with all major cellular carriers in order to utilize their cellular infrastructure to stream live video on-demand, distribute alarm notifications and perform remote video archiving.

This alternate system will also meet the needs of the interoperability desired by the end user (City of Antioch) at a reduced cost.

QPCS is a proprietary system but standard parts meet competitive pricing. City staff has approved QPCS as a sole source vendor for this project.

### **FINANCIAL IMPACT**

The total cost of the project portion is \$122,700.00. Measure WW is a local grant reimbursement program that will fund approximately \$86,200.00, and the community park fees reserve will fund the balance of \$36,500.00. There are no matching requirements for this project.

### **OPTIONS**

1. Approve the awarding of the new sole source contract to QPCS and change order to current Odin Systems Inc. contract
2. Decline to approve the contract and direct staff with further recommendations.

### **ATTACHMENTS**

- A. Scope of work QPCS
- B. Documentation of proprietary/ sole source vendor selection.





## STATEMENT OF WORK

### INTRODUCTION

#### Background

The City of Antioch is looking to implement a CCTV Systems at the Old Marina Boat Ramp, and integrate it with the City's current Milestone Enterprise System.

The CCTV system is to act as a "force multiplier" and a critical layer of security for the Old Marina Boat Ramp location.

#### Site Information

- **Old Marina Boat Ramp, Antioch CA 94531**
- Attachment 1 shows the site plan and proposed camera locations

The CCTV System shall provide the following:

1. Distributed CCTV system with no central recording server.
2. Remote Surveillance Units (RSU) and Internet Protocol (IP) cameras at each proposed location.
3. 4G LTE Cellular communication for alarm generation and review video.
4. Recorded video will be stored on each RSU and accessed remotely as necessary.
5. Live video will be monitored remotely through Milestone XProtect Enterprise software.
6. Integration with City's Milestone XProtect Enterprise system.
7. The ability to record and recall emergencies and incidents.
8. The ability to track persons of interest and recall.
9. The ability to monitor and track activities.
10. The ability to utilize video analytics in order to generate alarms when set rules are broken.
11. The ability to utilize video as evidence during an investigation.
12. All of the features of Milestone XProtect Enterprise version software.

### CITY OF ANTIOCH'S MILESTONE SYSTEM INFRASTRUCTURE

- Milestone XProtect Enterprise (management client).

### CONTRACTOR RESPONSIBILITY

The Contractor (QPCS LLC) will provide the hardware products and professional services to meet the requirements specified in this Statement of Work. The Contractor will fully integrate the new Milestone systems with the City's main Milestone VMS system. Recorded video will be stored locally at each RSU and the system will be managed from City's facilities.

The Contractor will designate a Project Manager to serve as a single point of contact for project management purposes.

Should City be required to make mandatory changes to the system during implementation, the Contractor will incorporate these as part of the new hardware integration at no additional cost to the City.

The City must be notified in writing of any changes in the personnel assigned to this contract. Qualifications for suggested staff changes should be comparable with those being replaced and must be approved by the City's Project Manager or designee listed in the Statement of Work.

## **CONTRACTOR SERVICES**

1. The Contractor will provide a complete and fully functioning CCTV system in the specified Locations. The core system components will include two Remote Surveillance Units (RSU4) with cellular communication and two RSU-WiFi. All RSU will be running Windows 7 Professional, Milestone XProtect Enterprise software and IP cameras.
2. The Contractor technician(s) must have a Milestone XProtect Advanced Certification.
3. The Contractor shall provide all labor and materials necessary to provide a fully functioning system that is integrated with City's main Milestone CCTV system as determined by the City's Security System Administrators.
4. All software configurations and hardware integration will be provided by the Contractor, as determined by the City's Security System Administrators. The Contractor will be expected to fully configure and integrate all software, hardware features/capabilities, and integrate the new system with other City enterprise Systems, examples include but not limited to: SQL Server 2005 Standard or Enterprise database, Active Directory, and all others as determined by the City's Security System Administrators throughout the project.
5. All wiring, existing and newly installed, shall be done in a neat and professional manner, with wire labeling, formal diagrams, etc.
6. Hardware, materials, and installation workmanship of the hardware provided under this contract shall be guaranteed for a period of One (1) years from the date of final acceptance of hardware and services. Any defects due to faulty materials, methods of installation, or workmanship within this period shall be repaired by technicians who are qualified and certified to repair those components that are defective, and at no expense to the City. A response by the Contractor indicating when a service repair/replacement will be provided on warranty items shall be within a maximum of eight (8) hours of notification by the City, seven (7) days a week, three hundred sixty five (365) days a year.
7. No material substitutions shall be made which deviate from the original installation without prior written approval by the City.
8. Any installation, de-commissioning, or supplies/equipment regarding electrical wiring that is necessary, other than low voltage, will need to be provided by the City.
9. Camera cable and wiring will be provided by the Contractor installing the CCTV hardware listed.
10. The Contractor will be responsible for documenting and re-labeling all wiring prior to beginning any other work, as determined by the City.
11. The Contractor will be responsible for connecting and fully integrating cameras to all hardware and software components as directed by City.

## **CITY OF ANTIOCH RESPONSIBILITIES**

The City will designate a Technical Project Manager to serve as a single point of contact for technical project management purposes.

The following items are required to support this effort:

- Access to project information, including, but not limited to, technical documentation and project status data.
- The City Security System Administrators will conduct Acceptance Testing, as described in the Acceptance Test Plan section below.
- The City will perform 10 consecutive days of Acceptance Testing to validate that the proposed newly integrated hardware meets the requirements of this Contract.

## **WARRANTY**

Hardware, materials, and installation workmanship of the hardware provided under this contract shall be guaranteed for a period of one (1) year from the date of final acceptance of hardware and services. Any defects due to faulty materials, methods of installation, or workmanship within this period shall be repaired or replaced within 48 hours of notification by the City, by technicians who are qualified and certified to repair those components that are defective, and at no expense to the City. A response by the Contractor indicating when a service repair/replacement will be provided on warranty items shall be within a maximum of eight (8) hours of notification by the City, seven (7) days a week, three hundred sixty five (365) days a year.

Warranty for the proposed hardware and labor will be a minimum period of one (1) year from the acceptance date at no additional cost to the City. Hardware warranty will be on-site, 24 x 7 with 8 hour response time. Warranty will cover all materials and labor costs for repairs of defects and failures occurring within the warranty period. The contract term will be for one (1) year effective from the acceptance of the hardware.

## **ACCEPTANCE TEST PLAN**

### **INTRODUCTION**

The City of Antioch System Administrators will conduct an acceptance test for the newly integrated hardware. The testing will be structured to ensure the new hardware is fully functioning within the existing CCTV infrastructure. The acceptance test period will last for a period of 10 consecutive calendar days, and will commence upon certification of installation/deployed to the production environment by the Contractor. Acceptance testing is necessary to ensure the hardware performs as expected.

Knowledge transfer will be performed by the Contractor to City's technical staff during the installation/integration period.

### **ADMINISTRATIVE REQUIREMENTS**

1. The Contractor shall certify in writing to the City when the new hardware is installed and is production ready. The City will confirm its installation by running functional and performance tests. Upon confirmation by the City that the new integrated hardware has successfully completed functional and performance tests, the Contractor shall work with the City to put the newly integrated hardware to full operational use for acceptance testing purposes.
2. If the integration of the new hardware is operable at an average level of availability of 99.999% or more and has met the minimum acceptable configuration during a ten (10) consecutive day

acceptance period, it shall be deemed to have met the City's standard of performance and shall be accepted by the City.

3. The average level of availability is a percentage figure computed by dividing the total operational use time during the Period of Maintenance Coverage by the sum of that time and associated downtime during the Period of Maintenance Coverage. All planned preventive maintenance time shall be excluded from the performance period hours unless the planned preventive maintenance is performed during prime hours or adversely impacts production.
4. The system downtime shall begin from the time the City makes a valid effort to contact the Contractor to report that a failure has caused the system to be inoperable, or operable at less than the minimum acceptable configuration, and shall end when the minimum acceptable system has been returned to the State in operable condition.
5. In the event the system does not meet the standard of performance during the initial 10 consecutive calendar days, the acceptance testing shall continue on a day-to-day basis until the standards of performance are met for 10 consecutive days. The standard of performance includes the 99.999% availability of the system and the minimum acceptable configuration.

**CITY OF ANTIOCH POINTS OF CONTACT**

<b>Name</b>	<b>Phone(s)</b>	<b>Fax</b>	<b>E-mail</b>
<i>(To be completed by the City)</i>	<i>(To be completed by the City)</i>	<i>(To be completed by the City)</i>	<i>(To be completed by the City)</i>

**CONTRACTOR POINTS OF CONTACT**

<b>Name</b>	<b>Phone(s)</b>	<b>Fax</b>	<b>E-mail</b>
Mario Campos Project Manager	(888)410-4240 (209) 482-2788	(775) 244-6394	<a href="mailto:mcampos@qpcs.net">mcampos@qpcs.net</a>



# Proposed Camera Locations

Dock  
Antioch, CA



## STATEMENT OF WORK

### INTRODUCTION

#### Background

The City of Antioch and the Lone Tree Golf Course are looking to implement a CCTV Systems at the golf course and integrate it with the City's current Milestone Enterprise System. The CCTV system is to act as a "force multiplier" and a critical layer of security for the Golf Course facilities.

#### Site Information

- **Lone Tree Golf Course, 4800 Golf Course Rd, Antioch CA 94531**
- Attachment 1 shows the site plan and proposed camera locations

The CCTV System shall provide the following:

1. Distributed CCTV system with no central recording server.
2. Remote Surveillance Units (RSU) and Internet Protocol (IP) cameras at each proposed location.
3. 4G LTE Cellular communication for alarm generation and review video.
4. Recorded video will be stored on each RSU and accessed remotely as necessary.
5. Live video will be monitored remotely through Milestone XProtect Enterprise software.
6. Integration with City's Milestone XProtect Enterprise system.
7. The ability to record and recall emergencies and incidents.
8. The ability to track persons of interest and recall.
9. The ability to monitor and track activities.
10. The ability to utilize video analytics in order to generate alarms when set rules are broken.
11. The ability to utilize video as evidence during an investigation.
12. All of the features of Milestone XProtect Enterprise version software.

### CITY OF ANTIOCH'S MILESTONE SYSTEM INFRASTRUCTURE

- Milestone XProtect Enterprise (management client).

### CONTRACTOR RESPONSIBILITY

The Contractor (QPCS LLC) will provide the hardware products and professional services to meet the requirements specified in this Statement of Work. The Contractor will fully integrate the new Lone Tree Golf Course's Milestone systems with the City's main Milestone system. Recorded video will be stored locally at each RSU and the system will be managed from City's facilities.

The Contractor will designate a Project Manager to serve as a single point of contact for project management purposes.

Should City be required to make mandatory changes to the system during implementation, the Contractor will incorporate these as part of the new hardware integration at no additional cost to the City.

The City must be notified in writing of any changes in the personnel assigned to this contract. Qualifications for suggested staff changes should be comparable with those being replaced and must be approved by the City's Project Manager or designee listed in the Statement of Work.



## **CONTRACTOR SERVICES**

1. The Contractor will provide a complete and fully functioning CCTV system in the specified Locations. The core system components will include three Remote Surveillance Units (RSU4) with cellular communication and one RSU-WiFi. All RSU will be running Windows 7 Professional, Milestone XProtect Enterprise software and IP cameras.
2. The Contractor technician(s) must have a Milestone XProtect Advanced Certification.
3. The Contractor shall provide all labor and materials necessary to provide a fully functioning system that is integrated with City's main Milestone CCTV system as determined by the City's Security System Administrators.
4. All software configurations and hardware integration will be provided by the Contractor, as determined by the City's Security System Administrators. The Contractor will be expected to fully configure and integrate all software, hardware features/capabilities, and integrate the new system with other City enterprise Systems, examples include but not limited to: SQL Server 2005 Standard or Enterprise database, Active Directory, and all others as determined by the City's Security System Administrators throughout the project.
5. All wiring, existing and newly installed, shall be done in a neat and professional manner, with wire labeling, formal diagrams, etc.
6. Hardware, materials, and installation workmanship of the hardware provided under this contract shall be guaranteed for a period of One (1) years from the date of final acceptance of hardware and services. Any defects due to faulty materials, methods of installation, or workmanship within this period shall be repaired by technicians who are qualified and certified to repair those components that are defective, and at no expense to the City. A response by the Contractor indicating when a service repair/replacement will be provided on warranty items shall be within a maximum of eight (8) hours of notification by the City, seven (7) days a week, three hundred sixty five (365) days a year.
7. No material substitutions shall be made which deviate from the original installation without prior written approval by the City.
8. Any installation, de-commissioning, or supplies/equipment regarding electrical wiring that is necessary, other than low voltage, will need to be provided by the Golf Course.
9. Camera cable and wiring will be provided by the Contractor installing the CCTV hardware listed.
10. The Contractor will be responsible for documenting and re-labeling all wiring prior to beginning any other work, as determined by the City.
11. The Contractor will be responsible for connecting and fully integrating cameras to all hardware and software components as directed by City.

## **CITY OF ANTIOCH RESPONSIBILITIES**

The City will designate a Technical Project Manager to serve as a single point of contact for technical project management purposes.

The following items are required to support this effort:

- Access to project information, including, but not limited to, technical documentation and project status data.
- The City Security System Administrators will conduct Acceptance Testing, as described in the Acceptance Test Plan section below.
- The City will perform 10 consecutive days of Acceptance Testing to validate that the proposed newly integrated hardware meets the requirements of this Contract.

## **WARRANTY**

Hardware, materials, and installation workmanship of the hardware provided under this contract shall be guaranteed for a period of one (1) year from the date of final acceptance of hardware and services. Any defects due to faulty materials, methods of installation, or workmanship within this period shall be repaired or replaced within 48 hours of notification by the City, by technicians who are qualified and certified to repair those components that are defective, and at no expense to the City. A response by the Contractor indicating when a service repair/replacement will be provided on warranty items shall be within a maximum of eight (8) hours of notification by the City, seven (7) days a week, three hundred sixty five (365) days a year.

Warranty for the proposed hardware and labor will be a minimum period of one (1) year from the acceptance date at no additional cost to the City. Hardware warranty will be on-site, 24 x 7 with 8 hour response time. Warranty will cover all materials and labor costs for repairs of defects and failures occurring within the warranty period. The contract term will be for one (1) year effective from the acceptance of the hardware.

## **ACCEPTANCE TEST PLAN**

### INTRODUCTION

The City of Antioch System Administrators will conduct an acceptance test for the newly integrated hardware. The testing will be structured to ensure the new hardware is fully functioning within the existing CCTV infrastructure. The acceptance test period will last for a period of 10 consecutive calendar days, and will commence upon certification of installation/deployed to the production environment by the Contractor. Acceptance testing is necessary to ensure the hardware performs as expected.

Knowledge transfer will be performed by the Contractor to City's and Golf Course technical staff during the installation/ integration period.

### ADMINISTRATIVE REQUIREMENTS

1. The Contractor shall certify in writing to the City when the new hardware is installed and is production ready. The City will confirm its installation by running functional and performance tests. Upon confirmation by the City that the new integrated hardware has successfully completed functional and performance tests, the Contractor shall work with the City to put the newly integrated hardware to full operational use for acceptance testing purposes.
2. If the integration of the new hardware is operable at an average level of availability of 99.999% or more and has met the minimum acceptable configuration during a ten (10) consecutive day



acceptance period, it shall be deemed to have met the City's standard of performance and shall be accepted by the City.

3. The average level of availability is a percentage figure computed by dividing the total operational use time during the Period of Maintenance Coverage by the sum of that time and associated downtime during the Period of Maintenance Coverage. All planned preventive maintenance time shall be excluded from the performance period hours unless the planned preventive maintenance is performed during prime hours or adversely impacts production.
4. The system downtime shall begin from the time the City makes a valid effort to contact the Contractor to report that a failure has caused the system to be inoperable, or operable at less than the minimum acceptable configuration, and shall end when the minimum acceptable system has been returned to the State in operable condition.
5. In the event the system does not meet the standard of performance during the initial 10 consecutive calendar days, the acceptance testing shall continue on a day-to-day basis until the standards of performance are met for 10 consecutive days. The standard of performance includes the 99.999% availability of the system and the minimum acceptable configuration.

**CITY OF ANTIOCH POINTS OF CONTACT**

<b>Name</b>	<b>Phone(s)</b>	<b>Fax</b>	<b>E-mail</b>
<i>(To be completed by the City)</i>	<i>(To be completed by the City)</i>	<i>(To be completed by the City)</i>	<i>(To be completed by the City)</i>

**CONTRACTOR POINTS OF CONTACT**

<b>Name</b>	<b>Phone(s)</b>	<b>Fax</b>	<b>E-mail</b>
Mario Campos Project Manager	(888)410-4240 (209) 482-2788	(775) 244-6394	<a href="mailto:mcampos@qpcs.net">mcampos@qpcs.net</a>



# Proposed Camera Locations

Lone Tree Golf Course  
Antioch, CA



Updated 2/18/2013





Mr. Alan Barton  
City of Antioch

This letter is to certify that QPCS utilizes proprietary technology in order to provide video solutions that are unique in design and implementation. Our Remote Surveillance Units (RSUs) are manufactured exclusively by QPCS, and follow a proprietary design that includes Video stored at the Edge, 4G Cellular Data Access, low-data consumption, License Plate Recognition and High-End Adaptive Video Analytics.

As a result of integrating 4G/LTE cellular technology and High-End Video Analytics, QPCS is regarded as a single source supplier of Edge Video Technology in the Security Market. Our group is not aware of any other vendors from whom this type of edge video technology is available.

In California, QPCS has established exclusive partnerships with all major cellular carriers, in order to utilize their cellular infrastructure to stream live video on-demand, distribute alarm notifications and perform remote video archiving.

QPCS has been and remains very active in the research and development of new video surveillance technologies, enabling Public Safety agencies to fight against street crime, graffiti, loitering, vandalism, copper theft, illegal dumping, trespassing, etc.

Our unique Edge Video Storage technology enables network cameras and video encoders to record and analyze footage directly to on-board ruggedized video processing units, often referred to as *local storage* or *onboard recording*.

Edge Video Storage presents new possibilities to design flexible and reliable recording solutions, optimize bandwidth usage, and lower total cost for remote site monitoring and recording.

Edge Video Storage scenarios supported by our technology include the following:

- Decentralized storage: eliminates the need and cost for a centralized video recording server, DVR, NVR or PC for recorded video
- Redundancy: fail-over recording if the camera loses connection with a central video management server.
- Low Bandwidth: optimize bandwidth limitations by viewing live video in low resolution, while fully supporting locally recorded video in HD - High Definition quality, suitable for forensic evidence and event analysis.
- Low-Installation cost: by utilizing Cellular 4G & WiFi technology, we minimize installation and relocation costs.

For more information, please visit our website at <http://www.qpcs.net> or contact our sales team at [sales@qpcs.net](mailto:sales@qpcs.net) | 888-410-4240. Thank you.

Mario Campos  
President  
QPCS, LLC

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR CONSIDERATION AT  
THE COUNCIL MEETING OF JULY 30, 2013**

**FROM:** Michelle Fitzer, Human Resources/Economic Development Director

**DATE:** July 23, 2013

**SUBJECT: RESOLUTION APPROVING AN UPDATED CLASS SPECIFICATION  
FOR CHIEF BUILDING OFFICIAL, WITHOUT ANY SALARY CHANGE**

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**RECOMMENDATION**

It is recommended that the City Council adopt a resolution approving the updated class specification for Chief Building Official.

**BACKGROUND**

As Council may recall, several years ago the City hired Johnson Associates to conduct a comprehensive classification review and update. When the economy began to deteriorate, this project was discontinued and left incomplete. Since that time, staff has brought updated class specifications to the Council for review and approval on an as-needed basis, usually when a recruitment was going to be initiated. Staff is currently working on completing the comprehensive classification update project and hope to have all of the remaining descriptions to Council for consideration in the next few months.

At this time, the Community Development Department needs to initiate a recruitment to fill the Chief Building Official vacancy, which is budgeted as a regular position. We have been filling the vacancy on an Acting basis for some time, but need to have a full-time regular staff person in this capacity. The Department would like to utilize the updated class specification for the upcoming recruitment, particularly because of the new State requirement that we have a Certified Access Specialist which is a required certification in the new description.

**FINANCIAL IMPACT**

Approving the amended class specification has no financial impact. There is no change to the assigned salary range.

The upcoming recruitment will not have a financial impact to the General Fund.

**ATTACHMENTS**

- A. Resolution Approving Amendments to the Classification and Compensation Plans
- B. Chief Building Official Draft Job Description



**RESOLUTION NO. 2012/XX**

**RESOLUTION APPROVING AN UPDATED CLASS SPECIFICATION FOR CHIEF BUILDING OFFICIAL, WITHOUT ANY SALARY CHANGE**

**WHEREAS**, the City has an interest in updating the class specifications for classifications Citywide; and

**WHEREAS**, staff is working on completing a comprehensive update of the classification system; and

**WHEREAS**, Council has considered updated class specifications on a case-by-case basis as needed for recruitments; and

**WHEREAS**, the Community Development Department needs to conduct a recruitment to fill the current vacancy in this classification, which is funded by the Building Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Antioch as follows:

**Section 1.** That the updated class specification for the classification of Chief Building Official, attached hereto as Exhibit "B", be approved and added to the City of Antioch Employees' Classification System; and

**Section 2.** That there is no adjustment to the established salary range; and

**Section 3.** That copies of this resolution be certified to all holders of the City of Antioch Employees' Classification System.

\* \* \* \* \*

**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 30<sup>th</sup> day of July, 2013, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

---

**ARNE SIMONSEN**  
**CITY CLERK OF THE CITY OF ANTIOCH**

**CHIEF BUILDING OFFICIAL**

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.*

**SUMMARY DESCRIPTION**

Under administrative direction, directs, manages, supervises, and coordinates the activities and operations of the Building Division within the Community Development Department; implements all City activities related to ensuring compliance with building standards, including building plan check, building inspection and building hazard correction; supervises and performs the more difficult inspections; approves plans and specifications; coordinates assigned activities with other divisions, departments, and outside agencies; and provides highly responsible and complex administrative support to the Community Development Director.

**REPRESENTATIVE DUTIES**

*The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.*

1. Assume management responsibility for assigned services and activities of the Building Division including enforcement of laws and codes governing the construction of the new buildings or altering existing structures, building plan check, building inspection, and building hazard correction.
2. Manage and participate in the development and implementation of goals, objectives, policies, and priorities for assigned programs; recommend and administer policies and procedures.
3. Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; recommend, within departmental policy, appropriate service and staffing levels.
4. Plan, direct, coordinate, and review the work plan for building inspection staff; assign work activities, projects, and programs; review and evaluate work products, methods, and procedures; meet with staff to identify and resolve problems.
5. Select, train, motivate, and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
6. Oversee and participate in the development and administration of the division's annual budget; participate in the forecast of funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement adjustments.
7. Supervise the review of building plans for conformance with the code provisions.
8. Advise builders and homeowners on minimum standards of construction and materials.
9. Perform the duties of a Certified Access Specialist (CAsp) as required by State law.
10. Plan, program, direct and participate in all building service activities associated with setting and ensuring compliance with building standards; perform difficult inspections and assist staff in resolving technical questions relating to various code requirements.

11. Establish system to ensure consistency within the division.
12. Confer with architects, contractors and others concerning building code provisions and construction methods.
13. Arbitrate interpretations between staff, design professionals, contractors and the public.
14. Establish and maintain liaison with appropriate government bodies, private firms, organizations or individuals to assist in achieving City objectives and ensuring compliance with appropriate laws and development standards.
15. Serve as the liaison for the Building Division with other divisions, departments, and outside agencies; negotiate and resolve sensitive and controversial issues.
16. Serve as staff on a variety of boards, commissions, and committees; prepare and present staff reports and other necessary correspondence.
17. Provide responsible staff assistance to the Community Development Director; conduct a variety of organizational studies, investigations, and operational studies; recommend modifications to building inspection programs, policies, and procedures as appropriate.
18. Attend and participate in professional group meetings; maintain awareness of new trends and developments in the field of building inspection; incorporate new developments as appropriate.
19. Respond to and resolve difficult and sensitive citizen inquiries and complaints.
20. Perform related duties as required.

### **QUALIFICATIONS**

*The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.*

#### **Knowledge of:**

- Operational characteristics, services, and activities of a building inspection program.
- Principles and practices of building inspection.
- Principles and practices of program development and administration.
- Methods and techniques of construction.
- Principles and practices of municipal budget preparation and administration.
- Principles of supervision, training, and performance evaluation.
- Principles, capabilities and operation of computerized information system technology as it relates to building inspection services.
- Principles, practices and methods associates with developing building standards, plan check and building inspection.
- Engineering principles, concepts and procedures as applied to building inspection.
- Pertinent federal, state, and local laws, codes, and regulations, especially those related to building and construction.

#### **Ability to:**

- Oversee and participate in the management of a comprehensive building inspection program.
- Oversee, direct, and coordinate the work of lower level staff.
- Select, supervise, train, and evaluate staff.
- Participate in the development and administration of division goals, objectives, and

procedures.

- Prepare and administer large program budgets.
- Prepare clear and concise administrative and financial reports.
- Read, understand and interpret construction blueprints, plans and specifications.
- Inspect and analyze standard building construction to identify code violations.
- Solve complex building inspection and code-related problems.
- Work effectively with builders, contractors and the general public.
- Explain City practices and objectives to appropriate public and private agencies, organizations and individuals.
- Establish and maintain systems needed for control of work quality and quantity.
- Conduct comprehensive analyses of building problems.
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Research, analyze, and evaluate new service delivery methods and techniques.
- Interpret and apply federal, state, and local policies, laws, and regulations.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

### **Education and Experience Guidelines**

#### **Education/Training:**

A Bachelor's degree from an accredited college or university with major course work in architecture, engineering, or a related field.

#### **Experience:**

Five years of increasingly responsible building inspection, standards development, and plan checking experience including two years of administrative and supervisory responsibility.

#### **License or Certificate:**

Possession of an appropriate, valid driver's license.

Possession of an International Code Council (ICC) Building Inspector Certificate or Combination Inspector Certificate.

Possession of Certified Access Specialist (CASP) certification.

### **PHYSICAL DEMANDS AND WORKING ENVIRONMENT**

*The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.*

**Environment:** Work is performed primarily in a standard office setting with some travel from site to site and exposure to a construction site environment; work and/or walk on various types of surfaces including slippery or uneven surfaces and rough terrain; work on ladders and in high, confined, hazardous spaces.

**Physical:** Primary functions require sufficient physical ability and mobility to work in an office and construction site setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; and to verbally communicate to exchange information.



Revised: June 1997; July 1999; July 2013

This class specification identifies the essential functions typically assigned to positions in this class. Other duties not described may be assigned to employees in order to meet changing business needs or staffing levels but will be reasonably related to an employee's position and qualifications. Other duties outside of an individual's skill level may also be assigned on a short term basis in order to provide job enrichment opportunities or to address emergency situations.

DRAFT

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR CONSIDERATION AT  
THE COUNCIL MEETING OF JULY 30, 2013**

**FROM:** Michelle Fitzner, Human Resources/Economic Development Director



**DATE:** July 23, 2013

**SUBJECT: RESOLUTION APPROVING UPDATED CLASS SPECIFICATIONS FOR  
ADMINISTRATIVE ANALYST I/II/III IN THE CONFIDENTIAL  
BARGAINING UNIT, WITHOUT ANY SALARY CHANGE**

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**RECOMMENDATION**

It is recommended that the City Council adopt a resolution approving the updated class specifications for Administrative Analyst I/II/III in the Confidential bargaining unit.

**BACKGROUND**

As Council may recall, several years ago the City hired Johnson Associates to conduct a comprehensive classification review and update. When the economy began to deteriorate, this project was discontinued and left incomplete. Since that time, staff has brought updated class specifications to the Council for review and approval on an as-needed basis, usually when a recruitment was going to be initiated. Staff is currently working on completing the comprehensive classification update project and hope to have all of the remaining descriptions to Council for consideration in the next few months.

At this time, the Public Works Department needs to initiate a recruitment to fill the Administrative Analyst vacancy, which is budgeted as a regular position. The Department would like to utilize the updated class specification for the upcoming recruitment. Currently we have Administrative Analyst classifications in the Confidential Unit and the Operating Engineers 3 Unit. This change is only for the Confidential Unit. The City representatives continue to meet with OE3 regarding the draft descriptions for their Unit.

**FINANCIAL IMPACT**

Approving the amended class specification has no financial impact. There is no change to the assigned salary range.

This position was funded with the adoption of the FY 2013/14 budget.

**ATTACHMENTS**

- A. Resolution Approving Amendments to the Classification and Compensation Plans
- B. Administrative Analyst I Draft Job Description
- C. Administrative Analyst II/III Draft Job Descriptions

**RESOLUTION NO. 2013/XX**

**RESOLUTION APPROVING UPDATED CLASS SPECIFICATIONS FOR ADMINISTRATIVE ANALYST I/II/III, WITHOUT ANY SALARY CHANGE**

**WHEREAS**, the City has an interest in updating the class specifications for classifications Citywide; and

**WHEREAS**, staff is working on completing a comprehensive update of the classification system; and

**WHEREAS**, Council has considered updated class specifications on a case-by-case basis as needed for recruitments; and

**WHEREAS**, the Public Works Department needs to conduct a recruitment to fill the current funded vacancy in this classification.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Antioch as follows:

**Section 1.** That the updated class specification for the classification of Administrative Analyst I and Administrative Analyst II/III, attached hereto as Attachments "B" and "C", be approved and added to the City of Antioch Employees' Classification System; and

**Section 2.** That there is no adjustment to the established salary range; and

**Section 3.** That copies of this resolution be certified to all holders of the City of Antioch Employees' Classification System.

\* \* \* \* \*

**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 30<sup>th</sup> day of July, 2013, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
**ARNE SIMONSEN**  
**CITY CLERK OF THE CITY OF ANTIOCH**

## ADMINISTRATIVE ANALYST I

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.*

### **SUMMARY DESCRIPTION**

Under direction, performs a variety of para-professional and general professional, routine analytical, programmatic, and administrative duties in support of various administrative and programmatic operations and activities and in providing responsible staff support to a City department, office, and/or program area; coordinates assigned activities with other divisions, outside agencies, and the general public; and may supervise, train, and oversee the work of assigned administrative support staff.

### **DISTINGUISHING CHARACTERISTICS**

The Administrative Analyst I is typically utilized as an entry level classification into the Administrative Analyst II classification or as a position providing advanced journey level para-professional administrative support within a department with responsibility for planning, coordinating, and implementing office support functions for an assigned department.

When utilized as the entry level into the Administrative Analyst II, this classification enables positions to acquire the competencies to perform at the full journey level. Initially under closer supervision, incumbents at this level perform the more routine administrative and programmatic support and analytical duties while learning City policies, procedures, and specific techniques related to area of assignment and management analysis. As experience is gained, assignments become more diversified and incumbents work with greater independence. Job assignments are in specific departments and/or programs, where incumbents are expected to assist the department head, senior management staff, and/or higher-level analysts with program, operational, and administrative functions.

When utilized as a position providing advanced journey level para-professional administrative support, the classification is often utilized for positions that function as an office manager with responsibility for planning, coordinating, and implementing office support functions for an assigned department. In this capacity, positions in this class contribute to the overall management of the assigned department by participating in the development of policies and procedures, coordinating with internal and external parties to improve delivery of service, providing guidance on all facets of customer communications, and participating in the development, monitoring, and administration of budgets.

### **REPRESENTATIVE DUTIES**

*The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.*

1. Perform a variety of programmatic, administrative, and routine staff and analytical duties requiring the application of administrative skills and specific program knowledge in support of a City department, division, program, or function; assume responsibility for specific program area duties; provide assistance in administrative and operating programs as assigned.
2. Conduct research; prepare, revise, and implement various administrative policies, procedures, rules, and regulations in accordance with sound organizational practices; develop and revise office forms and report formats.

3. Conduct administrative and/or management studies relating to the activities and operation of the assigned department, office, or program area; conduct the more routine surveys, research, and statistical analysis on administrative, fiscal, and operational issues; collect, compile, and analyze information from various sources on a variety of specialized topics related to programs administered by the position or by management staff; write reports that present and interpret data, identify alternatives, and make and justify recommendations.
4. Provide staff assistance to management staff; participate on and provide staff support to a variety of committees and boards; prepare and present staff reports and other correspondence as appropriate and necessary; relieve management staff of administrative work including investigating and answering complaints and providing assistance in resolving operational and administrative problems.
5. Participate in planning, coordinating, implementing, promoting, and overseeing assigned programs, projects, and initiatives; participate in the development and implementation of program goals, objectives, policies, procedures, and priorities; participate in the development and implementation of strategies for the achievement of these goals.
6. Participate in the identification, planning, development, and implementation of new and/or modified programs that would promote and enhance the mission, goals, and objectives of the City; perform the necessary research and analysis to justify the appropriateness of implementing the proposed program/project; prepare presentation materials and background documentation; participate in monitoring project success using appropriate tracking and feedback systems.
7. Assist in researching, negotiating, and monitoring assigned contracts and agreements with outside suppliers, service providers, leasing agents, and others; ensure work is performed in compliance with contracts and agreements.
8. Independently plan, administer, and coordinate administrative support functions and services for assigned department.
9. Plan, direct, coordinate, and review assigned activities and operations of the department including assigned administrative support, technical, and/or programmatic service areas; assign work activities, projects, and programs; review and evaluate work products, methods, and procedures; meet with staff to identify and resolve problems; recommend improvements in work flow, procedures, and use of equipment and forms; implement improvements as approved.
10. Participate in the selection, training, and evaluation of assigned administrative support personnel; provide or coordinate staff training; work with employees to correct deficiencies; recommend discipline and termination procedures.
11. Serve as primary contact and liaison for assigned functions and programs with other City departments and staff, the general public, and outside agencies and organizations; negotiate and resolve sensitive and controversial issues; explain, justify, and defend programs, policies, and activities.
12. Coordinate assigned services and program/project activities with those of other City programs, functions, departments, and staff, boards, committees, and task forces as well as external agencies, groups, and the general public to ensure effective cooperation consistent with optimal efficiency, effectiveness, and economy; coordinate data, resources, and work products as necessary and upon request in support of a productive and positive working environment; participate in representing the assigned area to public and private groups, organizations, and other City groups.

13. Assist with the budget development process and budget monitoring activities; provide assistance in the development of assigned budget; collect and analyze financial data; review and analyze budget requests and budget changes; make recommendations and obtain final approval for changes; create data tracking and reporting systems; monitor monthly status.
14. Perform related duties as required.

### **QUALIFICATIONS**

*The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.*

#### **Knowledge of:**

- Organization and operation of municipal government.
- Municipal government functions specifically related to program area/project assignments.
- Operational characteristics, services, and activities of assigned program.
- Work organization and office management principles and practices.
- Basic techniques and formulae for administrative, financial, and comparative analyses.
- Methods and techniques of effective technical, administrative, and financial record keeping, report preparation, and presentation.
- Principles and applications of critical thinking and analysis.
- Recent developments, research methods, current literature, and sources of information related to assigned programs and service areas.
- Basic principles and practices of public administration.
- Finance and accounting systems.
- Basic principles and practices of program development and administration.
- Basic principles and practices of budget preparation and administration and grant application and administration principles and practices.
- Principles of business letter writing.
- Federal, state, and local government organizations.
- Basic principles of supervision, training, and performance evaluation may be required for some positions.
- Modern office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets and databases.
- Methods and techniques used in customer service and public relations.
- English usage, spelling, grammar, and punctuation.
- Pertinent federal, state, and local laws, codes, and regulations.

#### **Ability to:**

- Perform assigned duties using independent judgment and personal initiative.
- Oversee, direct, coordinate, and participate in the management of a comprehensive administrative support division or other assigned program area.
- Understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.
- Understand, interpret, and apply administrative and departmental policies and procedures as well as pertinent laws, regulations, and ordinances.
- Select, train, and evaluate assigned staff may be required for some positions.
- Participate in the development and administration of program goals, objectives and procedures.
- Supervise, organize and review the work of lower level staff may be required for some positions.
- Participate in the preparation and administration of assigned budgets.
- Conduct basic to moderately complex research and compile, analyze, and interpret data.

- Prepare clear, accurate and concise tables, schedules, summaries and other materials in statistical and narrative form.
- Develop skill to analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Plan, coordinate and conduct operational analyses, administrative studies, and special projects.
- Respond to requests and inquiries from the general public.
- Establish and maintain various data collection, record keeping, tracking, filing, and reporting systems.
- Manage multiple projects simultaneously.
- Plan and organize work to meet schedules and time lines.
- Operate and use modern office equipment including a computer and various software packages.
- Participate in planning, organizing, directing, coordinating, and evaluating assigned programs, projects, events, or technical area.
- Properly interpret and make recommendations in accordance with laws, regulations and policies.
- Work under steady pressure with frequent interruptions and a high degree of public contact by phone or in person.
- Exercise good judgment and maintain confidentiality in maintaining critical and sensitive information, records, and reports.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

### **Education and Experience Guidelines**

#### **Education/Training:**

A Bachelor's degree in business administration, public administration, or a related field.

#### **Experience:**

Two years of responsible administrative and/or programmatic support experience related to assigned area. One year of research or analytical experience, preferably in public administration, is desirable.

### **PHYSICAL DEMANDS AND WORKING ENVIRONMENT**

*The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.*

**Environment:** Work is performed primarily in a standard office setting; regular interaction with City employees and the general public.

**Physical:** Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; and to verbally communicate to exchange information.

FLSA: Non-Exempt

Created October 1987

Revised February 2003; December 2003; November 2006; November 2007; July 2013

This class specification identifies the essential functions typically assigned to positions in this class. Other duties not described may be assigned to employees in order to meet changing business needs or staffing levels but will be reasonably related to an employee's position and qualifications. Other duties outside of an individual's skill level may also be assigned on a short term basis in order to provide job enrichment opportunities or to address emergency situations.

DRAFT



## ADMINISTRATIVE ANALYST II/III

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.*

### **SUMMARY DESCRIPTION**

Under general direction, performs a full range of responsible and varied professional, analytical, programmatic and administrative duties involved in providing responsible staff support to a City department, office, and/or program area; assumes responsibility for the management and administration of a specific program area; recommends action and assists in policy, procedure, work methods, and budget development and implementation for area of assignment; and coordinates assigned activities with other divisions, outside agencies, and the general public.

### **DISTINGUISHING CHARACTERISTICS**

These are the journey level classes in the professional Administrative Analyst series. Positions at this level are generally assigned responsibility for the management and administration of a specific program or function and independently perform a wide range of responsible and difficult analytical duties in providing responsible staff support to a City department, office, and/or program area. Assignments are typically received in broad, outline form, and incumbents are expected to have the competencies needed to act independently in developing applicable resources and information. Projects may include statistical analysis, operations support, and policy, procedures, and budget development, or other areas specific to the department or office. Incumbents are expected to exercise independent judgment in selecting study approach and analytical techniques and in making sound recommendations based on study results.

### **REPRESENTATIVE DUTIES**

*The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.*

1. Provide assistance in resolving the more difficult operational and administration problems; identify problem areas and issues; plan, organize, coordinate, direct, and/or conduct administrative and/or management studies relating to the activities or operation of the assigned department, office, or program area.
2. Conduct complex surveys, research, and analysis on administrative, fiscal, and operational issues; determine analytical techniques and information-gathering processes and obtain required information and data for analysis; analyze alternatives and make recommendations regarding such areas as staffing, facilities, equipment, cost analysis, productivity, and policy or procedure modifications; discuss findings with management staff and prepare reports of study conclusions; oversee and assist in the implementation of recommendations.
3. Provide complex staff assistance to management staff; participate on and provide staff support to a variety of committees and boards; prepare and present staff reports and other correspondence as appropriate and necessary.
4. Plan, coordinate, implement, promote, and oversee assigned programs, projects, and initiatives; oversee and participate in the development and implementation of

**CITY OF ANTIOCH**  
**ADMINISTRATIVE ANALYST III/III (CONTINUED)**

- program/project goals, objectives, policies, procedures, and priorities; oversee and participate in the development and implementation of strategies and workplans for the achievement of these goals.
5. Oversee and participate in the design, production, and distribution of a variety of promotional, marketing, outreach, and information materials, communications, and presentations; create press releases; serve as media contact for assigned programs.
  6. Perform a range of duties involved in the identification, planning, development, and implementation of new and/or modified programs/projects that would promote and enhance the mission, goals, and objectives of the City; oversee or perform the necessary research and analysis to justify the appropriateness of implementing the proposed program/project; prepare presentation materials and background documentation; monitor project success using appropriate tracking and feedback systems.
  7. Perform a range of duties involved in researching, negotiating, and monitoring assigned contracts and agreements with outside suppliers, service providers, leasing agents, and others; ensure work is performed in compliance with contracts and agreements.
  8. Coordinate assigned services and program/project activities with those of other City programs, functions, departments and staff, boards, committees, and task forces as well as external agencies, groups, and the general public to ensure effective cooperation consistent with optimal efficiency, effectiveness, and economy; coordinate data, resources, and work products as necessary and upon request in support of a productive and positive working environment; represent the assigned area to public and private groups, organizations, and other City groups; provide information and assistance as appropriate.
  9. Ensure that assigned program/project activities and services comply with relevant federal, state, and local laws, policies, and regulations.
  10. Participate in the selection, training, and evaluation of assigned administrative support personnel; provide or coordinate staff training; work with employees to correct deficiencies; recommend discipline and termination procedures.
  11. Serve as primary contact and liaison for assigned functions and programs with other City departments and staff, the general public, and outside agencies and organizations; negotiate and resolve sensitive and controversial issues; explain, justify, and defend programs, policies, and activities.
  12. Participate in the budget development process and budget monitoring activities for assigned areas of responsibility; collect and analyze financial data; review and analyze budget requests and budget changes; make recommendations and obtain final approval for changes; create data tracking and reporting systems; monitor monthly status.
  13. Administer, write, and prepare assigned grants; monitor and prepare reports on authorized grant expenditures.
  14. Attend and participate in professional group meetings; stay abreast of new trends and innovations in the fields of business and public administration and issues related to field of expertise.
  15. May direct the work of support staff on a project or day-to-day basis.

16. Perform related duties as required.

### **QUALIFICATIONS**

*The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.*

#### **Knowledge of:**

- Principles and practices of public administration.
- Organization and operation of municipal government.
- Municipal government functions specifically related to assigned program area.
- Operational characteristics, services, and activities of assigned program area.
- Principles and practices of program development and administration.
- Organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs related to area of assignment.
- Principles and practices of contract negotiation, preparation and monitoring.
- Principles and applications of critical thinking and analysis.
- Techniques and formulae for administrative, financial, and comparative analyses.
- Methods and techniques of effective technical, administrative, and financial record keeping, report preparation, and presentation.
- Recent developments, research methods, current literature, and sources of information related to assigned programs and service areas.
- Principles and practices of budget preparation and administration and grant application and administration principles and practices.
- Finance and accounting systems.
- Principles of business letter writing.
- Federal, state, and local government organizations.
- Principles of supervision, training, and performance evaluation.
- Modern office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
- Principles, trends, methods, and techniques used in customer service, public relations, public information, and program education and promotion.
- English usage, spelling, grammar, and punctuation.
- Pertinent federal, state, and local laws, codes, and regulations.

#### **Ability to:**

- Perform a wide range of professional analytical duties involving the use of independent judgment and personal initiative.
- Independently plan, organize, direct, coordinate, and evaluate assigned programs, projects, events, or technical area.
- Quickly assimilate new information and adapt to changing priorities.
- Oversee and participate in the development and administration of program goals, objectives and procedures.
- Collect, evaluate, and interpret varied information and data.
- Select, train, and evaluate assigned staff may be required for some positions.
- Research, analyze, and formulate recommendations, work plans, and activities regarding planning, technical, and administrative issues.
- Analyze complex problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.
- Read and interpret technical information.
- Prepare clear and concise technical, administrative and financial reports.

- Prepare clear, accurate and concise tables, schedules, summaries and other materials in statistical and narrative form.
- Establish and maintain various data collection, record keeping, tracking, filing, and reporting systems.
- Research, negotiate, manage, and monitor contracts and agreements.
- Understand the organization and operation of the City, assigned program, and of outside agencies as necessary to assume assigned responsibilities.
- Understand, interpret, and apply administrative and departmental policies and procedures as well as pertinent federal, state, and local laws, codes, and regulations.
- Properly interpret, ensure compliance with, and make recommendations in accordance with laws, regulations and policies.
- Identify and respond to community and organizational issues, concerns, and needs.
- Coordinate multiple projects and meet critical deadlines.
- Organize and prioritize timelines and project schedules in an effective and timely manner.
- Plan, schedule, and review the work and performance of subordinates in a manner conducive to proficient performance and high morale may be required for some positions.
- Participate in the preparation and administration of budgets.
- Operate and use modern office equipment including a computer and various software packages.
- Work under steady pressure with frequent interruptions and a high degree of public contact by phone or in person.
- Exercise good judgment and maintain confidentiality in maintaining critical and sensitive information, records, and reports.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

### **Education and Experience Guidelines**

#### **Analyst II**

##### **Education/Training:**

A Bachelor's degree from an accredited college or university with major course work in public administration, business administration, or a field related to area of assignment.

##### **Experience:**

Two (2) years of responsible professional level administrative and management analysis experience related to assigned area.

#### **Analyst III**

##### **Education/Training:**

A Bachelor's degree from an accredited college or university with major course work in public administration, business administration, or a field related to area of assignment.

**Experience:**

Five (5) years of responsible professional level administrative and management analysis experience related to assigned area, equivalent to the City's Administrative Analyst II classification. Time in classification is not sufficient to warrant moving from an Analyst II to an Analyst III. Employees must demonstrate the ability to assume independent responsibility for the most complex projects and assignments, to the satisfaction of Management staff. This is not an automatic flexing class series.

**PHYSICAL DEMANDS AND WORKING ENVIRONMENT**

*The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.*

**Environment:** Work is performed primarily in a standard office setting.

**Physical:** Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; and to verbally communicate to exchange information.

FLSA: Non-Exempt

Created October 1987

Revised February 2003; December 2003; November 2006; November 2007; July 2013

This class specification identifies the essential functions typically assigned to positions in this class. Other duties not described may be assigned to employees in order to meet changing business needs or staffing levels but will be reasonably related to an employee's position and qualifications. Other duties outside of an individual's skill level may also be assigned on a short term basis in order to provide job enrichment opportunities or to address emergency situations.

CITY OF ANTIOCH AS SUCCESSOR AGENCY TO  
THE ANTIOCH DEVELOPMENT AGENCY  
CLAIMS BY FUND REPORT  
FOR THE PERIOD OF  
JUNE 20 - JULY 24, 2013  
FUND/CHECK#

**239 Redevelopment Obligation Retirement Fund**

345946 GOLDFARB AND LIPMAN LLP	LEGAL SERVICES	546.00
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CITY OF ANTIOCH AS HOUSING SUCCESSOR TO  
THE ANTIOCH DEVELOPMENT AGENCY  
CLAIMS BY FUND REPORT  
FOR THE PERIOD OF  
JUNE 20 - JULY 24, 2013  
FUND/CHECK#

<b>227 Housing Fund</b>		
<b><i>Housing - CIP</i></b>		
346192 KENNEDY, JANET	CONSULTANT SERVICES	787.50

**STAFF REPORT TO THE CITY COUNCIL  
FOR CONSIDERATION AT THE MEETING OF JULY 30, 2013**

**Prepared by:** Mindy Gentry, Senior Planner *MA*  
Victor Carniglia, City Consultant *VC*

**Reviewed by:** Tina Wehrmeister, Community Development & Recreation Director *TW*

**Approved by:** Jim Jakel, City Manager

**Date:** July 25, 2013

**Subject:** Northeast Antioch Annexation Area Environmental Documentation, Prezoning, and Waiver of Annexation Fees (Z-13-03)

**RECOMMENDATION**

It is recommended that the City Council take the following actions:

1. Motion to adopt the Northeast Antioch Reorganization Final Initial Study/Mitigated Negative Declaration ("Final IS/MND") and Mitigation Monitoring and Reporting Program ("MMRP") and deem it adequate to address the environmental impacts of the proposed prezoning for the Northeast Antioch Area, as well as for future actions on the "Annexation and Tax Revenue Allocation Agreement between the City of Antioch and Contra Costa County for the Northeast Antioch Annexation" and the "Agreement between the City of Antioch and Contra Costa County for the Funding and Construction of Infrastructure Improvements Serving Annexation Area 2b" (Attachment "A");
2. Motion to read the ordinance by title only;
3. Motion to introduce the ordinance prezoning Areas 1, 2a, and 2b, consisting of approximately 678 acres of unincorporated land, located generally south of the Sacramento County line along the San Joaquin River in the vicinity of Wilbur Avenue, west of the City of Oakley, north and east of the boundaries of the City of Antioch, as depicted in Attachment "B"; and
4. Motion to adopt the resolution waiving, with exceptions, the City's annexation fee for Areas 1, 2a, and 2b (Attachment "C").

**OVERVIEW OF ANNEXATION PROCESS**

The annexation of the Northeast Antioch Area is a complex process and involves a number of separate but related actions for City Council to consider. The following is a brief overview of the annexation process, followed by a summary of the various actions before City Council. It is worth noting that given the history and complexity of this annexation process, the staff report is by necessity somewhat longer than the "typical" City Council report.

Annexation Process: Annexations in the State of California are regulated by agencies known as Local Agency Formation Commissions (LAFCOs). As a result of State legislation adopted almost 50 years ago, each County in California has its own separate LAFCO. The LAFCO Commission



consists of seven appointed members (not counting alternates), with the members representing cities, special districts, the County, and one “at large” commissioner. The rezoning before City Council for consideration is needed to fulfill LAFCO’s annexation application submittal requirements. It is important to note that while the City submits the annexation applications to the Contra Costa County LAFCO (in this instance the City is submitting three separate annexation applications), it is ultimately LAFCO’s decision to approve the boundaries of the annexation, to determine which parties have the ability/right to vote on the annexation process, and to decide whether the annexation request is approved or denied. LAFCO does not make any of these decisions arbitrarily, as LAFCO must comply with a complex set of State statutes, commonly referred to as the Cortese Knox Hertzberg Act. The City’s primary role in this process is to submit the annexation applications, and comply with LAFCO’s application submittal requirements.

It should be noted that as a function of the City’s co-annexation agreement with the Delta Diablo Sanitation District (DDSD), the City’s annexation applications to LAFCO includes concurrent annexation to DDSD. Since boundary changes for more than one agency (City of Antioch and DDSD) are being considered by LAFCO, it is considered a reorganization; while a one agency boundary change is considered an annexation. In this report, you will see the two terms will be used interchangeably.

## **BACKGROUND INFORMATION**

The City first applied to LAFCO to annex Area 1 in 2007. The length of time it has taken to bring the application to this point can be largely attributed to the challenges the City and the County have faced in reaching an agreement on the terms of the Tax Transfer Agreement, and determining the fiscal responsibility of each party for the needed infrastructure for Area 2b. The majority of past City annexations have involved largely vacant land that have had limited existing tax bases. As a result, in these past instances there was little “debate” between the City and County on how to split the limited tax revenue. This is not the case with the proposed annexation given the significant existing and potential property tax base, due largely to the existence of the two new power plants. The type and extent of infrastructure issues involved with this annexation is also unique in comparison with past applications.

Subcommittee Process: In 2011 a Northeast Antioch Annexation Subcommittee was formed to help move the annexation process forward. This Subcommittee consisted of representatives from the Board of Supervisors and City Council, with a LAFCO Board member attending as a non-voting member. A series of meetings of this Subcommittee were held over a 15 month period. At these meetings specific topics relevant to the annexation were raised, researched, and discussed. As a direct result of the leadership of this Subcommittee, provided primarily by Antioch Council Members Agopian and Rocha and Supervisor Federal Glover (with valuable input from LAFCO members), agreement was reached between the Subcommittee members on key issues relevant to the annexation. This agreement is reflected in the tax and infrastructure agreements that staff is requesting comment on in a later agenda item, and will be coming before City Council on August 13, 2013 for action.

Past Hearings: On March 27, 2012, the City Council considered the adoption of a Mitigated Negative Declaration (MND) and the rezoning of Area 1. During this process, a letter was received from the Manatt law firm representing West Coast Home Builders alleging a number of inadequacies with the environmental documentation prepared for the annexation and rezoning. After reviewing the relevant information, staff recommended that Council continue the rezoning to allow time to respond to the comments received. After further review by the City Attorney and the

City's consulting attorney, it was recommended that the most appropriate course of action would be to update the environmental documentation and continue action on the rezoning.

In May of 2012, the City received a letter from LAFCO "recommending" that the City submit annexation applications for Areas 2a and 2b, in addition to the pending application for Area 1 (Attachment "D"). In the letter, LAFCO suggested that any approval of the Area 1 annexation would very likely be conditioned upon the City's annexation of Areas 2a and 2b. Given the importance of the annexation of Area 1 to the City, the City Council in June 2012 directed City staff to submit the annexation applications for Areas 2a and 2b as requested by LAFCO, and directed City staff to update and re-circulate the MND.

Subsequent to the City's submittal of the annexation application for Area 2b, LAFCO staff determined that under the applicable procedures of the Cortese Knox Hertzberg Act and Contra Costa County LAFCO policies, Area 2b is an "island" territory which has no legal right to vote on the proposed annexation. As a result, City staff believes that LAFCO staff will be recommending to the LAFCO Commissioners that they waive the protest hearing and voting procedures for Area 2b. If the protest hearing process and voting procedures are waived, then neither Area 2b property owners nor the registered voters will be able to vote on whether the annexation of Area 2b should occur. In the late winter and spring of 2013 the City conducted a number of public meetings with residents in the annexation area. These public meetings are discussed in more detail in the public outreach section of this staff report.

On May 15, 2013, the Planning Commission conducted a hearing on the proposed rezoning and made a recommendation of approval to Council (6-0, with one Commissioner absent). The Planning Commission staff report is attached (Attachment "E"). Members of the public expressed their concerns regarding the annexation during the hearing (meeting minutes - Attachment "F"). The Planning Commission overall felt the annexation was important to the City, and the concerns of the residents of Area 2b had been adequately addressed through the goals established as part of the City's community outreach process.

Boundaries of Annexation Applications: It is important for City Council to have some background information on how the specific boundaries for the City's three annexation areas being rezoned were determined. As previously mentioned, the City in 2007 submitted an application to annex Area 1. In response to LAFCO's May 2012 request, the City submitted the annexation applications for Areas 2a and 2b. During the recent community meetings, the issue arose as to how the City arrived at the boundaries of the three subareas, 1, 2a, and 2b. This issue of boundaries is also raised in the letter submitted on behalf of an Area 2b property owner by the law firm of "Jenny & Jenny" (see Attachment "G"). The boundaries for the three separate areas have evolved over time, and have been determined to a large extent by existing land use patterns as discussed below. A reference map is also provided as Attachment "H".

- Area 1 is comprised almost entirely of heavy industrial uses, including two large relatively new power generating facilities. There is no residential development within the boundaries of Area 1. In addition, the area is well defined geographically, bounded by the City limits on the west, Area 2a on the east, San Joaquin River to the north, and Wilbur Avenue and the Burlington Northern Railroad to the south.
- Area 2a is distinct from Area 1 and Area 2b in that it is not occupied by heavy industrial uses and contains few ancillary residential uses, but instead consists of a mix of mostly non industrial uses, with the predominant land uses being marinas, other water related uses, and storage

facilities. Area 2a is also well defined geographically, being bordered on the west by Area 1 and on the east by Hwy 160, with the river to the north and Wilbur Avenue to the south.

- Area 2b is the “converse” of Areas 1 and 2a from a land use perspective, as it is occupied almost entirely by residential uses, with minimal commercial or industrial development. Area 2b, like Areas 1 and 2a, is well defined geographically, as it is almost entirely surrounded by the existing City limits, with over 90% of Area 2b’s boundary contiguous with the City.

By grouping similar uses (residential and industrial) as part of the annexation application process it is seemingly compatible with how LAFCO law dictates property owners/residents participate in the annexation process. In the case of industrial and other non residential areas like Area 1 with fewer than 12 registered voters, property owners are able to participate in the annexation process, with their vote “weighted” based on assessed value of the land they own. In the case of residential development, assessed value is not relevant, as the annexation is determined solely by registered voters. Combining residential and non residential uses in the same annexation application would result in the residential uses (assuming there are 12 or more registered voters) deciding the annexation irrespective of the desire or the amount of acreage owned by the non residential industrial land owners.

Based on the preceding factors, staff considers the boundaries of the three annexation applications to be appropriate.

## **ANALYSIS**

### **ISSUE #1: PREZONING**

#### **Overview:**

LAFCO requires that land proposed for annexation or reorganization into a City first be assigned a “prezoning” designation by the City into which the lands would be annexed. The City is proposing prezoning that would effectively perpetuate existing County zoning within Areas 1, 2a, and 2b, with modifications to the zoning that would be substantially similar or that would increase the ultimate zoning conformity of existing uses, lots, and structures. The City’s current General Plan designations for the three areas are very similar to and consistent with the County’s General Plan designations.

#### **Area 1 Prezoning:**

Area 1 is an approximately 481 acre area predominately occupied by heavy industrial uses, and also includes the Antioch Dunes National Wildlife Refuge, a resource conservation area generally not open to the public. The current County zoning for this entire subarea is “Heavy Industrial”, including the area comprising the Antioch Dunes National Wildlife Refuge (Attachment “I”). The City’s General Plan designations for Area 1 are General Industrial, Rail-Served Industrial and Open Space within the Eastern Waterfront Employment Focus Area (Attachment “J”). The City proposes to prezone the area with Heavy Industrial (M-2) and Open Space (OS) designations which are consistent with the City’s General Plan (Attachment “K”). As part of the requirements for prezoning, the zoning must be consistent with the City’s General Plan. The prezoning as proposed for all three areas meets this consistency requirement.

During one of the community meetings, property owners in Area 1 asked how the prezoning would affect the existing land uses. As mentioned above, the City is proposing the Heavy Industrial (M-2) zoning designation, which is very similar to the County’s existing zoning designation. Attachment “L” contains a description of all City zoning designations proposed for all three areas.

### **Area 2A Prezoning:**

Please reference the same attachments noted above: "I", "J", and "K", Area 2a is a 94 acre area located east of Area 1, north of Wilbur Avenue, and west of State Route 160 and the Antioch Bridge. Area 2a is currently occupied by predominately marina, commercial, and storage uses, along with incidental uses. The existing County zoning designation for this area is also Heavy Industrial. The City's General Plan designation for this area is Marina/Support Uses and Commercial. The City is proposing "Urban Waterfront" (WF) and "Regional Commercial" (C-3) zoning designations, reflecting the existing uses currently in the subject area, which consist of marinas, commercial uses, and storage. The "Urban Waterfront" and "Regional Commercial" zoning designations are also consistent with the City's General Plan designation.

### **Area 2B Description and Prezoning:**

Again referencing the same attachments noted above: "I", "J", and "K", Area 2b is approximately 103 acres, south of Wilbur Avenue and north of East Eighteenth Street, roughly centered on Viera Avenue. Area 2b contains approximately 120 existing residential units, nearly all of which obtain water from individual domestic wells and dispose of wastewater in individual domestic septic systems. The streets in the area lack storm water drainage systems, and the surfacing is largely gravel and/or dirt. The area also includes a restaurant (the Bridgehead Café), a small number of industrial uses, most of which are associated with adjacent residential uses, a cemetery, and agricultural lands including grape vines. A couple of the residential properties keep horses. The County's zoning designations for the area are: Single Family Residential, General Agriculture, Controlled Manufacturing, Heavy Industrial, and Two Family Residential. The City's General Plan designations for the area are Medium Low Density Residential, Open Space, Medium Density Residential, and Business Park. Area 2b is primarily characterized by residential properties that do not fit within any of the City's existing standard residential zoning designations. This is the reason the City is proposing prezoning Area 2b as a "Study" (S) district, which will allow the City to develop a zoning category that will be the best fit for the area. Typically "Study" districts are in effect for no more than two years, providing time for the annexing jurisdiction to adequately study the area to find, or in this case create, the appropriate zoning designation. Until the specific zoning requirements are formulated and adopted by the City as part of the "Study District" process, the City will utilize the existing County zoning requirements that currently apply to Area 2b.

### **ISSUE #2: AREA 2B STUDY DISTRICT**

As just discussed, the proposed "Study District" for Area 2b will allow staff to examine the existing uses, structures, and needs of the community since the City does not have a zoning designation that will appropriately fit the existing conditions and rural character of the area. As part of the prezoning process, staff requested feedback from the residents of Area 2b as well as direction from the Planning Commission regarding the goals of this potential future zoning district to not only address concerns, but to establish a framework for moving forward with the appropriate zoning standards and regulations for the area. The Planning Commission at their May 15, 2013 meeting provided the feedback that the goals proposed by staff were comprehensive in nature and adequately addressed the resident's concerns. Subsequent to the May 15, 2013 Planning Commission hearing, staff conducted a third community outreach meeting on May 22, 2013 and received a comment from a resident regarding the City's power to utilize eminent domain. This comment reflected resident's concerns about the possible widening of roadways and the taking of private roads and converting them to public roadways via eminent domain. Under the current conditions, City staff does not foresee a circumstance where roadway widening or conversion of the private streets to public would occur, except for emergency vehicle access. Staff has taken this feedback and added it to the goals document, which is contained in Exhibit 2 to the prezoning ordinance (Attachment "B").

It is important for City Council to carefully review the goals to be implemented in preparing the zoning for Area 2b as part of the Study Zone process (Attachment "B", Exhibit 2), as City Council in the near future will ultimately be taking action on the zoning designation prepared for Area 2b. As just mentioned, the specific goals included in the document were prepared to address concerns brought up by residents as part of the public outreach process.

### **ISSUE #3: COMMUNITY OUTREACH**

The public outreach conducted as part of the annexation process is summarized below, along with the issues that were raised by residents/property owners. Key issues raised as part of this process are then discussed below in detail.

#### **Outreach in Area 1:**

City staff held a single informational meeting concerning the annexation and rezoning of Area 1 with property and business owners on February 23, 2012; in addition to the meetings staff has had discussions with individual property owners in Area 1. A number of property/business owners attended this meeting, with the primary concern expressed being the fiscal implications of annexation on their properties. As a follow up to this meeting, City staff has stayed in contact with concerned property owners, which resulted in changes to the rezoning designations to address those concerns. Based on feedback from this meeting, and other contact, it appears that many of the Area 1 property owners support annexation to the City.

#### **Outreach in Area 2a:**

The City during 2012 also conducted outreach of the yacht/boat clubs within Area 2a, and met with yacht club representatives. Based on these conversations and previous testimony of yacht club members, it appears that the majority of Area 2a opposes annexation to the City of Antioch. The concerns, as voiced at past City Council meetings and with City staff, is that they don't want to see the "character" of their area change, and they feel annexation to the City would negatively impact the existing character.

#### **Outreach in Area 2b:**

City staff, along with staff representatives from the County, LAFCO, and County Environmental Health, held a series of informational meetings with the residents of Area 2b on February 27, 2013, April 17, 2013, and May 22, 2013 (Attachment "M"). Staff, at these meetings presented information on the rezoning, the annexation process, and the extensive infrastructure improvements proposed by the County and City for Area 2b. These infrastructure improvements are addressed in the separate staff report for the agenda item on the proposed Infrastructure Funding Agreement.

The majority of the residents that spoke at these meetings expressed the desire not to have their property annexed into the City. A key concern that was raised was the relatively high cost of paying connection fees and related costs to hook up to the City's proposed sewer/water system. During the community meetings, many of the residents questioned LAFCO staff's determination that Area 2b is an "island" and argued that they must be given the opportunity to vote on the reorganization of Area 2b, or that alternately they be allowed to vote on the annexation of the entire 678 acre area. City staff also provided at these meetings information regarding the rezoning process and the installation of City infrastructure, while also soliciting feedback from the residents in order for staff to address the concerns and issues. The City has received the attached letters from the residents of Area 2b regarding the annexation (Attachment "N"). The majority of the letters echo the verbal comments expressed during the community meetings. Just prior to finalizing this report the City received an additional letter from the law firm of Jenny & Jenny dated July 19, 2013. This letter was

added to Attachment "N". The content is the same as the February 27, 2013 letter which was also responded to in the Final IS/MND (see Comment Letter 9 in that document).

The following is further discussion of the key concerns raised by residents as part of the community outreach process for Area 2b, along with options to address the concerns raised:

- Sewer/Water Connection: Area 2b currently relies on private septic systems and wells for sewer and potable water. However, due to the age of the existing systems and the fact that many of the existing drinking water wells do not appear to meet County Health's minimum separation requirements from existing septic fields, the City has developed a detailed plan for the extension of the municipal water, sewer, and storm drain systems. Residents expressed concern about the cost to hook up to this system, which taking into account City and DDS D connection fees combined with the cost to run a sewer lateral from the house to the street plus the cost to "close" the existing septic field, can be as much as \$18,000 to \$20,000 per residential unit. In researching this issue, staff determined that neither the City nor DDS D can waive or reduce these connection fees, as doing so would represent a "gift of public funds", which is prohibited by law. This creates the possibility that while the City and County would be spending significant funds to install the infrastructure, many residents would not be able to benefit given the hook up cost. In order to address this dilemma, staff has been working with NRG and the County to develop a program whereby NRG would fund the connection costs for owner occupied residential units within Area 2b utilizing a portion of the funds promised to each the City and County as part of the \$1 million "bonus" (\$100,000/year over 10 years) for completing the annexation.
- Private versus Public Streets: A number of streets within Area 2b are privately owned, including all of the streets in the St. Claire neighborhood located north of East Eighteenth and west of Viera Avenue, as well as a number of streets within the Viera neighborhood. The City cannot install infrastructure in private streets without authorization from the owners of the street, including the granting of an easement or right of way. Several residents stated that they did not want the City to install infrastructure within their private street, while other residents wanted the infrastructure constructed in the private street but were concerned about what would happen if some residents along the street in question opposed granting the City access. Staff is working with an engineering consultant to gather more information on the ownership status of the various private streets, and the implications for property owners.
- City Code Requirement Mandating a Sewer Connection: There is a provision in the City's Municipal Code requiring connection to the municipal sewer system if there is a plumbing outlet within 200 feet of the property. Considering the unique situation of the area with so many existing properties on septic systems and the costs the property owners would have to shoulder, City staff is proposing to waive the requirement for the properties to connect to the system if the septic and well systems are in proper working order as determined by County Health. The connection to the City's sewer system would be required if 1) an available sewer system connection is within 300 feet, and 2) the septic system was not functioning properly, and would require a major repair, such as septic tank replacement. A distance of 300 feet is proposed, as compared to the current 200 foot distance, as the 300 foot distance reflects the County Health requirement. In the case of minor repairs, connection to the sewer system would not be required. Wording is included in the rezoning goals to address this issue.

The City does not have a similar municipal code requirement triggering a connection to the City's water system.

- Zoning Code/Development Standards/Home Occupational Use Permits: As previously mentioned, the City does not have an appropriate zoning designation to encompass the existing uses and structures within Area 2b. Staff recommends using the two year study period to examine the existing structures, uses, and businesses and to come up with a recommendation for the best fit to reduce or eliminate any potential nonconformity. As part of this process, the City would examine the County's existing zoning standards for the designations within Area 2b and compare those to the existing structures and uses, and solicit input from the community about the residents' needs and issues relating to zoning standards. Further, any legally existing structures and uses would be proposed to be "grandfathered" into the City, provided that the minimum parameters for fire, life, health, and safety would be met. "Grandfathering" refers to allowing an acceptable or legal use, standard, or zoning designation under the County to continue under the City even though it does not meet current City standards or codes.

The City and County both have similar requirements for home based businesses. Staff's recommendation is to "grandfather" all legally existing home based businesses and to not make any changes to the City's zoning ordinance in regards to home based businesses.

- Preservation of Agriculture Uses/Livestock: During the two year study period, staff would examine any existing agricultural uses as well as investigate the needs of the community in regards to continued agricultural uses. Based on the findings from the study period, staff would develop recommendations to the Planning Commission and City Council regarding the adoption of any new zoning designations. The City code currently allows livestock and animals on residentially zoned property, in a similar manner as the County. The City allows for horses, mules, sheep, goats, pigs, or other animals on property with at least  $\frac{3}{4}$  of an acre (32,670 square feet) of enclosed area for the animal with the consent of the Animal Control Officer, while the County allows animals on parcels at least 40,000 square feet, with at least 40,000 square feet for each two head of livestock. Since the City and the County requirements are similar pertaining to the keeping of animals, staff is recommending the City's ordinance remain untouched and to "grandfather" any existing animals, provided the conditions are safe and sanitary. The rezoning goals contain wording to address this issue.
- Concerns about Street Design: Due to the rural character of the area, the streets currently do not meet the City standard in width or design. Given this rural character the City has no rationale or incentive to modify the streets within Area 2b to comply with City standards, which are intended for a more "suburban" level of development. In any case, any attempt to widen the streets would be prohibitively expensive as it would likely require removal of structures and encroachment into private property. Staff is proposing, during the two year study period, to develop a rural street standard for the area to reflect the existing streets, as referred to in the rezoning "goals". The private roads in Area 2b will remain private, and the City would not propose or support extending or connecting any of the existing streets to streets outside of Area 2b.
- Ability to Vote on the Annexation: It is abundantly clear from the community meeting process that one of the most significant concerns of the residents/property owner in Area 2b is the desire of the residents/property owners to vote on the annexation. As stated previously in this report, staff understands that LAFCO staff considers Area 2b to be an "island" and therefore based on State Law requirements, the protest hearing process for the annexation would be waived. If the LAFCO Board concurs with LAFCO staff's position on this issue, then the effect would be that Area 2b residents would not be able to vote as part of the annexation process.

It is important to emphasize that this issue of ability to vote is solely a question for LAFCO, not the City. As previously noted the LAFCO Commissioners have not yet taken a position on this "voting" issue. Moreover, LAFCO has the authority to determine the appropriate boundaries of a given annexation. LAFCO staff has already stated that they consider Area 2b to be an island, appropriate for separate annexation.

#### **ISSUE #4: ANNEXATION FEE WAIVER**

The City has an annexation fee of \$697 per gross acre due at annexation, and \$937 per gross acre when a building permit is issued. Historically, this fee has typically been collected in the case of land owner sponsored annexations involving what typically is vacant land. In this type of situation the land owner, not the City, is requesting the annexation as they desire to develop the property in question and to develop the land need the City utilities that annexation provides. A relatively recent example of this type of annexation is the northern portion of Roddy Ranch.

Collection of this fee is not workable in City sponsored annexations, as the City needs to rely on the registered voters/property owners to support the annexation. The State annexation law is written in such a way, an annexation process not involving an "island" would be terminated if it is opposed by over 50% of the registered voters or property owners in the area being annexed. In most cases those registered voters/property owners would likely oppose annexation if the annexation was not revenue neutral. The City's total annexation fee of \$1634 per acre is decidedly not revenue neutral.

In the case of the NRG and PG&E Gateway property the City will be collecting the annexation fee as it was a condition of NRG's and PG&E's Out of Agency Service Agreement.

#### **ISSUE #5: ENVIRONMENTAL DOCUMENTATION**

In compliance with the California Environmental Quality Act, the City prepared an Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the rezoning and reorganization of Areas 1, 2a, and 2b. The Final IS/MND is intended to cover not only LAFCO's approval of reorganization of all three subareas, including the rezoning, but also the City's and County's approval and execution of the Tax Transfer Agreement and the Infrastructure Funding Agreement for the installation of infrastructure in Area 2b, consisting of municipal water, wastewater, and storm drain systems/services. The IS/MND was circulated for a 30-day public review period from February 1, 2013 to March 4, 2013. The Final IS/MND, MMRP, and the response to comments were provided to the City Council on May 29, 2013 and are available for review on the second floor of City Hall in the Community Development Department Monday – Thursday 8:00 am – 11:30 am, and can also be found on the City's website at:

<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>

The IS/MND determined the Project could result in potentially significant environmental effects in relation to air quality, biological resources, cultural resources, hazards and hazardous materials, and noise. Mitigation measures have been provided for each potential significant impact, reducing all potential impacts to a less-than significant level. These are described in detail in the environmental document.

On February 20, 2013, the Planning Commission received oral comments on the IS/MND; there were a total of seven individuals that commented during the February 20<sup>th</sup> hearing and a total of ten written letters were submitted during the public comment period. While it is not necessary for the



City to respond to comments received on the IS/MND, the City has carefully considered and fully responded to and addressed all comments received on the environmental document.

Waiving of the annexation fee does not constitute a project under CEQA, per section 21065. The waiving of a fee will not constitute a direct physical change in the environment or even a reasonably foreseeable indirect physical change. No activity is contemplated with the waiving of the fee and will not result in the issuance of a permit, lease, license, certificate or entitlement. Even if waiving the annexation fee could be construed as a project under CEQA, it would qualify for a statutory exemption, per CEQA Guideline section 15273 (a)(4) – Rates, Tolls, Fares, and Charges. CEQA does not apply to the modification of a fee charged by a public agency for the purposes of obtaining funds for capital improvement projects necessary to maintain service within existing service areas.

### **FISCAL IMPACTS**

Approval of the environmental documentation and the rezoning would have no direct fiscal impact on the City. While based on a cursory review it would appear that waiving the annexation fee would have a negative fiscal impact on the City. However, without the waiver of the annexation fee there is a possibility that the annexation process would be opposed by a significant number of property owners/residents. Given that the annexation itself is significantly fiscally positive for the City, imposing the annexation fee would create a significant fiscal risk for the City. Detailed information on the net fiscal benefit of the proposed annexation process is contained in the staff report prepared for the following agenda item on the agreements related to the annexation.

### **NEXT STEPS**

Assuming an approval action by the Council in August, the Infrastructure Funding Agreement and the Tax Transfer Agreement will then be considered by the Contra Costa County Board of Supervisors. Assuming approval by the Board of Supervisor's the annexation of Areas 1, 2a, and 2b will then be considered by LAFCO.

### **OPTIONS**

1. Deny approval of the environmental documentation or the rezoning of Areas 1, 2a, and 2b. If City Council took either action, the likely result would be the termination of the annexation process.
2. Continuing any of the three action items would delay the annexation process.

### **ATTACHMENTS**

#### **Action Items:**

- A. Resolution adopting the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program  
Exhibit 1: Mitigation Monitoring and Reporting Program
- B. Ordinance adopting rezoning  
Exhibit 1: Rezoning Map  
Exhibit 2: "Goals for Annexation Area 2b To Be Implemented Through The "S" Study District Process (Z-13-03), Or Alternate Means, Such As General Plan Changes Or Modifications To Other Sections Of The City Code"
- C. Resolution waiving annexation fee, with exceptions

Information Items:

- D. May 2012 Letter from LAFCO
- E. Planning Commission staff report, May 15, 2013
- F. Planning Commission minutes, May 15, 2013
- G. Jenny & Jenny Letter, Dated February 27, 2013
- H. Map of the Project Area
- I. Existing Contra Costa County Zoning Designations
- J. City of Antioch's General Plan Designations
- K. Proposed Rezoning Map
- L. Rezoning Designation Descriptions
- M. Notes from Area 2b outreach meeting
- N. Letters from Area 2b residents

## **ATTACHMENT “A”**

**Resolution Adopting the Final Initial  
Study/Mitigated Negative Declaration and  
Mitigation Monitoring and Reporting Program**

**RESOLUTION NO. 2013/\*\***

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE NORTHEAST ANTIOCH REORGANIZATION FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PREZONING OF AREAS 1, 2A, AND 2B OF THE NORTHEAST ANTIOCH AREA; THE “ANNEXATION AND TAX REVENUE ALLOCATION AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE COUNTY FOR THE NORTHEAST ANTIOCH ANNEXATION”; AND THE “AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE COUNTY FOR THE FUNDING AND CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS SERVING AREA 2B”. THE REORGANIZATION AREA IS LOCATED GENERALLY SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH**

**WHEREAS**, the City Council on June 26, 2007 authorized City staff to submit an annexation application for Area 1 of the Northeast Antioch Area, which consists of approximately 481 acres located north of Wilbur Avenue, east of Fulton Shipyard, and west of SR 160; and

**WHEREAS**, LAFCO, in a letter dated May 11, 2012, requested the City initiate the annexation of Areas 2a and 2b; and

**WHEREAS**, the City Council on June 12, 2012 authorized City staff to submit annexation applications for Area 2a and 2b of the Northeast Antioch Area with the understanding that the procedures contained in State law governing annexations provide property owners and residents the opportunity for input into the annexation process. Area 2a consists of approximately 94 acres located north of Wilbur Avenue, and West of State Route 160 and the Antioch Bridge. Area 2b consists of approximately 103 acres located south of Wilbur Avenue and north of East Eighteenth Street, roughly centered on Viera Avenue; and

**WHEREAS**, the City prepared an Initial Study to evaluate the potential environmental impacts of the Reorganization of the Northeast Antioch Area project, including the proposed reorganizations, rezoning, approval and execution of associated Tax Transfer and Infrastructure Funding Agreements, the installation of the proposed infrastructure, and the ultimate annexation of the three areas (collectively, the “Project”) in conformance with Section 15063 of Title 14 of the California Code of Regulations (the “CEQA Guidelines”) and, based on that Initial Study, determined that the Project could be approved in compliance with the California Environmental Quality Act (“CEQA”) by adopting a Mitigated Negative Declaration as provided by Section 15074 of the CEQA Guidelines; and

**WHEREAS**, a draft Initial Study and Mitigated Negative Declaration (“IS/MND”) was circulated for a 30-day review period, with the public review period commencing on February 1, 2013 and ending on March 4, 2013;

**WHEREAS**, the Planning Commission has reviewed the IS/MND for this Project and the comments received during the comment period as well as the Response to Comments; and

**WHEREAS**, following the close of the comment period, the City prepared (i) written responses to all comments received on the Draft IS/MND, (ii) a Final IS/MND that addressed comments received during the comment period, and (iii) a Mitigation Monitoring and Reporting Program (“MMRP”) incorporating mitigation measures to be imposed on the Project; and these materials were released to the public; and

**RESOLUTION NO. 2013/\*\***

July 30, 2013

Page 2

**WHEREAS**, the Planning Commission duly gave notice of a public hearing as required by law; and,

**WHEREAS**, on May 15, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and recommended adoption to the City Council of the Final IS/MND and MMRP; and

**WHEREAS**, the City Council duly gave notice of a public hearing as required by law; and,

**WHEREAS**, on July 30, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

**WHEREAS**, the custodian of the Final IS/MND is the Community Development Department and the Final IS/MND is available for public review on the second floor of City Hall in the Community Development Department, Monday – Thursday 8:00 am – 11:30 am and the MMRP is attached as Exhibit 1 to this document.

**NOW THEREFORE BE IT RESOLVED**

1. The City Council of the City of Antioch hereby **FINDS**, on the basis of the whole record before it (including the Initial Study and all comments received) that:

- a. The City of Antioch exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final Initial Study and Mitigated Negative Declaration, and independently reviewed the Final Initial Study and Mitigated Negative Declaration; and
- b. There is no substantial evidence that the Project will have a significant effect on the environment; and
- c. The Final Initial Study and Mitigated Negative Declaration reflect the City's independent judgment and analysis.

2. The City Council of the City of Antioch hereby **APPROVES AND ADOPTS** the Final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Report Program for the Project.

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 30<sup>th</sup> day of July, 2013 by the following vote:

\* \* \* \* \*

**AYES:**

**NOES:**

**ABSENT:**

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**ARNE SIMONSEN**  
**CITY CLERK OF THE CITY OF ANTIOCH**

AZ

# Northeast Antioch Area Reorganization MITIGATION MONITORING AND REPORTING PROGRAM

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation	Responsible Agency	Timing
<p><b>Air Quality</b></p> <p>The project has the potential to violate air quality standards, contribute substantially to projected air quality violations, or result in a cumulatively considerable net increase of any criteria pollutant.</p>	<p>Potentially Significant Unless Mitigation Incorporated</p>	<p><b>Mitigation Measure AQ-1:</b> During demolition or any construction ground disturbance, implement measures to control dust and exhaust. The contractor shall implement the following Best Management Practices, which are recommended by BAAQMD and are required of all projects:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.</li> <li>7. All construction equipment and haul trucks shall be maintained and properly tuned in accordance with manufacturer's specifications.</li> </ol>	<p>Less-than-significant</p>	<p>City of Antioch</p>	<p>During construction</p>

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Environmental Impact Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation	Responsible Agency	Timing
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- All construction equipment and haul trucks shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.<sup>1</sup>
8. A publicly visible sign shall be posted with the telephone number of the Construction Manager and BAAQMD to report dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD complaint line telephone number shall also be visible to ensure compliance with applicable regulations.
  9. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
  10. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph on an hourly average. The average wind speed determination shall be on a 15 minute average, taken over 4 consecutive 15-minute periods at the nearest meteorological station or by wind instrument on site.
  11. Minimizing the idling time of diesel powered construction equipment to two minutes.
  12. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after treatment products, add-on devices such as particulate filters, and/or other options as such become available.

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<sup>1</sup> While some of these measures do not pertain strictly to fugitive dust, they are nonetheless included in the BAAQMD CEQA Guidelines (page 8-4) list of BMPs related to construction.

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation	Responsible Agency	Timing
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13. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM.
14. Requiring that all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.

Biological Resources		Mitigation Measure BIO-1: Western Burrowing Owl	Less-than-significant	City of Antioch	Pre-construction, during construction
The project would have potentially significant impacts to the following animal species because of physical observation or the presence of suitable habitat:	Potentially Significant Unless Mitigation Incorporated				
<ul style="list-style-type: none"> <li>• Lange's Metalmark Butterfly (<i>Apodemia morro-langei</i>)</li> <li>• Silvery Legless Lizard (<i>Anniella pulchra pulchra</i>)</li> <li>• Western Burrowing Owl (<i>Athene cucularia</i>)</li> <li>• Swainson's Hawk (<i>Buteo swainsoni</i>)</li> </ul>		<p>Prior to the start of the breeding season (February 1), a USFWS/CDFG-approved biologist will conduct preconstruction surveys of the project area to determine the presence of burrowing owls. If present, the birds will be evicted from the site using passive relocation techniques. The site will then be continuously monitored until the start of construction in order to ensure that owls do not reoccupy the area. All surveys and passive relocation will be carried out in accordance with CDFG survey guidelines (California Department of Fish and Game 1993). Passive relocation procedures include installing one-way doors in burrow entrances. These doors should be in place for 48 hours prior to excavation. The project area should be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows will be excavated using hand tools and refilled to prevent reoccupation (California Department of Fish and Game 1995). Plastic tubing or a similar structure will be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.</p>			



AL6

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation	Responsible Agency	Timing
<ul style="list-style-type: none"> <li>• Cooper's Hawk (<i>Accipiter cooperii</i>)</li> <li>• Red-Tailed Hawk (<i>Buteo jamaicensis</i>)</li> <li>• White-Tailed Kite (<i>Elanus leucurus</i>)</li> </ul>	Potentially Significant Unless Mitigation Incorporated	<p><b>Mitigation Measure BIO-2: Swainson's Hawk</b></p> <p>The Swainson's hawk is a State listed threatened migratory bird known to have nested approximately one (1) mile south of the area. Some of the larger trees along the proposed pipeline routes are of suitable-size for nesting for the species.</p> <p>During the nesting season (March 1-September 15), a qualified biologist shall conduct a preconstruction survey no more than 14 days prior to ground disturbance, to establish whether Swainson's hawk nests within 0.25-mile of the project area are occupied. If hawk nests within 0.25-mile of the project area are occupied, then their occupancy will be determined by observation from public roads or by observations of Swainson's hawk activity (e.g., foraging) near the project area. If active Swainson's hawk nests are identified during these pre-construction surveys, no construction activities shall occur during the nesting season within 0.25-mile of occupied nests or nests under construction, unless CDFG/USFWS agree to a smaller buffer based on environmental conditions such as steep topography or dense vegetation. If the biologist determines that the young have fledged prior to September 15, construction activities can proceed normally.</p>	Less-than-significant	City of Antioch	Pre-construction, during construction

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation	Responsible Agency	Timing
Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated	<p><b>Mitigation Measure BIO-3: Other Protected Raptors (Cooper's Hawk, Red-Tailed Hawk, and White-Tailed Kite</b></p> <p>If project construction is scheduled to begin during the breeding season (February 1-August 31), preconstruction tree surveys will be conducted within the project area and a 300-foot buffer, by a qualified biologist no more than two weeks prior to equipment or material staging, or surface-disturbing activities. If no active nests are found within the project footprint and a 300-foot buffer, no further mitigation is necessary.</p> <p>If active nests (i.e. nests in the egg laying, incubating, nesting or fledgling stages) are found within 300 feet of the project footprint, non-disturbance buffers should be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the nesting pair's tolerance to disturbance and duration of potential disturbance. No work should occur within the non-disturbance buffers until the young have fledged as determined by a qualified biologist. Buffer size should be determined in cooperation with the California Department of Fish and Game and the U. S. Fish and Wildlife Service. If buffers are established and it is determined that project activities are resulting in nest disturbance, work should cease immediately and the California Department of Fish and Game and the U.S. Fish and Wildlife Service should be contacted for further guidance.</p>	Less-than-significant	City of Antioch	Pre-construction, during construction,
The project may conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	Potentially Significant Unless Mitigation Incorporated	<p><b>Mitigation Measure BIO-4: Regulated Trees</b></p> <p>After staking of the utility alignment if any existing trees are located within that alignment then an International Association of Arboriculture (ISA) Certified Arborist shall conduct a tree survey to determine which, if any of the trees to be removed are subject to the City tree ordinance. If regulated trees are found they will be marked with round numbered aluminum tags and tallied as to their species, diameter at breast height (DBH) and condition.</p>	Less-than-significant	City of Antioch	Pre-construction, during construction,

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation	Responsible Agency	Timing
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<b>Cultural Resources</b> The project could potentially cause a substantial adverse change in the significance of a historical resource or of an archaeological resource, as defined in Section 15064.5	Potentially Significant Unless Mitigation Incorporated	<b>Mitigation Measure CUL-1: Previously Recorded Archaeological Resources:</b> As discussed, there is a known archaeological resource within the project area. The resource has not been formally evaluated for its potential eligibility to the CRHR. At this time it is understood that the project can avoid this resource. A qualified archaeologist will mark off a buffer area to avoid potential impact to this resource from project-related construction activities. The resource shall be located and flagged prior to the beginning of work so that it may be avoided during extension of utility infrastructure in this area.  In the event that ground-disturbing activities must be conducted within this area, prior to any such activities, the City shall conduct a formal site evaluation to assess whether the resource is potentially eligible for listing in the CRHR. If the resource is found eligible and cannot be avoided, project impacts shall be mitigated in accordance with the recommendations of the Principal Investigator and CEQA Guidelines Section 15126.4 (b)(3)(C) which require development and implementation of a data recovery plan that would include recommendations for the treatment of materials comprising the resource.	Less-than-significant	City of Antioch	Pre-construction
	Potentially Significant unless Mitigation Incorporated		<b>Mitigation Measure CUL-2: Monitoring of High Sensitivity Areas:</b> Portions of the proposed infrastructure extension would take place in areas deemed to have moderate to high potential for as yet discovered archaeological resources. If present, prehistoric archaeological deposits may extend below the level that was disturbed as part of earlier road building.  Given the sensitivity of this area for potential resources and based on the consultation with affected Native American tribal representatives, all project-related excavation along Trembath Lane	Less-than-significant	City of Antioch

AG

Environmental Impact Significance Before Mitigation	Level of Significance After Mitigation	Mitigation Measure	Responsible Agency	Timing
Potentially Significant unless Mitigation Incorporated	Less-than- significant	<p>between East 18<sup>th</sup> Street and Mike Yorba Way shall be conducted in the presence of a qualified archaeological monitor. A Bay Area Miwok Native American monitor shall also be present when an archaeological monitor is present.</p> <p>Whether or not significant archaeological resources are encountered during archaeological monitoring, the archaeological monitor shall submit a written report of the results of the monitoring program to the City of Antioch</p> <p><b>Mitigation Measure CUL-3: Procedure for Addressing Previously Undiscovered Archaeological Resources:</b></p> <p>If an intact archaeological deposit is encountered during excavation, all soil disturbing activities in the vicinity of the deposit shall cease immediately. The archaeological monitor shall be empowered to temporarily redirect excavation activities and equipment until such time that the resource can be evaluated for its eligibility to the CRHR by a qualified archaeologist and appropriate action taken as determined necessary by the lead agency. If the resource is recommended to be non-significant, avoidance is not necessary. If the resource is recommended as potentially significant or eligible to the CRHR, it will be avoided. If avoidance is not feasible, project impacts will be mitigated in accordance with the recommendations of the Principal Investigator and CEQA Guidelines §15126.4 (b)(3)(C), which require development and implementation of a data recovery plan that would include recommendations for the treatment of the discovered archaeological materials. The data recovery plan would be submitted to the City of Antioch for review and approval. Upon approval and completion of the data recovery program, project construction activity within the area of the find may resume, and the archaeologist will prepare a report documenting the methods and findings. The report will be submitted to the City of Antioch. Once the report is reviewed and approved by the City of Antioch, a copy of the report will be submitted to the NWIC.</p>	City of Antioch	Pre-construction

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation	Responsible Agency	Timing
<p>The project could potentially directly or indirectly destroy a unique paleontological resource, site, or unique geologic features.</p>	<p>Potentially Significant Unless Mitigation Incorporated</p>	<p><b>Mitigation Measure CUL-4:</b>                      In the event that paleontological resources are encountered during any phase of project construction, all soil-disturbing activity within 100 feet of the find shall be temporarily halted until a qualified paleontologist can assess the significance of the find and provide proper management recommendations. The City shall incorporate all feasible recommendations into the project.</p>	<p>Less-than-significant</p>	<p>City of Antioch</p>	<p>During construction</p>
<p>The project could potentially disturb human remains, including those interred outside of formal cemeteries.</p>	<p>Potentially Significant Unless Mitigation Incorporated</p>	<p><b>Mitigation Measure CUL-5:</b>                      California Health and Safety Code Section 7050.5(b) states in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of</p>	<p>Less-than-significant</p>	<p>City of Antioch</p>	<p>During construction</p>
<p>Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Public Resources Code Section 5097.98.</p>					



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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation	Responsible Agency	Timing
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**Hazards & Hazardous Materials**

The project could potentially 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.	Potentially Significant Unless Mitigation Incorporated	<b>Mitigation Measure HAZ-1:</b> Prior to the issuance of a grading permit and before any substantial ground disturbances, a Phase II ESA shall be conducted by a licensed professional to determine the potential presence of metals, and organic compounds in soil and groundwater underlying the project site. If contaminants are identified in subsurface soils and/or groundwater, the Phase II ESA shall screen the identified contaminant concentrations relative to applicable environmental screening levels developed by the Regional Water Quality Control Board and the Department of Toxic Substances Control for residential use and construction worker health and safety. If contaminant concentrations are above the applicable screening levels, the Phase II report shall make recommendations for remedial actions for the protection of public health and the environment. If the Phase II ESA recommends remedial action (which may include but not be limited to soil and/or groundwater removal or treatment, site-specific soil and groundwater management plan, site-specific health and safety plan, and a risk management plan), the project sponsor shall consult with the appropriate local, state, or federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and the environment, both during and after construction, posed by soil contamination and/or groundwater contamination. The project sponsor shall obtain and submit written approval documentation for any remedial action, if required by a local, state, or federal environmental regulatory agency prior to project occupancy.	Less-than-significant	City of Antioch	Pre-construction
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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation	Responsible Agency	Timing
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**Noise**

<p>The project has the potential to create impacts related to temporary and permanent noise levels, ground borne noise levels and ground borne vibration levels.</p>	<p>Potentially Significant Unless Mitigation Incorporated</p>	<p><b>Mitigation Measure NOISE-1:</b>            Prior to the issuance of grading or building permits, as well as on-going through project construction, the City shall ensure that construction teams adhere to the following construction noise control measures:</p> <ul style="list-style-type: none"> <li>• Restrict noise-generating activities at the construction site or in areas adjacent to the construction site between the hours of 7:00 AM to 7:00 PM daily (except Saturday, Sunday and holidays when work is prohibited prior to 9:00 AM and after 7:00 PM).</li> <li>• Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>• Unnecessary idling of internal combustion engines is strictly prohibited.</li> <li>• Utilize "quiet" air compressors and other stationary noise sources where technology exists.</li> <li>• Control noise from construction workers' radios to a point that they are not audible at existing residences.</li> </ul>	<p>Less-than-significant</p>	<p>City of Antioch</p>	<p>During construction</p>
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# **ATTACHMENT “B”**

## **Ordinance Adopting Rezoning**



## ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE PREZONING FOR APPROXIMATELY 678 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREAS 1, 2A, AND 2B OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH**

### **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 LAFCO prior to an annexation being considered for action.
- C. In processing the annexation as initiated by City Council in June 2007, concurrence was not reached in concept between the City and the County on the key provisions of the Tax Exchange Agreement until January 2012. This concurrence has allowed the prezoning and annexation process to move forward.
- D. Based on formal direction provided by LAFCO via a letter dated May 11, 2012, the City Council, on June 12, 2012, initiated the annexation of Areas 2a and 2b.
- E. The Planning Commission of the City of Antioch has reviewed the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (the "MMRP") for the Northeast Antioch Area Reorganization, dated February 2013 (the "Final IS/MND"), and on May 15, 2013, at a duly noticed public hearing, the Planning Commission considered the Final IS/MND and MMRP and voted unanimously to recommend that the City Council of the City of Antioch adopt the Final IS/MND and MMRP, and approve the prezoning as described in the Final IS/MND (the "Project"), by a 6-0 vote with one Commissioner absent.
- F. Following such Planning Commission hearing, the City Council reviewed the Final IS/MND and MMRP, together with all comments received on the Draft IS/MND and the Final IS/MND and MMRP both during and after the public review and comment period and the public review process.
- G. On July 30, 2013, the City Council conducted a duly noticed public hearing at which it considered the Final IS/MND and MMRP and the Project, and received public testimony and comments thereon.
- H. Based on such hearing, comments, and testimony, and based on the whole record for the Project, including but not limited to the Final IS/MND and MMRP and all comments received, the City Council hereby finds that there is no substantial evidence in the record showing that implementation of the Project as described in the Final IS/MND and MMRP will have a significant effect on the environment.

- I. The City Council further finds that the findings set forth in this Ordinance, and the findings, analysis and conclusions set forth in the Final IS/MND and MMRP, reflect the City of Antioch's considered and independent judgment and analysis.
- J. The City Council finds the rezoning 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".
- K. The City Council finds the rezoning is consistent with the requirements of the Transportation Sales Tax Initiative, Measure J.

## **SECTION 2. Rezoning.**

The property shown in Exhibit 1, attached hereto, is hereby rezoned as follows and the zoning map is hereby amended accordingly.

1. Area 1 is rezoned "Heavy Industrial" (M-2) and "Open Space" (OS) zoning districts, as delineated in Exhibit 1, and shall be subject to all development standards and requirements for these districts codified in the Antioch Municipal Code.
2. Area 2a is rezoned "Urban Waterfront" (WF) and "Regional Commercial" (C-3) zoning districts, as delineated in Exhibit 1, and shall be subject to all development standards and requirements for these districts codified in the Antioch Municipal Code.
3. Area 2b is rezoned "Study District" (S) as depicted in Exhibit 1. The document "Goals for Annexation Area 2b To Be Implemented Through The "S" Study District Process (Z-13-03), Or Alternate Means, Such As General Plan Changes Or Modifications To Other Sections Of The City Code", which is attached as Exhibit 2 to this Ordinance, shall provide the direction regarding existing uses and direction to study the zoning of Area 2b following annexation.

## **SECTION 3. CEQA.**

The Final IS/MND and the associated MMRP are hereby adopted to comply with the requirements of the California Environmental Quality Act and support, among other things, the rezoning of Area 1, 2a, and 2b as described and introduced by this Ordinance. These documents, together with the remaining materials constituting the record of proceedings for the rezoning of Areas 1, 2a, and 2b, along with the Final IS/MND and MMRP are available for inspection and review at City Hall, 2<sup>nd</sup> Floor, Community Development Department, located at 200 "H" Street, Antioch CA.

## **SECTION 4. Publication; Effective Date.**

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.

## **SECTION 5. Severability.**

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void,

that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

\* \* \* \* \*

**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 30<sup>th</sup> day of July and passed and introduced at a regular meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

**AYES:**

**NOES:**

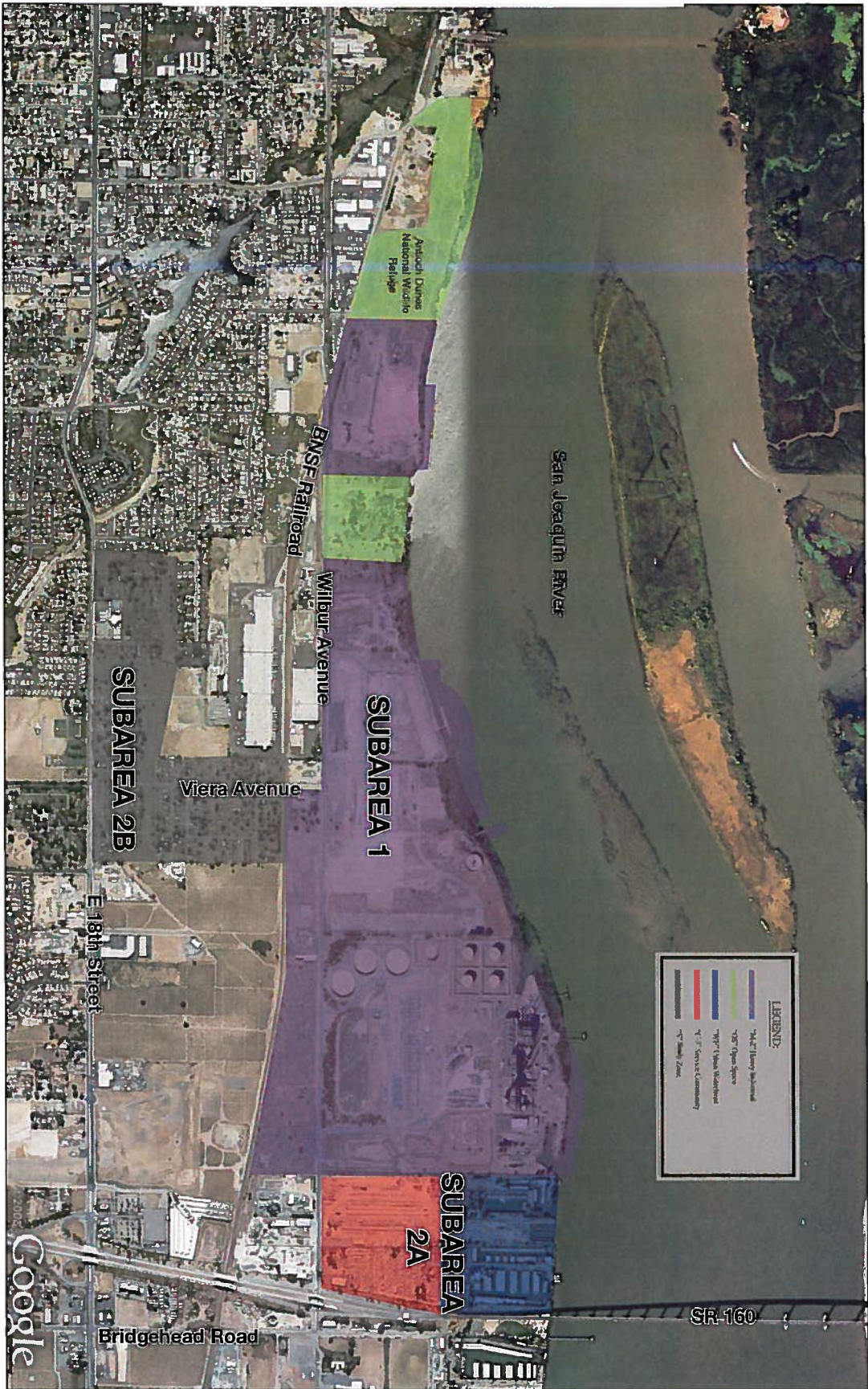
**ABSENT:**

\_\_\_\_\_  
**Wade Harper, Mayor of the City of Antioch**

**ATTEST:**

\_\_\_\_\_  
**Arne Simonsen, City Clerk of the City of Antioch**

# EXHIBIT 1



Source: Google Earth, 2009

Proposed City of Antioch Rezoning

B4

# EXHIBIT 2

## City of Antioch Northeast Reorganization:

### Goals for Annexation Area 2b to be implemented through the "S" Study District Process (Z-13-03), or alternate means, such as General Plan changes or modifications to other Sections of the City Code

The following are the goals the City intends to implement as part of the "S" Study District rezoning process for Area 2b. These goals may be implemented through the Zoning Ordinance, or by General Plan amendments, or through modifications to other pertinent sections of the City's Municipal Code and/or other City requirements. The "S" Study District will give the City up to two years to develop appropriate zoning designation(s) to apply to Area 2b. The intended overall goal of this "S" Study District process will be the creation of new or modified City zoning designations that will appropriately accommodate existing and planned land uses and development for Area 2b. The following are the Goals that the City Council is directing City staff to address and otherwise incorporate into the zoning code and other City regulations and requirements pertinent to Annexation Area 2b.

#### Development Standards

- Develop zoning regulations and development standards that best fit/accommodate existing structures, uses, and lots within Area 2b in order to minimize to the extent practical the number of non conforming buildings and uses, with the caveat that protection of public health and safety shall take precedence over ensuring zoning conformity.
- Develop zoning development standards applicable to Area 2b in such a manner as to preserve the existing rural character of the area.
- Develop an agricultural overlay zone to protect and maintain the existing agricultural uses in the area, including the extensive vintage grape vines. Allow existing agricultural uses to continue by "grandfathering" the existing agricultural uses upon annexation into the City.
- Address the keeping of boats, trailers, and other vehicles within Area 2b by formulating regulations that incorporate and reflect, to the extent practical, the current County requirements, as opposed to current City requirements concerning the keeping of boats, trailers, and other vehicles.
- Allow for building additions and other expansions of existing structures for properties where connections have been made to the City's sewer system, and where such additions/expansions meet the relevant zoning requirements applicable to Area 2b.
- Consider subdivisions in cases where properties meet minimum lot size and other relevant requirements, and have connections to City sewer systems.

#### Sewer and Water Connection

- Address the City's existing code requirement mandating the connection to the City sewer system for residential and commercial uses that are within 200 feet of a City sewer system, by preparing a modified standard applicable specifically to Area 2b that would waive the distance requirement for a mandatory sewer connection in the event the septic system is functioning properly, as determined by the County Environmental Health Department.
- Acknowledge that within Area 2b sewer connections will be required as dictated by the County Environmental Health Code, and not by the City's 200 foot distance standard. It is the City's understanding that County Environmental Health requires a residence/business to connect to an existing sewer system in the event all of the following circumstances apply; 1) there is an available sewer within 300 feet, and 2) the septic system is not functioning properly as determined by County Environmental Health, and 3) the septic system will require a major repair as determined by County Environmental Health.



## Exhibit 2

- It is the City's intent that the City's current lack of regulations regarding water connections will be applicable to Area 2b. The City currently does not require a property relying on a well for potable water to connect to an available City water system. Any such connections to a City water system will be made at the discretion of the Area 2b resident/property owner. Additionally, any residents/property owners that choose to hook up to the City's potable water system, may continue to use their well water for non potable purposes such as irrigation, subject to the installation of valves and other devices as required by the City Engineer.

### **Streets**

- Develop a City of Antioch standard street section applicable to Area 2b that takes into account the existing street network, widths, and drainage. Such a modified street section will permit narrower streets without the standard requirements for curb/gutter/sidewalk along the entire street frontage.
- The City has no interest in proposing or supporting extending any of the existing streets, public or private, within Area 2b to connect with/or extend to streets outside of Area 2b, as such connections are not needed for circulation purposes, with the possible exception for emergency vehicle only access.
- The City has no interest in acquiring, condemning, or otherwise taking over ownership of any part or portion of the many private streets located within Area 2b. The City will not install infrastructure or make any improvements within privately owned streets unless and until all of the owners of that privately owned street voluntarily agree to grant the City the necessary rights of way/easements in which to install the infrastructure.
- The City will not exercise its power of eminent domain to the maximum extent practical unless there is a threat to fire, life, health or safety.

### **Livestock**

- Utilize the existing municipal code requirements pertaining to livestock. In cases where the City requirements are more restrictive than the County regarding the keeping of animals, then the City will "grandfather" animals allowed under the County, provided the conditions are determined safe and sanitary by the City.

### **Home Occupations**

- Utilize the existing municipal code requirements for home occupational use permits. In cases where the City's Home Occupation ordinance is more restrictive than the County regarding home based businesses, the City will "grandfather" any home based business legally established and allowed under the County.

**ATTACHMENT “C”**

**Resolution Waving Annexation Fee,  
with Exceptions**

**RESOLUTION NO. 2013/\*\***

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH WAIVING, WITH EXCEPTIONS, THE ANNEXATION FEE FOR REORGANIZATION AREAS 1, 2A AND 2B, WHICH IS GENERALLY LOCATED SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH**

**WHEREAS**, the City Council on June 26, 2007 authorized City staff to submit an annexation application for Area 1 of the Northeast Antioch Area, which consists of approximately 481 acres located north of Wilbur Avenue, east of Fulton Shipyard, and west of SR 160; and

**WHEREAS**, LAFCO, in a letter dated May 11, 2012, requested the City initiate the annexation of Areas 2a and 2b; and

**WHEREAS**, the City Council on June 12, 2012 authorized City staff to submit annexation application for Areas 2a and 2b of the Northeast Antioch Area, and the applications were subsequently submitted by City Staff, resulting in the submittal and processing of three separate reorganization applications to LAFCO; and

**WHEREAS**, the City prepared an Initial Study to evaluate the potential environmental impacts of the Reorganization of the Northeast Antioch Area project, including the proposed reorganizations, rezoning, and the approval and execution of associated Tax Transfer and Infrastructure Funding Agreements (collectively, the "Project") in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines") and, based on that Initial Study, determined that the Project could be approved in compliance with the California Environmental Quality Act ("CEQA") by adopting a Mitigated Negative Declaration as provided by Section 15074 of the CEQA Guidelines; and

**WHEREAS**, the City in the past has waived the annexation fee in circumstances similar to the currently proposed annexation of Areas 1, 2a, and 2b where the land being annexed is not vacant, is owned by multiple property owners, and when the City is the applicant in the annexation; and

**WHEREAS**, the City desires to make the proposed northeast Antioch financially neutral for property owner and registered voters in order to help ensure their support for the annexation; and

**WHEREAS**, on July 30, 2013, the City Council duly held a hearing on the matter, and received and considered evidence, both oral and documentary; and

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Antioch waives the City Annexation Fee for the Northeast Antioch Annexation Area, which includes all three separate applications for Areas 1, 2a, and 2b, with the exception that the annexation fee shall still be collected as required by the City's Master Fee Resolution for the properties that agree to pay the fee as a condition of their Out of Agency Service Agreement with the City. This exception requiring payment of the annexation fee applies to the Pacific Gas and Electric for their Gateway Power Generating Facility and to NRG for their Marsh Landing Power Generating Facility.



**RESOLUTION NO. 2013/\*\***

July 30, 2013

Page 2

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 30<sup>th</sup> day of July, 2013 by the following vote:

\* \* \* \* \*

**AYES:**

**NOES:**

**ABSENT:**

---

**ARNE SIMONSEN**  
**CITY CLERK OF THE CITY OF ANTIOCH**

CZ

# ATTACHMENT "D"



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
651 Pine Street, Sixth Floor • Martinez, CA 94553-1229  
e-mail: [LTexte@lafco.cccounty.us](mailto:LTexte@lafco.cccounty.us)  
(925) 335-1094 • (925) 335-1031 FAX

Lou Ann Texeira  
*Executive Officer*

## MEMBERS

Federal Glover  
*County Member*

Michael R. McGill  
*Special District Member*

Dou Blubaugh  
*Public Member*

Gayle B. Ulkema  
*County Member*

Dwight Meadows  
*Special District Member*

Rob Schroder  
*City Member*

Don Tatzin  
*City Member*

## ALTERNATE MEMBERS

Sharon Burke  
*Public Member*

Tom Bull  
*City Member*

George H. Schmidt  
*Special District Member*

Mary N. Plepho  
*County Member*

May 11, 2012

Jim Jakel, City Manager  
City of Antioch  
200 H Street  
Antioch, CA 94509

David Twa, County Administrator  
Contra Costa County  
651 Pine Street, 10<sup>th</sup> Floor  
Martinez, CA 94553

Dear Jim and David,

The purpose of this letter is to encourage the City and County to accelerate and complete the property tax transfer agreement for Northeast Antioch (Areas 1, 2a and 2b), and move forward with the annexation of these areas to the City of Antioch.

Over the past several months, the Commission has received monthly reports from the City and County indicating that the parties are close to reaching agreement on the property tax exchange. At both the March and April 2012 LAFCO meetings, the Commission expressed concern with the lack of progress on the tax exchange agreement.

While there has been considerable delay, we believe there is commitment by the parties to annex Northeast Antioch to the City; as well, there are various incentives to move forward with the annexation in an expeditious manner.

In August 2007, the City of Antioch submitted an application to LAFCO to annex Area 1. The proposal is currently incomplete, mainly due to the fact that the City and County have not reached agreement on the property tax transfer.

Since 2007, the City applied to and received approval from the Commission to extend out of agency water and sewer services to two industrial properties (PG&E - 2008 and GenOn Energy - 2011) located in Area 1. In accordance with State law, LAFCO granted the out of agency service approval in anticipation of and commitment from the City that it would annex Northeast Antioch. In conjunction with LAFCO's approval of the out of agency service in 2011, GenOn pledged to the City and the County that it would provide \$1 million to each party if the annexation of Northeast Antioch is complete by December 2012.

The City also declared that it would annex Northeast Antioch in 2009, in the wake of the Jaycee Dugard kidnapping.

In addition to these commitments and incentives, there is an impending deadline with critical LAFCO statutes scheduled to sunset. Area 2b is a small island that is substantially surrounded by the City of Antioch. Government Code section 56375.3 currently provides an expedited process to allow the City to annex this island without a protest proceeding provided the boundary change proposal is submitted to LAFCO by January 1, 2014.

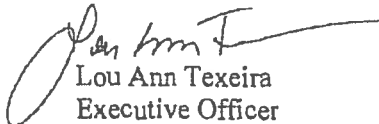
As indicated above, to date, LAFCO had received an annexation application for Area 1, and has not yet received applications to annex Area 2a and 2b to the City.

As previously discussed with the City and County, and at the Northeast Antioch Subcommittee meetings, LAFCO staff urges the City to annex all of Northeast Antioch (Areas 1, 2a and 2b).

The Commission has broad conditioning authority. For example, the Commission could condition the annexation of Area 1 on the City annexing Area 2b, and on the completion of the annexation process for Area 2a (Government Code section 56885.5). Because the time required to prepare and process both annexation applications can be lengthy, we encourage the City to submit its applications to annex Areas 2a and 2b as soon as possible.

Again, we believe the parties are committed to the annexation of Northeast Antioch, and strongly encourage the City and the County to complete the property tax exchange agreement as soon as possible.

Sincerely,



Lou Ann Teixeira  
Executive Officer

c: Each Member, Contra Costa LAFCO  
Supervisor Federal Glover  
Supervisor Mary Piepho  
Each Member, Antioch City Council

# ATTACHMENT "E"

## STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF MAY 15, 2013

**Prepared by:** Mindy Gentry, Senior Planner *MGS*

**Date:** May 9, 2012

**Subject:** **Z-13-03** - Prezoning for Area 1, 2a, and 2b of the Northeast Antioch Annexation Area consisting of approximately 678 acres located primarily north of Wilbur Avenue and west of Hwy 160

### RECOMMENDATION

It is recommended that the Planning Commission recommend to the City Council adoption of the Mitigated Negative Declaration, along with a Mitigation Monitoring and Reporting Program, and deem it as adequate to address the environmental impacts of the proposed rezoning, and to adopt an ordinance to prezone Areas 1, 2a, and 2b.

### REQUEST

The City of Antioch is initiating the rezoning of Areas 1, 2a, and 2b, which includes a total of approximately 678 acres, which is proposed to be annexed into the City and to Delta Diablo Sanitation District. The proposed rezoning designations for the subareas are as follows: Area 1 as Heavy Industrial (M-2) and Open Space (OS); Area 2a as Urban Waterfront (WF) and Regional Commercial (C-3), and Area 2b as a Study District (S) (Attachment "F"). The rezoning area is located generally south of the Sacramento County line along the San Joaquin River in the vicinity of Wilbur Avenue, west of the City of Oakley, north and east of the boundaries of the City of Antioch (Attachment "C").

### BACKGROUND INFORMATION

The City has initiated with LAFCO the reorganization (annexation) of three subareas within Northeast Antioch. In order for an area to be annexed to the City, it first must be rezoned. The term "rezoning" refers to the City zoning districts that will become applicable once the area in question is annexed to the City. In effect, the City's rezoning designations will replace the County's existing zoning upon annexation. LAFCO is the agency responsible for overseeing growth and development, including the extension of government services. As part of LAFCO's responsibilities of overseeing growth and development, they are the agency that reviews proposed annexations, and in this case reorganizations. Reorganizations consist of boundary changes involving multiple jurisdictions (in this case the City of Antioch and DDSD), where annexations only involve boundary changes affecting a single jurisdiction. The proposed action by LAFCO would be a reorganization because it involves boundary changes for both the City and DDSD. In this report, you will see the term annexation used interchangeably with the term reorganization.

The City first applied to LAFCO to annex Area 1 in 2007. The almost six year period from the time City Council initiated the annexation until now, can be largely attributed to the challenges the City and the County faced in reaching an agreement on the terms of a document known as a Tax Transfer Agreement, and determining the fiscal responsibility of each party for the needed infrastructure. The Tax Transfer Agreement determines how existing and future tax revenues will be split between the City and the County after annexation. The Tax Transfer Agreement will be considered by the City Council concurrently with City Council action on the rezoning. A City Council hearing on the rezoning and Tax Transfer Agreement, along with an Infrastructure Funding Agreement has been tentatively scheduled for late June or early July 2013. The Board of Supervisors will consider the Tax Transfer Agreement and the Infrastructure Funding Agreement once action has been taken by the City Council.

On March 27, 2012, the City Council considered the adoption of an April 2010 Mitigated Negative Declaration and the rezoning of Area 1. As part of this process, a letter was received from Kristina Lawson of the Manatt law firm representing West Coast Home Builders alleging a number of inadequacies with the environmental documentation prepared for the annexation and rezoning. After reviewing the relevant information, staff recommended that Council continue the rezoning to allow time to respond to the comments received. After further review by the City Attorney and the City's consulting attorney, it was recommended that the most appropriate course of action was to update the environmental documentation and continue action on the rezoning.

In May of 2012, the City received a letter from LAFCO recommending that the City also submit reorganization applications for Areas 2a and 2b, in addition to the pending application for Area 1 (Attachment "B"), and suggesting that any approval by LAFCO of the Area 1 annexation would be conditioned upon the City's annexation of Areas 2a and 2b. Given the importance of the annexation of Area 1 to the City, the City Council directed City staff to submit the annexation applications for Areas 2a and 2b as requested by LAFCO, and directed City staff to update and re-circulate the MND. As part of the discussion on the LAFCO letter, City Council members stated that they supported allowing the residents and property owners within Areas 2a and 2b to vote on the question of whether Areas 2a and 2b would be annexed to the City, assuming such a vote would be consistent with the requirements of LAFCO's Cortese-Knox-Hertzberg Act (the "Act"). However, LAFCO staff in reviewing the relevant requirements of the Cortese Knox Hertzberg Act subsequently determined that Area 2b is an "island" under the applicable provisions of the Act and local LAFCO policies. As a result, City staff understands that LAFCO staff will be recommending that LAFCO waive the applicable protest procedures for annexation of Area 2B.

### Community Outreach

City staff held an informational meeting concerning the rezoning with property and business owners from Area 1 on February 23, 2012. A number of property/business owners attended this meeting, with the primary concern expressed being the fiscal implications of annexation on their properties. The City during 2012 also conducted

outreach of the yacht/boat clubs containing the majority of the registered voters within Area 2a.

City staff also held informational meetings for the residents of Area 2b on February 27, 2013 and April 17, 2013, with another scheduled for May 22, 2013. The majority of the residents that spoke at these meetings expressed the desire not to have their property annexed into the City. A key concern that was raised was the relatively high cost (\$18,000 to \$20,000/unit) of paying connection fees and related costs to hook up to the City's proposed sewer/water system. During the community meetings, some residents of Area 2b questioned LAFCO staff's determination that Area 2b is an "island" and argued that they must be given the opportunity to vote on the reorganization of Area 2b, or that they be allowed to vote on the annexation of the entire 678 acre area.. City staff also provided at these meetings information regarding the rezoning process and the installation of City infrastructure.

## **ENVIRONMENTAL**

In compliance with the California Environmental Quality Act, the City prepared an Initial Study (IS) and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the rezoning and reorganization of Areas 1, 2a, and 2b. The IS/MND is intended to cover not only LAFCO's approval of reorganization of all three subareas, including the rezoning, but also the City's and County's approval and execution of the Tax Transfer Agreement and an Infrastructure Funding Agreement for the installation of infrastructure in Area 2b, consisting of municipal water, wastewater, and storm drain systems/services. The IS/MND was circulated for a 30-day public review period from February 1, 2013 to March 4, 2013. The IS/MND, MMRP, and the response to comments were provided to the Planning Commission electronically, are available for review on the second floor of City Hall in the Community Development Department, and can also be found on the City's website at: <http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>

The IS/MND determined the following environmental factors could be potentially affected by the project, involving at least one impact that is "Potentially Significant": air quality, biological resources, cultural resources, hazards and hazardous materials, and noise. Mitigation measures have been provided for each potential significant impact, reducing all potential impacts to a less-than significant level. These are described in detail in the environmental document.

On February 20, 2013, the Planning Commission received oral comments on the IS/MND; there were a total of seven individuals that commented during the February 20<sup>th</sup> hearing and a total of ten written letters were submitted during the public comment period. While it is not necessary for the City to respond to comments received on the IS/MND, the City has carefully considered and fully responded to and addressed all comments received on the environmental document.

## **ANALYSIS**

### **Issue #1: Project Overview**

The City has initiated with LAFCO the reorganization (annexation) of all three subareas within Northeast Antioch. If approved by LAFCO, all three areas would become part of the City of Antioch and the Delta Diablo Sanitation District. LAFCO requires that lands proposed for annexation or reorganization into a City first be assigned a "prezoning" designation by the City into which the lands would be annexed. The City proposes prezoning that would effectively perpetuate existing County zoning within Areas 1, 2a, and 2b, with modifications to the zoning that would be substantially similar or that would increase the ultimate zoning conformity of existing uses, lots, and structures.

The subareas have been within the City of Antioch's Sphere of Influence for over 30 years and Antioch began its efforts in 2005 to annex the three subareas. During the community meetings, the question came up as to how the City arrived at the three subareas 1, 2a, and 2b. This is a complex issue as the boundaries of the three separate areas were determined to a large extent by existing land use patterns and by how the annexation process evolved over time, as described below:

**Land Use/Boundaries:** Area 1 contains almost entirely industrial type uses with no residential development and is well defined geographically being clearly bound by the San Joaquin River and to the north and Wilbur Avenue to the south. Areas 2a and 2b are also well defined geographically, being bounded by the San Joaquin River, State Route 160, and the Burlington Northern rail lines. In addition, Area 2b is almost completely (over 90%) surrounded by the existing City limits of the City of Antioch. Areas 2a and 2b were also divided based on their distinct land uses within each area. In the case of Area 2b, the area is almost entirely residential, while Area 2a is occupied largely by marinas, storage, and water related uses.

**Evolution of Annexation Process:** Based on discussions with the property owners within Area 1, it was determined that a clear majority of property owners in Area 1 supported annexation to the City. In addition, the City of Antioch currently provides services to the two power plants in Area 1 based on two Out of Agency Services Agreements approved by LAFCO. The owners of these power plants, which represent the majority of the assessed value within Area 1, agreed to annex to the City as a condition of the Out of Agency Agreements. As part of the application process for Area 1, the City polled the residents/property owners of Area 2a and 2b, and this polling determined that the property owner/residents in these two areas did not support annexation to the City. Based on this polling, the City decided not to submit applications for Areas 2a and 2b to LAFCO. However, as described above, LAFCO subsequently "encouraged" the City to submit annexation applications for Areas 2a and 2b through a letter strongly suggesting the City submit annexation applications for these areas.

## AREA 1 Description/Prezoning

Area 1 is an approximately 481 acre area predominately occupied by heavy industrial uses. Area 1 also includes the Antioch Dunes National Wildlife Refuge, a resource conservation area generally not open to the public. Area 1 is located south of the San Joaquin River, west of State Route 160, and north of the Burlington Northern Santa Fe (BNSF) railroad (Attachment "C"). The current County zoning for this entire subarea is "Heavy Industrial", including the area comprising the Antioch Dunes National Wildlife Refuge (Attachment "D"). The City's General Plan designations for Area 1 are General Industrial, Rail-Served Industrial and Open Space within the Eastern Waterfront Employment Focus Area (Attachment "E"). The City proposes to prezone the area with Heavy Industrial (M-2) and Open Space (OS) designations which are consistent with the City's General Plan (Attachment "F"). As part of the requirements for prezoning, the General Plan must be consistent with the proposed prezoning.

During the community meeting, property owners in Area 1 asked how the prezoning would affect the existing land uses. As mentioned above, the City is proposing the Heavy Industrial (M-2) zoning designation, which is very similar to the County's existing zoning designation. Attachment "G" contains a description of all City zoning designations proposed for all three subareas.

## AREA 2A Description and Prezoning

Area 2a is a 94 acre area located east of Area 1, north of Wilbur Avenue, and west of State Route 160 and the Antioch Bridge (Attachment "C"). Area 2a is currently occupied by predominately marina, commercial, and storage uses, along with incidental uses. The existing County zoning designation for this area is also Heavy Industrial (Attachment "D"). The City's General Plan designation for this subarea is Marina/Support Uses and Commercial (Attachment "E"). The City is proposing the "Urban Waterfront" zoning designation and Regional Commercial (C-3), which reflects the existing uses currently in the subject area, which consist of marinas, commercial uses, and storage (Attachment "F"). The "Urban Waterfront" and "Regional Commercial" zoning designations are also consistent with the General Plan designation.

## AREA 2B Description and Prezoning

Area 2b is approximately 103 acres, south of Wilbur Avenue and north of East Eighteenth Street, roughly centered on Viera Avenue (Attachment "C"). Area 2b contains 120 existing residential units, nearly all of which obtain water from individual domestic wells and dispose of wastewater in individual domestic septic systems. The streets in the area are in poor condition and lack storm water drainage systems, as they are largely gravel and dirt roads. The area also includes limited commercial and industrial uses, a cemetery, and agricultural lands. The County's zoning designations for the area are: Single Family Residential, General Agriculture, Controlled Manufacturing, Heavy Industrial, and Two Family Residential (Attachment "D"). The City's General Plan designations for the area are Medium Low Density Residential,



Open Space, Medium Density Residential, and Business Park (Attachment "E"). Area 2b is primarily characterized by residential properties that do not fit within any of the City's existing standard residential zoning designations. Therefore, the City is proposing rezoning with the designation of "Study (S)" district, which will allow the City to develop a zoning category that will be the best fit for that area (Attachment "F"). Until the specific zoning requirements are formulated as part of the "Study District" process, the City will utilize the existing County zoning requirements that currently apply to Area 2b.

## **Issue #2: Area 2b Study District Goals**

The proposed "Study District" for Area 2b will allow staff to examine the existing uses, structures, and needs of the community since the City does not have a zoning designation that will appropriately fit the rural character of the area. As part of the rezoning, staff wanted to request feedback and direction from the Planning Commission regarding the goals of this potential future zoning district to address resident's concerns, as well as to set the frame work for moving forward with the appropriate zoning for the area. Based on the summaries below and the goals outlined in Exhibit 2 of the draft ordinance (Attachment "A"), staff is requesting feedback from the Planning Commission on the recommendations for the goals of the proposed study district for Area 2b.

### Sewer Connection

Area 2b currently relies on private septic systems and wells for sewer and potable water; however, due to the age of the existing systems and the fact that many of the existing drinking water wells do not appear to meet County Health's minimum separation requirements from existing septic fields, the City has developed a detailed plan for the extension of the municipal water, sewer, and storm drain systems. The City would not install the sewer and water lines in areas where there are private roads unless an easement was granted by the property owners. The City is proposing to install \$8 to \$10 million dollars worth of infrastructure to serve Area 2b. The City anticipates these costs will be jointly funded by both the City and County. However, the costs of infrastructure installation would not cover connection fees or the individual laterals to serve each property, and these costs would be borne by the property owner or resident. The estimated costs for connection fees, septic tank abandonment, installation of the lateral, and other costs associated with connection of water and sewer are estimated between \$18,000 to \$20,000. The City is exploring ways to possibly fund these costs.

There is a provision in the City's Municipal Code requiring connection to the municipal sewer system if there is a plumbing outlet within 200 feet of the property. Considering the unique situation of the area with so many existing properties on septic systems and the costs the property owner's would have to shoulder, the City staff is proposing to waive the requirement for the properties to connect to the system if the septic and well systems are in proper working order as determined by County Health. The connection to the City's sewer system would only be required if an available sewer system

connection is within 300 feet; the septic system was not functioning properly; and would require a major repair, such as septic tank replacement. In the case of minor repairs, connection to the sewer system would not be required. The City does not have a municipal code requirement triggering a connection to the City's water system.

#### Zoning Code/Development Standards/Home Occupational Use Permits

As mentioned above, the City does not have an appropriate zoning designation to encompass the existing uses and structures within Area 2b. Staff's recommended goal is to use the two year study period to examine the existing structures, uses, and businesses and to come up with a recommendation for the best fit to reduce or eliminate any potential nonconformities. As part of this process, the City would examine the County's existing zoning standards for the designations within Area 2b and compare those to the existing structures and uses, and solicit input from the community about the resident's needs and issues relating to zoning standards. Further, any legally existing structures and uses would be proposed to be "grandfathered" into the City, with the understanding that the minimum parameters for fire, life, health, and safety would be met.

The City and County both have similar requirements for home based businesses. Staff's recommendation is to "grandfather" all legally existing home based businesses and to not make any changes to the City's zoning ordinance in regards to home based businesses.

#### Agriculture Uses/Livestock

During the two year study period, staff would examine any existing agricultural uses as well as investigate the needs of the community in regards to continued agricultural uses. Based on the findings from the study period, staff would develop recommendations to the Planning Commission and the Council regarding the adoption of any new zoning designations.

The City currently allows livestock and animals on residentially zoned property, in a similar manner as the County. The City allows for horses, mules, sheep, goats, pigs, or other animals on property with at least  $\frac{3}{4}$  of an acre (32,670 square feet) with the consent of the Animal Control Officer, while the County allows animals on parcels at least 40,000 square feet, with at least 40,000 square feet for each two head of livestock. Since the City and the County are similar pertaining to the keeping of animals, staff is recommending the City's ordinance remain untouched and to "grandfather" any existing animals provided the conditions are safe and sanitary.

#### Streets

Due to the rural character of the area, the streets currently do not meet the City standard in width or design. Given this rural character the City has no rationale or incentive to modify the streets within Area 2b to comply with City standards, which are intended for a more "suburban" level of development. In any case, any attempt to widen

the streets would be prohibitively expensive as it would likely require removal of structures and encroachment into private property. Staff is proposing, during the two year study period, to develop a rural street standard for the area to reflect the existing streets. The private roads in Area 2b will remain private, and the City would not propose or support extending or connecting any of the existing streets, to streets outside of Area 2b.

### **ATTACHMENTS**

- A: Ordinance
- B: Letter from LAFCO dated May 11, 2012
- C: Map of the three Subareas
- D: Contra Costa County Zoning Designations
- E: City of Antioch General Plan Designations
- F: Proposed Rezoning Designations
- G: City of Antioch Rezoning Designation Descriptions

**RESOLUTION NO. 2013-07**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING ADOPTION TO THE CITY COUNCIL OF THE NORTHEAST  
ANTIOCH REORGANIZATION MITIGATED NEGATIVE DECLARATION AND  
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PREZONING  
AND REORGANIZATION OF AREAS 1, 2A, AND 2B OF THE NORTHEAST  
ANTIOCH AREA, LOCATED GENERALLY SOUTH OF THE SACRAMENTO  
COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR  
AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE  
BOUNDARIES OF THE CITY OF ANTIOCH**

**WHEREAS**, the City Council on June 26, 2007 authorized City staff to submit an annexation application for Area 1 of the Northeast Antioch Area, which consists of approximately 481 acres located north of Wilbur Avenue, east of Fulton Shipyard, and west of SR 160; and

**WHEREAS**, LAFCO, in a letter dated May 11, 2012, requested the City initiate the annexation of Areas 2a and 2b; and

**WHEREAS**, the City Council on June 12, 2012 authorized City staff to submit annexation applications for Area 2a and 2b of the Northeast Antioch Area with the understanding that the procedures contained in State law governing annexations provide property owners and residents the opportunity for input into the annexation process. Area 2a consists of approximately 94 acres located north of Wilbur Avenue, and West of State Route 160 and the Antioch Bridge. Area 2b consists of approximately 103 acres located south of Wilbur Avenue and north of East Eighteenth Street, roughly centered on Viera Avenue; and

**WHEREAS**, the City's General Plan designates Area 1 for Rail-Served Industrial, General Industrial, and Open Space; Area 2A for Marina Support Uses and Commercial; and Area 2B as Medium Low Density Residential, (up to 6 units per acre), Medium Density Residential (up to 10 units per acre), Business Park, and Open Space; and

**WHEREAS**, the prezoning districts are compatible with the City's General Plan. The districts are as follows: Area 1 consists of Heavy Industrial (M-2) and Open Space (OS), Area 2a consists of Urban Waterfront (WF) and Regional Commercial (C-3), and Area 2b consists of a Study (S) zone; and

**WHEREAS**, the City prepared an Initial Study to evaluate the potential environmental impacts of the Reorganization of the Northeast Antioch Area project, including the proposed annexations, prezoning, and the approval and execution of associated Tax Transfer and Infrastructure Funding Agreements (collectively, the "Project") in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines") and, based on that Initial Study, determined that the Project could be approved in compliance with the California Environmental Quality

Act ("CEQA") by adopting a Mitigated Negative Declaration as provided by Section 15074 of the CEQA Guidelines; and

**WHEREAS**, a draft Initial Study and Mitigated Negative Declaration ("IS/MND") was circulated for a 30-day review period, with the public review period commencing on February 1, 2013 and ending on March 4, 2013;

**WHEREAS**, the Planning Commission has reviewed the IS/MND for this Project and the comments received during the comment period as well as the Response to Comments; and

**WHEREAS**, following the close of the comment period, the City prepared (i) written responses to all comments received on the Draft IS/MND, (ii) a Final IS/MND that addressed comments received during the comment period, and (iii) a Mitigation Monitoring and Reporting Program ("MMRP") incorporating mitigation measures to be imposed on the Project; and these materials were released to the public; and

**WHEREAS**, the Planning Commission duly gave notice of a public hearing as required by law; and,

**WHEREAS**, on May 15, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

**NOW THEREFORE BE IT RESOLVED**

1. The Planning Commission of the City of Antioch hereby **FINDS**, on the basis of the whole record before it (including the Initial Study and all comments received) that:

- a. There is no substantial evidence that the Project will have a significant effect on the environment; and
- b. The Initial Study and Mitigated Negative Declaration reflect the City's independent judgment and analysis.

2. The Planning Commission hereby **RECOMMENDS** that City Council of the City of Antioch **APPROVE AND ADOPT** the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project .

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 15<sup>th</sup> day of May, 2013 by the following vote:

**AYES:** Sanderson, Azevedo, Motts, Miller, Baatrup and Westerman

**NOES:** None

**ABSENT:** Hinojosa

**ABSTAIN:** None

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TINA WEHRMEISTER,  
Secretary to the Planning  
Commission

**RESOLUTION NO. 2013-08**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE TO  
PREZONE AREAS 1, 2A, AND 2B OF THE NORTHEAST ANTIOCH AREA,  
LOCATED GENERALLY SOUTH OF THE SACRAMENTO COUNTY LINE ALONG  
THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE  
CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF  
ANTIOCH**

**WHEREAS**, the City Council on June 26, 2007 authorized City staff to submit an annexation application for Area 1 of the Northeast Antioch Area, which consists of approximately 481 acres located north of Wilbur Avenue, east of Fulton Shipyard, and west of SR 160; and

**WHEREAS**, LAFCO, in a letter dated May 11, 2012, requested the City initiate the annexation of Areas 2a and 2b; and

**WHEREAS**, the City Council on June 12, 2012 authorized City staff to submit annexation applications for Area 2a and 2b of the Northeast Antioch Area with the understanding that the procedures contained in State law governing annexations provide property owners and residents the opportunity for input into the annexation process. Area 2a consists of approximately 94 acres located north of Wilbur Avenue, and West of State Route 160 and the Antioch Bridge. Area 2b consists of approximately 103 acres located south of Wilbur Avenue and north of East Eighteenth Street, roughly centered on Viera Avenue; and

**WHEREAS**, the City's General Plan designates Area 1 for Rail-Served Industrial, General Industrial, and Open Space; Area 2A for Marina Support Uses and Commercial; and Area 2B as Medium Low Density Residential, (up to 6 units per acre), Medium Density Residential (up to 10 units per acre), Business Park, and Open Space; and

**WHEREAS**, the pre zoning districts are compatible with the City's General Plan. The districts are as follows: Area 1 consists of Heavy Industrial (M-2) and Open Space (OS), Area 2a consists of Urban Waterfront (WF) and Regional Commercial (C-3), and Area 2b consists of a Study (S) zone; and

**WHEREAS**, the City prepared an Initial Study/Mitigated Negative Declaration to evaluate the potential environmental impacts of the Reorganization of the Northeast Antioch Area project, including the pre zoning and,

**WHEREAS**, the Planning Commission duly gave notice of a public hearing as required by law; and,

**WHEREAS**, on May 15, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

**WHEREAS**, the Planning Commission recommended to the City Council adoption of the Final IS/MND and the MMRP based on the whole record before it and found no substantial evidence the project will have a significant effect on the environment and the IS/MND reflected the City's independent judgment and analysis; and

**WHEREAS**, the Planning Commission provided direction to staff on the goals of the rezoning for Area 2b, which is attached as Exhibit 1; and

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission hereby recommends that City Council of the City of Antioch **ADOPT** the ordinance to rezone Areas 1, 2a, and 2b of the Northeast Antioch Area.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 15<sup>th</sup> day of May, 2013 by the following vote:

**AYES:** Sanderson, Azevedo, Motts, Miller, Baatrup and Westerman

**NOES:** None

**ABSENT:** Hinojosa

**ABSTAIN:** None

---

TINA WEHRMEISTER,  
Secretary to the Planning  
Commission



## ORDINANCE NO.

### **AN ORDINANCE OF THE CITY OF ANTIOCH INTRODUCING THE PREZONING FOR THE APPROXIMATELY 678 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREAS 1, 2A, AND 2B OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH**

#### **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 in concept between the City and the County on the key provisions of the Tax Exchange Agreement until January 2012. This concurrence has allowed the prezoning and annexation process to move forward.
- D. Based on formal direction provided by LAFCO via a letter dated May 11, 2012, the City Council, on June 12, 2012, initiated the annexation of Areas 2a and 2b.
- E. The City Council has considered the Final Initial Study and Mitigated Negative Declaration for the Northeast Antioch Area Reorganization, dated February 2013 and adopted by the City Council on \_\_\_\_\_ of 2013 (the "Final MND"), and has considered all comments received both during and after the close of the public comment period on the draft IS/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 Areas 1, 2a, and 2b 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.
- F. The City Council finds the 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 the rezoning is consistent with the requirements of the Transportation Sales Tax Initiative, Measure J.
- H. The rezoning for Area 1 consists of primarily the (M-2) "Heavy Industrial" zoning district and (OS) "Open Space" proposed for the existing Federal Wildlife Preserve located on the north side of Wilbur Avenue. The rezoning for Area 2a consists of the Urban Waterfront (WF) and Regional Commercial (C-3) zoning districts and 2b consists of a Study (S) district. The geographic locations of the proposed rezoning districts for Areas 1, 2a, and 2b are depicted in Exhibit 1.
- I. The Planning Commission on May 15, 2013 recommended that City Council approve and adopt the IS/MND and associated Mitigation Monitoring and Reporting Program ("MMRP") and adopt the rezoning by a \_\_\_-\_\_\_ vote.

**SECTION 2.** The Final MND and the associated MMRP are hereby adopted to comply with the requirements of the California Environmental Quality Act and support, among other things, the rezoning of Area 1, 2a, and 2b as described and introduced by this Ordinance. These documents, together with the remaining materials constituting the record of proceedings for the rezoning of Areas 1, 2a, and 2b, along with the Final MND and MMRP are available for inspection and review at City Hall, 2<sup>nd</sup> Floor, Community Development Department, located at 200 "H" Street, Antioch CA. The rezoning of Area 1, 2a, and 2b which consist 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 \_\_\_\_ day of \_\_\_\_ and passed and introduced at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**

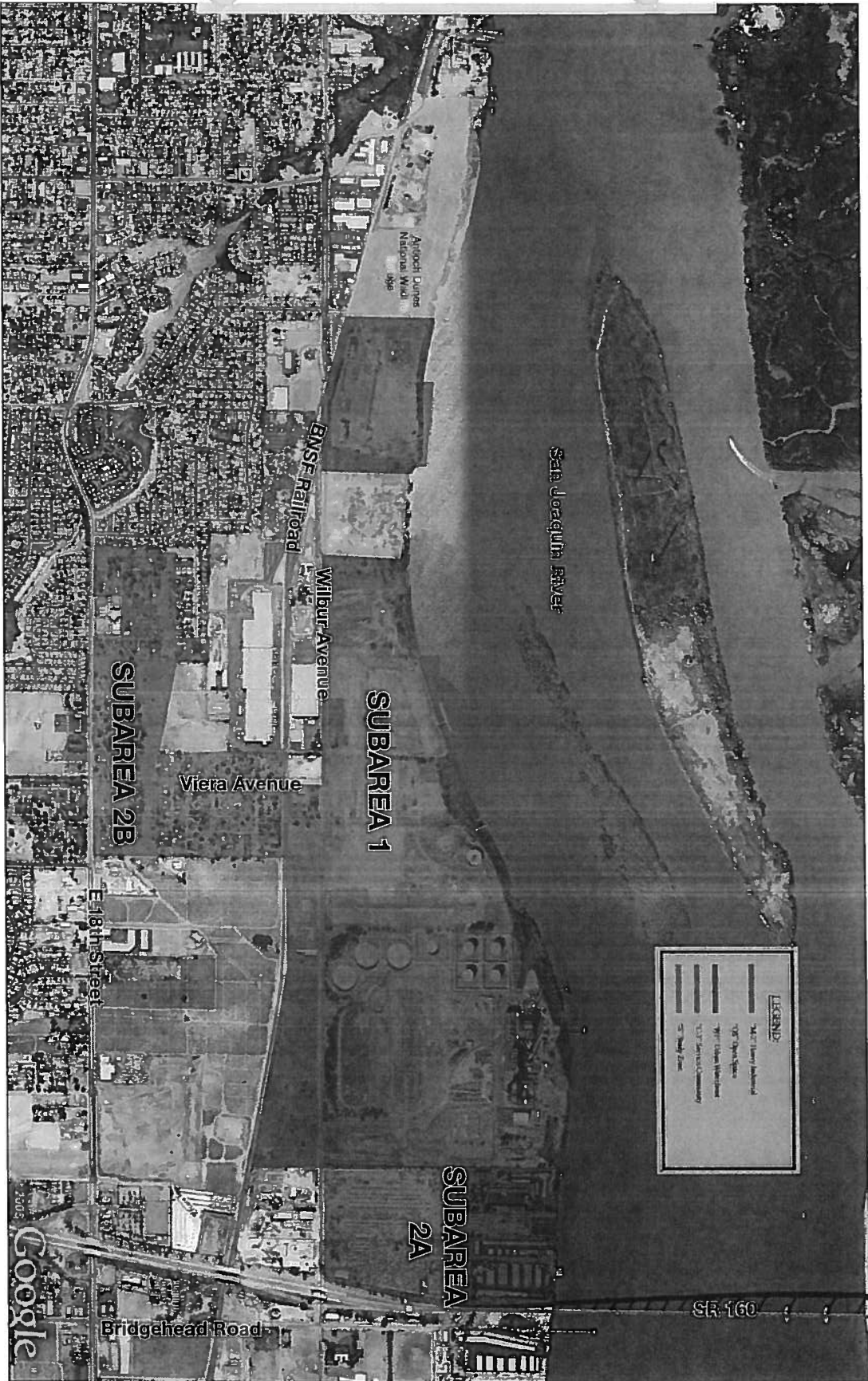
\_\_\_\_\_  
**Wade Harper, Mayor of the City of Antioch**

**ATTEST:**

\_\_\_\_\_  
**Arne Simonsen, City Clerk of the City of Antioch**

E15

# EXHIBIT 1



Source: Google Earth, 2009

Proposed City of Antioch Rezoning

# EXHIBIT 2

## City of Antioch Northeast Reorganization

### Zoning Goals for Area 2b to be Implemented Through the "S" Study District Process (Z-13-03)

The following are the goals the City intends to implement as part of the "S" Study District rezoning process for Area 2b of the Northeast Antioch Annexation. These goals may be implemented through the Zoning Ordinance, or through other pertinent sections of the City Code. The "S" Study District will give the City up to two years to develop appropriate zoning designation(s) to apply to Area 2b. The intended overall goal of this "S" Study District process will be the creation of new or modified City zoning designations that will appropriately accommodate existing and planned land uses and development for Area 2b. The following are the specific goals the City intends to implement within Area 2b:

#### Development Standards

- Develop zoning regulations and development standards that best fit/accommodate existing structures, uses, and lots in order to minimize to the extent practical the number of non conforming buildings and uses, with the caveat that protection of public health and safety shall take precedence over ensuring zoning conformity.
- Implement zoning development standards applicable to Area 2b will be prepared in such a manner as to preserve the rural character of the area.
- Develop an agricultural overlay zone to protect and maintain the existing agricultural uses in the area, including the extensive vintage grape vines. Allow all existing agricultural uses to continue by "grandfathering" the existing agricultural uses upon annexation into the City.
- The keeping of boats, trailers, and other vehicles within Area 2b will be regulated as currently allowed by County requirements, and not by current City standards.
- Allow for building additions and other expansions of existing structures for properties where connections have been made to the City sewer/water system and meet the relevant zoning requirements.
- Consider subdivisions in cases where properties meet minimum lot size and other relevant requirements, and have connections to City sewer/water systems.

#### Sewer and Water Connection

- Waive the City code requirement to connect to the City sewer system for the residential and commercial uses located in Area 2b that are within 200 feet of a sewer connection, provided the septic system is functioning properly as determined by the County Environmental Health Department.
- A sewer connection within Area 2b would be required as dictated by the County Environmental Health code. It is the City's understanding that County Environmental Health would require a sewer connection in the event all of the following circumstances apply; 1) there is an available sewer within 300 feet, and 2) the septic system is not functioning properly, and 3) the septic system will require a major repair as determined by County Environmental Health.
- Maintain the City municipal code regarding water connections, which are not triggered by City Code but are made at the discretion of the property owner.

#### Streets

- Develop a City of Antioch standard street section applicable to Area 2b that takes into account the existing street network, widths, and drainage. Such a modified street section would permit narrower streets without the standard requirements for curb/gutter/sidewalk along the entire street frontage.

## Exhibit 2

- The City would not propose or support extending any of the existing streets public or private within Area 2b to connect with/or extend to streets outside of Area 2b.
- The City has no interest in acquiring, condemning, or otherwise taking over ownership of any part or portion of the many private streets located within Area 2b. The City will not install infrastructure within privately owned streets unless and until all of the owners of that privately owned street voluntary agree to grant the City right of way in which to install the infrastructure.

### **Livestock**

- Maintain the existing municipal code requirements pertaining to livestock. In cases where the City ordinance is more restrictive than the County regarding the keeping of animals, the City will “grandfather” animals allowed under the County, provided the conditions are safe and sanitary.

### **Home Occupations**

- Maintain the existing municipal code requirements for home occupational use permits. In cases where the City ordinance is more restrictive than the County regarding home based businesses, the City will “grandfather” any home based business allowed under the County.

# ATTACHMENT "F"

**AYES:** *Sanderson, Motts, Baatrup, Bouslog, Miller, Azevedo and Westerman*

**NOES:** *None*

**ABSTAIN:** *None*

**ABSENT:** *Hinojosa*

4. **Z-13-03** – The City of Antioch is requesting a recommendation of approval from the Planning Commission to the City Council for the rezoning of the Northeast Antioch Area. There are three subareas considered for rezoning, which are all located within unincorporated Contra Costa County, consisting of approximately 678 acres. The zoning for Area 1 (470 acres) is being proposed as Heavy Industrial and Open Space, Area 2a as Urban Waterfront (94 acres), and Area 2b (103 acres) as a Study zone. The three subareas are located generally south of the Sacramento County line along the San Joaquin River in the vicinity of Wilbur Avenue, west of the City of Oakley, north and east of the boundaries of the City of Antioch. A mitigated Negative Declaration is also being considered for adoption.

CA Nerland highlighted the public hearing protocols. She said that persons wanting to speak could fill out a speaker card, staff will present the report, the commissioners may have questions of staff, and the public hearing opens. She said that if there is a main presenter that person would have 10 minutes to speak; otherwise the speaker would have 5 minutes to speak. Speakers will be called up by the Chair, that there will be no dialogue, and if there are questions those can be referred to staff if the Chair chooses. She said that no one can speak more than once and asked that comments be kept as short as possible. She said that the rezoning is what is before the Planning Commission tonight, that the comment period on the environmental document has closed and that the Planning Commission is not the decision maker on the annexation but that their role is to make a recommendation to the City Council regarding the rezoning.

Senior Planner Gentry provided a summary of the staff report dated May 9, 2013, and said that on the dais this evening was a Supplemental Staff Report dated May 15, 2013, as well as a packet of letters from Shauna Eisenmann, Wayne and Shauna Eisenmann and Contra Costa County Flood Control.

## **OPENED PUBLIC HEARING**

Chair Sanderson asked if there were any main speakers and seeing none, called the first speaker.

Ken Wentworth said that he lives at 1501 Trembath Lane and that he has many concerns and is opposed to what is happening and that this is junk science. That multiple people have voiced discontent at the two meetings with the third one coming up. That they do not need help with their wells and septic systems and that the City is not providing answers as to how they will be impacted. He said that the Planning Commission is part of moving this forward, that what the City is doing is illegal taking

their voting rights away, that LAFCO is an unholy alliance with the City with the one million dollar payoff, and that he will lead the charge to file legal action against the Planning Commission and the City to stop this in any way that he can.

Commissioner Baatrup asked the speaker to clarify what he meant by junk science. Mr. Wentworth said that on previous occasions the annexation was proposed which is now all motivated by money with revenue from the power plant, that LAFCO guidelines are to annex it all but that LAFCO has decided that they are an island and not large enough for a vote. He said that maybe junk science is a bad scenario but that what is being proposed is based on improper information.

Chair Sanderson clarified with applicant that his residence was in Area 2b and asked if he had reviewed the materials about the study zoning test period.

Mr. Wentworth responded that he has reviewed what was provided but that it was vague, open ended and lacking in information. He said that he chose to move to the County and that he has concerns how this will affect his street and his property value. He said that he lives on a private street that the City has no jurisdiction over any improvements on his street without his permission and the problem is he is not giving permission to move from the County to the City.

Chair Sanderson asked Mr. Wentworth what his concerns were regarding the study to which he said that he lives in an agricultural area, that the City has no zoning for agricultural and his concerns that it will be changed to something else.

Chair Sanderson asked Mr. Wentworth if he was concerned that after a determination was made that it will make illegal uses on his property to which Mr. Wentworth said that he was concerned that it would be changed from agricultural to something else, that his street may be opened to connect 18<sup>th</sup> Street to the street behind him and his concern with the City's ordinance about gravel roads connecting to paved road given that he lives on a gravel road which is maintained.

Richard Hiebert spoke to say that he was speaking for his parents who reside at 1650 Trembath Lane, and that his family has lived there for seven generations. That there is a lack of a recording secretary at the meetings held at Bridgehead Café, that they are not getting fair feedback and that he is wondering if a person can be provided out there to keep records to view at a later date. Mr. Hiebert said that he is not for this, that they have survived without City services with their current wells and septic systems, and that their roads are maintained. He said that a long time ago, there was a proposed pedestrian path on the west side of his parents property that he would like to know what the Planning Commission is going to do about that and that needs to be addressed. He said if Lipton were to go through to 18<sup>th</sup>, that several houses would not meet the setbacks for the streets. If they are grandfathered in can they keep their rural character as other communities in the State have allowed. Mr. Hiebert said that questions from the previous two meetings have not been answered to their satisfaction, that they have not had trouble with ambulances or the fire department and that they would like to keep their agricultural vineyards.

City Consultant Carniglia said that he appreciated the comments, that the suggestion of having someone to record the meetings is an excellent idea and that an exhibit has been created which is attached to the Planning Commission resolution to provide residents a level of assurance with the study zone based on input from the meetings. CC Carniglia went through the exhibit pointing out the development standards, sewer and water connections, streets, livestock and home occupations. He said that the Planning Commission is not taking action tonight but would be making a recommendation to the City Council.

Mr. Hiebert stated he would like to see questions answered before going in and would like to preserve what they currently have.

Carol Ray left comments on a speaker card to say that she is a resident of St. Clair Drive, that she would like to have a vote on the annexation of their property and that they would like to keep their neighborhood the way it is. That if there is an annexation of their neighborhood that they should not have any cost to them for anything and that they would like to keep their road private with no through street and no parking on their road.

### **CLOSED PUBLIC HEARING**

Commissioner Azevedo clarified with CC Carniglia that in discussions with LAFCO Area 2b is considered an island, protest proceedings are waived, and residents do not have a say or vote in the annexation process. CC Carniglia said that the only scenario for a vote is if residents go to the City Council and ask that they rearrange the way the application is being structured by submitting one application instead of three and that there is no clean way of addressing it.

Commissioner Baatrup asked staff to address the water and sewer service to properties and said that if these systems fail and cannot be remedied or fixed, that they would not have viable residential buildings and would have to remedy or abandon the living spaces.

CC Carniglia said that Area 2b has larger lots of one acre to an acre and a half in some areas while others have less than an acre in size with the likelihood of having problems with septic going way up for the smaller lot sizes. He said that if a system fails, they could write a large check to fix the problem or they can walk away from the house. He added that the City and County are working together to put infrastructure into the area at a cost of three million dollars each for a total of six million dollars.

Commissioner Baatrup said that the smaller lots in the area would still have to ask the City for services if theirs are failing and that this seems like an inevitable action to address water and sewer.

Commissioner Miller asked staff what is the general benefit of annexation of Area 2b to the City to which CC Carniglia said that what Mr. Wentworth stated is accurate and that annexing the industrial area to the City is a significant property tax to the City. He said that the initial application was for the industrial area because the residents were not



interested and LAFCO told the City that Areas 2a and 2b needed to be included. That the power plants were built on the basis of getting City services.

Commissioner Baatrup stated that the City has attempted to move forward with Area 1, and LAFCO has asked that the City include 2a and 2b as it would be a waste of time and money to try again excluding Area 2b.

CC Carniglia stated that it is unprecedented that the County put up three million dollars in an area and that if we delay, that money could be at risk.

Commissioner Azevedo clarified with staff that the power plant is now on the grid and Out of Agency Agreements were approved to utilize City water and sewer and LAFCO has indicated it will not support or issue any agreements in the future.

Commissioner Miller stated that with Exhibit 1 the City is trying to carve out exemptions to Area 2b to which CC Carniglia said that the annexation includes property that has already been developed under the County's standards and the City needs to create new zoning given it does not fit into current residential zoning while also finding a way to address the specific needs of this area that are unique.

Chair Sanderson said that the Planning Commission is here tonight to discuss items but most relevant is the rezoning designation for Area 2b. She said that the Study district is of concern to residents in that it is confusing and vague, that residents are worried that when zoning determinations are made their existing uses of their property will be outlawed and that the study process is going to be an invasion of their privacy. She said a zoning provision needs to allow existing uses to be grandfathered in and asked staff to provide more information on the study process.

SP Gentry stated that they could look at aerials to view existing structures, County records for business licenses, the County Assessor for information on lot size, number of units and the County for building permits. She said that they will hold meetings to get community feedback and that they can go through records instead of in the field so as to not invade the property owner's privacy.

Commissioner Baatrup made a motion that the Planning Commission adopt the resolution recommending City Council adoption of the ordinance for rezoning Areas 1, 2a and 2b.

SP Gentry interjected that the adoption of the resolution for the environmental document must be approved first.

Commissioner Baatrup rescinded the previous motion and motioned to recommend that the City Council approve and adopt the Final Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Report Program.

**RESOLUTION NO. 2013-07**

***On motion by Commissioner Baatrup and seconded by Commissioner Azevedo, the Planning Commission recommended that the City Council approve and adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project.***

**AYES:** Sanderson, Azevedo, Motts, Miller, Baatrup and Westerman  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Hinojosa

Commissioner Baatrup made another motion that the Planning Commission recommend that the City Council adopt the ordinance to prezone Areas 1, 2a and 2b of the Northeast Antioch Area.

CA Nerland interjected to add that the resolution includes the Exhibit containing the goals for annexation and recommending that those goals be brought forward to City Council.

**RESOLUTION NO. 2013-08**

***On motion by Commissioner Baatrup and seconded by Commissioner Miller, the Planning Commission recommended that the City Council adopt the ordinance to prezone Areas 1, 2a and 2b of the Northeast Antioch Area.***

**AYES:** Sanderson, Azevedo, Motts, Miller, Baatrup and Westerman  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Hinojosa

SP Gentry asked the Planning Commission if there was further direction on the exhibit containing goals for the annexation.

Commissioner Azevedo stated that he has heard the concerns and that the bullet points mitigate most of those concerns. He said that although this is a no win situation as there are residents who don't want to annex into the City but that LAFCO has decided that to participate in recovering revenues from the infrastructure that annexation is required, the City wants to work with the residents. He said that the City is going in the right direction, does not see any changes to the goals, and if there are issues which need to be addressed those can be brought to staff and the City Council. Overall, he is supportive of these goals.

Commissioner Baatrup said that this is a rare process for the City and that staff should be given credit for their efforts in the meetings by putting the agreement together. The City has clearly taken the concerns of the residents and providing formal language to address these concerns. He said that he hopes that the City continues to work with the residents.

Commissioner Miller said that Exhibit 1 does take into consideration the concerns of the residents, the exhibit is a good addition, and the City is trying to work with the residents.

Commissioner Motts concurred that the staff has done an exemplary job and that the study zone would come up with future mitigation of concerns.

### **RECALL OF AGENDA ITEM NUMBER 2**

SP Gentry provided a summary of the staff report dated May 9, 2013.

Commissioner Westerman clarified with staff that this was simply a time extension with no other changes.

Commissioner Miller clarified with staff that the applicant is trying to seek additional time to get financing and to allow the market to recover.

### **OPEN PUBLIC HEARING**

Applicant, Ted Liu, Bedrock Ventures, apologized for being tardy due to traffic. He said that he is just looking for an extension on the approvals that they have to allow time to find financing and tenants and that with the e-Bart project under construction that has definitely shown light on this project.

Commissioner Azevedo asked the applicant if financing were obtained when it was anticipated to start on the project; to which applicant said that they need to find financing as well as a tenant large enough for an anchor but that hopefully that can be accomplished in the next two years.

Commissioner Azevedo stated that at some point if things can't happen in the next two years they may want to look at the project again.

Applicant said that when the project was started, it was proposed with retail out front, a two story medical building and a third building comprised of medical uses but the Commission had indicated wanting to see a sit down restaurant there. If they find a different use, they would revisit the project.

### **CLOSED PUBLIC HEARING**

Commissioner Westerman stated that he was on the panel when this project was first looked at, that it was considered to be a good project for that location, that the buildings look nice and that this is a good use for that site. He said that he hopes conditions improve so that this project can get going and that he is in favor of it.

### **RESOLUTION NO. 2013-06**

***On motion by Commissioner Motts and seconded by Commissioner Westerman, the Planning Commission approved an amendment to condition of approval***

# ATTACHMENT "G"

RECEIVED

FEB 28 2013

JENNY & JENNY, LLP  
Attorneys at Law

Old City Hall Building  
706 Main Street, Suite C  
Martinez, California 94553  
Telephone: (925) 228-1265  
Facsimile: (925) 228-2841  
JJJLLP.com

CITY OF ANTIOCH  
COMMUNITY DEVELOPMENT

Eminent Domain  
Inverse Condemnation  
Real Estate Law

Scott E. Jenny, Esq.  
Richard K. Jenny, Esq.

February 27, 2013

Mindy Gentry  
Senior Planner  
City of Antioch Community Development Department  
City of Antioch  
P.O. Box 5007  
Antioch, CA 94531

*Re: Northeast Antioch Reorganization Mitigated Negative Declaration*

Dear Ms. Gentry:

I represent John C. Mitosinka and Carey Mitosinka of 1277 St. Clair Drive in Antioch. On behalf of my clients, I offer the following objections to the North East Antioch Reorganization Annexation.

## **I. THE LANDOWNERS ARE ENTITLED TO PROTEST PROCEEDINGS.**

The owners of property located within proposed areas of annexation are generally permitted to vote on whether or not to annex. This gives them the opportunity to choose for themselves which jurisdiction, the city or county, they will be part of. Annexation voting occurs through what is known as "protest hearing proceedings." The landowners affected by the Northeast Antioch Reorganization Annexation are entitled to protest proceedings and a vote thereon. As clearly stated in LAFCO's Northeast Antioch Monthly Update dated September 12, 2012, attached hereto as Attachment 1:

Since the June update, City, County and LAFCO staff received Attorney General (AG) Opinion No. 10-902 relating to island annexations. The opinion concludes that LAFCO may not split a larger island into smaller segments of 150 acres or less in order to utilize the streamlined annexation procedures set forth in Government Code section 56372.3 and thereby avoid the protest proceedings that would otherwise be required.

A copy of Attorney General (AG) Opinion No. 10-902 is attached hereto as Attachment 2. In that Opinion, the AG discusses the annexation process. The AG defines an "island" as unincorporated property that is completely surrounded, or substantially surrounded, by the city to which annexation is proposed or completely surrounded by the city to which annexation is proposed and adjacent cities.

To reduce the cumulative environmental impacts of the Project, the City has broken up the 678 acre project into Subareas 1, 2a and 2b. Subarea 1 consists of 481 acres; Subarea 2a consists of 94 acres; and Subarea 2b consists of 103 acres. This is an improper method of breaking up the subject property into smaller islands which avoids the protest reviews. Dividing islands into smaller segments of 150 acres or less, avoiding the landowner/voter protest proceedings, is not permitted. Areas 2a and 2b do not qualify as islands and the landowners are entitled to protest proceedings. The three subareas must be considered a single area exceeding 150 acres, and therefore the provisions of Section 56375.3 are not permitted. LAFCO lacks discretion or authority to use streamlined procedures to annex an island that exceeds 150 acres in area. Thus, LAFCO lacks discretion or authority to use the streamlined procedures to annex subareas 2a and 2b without the protest procedures.

The Attorney General concludes:

A Local Agency Formation Commission may not split up an unincorporated island that exceeds 150 acres into smaller segments of 150 acres or less in order to utilize the streamlined "island annexation" procedures set forth in Government Code section 56375.3 and thereby avoid the landowner/voter protest proceedings that would otherwise be required.

Subareas 2a and 2b must be considered as a part of the 678 acres and not broken into islands. Thus, the City and LAFCO must present an annexation application for the entire 678 acres, prezone the entire 678 acres, and consider the entire 678 acres in the appropriate CEQA document. To date this has not occurred as the 678 acres has been approached piecemeal, which is not permitted under the AG's opinion, and is therefore illegal. Then, landowner protest and voting procedures must be permitted for the landowners of all 678 acres.

## **II. A MITIGATED NEGATIVE DECLARATION IS IMPROPER.**

My clients object to the project being adopted by way of a Mitigated Negative Declaration rather than a formal Environmental Impact Report. To reduce the cumulative environmental impacts of the Project, the City has broken up the 678 acre project into Subareas 1, 2a and 2b. Subarea 1 consists of 481 acres; Subarea 2a consists of 94 acres; and Subarea 2b consists of 103 acres. This is an improper method to review such a project. By breaking the project into different sub-parts, the environmental impacts are lessened.

Mindy Gentry  
February 27, 2013  
Page Three

California law defines the "Project" as "the whole of an action." In *City of National City v. State of California* (1983) 140 Cal. App. 3d 598, the court defined a project. In footnote 2 on page 603, the *National City* court stated:

In determining what is a project within CEQA, California Administrative Code, title 14, section 15037 provides:

(a) Project means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, that is any of the following:

(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, . . .'

More specifically, subdivision (c) states:

The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval." (Emphasis added & some internal quotes omitted)

In *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal. App. 3d 577 the court stated (p. 592, emphasis added):

CEQA mandates that environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452 [263 Cal.Rptr. 340].) CEQA attempts to avoid this result by defining the term "project" broadly. (*Ibid.*) A project under CEQA is the whole of an action which has a potential for resulting in a physical change in the environment, directly or ultimately, and includes the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. (*McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143 [249 Cal.Rptr. 439].)" (Emphasis added)

Thus, the "project" is defined by the environmental documents, and cannot "become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." This is exactly what the City of Antioch is doing in this annexation process.

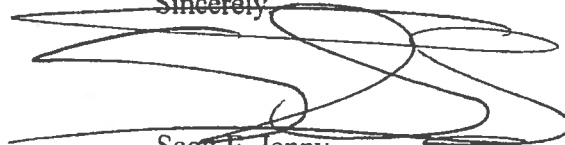
Mindy Gentry  
February 27, 2013  
Page Four

### III. CONCLUSION.

For the foregoing reasons, my clients object to the Northeast Antioch Reorganization Project and Mitigated Negative Declaration. Please make this letter a part of the administrative record, and please copy me with future actions taken on this Project. Please respond in writing to the above intertwined comments regarding the AG's opinion and its relevance to the Northeast Antioch Annexation protest proceedings and the proposed project Mitigated Negative Declaration.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Scott E. Jenny", written over a horizontal line.

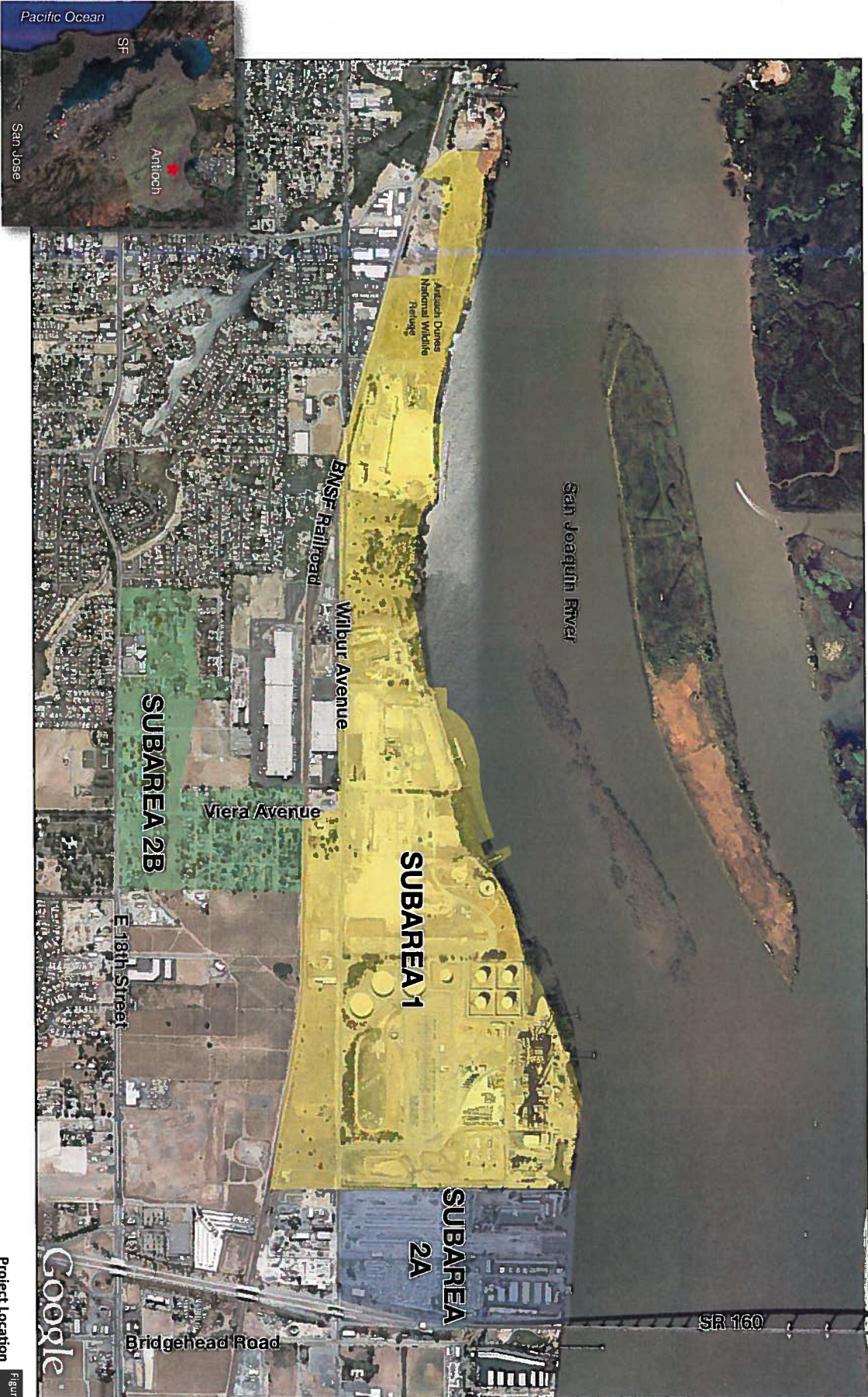
Scott E. Jenny

/SEJ

cc: Clients  
LAFCO



# ATTACHMENT "H"



Source: Google Earth, 2009

Project Location

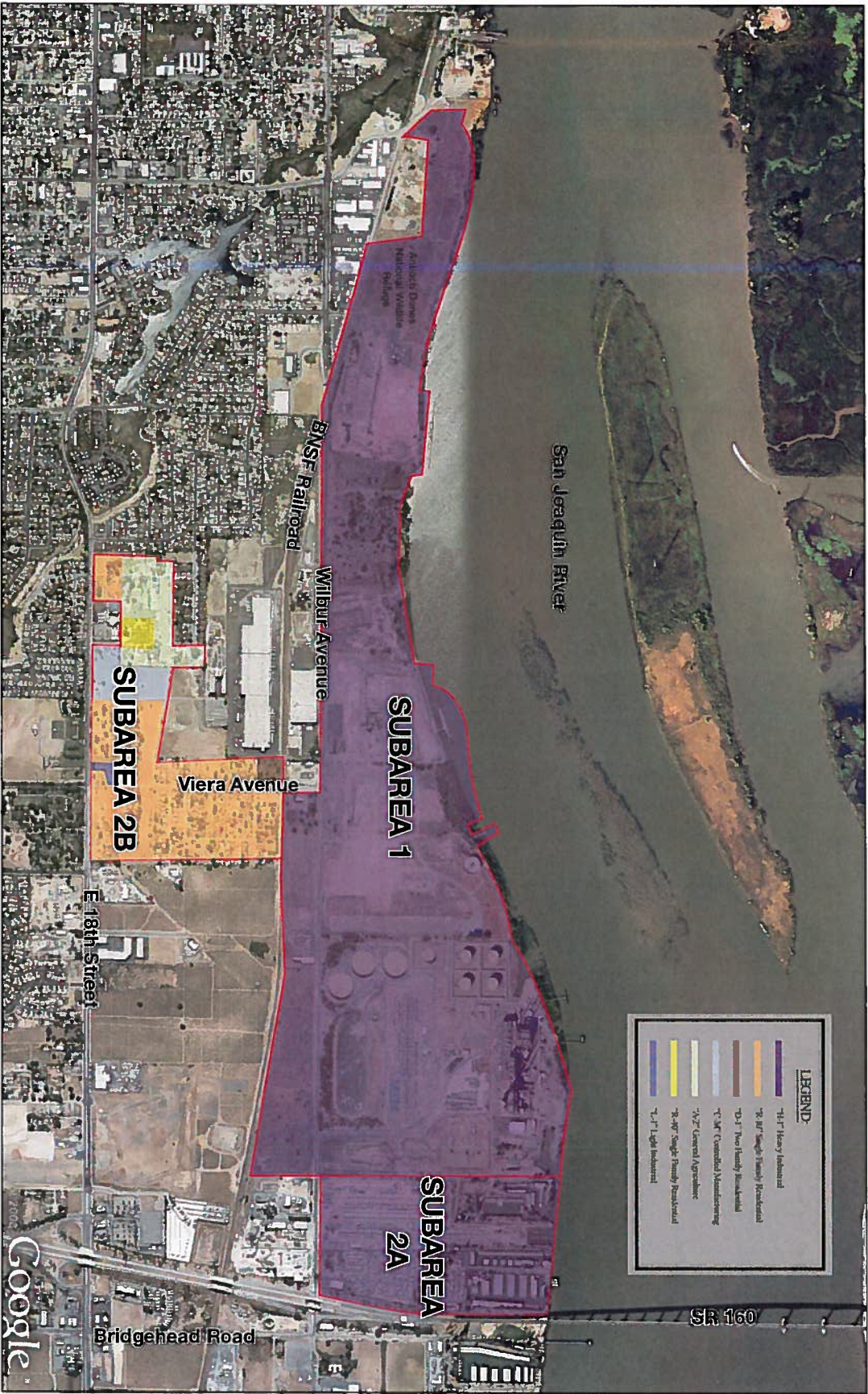
Figure



H1



# ATTACHMENT "I"



Source: Google Earth, 2009.

Contra Costa County Zoning Designations

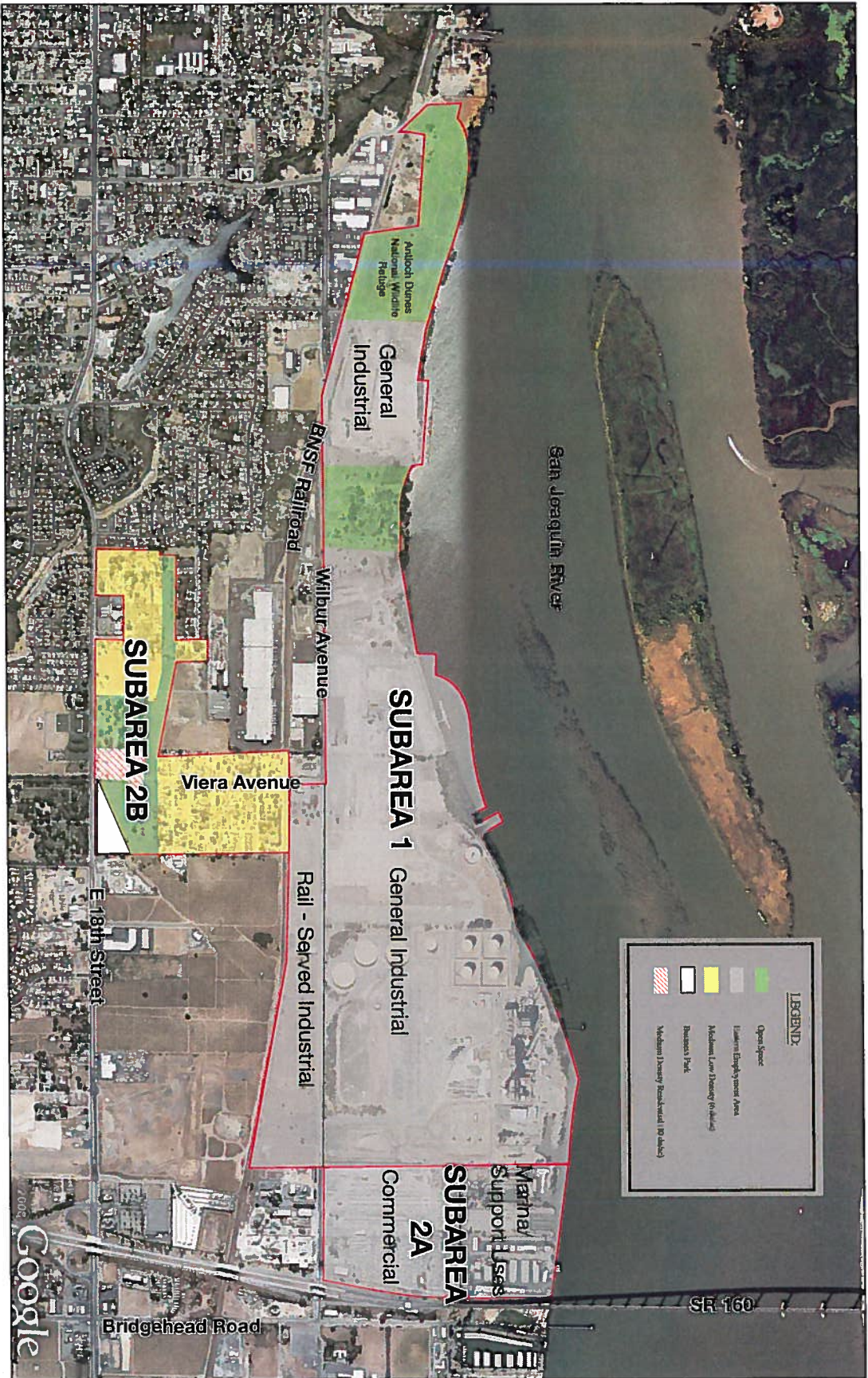
Figure



IT



# ATTACHMENT "J"



Source: Google Earth, 2009

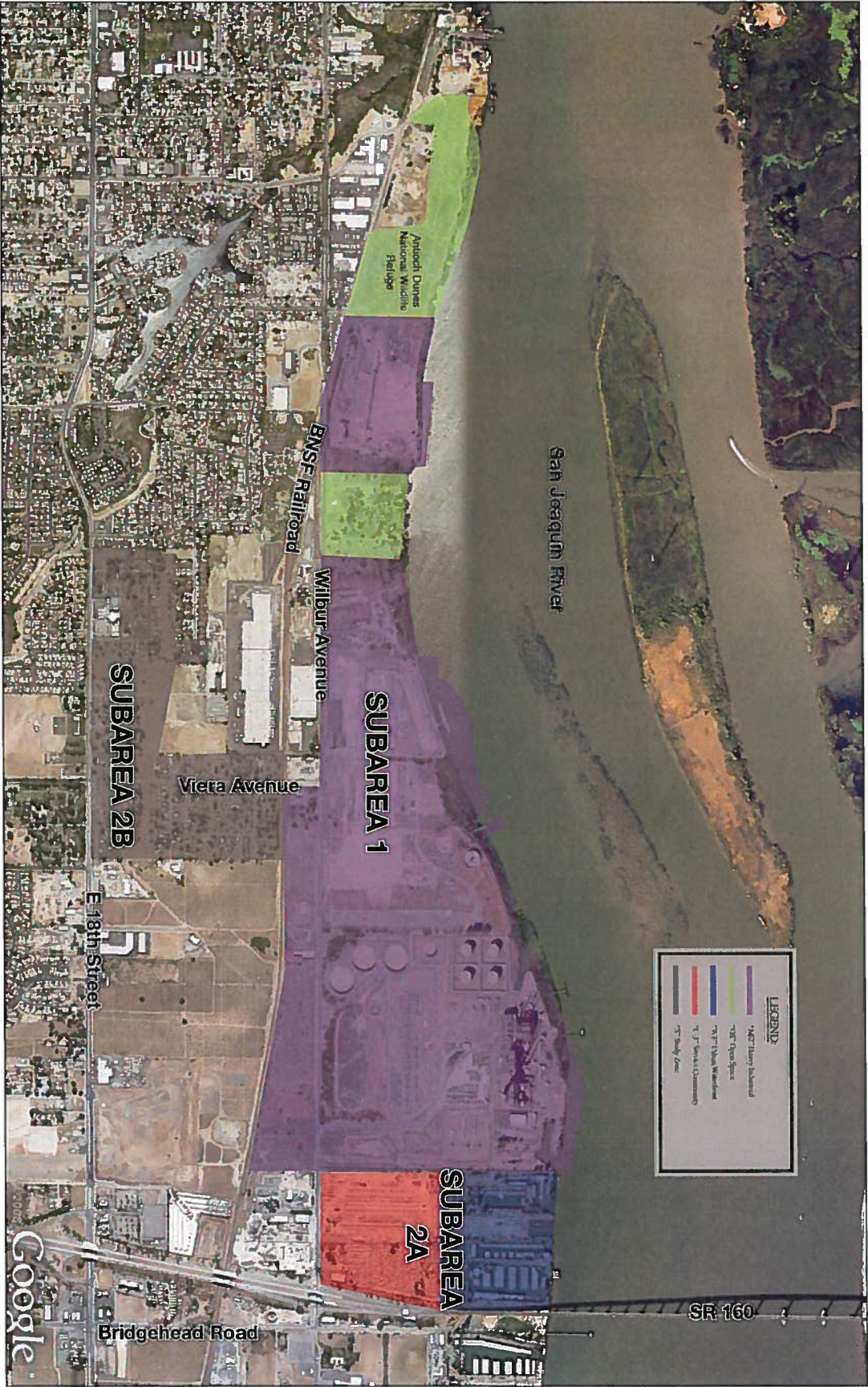
City of Antioch General Plan Designations

Figure

14



# ATTACHMENT "K"



Source: Google Earth, 2009

Proposed City of Antioch Rezoning

Figure 5



KI

# ATTACHMENT "L"

## City of Antioch Rezoning Designation Descriptions

### AREA 1

*M-2 Heavy Industrial District.* This district allows heavy industrial uses which may generate adverse impacts on health or safety. This zone applies primarily to existing heavy industrial uses. The district is consistent with the General and Rail-Served Industrial General Plan Designations. Uses include production of and extraction of metals or chemical products from raw materials, steel works and finishing mills, chemical or fertilizer plants, petroleum and gas refiners, paper mills, lumber mills, asphalt, concrete and hot mix batch plants, power generation plants, glassworks, textile mills, concrete products manufacturing and similar uses.

*OS Open Space/Public Use District.* This district allows undeveloped public open space and areas for public use where shown on the General Plan and in Specific Plans. This zone also can apply to public utility easements for electrical lines, gas lines and canals to prevent encroachment by urban development. This district is consistent with the Public/Institutional and Open Space General Plan Designations, as well as within Focused Planning Areas.

### AREA 2a

*WF Urban Waterfront District.* This district applies specifically to the Rivertown/Urban Waterfront and Eastern Employment Area Focused Planning Areas shown on the General Plan. Uses could include a mix of commercial and industrial uses generally restricted to those which are thematically compatible with a waterfront setting. Water related uses include marinas, and boat sales, and maintenance in conjunction with a marina and compatible public uses. This district is consistent with the Urban Waterfront General Plan Designation Retail uses could include restaurants commercial, recreation, and other water oriented uses. Public open space, walkways and other elements are also allowed to provide access to the river.

*C-3 Regional Commercial District.* This district provides for retail and service commercial uses of a regional nature, including those in and adjacent to large centers with one or more full-time department stores with a typical minimum of 75,000 square feet of floor area. Regional commercial uses typically serve a population residing within an eight to 20-mile radius and occupy 30 to 50 acres or more. This district also provides for highway or travel-oriented functions along freeways, major thoroughfares, and major roadways. This district is consistent with the Regional Commercial, and Transit-Oriented Development General Plan Designations, as well as with Somersville Road Corridor Focused Planning Area and other Focused Planning Areas permitting the types of commercial uses intended for this district.

### AREA 2b

*S Study District.* This district is intended as an interim designation which is utilized until all necessary detailed land use studies are completed for a given area. This district is most appropriately applied to properties at the time that they are rezoned prior to annexation by the city.

# ATTACHMENT "M"

## AGENDA

May 22, 2013 Neighborhood Meeting #3  
Northeast Antioch Annexation  
7:00pm, Bridgehead Café

The meeting began at 7:05 P.M.

### 1. Introductions

The following individuals were introduced:

Victor Carniglia, City of Antioch Consultant  
Mindy Gentry, Senior Planner  
Rich Seithel, Contra Costa County  
LouAnn Texeira, Contra Costa Local Agency Formation Commission (LAFCO)  
Kitty Eiden, Minutes Clerk

### 2. Rezoning Goals: Summary and discussion of the "Goals" to be implemented by the "S" Study District rezoning designation applicable to Area 2b, and as recommended for approval by the Planning Commission (see Attachment "1", list of "Goals" for Area 2b as supported by the Planning Commission)

- Description of "S" Study Zone "Goals" as recommended for approval on May 15, 2013 by the Planning Commission.
- Discussion of possible additional/modified "Goals" to be added to Attachment "1".

Senior Planner Gentry presented Attachment #1 City of Antioch Northeast Annexation; Goals for Annexation Area 2b to be implemented through the "S" Study District Process (2-13-03), or alternate means such as General Plan changes or modifications to other Sections of the City Code. Staff is recommending the public provide feedback prior to the goals being presented to the City Council.

In response to a speaker, Senior Planner Gentry clarified without approval of all the property owners along a privately owned street; the City would not install the infrastructure. She added that if multiple houses that consented, the City could install the infrastructure for the area of the approval.

Mr. Carniglia added that the City had hired an engineering consultant to review the County maps and records to verify ownership status of the private streets and they should have that information by the end of May.

In response to a speaker, Mr. Carniglia clarified typically the City would only invoke eminent domain for a new public street or if there was a provision for economic development.

John Mitosinka requested a legal document be written prohibiting the city from invoking eminent domain in the area.

Mr. Carniglia responded they could add the request to the list of goals for Council consideration.

In response to a speaker, Mr. Carniglia clarified in terms of costs, if there was any difference in property tax it would be minimal, however, there would be cost associated with connecting to City utilities and the sewer system. He noted the benefits would be the presence of the infrastructure system to and through the area paid for by the City and County. He clarified that if it were determined that the private roads were owned in common, it was his assumption everyone on the street would have to agree to put in the infrastructure. He noted if they choose not to have the City utilities, their situation would remain the same.

A speaker requested assurances be put in place that St. Claire Drive and Trembath Lane not be opened up as through streets, unless there was a safety issue.

Mr. Carniglia explained that the scenario of the City extending a private street could only occur if the city condemned the land and funded the extension. He added that if there was wording indicating the City would not use condemnation powers in the area, it would clarify the issue.

Rich Hiebert questioned how other property owners would respond if a septic system failed on a property located on a private road that had not had the infrastructure put in place.

Mr. Carniglia commented that, the scenario of a failing septic system would more likely occur on the eastern side of the area.

Rich Hiebert added that the County representative had indicated that until the infrastructure was put in place, they would grant a permit, to repair septic systems.

Mr. Carniglia stated he had been informed that with clean water requirements becoming stricter, the cost to continue use of a septic system would increase. He noted the bigger the lot, the better the chance of the septic system continuing to function.

Ken Wentworth stated that he felt residents were being forced to annex against their will. He questioned what assurances the City would be willing to provide to residents that they would not be required to abide by the City ordinances, once annexation had taken place.

Mr. Carniglia responded that they had attempted to memorialize the resident's concerns in the goals as part of the rezoning to take forward to the City Council for consideration. He noted the current wording addressed street standards and there

would be an alternate standard for this area with regards to sidewalks, curbs and gutters.

Ken Wentworth stated he did not understand how the city could indicate that they had addressed the resident's concerns when the Planning Commission voted unanimously to move ahead with annexation, while residents clearly opposed it.

Mr. Carniglia stated the action taken by the Planning Commission indicated that they felt the statements and goals addressed the issues they had received in writing and at the community meetings. He noted there were fundamental issues the goals could not address, such as the residents not wanting to be annexed into the City.

Denny Lantrip, commented that as long as the people that live on a private road do not develop their properties, then there should not be a reason for the City to come in and widen or extend the roads.

In response to Ken Wentworth, Mr. Carniglia clarified that the goals for the annexation would go before the City Council for consideration and it would be within their purview to choose which goals to support. He urged the residents to attend the City Council meeting to speak on the issue.

**3. Connection Fees/Costs: Proposal whereby the "Annexation Incentive Funds" from GenOn would be allocated to fund the cost of sewer and water connections for income eligible existing owner occupied residential parcels in Area 2b.**

Mr. Carniglia gave an overview of the "Annexation Incentive Funds", and noted it would be brought before the City Council and Board of Supervisors for approval.

In response to John Mitosinka, Mr. Carniglia clarified that in 2005 the City polled the residents and property owners asking if they supported annexation. He noted the poll indicated that an overwhelming number of people did not support annexation.

In response to John Mitosinka, Lou Ann Texeira, Contra Costa Local Agency Formation Commission (LAFCO) explained that Area 2b had always been considered an island by LAFCO because it is almost completely surrounded by the City. She noted the island law has been in LAFCO law for decades. She also noted the areas are in the sphere of influence of the City of Antioch, which means it is designated for probable service by the City. She reiterated there had not been a vote pertaining to annexation, by the residents. She noted if it is an island and it meets certain criteria it can be annexed without a protest. She further noted there would be a hearin before the City Council and LAFCO to allow the residents to be noticed and make public comment. She stated she had worked in local government for several years and she had never seen a City put forward goals to grandfather properties in, like the City of Antioch had done. She stated she feels the City had established great goals. She concluded that LAFCO had encouraged the City to bring in all the areas, for annexation.



Mr. Carniglia added the City's intent was to annex the industrial areas, and LAFCO indicated the City needed to look at bringing in the other areas.

In response to Rich Hiebert, Mr. Carniglia stated he would have to research why Area 1 had not previously been annexed.

Ken Wentworth stated by LAFCO rule, the City of Antioch was required to include the residential area with the annexation of the industrial properties. He expressed concern that a vote of the property owners was taken away when the areas were been divided.

Lou Ann Texeira, Contra Costa Local Agency Formation Commission (LAFCO), reiterated that Area 2b meets the island criteria under the island annexation provisions under LAFCO law, with 93% surrounded by the City. She noted that regardless if the area had been divided up, it was considered an island.

Mr. Carniglia added that there had only been one application for the annexation and it has never gone before LAFCO. He noted based on LAFCO's interpretation for annexation, Area 2b had never had the right to vote on annexation.

Ken Wentworth stated they were told the annexation had to go on a ballot and carry 2/3 vote and what stopped it was that they found residents that lived under the bridge. He noted at that point, there was going to have to be a separate vote for the industrial and residential areas. He noted that is when the City dropped the issue. He stated it was then divided into three arbitrary areas against the resident's will and the City fast-tracked the process. He noted it was then that Area 2b was considered an island, however, nobody had approved that.

Mr. Carniglia responded that Area 2b was considered an island irrespective of Area 1 or 2b.

Ken Wentworth stated it was upsetting when the City makes a presentation to the Planning Commission without the public getting the opportunity to speak outside of the public comment period. He stated he felt the City had not sufficiently answered how his property could be annexed into the County, against his will.

John Mitosinka stated the City had set precedence when they queried the resident's of Area 2b regarding annexation and through the spirit of what they were trying to accomplish, the City received the consensus that they were not interested and that was the vote.

Mr. Carniglia responded that Mr. Mitosinko had a valid point that could be brought to the City Council and LAFCO.



In response to Rich Hiebert, Lou Ann Texeira, Contra Costa Local Agency Formation Commission (LAFCO) clarified they approved an Out of Agency Service Agreement for the power plant conditioned upon the City bringing in an annexation application.

Rich Hiebert expressed concern that the Planning Commission was unaware that the City had not received revenue for City services that GenOn was receiving.

4. **Next Steps/Schedule: Schedule for the next steps in the Northeast Antioch Annexation process, including the rezoning, environmental documentation, the Tax Sharing Agreement between the City and the County, and the Infrastructure Funding Agreement between the City and the County (see Attachment 2, tentative schedule for processing annexation). The timing and dates shown in Attachment 2 are tentative and subject to change.**

Victor Carniglia presented Attachment #2 – Tentative Schedule for Processing Annexation/Reorganization of Area 2b. He announced staff reports would be available online prior to the meetings and he encouraged residents to contact the City to verify the meeting schedule.

5. **Questions/Answers: Open meeting to questions and answers from public on any issues not covered, or on issues needing clarification**

Rich Hiebert questioned if there would be an escrow account for residents who want to take advantage of the annexation incentive funds in the future.

Victor Carniglia stated the details for the funding program had not been determined yet, however their focus is to make it available for as long as possible. He added income levels could vary and the goal is to use the funds as incentive to connect to the system. He stated that assuming annexation occurs by the end of the year, the City and County would need to set-aside funds to aggregate up to the \$8-10M needed and apply for grant funding. He noted that would take at least 5 years and if the City were able to finance the construction of the utilities, then it could happen as soon as 2 years.

Ken Wentworth reported he had attended a LAFCO meeting and spoke against annexation. He noted after he had made his comments LAFCO members had indicated that the annexation issue needed to be resolved.

Lou Ann Texeira, Contra Costa Local Agency Formation Commission (LAFCO) clarified that LAFCO had no financial gain from the annexation and some Commissioners are anxious for the application to come forward because the application was submitted and it had been on their agenda regularly since August 2007.

In response to Heather and Murray Sexton, Victor Carniglia stated he would provide water, sewer and connection fees. He stated in the proposed goals there could be a provision for commercial properties.

Heather Sexton responded that they would appreciate any assistance or subsidy for their connection fees.

Denny Lantrip stated he understands the resident's concerns and he also understands that as residents they have an opportunity that has never been offered by the City, of having infrastructure put in, at no cost to residents. He noted the cost savings for the infrastructure is \$80-100K and there was potential to increase property value when City services are available.

Murray Sexton agreed with Mr. Lantrip.

Denny Lantrip stated he felt there should be some consideration to set aside annexation incentive funds to offset costs for residents that exceed the financial limits proposed.

Mr. Carniglia stated it would be helpful to understand how many residents under the proposed limits, qualify.

Denny Lantrip stated with City services available, property owners would not have to have their properties condemned if their systems fail. He stated he felt it was an opportunity that will not be made available again.

Mr. Carniglia stated the next step was to bring the item to the City Council for consideration and if anyone wants language added in terms of the goals, they can give that information to Ms. Gentry. He noted they would be reviewing the income issue. Contact information was given.

In response to a speaker, Mr. Carniglia stated legally the City cannot pay connection fees, due to the fact that it would be a gift of public funds.

In response to Mr. Mitosinka, Lou Ann Texeira, Contra Costa Local Agency Formation Commission (LAFCO) stated LAFCO had received a letter from his attorney.

Mr. Mitosinka requested a response to his letter from LAFCO, as soon as possible.

The meeting concluded at 8:30 P.M.

# ATTACHMENT "N"

March 1, 2013

Mindy Gentry  
Senior Planner  
City of Antioch Community Development  
City of Antioch  
P. O. Box 5007  
Antioch, Ca 94531

RECEIVED

MAR 04 2013

CITY OF ANTIOCH  
COMMUNITY DEVELOPMENT

Victor Carniglia  
Consultant for the City of Antioch  
P. O. Box 5007  
Antioch, Ca 94531

City of Antioch Community Development Department

I am writing to protest the annexation of my property at 1705 Viera Ave, Antioch without having the right to vote against this annexation.

Thankyou

Marilyn Placial  
925-757-7476  
Mplacial @ att.net

CAMERON  
RT. 1, BOX 391-D  
ANTIOCH, CA 94509  
February 25, 2013

Mindy Gentry, Senior Planner  
City of Antioch  
P. O. Box 5007  
Antioch, CA 94531

RECEIVED

MAR 11 2013

CITY OF ANTIOCH  
COMMUNITY DEVELOPMENT

Re: Proposed Annexation Northeast Antioch Area 2B Viera Subdivision

This letter is in response to notices received from the City of Antioch regarding the above-described Annexation of the residential 2B Viera Subdivision area.

As a property owner in 2B, I am against your proposed annexation of the 2B residential area. It is a "rural area" and my property consists of two parcels which total approximately one acre and is a horse set-up. Previous owners had horses, so it was perfect.

The only reason my husband and I moved here 35 years ago was so we could have our horses and animals at home on our own property, instead of boarding our horses elsewhere. This property is a "horse set-up" with a barn, corrals, hay shed and pasture. It has been a horse property since 1946 when the house was built. No matter what happens that must remain protected.

The Viera Subdivision 2B is not surrounded by City, but mostly industrial sites and the power plants. The Railroad runs right behind this property. We loved our horses that much to live here where the view is not lovely, but we could have our beloved animals.

This is not an affluent area. It's a mix of older residents, retired and also many Latino families now. It's not a neat and tidy neighborhood. Not your average city neighborhood. Many residents run a business on their property, others have horses or other animals. Each is unique.

The Antioch news article in January contained many untrue statements. Stating the Sheriff's Department failed to notice Jaycee Dugard because of "lack of police presence in an isolated region". The truth is that the officers actually visiting the house where Dugard was, did not do their job. Antioch is already short regarding their police force. This residential 2B area is not isolated or surrounded by city, but industry, business and power plants.

The Annexation of the Residential 2B area is not in the best interest of the residents. The property owners have a legal right and deserve to vote on this issue. By completion of your Annexation on Area 1 and 2, the industrial area and Gen On Power Plant, you will still realize revenues and the "windfall for Antioch". Again, 2B is not affluent and any revenue would be hard pressed. It would be best to leave 2B out of the Annexation totally in my opinion.

Sincerely,

  
S. L. Cameron

NZ

May 13, 2013

Community Development Department  
P.O. Box 5007 200 'H' Street  
Antioch, Ca. 94531

As a homeowner and resident of the proposed Study zone 2B, I am opposed to annexation.

The presented plan is disconcerting. The extreme financial burden for so-called "health and safety" upgrades renders these properties close to worthless.

A property owner who is unwilling to make the suggested but unwise economic investment, will be subject to liens, condemnation, or eminent domain. All are unacceptable.

The communication I have encountered in writing (Negative Declaration) and in person (informational meetings) from the county, city, and LAFCO, suggest area 2B is a rural ghetto. I live in and own a country home. I have no illusions as to the property values in 2B; however, this area does consist of peoples homes, not squatters shacks.

Regards

Shauna Eisenmann  
1829 Stewart Lane  
Contra Costa County

*Shauna Eisenmann*

May 13, 2013

Community Development Department  
P.O. Box 5007 200 'H' Street  
Antioch, Ca. 94531

I am opposed to annexation. I believe it is not a legitimate benefit to residents, but a tool by which to lever property owners through high costs, encumbrances, and ultimate condemnation.

Why would you want this? The map shows zone 2B as an oasis in an industrial desert. Antioch needs industry to replace lost demographics and resources. We are the missing puzzle piece kicked under the table.

An annexation scheme so clever and obtuse can only be understood by its resulting infrastructure, both material and methodical, that, ironically, makes water and sewer unaffordable for most residents, whether we connect or not. You have already deemed us unsanitary. And, when packs of interns with clipboards come roaming yards and hopping fences looking for desired results, we will have been "study zoned" into oblivion. I pity the fool who makes an expensive sewer and water connection while his neighbor abandons his property under penalties both onerous and confiscatory. Game over.

You say we would benefit from city services. It has never been a lack of services, but the will to apply them. Stop blaming us for Garrido. It is the services that kept him here. Besides, with all due respect, Antioch already has its hands full. No?

Annexation is the beginning of a slow end. This offer isn't good enough.

Thank You

Wayne and Shauna Eisenmann  
1829 Stewart Lane  
Contra Costa County

## Gentry, Mindy

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**From:** Brenda Wentworth [boma2@sbcglobal.net]  
**Sent:** Sunday, February 17, 2013 1:50 PM  
**To:** Gentry, Mindy  
**Subject:** Northeast Antioch Reorganization

Dear Ms Gentry,

As one of those residents that are occupying one of those older single family detached residential homes. I have received your notice that concerns not only my home but my future lifestyle. Yes, we have wells and septic tanks you relate this like it is distasteful and should be eradicated. We have been a part of this rural community for the past 12 years and have had little problem with either of the affore mentioned. I believe what concerns us the most with your reorganization is that not only can you put us in the Antioch City Limits without our consent you can also change zoning and how we choose to live on a quiet dead end street that the residents maintain themselves so we do not have to contend with traffic.

What guaranties can you give me that the City will not come in and tell us how we can live on our property. We have just short of an acre and choose to live here because we wanted a place to spread out and not have the influence of City life but of the country. When I turn off of E. 18th St. I feel the quiet comfort of my little country road and get a way from the noise of cars and traffic. We have our own water system that we as neighbors self manage to water our property we have not needed the city to tell us what we need now or in the future.

It appears you are picking and choosing what laws and guidelines you are using to get your way. I know you don't need us but you want bigger fish to fry with the property on the Delta we are just in your way. As the small fish in this pond I resent the implication that we need you more than you need us. We Don't!

Sincerely,  
Brenda Wentworth  
1501 Trembath Rd.  
Antioch CA Subarea 2b

## Gentry, Mindy

---

**From:** LdyNcali@aol.com  
**Sent:** Sunday, March 03, 2013 8:58 AM  
**To:** Gentry, Mindy  
**Subject:** Northeast Antioch Annexation

March 3, 2013

Dear Ms. Mindy Gentry

I would like to write to you to voice my opposition to the annexation of Sub area 2b. I live at 1575 Trembath lane. The reason I purchased the property was for the rural setting. I like this way of life. You, the city, have nothing to offer in the way of making my way of life better. I have no need or interest for sewer or water hook up, or for a paved road. The gravel road works just fine. We have no blight or rampant disregard for property on this lane. We are all part of a small community that cares about our way of life.

I urge the council to leave my way of life alone. You, as a city, you have more important matters to correct, especially in south east Antioch the once golden child of Antioch.

Regards,

John Bo  
1575 Trembath Lane

Antioch



## Gentry, Mindy

---

**From:** Brenda Wentworth [boma2@sbcglobal.net]  
**Sent:** Sunday, March 03, 2013 6:13 PM  
**To:** Gentry, Mindy  
**Subject:** Annexation without representation

Ms. Gentry,

By now I am sure you are aware of my position concerning your proposed annexation. I am admittedly opposed! What saddens me is the extent in which your department and City officials are willing to go **on ignoring the will of the people**. Past attempts on your part have failed [ we voted NO!

Changing the rules by creating boundaries that serve your purpose, are booth underhanded and I believe illegal. Taking away our right to vote by arbitrary boundaries, and putting us on the fast track is self-serving and shameful. This is nothing more than an old fashion land grab.

The City of Antioch has a long history of poor leadership & backroom deals, no wonder most people I speak to have no faith or trust in City Hall.

We are not the answer to your fiscal problems. Poor leadership spread out over many years has resulted in many problems. Selling us out for your fiscal gain is betrayal. We are not the problem here, nor are we the solution.

One Million dollars, to way your opinion is purely "blood money". It is clear to me that the "Will of the people" only exists as long as it is convenient to you.

The facts are simple, we are in your way. You have made it painfully clear that we will pay the expensive hook-up fees, won't you share your million dollars with us? We pay & loose our properly rights while the City reaps the millions.

I moved out of the city once, I hope I won't have to move again.

**NO ANNEXATION WITHOUT REPRESENTATION!**

Ken Wentworth  
1501 Trembath Ln.  
Area 2b

## Gentry, Mindy

---

**From:** bobbynancy@comcast.net  
**Sent:** Sunday, May 26, 2013 9:00 PM  
**To:** MRG Consultant  
**Cc:** Gentry, Mindy  
**Subject:** Northeast Antioch Annexation

Victor,

My wife (Nancy) and I have had previous discussions with you regarding the proposed annexation and are very much happy thus far with the City's response to our questions and concerns. One thing that was new to us as discussed at last Wednesday night's meeting (May 22, 2013) was the proposed maximum annual income limitations as an eligibility requirement for receiving GenOn's offer to pay for connection fees. Denny Lantrip expressed his sentiments that evening regarding he and Suzan's potential ineligibility simply because their two retirement check income would exceed the proposed limitations. My wife and I are in a similar situation.

If a goal of annexation is to upgrade the infrastructure in this area so as do away with as many septic tank and water well health hazards as possible, then please reconsider the annual income limitations or better yet, eliminate them entirely. We have lived on our 1853 Stewart Lane property for the last 37 years and both worked hard within this community and are comfortably retired at this time. Please consider giving us and others in our same situation an equal opportunity to receive GenOn's connection fee offer.

Thank you,

Bob & Nancy Monfort  
1853 Stewart Lane  
Antioch, CA – 94509  
Home phone – 754-0876  
Bob's cell – 978-3060  
Nancy's cell – 978-3326

**RECEIVED**

**JUL 24 2013**

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CITY CLERK**

**JENNY & JENNY, LLP**  
Attorneys at Law

Old City Hall Building  
706 Main Street, Suite C  
Martinez, California 94553  
Telephone: (925) 228-1265  
Facsimile: (925) 228-2841  
JJLLP.com

Scott E. Jenny, Esq.  
Richard K. Jenny, Esq.

Eminent Domain  
Inverse Condemnation  
Real Estate Law

July 19, 2013

City Clerk's Office  
City Hall  
P.O. Box 5007  
Antioch, CA 94531-5007

***Re: Northeast Antioch Rezoning for the Northeast Antioch Area***

Dear City Council:

I represent John C. Mitosinka and Carey Mitosinka of 1277 St. Clair Drive in Antioch. I understand that on July 30, 2013, the City Council will hold a meeting regarding the North East Antioch Reorganization Annexation. On behalf of my clients, I offer the following objections to the North East Antioch Reorganization Annexation and any rezoning of those areas.

**I. THE LANDOWNERS ARE ENTITLED TO PROTEST PROCEEDINGS.**

The owners of property located within proposed areas of annexation are generally permitted to vote on whether or not to annex. This gives them the opportunity to choose for themselves which jurisdiction, the city or county, they will be part of. Annexation voting occurs through what is known as "protest hearing proceedings." The landowners affected by the Northeast Antioch Reorganization Annexation are entitled to protest proceedings and a vote thereon. As clearly stated in LAFCO's Northeast Antioch Monthly Update dated September 12, 2012, attached hereto as Attachment 1:

Since the June update, City, County and LAFCO staff received Attorney General (AG) Opinion No. 10-902 relating to island annexations. The opinion concludes that LAFCO may not split a larger island into smaller segments of 150 acres or less in order to utilize the streamlined annexation procedures set forth in

Government Code section 56372.3 and thereby avoid the protest proceedings that would otherwise be required.

N9

Attorney General (AG) Opinion No. 10-902 discusses the annexation process. The AG defines an "island" as unincorporated property that is completely surrounded, or substantially surrounded, by the city to which annexation is proposed or completely surrounded by the city to which annexation is proposed and adjacent cities.

To reduce the cumulative environmental impacts of the Project, the City has broken up the 678 acre project into Subareas 1, 2a and 2b. Subarea 1 consists of 481 acres; Subarea 2a consists of 94 acres; and Subarea 2b consists of 103 acres. This is an improper method of breaking up the subject property into smaller islands which avoids the protest reviews. Dividing islands into smaller segments of 150 acres or less, avoiding the landowner/voter protest proceedings, is not permitted. Areas 2a and 2b do not qualify as islands and the landowners are entitled to protest proceedings. The three subareas must be considered a single area exceeding 150 acres, and therefore the provisions of Section 56375.3 are not permitted. LAFCO lacks discretion or authority to use streamlined procedures to annex an island that exceeds 150 acres in area. Thus, LAFCO lacks discretion or authority to use the streamlined procedures to annex subareas 2a and 2b without the protest procedures.

The Attorney General concludes:

A Local Agency Formation Commission may not split up an unincorporated island that exceeds 150 acres into smaller segments of 150 acres or less in order to utilize the streamlined "island annexation" procedures set forth in Government Code section 56375.3 and thereby avoid the landowner/voter protest proceedings that would otherwise be required.

Subareas 2a and 2b must be considered as a part of the 678 acres and not broken into islands. Thus, the City and LAFCO must present an annexation application for the entire 678 acres, prezone the entire 678 acres, and consider the entire 678 acres in the appropriate CEQA document. To date this has not occurred as the 678 acres has been approached piecemeal, which is not permitted under the AG's opinion, and is therefore illegal. Then, landowner protest and voting procedures must be permitted for the landowners of all 678 acres.

## **II. A MITIGATED NEGATIVE DECLARATION IS IMPROPER.**

My clients object to the project being adopted by way of a Mitigated Negative Declaration rather than a formal Environmental Impact Report. To reduce the cumulative environmental impacts of the Project, the City has broken up the 678 acre project into Subareas 1, 2a and 2b. Subarea 1 consists of 481 acres; Subarea 2a consists of 94 acres; and Subarea 2b consists of 103 acres. This is an improper method to review such a project. By breaking the project into different sub-parts, the environmental impacts are lessened.

California law defines the "Project" as "the whole of an action." In *City of National City v. State of California* (1983) 140 Cal. App. 3d 598, the court defined a project. In footnote 2 on page 603, the *National City* court stated:

In determining what is a project within CEQA, California Administrative Code, title 14, section 15037 provides:

(a) Project means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, that is any of the following:

(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, . . .'

More specifically, subdivision (c) states:

The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval." (Emphasis added & some internal quotes omitted)

In *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal. App. 3d 577 the court stated (p. 592, emphasis added):

CEQA mandates that environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences. (City of Santee v. County of San Diego (1989) 214 Cal.App.3d 1438, 1452 [263 Cal.Rptr. 340].) CEQA attempts to avoid this result by defining the term "project" broadly. (Ibid.) A project under CEQA is the whole of an action which has a potential for resulting in a physical change in the environment, directly or ultimately, and includes the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. (McQueen v. Board of Directors (1988) 202 Cal.App.3d 1136, 1143 [249 Cal.Rptr. 439].)" (Emphasis added)

Thus, the "project" is defined by the environmental documents, and cannot "become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." This is exactly what the City of Antioch is doing in this annexation process.

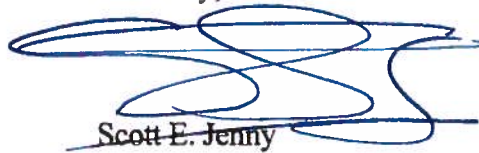
City of Antioch  
July 19, 2013  
Page Four

### III. CONCLUSION.

For the foregoing reasons, my clients object to the Northeast Antioch Reorganization Project and Mitigated Negative Declaration and any efforts to prezone the affected properties. Please make this letter a part of the administrative record, and please copy me with future actions taken on this Project.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to be "Scott E. Jenny", written over a horizontal line.

/SEJ

cc: Clients  
LAFCO

NIZ

Jenny & Jenny, LLP  
706 Main Street, Suite C  
Martinez, California 94553

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**STAFF REPORT TO THE CITY COUNCIL  
FOR CONSIDERATION AT THE MEETING OF JULY 30, 2013**

**Prepared by:** Mindy Gentry, Senior Planner   
Victor Carniglia, City Consultant 

**Reviewed by:** Tina Wehrmeister, Community Development & Recreation Director 

**Approved by:** Jim Jakel, City Manager

**Date:** July 25, 2013

**Subject:** Discussion of Northeast Antioch Annexation Tax Allocation Agreement and Northeast Antioch Annexation Infrastructure Funding Agreement

**RECOMMENDATION**

Staff recommends that the City Council provide direction on the following Draft Agreements relating to the proposed Northeast Antioch Annexations for Areas 1, 2a, and 2b:

1. Tax Revenue Allocation Agreement: This Agreement between the City of Antioch and Contra Costa County establishes how tax revenue will be shared between the City and County for the areas being annexed. The Tax Revenue Allocation Agreement also has language that addresses the order the annexation applications need to be acted on by LAFCO, and provides funding for joint City/County economic development activities for the annexation areas (Attachment "A").
2. Infrastructure Funding Agreement: This Agreement between the City and Contra Costa County addresses how both parties are to jointly fund and the City construct critically needed infrastructure, including sewer, water, and storm drainage, to serve Annexation Area 2b (Attachment "B").

While staff's original intent was for the City Council to take action on all annexation related items, including these two Agreements, at the July 30, 2013 Council meeting, this became impractical due to an outstanding issue between the City and the County that requires additional time to resolve. Staff anticipates that these two Agreements will come before City Council for action on August 13, 2013, which coincides with the required "second reading" of the rezoning ordinance. This schedule change provides an opportunity for City Council members to review and discuss these important Agreements in a more informal setting, outside the context of having to take formal action.



## **BACKGROUND INFORMATION**

This staff report provides relevant information on the purposes and substance of the two Agreements. The historic background of these Agreements is closely linked with that of the rezoning, which is being considered on the same Council Agenda. Since the staff report for the rezoning contains essentially the same historic overview, that overview it is not repeated here.

## **TAX ALLOCATION AGREEMENT**

### **Overview:**

As part of the application package to LAFCO and prior to consideration of annexation, LAFCO requires that an agreement between the City and the County be approved by the City Council and the Board of Supervisors delineating the split in the annexation area's tax revenue. It is important to note that the Tax Allocation Agreement also addresses a number of issues beyond just determining the sharing of taxes, as discussed later in this report. This Agreement must be mutually agreed to by both the City and the County.

While this type of Agreement is a requirement of State law, State law does not provide the City or the County with any guidelines on how the tax split should be calculated. This lack of "ground rules" can make the negotiation process challenging. A City typically has limited leverage in the negotiation process, due to the fact that the City's annexation request cannot even be considered by LAFCO until the Tax Allocation Agreement is executed by the City and County. In the negotiations with the County on the proposed annexation of Area 1, 2a and 2b, there are a number of factors that facilitated the City and County reaching consensus on a mutually agreeable tax split. These factors included 1) the desire of both the City and the County to see the annexation area realize its full future development potential through the provision of City sewer/water services that only annexation can provide, and 2) the need to provide City sewer and water services to address the potential public health issues facing Area 2b.

It should be noted that there is a "Master Property Tax Allocation Agreement" between the City and the County that was executed in the early 1980's. Under the terms of this Master Agreement, the County would receive approximately 62% of the total property tax revenue of an area being annexed, with the City receiving 38%. This Master Agreement is not applicable to the proposed Northeast Antioch Annexation as the Master Agreement is limited to annexations consisting of \$10 million or less in assessed value. All three of the areas proposed for annexation exceed this \$10 million assessed value threshold. Despite this, the Master Agreement at the very least provides a useful "benchmark" to negotiate from.

### **Proposed Percentage Sharing of Tax Revenue in Tax Allocation Agreement:**

The attached Tax Allocation Agreement (Attachment "A") specifies how the tax revenue from the three areas being annexed is proposed to be shared between the City and the County. The Agreement on pgs 3 and 4 lists the various types of tax revenue that are being generated in the annexation area. These taxes include property tax, sales tax,

gas surcharges, and franchise fees. The following are the ratios/percentages proposed in the Tax Allocation Agreement for sharing these sources of tax revenue:

- **Property Tax:** The County would receive 62% of the local property tax revenue and the City 38%, which is consistent with the percentages in the Master Tax Agreement. Property tax is by far the largest source of tax revenue generated in the annexation area, as it represents approximately 90% of the total tax revenue collected. An exception to this 62/38 property tax split involves PG&E's Gateway Power Plant, as State law in the case of publically owned power plants specifies a 60% City and 40% County split. The proposed Agreement reflects this 60/40 ratio.
- **Sales Tax:** The County would receive 50%, the City 50% of the total sales tax generated.
- **Surcharge Revenue:** This is a charge to transport natural gas to the PG&E power plant in a public right of way, and varies based on the amount of gas being used. The County in the past collected as much as \$200,000/year in surcharge revenue when the price of natural gas peaked almost 10 years ago. The amount of surcharge revenue the County currently collects is approximately \$15,000 to \$20,000/yr. Based on the terms of the proposed Agreement, the County will continue to receive the first \$200,000, and then any surcharge revenue above \$200,000 will be distributed 50% to the County, 50% to the City.
- **Franchise Fees:** This revenue is a result of a franchise the County granted to PG&E in the past for gas transmission pipes and electrical lines. Under the terms of the proposed Tax Allocation Agreement the County would retain 100% of these funds, which is approximately \$50,000 year.

A convenient way of summarizing this proposed distribution of tax revenue is that the City and County will share property tax revenue consistent with the Master Property Tax Agreement, with the County maintaining its current source of dedicated revenue from PG&E in franchise and surcharge taxes, with sales tax split evenly.

#### **Amount of Tax Revenue to be Received by the City:**

As part of the negotiation process of determining how the tax revenues should be "split" between the City and the County, it is necessary to have an estimate of the total amount of tax revenue generated in the annexation area, both at present and in the future. In order to analyze this issue the City in 2011 retained the consulting firm of Keyser Marston and Associates (KMA). KMA published their report in August 2011, which was distributed to and reviewed by the City/County Annexation Subcommittee. A copy of this detailed eighty plus page fiscal analysis was previously distributed to City Council in late June of this year, in conjunction with the environmental documentation for the annexation.

In summary, the KMA report concludes that prior to the construction of the NRG Marsh Landing Facility, there was a total of approximately \$1.9 million in local property tax

taking into account all three annexation areas. With the Marsh Landing Facility on the tax rolls, Keyser Marston estimates that the “local property tax revenue” will increase to between \$2.5 million to \$2.9 million, depending on the final assessed value of Marsh Landing. Assuming the midpoint of \$2.7 million, and utilizing the proposed percentage revenue shares contained in the Tax Allocation Agreement, would result in the County receiving a total of \$1.64 million annually in property tax, with the City receiving \$1.09 million annually. Adding other sources of revenue, including sales tax and the City’s share of surcharge funds, the City total tax revenue once Marsh Landing appears on the tax rolls would be in the range of \$1.2 million to \$1.3 million annually. As new development occurs in the Northeast Annexation Area, then the total amount of future property tax could be expected to increase, although this would be somewhat offset by the future depreciation of the power plants.

It is important to emphasize that this revenue represents “new money” coming annually to the City’s General Fund. While the annexation imposes additional costs to the City, including the City’s \$300,000/year share of infrastructure costs to serve Area 2b (as discussed in the following section) plus City costs to serve the area being annexed, the net fiscal benefit to the City is significantly positive. This issue is addressed in more detail in the Fiscal Impacts section of this report.

**Sequence of LAFCO Action on City Annexation Applications:**

In addition to the question of how to share tax revenue from the annexation areas, the Tax Allocation Agreement on Page 2 Section “A” has provisions that address the sequence in which the three separate annexation applications for Area 1, 2a, and 2b are to be brought before LAFCO by the City. In summary, the wording states that with respect to Area 1 and Area 2b, the revenue allocation provisions of the Agreement will only become effective if the annexation of Area 1 (the Industrial Area) and Area 2b (the Viera residential area) are completed concurrently. This wording is necessary as the County has stated that they will only support the annexation of Area 1 contingent on the City annexing Area 2b. Conversely, the City’s position is that it will not accept the annexation of Area 2b unless Area 1 is also annexed to the City. The language in this section is “neutral” in relation to Area 2a (the marina/storage area), in the sense that the annexation of Area 2a is not contingent on the annexation of either one of the other two areas.

**Economic Development Initiative:**

Section “E” of the Tax Allocation Agreement states that the City and the County will each agree to provide \$100,000 per year for five years to fund joint City/County economic development efforts focused on Area 1. This concept of a jointly funded and coordinated economic development program is consistent with the “Goals” for the annexation area the City and County adopted in January 2011. This funding is also consistent with the more recent efforts of the County’s Northern Waterfront Initiative for focused joint economic development activity, as well as the efforts of the “East County Squared” Committee. Presumably this funding of \$100,000/year could come from the “new” revenue generated by the annexation.

## **INFRASTRUCTURE FUNDING AGREEMENT**

### **Overview:**

This is an agreement between the City and County determining the sharing of costs to install the key infrastructure improvements (water, sewer, and storm drainage) needed to mitigate the potential public health safety issues facing annexation Area 2b. While the preparation of this Infrastructure Funding Agreement is not a LAFCO legal requirement, LAFCO has previously stated that they expect to see the infrastructure shortcomings of Area 2b addressed as part of the overall annexation process. It should be noted that the significant financial contribution being made by the County of \$3 million (\$300,000/year over 10 years) to participate with the City in funding needed infrastructure in an area being annexed (in this case Area 2b), is to staff's knowledge unprecedented in Contra Costa County.

### **Background:**

As just mentioned, the City and the County are proposing to work together to fund the basic infrastructure needed to serve Area 2b, with the infrastructure being constructed by the City. Area 2b is facing a significant potential public health issue, as the one hundred plus homes currently located in Area 2b rely on wells for potable water and septic tanks/fields to handle waste water. Based on information provided by the County Environmental Health Department, it is City staff's understanding that few of the parcels within Area 2b meet the County Health requirement of a minimum lot size of 40,000 square feet for a parcel to have both an on-site potable water well and septic system. In addition, few if any of the parcels meet the County's minimum distance requirement between the well head and septic field. This problem is particularly acute in the eastern portion of Area 1 around Viera Avenue, as many of the parcels in this area are small, being 15,000 square feet or less. It is less of a concern in the western portion of Area 2b (the St. Claire area), where many of the lots are an acre or more in size.

### **Design and Cost of Infrastructure to Serve Area 2b:**

The City retained the engineering firm of Carlson, Barbee & Gibson, Inc. (CBG) to design an infrastructure system to serve Area 2b, including the extension of sewer and water, along with limited storm drainage to handle flooding on a number of streets in the area. In 2012 at a series of meetings, the Annexation Subcommittee reviewed the infrastructure improvement plans and cost estimates prepared by CBG. A map of the infrastructure plan prepared by CBG is included as Attachment "D". Given the critical importance of having accurate cost estimates, the City in May 2013 subsequently retained the engineering firm BKF Engineers (BKF) to peer review CBG's engineering and cost analysis, which was recently completed.

In summary, the engineering analysis of CBG and BKF estimates the "hard" cost of installing the infrastructure to completely serve Area 2b, including sewer, water, and storm drainage in all streets both public and private, to be approximately \$10.7 million. The amount of "soft costs" including design, engineering, project management, possible bond and financing costs varies from \$4.7 million to as much as \$6.9 million depending

primarily on financing costs and the level of contingency assumed. Attached is a summary of the infrastructure costs prepared by the City's consulting engineers BKF and CBG, that contains both "hard" and "soft" costs broken out by type of improvement and by street (Attachment "D").

It should be noted that these costs include everything in the public right of way, and therefore don't include the cost of hook-up fees, running the utility laterals from the house to the street etc. Neither the City nor the County can pay for improvements on private property, which would represent a "gift of public funds". The City and the County are working closely with NRG, with the goal of NRG sponsoring a program to pay some portion of the cost of connection fees for homes in Area 2b utilizing funds previously promised by NRG.

**Specific Terms of Infrastructure Funding Agreement:**

- **Funding:** Section "B" pgs 2-3 address the monetary contributions of both parties. Under the Agreement the City and the County will each contribute \$300,000 a year for 10 years (for a total of \$6 million) to fund the construction of the sewer, water, and storm drain improvements to serve Area 2b. The majority of the funding needed to cover the difference between the \$6 million total contribution from the City and County and the "hard and "soft" construction cost estimate, is anticipated to come from a variety of grant funding sources at the State and Federal level. The Agreement specifies that City and County staffs will be working together cooperatively to secure loan and grant funding. While the amount of money anticipated to come from grants is significant (it may be as much as \$8 to \$9 million) depending on the extent of "soft costs", there is a substantial amount of funding at the State and Federal level for "clean water" programs and for what is referred to by the State as "Disadvantaged Urban Communities". The \$6 million in funds from the City and the County can be utilized as matching funds for the various grant programs. This possible \$8 to \$9 million shortfall is a "worst case" scenario, as the presence of private streets in Area 2b will very likely reduce the extent of the infrastructure improvements funded by the City. Infrastructure improvements in private streets represent about one third of the total "hard" costs.
- **Private Streets:** Approximately 35% of the properties in Area 2b are located on private streets. The City will only be able to install the infrastructure improvements in private streets if authorization is granted to the City by the owners of the street in the form of an irrevocable easement or dedication of right of way. The Agreement in Section A-2 gives the City a period of one year from the date of annexation to secure property owner approval to install infrastructure improvements in private streets. If such approval is not granted, then the private street in question would be removed from the improvement list, and private property owners would be responsible for extending utilities if they wanted them extended. The "hard" cost to install the infrastructure within the private streets is estimated by BKF to be \$3.66 million (not counting design, engineering, etc. "soft" costs), which is approximately one third of the total infrastructure "hard" costs of \$10.7 million.

- **County Oversight:** The Agreement defines the term “Permitted Uses” (Section C.1) which identifies the activities the City can perform with the funds provided to the City by the County (the \$300,000/year County infrastructure contribution). The Agreement also has provisions (Section C-3) that in the event the amount of grant funding secured results in total funds in excess of the cost of the infrastructure improvements, then the annual payments of the City and County will be reduced an equivalent amount.
- **Infrastructure Timing/Phasing:** The overall timing of the construction and completion of the Area 2b infrastructure improvements is largely dependent on the success of the City and the County in securing the necessary grant funding, given the reliance on grants for over 50% of the total estimated infrastructure “hard” and “soft” costs. The other major variable impacting timing is the ability to finance the infrastructure. As mentioned previously, the City and County have each agreed to fund \$300,000/year for a total of \$600,000/year to construct the Area 2b infrastructure. This revenue stream could be utilized to finance the infrastructure, which would significantly increase the amount of funds available “up front”.

If substantial delays occur in securing grant funding and/or infrastructure financing, then the City has the option of phasing the construction of the infrastructure. There would be a number of ways of doing this phasing given that Area 2b has distinct east and west “regions”, particularly in relation to where sewer connection would be made to existing lines. Another phasing approach would be to install the less expensive potable water lines prior to the much more expensive sewer system. The key in any phasing would be to minimize constructing improvements that would have to be removed to install a subsequent infrastructure improvement.

- **City Fiscal Exposure:** Given the heavy reliance on grant funding, there is very real risk of ending up with a grant funding shortfall, at least in the short term. It is important to note that while the City is responsible for constructing the Area 2b Infrastructure Improvements (Section A.1), wording in this same section of the Agreement recognizes that the Area 2b infrastructure construction is contingent on the City receiving the anticipated level of grant funding and property owner authorization to install the sewer/water infrastructure in private streets. The net result of a grant funding shortfall is that the timing and/or phasing of the infrastructure may change, but the annual monetary contribution of the City and the County will remain the same unless otherwise mutually agreed to.

## **FISCAL IMPACTS**

The proposed annexation, as structured in the attached documentation and agreements, should have a significant net positive fiscal impact on the City in the short run and in the long term. As previously mentioned in this report, based on the tax flow from the three annexation areas combined with the percentage of tax revenue the City will be receiving under the terms of the Tax Allocation Agreement, the benefit will be approximately \$1.2 million to \$1.3 million per year of new revenue to the City. This

revenue could be expected to increase in the future as a result of taxes collected from future development. The biggest single “wildcard” in this regard is the possible addition of a new power plant, or the increase in size of the existing power facilities. Another source of revenue is the \$1 million “bonus (\$100,000/year over 10 years) that NRG offered both the City and the County to complete the annexation in a “timely manner”.

Any increased revenue associated with the annexation must be compared against new costs the City is required to bear. One such expense is the cost of providing City services to the 680 plus acres of the annexation area. The most significant City service cost is public safety. Using the General Plan service ratio of 1.2 officers per 1000 population, based on the approximately 210 residents in the annexation area would result in a service cost to the City of approximately \$40,000/year. While the industrial land does not create a “formal” demand for new officers, as City public safety staffing levels contained in the General Plan are based on numbers of residents, police patrols would still be required in the non residential areas. Using the number of employees as a “substitute” for residents, and assuming for the purposes of this analysis that 3 employees is equivalent to 1 resident for public safety staffing purposes, then public safety costs would increase by an additional \$35,000/year, for a total police cost of \$75,000/year to serve all three annexation areas. The other City service cost is road and utility maintenance. Based on the number of road miles this cost is estimated to be approximately \$30,000/year.

Aside from City service costs, another important cost is the previously mentioned City commitment, along with the County, to fund the construction of needed infrastructure to serve Area 2b at a rate of \$300,000/year over a 10 year period. Finally, the other tangible cost is the provision in the Tax Allocation Agreement to fund a joint economic development effort with the County focusing on Area 1 at a cost of \$100,000/year for 5 years.

The projected revenue from the annexation versus the estimated costs to the City is summarized below:

Projected New Tax Revenue:

- \$1.2 to \$1.3 million/year new tax revenue after annexation, with potential future growth.
- \$100,000/year from NRG for completing annexation (10 years)
- **\$1.3 to \$1.4 million/year - Total New Revenue**

Projected New Costs:

- \$75,000/year additional Public Safety cost
- \$30,000/year new road/infrastructure maintenance cost
- \$300,000/year Area 2b infrastructure cost (10 years)
- \$100,000/year cost of Area 1 economic development (5 years)
- **\$505,000/year - Total New Costs**

Net Fiscal Benefit to the City

Subtracting new revenue from new costs results in a net increase of **\$795,000 to \$895,000/year** in new net revenue, which would increase to **\$1,095,000 to \$1,195,000/year** after Area 2b infrastructure contributions expire.

OPTIONS

There are no options identified as the proposed action is to provide direction.

ATTACHMENTS

- A. Tax Allocation Agreement
- B. Infrastructure Funding Agreement
- C. Infrastructure Plan
- D. Area 2b Infrastructure Cost Analysis Prepared by BKF



## ATTACHMENT "A"

### DRAFT ANNEXATION AND TAX REVENUE ALLOCATION AGREEMENT BETWEEN THE CITY OF ANTIOCH AND COUNTY OF CONTRA COSTA FOR THE REORGANIZATION OF AREAS LOCATED NEAR NORTHEAST ANTIOCH

This Annexation and Tax Revenue Allocation Agreement between the City of Antioch and County of Contra Costa for the Reorganization of Areas Located Near Northeast Antioch (this "Agreement"), is entered into as of this 30<sup>th</sup> day of July 2013, by and between the City of Antioch, a municipal corporation ("City"), and the County of Contra Costa, California ("County") (each a "Party" and together the "Parties"), pursuant to Resolution No. 2013/\_\_\_, adopted by the Board of Supervisors of County and Resolution No. 2013/\_\_\_, adopted by the City Council of City.

#### RECITALS

- A. On December 16, 1980, City and County entered into the Master Property Tax Transfer Agreement for Allocation of Property Tax Between the County of Contra Costa and City of Antioch Upon Jurisdictional Changes, pursuant to duly adopted resolutions (the "Master Agreement"). The Master Agreement is not applicable to the proposed reorganization areas because the assessed value of each of the areas exceeds the \$10,000,000 assessed value maximum in the Master Agreement, and the Parties have not elected to opt into the Master Agreement notwithstanding the same.
- B. On August 16, 2007, City submitted to the Contra Costa Local Agency Formation Commission ("LAFCO") an application (LAFCO Proposal No. 07-17, the "Area 1 Annexation Application"), for the reorganization of approximately 470 acres of unincorporated land located in close proximity to Wilbur Avenue, including the NRG Energy, Inc. ("NRG") power plant area to the City of Antioch and the Delta Diablo Sanitation District (as such area is depicted on the map attached hereto as Exhibit A and incorporated herein by reference, "Area 1"), and as depicted on the Northeast Antioch Study Area Map attached hereto as Exhibit B and incorporated herein by reference (the "Northeast Antioch Study Area Map").
- C. City at the request of LAFCO submitted to LAFCO a separate application (LAFCO Proposal No. 12-07, the "Area 2b Annexation Application"), for the reorganization of approximately 103 acres of unincorporated land located south of Wilbur Avenue and roughly centered on Viera Avenue in the northeast area of Antioch to the City of Antioch and the Delta Diablo Sanitation District (as such area is depicted on the map attached hereto as Exhibit C and incorporated herein by reference, "Area 2b"), and as depicted on the Northeast Antioch Study Area Map attached hereto.
- D. City at the request of LAFCO submitted to LAFCO a separate application (LAFCO Proposal No. \_\_\_, the "Area 2a Annexation Application"), for the reorganization of approximately 89 acres of unincorporated land located east of

Annexation Area 1, south of the San Joaquin River, north of Wilbur Avenue, and west of State Hwy 160 to the City of Antioch and the Delta Diablo Sanitation District (as such area is depicted on the map attached hereto as Exhibit D and incorporated herein by reference, and as depicted on the attached Northeast Antioch Study Area Map.

- E. Government Code Section 56000, *et seq.* (the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) and California Revenue and Taxation Code Section 99 require County and City to negotiate an exchange of property tax revenues as a condition of LAFCO's approval of the reorganization of Area 1, Area 2a, or Area 2b.
- F. The NRG Marsh Landing Power Generating Station recently constructed in Area 1 (the "NRG Power Plant"), and other energy transportation customers located in the Reorganization Area, generate surcharge revenue which is remitted to County.
- G. County has granted a franchise to Pacific Gas and Electric Company ("PG&E"), whereby PG&E pays County a certain amount for the privilege of transmitting electricity and gas through lines and pipes located in the Reorganization Areas.
- H. Concurrent with the execution of this Agreement, City and County intend to enter into an agreement for the funding by City and County of certain necessary infrastructure improvements in the Reorganization Areas.
- I. County And City Desire To Establish Herein Provisions For The Respective Allocation Of Property Taxes, Sales And Use Taxes, Franchise Fees, And Surcharge Revenues Generated In The Reorganization Areas In Compliance With The Applicable Provisions Of The California Revenue And Taxation Code, And Certain Economic Development Initiatives to be Implemented.

**NOW, THEREFORE**, in consideration of the foregoing recitals, which the Parties agree are true and correct, and of the promises, conditions, covenants and provisions set forth herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, City and County hereby agree as follows:

- A. **Applicability of Agreement.** For the purpose of clarity and notwithstanding the fact that, as of the date of this Agreement, City has submitted the Area 1 Reorganization Application and the Areas 2a and 2b Reorganization Applications to LAFCO, Sections B through E of this Agreement (the "Allocation Provisions") will only become effective as to: (1) Area 1 and Area 2b after the conditions precedent set forth in Section G(1) have been satisfied; and (2) Area 2a after the conditions precedent set forth in Section G(2) have been satisfied. Accordingly, the parties understand and agree that notwithstanding the uses of the term "Reorganization Areas" and the phrase "after Area 1, Area 2a, and Area 2b have been annexed by City" in the Allocation Provisions, if the Allocation Provisions become effective as to Area 1 and Area 2b before the Allocation

Provisions become effective as to Area 2a, the allocation of property taxes, sales and use taxes, franchise fees, and surcharge revenues pursuant to the Allocation Provisions are only applicable to Area 1 and Area 2b. If the conditions precedent set forth in Section G (2) are also satisfied, then the Allocation Provisions will be applicable to all of the Reorganization Areas.

**B. Property Taxes.**

1. Locally Assessed Property.

a. Initial Year. Except as provided in Sections B(2) and B(3) below, for the first fiscal year that this Agreement is effective: (i) City shall be allocated thirty eight percent (38%) of the County's pre-Agreement base property tax for the Reorganization Areas, and County shall be allocated sixty two percent (62%) of the County's pre-Agreement base property tax for the Reorganization Areas; and (ii) City shall have a tax increment allocation factor for each tax rate area in the Reorganization Areas equal to thirty eight percent (38%) of County's tax increment allocation factor for the prior fiscal year for each tax rate area in the Reorganization Areas. County's new annual tax increment allocation factor for each tax rate area in the Reorganization Areas shall be equal to sixty two percent (62%) of County's annual tax increment allocation factor for the prior fiscal year for each tax rate area in the Reorganization Areas.

b. Subsequent Years. Except as provided in Sections B(2) and B(3) below, in each subsequent fiscal year, City's and County's respective allocation of property taxes from the Reorganizations will be made as set forth in California Revenue and Taxation Code Sections 96.1 and 96.5. These Revenue and Taxation Code Sections currently provide that each year, each of City and County will be allocated its respective base tax (i.e., the tax allocated to City and County, respectively, in the preceding year including the previous year's annual tax increment), plus its share of the current year's annual tax increment for the Reorganization Areas, such share being calculated by multiplying the tax resulting from growth in assessed valuation in the Reorganization Areas from the prior year by the City's or County's respective annual tax increment allocation factor for the Reorganization Areas as determined in Section B(1)(a)(i) or Section B(1)(a)(ii) above. The result (i.e., base tax plus tax increment amount) becomes the base tax for the Annexation Area's next year's tax allocation calculations. Each of City's and County's base tax and annual tax increment allocation factors may be subsequently modified only through negotiated exchanges in accordance with California Revenue and Taxation Code Sections 99 and/or 99.1 for subsequent jurisdictional changes.

c. Property Tax Allocation Agreement. City and County agree that this Agreement shall apply to determine the allocation between the parties of

property tax revenue generated from the Reorganization Areas in lieu of the negotiation process set forth in California Revenue and Taxation Code Section 99(e).

2. Allocation of State Board of Equalization Assessed Electric Generation Facilities - Merchant Power Plants (Rev. and Tax Code 100.9).

The amount of property tax revenues that would have been allocated to the County pursuant to California Revenue and Taxation Code Section 100.9(a)(3) in the absence of this Agreement shall be allocated as follows: (i) sixty two percent (62%) to County, and (ii) thirty eight percent (38%) percent to City.

3. Allocation of Public Utility Owned Qualified Property - Qualified Power Plants (Rev. and Tax Code 100.95).

Notwithstanding the fact that after Area 1, Area 2a, and Area 2b have been annexed by City, qualified property (as the term is defined in California Revenue and Taxation Code Section 100.95, "Qualified Property"), including without limitation PG&E's Gateway Generating Station located in Area 1, will be located in City's jurisdiction, the parties hereto agree that the "local jurisdiction" allocation of property tax revenues under California Revenue and Taxation Code Section 100.95(a)(3)(B)(i)(I) will be allocated as follows: forty percent (40%) to County, and sixty percent (60%) to City. For the purposes of clarity, County will retain 100% of the "County jurisdiction" allocation of property tax revenues under the California Revenue and Taxation Code Section 100.95(a)(3)(A)(ii).

**C. Sales and Use Tax Revenues.**

1. Apportionment. Pursuant to Government Code Section 55704.5 and the resolutions set forth in the recitals above, the governing bodies of City and County have resolved to apportion the Sales and Use Tax Revenue that City receives from the Reorganization Areas as set forth herein. For the purposes of this Agreement, the term "Sales and Use Tax Revenue" shall mean revenue derived from the tax collected pursuant to California Revenue and Taxation Code Section 7200, *et seq.* (the Bradley-Burns Local Sales and Use Tax Law). All Sales and Use Tax Revenue collected by City from the Reorganization Areas shall be apportioned fifty percent (50%) to City, and fifty percent (50%) to County (County's fifty percent (50%), the "County's Share").

2. Remittance; Accounting. Not later than November 1 of each year, City shall remit to County's Auditor-Controller the County's Share of the total amount of Sales and Use Tax Revenue received by City from the Reorganization Areas during the preceding fiscal year. When City remits County's Share of the Sales and Use Tax Revenue to County's Auditor-Controller, it will provide the County Administrator's office with a copy of the remittance. County has the right to audit City's books to verify the amount remitted as the County's Share.

**D. Surcharge Revenues and Franchise Fees.**

1. Surcharge Revenues. Pursuant to Public Utilities Code Sections 6350 through 6354.1, Transportation Customers located in the Reorganization Areas, including without limitation the NRG Power Plant, are obligated to pay a surcharge to Energy Transporter PG&E, who then remits the surcharge to County (such amounts, the "Surcharge Revenues"). Notwithstanding the fact that after Area 1, Area 2a and Area 2b have been annexed by City, Transportation Customers located in the Reorganization Areas will be located in City's jurisdiction, the parties hereto agree that County is entitled to, and shall receive Surcharge Revenues generated from Transportation Customers located in the Reorganization Annexation Areas pursuant to the provisions of Section D(2) below, as if Area 1, Area 2a and Area 2b had not been annexed by City and Area 1, Area 2a and Area 2b were still located in County's jurisdiction.

2. Distribution of Surcharge Revenues. Notwithstanding the fact that after Area 1, Area 2a and Area 2b have been annexed by City, Transportation Customers located in the Reorganization Areas will be located in City's jurisdiction, the parties hereto agree that: (a) County is entitled to, and shall receive, the first Two Hundred Thousand (\$200,000) of Surcharge Revenues generated from Assessor Parcel Numbers 051-031-018 and 051-031-019 (the "NRG Parcels"); (b) any additional Surcharge Revenues generated from the NRG Parcels in excess of Two Hundred Thousand (\$200,000) will be divided fifty percent (50%) to City and fifty percent (50%) to County; and (c) one hundred percent (100%) of all Surcharge Revenues remitted on account of Transportation Customers located in the Reorganization Areas but outside of the NRG Parcels shall be paid to County.

3. Remittance and Accounting of Surcharge Revenues. Not later than May 31 of each year, County shall remit to City all Surcharge Revenues received from PG&E for the preceding calendar year as required pursuant to Section D(2) above. Along with each remittance, County shall provide City with supporting documentation indicating the amount of Surcharge Revenues generated on the NRG Parcels during the preceding year and the documentation will include data provided to County by PG&E with respect to the NRG Parcels.

4. Franchise Fees. Pursuant to resolution and Public Utilities Code Section 6201, *et seq.*, County has granted a franchise to PG&E and its successors and assigns for the right to transmit electricity and gas, respectively, through lines and pipes located in the unincorporated area of County, including lines and pipes located in the Reorganization Areas. PG&E pays county franchise fees (the "Franchise Fees") for such rights (the "Franchise").

5. County Franchise Fees. Notwithstanding the fact that after Area 1, Area 2a and Area 2b have been annexed by City, certain miles of gas transmission

5. County Franchise Fees. Notwithstanding the fact that after Area 1, Area 2a and Area 2b have been annexed by City, certain miles of gas transmission pipes and electricity transmission lines currently subject to the Franchise will be located in City's jurisdiction, the parties hereto agree that County is entitled to continue receiving any and all Franchise Fees as if Area 1, Area 2a and Area 2b had not been annexed by City and the Reorganization Areas was still located in County's jurisdiction.

6. Remittance and Accounting of Franchise Fees. If for any reason City receives Franchise Fees from PG&E for the Reorganization Areas, City shall, not later than May 31 of each year, remit to County any and all Franchise Fees it receives from PG&E for the preceding calendar year that were generated from the Reorganization Areas. Along with each remittance, City shall include supporting documentation indicating the number or miles of gas transmission pipes and electricity transmission lines in the Reorganization Areas and the respective per mile fee for gas transmission pipes and electricity transmission lines, such documentation to include reports provided to City by PG&E.

7. Defined Terms. Capitalized terms used in this Section D that are not otherwise defined in this Agreement shall have the meanings ascribed thereto in California Public Utilities Code Section 6351.

**E. Economic Development Initiative.** City and County will each budget, set aside and reserve \$100,000 a year for five years (total of \$1,000,000) for expenditure on economic development initiatives applicable to the Reorganization Areas. Each agency shall set aside and reserve the initial \$100,000 not later than thirty (30) days following the Operative Date (as defined in Section G (1)(b) below). Thereafter, each agency will budget, set aside and reserve \$100,000 on each subsequent July 1 for four years for expenditure on economic development initiatives applicable to the Reorganization Areas. This economic development initiative funding may be extended beyond five years by written agreement of City and County at the same level of funding, or at a different mutually agreed upon amount. County and City shall consult with the other party on how the economic development funds are expended.

**F. Conditions Precedent to Effectiveness of Certain Operative Provisions; Prosecution of Applications; Effect of Agreement.**

1. Area 1 and Area 2b Conditions Precedent. Notwithstanding that the Board of Supervisors of County and the City Council of City have approved this Agreement and the parties hereto have executed it, and subject to Government Code Sections 54900 *et seq.*, none of the Allocation Provisions shall have any force or effect with respect to Area 1 and Area 2b unless and until both of the following occur:

a. City has submitted to LAFCO complete reorganization applications for Area 1, Area 2a and Area 2b; and

b. The annexations of Area 1 and Area 2b are completed, as evidenced by the filing of a certificate of completion (as defined in California Government Code Section 56020.5) for each of Area 1 and Area 2b with the Recorder of County (such date, the "Operative Date").

c. For the purpose of clarity, it is the intent and understanding of City and County that if the annexations of either Area 1 or Area 2b are not completed; i.e., a certificate of completion (as defined in California Government Code Section 56020.5) has not been filed with the Recorder of County for each of Area 1 and Area 2b, then the Allocation Provisions shall have no force or effect with respect to Area 1 and Area 2b, and that a certificate of completion would not be filed for either Area 1 or Area 2b separately. The net effect of this wording is that certificates of completion for the annexation of Areas 1 and 2b must by necessity be filed concurrently with the Recorder of the County.

2. Area 2a Conditions Precedent. Notwithstanding that the Board of Supervisors of County and the City Council of City have approved this Agreement and the parties hereto have executed it, and subject to Government Code Sections 54900 *et seq.*, none of the Allocation Provisions shall have any force or effect with respect to Area 2a unless and until both of the following occur:

a. The conditions precedent set forth in Section G (1) above have been satisfied; and

b. The annexation of Area 2a is completed, as evidenced by the filing of a certificate of completion (as defined in California Government Code Section 56020.5) for Area 2a with the Recorder of County.

3. Prosecution of Applications and Commitment to Annexations. City covenants to County that it will diligently prosecute its annexation applications and use its best efforts to cause the annexations to be approved as quickly as possible, and City and County agree to cooperate in good faith and use their best efforts to facilitate the annexations of Area 1, Area 2a and Area 2b.

4. Effect of Agreement. This Agreement is applicable solely to the Reorganization Areas and does not constitute either a master property tax exchange agreement, or an agreement on annexations or reorganizations outside of the Reorganization Areas.

G. Other Agencies. This Agreement does not change the property tax revenues accruing to other agencies currently serving the Reorganization Areas, or such agencies' rights to collect taxes for existing bonded indebtedness.

of this Agreement. All exhibits attached to this Agreement and referenced herein constitute a part of this Agreement. To the extent that any provision of this Agreement conflicts with any provision set forth in the Master Agreement, this Agreement shall control.

**IN WITNESS WHEREOF**, the parties have executed this Agreement effective as of the date first set forth above.

**COUNTY OF CONTRA COSTA**,  
a political subdivision of  
the State of California

Antioch

By: \_\_\_\_\_  
Federal Glover, Chairperson  
of the Board of Supervisors

By: \_\_\_\_\_  
David J. Twa, Clerk of the  
Board of Supervisors

Approved as to Form:

Sharon L. Anderson, County Counsel

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Deputy County Counsel

**CITY OF ANTIOCH**, a municipal corporation

By: \_\_\_\_\_  
Wade Harper, Mayor of the City of

Attest:

By: \_\_\_\_\_  
Arne Simonsen, Clerk of the City of  
Antioch

Approved as to Form:

By: \_\_\_\_\_  
Lynn Tracy Nerland, Attorney for City  
of Antioch



## ATTACHMENT "B"

### DRAFT AGREEMENT FOR THE FUNDING AND CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS SERVING AREA 2B OF THE NORTHEAST ANTIOCH REORGANIZATION AREA

This Agreement for the Funding and Construction of Infrastructure Improvements Serving Area 2b of the Northeast Antioch Reorganization Area (this "Agreement") is entered into as of this 30<sup>th</sup> day of July, 2013, by and between the City of Antioch, a municipal corporation (the "City"), and the County of Contra Costa (the "County") (each a "Party" and together the "Parties").

#### RECITALS

- J. The City has applied to the Contra Costa Local Agency Formation Commission in three separate applications to annex approximately 678 acres of unincorporated Contra Costa County adjacent to the City, into the City and the Delta Diablo Sanitation District. The proposed annexation area is comprised of three distinct subareas: "Area 1," consisting of approximately 470 acres and occupied primarily by industrial uses; "Area 2a," consisting of approximately 94 acres and occupied primarily by commercial and marina uses; and "Area 2b," consisting of approximately 102 acres and occupied primarily by residential uses. The entire area proposed for annexation, and the three subareas are described generally on Exhibit A (the "Northeast Antioch Annexation Study Area Map"), attached hereto and incorporated herein.
- K. The City and the County have negotiated the Annexation and Tax Revenue Allocation Agreement, dated July 30, 2013 (the "Property Tax Exchange Agreement"), between the City and the County, as required by Government Code Section 56000, *et seq.* (the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) and California Revenue and Taxation Code Section 99, and the Parties intend to have their respective governing bodies consider and act on this Agreement at the same time they consider and act on the Property Tax Allocation Agreement.
- L. There are approximately 110 parcels of residential property located in Area 2b that were built in the 1940's-1960's that have individual wells and septic systems. The size of many of these parcels does not meet the minimum lot size requirement for onsite potable water and septic systems.
- M. The City and the County agree that sewer, water, and storm drain infrastructure improvements in Area 2B will greatly enhance the infrastructure in the area, and will address significant potential public health safety issues. The City and the County desire to cooperate to improve the infrastructure in Area 2b by entering into this Agreement.

## AGREEMENT

**NOW, THEREFORE**, in consideration of the foregoing recitals, which the Parties agree are true and correct, and of the promises, conditions, covenants and provisions set forth herein, and other good and valuable consideration, the City and the County hereby agree as follows:

### **A. Infrastructure Improvements.**

**1. Description of Planned Infrastructure Improvements.** The types of infrastructure improvements, approximate location, size, depth, material type, and other relevant physical characteristics of the infrastructure improvements to be constructed to serve Area 2b are listed in Exhibit B attached hereto and incorporated herein, and are depicted graphically on Exhibit B-1 attached hereto and incorporated herein (the "Area 2b Infrastructure Improvements"). The City is responsible for construction of the Area 2b Infrastructure Improvements, subject to funding from the County as described in Section B.2., securing the necessary Infrastructure Improvement Grants as described in Section C.3, and subject to the constraints inherent in installing infrastructure in private streets as described in Section A.2.

**2. Private Streets.** Both Parties acknowledge that with privately owned streets, identified in Exhibit B, the installation of the proposed public infrastructure improvements is contingent on the owners of the private streets granting the City the necessary easements and/or right of way to install the infrastructure. Both Parties understand that it is the intent of the City to use its best efforts (excluding the use of eminent domain) over a one year period from the date Area 2b is annexed to the City to secure the necessary authorization from the owners of the private streets to install the planned infrastructure. If at the end of that one year period the City is unable to secure authorization from property owners to install the infrastructure, then the infrastructure improvements plan (Exhibits B and B-1) will be modified by the City to remove the private street, or the portion of the private street in question.

**3. Infrastructure Improvement Cost Estimate.** The City has estimated and the County has agreed that the "hard" cost of the Area 2b Infrastructure Improvements is approximately Ten Million Dollars (\$10,700,000) (the "Area 2b Infrastructure Improvement Cost Estimate"), and that the "soft" costs including contingency, design services, construction services engineering services, contract administration, construction management range from approximately \$4.7 million to \$6.9 million), for a total cost ranging from \$15.4 million to \$17.6 million. These cost estimates are contained in Exhibit B.

### **B. Infrastructure Improvement Funding.**

**1. Infrastructure Improvement Funding.** Each Party will contribute a total of Three Million Dollars (\$3,000,000) to fund the Area 2b Infrastructure Improvements, for a total contribution from both Parties of Six Million Dollars (\$6,000,000) (the "Area 2b Infrastructure Contributions"). The Three Million Dollars (\$3,000,000) will be contributed by each Party incrementally over a ten year period with annual payments of \$300,000 per year.

**2. County Infrastructure Funding Contribution.** Beginning on the first July 1 following the Operative Date (as defined in Section D below), and on July 1 of each

of the nine succeeding years, the County will pay to the City in the manner set forth in Section E(2) below, Three Hundred Thousand Dollars (\$300,000) (the "County Area 2b Infrastructure Contribution"), which payment shall be used by the City solely for the Permitted Uses (as that term is defined in Section C(1) below. )

**3. City Infrastructure Funding Contributions.** Beginning on the first July 1 following the Operative Date (as defined in Section D below), and on July 1 of each of the nine succeeding years, the City will contribute Three Hundred Thousand Dollars (\$300,000) of City funds (the "City Area 2b Infrastructure Contribution") into a special purpose fund that can only be used for Permitted Uses (as that term is defined in Section C(1) below). No later than 30 days after each July 1, the City will provide the County evidence satisfactory to the County, as reasonably determined by the County Administrator, that the City has contributed the City Area 2b Infrastructure Contribution for that fiscal year as required by this Agreement. The County may withhold future County Area 2b Infrastructure Contributions if the City does not provide satisfactory evidence to the County, as reasonably determined by the County Administrator, that the City has used the City Area 2b Infrastructure Contribution for Permitted Uses (as that term is defined in Section C(1) below) during that fiscal year.

**C. Use of Infrastructure Improvement Funds.**

**1. Use of Infrastructure Improvement Contributions.** The City may use the Area 2b Infrastructure Improvement Contributions to: (a) pay City employees and/or City consultants for performing work reasonably determined by the City to be necessary to construct the Area 2b Infrastructure Improvements; (b) pay contractors for designing and constructing the Area 2b Infrastructure Improvements; (c) pledging as security for loans or grants obtained for the sole purpose of constructing the Area 2b Infrastructure Improvements; and (d) making payments for loans obtained for the sole purpose of constructing the Area 2b Infrastructure Improvements (the "Permitted Uses"). The County may withhold future Area 2b Infrastructure Contributions if the City does not provide satisfactory evidence to the County, as reasonably determined by the County Administrator, that the County Area 2b Infrastructure Contribution is being utilized for Permitted Uses.

**2. Infrastructure Improvement Loans.** If the City secures one or more loans for the purpose of constructing the Area 2b Infrastructure Improvements (any such loan, an "Infrastructure Loan"), the City will provide the County evidence satisfactory to the County, as reasonably determined by the County Administrator, regarding the terms of the Infrastructure Loans obtained, and that the City's expenditures of the County's Area 2b Infrastructure Contribution for that fiscal year were made for the Permitted Uses or purpose of debt service payments on Infrastructure Loans.

**3. Infrastructure Improvement Grants.** If at any time during the ten year period after the Operative Date (as defined in Section D below), the sum of (1) all grants obtained by the City for the purpose of Area 2b Infrastructure Improvements at such time, and (2) the Infrastructure Improvements Contributions required under this Agreement (\$6,000,000), exceeds the Area 2b Infrastructure Improvements Cost Estimate (\$10,700,000 plus engineering and contingency costs), then such excess amount shall be credited fifty percent (50%) towards each of the Party's Infrastructure Contribution obligations. For the purpose of illustrating the foregoing and for that purpose only, if in fiscal year 2016 the aggregate amount of grants

obtained for Area 2b Infrastructure Improvements equaled \$4,500,000, then that amount, plus the Infrastructure Improvements Contributions required under this Agreement (\$6,000,000), would exceed the Area 2b Infrastructure Improvements Cost Estimate (\$10,700,000 excluding for this example engineering and contingency costs) by \$500,000. Under this example the Area 2b Infrastructure Improvements contribution obligations of the City and the County would be reduced by \$250,000 each (50% of the amount exceeding the Infrastructure Improvements Cost) for fiscal year 2017.

**4. County Cooperation in Securing Loans and Grants.** County will cooperate with the City in the City's efforts to secure loans and grants for the purpose of constructing the Area 2b Infrastructure Improvements.

**5. Cost Savings.** If, for any reason, the actual cost of construction of the Area 2b Infrastructure Improvements is less than the Area 2b Infrastructure Improvements Cost Estimate, the cost savings shall be shared equally between the City and the County.

**D. Operative Date.** Notwithstanding that this Agreement has been executed as of the date first set forth above, neither the City nor the County shall have any obligations under this Agreement unless and until the date that the annexations of both Area 1 and Area 2b are completed, as evidenced by the filing of a certificate of completion (as defined in California Government Code Section 56020.5) for each of Area 1 and Area 2b with the Recorder of County (such date, the "Operative Date").

**E. Miscellaneous Provisions.**

**1. Notices / County Contributions.** All notices, requests, demands, and other communications required or permitted to be given hereunder must be in writing and must be addressed to the Parties at their respective addresses set forth below and shall be deemed to have been duly given when: (a) delivered in person; (b) sent by facsimile transmission indicating receipt at the facsimile number where sent; (c) one (1) business day after being deposited with a reputable overnight air courier service; and (d) three (3) business days after being deposited with the United States Postal Service, for delivery by certified or registered mail, postage pre-paid and return receipt requested. Either Party may from time to time change the notice address set forth below by delivering notice to the other Party in accordance with this section setting forth the new address and the date on which it will become effective.

If to the City: City of Antioch  
Attn: City Manager  
Third & "H" Streets  
Antioch, CA 94509  
P.O. Box 5007  
Antioch, CA 94531-5007  
Fax: (925)779-7003

If to the County: Contra Costa County  
Attn: County Administrator  
651 Pine Street,  
Martinez, CA 94553  
Fax: (925) 335-1098

**2. Transmittal of County Infrastructure Contributions.** The County's County Area 2b Infrastructure Contributions made pursuant to Section B(2) above shall be sent to the City Manager at the address set forth in Section E(1) above with an indication

that the payment is being made pursuant to this Agreement and is to be used according to the terms of this Agreement.

**3. Exhibits: Complete Agreement.** This Agreement, including the recitals, the terms used herein and defined in the recitals, and the attached exhibits constitute the entire agreement between the Parties relating to the subject matter of this Agreement. The following exhibits are attached to this Agreement and constitute a part of this Agreement:

Exhibit A: Northeast Antioch Annexation Study Area Map

Exhibit B: Area 2b Infrastructure Improvements (Text)

Exhibit B: Area 2b Infrastructure Improvements (Figure)

**4. Interpretation: Amendments.** This Agreement shall not be construed for or against any Party based on its level of participation in drafting the Agreement. This Agreement may only be amended by written mutual agreement of each of the Parties hereto.

**5. Governing Law.** This Agreement is made and will be performed in the State of California, and is governed by California laws.

**6. Severability.** The Parties hereby acknowledge and agree that the various provisions of this Agreement are intended to work together to achieve their shared goals and purposes of improving the infrastructure in Area 2b, meeting current code requirements, and generally enhancing the public health, safety and welfare of residents and businesses in Areas 1, 2a and 2b. The Parties further acknowledge and agree that if, for any reason, certain provisions of this Agreement were found to be invalid or unenforceable, such that they could be severed from the remainder of this Agreement, the remainder of the Agreement would fail to reflect the Parties' mutual agreement and intentions and could fail to achieve the Parties' goals and purposes for the Agreement. Consequently, the Parties hereby agree that if any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the entire Agreement shall be invalid and all obligations of the Parties under this Agreement shall be void. In such event, the Parties shall meet and confer, not later than thirty (30) days from such court determination, in a good faith effort to amend or modify the Agreement to remedy the defect that was determined by the court to be invalid or unenforceable, and achieve the Parties' goals and purposes as set forth herein.

**7. Assignment.** No Party shall assign any of its right, title or interest under this Agreement without the prior written consent of the other Party. Any purported assignment of any Party's rights under this Agreement is void and without effect. Notwithstanding the foregoing, the City may pledge its right to receive County Area 2b Infrastructure Contributions pursuant to this Agreement as security to obtain funding to be used solely for Permitted Uses.

**IN WITNESS WHEREOF**, the parties have executed this Agreement effective as of the date first set forth above.

**COUNTY OF CONTRA COSTA**,  
a political subdivision of the State  
of California

By: \_\_\_\_\_  
Federal Glover, Chairman  
of the Board of Supervisors

By: \_\_\_\_\_  
David J. Twa, Clerk of the  
Board of Supervisors

Approved as to Form:

Sharon L. Anderson, County Counsel

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Deputy County Counsel

**CITY OF ANTIOCH**, a municipal corporation

By: \_\_\_\_\_  
Wade Harper, Mayor of the City of Antioch

By: \_\_\_\_\_  
Jim Jakel, City Manager

Attest:

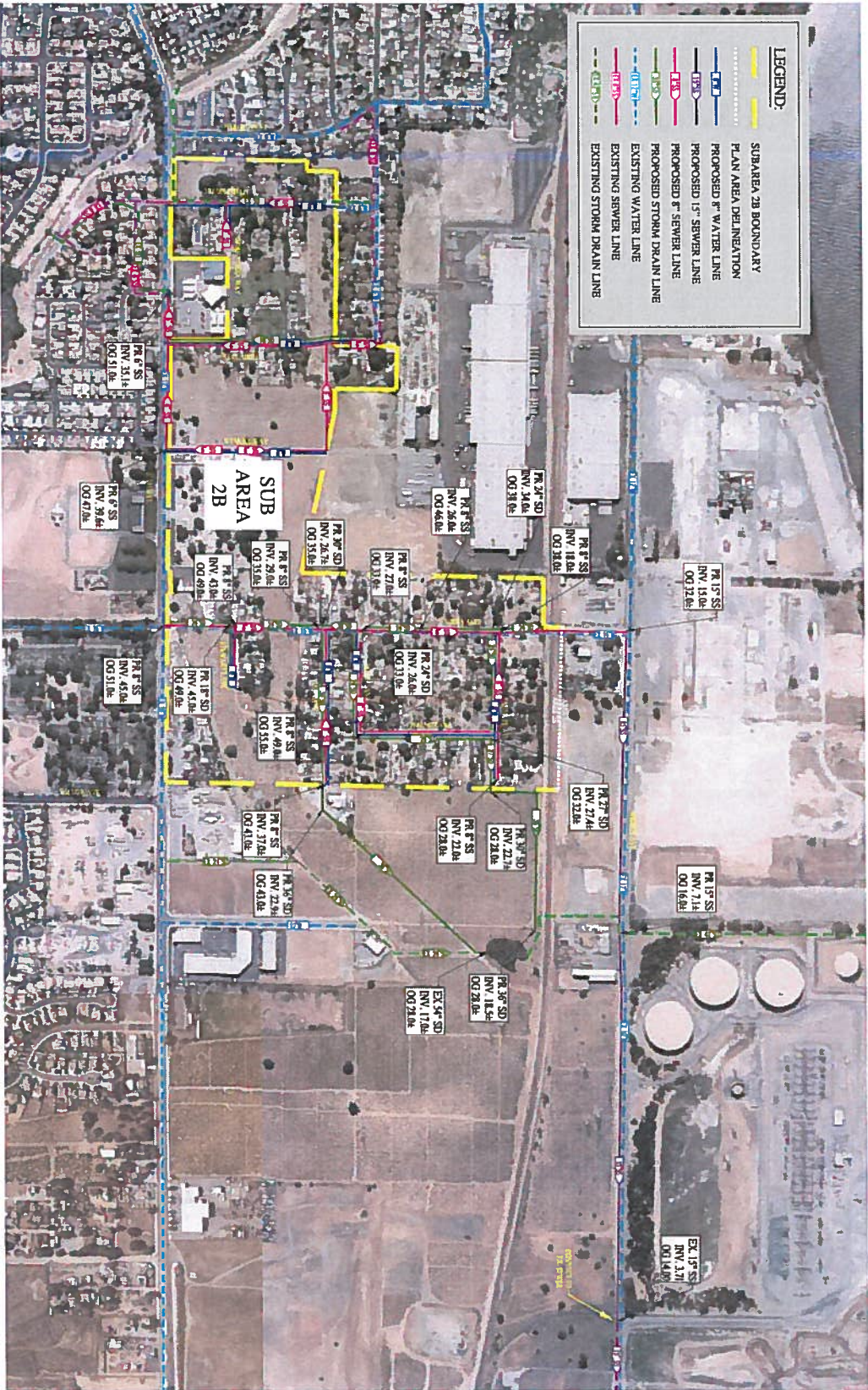
By: \_\_\_\_\_  
Arne Simonson, Clerk of the City of Antioch

Approved as to Form:

By: \_\_\_\_\_  
Tracy Lynn Nerland, Attorney for City  
of Antioch



# ATTACHMENT "C"



Detailed Utility Plan for Subarea 2B

Source: Carlson, Barber & Gibson, Inc. 2012

17



**IMPROVEMENTS SUMMARY**  
**AREA 2B NORTHEAST ANNEXATION**

DESCRIPTION		BKF	CBG (Nov 2011)
<b>STREET IMPROVEMENTS</b>			
WILBER AVE & PORTION OF VIERA AVE IMPROVEMENTS	(PUBLIC STREET)	\$805,280	\$339,760
VIERA AVENUE IMPROVEMENTS	(PUBLIC STREET)	\$506,300	\$142,420
SANTA FE AVENUE IMPROVEMENTS	(PUBLIC STREET)	\$130,500	\$24,950
WALNUT AVENUE IMPROVEMENTS	(PUBLIC STREET)	\$116,000	\$32,800
BOWN LANE IMPROVEMENTS	(PUBLIC STREET)	\$87,000	\$24,600
VINE LANE IMPROVEMENTS	(PRIVATE STREET)	\$153,000	\$28,780
STEWART LANE IMPROVEMENTS	(PRIVATE STREET)	\$9,500	\$3,500
EAST 18TH STREET IMPROVEMENTS	(PRIVATE STREET)	-	-
ST. CLAIRE DRIVE IMPROVEMENTS	(PUBLIC STREET)	\$27,240	\$12,000
TREMBATH LANE IMPROVEMENTS	(PRIVATE STREET)	\$22,246	\$9,800
MIKE YORBA WAY IMPROVEMENTS	(PRIVATE STREET)	\$6,250	\$2,500
WYMORE WAY IMPROVEMENTS	(PRIVATE STREET)	\$153,000	\$10,440
	<b>SUBTOTAL</b>	<b>\$2,016,316</b>	<b>\$631,550</b>
<b>STORM DRAIN</b>			
WILBER AVE & PORTION OF VIERA AVE IMPROVEMENTS	(PUBLIC STREET)	-	-
VIERA AVENUE IMPROVEMENTS	(PUBLIC STREET)	\$567,429	\$330,740
SANTA FE AVENUE IMPROVEMENTS	(PUBLIC STREET)	\$983,235	\$431,260
WALNUT AVENUE IMPROVEMENTS	(PUBLIC STREET)	\$220,380	\$142,000
BOWN LANE IMPROVEMENTS	(PUBLIC STREET)	\$156,411	\$102,880
VINE LANE IMPROVEMENTS	(PRIVATE STREET)	\$1,161,794	\$491,860
STEWART LANE IMPROVEMENTS	(PRIVATE STREET)	\$101,573	\$63,260
EAST 18TH STREET IMPROVEMENTS	(PRIVATE STREET)	\$72,243	-
ST. CLAIRE DRIVE IMPROVEMENTS	(PUBLIC STREET)	\$204,494	\$194,520
TREMBATH LANE IMPROVEMENTS	(PRIVATE STREET)	\$44,487	\$41,680
MIKE YORBA WAY IMPROVEMENTS	(PRIVATE STREET)	\$48,849	\$21,900
WYMORE WAY IMPROVEMENTS	(PRIVATE STREET)	-	-
	<b>SUBTOTAL</b>	<b>\$3,560,895</b>	<b>\$1,820,100</b>

**ATTACHMENT "D"**





# BKF ENGINEERS

Civil Engineers | Surveyors | Planners

22

<b>SANITARY SEWER</b>					
WILBER AVE & PORTION OF VIERA AVE IMPROVEMENTS	(PUBLIC STREET)		\$1,413,380		\$1,991,300
VIERA AVENUE IMPROVEMENTS	(PUBLIC STREET)		\$600,280		\$999,900
SANTA FE AVENUE IMPROVEMENTS	(PUBLIC STREET)		\$193,000		\$354,500
WALNUT AVENUE IMPROVEMENTS	(PUBLIC STREET)		\$183,000		\$327,000
BOWN LANE IMPROVEMENTS	(PUBLIC STREET)		\$163,300		\$216,500
VINE LANE IMPROVEMENTS	(PRIVATE STREET)		\$199,600		\$367,600
STEWART LANE IMPROVEMENTS	(PRIVATE STREET)		\$62,720		\$111,500
EAST 18TH STREET IMPROVEMENTS	(PRIVATE STREET)		\$157,920		\$130,500
ST. CLAIRE DRIVE IMPROVEMENTS	(PUBLIC STREET)		\$147,520		\$378,000
TREMBATH LANE IMPROVEMENTS	(PRIVATE STREET)		\$132,700		\$238,000
MIKE YORBA WAY IMPROVEMENTS	(PRIVATE STREET)		\$31,040		\$81,500
WYMORE WAY IMPROVEMENTS	(PRIVATE STREET)		\$243,574		\$497,500
	<b>SUBTOTAL</b>		<b>\$3,528,034</b>		<b>\$5,693,800</b>
<b>WATER</b>					
WILBER AVE & PORTION OF VIERA AVE IMPROVEMENTS	(PUBLIC STREET)		-		-
VIERA AVENUE IMPROVEMENTS	(PUBLIC STREET)		\$130,000		\$122,500
SANTA FE AVENUE IMPROVEMENTS	(PUBLIC STREET)		\$154,760		\$118,000
WALNUT AVENUE IMPROVEMENTS	(PUBLIC STREET)		\$141,600		\$124,000
BOWN LANE IMPROVEMENTS	(PUBLIC STREET)		\$93,140		\$75,500
VINE LANE IMPROVEMENTS	(PRIVATE STREET)		\$180,780		\$153,700
STEWART LANE IMPROVEMENTS	(PRIVATE STREET)		\$60,230		\$41,500
EAST 18TH STREET IMPROVEMENTS	(PRIVATE STREET)		-		-
ST. CLAIRE DRIVE IMPROVEMENTS	(PUBLIC STREET)		\$167,380		\$107,000
TREMBATH LANE IMPROVEMENTS	(PRIVATE STREET)		\$192,018		\$87,300
MIKE YORBA WAY IMPROVEMENTS	(PRIVATE STREET)		\$25,800		\$23,000
WYMORE WAY IMPROVEMENTS	(PRIVATE STREET)		\$166,318		\$69,000
	<b>SUBTOTAL</b>		<b>\$1,312,025</b>		<b>\$921,500</b>



# BKF ENGINEERS

Civil Engineers | Surveyors | Planners

D3

<b>ELECTRICAL IMPROVEMENTS</b>				
WILBER AVE & PORTION OF VIERA AVE IMPROVEMENTS	(PUBLIC STREET)		\$8,000	\$0
VIERA AVENUE IMPROVEMENTS	(PUBLIC STREET)		\$61,492	\$0
SANTA FE AVENUE IMPROVEMENTS	(PUBLIC STREET)		\$30,746	\$0
WALNUT AVENUE IMPROVEMENTS	(PUBLIC STREET)		\$26,746	\$0
BOWN LANE IMPROVEMENTS	(PUBLIC STREET)		\$21,164	\$0
VINE LANE IMPROVEMENTS	(PRIVATE STREET)		\$30,746	\$0
STEWART LANE IMPROVEMENTS	(PRIVATE STREET)		\$11,582	\$0
EAST 18TH STREET IMPROVEMENTS	(PRIVATE STREET)		-	-
ST. CLAIRE DRIVE IMPROVEMENTS	(PUBLIC STREET)		\$38,328	\$0
TREMBATH LANE IMPROVEMENTS	(PRIVATE STREET)		\$32,746	\$0
MIKE YORBA WAY IMPROVEMENTS	(PRIVATE STREET)		\$5,582	\$0
WYMORE WAY IMPROVEMENTS	(PRIVATE STREET)		-	-
	<b>SUBTOTAL</b>		<b>\$267,132</b>	<b>\$0</b>

	<b>STREET IMPROVEMENT SUBTOTAL</b>	<b>\$10,684,402</b>		<b>\$9,066,950</b>
	<b>CONTINGENCY: 15%/25%(BKF) 20%(CBG)</b>	<b>\$1,602,660</b>	<b>\$2,671,101</b>	<b>\$1,813,390</b>
	<b>TOTAL STREET IMPROVEMENT COST</b>	<b>\$12,287,062</b>	<b>\$13,355,503</b>	<b>\$10,880,340</b>



**STREET SUMMARY**  
**AREA 2B NORTHEAST ANNEXATION**

DESCRIPTION	BKF	CBG (Nov 2011)
<b>IMPROVEMENT COST SUBTOTAL (PUBLIC STREETS)</b>		
WILBER AVE & PORTION OF VIERA AVE IMPROVEMENTS	\$2,226,660	\$2,331,060
VIERA AVENUE IMPROVEMENTS	\$1,865,501	\$1,595,560
SANTA FE AVENUE IMPROVEMENTS	\$1,492,241	\$928,710
WALNUT AVENUE IMPROVEMENTS	\$687,726	\$625,800
BOWN LANE IMPROVEMENTS	\$521,015	\$419,480
EAST 18TH STREET IMPROVEMENTS	\$230,163	\$130,500
<b>SUBTOTAL</b>	<b>\$7,023,306</b>	<b>\$6,031,110</b>
<b>IMPROVEMENT COST SUBTOTAL (PRIVATE STREETS)</b>		
VINE LANE IMPROVEMENTS	\$1,725,920	\$1,041,940
STEWART LANE IMPROVEMENTS	\$245,605	\$219,760
ST. CLAIRE DRIVE IMPROVEMENTS	\$584,962	\$691,520
TREMBATH LANE IMPROVEMENTS	\$424,197	\$376,780
MIKE YORBA WAY IMPROVEMENTS	\$117,521	\$128,900
WYMORE WAY IMPROVEMENTS	\$562,892	\$576,940
<b>SUBTOTAL</b>	<b>\$3,661,096</b>	<b>\$3,035,840</b>
<b>PUBLIC + PRIVATE SUBTOTAL</b>	<b>\$10,684,402</b>	<b>\$9,066,950</b>
<b>CONTINGENCY: 15%/25%(BKF) 20%(CBG)</b>	<b>\$1,602,660</b>	<b>\$2,671,101</b>
<b>TOTAL STREET IMPROVEMENT COST</b>	<b>\$12,287,062</b>	<b>\$11,738,051</b>

ESTIMATE OF PROFESSIONAL SERVICES  
AS A PERCENTAGE OF CONSTRUCTION COST

BKF ESTIMATE

CBG ESTIMATE (Nov 2011)

ITEM	DESCRIPTION	LOW %	HIGH %	LOW COST	HIGH COST
1	ENVIRONMENTAL/BIOLOGICAL MITIGATION	1.5%	2.0%	\$184,305.94	\$267,110.05
2	ARCHAEOLOGICAL MITIGATION	0.5%	0.5%	\$61,435.31	\$66,777.51
3	DESIGN SERVICES	6.0%	9.0%	\$737,223.75	\$1,201,995.24
4	CONSTRUCTION SERVICES	5.0%	6.0%	\$614,353.12	\$801,330.16
5	CITY PLAN CHECK & INSPECTION	6.5%	6.5%	\$798,659.06	\$868,107.68
6	BONDING & INSURANCE	2.0%	3.0%	\$245,741.25	\$400,665.08
7	CONTRACT ADMINISTRATION	2.0%	2.0%	\$245,741.25	\$267,110.05
8	CONSTRUCTION MANAGEMENT	4.0%	4.0%	\$491,482.50	\$534,220.11
9	CFD ADMINISTRATION	4.0%	4.0%	\$491,482.50	\$534,220.11
10	ESCALATION	4.5%	4.5%	\$553,532.17	\$601,665.40
SUBTOTAL				\$4,423,956.85	\$5,543,201.40

PERCENTAGE	TOTAL COST
2.0%	\$217,606.80
0.5%	\$64,401.70
9.0%	\$979,230.60
6.0%	\$652,820.40
6.5%	\$707,222.10
2.5%	\$272,008.50
2.0%	\$217,606.80
4.0%	\$435,213.60
4.0%	\$435,213.60
SUBTOTAL	

SUBTOTAL (IMPR. + SERVICES) \$16,711,019.34 \$18,898,704.11

SUBTOTAL (IMPR. + SERVICES) \$14,851,664.10

ESTIMATE OF FEES & SWPPP

BKF ESTIMATE

CBG ESTIMATE (July 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	STORM DRAINAGE AREA FEE	-	LS	-	-
2	POTABLE WATER AN SEWER CONNECTION FEE	112	EA	\$6,283.00	\$703,696.00
3	SWPPP	1	LS	\$50,000.00	\$50,000.00
SUBTOTAL					\$753,696.00

QTY	UNIT	UNIT COST	TOTAL COST
-	LS	-	-
112	EA	\$6,283.00	\$703,696.00
-	-	-	-
SUBTOTAL			\$703,696.00

SUBTOTAL (IMPR. + SERVICES+FEES) \$17,464,715.34 \$19,652,400.11

SUBTOTAL (IMPR. + SERVICES+FEES) \$15,555,360.10

ESTIMATE OF PRIVATE IMPROVEMENTS

BKF ESTIMATE

CBG ESTIMATE (July 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	ABANDON EXISTING SEPTIC SYSTEMS	112	EA	\$2,500.00	\$280,000.00
2	ABANDON EXISTING WELL SYSTEMS	112	EA	\$1,000.00	\$112,000.00
3	COUNTY PERMIT FEES FOR ABANDONING EXISTING SEPTIC SYSTEMS/WELLS	112	EA	\$0.00	\$0.00
4	DELTA DIABLO SANITARY DISTRICT SIDE SEWER INSPECTION FEE	112	EA	\$250.00	\$28,000.00
5	DELTA DIABLO SANITARY DISTRICT ANNEACTION CHARGE	112	EA	\$156.00	\$17,472.00
6	DELTA DIABLO SANITARY DISTRICT CAPACITY CHARGE	1	EA	TBD	TBD
7	HOUSE CONNECTION TO NEW SEWER	112	EA	\$2,000.00	\$224,000.00
8	HOUSE CONNECTION TO NEW WATER METER	112	EA	\$2,000.00	\$224,000.00
9	ENCROACHMENT PERMIT FROM CITY	112	EA	\$0.00	\$0.00
SUBTOTAL					\$885,472.00

QTY	UNIT	UNIT COST	TOTAL COST
112	EA	\$2,500.00	\$280,000.00
112	EA	\$1,000.00	\$112,000.00
112	EA	\$0.00	\$0.00
112	EA	\$250.00	\$28,000.00
112	EA	\$156.00	\$17,472.00
1	EA	TBD	TBD
112	EA	\$2,000.00	\$224,000.00
112	EA	\$2,000.00	\$224,000.00
112	EA	\$0.00	\$0.00
SUBTOTAL			\$885,472.00



TOTAL IMPROVEMENT COST \$16,711,019.34 \$20,537,872.11

TOTAL IMPROVEMENT COST \$16,440,832.10

LOW HIGH

D5

**STAFF REPORT TO THE CITY COUNCIL  
FOR CONSIDERATION AT THE MEETING OF July 30, 2013**

**Prepared by:** Brian Nunnally, Economic Development Analyst   
**Approved by:** Michelle Fitzer, Economic Development Director   
**Date:** July 25, 2013  
**Subject:** One Full-Term Appointment for One Vacancy on the Economic Development Commission (EDC)

**RECOMMENDATION**

It is recommended that the City Council receives and files the attached applications, and the Mayor appoint and Council approve the appointment of one commissioner.

**BACKGROUND INFORMATION**

One full-term vacancy exists that expires in June 2017. There were seven applicants for the vacancy, and Mayor Harper and I interviewed the applicants on July 24, 2013. The seven applicants are as follows:

- Richard Asadoorian
- Michael Esver
- Joanne Franey
- Rick Fuller
- Carolina Salazar
- Justin Steele
- Adam Vares

**FINANCIAL IMPACT**

None.

**OPTIONS**

- Appoint an applicant.
- Do not appoint an applicant and request that Staff re-advertise the vacancy.

**ATTACHMENTS**

A: Candidate's Applications



invites applications for the position of:

# Economic Development Commission (EDC)



**SALARY:** \$0.00 /Hour  
**OPENING DATE:** 06/13/13  
**CLOSING DATE:** 07/08/13 05:00 PM

### DESCRIPTION:

The EDC is a voluntary committee comprised of community volunteers whose function is to address economic development issues within the City and make recommendations to the City Council and staff regarding policies, regulations, marketing, development strategies and planning activities designed to enhance the City's economic base and create quality jobs. 7 members; 4-year terms.

### TYPICAL QUALIFICATIONS:

- Must be either a City resident or owner/operator of a business located in the City.
- Must be available to attend regular meetings at 6:00 p.m. on the first Tuesday of the month in the even-numbered months of February, April, June, August, October and December in the Council Chambers.
- Members of the Economic Development Commission are required to file an annual "Statement of Economic Interest".
- Must attach a resume at the time of application. Failure to attach a resume will disqualify you from further consideration.
- Salary information is not required. Please indicate "0" in the salary field.

### SUPPLEMENTAL INFORMATION:

NOTE: The completed application may be subject to public review, and candidates may undergo a background check by the Antioch Police Department prior to the appointment process.

APPLICATIONS MAY BE FILED ONLINE AT:  
<http://ci.antioch.ca.us/human-resources/>

Position #  
ECONOMIC DEVELOPMENT COMMISSION (EDC)  
DH

P. O. Box 5007  
Antioch, CA 94531

### Economic Development Commission (EDC) Supplemental Questionnaire

- \* 1. Are you a current City of Antioch resident or current owner/operator of a business located in Antioch?  
 Yes  No
- \* 2. How many years have you been a City of Antioch resident or owner/operator of a business located in Antioch?  
FOUR
- \* 3. Can you attend meetings at the current designated days and times?  
 Yes  No

- \* 4. Current employer: **RETIRED**
- \* 5. Current job title: **TRUSTEE, CONTRA COSTA BOARD OF EDUCATION  
(ELECTIVE OFFICE-NOT FULL TIME)**
- \* 6. Address, city, and zip code of current employer:
- \* 7. List the three (3) main reasons for your interest in this appointment. **LOVE LIVING IN ANTIOCH  
WANT CITY TO GROW AND THRIVE, I FEEL THAT I AM  
QUALIFIED**
- \* 8. Have you attended any meetings of this Board/Commission?  
 Yes  No
- \* 9. Have you previously served on this Board/Commission with the City of Antioch?  
 Yes  No
- \* 10. If you answered 'No' to the previous question, please type 'N/A'. If you answered 'Yes' to the previous question, please list dates of service. **N/A**
- \* 11. What skills/knowledge do you have that would be helpful in serving on the Board/Commission for which you are applying? **OVER THE PAST 20 YEARS I HAVE BEEN A PARTNER  
IN A BUSINESS, SERVED IN OREGON AND ARIZONA ON CITY  
COMMISSIONS AND AM CURRENTLY PRESIDENT OF THE CONTRA COSTA  
CO. BD. OF ED.**
- \* 12. Please indicate any further information or comments you wish to make that would be helpful in reviewing your application. **I WILL GIVE THIS POSITION MY FULL  
ATTENTION AND TRY TO THINK "OUTSIDE THE BOX" FOR  
OUR CITY. I AM A NEIGHBOR-  
HOOD WATCH CAPTAIN.**
- \* 13. How did you learn of this opening?  
 Word of Mouth  
 Television  
 Newspaper  
 City of Antioch Website  
 Other Website  
 Other
- \* 14. I understand that I MUST attach a resume at the time of application. Failure to attach a resume will disqualify me from further consideration.  
 Yes  No

\* Required Question

Resume for Richard Asadoorian

Resides at [REDACTED]

Antioch, Ca. 94531

Hm # [REDACTED]

Cell # [REDACTED]

E mail [REDACTED]

Born: Fresno, California

Education-B.A. and M.A. from Calif. State University, Fresno

Employed for 30 years with The Fresno Unified school District where I was a teacher, counselor and a high school principal. Retired in 1989.

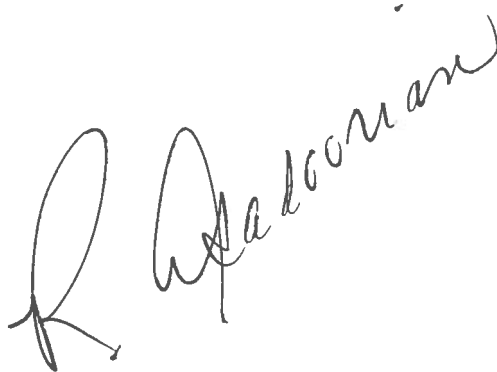
Military service-Honorable Discharges from both the U.S. Army and the U.S. Coast Guard

Hobbies:

I have been a vocal performer in operas, musical theater, chorale groups, dinner theater for over 50 years.

I am currently in rehearsals for Brentwood Theater production of "Fiddler On The Roof" opening July 19.

I am married to Barbara J. Cowan, Antioch School Board Member.

A handwritten signature in cursive script that reads "Richard Asadoorian". The signature is written in black ink and is positioned in the lower right quadrant of the page.



**Economic Development Commission (EDC)**

**Contact Information -- Person ID: 16172543**

Name: Michael Esver Address: [REDACTED]  
 Antioch, California 94531 US  
 Home Phone: [REDACTED] Alternate Phone:  
 Email: [REDACTED] Former Last Name:  
 Month and Day of Birth: 12/25

**Personal Information**

Driver's License: Yes, California, [REDACTED], Class C CDL  
 Can you, after employment, submit proof of your legal right to work in the United States? Yes  
 What is your highest level of education? Associate's Degree

**Education**

me verified no education history.

**Work Experience**

me verified no work experience.

**Certificates and Licenses**

**Skills**

Office Skills  
 Typing:  
 Data Entry:

**Additional Information**

**References**

City of Antioch has chosen not to collect this information for this job posting.

**Resume**

Text Resume ?

**Attachments**

**Agency-Wide Questions**

1. Q: Did you graduate from high school or receive a GED?  
 A: Yes

---

2. Q: List any other names under which your work or education records may be filed:  
 A: NA

---

3. Q: Are you at least 18 years of age?  
 A: Yes

---

4. Q: If you answered 'No' to the previous question, can you submit a work permit after employment?  
 A: Yes

---

5. Q: Are you currently an active member of California Public Employees' Retirement System (CalPERS)?

A: No

---

6. Q: Are you related to any current City of Antioch employee?

A: No

---

7. Q: If you answered 'No' to the previous question, please type 'N/A'. If you answered 'Yes' to the previous question, you are required to provide the employee's name and their relationship to you.

A: NA

---

8. Q: Have you ever been convicted for a violation of the law, excluding minor traffic violations?  
NOTE: Exclude traffic violations under \$150 and convictions more than two years for violation of Health and Safety Sections 11357(b or c), 11360(b), 11364, 1365, and 11550 as it relates to marijuana.

A: No

---

9. Q: If you answered 'No' to the previous question, please type 'N/A'. If you answered 'yes' to the previous question, you are required to list the violation; the court (including military); the place and date of conviction; the penalty (fine, sentence, date(s) of probation); and the name under which convicted for each offense. NOTE: Failure to list all convictions other than those excluded will be considered fraud in securing appointment and will be grounds for termination. A conviction is not necessarily a bar to employment. Each case is given individual consideration based on the job-relatedness of the offense.

A: NA

---

10. Q: Have you ever been discharged or requested to resign from any position for misconduct or unsatisfactory service?

A: No

---

11. Q: How did you first hear about this opportunity?

A: Internet

---

### Supplemental Questions

1. Q: Are you a current City of Antioch resident or current owner/operator of a business located in Antioch?

A: Yes

---

2. Q: How many years have you been a City of Antioch resident or owner/operator of a business located in Antioch?

A: 12

---

3. Q: Can you attend meetings at the current designated days and times?

A: Yes

---

4. Q: Current employer:

A: PITNEY BOWES MANAGEMENT

---

5. Q: Current job title:

A: OPERATIONS MANAGER

---

6. Q: Address, city, and zip code of current employer:

A: 2003 DIAMOND BLVD CONCORD CA 94520

---

**7. Q:** List the three (3) main reasons for your interest in this appointment.

A: Care about the economic future of Antioch, opportunity to share my ideas, chance to make REAL change

---

**8. Q:** Have you attended any meetings of this Board/Commission?

A: No

---

**9. Q:** Have you previously served on this Board/Commission with the City of Antioch?

A: No

---

**10. Q:** If you answered 'No' to the previous question, please type 'N/A'. If you answered 'Yes' to the previous question, please list dates of service.

A: NA

---

**11. Q:** What skills/knowledge do you have that would be helpful in serving on the Board/Commission for which you are applying?

A: Fearless about giving ideas, nurture great relationships, have investing background

---

**12. Q:** Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

A: NA

---

**13. Q:** If you would like to be considered for future openings on Boards or Commissions, please select all in which you're interested.

A: Economic Development Commission

---

**14. Q:** How did you learn of this opening?

A: Other Website

# MICHAEL C. ESVER

Antioch Ca

## Experience

July 1997 - Present



Pitney Bowes Management Services

### **Customer Operations Manager**

- Started at an entry level position providing customer service for the community at Lawrence Berkeley National Laboratory
- Promoted to Team Lead & had four direct reports
- Promoted to Manager to oversee a multimillion dollar contract for Chevron. Today I am responsible for leading a team of 16 people. I oversee all financials; forecasting, billing, and review profit & loss statements. I am held accountable for running an injury free & safe operation, in addition, marketing Pitney Bowes services and account growth.
- I've earned the highest awards attending the "All Star Conference" in 2002 & 2004

2007- Present

Indeed Investments, Antioch Ca

### **Owner, Real Estate Investor/Rejuvenator**

- I establish relationships with fellow investors, real estate agents, property managers & loan offers
- I spend time reviewing investment deals, private placements memorandums & prospectus
- I am responsible for acquiring turnkey investment properties

# MICHAEL C. ESVER

Antioch Ca

2010- Present



**COMPUTER FORENSICS  
& INFORMATION SECURITY**

## **Relationship & Business Developer**

- I am one of the founders of e5, I am responsible for attending networking events to establish and nurture new relationships.
- I also oversee all marketing activities both online and offline
- My other responsibilities include marketing, finances, and to identify growth opportunities
- I secure speaking engagements & articles for e5's lead computer examiner

## **Education:**

1988-1991

Contra Costa College, Richmond CA

**Associates Liberal Arts**

## **Affiliations:**

The Law Center • Certified Court Reporting • Mt. Diablo Paralegals • Rebuild America

## **References:**

References are available on request

**LinkedIn Profile:** <http://www.linkedin.com/pub/michael-esver/25/a41/197>

<b>EMPLOYMENT APPLICATION</b>	
 <b>CITY OF ANTIOCH</b> P. O. Box 5007 Antioch, California 94531  <a href="http://ci.antioch.ca.us/human-resources/">http://ci.antioch.ca.us/human-resources/</a>	<b>Received: 7/7/13 5:43 PM</b> <b>For Official Use Only:</b> QUAL: _____ DNQ: _____ <input type="checkbox"/> Experience <input type="checkbox"/> Training <input type="checkbox"/> Other: _____
<b>Franey, Joanne</b> <b>ECONOMIC DEVELOPMENT COMMISSION (EDC)</b>	

<b>PERSONAL INFORMATION</b>		
<b>POSITION TITLE:</b> ECONOMIC DEVELOPMENT COMMISSION (EDC)	<b>EXAM ID#:</b>	
<b>NAME:</b> (Last, First, Middle) Franey, Joanne	<b>SOCIAL SECURITY NUMBER:</b> [REDACTED]	
<b>ADDRESS:</b> (Street, City, State, Zip Code) [REDACTED] Antioch, California 94531		
<b>HOME PHONE:</b> [REDACTED]	<b>ALTERNATE PHONE:</b>	<b>EMAIL ADDRESS:</b> [REDACTED]
<b>DRIVER'S LICENSE:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA Number: [REDACTED]	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>PREFERENCES</b>	
<b>PREFERRED SALARY:</b>	<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b>	
<b>TYPES OF WORK YOU WILL ACCEPT:</b>	
<b>SHIFTS YOU WILL ACCEPT:</b>	
<b>OBJECTIVE:</b>	

<b>EDUCATION</b>
Nothing Entered For This Section

<b>WORK EXPERIENCE</b>
Nothing Entered For This Section

<b>CERTIFICATES AND LICENSES</b>
Nothing Entered For This Section

<b>SKILLS</b>
Nothing Entered For This Section

<b>ADDITIONAL INFORMATION</b>
Nothing Entered For This Section

<b>REFERENCES</b>
Nothing Entered For This Section

Job Specific Supplemental Questions

1. **Are you a current City of Antioch resident or current owner/operator of a business located in Antioch?**  
Yes
2. **How many years have you been a City of Antioch resident or owner/operator of a business located in Antioch?**  
19 years
3. **Can you attend meetings at the current designated days and times?**  
Yes
4. **Current employer:**  
Retired in February 2013
5. **Current job title:**  
VP of Operations for 12 years before retiring in February
6. **Address, city, and zip code of current employer:**  
3925 E. Broadway Road, Phoenix AZ 85040 (past employer of 20 years)
7. **List the three (3) main reasons for your interest in this appointment.**  
Resided in Antioch the last 19 years and I am very vested in the city's economic growth. I am able to give the City my full attention that it needs. I feel both my professional and personal experience will help the City of Antioch.
8. **Have you attended any meetings of this Board/Commission?**  
No
9. **Have you previously served on this Board/Commission with the City of Antioch?**  
No
10. **If you answered 'No' to the previous question, please type 'N/A'. If you answered 'Yes' to the previous question, please list dates of service.**  
N/A
11. **What skills/knowledge do you have that would be helpful in serving on the Board/Commission for which you are applying?**  
My employment background will help the City of Antioch with policies, development strategies, and marketing.
12. **Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.**  
Resume and being a long-term Antioch residence gives me the advantage to help the City.
13. **How did you learn of this opening?**  
Word of Mouth
14. **I understand that I MUST attach a resume at the time of application. Failure to attach a resume will disqualify me from further consideration.**  
Yes

---

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the United States. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of City of Antioch and will not be returned. I understand City of Antioch may contact prior employers and other references. I understand that I must notify the Human Resources Department of any changes in my name, address, or phone number.

This application was submitted by Joanne Franey on 7/7/13 5:43 PM

Signature \_\_\_\_\_

Date \_\_\_\_\_

# Joanne Franey

██████████ Antioch, CA 94531

Phone: ██████████ • Fax: ██████████ • E-Mail: ██████████



## Senior Operating and Management Executive

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Dynamic management career with over 15 years of progressively responsible management and P&L experience. Effective in reorganizing, streamlining and strengthening existing operations. Team based leadership style with excellent interpersonal skills. Delivered strong and sustainable revenue and profit gains within highly competitive markets.

Strategic Business Planning

Staffing Management Development

Corporate Finance and Budgeting

Multi-site Operating Management

Cost Containment and Profit Growth

Customer Service and Retention

## Experience-Leslie's Poolmart Inc.

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### Vice President of Operations

1999-2013

Senior operations executive of world's largest retailer of swimming pool supplies, leading company's 138 stores within California and Nevada through tremendous growth with annual revenue in excess of \$110 million. Hold full P&L responsibilities, strategic and business planning functions, finance and budgeting, operating management, human resources, customer service activities.

- Review forecasting and operating/expense budgets. Strengthening payroll and expense control for each store.
- In charge of eight District Managers including hiring, promotions and approving terminations. Oversee recruiting, second interviews and employee development.
- Train new District Managers and ensure all employee training is completed and current.
- Maintain an organizational infrastructure responsible to constantly changing market, financial and customer demands.
- Appointed to the Merchandising Plan-O-Gram Committee, Procedures Manual Committee and Supervisor's Training Manual. Conducted corporate seminars for over 1000 employees.
- Institute employee empowerment, team building and participative management strategies.

### District Manager/Regional Supervisor

1990-1999

Supervised over 18 retail stores in the Bay Area including Commercial and Service Departments with a staff of over 100 employees. Attained over \$20 million in revenue and full P&L responsibility. Responsible for setting forecasts, budgets and directing recruitment activities.

## Education

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Bachelor of Arts, Business Management, Dowling College, Oakvale, NY

CPO Certified

Computer Training in Microsoft Office



<b>EMPLOYMENT APPLICATION</b>	
 <p style="text-align: center;"><b>CITY OF ANTIOCH</b> P. O. Box 5007 Antioch, California 94531</p> <p style="text-align: center;"><a href="http://ci.antioch.ca.us/human-resources/">http://ci.antioch.ca.us/human-resources/</a></p> <p style="text-align: center;">Fuller, Rick A <b>ECONOMIC DEVELOPMENT COMMISSION (EDC)</b></p>	<p><b>Received:</b> 6/14/13 4:11 PM</p> <p><b>For Official Use Only:</b></p> <p>QUAL: _____</p> <p>DNQ: _____</p> <p><input type="checkbox"/> Experience</p> <p><input type="checkbox"/> Training</p> <p><input type="checkbox"/> Other: _____</p>

<b>PERSONAL INFORMATION</b>		
<b>POSITION TITLE:</b> ECONOMIC DEVELOPMENT COMMISSION (EDC)	<b>EXAM ID#:</b>	
<b>NAME:</b> (Last, First, Middle) Fuller, Rick A	<b>SOCIAL SECURITY NUMBER:</b> N/A	
<b>ADDRESS:</b> (Street, City, State, Zip Code) Antioch, California 94531		
<b>HOME PHONE:</b>	<b>ALTERNATE PHONE:</b>	<b>EMAIL ADDRESS:</b>
<b>DRIVER'S LICENSE:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA Number: 23-11781	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>PREFERENCES</b>	
<b>PREFERRED SALARY:</b>	<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b>	
<b>TYPES OF WORK YOU WILL ACCEPT:</b>	
<b>SHIFTS YOU WILL ACCEPT:</b>	
<b>OBJECTIVE:</b>	

<b>EDUCATION</b>
Nothing Entered For This Section

<b>WORK EXPERIENCE</b>
Nothing Entered For This Section

<b>CERTIFICATES AND LICENSES</b>
Nothing Entered For This Section

<b>SKILLS</b>
Nothing Entered For This Section

<b>ADDITIONAL INFORMATION</b>
Nothing Entered For This Section

<b>REFERENCES</b>
Nothing Entered For This Section

Job Specific Supplemental Questions

1. **Are you a current City of Antioch resident or current owner/operator of a business located in Antioch?**  
No
2. **How many years have you been a City of Antioch resident or owner/operator of a business located in Antioch?**  
17
3. **Can you attend meetings at the current designated days and times?**  
Yes
4. **Current employer:**  
Rick Fuller Inc., Realtors
5. **Current job title:**  
Agent/Broker
6. **Address, city, and zip code of current employer:**  
5079 Lone Tree Way Antioch CA 94531
7. **List the three (3) main reasons for your interest in this appointment.**  
Improve Business Climate in City of Antioch, Improve Quality of businesses in community and Make Antioch a more desirable place to live, work, and shop.
8. **Have you attended any meetings of this Board/Commission?**  
Yes
9. **Have you previously served on this Board/Commission with the City of Antioch?**  
No
10. **If you answered 'No' to the previous question, please type 'N/A'. If you answered 'Yes' to the previous question, please list dates of service.**  
N/A
11. **What skills/knowledge do you have that would be helpful in serving on the Board/Commission for which you are applying?**  
10 years of Real Estate experience, and 15 years of business development.
12. **Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.**  
Works well with others
13. **How did you learn of this opening?**  
Word of Mouth
14. **I understand that I MUST attach a resume at the time of application. Failure to attach a resume will disqualify me from further consideration.**  
Yes

---

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the United States. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of City of Antioch and will not be returned. I understand City of Antioch may contact prior employers and other references. I understand that I must notify the Human Resources Department of any changes in my name, address, or phone number.

This application was submitted by Rick A Fuller on 6/14/13 4:11 PM

Signature \_\_\_\_\_

Date \_\_\_\_\_



### **Professional Accomplishments:**

- **August 2011- Current**  
**Broker /Owner Rick Fuller Inc., Realtors**  
5079Lone Tree Way Antioch, Ca  
Empowering others to achieve their goals through Real Estate
- **2003-2011**  
**Agent/Broker of Record with Keller Williams Reality**  
4041 Lone Tree Way Antioch, Ca  
Managing 120 Real Estate Agents as Broker of Record
- **1994-2003**  
**Market Manager, Circuit City Stores Inc**  
4300 Delta Gateway Blvd, Pittsburg, CA  
Managing 6 departments in 6 stores throughout the Bay Area

### **Networks/Areas of Involvement:**

- **Past Director/ Current Board Member of Royal Family Kids Camp**  
A Non Profit Camp for Foster Children
- **Founder of Creating Communicators Toastmasters**
- **Delta BNI Leadership Team**
- **Antioch Chamber of Commerce**
- **For CC Kids**
- **Delta BCN**

### **Personal**

Rick and his wife Jennifer live in Antioch, Ca with their three daughters.

<b>EMPLOYMENT APPLICATION</b>	
 <p style="text-align: center;"><b>CITY OF ANTIOCH</b> P. O. Box 5007 Antioch, California 94531</p> <p style="text-align: center;"><a href="http://ci.antioch.ca.us/human-resources/">http://ci.antioch.ca.us/human-resources/</a></p> <p style="text-align: center;"><b>Salazar, Carolina U</b> <b>ECONOMIC DEVELOPMENT COMMISSION (EDC)</b></p>	<p><b>Received: 7/8/13 4:25 PM</b> <b>For Official Use Only:</b> QUAL: _____ DNQ: _____ <input type="checkbox"/> Experience <input type="checkbox"/> Training <input type="checkbox"/> Other: _____</p>

<b>PERSONAL INFORMATION</b>		
<b>POSITION TITLE:</b> ECONOMIC DEVELOPMENT COMMISSION (EDC)	<b>EXAM ID#:</b>	
<b>NAME:</b> (Last, First, Middle) Salazar, Carolina U	<b>SOCIAL SECURITY NUMBER:</b> [REDACTED]	
<b>ADDRESS:</b> (Street, City, State, Zip Code) [REDACTED], Antioch, California 94509		
<b>HOME PHONE:</b> [REDACTED]	<b>ALTERNATE PHONE:</b>	<b>EMAIL ADDRESS:</b> [REDACTED]
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA Number: [REDACTED]	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>PREFERENCES</b>	
<b>PREFERRED SALARY:</b>	<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b>	
<b>TYPES OF WORK YOU WILL ACCEPT:</b>	
<b>SHIFTS YOU WILL ACCEPT:</b>	
<b>OBJECTIVE:</b>	

<b>EDUCATION</b>
Nothing Entered For This Section

<b>WORK EXPERIENCE</b>
Nothing Entered For This Section

<b>CERTIFICATES AND LICENSES</b>
Nothing Entered For This Section

<b>SKILLS</b>
Nothing Entered For This Section

<b>ADDITIONAL INFORMATION</b>
Nothing Entered For This Section

<b>REFERENCES</b>
Nothing Entered For This Section

**Job Specific Supplemental Questions**

1. **Are you a current City of Antioch resident or current owner/operator of a business located in Antioch?**  
Yes
2. **How many years have you been a City of Antioch resident or owner/operator of a business located in Antioch?**  
2.5
3. **Can you attend meetings at the current designated days and times?**  
Yes
4. **Current employer:**  
California State Senate, Office of Senator Loni Hancock
5. **Current job title:**  
California State Senate, Office of Senator Loni Hancock
6. **Address, city, and zip code of current employer:**  
1515 Clay Street, Suite 2202, Oakland, CA 94612
7. **List the three (3) main reasons for your interest in this appointment.**  
1. I am very interested in getting more involved in my city of residence. 2. I have a keen interest in economic development and I would like to apply that interest to enhancing the City's vision of growth and prosperity. 3. Participating in the Economic Development Commission would be a great way to utilize my policy experience for the betterment of my community.
8. **Have you attended any meetings of this Board/Commission?**  
No
9. **Have you previously served on this Board/Commission with the City of Antioch?**  
No
10. **If you answered 'No' to the previous question, please type 'N/A'. If you answered 'Yes' to the previous question, please list dates of service.**  
N/A
11. **What skills/knowledge do you have that would be helpful in serving on the Board/Commission for which you are applying?**  
I have over ten years of experience working on a wide variety of public policy issues. My work portfolio has ranged from transportation and housing to health and economic development. Throughout the years I have had the opportunity to work with many different cities and stakeholders to help craft state wide policy initiatives. Through my work I have learned a great deal about how important policies and planning are to the success of a city. I would love the chance to apply my knowledge and expertise as a member of the Antioch Economic Development Commission, helping my local community.
12. **Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.**  
Antioch has a rich history and has been extremely hard hit by the recession and fall of the housing market. I see this vacancy as an opportunity to work with my fellow community members to take a real look at what economic development should look like in Antioch and craft policies and regulations that reflect that vision.
13. **How did you learn of this opening?**  
Word of Mouth
14. **I understand that I MUST attach a resume at the time of application. Failure to attach a resume will disqualify me from further consideration.**  
Yes

---

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the United States. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of City of Antioch and will not be returned. I understand City of Antioch may contact prior employers and other references. I understand that I must notify the Human Resources Department of any changes in my name, address, or phone number.

This application was submitted by Carolina U Salazar on 7/8/13 4:25 PM

Signature \_\_\_\_\_

Date \_\_\_\_\_

# CAROLINA U. SALAZAR

## EMPLOYMENT EXPERIENCE

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**Office of State Senator Loni Hancock (SD 09), Oakland, CA**

1/12 to Present

*District Representative*

- Broker issue resolutions with community members, agencies, and government officials, field constituent calls, conduct research, briefing papers, and drafted responses.
- Act as staff liaison to the Spanish speaking and Latino communities as well as the cities of Alameda, Albany, Emeryville, Piedmont, and San Leandro.
- Conduct extensive research, author briefs, organize community stakeholder groups, community resolution meetings, district events, and advocate for local government and individual constituents with state agencies mediating issues between constituents and state agencies in the policy areas of economic development, environmental justice, health, women, families, early education, childcare, and housing.
- Organize community town halls, select committee hearings, press conferences, the annual Cash for College outreach program, National Drug Take Back Days, and various other district wide programs.

**Office of Contra Costa County Supervisor Karen Mitchoff, District IV, Concord, CA**

01/11-1/12

*District Representative*

- Represented the Supervisor in the communities of Clayton, Concord, unincorporated Clyde and Pacheco, coordinating events and outreach in partnership with the city and community based organizations.
- Drafted board orders and staffed the Supervisor on issues related to government efficiency and internal operations, children and families including the First 5 Commission, mental health, employment and human services, outreach programs in the Latino community, and countywide appointments to various county commissions.
- Organized mobile office hours, community stakeholder meetings, the Bed Bug Taskforce Concord Campaign, and various other district wide events.

**Office of State Assemblymember Tom Torlakson (AD 11), Martinez, CA**

12/08 to 12/10

*Deputy District Director*

- Represented the Assemblymember at all times, administered daily office operations, and supervised the office internship program and volunteer staff.
- Managed constituent case services, brokered issue resolutions with community members, agencies, and government officials, fielded constituent calls, conducted research, and drafted responses. Acted as staff liaison to the Spanish speaking and Latino communities.
- Conducted extensive research, authored briefs, organized community stakeholder groups, community resolution meetings, district events, and advocated for local government and individual constituents with state agencies mediating issues between constituents and state agencies in the policy areas of children, fitness, wellness and nutrition, environmental quality, bicycle and pedestrian safety, trails, energy and utilities, health and human services, immigration, smart growth, natural resources, public safety, housing, and transportation.
- Organized community town halls, select committee hearings, the annual Cash for College outreach program, California Coastal Cleanup Day, coordination of the Great California Delta Trail planning process, and various other district wide programs.

Office of State Senator Tom Torlakson (SD 07), Concord, CA

02/08 to 11/08

*District Representative*

- Monitored and advised the Senator on state matters affecting the District; drafted memos and correspondence addressing policy and community issues especially as they related to children, fitness wellness and nutrition, environmental quality, bicycle and pedestrian safety, trails, health and human services, immigration, smart growth, natural resources, housing, and transportation.
- Produced and facilitated town halls, press conferences, community resolution meetings, select committee hearings, the annual Cash for College outreach program, California Coastal Cleanup Day, coordination of the Great California Delta Trail project, and various other district wide programs.
- Facilitated agreements with community members, local, state, and federal agencies to usher local projects such as the Measure WW initiative, the Delta Science Center, and the Great California Delta Trail.

**California Latino Legislative Caucus Institute for Public Policy, Sacramento, CA**

**Richard G. Polanco Housing Fellow, State of California**

*Legislative Aide, Office of State Senator Alan Lowenthal (SD 27) &*

01/07 to 11/07

*Committee Consultant, Senate Committee on Transportation and Housing*

- Developed legislative bill package working with community stakeholders, executive agencies, and committee staff. Ushered numerous bills through the legislative process.
- Drafted legislative bills and negotiated amendments, prepared statements, fact sheets, position papers, speeches, background materials, originated correspondence, and press releases.
- Drafted bill analyses advising the Senator on issues pertaining to bills in the Senate Transportation and Housing Committee. Analyzed and tracked legislation through the legislative process regularly updating background information and fact sheets.

*Department of Housing and Community Development*

09/06 to 12/06

*Policy Analyst, Division of Housing Policy Development*

- Conducted research and analysis on housing policy in the areas of homelessness, housing element law, and transit oriented development. Updated housing policy manuals to reflect recent changes in law.
- Acted as a department representative to Governor Schwarzenegger's Task-force to End Homelessness compiling a database of statewide local efforts to end homelessness.

## **EDUCATION**

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**University of Southern California, Sacramento, CA**

08/07 to 05/10

Master in Public Administration, School of Policy, Planning, and Development

- Active member of the Latino Association for Policy, Planning, & Development and the Graduate Policy Administration Community.
- Member of the Pi Alpha Alpha Honors Society.

**Mills College, Oakland, CA**

08/03 to 05/06

Bachelor of Art, Double Major in Ethnic Studies and Public Policy

- Elected Mills College Student Body President, led community forums to bring campus and community members together to discuss issues of class, diversity, and equity in educational and administrative policy, especially as it related to faculty tenure and student retention.
- Elected Student Body Diversity Chair, Founder & Chair of the Student Diversity Board, Chair of the Women of Color Coalition, and Student Representative to the Mills College Board of Trustees.
- Editor-In-Chief of The Crest Yearbook from 2004-2006.

<b>EMPLOYMENT APPLICATION</b>	
 <p style="text-align: center;"><b>CITY OF ANTIOCH</b> P. O. Box 5007 Antioch, California 94531</p> <p style="text-align: center;"><a href="http://ci.antioch.ca.us/human-resources/">http://ci.antioch.ca.us/human-resources/</a></p> <p style="text-align: center;"><b>Steele, Justin</b> <b>ECONOMIC DEVELOPMENT COMMISSION (EDC)</b></p>	<p><b>Received:</b> 7/3/13 11:54 AM</p> <p><b>For Official Use Only:</b></p> <p>QUAL: _____</p> <p>DNQ: _____</p> <p><input type="checkbox"/> Experience</p> <p><input type="checkbox"/> Training</p> <p><input type="checkbox"/> Other: _____</p>

<b>PERSONAL INFORMATION</b>		
<b>POSITION TITLE:</b> ECONOMIC DEVELOPMENT COMMISSION (EDC)	<b>EXAM ID#:</b>	
<b>NAME:</b> (Last, First, Middle) Steele, Justin	<b>SOCIAL SECURITY NUMBER:</b> [REDACTED]	
<b>ADDRESS:</b> (Street, City, State, Zip Code) [REDACTED], Antioch, California 94531		
<b>HOME PHONE:</b> [REDACTED]	<b>ALTERNATE PHONE:</b>	<b>EMAIL ADDRESS:</b> [REDACTED]
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA Number: [REDACTED]	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>PREFERENCES</b>	
<b>PREFERRED SALARY:</b>	<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b>	
<b>TYPES OF WORK YOU WILL ACCEPT:</b>	
<b>SHIFTS YOU WILL ACCEPT:</b>	
<b>OBJECTIVE:</b>	

<b>EDUCATION</b>
Nothing Entered For This Section

<b>WORK EXPERIENCE</b>
Nothing Entered For This Section

<b>CERTIFICATES AND LICENSES</b>
Nothing Entered For This Section

<b>SKILLS</b>
Nothing Entered For This Section

<b>ADDITIONAL INFORMATION</b>
Nothing Entered For This Section

<b>REFERENCES</b>
Nothing Entered For This Section



Job Specific Supplemental Questions

1. **Are you a current City of Antioch resident or current owner/operator of a business located in Antioch?**  
Yes
2. **How many years have you been a City of Antioch resident or owner/operator of a business located in Antioch?**  
20 years
3. **Can you attend meetings at the current designated days and times?**  
Yes
4. **Current employer:**  
Chevron
5. **Current job title:**  
Financial Analyst
6. **Address, city, and zip code of current employer:**  
2001 Diamond Blvd Concord, CA 94520
7. **List the three (3) main reasons for your interest in this appointment.**  
1. I love Antioch, and want to help make it a better place to live. 2. I have an interest in Economic Policy and Development. 3. I feel my skillset will help me to be effective in the role.
8. **Have you attended any meetings of this Board/Commission?**  
No
9. **Have you previously served on this Board/Commission with the City of Antioch?**  
No
10. **If you answered 'No' to the previous question, please type 'N/A'. If you answered 'Yes' to the previous question, please list dates of service.**  
N/A
11. **What skills/knowledge do you have that would be helpful in serving on the Board/Commission for which you are applying?**  
I graduated cumme sum laude in Economics, so I have a very good understanding of market dynamics. In addition, i have extensive business experience from working in a multinational organization. I am also a strong communicator, and work extremely effectively in a team environment.
12. **Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.**  
I really want to stress that I love Antioch. It has been my home since 5th grade, and I would love the opportunity to help make it the best place to live and work in the area.
13. **How did you learn of this opening?**  
City of Antioch Website
14. **I understand that I MUST attach a resume at the time of application. Failure to attach a resume will disqualify me from further consideration.**  
Yes

---

The following terms were accepted by the applicant upon submitting the online application:

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This application was submitted by Justin Steele on 7/3/13 11:54 AM

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

### Qualification Summary

- Experienced with various systems such as SAP, Business Intelligence and Hyperion Financial Management.
- Highly skilled in gathering and assimilating data from various data sources and analyzing and presenting recommendations to business units.
- Comfortable with handling large amounts of data and working under constant sense of urgency.
- Solid understanding of financial accounting policy and practices.
- Reconciliation and balancing of over 150 million gallons of inventory per month. Recognition of receipts and deliveries of fuels including barge and pipeline movements of over 100 million gallons per month.
- Strong communication and interpersonal skills with direct interaction and project presentations to senior management.
- Extremely practiced at effectively working with people from a myriad of backgrounds to accomplish a given task.

### **Chevron Corporation - Concord, California**

**2006 - Present**

#### Financial Analyst

*September 2012 to Present*

- Responsible for the monthly financial close consolidation and corporate reporting of Chevron Shipping Company, Chevron Energy Technology Company, Chevron Project Resources Company, and Chevron Business and Real Estate Services.
- Validate the provisional state and federal income tax calculations on a monthly basis, and facilitate the booking of the resulting accounting entries to the general ledger. Perform quarterly account reconciliation for tax accounts.
- Perform variance analysis for all Income Statement and Balance Sheet general ledger accounts.
- Provide financial analytical support as needed to the Operating Company or Corporate Comptrollers group.
- Coordinate the submission of all required government and corporate reporting.
- Participate as needed in all SOX Control testing and analysis.
- Play key role for a project team focused on re-organizing the reporting team this position is a part of. Using Chevron's in house project methodology, the goal of the project is to reduce lean "DOWNTIME" within the group.
- Hold a leadership role in several cross-organizational campus wide councils that stage events and training sessions for onsite employees.

#### Renewable Fuels Analyst

*October 2011 to September 2012*

- Responsible for the analyzing, administrating, reporting and compliance of Chevron's Low Carbon Fuels Standard (LCFS) to California Air Resources Board (CARB).
- Played a significant role in the creation and implementation of the accounting treatment used for the assets and liabilities created by Chevron's compliance with the Low Carbon Fuels Standards program. Worked in a lead role with a diverse team of stakeholders to develop the treatment, value the initial asset, and make the initial accounting entries.
- Represent finance on a cross-functional project team that developed a solution for managing Chevron's Low Carbon Fuels Standard compliance position.
- Analyze and reconcile data with Business Partners for purpose of reporting to California Air Resources Board.
- Prepared and submitted all quarterly reporting for Low Carbon Fuels Standard compliance as required by California Air Resources Board.
- Serve as the Finance subject matter expert for Low Carbon Fuels Standard Program compliance.
- Manage data reported to California Air Resources Board & Document new procedures and processes.
- Compile and lead presentations on LCFS. Participate in meetings with outside agencies and/or counterparties.
- Actively participate in testing to ensure proper procedures and processes are in place to meet with SOX compliance.

#### Stock Control and Compliance Coordinator

*October 2008 to October 2011*

- Develop stock performance metrics to monitor terminal performance. Communicate performance results to terminal management personnel and to senior management. Assist terminal personnel to resolve stock

performance issues. Interface with SAP Production Support and other to resolve atypical issues that arise through in the course of daily business.

- Assist in the analysis and resolution of forced loss/gain and make corrections as necessary. Maintain Sarbanes Oxley control matrices with regard to inventory management and stock control. Monitor terminal for compliance and provide regular performance reports to senior management.
- Coordinate stock control at proprietary terminals. Work with terminal stock personnel, supply operations schedulers and support personnel, exchange accounting, refining and RMC to ensure that all terminal stock movements are properly recorded on timely basis.
- Worked closely with Enterprise Business Solution support and Business Programming Group to assure proper accounts set up and that billing are accurate and timely. Actively involved in tracking and resolving issues as they arise.

#### Inventory Accounting:

- Daily, weekly & monthly reconciliation and balancing of over 150,000,000 gallons of inventory. Recognition and actualization of receipts and deliveries of fuels including barge and pipeline movements of over 100,000,000 gallons per month.
- Responsible for daily, weekly and monthly tracking and reconciling of wet stock including Meter Thru-put Reports with any out of tolerance loss/gain reading explanation.
- Responsible for Government Reporting of plant month-to-month stock balance report and summary including Stock Transaction Detail Report and Plant Inventory Throughput Report.
- Responsible for Government Reporting of week and month end stock adjustments and blends including unleaded vapor adjustments, exchange additive credit, receiving bottled additive, and stock adjustment gain.
- Reconcile daily errors, upsets in meter thru-put and billed quantities with inventory pulled and validate movements during the period actualized.
- Recognize and book receipts and deliveries of fuels including barge and pipeline movements of over 100 million Gallons per month.
- Process manual sales order, terminal/refinery stock transfer order, exchange racks manual order, supply rack order with contract, and manual product return.
- Process blends for week and month end. Weekly blends include OGA blends, ethanol blend, sub-octane pipeline re-branding, mid-grade blends and stock transfer – refinery to terminal.
- Ensure that business customers are billed per company policy. Track and monitor movement of products, ensure efficiency and accuracy, and address & resolve any issues in a timely fashion.

#### Additional Role

- Acted as the Manufacturing & Supply Accounting Budget Analyst. Monitored expenses, and addressed variances. Also, assisted in the creation of the 2012 budget.

#### Retail Technology Specialist

2006 to October 2008

- Provide Chevron and Texaco gasoline dealers with point of sale system support. Support includes troubleshooting and resolving any technical issues, as well as helping dealers balance and reconcile their sales and credit card batch reports.
- Working with 3<sup>rd</sup> party vendors to ensure that the dealers receive exceptional and timely service.
- Acted primarily as a Shift Team Lead. The Shift Team Lead is responsible for meeting daily metrics, scheduling breaks, acting as a resource to co-workers, and taking the lead in resolving any network wide crisis affecting Chevron's customers.

#### EDUCATION

- **Bachelor of Arts Economics- Accounting Option** GPA 3.85  
California State University – East Bay Hayward, CA

#### TECHNICAL SKILLS

- Microsoft Office Suite
- SAP
- Business Intelligence
- Hyperion Financial Management
- CorpTax

<b>EMPLOYMENT APPLICATION</b>	
	<b>CITY OF ANTIOCH</b> P. O. Box 5007 Antioch, California 94531  <a href="http://ci.antioch.ca.us/human-resources/">http://ci.antioch.ca.us/human-resources/</a>
<b>Vares, Adam J</b> <b>ECONOMIC DEVELOPMENT COMMISSION (EDC)</b>	
<b>Received: 6/18/13 7:09 PM</b> <b>For Official Use Only:</b> QUAL: _____ DNQ: _____ <input type="checkbox"/> Experience <input type="checkbox"/> Training <input type="checkbox"/> Other: _____	

<b>PERSONAL INFORMATION</b>		
<b>POSITION TITLE:</b> ECONOMIC DEVELOPMENT COMMISSION (EDC)	<b>EXAM ID#:</b>	
<b>NAME:</b> (Last, First, Middle) Vares, Adam J	<b>SOCIAL SECURITY NUMBER:</b> [REDACTED]	
<b>ADDRESS:</b> (Street, City, State, Zip Code) [REDACTED], Antioch, California 94531		
<b>HOME PHONE:</b> [REDACTED]	<b>ALTERNATE PHONE:</b>	<b>EMAIL ADDRESS:</b> [REDACTED]
<b>DRIVER'S LICENSE:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA Number: [REDACTED]	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>PREFERENCES</b>	
<b>PREFERRED SALARY:</b>	<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b>	
<b>TYPES OF WORK YOU WILL ACCEPT:</b>	
<b>SHIFTS YOU WILL ACCEPT:</b>	
<b>OBJECTIVE:</b>	

<b>EDUCATION</b>
Nothing Entered For This Section

<b>WORK EXPERIENCE</b>
Nothing Entered For This Section

<b>CERTIFICATES AND LICENSES</b>
Nothing Entered For This Section

<b>SKILLS</b>
Nothing Entered For This Section

<b>ADDITIONAL INFORMATION</b>
Nothing Entered For This Section

<b>REFERENCES</b>
Nothing Entered For This Section

Job Specific Supplemental Questions

1. **Are you a current City of Antioch resident or current owner/operator of a business located in Antioch?**  
Yes
2. **How many years have you been a City of Antioch resident or owner/operator of a business located in Antioch?**  
1
3. **Can you attend meetings at the current designated days and times?**  
Yes
4. **Current employer:**  
RedHawk
5. **Current job title:**  
Project Manager
6. **Address, city, and zip code of current employer:**  
4384 Enterprise Place, Fremont 94538
7. **List the three (3) main reasons for your interest in this appointment.**  
Progress, Involvement, Working with others for a mutual benefit
8. **Have you attended any meetings of this Board/Commission?**  
No
9. **Have you previously served on this Board/Commission with the City of Antioch?**  
No
10. **If you answered 'No' to the previous question, please type 'N/A'. If you answered 'Yes' to the previous question, please list dates of service.**  
N/A
11. **What skills/knowledge do you have that would be helpful in serving on the Board/Commission for which you are applying?**  
Project Planning, Implementation of process structure, and Coordination of delegated workloads to contractors, Analytical and logistics.
12. **Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.**  
Visionary
13. **How did you learn of this opening?**  
City of Antioch Website
14. **I understand that I MUST attach a resume at the time of application. Failure to attach a resume will disqualify me from further consideration.**  
Yes

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The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the United States. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of City of Antioch and will not be returned. I understand City of Antioch may contact prior employers and other references. I understand that I must notify the Human Resources Department of any changes in my name, address, or phone number.

This application was submitted by Adam J Vares on 6/18/13 7:09 PM

Signature \_\_\_\_\_

Date \_\_\_\_\_

Adam J. Vares

[REDACTED]

[REDACTED]

Professional Profile: Highly-regarded professional with 20 years experience providing exceptional managerial and client support. Keen ability to manage multiple projects, highly responsible and approachable with excellent work ethic, sound business acumen, and strong organizational skills.

Technical Recruiter:  
2012 - Present Avalon Staffing Solutions 234 Oak St. Brentwood, CA 94513  
Recruiting for technology companies. From single development resource needs to staffing entire project teams, delivering and supporting key technology initiatives on both local and national levels.  
Progress tracking of hiring candidates for various clients using Microsoft platforms.

Operation Supervisor  
2010-2012 Protection One Inc... 6691 Owens Dr. Pleasanton, CA 94588  
Managed Service Dept, Oversaw full lifecycle of Installation projects and performed Fleet Manager duties.  
Responsible for Interviewing, Hiring, Training and Aiding in development of employee technical knowledge and skill sets.  
Planning, assigning, directing routing topology, coaching and employee career pathway development.  
Directly responsible for controlling inventory levels and providing operational procedures and guidelines.  
Managing monthly and annual production quota, directly responsible for the P&L target levels of assigned areas and departments.  
Responsible for providing; New sales, Retention, Handling of contract disputes, Resigning and Renegotiation of existing contracts.  
Working with National and Core Sales, Project Managers and other various team members Locally and Nationally.

Operation Coordinator  
2001-2010 ADT / Tyco Inc., 280 Utah South San Francisco, CA 94080  
Managed Service and Installation projects throughout full life cycle, Oversaw appointments, Subcontractors, Route assignments and installation deadlines.  
Supervising the completion of Monthly, Quarterly and Annual financial forecast quotas to ensure positive trends of P&L report for various departments.  
Managing Warehouse operations insured all personnel adhered to and complied in accordance to Sarbanes-Oxley (SOX) policies and procedures.  
Installed and Serviced various integrated security systems (CCTV, Access, Fire, Burglar, Intercom and Computer base applications).

Supervisor  
1992–2001

SecurityLink from Ameritech, 1011 Sneath Ln. San Bruno, CA 94066

Supervising Call Center dispatchers that report on alarm activity from commercial, residential and local government agencies.

Performed HR duties and responsibilities insuring all employees adhere to company policies, procedures and industry practices.

Performed Customer Care duties by assisting customers on a variety of different questions, concerns and problems in an efficient and timely manner this includes but not limited to, Billing, Contracts, Service appointments and Technical Support to identify and resolve system functionality issues.

Education:  
2009-Present

Skyline College, 3300 College Drive, San Bruno, CA 94066

Network Engineering; Certification in progress.

Professional Skills:

Oracle Database, MAS, MS Office Programs, Lawson, Mastermind, Six Sigma Awareness Training and Sarbanes-Oxley procedures.



# AB-109 Realignment


East and Central County Planning  
Emerald HPC International. LLC





# What is AB-109 Realignment

- In 2011, Governor Brown signed Assembly Bill (AB) 109. It is the cornerstone of California's solution for reducing the number of inmates in the state's 33 prisons to 137.5 percent of design capacity by June 27, 2013, as ordered by the Three-Judge Court and affirmed by the U.S. Supreme Court, and for reducing recidivism among this population.
- All provisions of AB 109 are prospective, (post realignment implementation), and implementation of the 2011 Realignment Legislation began October 1, 2011.



# AB-109 Realigns 3 areas of the California Criminal Justice System

- Courts
- Prisons
- Supervision (Parole and Probation)

On a prospective basis, the legislation:



# Courts

- The impact on courts is primarily in the area of sentencing. The 3 most obvious changes are:
- The term “felony” has been redefined to mean an offense punishable by death or by imprisonment in the state prison or by imprisonment in the county jail for more than a year.
- Sentences for most felonies that are not serious, nonviolent and non-registerable sex offenses (so-called "non-non-non felonies"), if the defendant also has no prior serious, violent or registerable convictions, will now be served in the county jail. (The length of felony terms have not changed.)
- Felonies with non-specified terms in the underlying statute will be punishable by a term of 16 months, 2 years or 3 years in the county jail. Sentences for these offenses may include a period of county jail and a period of probation not to exceed the maximum possible term.



# Transferred the location of Incarceration

- Transferred the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail pursuant to Penal Code 1170 (h) and provides for an expanded role for post-release Mandatory Supervision for these offenders
- This applies to post implementation offenses. It is not a transfer of residence for inmates convicted of felonies prior to the implementation of AB-109 in October of 2011.



## Important to Note

- No inmates currently in state prison will be transferred to county jails
- No inmates currently in state prison will be released early
- All felons sent to state prison will continue to serve their entire sentence in state prison
- All felons convicted of current or prior serious or violent offenses, sex offenses, and sex offenses against children will go to state prison
- There are nearly 60 additional crimes that are not defined in Penal Code as serious or violent offenses but at the request of law enforcement were added as offenses that would be served in state prison rather than in local custody



# Transferred Responsibility for Post-Release Supervision

- Applies to inmates released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense
- Transfers supervision from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS); - (already released, but transferred from state parole to county probation supervision)
- County Probation Department is responsible for supervision.
- Supervision is mandatory, but re-entrants are not required to seek services



# Exceptions to County Supervision

- Inmates paroled from life terms to include third-strike offenders;
- Offenders whose current commitment offense is violent or serious, as defined by California's Penal Code §§ 667.5(c) and 1192.7(c);
- High-risk sex offenders, as defined by CDCR;
- Mentally Disordered Offenders; nor
- Offenders on parole prior to October 1, 2011.
- Offenders who meet the above-stated conditions will



# Transfer of Housing Responsibility In The Case of Revocation

- What this means is that the housing responsibility for parole and PRCS revocations for Non/Non/Non offenders is transferred to local jail custody. In other words, if a re-entrant reoffend, they will be housed in local jails
- Its important to note that with original offenses and in the case of re-offenses, inmates are housed in facilities within the county where they resided at the time of the most recent offense.
- Further, when they are released from completing a term in county jail, they are released to the communities where they resided at the time of their offense.





# AB-109 Funding

- In November 2012, California voters approved Governor Brown's Proposition 30 which created a constitutional amendment that protected ongoing funding to the counties for Realignment. The amendment prohibits the Legislature from reducing or removing funding to the counties.



# Contra Costa County

- Here in Contra Costa County we received 21 Million for the 2012/2013 fiscal year to restructure our criminal justice system under realignment.
- Several cities included funding for Re-Entry focused officers.
- \$2,820,000 was allotted to be spent to deliver Community Program services in the following amounts: \$2,000,000 for Employment Support and Placement Services, \$500,000 for Short and Long-Term Housing Access, \$200,000 for Peer and Mentoring Support, and \$120,000 for Planning for Three Reentry Resource Centers



# Demographics Between October 2011 and February 2013

- Contra Costa County has received a total of:
- 425 PRCS Clients and 313 1170-h Clients for a total of 738
- In Central Contra Costa County, 80% of all re-entrants resided in Concord and Martinez at the time of their most recent offense
- In East Contra Costa County, 88% of all re-entrants lived in Antioch, Pittsburg and Bay Point at the time of the latest arrest



# County-Wide

- Of the 425 PRCS re-entrants:
  - 393 are Male
  - 31 are female
  - The average age is 38
  - 32% are White
  - 45% are Black
  - 19% are Hispanic
  - 0.5% are Asian
  - 0.6% are Filipino
  - 0.25% are Samoan



# County-Wide

- Of the 313 1170(h) re-entrants:
  - 271 are Male
  - 42 are female
  - The average age is 37
  - 42% are White
  - 15% are Black
  - 19% are Hispanic
  - 0% are Asian
  - 0.33% are Filipino
  - 0.14% are Samoan



# Planning

- East and Central County Planning Teams
- Representatives from Criminal Justice Agencies, County Service Providers, Police Departments and City Officials, County Contractors, Faith and Re-Entry Community Representatives
- Approximately 9 month process
- No Wrong Door - Multi-Stop system of service vision for East and Central
- Outcomes: Feasible and sustainable plan, outcomes projections and measures related to reducing recidivism, cross-agency MOUs, and Implementation budget



# Emerald HPC Team

- Emeraldhpc.com
- Keith and Iris Archuleta, Emerald HPC International LLC
- Colin Craig – Different Tracks Global
- Jaap van der Sar – Oikosnet
- Andy Wong – AJW Consulting
- Jim Hyde – Dprep Consulting
- Vernon Williams- The Williams Group



## On a Final Note

- The idea of looking for ways to reduce NNN felon recidivism did not start with AB-109.
- In September 2010, Gov. Schwarzenegger signed into law, Senate Bill 1266, creating the Alternative Custody Program (ACP). Under ACP, Non/Non/Non offenders may serve the remainder of their sentences under state parole supervision while wearing an ankle monitor in a residential home, a non-profit residential drug treatment program, or transitional care facility that offers individualized care. The focus is re-uniting low-level inmates with their families and re-integrating them into their community. Beginning in September 2011 the program was initially offered to qualifying female inmates with 24 or less months to serve.