



Council Chambers
200 H Street
Antioch, CA 94509

Closed Session - 5:30 P.M.
Regular Meeting - 7:00 P.M.

***REVISED**

ANNOTATED AGENDA

for

AUGUST 28, 2018

**Antioch City Council
Regular Meeting**

**Including the Antioch City Council
acting as Housing Successor to the
Antioch Development Agency**

Sean Wright, Mayor
Lamar Thorpe, Mayor Pro Tem
Monica E. Wilson, Council Member
Tony Tiscareno, Council Member
Lori Ogorchock, Council Member

Arne Simonsen, CMC, City Clerk
Vacant, City Treasurer

Ron Bernal, City Manager
Derek Cole, Interim City Attorney

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

Electronic Agenda Packet viewing at: <http://www.ci.antioch.ca.us/CityGov/agendas/FindAgenda.asp>
With Project Plans at: <http://ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/Project-Pipeline.pdf>
Hard Copy viewing at: Antioch Public Library, 501 W 18th St, Antioch, CA
Online Viewing: <http://www.ci.antioch.ca.us/CityGov/citycouncilmeetings.asp>

Council meetings are televised live on Comcast Channel 24

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, 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.

**5:31 P.M. ROLL CALL – CLOSED SESSIONS – for Council Members *Council Members Wilson, Ogorchock, Mayor Pro Tem Thorpe (arrived at 5:34pm) and Mayor Wright*
*Absent: Council Member Tiscareno***

PUBLIC COMMENTS for Closed Sessions

CLOSED SESSIONS:

- 1) **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City's Labor Negotiators is authorized by California Government Code section 54957.6; City designated representatives: Nickie Mastay and Glenn Berkheimer; Employee organization: Treatment Plant Employees' Association (TPEA).
Direction given to Labor Negotiators
- 2) **CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 54956.9 (d)(2): One potential case.
Update received and direction given to City Attorney

**7:03 P.M. ROLL CALL – REGULAR MEETING – for City /City Council Members acting as Housing Successor
to the Antioch Development Agency *Council Members Wilson, Ogorchock, Mayor Pro Tem Thorpe and Mayor Wright; Absent: Council Member Tiscareno***

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

- *PLANNING COMMISSION*
- *CITY TREASURER*

PUBLIC COMMENTS – *Members of the public may comment only on unagendized items. The public may comment on agendized items when they come up on this Agenda.*

CITY COUNCIL COMMITTEE REPORTS

MAYOR'S COMMENTS

PRESENTATION – *Youth Police Academy, presented by Lieutenant Tarra Mendes*

1. CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency

A. APPROVAL OF COUNCIL MEETING MINUTES FOR JULY 24, 2018

Approved, 4/0

Recommended Action: It is recommended that the City Council approve the Meeting Minutes.

STAFF REPORT

B. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR JULY 31, 2018

Approved, 4/0

Recommended Action: It is recommended that the City Council approve the Special Meeting Minutes.

STAFF REPORT

C. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR AUGUST 3, 2018

Approved, 4/0

Recommended Action: It is recommended that the City Council approve the Special Meeting Minutes.

STAFF REPORT

D. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR AUGUST 7, 2018

Approved, 4/0

Recommended Action: It is recommended that the City Council approve the Special Meeting Minutes.

STAFF REPORT

E. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR AUGUST 9, 2018

Approved, 4/0

Recommended Action: It is recommended that the City Council approve the Special Meeting Minutes.

STAFF REPORT

F. APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 14, 2018

Approved, 4/0

Recommended Action: It is recommended that the City Council approve the Meeting Minutes.

STAFF REPORT

G. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR AUGUST 21, 2018

Approved, 4/0

Recommended Action: It is recommended that the City Council continue the Special Meeting Minutes to the next meeting.

STAFF REPORT

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

H. APPROVAL OF COUNCIL WARRANTS

Approved, 4/0

Recommended Action: It is recommended that the City Council approve the warrants.

STAFF REPORT

I. TREASURER'S REPORT – JULY 2018

Approved, 4/0

Recommended Action: It is recommended that the City Council receive and file the July 2018 Treasurer's Report.

STAFF REPORT

J. ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO FORWARD A RESPONSE TO COUNTYWIDE GRAND JURY REPORT: "JOINT POWERS AUTHORITIES TRANSPARENCY AND ACCOUNTABILITY" (REPORT 1808)

Reso No. 2018/103 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution authorizing the City Manager to forward a response to the Grand Jury report: "Joint Powers Authorities Transparency and Accountability" (Report 1808).

STAFF REPORT

K. FULTON YARD RECYCLING PROJECT BID AWARD

Reso No. 2018/104 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt the resolution awarding the Fulton Yard Recycling Project contract to C&J Favalora Trucking Inc. in an amount not to exceed \$200,000 per fiscal year for the period of September 1, 2018 through June 30, 2021, with an option to extend for an additional two years.

STAFF REPORT

L. FIRST AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH J.J.R. CONSTRUCTION, INC. FOR THE CURB RAMPS, BIKE LANE AND PEDESTRIAN IMPROVEMENTS AT VARIOUS LOCATIONS (P.W. 409-5)

Reso No. 2018/105 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Amending the fiscal year 2018/2019 Capital Improvement budget by carrying forward \$526,611 in unspent budgeted SB1 funds designated for Pavement Preventative Maintenance Program in fiscal year 2017/2018; and
- 2) Reallocating \$526,611 in unspent budgeted SB1 funds designated for Pavement Preventative Maintenance Program to the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations project; and
- 3) Increasing fiscal year 2018/2019 Measure 'J' funding for the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations project in the amount of \$73,399; and
- 4) Increasing the existing contract with J.J.R. Construction, Inc. for the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations project by \$600,000 for a total contract amount of \$2,236,452.

STAFF REPORT

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

M. CONSIDERATION OF BIDS FOR THE LONE TREE WAY AND GOLF COURSE ROAD PAVEMENT RESURFACING PROJECT (P.W. 392-30)

Reso No. 2018/106 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Reallocating \$1,861,720 of SB1 funding designated for the Pavement Preventative Maintenance Program to the Lone Tree Way and Golf Course Road Pavement Resurfacing project; and
- 2) Awarding a contract for Lone Tree Way and Golf Course Road Pavement Resurfacing to the lowest responsive and responsible bidder, Intermountain Slurry Seal, Inc.; and
- 3) Authorizing the City Manager to execute an agreement in the amount of \$2,079,012.

STAFF REPORT

N. RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT FOR IN-TRACT AND OFF-TRACT IMPROVEMENTS FOR NELSON RANCH UNIT 3 SUBDIVISION 8851 (PW 547-3)

Reso No. 2018/107 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt the resolution approving an Improvement Agreement for In-Tract and Off-Tract Improvements for Nelson Ranch Unit 3 Subdivision 8851 (PW 547-3) and authorize the City Manager to execute the Improvement Agreement in substantially the same form recommended by staff.

STAFF REPORT

O. FOURTH AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH JN ENGINEERING FOR ON-CALL INSPECTION SERVICES

Reso No. 2018/108 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution amending the fiscal year 2018/2019 Capital Improvements budget to increase funding for on-call inspection services by \$100,000 and authorize the City Manager to execute the Fourth Amendment to the Consultant Services Agreement with JN Engineering to continue to provide on-call inspection services for a total contract amount of \$375,000 and extend the term of the contract to June 30, 2019.

STAFF REPORT

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

P. APPROVAL OF HOUSING SUCCESSOR WARRANTS

Approved, 4/0

Recommended Action: It is recommended that the City Council approve the warrants.

STAFF REPORT

PUBLIC HEARING

2. ACCESSORY DWELLING UNITS ORDINANCE AMENDMENT (Z-18-06)

STAFF REPORT

Recommended Action: It is recommended that the City Council introduce the Ordinance making text amendments to Section 9-5.3805-*Accessory Dwelling Units* of the Zoning Ordinance to comply with new State Laws relating to Accessory Dwelling Units.

To 9/11/18 for adoption, 4/0

3. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH REPEALING AND REENACTING CHAPTER 19 OF TITLE 5 OF THE ANTIOCH MUNICIPAL CODE CONCERNING MASSAGE ESTABLISHMENTS

Recommended Action: It is recommended that the City Council waive the first reading and consider the Introduction of an Ordinance of the City Council of the City of Antioch Repealing and Reenacting Chapter 19 Of Title 5 of the Antioch Municipal Code Concerning Massage Establishments.

To 9/11/18 for adoption amending Section 5-19.18 from 18 months to 2 years, 4/0

STAFF REPORT

COUNCIL REGULAR AGENDA

4. BOARD OF ADMINISTRATIVE APPEALS APPOINTMENTS FOR ONE (1) FULL MEMBER AND ONE (1) ALTERNATE MEMBER, PARTIAL-TERM VACANCIES

Reso No. 2018/109 adopted appointing Darrell Goodbeer as Board Member, 4/0

Recommended Action: It is recommended that the Mayor nominate and Council appoint by resolution:

- 1) One Board Member to the Board of Administrative Appeals for a partial-term vacancy which will expire March 2020; and
- 2) One Alternate Board Member to the Board of Administrative Appeals for a partial-term (two-year term) which will expire July 2019.

STAFF REPORT

5. CONSIDERATION OF ACTION TO BE TAKEN REGARDING "INITIATIVE TO CHANGE GENERAL PLAN DESIGNATIONS WITHIN THE SAND CREEK FOCUS AREA AND PERMANENTLY REQUIRE VOTER APPROVAL OF AMENDMENTS TO URBAN LIMIT LINE"

Recommended Action: It is recommended that the City Council take one of the following actions concerning the Initiative to Change General Plan Designations within the Sand Creek Focus Area and Permanently Require Voter Approval of Amendments to Urban Limit Line:

Ord. No. 2150-C-S adopted, 3/1 (Ogorchock)

- A) Adopt the ordinance, without alteration; or
- B) Submit the ordinance, without alteration, to the voters.

STAFF REPORT

COUNCIL REGULAR AGENDA – Continued

6. NEW WATER ACCOUNT ESTABLISHMENT PROCEDURES

STAFF REPORT

Recommended Action: It is recommended that the City Council provide direction to staff on procedures for establishing new water accounts.

Direction given to Staff

7. CODE ENFORCEMENT CONTRACT STAFFING

STAFF REPORT

Recommended Action: It is recommended that the City Council offer comment and/or direction to the City Manager regarding Code Enforcement Staffing Options.

Direction given to Staff

8. RESOLUTION REMOVING THE CLASS SPECIFICATION FOR DEPUTY PUBLIC WORKS DIRECTOR II AND ASSISTANT CITY ENGINEER II, REMOVING THE SALARY RANGE, AND REMOVING THE CLASSIFICATION FROM THE MANAGEMENT (SENIOR) BARGAINING UNIT

Reso No. 2018/110 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Removing the class specification for Deputy Public Works Director II and Assistant City Engineer II; and
- 2) Removing the Deputy Public Works Director II Classification and Assistant City Engineer II Classification Salary Range and Removing the Deputy Public Works Director II Classification and Assistant City Engineer II Classification from the Management (Senior) Bargaining Unit.

STAFF REPORT

9. PUBLIC WORKS DEPARTMENT – ENGINEERING DIVISION ORGANIZATIONAL STRUCTURE

Reso No. 2018/111 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution freezing the Assistant City Engineer Position and Approving one (1) Project Manager position and authorizing the Appropriate Budget Adjustments.

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS – *Council Members report out various activities and any Council Member may place an item for discussion and direction on a future agenda. Timing determined by Mayor and City Manager – no longer than 6 months.*

ADJOURNMENT - 9:54 p.m.

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

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

**July 24, 2018
Council Chambers**

5:30 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City’s Labor Negotiators is authorized by California Government Code section 54957.6; City designated representatives: Nickie Mastay and Glenn Berkheimer; Employee organization: Treatment Plant Employees’ Association (TPEA).
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** (Paragraph (1) of subdivision (d) of Section 54956.9) Contra Costa County Flood Control and Water Conservation District v. Eames, Contra Costa Sup. Ct. Case No. C15-02052.
- 3. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 54956.9 (d)(2): One potential case.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, direction given to Labor Negotiators and **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, no reportable action; and, **#3 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, no reportable action.

Mayor Wright called the meeting to order at 7:03 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

Mayor Wright welcomed the Antioch’s DeMolay, Rainbow Girls and Job’s Daughters who were in attendance this evening.

PLEDGE OF ALLEGIANCE

Rainbow Girls Diablo Valley #84 led the Council and audience in the Pledge of Allegiance.

On behalf of the Antioch/Brentwood Masonic Lodge, Councilmember Ogorchock was presented with her father’s Golden Veteran’s Award.

1. PROCLAMATIONS

*1st Place Finish in the 2018 SWAT Fitness Challenge, Antioch Police Department SWAT Team
Antioch Christian Center Celebration of 20 Years of Service, August 5, 2018
In Honor of Antioch City Treasurer Donna Conley*

In Honor of Antioch Planning Commissioner Jim Conley

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the Council unanimously approved the Proclamations.

Mayor Wright presented the *1st Place Finish in the 2018 SWAT Fitness Challenge, Antioch Police Department SWAT Team* proclamation to Lieutenant Bittner and Detectives Hoffman, Brogdon and Smith.

Mayor Wright presented the *Antioch Christian Center Celebration of 20 Years of Service* proclamation to Keith Archuleta who accepted on behalf of Antioch Christian Center and thanked the City Council for their support.

The City Council presented the *In Honor of Antioch City Treasurer Donna Conley* proclamation to City Treasurer Donna Conley who recognized Finance Director Merchant and Deputy City Clerk Garcia for assisting her in her duties. She stated it was a privilege to have served the citizens of Antioch.

The City Council presented the *In Honor of Antioch Planning Commissioner Jim Conley* proclamation to Antioch Planning Commissioner Jim Conley who stated it was a privilege to have served the citizens of Antioch. He spoke in support of The Ranch project and maintaining local control over development in the City.

The City Council stated they appreciated Jim and Donna Conley's service to the community and wished them the best.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser announced the following events:

- Summer Concerts by the River from 6:00 P.M. – 8:00 P.M. in Waldie Plaza
- Mad City Money Event at 12:30 P.M. on August 1, 2018 at the Antioch Water Park
- Family Game Day from 11:00 A.M. – 6:00 P.M. on August 3, 2018 at the Water Park

Velma Wilson, Antioch Schools Education Foundation, invited the Council to attend the Mary Allen Fellow Award Dinner from 4:00 P.M. – 7:00 P.M. on September 18, 2018 at the Lone Tree Golf and Event Center. She announced tickets were available through Eventbrite.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- Sales Tax Citizens' Oversight Committee: Seven (7) vacancies; deadline date is August 17, 2018

He reported applications would be available online at the City's website and at the City Clerk's and Deputy City Clerks offices. He announced the nomination period for two seats on the Antioch City Council began July 16, 2018 and would end on August 10, 2018. Anyone wishing to pull papers for City Council were encouraged to contact the City Clerk's office for an appointment.

PUBLIC COMMENTS

Hal Bray and Dennis Clay, representing the Contra Costa Taxpayers Association, discussed and provided Council with the current pension liabilities for cities within Contra Costa County. They questioned how the City was planning to fulfill their obligation to CalPERS and offered to assist the City with this issue.

Lisa Vorderbrueggen, Building Industry Association of the Bay Area, discussed and provided a handout to the Council of the City's Permitted Housing Units 1990-2018 and the Annual Progress Report Permit Summary Table. She offered to be a resource to the City on housing issues.

Gabi Rivas, First 5 Contra Costa, invited the community to participate in the Physical Activity and Community Engagement (PACE) program kickoff event from 11:00 A.M. – 1:00 P.M. August 25, 2018 at Prosserville Park. She encouraged residents to participate in the PACE program.

Claryssa Wilson, Antioch resident, invited the community to the 6th Annual Stuff the Bus School Supply Give Away from 10:00 A.M. – 1:00 P.M. on August 4, 2018 at Somersville Towne Center. She thanked the Warriors for donating to the event and asked the City for their support. Contact information was provided for anyone wishing to donate to the event. She suggested the City create a youth taskforce to develop more viable solutions for youth.

Dan Torres, Business Agent for Sprinkler Fitters Local 483, announced the State had adopted a State Certification for Fire Sprinkler Installers and starting January 19, 2018 it required anyone who installs, tests, or maintains life safety fire sprinklers to be a certified journeyman or a State approved registered apprentice.

Allen Payton, Antioch resident, suggested the City Council place the City Treasurer vacancy on the November ballot.

City Clerk Simonsen clarified that when an elected official resigned, there was an 88-day waiting period and the only option for Council was to appoint a replacement or call a special election.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson announced she would be attending a Tri Delta Transit meeting on July 25, 2018.

Councilmember Thorpe reported that on behalf of Mayor Wright, he had attended the Mayor's conference and Delta Diablo meeting. He thanked Director of Parks and Recreation Kaiser for her excellent work with youth programming.

MAYOR'S COMMENTS

Mayor Wright reported on his attendance at the Mayors Conference on Entrepreneurship in Kansas City, Missouri.

2. **CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency**
 - A. **APPROVAL OF COUNCIL MINUTES FOR JUNE 26, 2018**
 - B. **APPROVAL OF COUNCIL WARRANTS**
 - C. **APPROVAL OF TREASURER'S REPORT FOR JUNE 2018**
 - D. **ORDINANCE NO. 2144-C-S URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING TITLE 3, CHAPTER 2 OF THE ANTIOCH MUNICIPAL CODE TO UPDATE PROCEDURES REGARDING SIGNATURES**
 - E. **RESOLUTION NO. 2018/87 APPROVING THE SMALL LOT FINAL MAPS AND IMPROVEMENT PLANS FOR PROMENADE PHASES 1, 2 AND 3 - VINEYARDS AT SAND CREEK SUBDIVISIONS 9484, 9483 AND 9482 (PW 697-1, PW 697-2 & PW 697-3)**
 - F. **RESOLUTION NO. 2018/88 REIMBURSEMENT RESOLUTION FOR THE FILING OF A FINANCIAL ASSISTANCE APPLICATION WITH THE STATE WATER RESOURCES CONTROL BOARD FOR A DRINKING WATER STATE REVOLVING FUND LOAN UP TO \$55,000,000 FOR THE BRACKISH WATER DESALINATION PROJECT (P.W. 694)**

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

- G. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously approved the Council Consent Calendar.

PUBLIC HEARING

3. **PROPOSED UPDATES TO THE MASTER FEE SCHEDULE EFFECTIVE SEPTEMBER 24, 2018**

City Manager Bernal introduced Public Hearing Item #3.

Finance Director Merchant presented the staff report dated July 24, 2018 recommending that the City Council adopt the resolution approving updates to the Master Fee Schedule effective September 24, 2018.

Mayor Wright opened the public hearing.

Jacqueline Salvador, Antioch resident, expressed concern that the agenda this evening was so large that it was difficult to review all of the information. She stated if the City was going to raise the false alarm fee, then they should maintain that the first three responses in a calendar year were at no charge. She requested the City Council review the process prior to this item going forward.

Mayor Wright closed the public hearing.

Finance Director Merchant explained that the City Council had held two public Study Sessions on this item. Additionally, consultants had worked with each department over several months analyzing data to determine the maximum costs recovery for all fees.

Councilmember Ogorchock apologized for the lengthy agenda and explained two initiatives had come forward that needed to be considered this evening. She noted the Master Fee Schedule update process had been on previous agendas for discussion prior to it coming back to Council for adoption.

RESOLUTION NO. 2018/89

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously adopted the resolution approving updates to the Master Fee Schedule effective September 24, 2018.

4. BLACK DIAMOND RANCH UNIT 4 (PD-16-01)

City Manager Bernal introduced Public Hearing Item #4.

Director of Community Development Ebbs introduced Contract Planner Junker who presented the staff report dated July 24, 2018 recommending the City Council take the following actions: 1) Adopt the Resolution approving the Black Diamond Ranch Unit 4 Initial Study and Mitigated Negative Declaration; and 2) Introduce and Waive Reading of the Ordinance amending the Black Diamond Ranch Hillside Planned Development District; and 3) Adopt the Resolution approving the Black Diamond Ranch Unit 4 Vesting Tentative Map/Final Development Plan (PD-16-01) subject to conditions of approval.

Mayor Wright opened and closed the public hearing with no members of the public requesting to speak.

**RESOLUTION NO. 2018/90
RESOLUTION NO. 2018/91**

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously 1) Adopted the Resolution approving the Black Diamond Ranch Unit 4 Initial

Study and Mitigated Negative Declaration; and 2) Introduced and Waive Reading of the Ordinance amending the Black Diamond Ranch Hillside Planned Development District; and 3) Adopted the Resolution approving the Black Diamond Ranch Unit 4 Vesting Tentative Map/Final Development Plan (PD-16-01) subject to conditions of approval.

Mayor Wright declared a recess at 8:15 P.M. The meeting reconvened at 8:30 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

5. RESOLUTION CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 6, 2018 SUBMITTING TO THE VOTERS A BALLOT MEASURE EXTENDING THE TRANSACTION AND USE TAX (SALES TAX) MEASURE

City Manager Bernal introduced Regular Agenda Item #5.

Curtis Below, FM3 Research, Opinion Research, & Strategy, presented a PowerPoint presentation of the Antioch 2018 Community Survey – Key Findings of a 2018 Survey of Antioch Voters Conducted June 10-15, 2018.

Deborah Polk and Christina Clark, East County Regional Group, spoke in support of the ballot measure and requested that at least 20 percent of the tax revenue go toward program and park equity for children and youth.

Dr. Jeffrey Klingler, Antioch resident, requested Council modify the language to include a sunset date and indicate that it was a permanent sales tax increase not earmarked for specific items.

Beverly Knight, Antioch resident, voiced her support for continuing Measure C to fully staff the Police Department.

Marty Fernandez, Antioch resident, expressed concern that an increase in tax rate would be detrimental to Antioch businesses.

Steve Aiello, Antioch Police Officers Association (APOA), gave a history of Measure C and the positive impact it had on the staffing levels of the Antioch Police Department. He stated the APOA would like to support this measure, with the understanding that at least 80 percent be directed to support public safety and with assurance of an oversight committee.

Ralph Garrow, Antioch resident, former member of the Measure C Sales Tax Citizens' Oversight Committee, stated he believed more than 60 percent of the tax revenue should be directed toward public safety and the remainder toward specific items to reduce crime.

Samson Knight, Antioch resident, voiced his support for the public safety and youth support provisions included within the new Sales Tax Initiative. He recommended 60 percent be allocated

to the Antioch Police Department with the remaining 40 percent going toward quality of life and community services.

Ellie Householder, Antioch resident, former Vice Chair of the Measure C Sales Tax Citizens' Oversight Committee, voiced her support for the new Sales Tax Initiative.

Steven Fuentes, Antioch resident, voiced his support for Measure C and increasing funding for youth programs.

Fredy Leon, East County Regional Group, requested Council consider allocating equitable funds to improve parks and programming in low income communities.

Warren Lutz, Antioch resident, advocated for 60 percent of the sales tax going toward Antioch Police Department with annual audits and at least 20 percent of the remaining revenue going toward youth services.

Rhea Laughlin, East County Regional Group, thanked Council and City Manager Bernal for proposing the Sales Tax Measure and encouraged Council to include a robust amount for children's programming and parks.

Councilmember Ogorchock thanked Councilmembers Wilson and Thorpe as well as staff for their hard work on this item. She expressed concerned that this Measure was coming to Council with a timeline that would not allow them to fully vet it. She stated that she believed the APOA should have been involved in the Adhoc committee.

Councilmember Ogorchock moved to 1) Adopt the resolution of the City Council of the City of Antioch Calling for a Municipal Election on November 6, 2018 to Request City Voters Extend and Increase the City's Transaction and Use Tax from One-Half Cent to One Cent to Provide for Public Safety and 911 Service, Support Youth, and Maintain Other Quality of Life Services; and, 2) Enact an Ordinance of the City Council of the City of Antioch Submitting a Proposition to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to Increase the City's Transactions and Use Tax from a Half Cent to One Cent and to Impose This Tax Until Repealed by the Voters. 3) Maintain Public Safety target for Antioch Police Department at 80 percent, support youth services 10 percent, support quality of life/fiscal stability and accountability at 10 percent.

Councilmember Tiscareno seconded the motion.

City Clerk Simonsen commented that there was no specificity with regards to the allocation of money in the Resolution or Ordinance. He recommended the Ordinance language be changed striking "Proposition" and replacing it with "Measure".

Interim City Attorney Cole explained that the only action before Council this evening was items #1 and 2. He clarified that spending priorities were essentially a staff discussion and the tax could be spent for any lawful purpose, at any time.

Councilmember Thorpe thanked Council for allowing him to serve on the committee and voiced his appreciation to staff for being part of that process. He clarified that it wasn't until recently that the information had become available and provisions were developed based on data collected.

Councilmember Wilson thanked everyone who participated in their efforts to get public input. She noted a lot of thought was put into the recommendation and the Antioch Police Department were included in the process.

Councilmember Tiscareno stated that it was his opinion that this Measure was an extension of Measure C, and the City should act accordingly. He noted his priority was sustaining and growing the Antioch Police Department and the City would have the opportunity to keep their promise on funding priorities during the budget process.

Mayor Wright stated that Antioch voters would have the opportunity to tax themselves to provide the amenities and services desired. He stated he hoped the community would come together to support the resources needed to do so. He noted that he would support 80 percent of the tax being allocated to public safety.

Interim City Attorney Cole stated he supported striking the word "Proposition" and changing it to "Measure". Additionally, he recommended the "Now, Therefore, Be It Resolved", clause read, "that the People of the City of Antioch do ordain as follows".

City Clerk Simonsen stated if approved, he would request Council consider a future budget amendment for the amount of \$63,950 to place this item on the ballot.

Councilmember Thorpe thanked Council for being understanding and assured the community that every new development would participate in a community facilities district specifically for the Antioch Police Department.

Following discussion, Councilmember Ogorchock amended her motion. Councilmember Tiscareno agreed to second the amended motion, which was approved as follows:

RESOLUTION NO. 2018/92
ORDINANCE 2145-C-S

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously 1) Adopted a Resolution of the City Council of the City of Antioch Calling for a Municipal Election on November 6, 2018 to Request City Voters Extend and Increase the City's Transaction and Use Tax from One-Half Cent to One Cent to Provide for Public Safety and 911 Service, Support Youth, and Maintain Other Quality of Life Services; and 2) Enacted an Ordinance of the City Council of the City of Antioch Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to Increase the City's Transactions and Use Tax from a Half Cent to One Cent and to Impose This Tax Until Repealed by the Voters. With the following changes:

- Amending the Ordinance under the “Now, Therefore, Be It Resolved” to read: “that the People of Antioch do ordain as follows:”
- Striking the word “Proposition” from the Ordinance and replacing it with “Measure”

6. INITIATIVE TO RESTRICT DEVELOPMENT IN PORTIONS OF THE SAND CREEK AREA, APPROVE A DEVELOPMENT AGREEMENT FOR “THE RANCH” PROJECT IN THAT AREA, AND ALLOW AMENDMENT OF THE URBAN LIMIT LINE BY VOTER APPROVAL ONLY

City Clerk Simonsen announced a letter from Manatt that included comments on items #6 and 7 on behalf of The Zeka Group, had been distributed to Council, staff and were available in Council Chambers this evening. Additionally, copies of the PowerPoint presentation were made available to Council, staff and were available in Council Chambers this evening.

City Manager Bernal introduced Regular Agenda Item #6.

Interim City Attorney Cole clarified there was an error in the staff report and the signature tally for this initiative was 5156. He presented the staff report dated July 24, 2018 recommending the City Council receive and file the Clerk’s Certificate to Initiative Petition and A) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented; or B) Submit the ordinance, without alteration, to the voters; or C) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

Craig Cristina, Richland on behalf of Initiative Proponents, urged Council to adopt the West Sand Creek initiative and gave a PowerPoint Presentation of the Initiative West Sand Creek & The Ranch.

Tom Hansen, IBEW 302, Dan Torres, Sprinkler Fitters Local 483, Tom Lawson, Plumbers & Steamfitters UA Local 159, Richard Pagano, Antioch Chamber of Commerce, Walter Hart on behalf of himself and Terry Ramus, Walter Schlueter, Antioch resident, Brian Peterson, Antioch resident, Anthony Solak, Antioch resident, Mathew Brown, Antioch resident, Tim Riley, Antioch resident, Dale Paris, Antioch resident, William Dee, Antioch Police Officers Association, Daniel Vega, Antioch resident, Ralph Garrow, Antioch resident, Donald Freitas, Antioch resident, Eynar Lechado, Antioch resident, Local 483, Scott MacIntyre, Clayton resident, spoke in support of the Initiative and requested the Council adopt it this evening.

Andrew Bassak, representing The Zeka Group, suggested Council send this matter out for more study and proceed with a multi-stakeholder collaborative process. He noted if enacted, it could not be changed unless there was voter approval of the decision.

Michael Milani, The Zeka Ranch, suggested Council send both initiatives out for study. He expressed concern that the Initiative would eliminate the process and he wanted the developers to be able to present their plans to the City so that they could be fully vetted.

Louisa Kao, President of The Zeka Group and property owner of Zeka Ranch, requested Council send this matter out for a 30-day study. She noted the Initiative was flawed and would eliminate their ability to build homes.

Manny Soliz Jr., Antioch resident, Debbie Toth, President CEO, Choice in Aging, Lorna Van Ackeren, Advisory Council on Aging, spoke in support of the Initiative and requested the Council adopt it this evening.

Wendi Agluly, Antioch resident, stated she opposed The Ranch project and supported submitting the Initiative to the voters.

Kate Hart, Land Use Counsel for Richland Communities, reported this project had been thoroughly and extensively studied. She stated adoption of the Initiative this evening would insure that the development of The Ranch would occur.

Allen Payton, Antioch resident, expressed concern that the Initiative ignored private property rights. He recommended Council send both initiatives to study for 30-days to determine the financial and legal impacts to the City.

Interim City Attorney Cole reviewed the options available to Council this evening.

Councilmember Ogorchock stated that this was a good project and needed, in Antioch.

Councilmember Tiscareno agreed with Councilmember Ogorchock. He stated he was also concerned for the property rights of other developers and he hoped to be able to find mechanisms to protect the integrity of development in the area.

Interim City Attorney Cole explained that the Initiative had language that stated if anyone felt aggrieved by such an adoption, they would have to go through the exemption process before Council prior to going to Court.

Councilmember Wilson commended the developer for reaching out to the community and adjusting the project to meet their concerns. She commented that Kaiser was built with the expectation that houses would be built in the area.

Councilmember Thorpe stated he was concerned with the process in which signatures had been gathered and for the lack of participation from stakeholders in the discussions this evening. He stated the more the City did not meet their housing element, the more they would lose local control.

Mayor Wright stated he was frustrated with the process. He noted if the Council adopted the Initiative this evening, they would end up with a project that may not be the best product for the community.

Councilmember Ogorchock reminded Council that residents supported the Initiative and all property owners had the same rights.

RESOLUTION NO. 2018/93
ORDINANCE NO. 2146-C-S

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously adopted the resolution and approved enacting the Initiative to restrict development in portions of the Sand Creek Area, approved a Development Agreement for The Ranch Project in that area and allowed amendment to the Urban Limit Line by Voter Approval Only.

**7. CONSIDERATION OF CERTIFICATION OF AND ACTION TO BE TAKEN REGARDING
“INITIATIVE TO CHANGE GENERAL PLAN DESIGNATIONS WITHIN THE SAND
CREEK FOCUS AREA AND PERMANENTLY REQUIRE VOTER APPROVAL OF
AMENDMENTS TO URBAN LIMIT LINE”**

City Manager Bernal introduced Regular Agenda Item #7.

Interim City Attorney Cole presented the staff report dated July 24, 2018 recommending the City Council receive and file the Clerk’s Certificate to Initiative Petition and A) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented; or B) Submit the ordinance, without alteration, to the voters; or C) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

Juan Pablo Galvan, Land Use Manager for Save Mt Diablo, requested the City Council choose option A and adopt their Initiative.

Beverly Knight, Antioch resident, requested the City Council adopt this Initiative.

Ralph Garrow, Antioch resident, spoke against Council adopting the Ordinance and requested that they approve Option C to order the report.

Mayor Wright read written comment from Christina Wilcox, Antioch resident, requesting Council adopt the Ordinance.

Erwin Mendoza, Antioch resident, thanked Council for serving the community and requested that they adopt the Initiative.

Andrew Bassak, The Zeka Group, stated that given action to adopt the previous Initiative, he supported Option C, to order the report.

Michael Milani, The Zeka Group, stated that he wished they had had the opportunity to work with the park district to bring a quality development to the Zeka property.

Louisa Zee Kao, The Zeka Group, Zeka Ranch, requested Council approve Option C, to order the report.

Cort Wilcox submitted a public speaker request form suggesting Council let the voters decide on whether to approve development or allow the area to remain open space.

Kristina Gutilla, Antioch Community to Save Sand Creek, Therese Kain, Antioch resident, Liz Kain, Antioch resident, Mark Maguire, Antioch resident, stated they were opposed to development in the Sand Creek Focus Area and requested the City Council adopt the Initiative.

Paul Seger, Sierra Club, stated they were opposed to development in the Sand Creek Focus Area and requested the City Council submit the Ordinance to the voters.

Dr. Wendi Agluly, Antioch resident, spoke in opposition to any development in the Sand Creek Focus Area and supported submitting the Ordinance to the voters.

Allen Payton, Antioch resident, questioned if this Initiative passed, how would it affect the previous action of Council this evening.

Dominic Knight, Lodi resident, opposed development in the Sand Creek Focus Area and requested the City Council submit the Ordinance to the voters.

Councilmember Tiscareno expressed concern regarding petitioners for this item misinforming the public. He stated if a compromise was made between Save Mount Diablo and Richland, they had deceived the Antioch voters. He stated with those concerns, he would support Option C ordering the 30-day report.

Councilmember Ogorchock stated she appreciated public comment this evening and noted that she had also experienced petitioners misinforming the public. She discussed the need for Senior Housing in Antioch and stated she would also support ordering the 30-day report.

Councilmember Thorpe expressed concern that the public was being misinformed by the proponents of this Initiative.

Councilmember Wilson stated she had also experienced petitioners misinforming the public and she supported ordering the 30-day report.

Mayor Wright stated the land being discussed this evening was private land and noted the open space would remain.

In response to Councilmember Tiscareno, Interim City Attorney Cole stated if Council wanted to order a 30-day report on the Initiative, he would suggest it come back at a Special Meeting on August 21, 2018, and then brought back for formal action on August 28, 2018.

In response to Councilmember Thorpe, Interim City Attorney Cole explained that adoption of the Save Mount Diablo Initiative would override the previously approved Ordinance; however, the Richland Development Agreement would be executed; therefore, the Initiative would apply to all of the other properties within the Sand Creek Focus Area.

Councilmember Ogorchock requested the 30-day report include the fiscal impacts as well as the impacts to the State's requirements for residential development units.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously ordered a 30-day report pursuant to Section 9212 on the Initiative to be heard at a Special Meeting on August 21, 2018 and to thereafter take action to either approve the Initiative or call an election at the next regular meeting on August 28, 2018.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Manager Bernal introduced the City's new Economic Development Director, Kwame Reed. He announced Smith's Landing would tentatively be opening on August 9, 2018 and August 9-11, 2018, they would be hosting a fundraiser with half of the proceeds going to non-profits. He also announced the delegation from Chichibu Japan would be visiting Antioch from July 30, 2018 – August 10, 2018 in honor of the 50th Anniversary with Chichibu as Antioch's Sister City and Mayor Kuki would be in attendance.

COUNCIL COMMUNICATIONS

Councilmember Thorpe requested staff agendize the renaming of the streets downtown.

Councilmember Wilson requested staff agendize the establishment of a property and business improvement district for the Somersville area and a pedestrian and bicycle strategic plan.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 11:44 P.M. to the next regular Council meeting on August 14, 2018.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

**ANTIOCH CITY COUNCIL
SPECIAL MEETING**

**Special Meeting
5:00 P.M.**

**July 31, 2018
Council Chambers**

Mayor Pro Tem Thorpe called the meeting to order at 5:00 P.M., and City Clerk Simonsen called the roll. Mayor Wright arrived at 5:00 P.M. during roll call.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

PLEDGE OF ALLEGIANCE

Mayor Wright led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS – None

Mayor Wright acknowledged Mayor Kuki and the President of the Sister-City organization from Chichibu Japan in attendance this evening.

1. ADOPT A RESOLUTION AMENDING RESOLUTION NO. 2018/92 SECTION 2 BALLOT LANGUAGE

City Manager Bernal introduced Item #1.

City Manager Bernal presented the staff report dated July 31, 2018 recommending the City Council adopt a Resolution amending Resolution No. 2018/92 Calling for a Municipal Election on November 6, 2018 to request City Voters extend and increase the City's Transaction and Use Tax from One-Half Cent to One Cent to provide for Public Safety and 911 Services, Support Youth, and maintain other Quality of Life Services.

City Manager Bernal announced Interim City Attorney Perez was present this evening via phone.

Administrative Services Director Mastay recommended that the Ordinance be amended to add to Section #2: Section 3-5.405 Transaction Tax Rate.

City Clerk Simonsen requested copies of the ordinance amendment be made available to Council, staff and the public. He announced an email was received from Manny Soliz and Kenny Turnage II, and copies had been made available to Council, staff and the public this evening.

Rich Buongiorno, Antioch resident, spoke in support of Council including a sunset clause and quarterly auditing in the resolution.

Manny Soliz, Antioch resident, thanked Councilmembers Wilson and Thorpe for working on the tax measure. He read an email he submitted to the City with revised language for the Ballot Measure which included an 8-year sunset clause and a Citizen's Oversight Committee.

Dr. Jeffrey Klingler, Antioch resident, expressed concern that it was not accurately represented that the City would have the ability to spend the tax revenue on any legal affair for the City. He spoke in support of a sunset clause.

City Clerk Simonsen explained that an Ordinance Transaction Tax Rate amendment was not on the agenda this evening; therefore, it would need to be considered at a subsequent meeting in which it was properly noticed.

Interim City Attorney Perez (by phone) explained that the Transaction Tax language was an amendment to the Ordinance that should have been included when it was submitted to Council at their last meeting. She recommended that the item come back to Council for consideration at a secondary Special Meeting. She noted Council could proceed with the Ballot Language item this evening.

Council agreed to hold a Special Meeting at 2:30 P.M. on August 3, 2018 to consider the Transaction Tax Rate language for the Ordinance.

Councilmember Thorpe motioned to adopt a resolution amending Resolution No. 2018/92 Ballot Language. The motion was seconded by Councilmember Wilson.

Councilmember Tony Tiscareno stated that in his opinion, this was an extension of Measure C and it would be treated as such. He noted he would consider adding a sunset clause provided it had longevity so the Council would not have to revisit the matter in five to six years.

Councilmember Thorpe explained and City Manager Bernal confirmed that if the ballot measure passed, the oversight committee would remain and they would serve at the direction of Council.

Discussion ensued regarding a sunset clause, with Councilmember Thorpe and Wilson explaining that it was not included as it posed challenges and the City was looking for a permanent solution. They commented that the ballot measure as proposed was a direct result of the data and feedback collected from the community.

Councilmember Tiscareno suggested a 20-year sunset clause be added to the resolution.

Councilmember Thorpe commented that the priorities for this measure were based on community input and cautioned that adding a sunset clause could compromise the measure.

Councilmember Tiscareno reiterated his support for a 20-year sunset clause.

Mayor Wright stated he would also support a 20-year sunset; however, he felt it was important that the Council remain unified in this effort.

City Manager Bernal added that he would not recommend changing any of the wording in the ballot measure because it would not reflect the information the City had gathered in order to come up with what they believed the community wanted and what the subcommittee had brought forward for consideration.

Mayor Wright requested staff explain to the Antioch Unified School District that the City was not taking on school programming.

Councilmember Tiscareno discussed the importance of the City Council remaining unified.

Interim City Attorney Perez commented that the only item before Council this evening was the amendment to the ballot language.

RESOLUTION NO. 2018/94

Council took action on the previous motion to adopt the resolution. The motion was approved unanimously.

The Council will hold a subsequent Special Meeting at 2:30 P.M. on Friday, August 3, 2018 to consider the Transaction Tax Rate language for the Ordinance.

PUBLIC COMMENTS

Dr. Jeffrey Klingler stated that section 3-5.416 of the Antioch Municipal Code was repealed in the ordinance that was passed, which was the Citizens' Oversight Committee. He stated that while it was the intent of the Council to fund the items listed in the resolution, the community should understand that it may not be possible.

STAFF COMMUNICATIONS

City Manager Bernal welcomed the City's guests from Chichibu, Japan and wished them a great visit in Antioch.

COUNCIL COMMUNICATIONS – None

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 5:55 P.M. to the Special Meeting on August 3, 2018.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk

**ANTIOCH CITY COUNCIL
SPECIAL MEETING**

**Special Meeting
2:30 P.M.**

**August 3, 2018
Council Chambers**

Mayor Wright called the meeting to order at 2:31 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS – None

- 1. REPEAL ORDINANCE NO. 2145-C-S WHICH IS EXHIBIT 1 OF ATTACHMENT A OF RESOLUTION NO. 2018/94; AND ENACT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH SUBMITTING A MEASURE TO THE VOTERS OF THE CITY OF ANTIOCH TO AMEND ARTICLE 4 OF CHAPTER 5 OF TITLE 3 OF THE ANTIOCH MUNICIPAL CODE TO INCREASE THE CITY'S TRANSACTIONS AND USE TAX FROM A HALF CENT TO ONE CENT AND TO IMPOSE THIS TAX UNTIL ENDED BY VOTERS**

City Clerk Simonsen announced Interim City Attorney Cole was participating in the meeting this afternoon by telephone.

City Manager Bernal introduced Item #1.

Interim City Attorney Cole apologized to Council for making the drafting error in the Ordinance that omitted a reference to language which imposes the Transaction Tax. He presented the staff report dated August 2, 2018 recommending that the City Council take the following actions: 1) Repeal Ordinance No. 2145-C-S which is "Exhibit 1" of "Attachment A" of Resolution No. 2018/94; and 2) Enact an Ordinance of the City Council of the City of Antioch as "Exhibit 1" of Resolution No. 2018/94 Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to Increase the City's Transactions and Use Tax from a Half Cent to One Cent and to Impose This Tax Until Ended by Voters.

Rich Buongiorno, Antioch resident, expressed concern with the timing of Ordinance and discussed the importance of transparency. He questioned if the Chamber of Commerce was in support of the Measure. He spoke in support of a sunset date and quarterly review.

Mark Jordan, Antioch resident, stated the City was attempting to provide a solution to the cash flow issue and he commended Council for informing the public about a potential solution. He noted it would be up to the voters to decide if they wanted to support a Tax Measure to improve the community.

Marty Fernandez, Antioch resident, expressed concern that at a meeting he recently attended there was conflicting information regarding whether there was an oversight committee in this Measure. He stated he felt the City was rushing into this without clear direction.

Ken Turnage II, Antioch resident, requested the City Council include language for the oversight committee, quarterly or semi-annual review and a sunset date.

Diane Gibson-Gray requested the City Council include language for the oversight committee and a sunset date or stop the process and bring the item back in two years when all Council seats were up for re-election.

Dr. Jeffrey Klingler questioned if exhibit one in the staff report was identical to the previous version with the exception of the transaction tax. He stated if that was the only change he would ask for clarification with regards to the oversight committee and termination date of the sunset.

Interim City Attorney Cole responded that the only change in the Ordinance was the addition of section 3-5-405 and on page 2 there was a heading replacement on Section 6, repealing the Ordinance adopted on July 24, 2018 and replacing it with this Ordinance. He clarified the Ordinance as presented eliminated the language that called for the oversight committee. He noted the City could still create an oversight committee; however, there would no longer be a mandate.

Councilmember Thorpe stated it would be up to Council to determine whether to insert the requirement for an oversight committee into the Ordinance. He noted that if they chose not to, they could continue in a way that would give future Council's the ability to decide the composition of the oversight committee.

In response to Councilmember Ogorchock, Interim City Attorney Cole stated if it was the pleasure of the Council, they could take action today to strike Section 3-5.416; and that action would leave the language in the code that codifies the committee.

Councilmember Ogorchock stated with this Measure as written, the Council would be determining where to allocate the funds and noted that their priority was the Antioch Police Department. She stated she could support a 20-year sunset date. She expressed concern that they were not provided with a breakdown of the code sections being repealed or given sufficient time to vet the process.

Councilmember Tiscareno stated he would support adding the oversight committee and a sunset date.

Interim City Attorney Cole commented that if a sunset date was included, the amended ballot language would need to come back at a subsequent meeting for consideration.

Councilmember Wilson discussed the community engagement process.

Councilmember Thorpe stated that he did not support a sunset date. In speaking to the oversight committee language, he noted whether it was included or not, it would occur so he could support adding the language.

Mayor Wright stated he would support codifying the oversight committee and 20-year sunset date.

Interim City Attorney Cole explained that if the Measure passed, the one-half cent would expire in March 31, 2019 and the one cent would take effect on April 1, 2019.

City Clerk Simonsen added that if a 20-year sunset was added to the Measure, it would run until April 1, 2039.

A motion was made by Councilmember Ogorchock to 1) Repeal Ordinance No. 2145-C-S which is "Exhibit 1" of "Attachment A" of Resolution No. 2018/94; and 2) Enact an Ordinance of the City Council of the City of Antioch as "Exhibit 1" of Resolution No. 2018/94 Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to Increase the City's Transactions and Use Tax from a Half Cent to One Cent and to Impose This Tax Until Ended by Voters. 3) Striking Section 3: Section 3-5.416 and 4) Amending Section 3-5.417 to read the authority to levy the tax imposed by this article shall expire 20-years from the operative date.

Discussion ensued regarding the motion with Interim City Attorney Cole explaining that if Council made the proposed changes to sections 3-5.416 and 3-5.417, those items would have to come back to Council at a subsequent meeting for consideration.

City Clerk Simonsen stated based on Interim City Attorney Cole comments, he would recommend the motion direct City Attorney to adopt the language provided so that he would have consensus of the Council to come back with those changes. In order to meet deadlines, he requested the item come back to Council at the latest, August 7, 2018.

Administrative Services Director Mastay commented that the current ballot language had polled very well and they had not polled the language being discussed this afternoon. She noted if approved, they would be uncertain of the outcome of the ballot measure.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously directed the City Attorney to come back with new language for the Ordinance and Resolution based on the motion by Councilmember Ogorchock.

The City Council agreed to hold a subsequent Special Meeting on August 7, 2018 at 4:00 P.M.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS – None

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 3:27 P.M. to the Special Meeting at 4:00 P.M. on August 7, 2018.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

**ANTIOCH CITY COUNCIL
SPECIAL MEETING**

Special Meeting
4:00 P.M.

**August 7, 2018
Council Chambers**

Mayor Wright called the meeting to order at 4:00 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

PLEDGE OF ALLEGIANCE

Councilmember Wilson led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS – None

1. **RESCIND RESOLUTION NO. 2018/94 AND RESOLUTION NO. 2018/92 AND REPEAL ORDINANCE NO. 2145-C-S; AND ADOPT A RESOLUTION AND ENACT AN ORDINANCE SUBMITTING A MEASURE TO THE VOTERS OF THE CITY OF ANTIOCH TO AMEND ARTICLE 4 OF CHAPTER 5 OF TITLE 3 OF THE ANTIOCH MUNICIPAL CODE TO INCREASE THE CITY'S TRANSACTIONS AND USE TAX FROM ONE-HALF CENT TO ONE CENT AND TO IMPOSE THIS TAX AND TO COLLECT SUCH TAX FOR TWENTY YEARS**

City Manager Bernal introduced Agenda Item #1 and gave an overview of the community engagement process. He reminded Council that the 20-year sunset was not asked for as part of that effort and therefore, they did not know how the voters would respond. He noted in other cities within the County, voters typically preferred either to end the measures themselves or a single digit sunset. He further noted in the absence of having evaluated the issue in polling, should the City Council wish to proceed with a sunset, the recommendation of the consultant was to opt for a 9-year term. He commented that it was his recommendation along with the Quality of Life Adhoc subcommittee to stay with the original language "until ended by voters"; however, if Council was inclined to establish a sunset, his recommendation would be to set it at 9-years.

Interim City Attorney Cole presented the staff report dated August 7, 2018 recommending the City Council take the following actions: 1) Rescind Resolution No. 2018/94 and Resolution No. 2018/92 and Repeal Ordinance No. 2145-C-S; and 2) Adopt a Resolution Calling for a Municipal Election on November 6, 2018 to Request City Voters Extend and increase the City's Transaction and Use Tax from One-Half Cent to One Cent to Provide for Public Safety and 911 Service, Support Youth, and Maintain Other Quality of Life Services; and 3) Enact an Ordinance Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to increase the City's Transactions and Use Tax from a One-Half Cent to One Cent and to Impose This Tax and to Collect Such Tax for Twenty Years.

Councilmember Thorpe stated the subcommittee could not support a 20-year sunset as it had not been polled in the community.

Marty Fernandez, Antioch resident, suggested Council conduct outreach to professional businesses to develop a long term financial plan to address the pension issue and protect the City should the ballot measure not pass.

Councilmember Wilson commented that they had spent a year working as a committee to bring forward an Ordinance that reflected the data collected from the community; therefore, she could not support a 20-year sunset. She suggested the language revert back to "until ended by voters".

Councilmember Tiscareno stated he supported moving forward with the 20-year sunset and including the Citizen's Oversight Committee.

Councilmember Ogorchock stated polling was not always 100 percent accurate and she believed the 20-year sunset would be approved by voters. She noted if the information had come to Council at an earlier date, it could have been properly vetted.

Mayor Wright stated that he supported a sunset and moving it to 9-years if it allowed the City to get the Measure passed. He reported Council had received an email cautioning the City on a 20-year sunset. He noted a 9-year term would not give long term assurance; however, it would force the Council to utilize the money in a way that voters would approve a future extension.

Councilmember Ogorchock stated the original language for Measure C was a 10-year sunset and Mello Roos was 20 years; therefore, she would continue to support a 20-year sunset.

Councilmember Thorpe stated in light of Ms. Lew's email, he cautioned Council that it was risky to add a sunset without understanding how the voters would react.

Interim City Attorney Cole clarified that if the Council wanted to change the date of the sunset or revert back to the "until ended by voters" language, those changes could be made to the Resolution and Ordinance this evening.

Councilmember Tiscareno commented that he would not be supportive of a 9-year sunset because he felt the Council would be having the same conversation in 6-years to address the expiration of the tax measure. He noted a 20-year sunset would give the Council the ability to build the City to a level of sustainability.

Mayor Wright stated he was not opposed to a 20-year sunset; and explained that his comments were in response to the consultant's comments regarding the challenges of getting the Measure passed.

Councilmember Thorpe cautioned that a 20-year sunset may dilute the chances of the Tax Measure passing and urged Council to support "until ended by voters" because it was the language the voters supported.

City Clerk Simonsen commented that citizens by Initiative could overturn any ordinance. He expressed concern that the email referenced this afternoon from the polling firm had not been made available to the public and requested staff provide him with a copy for the record.

Councilmember Tiscareno stated if the question regarding a sunset was asked in the polling and surveys, he believed citizens would have supported a 20-year sunset.

Mayor Wright stated he appreciated the opinions of the Council and if given the choice of a 20-year sunset or none, he would support the 20-year sunset.

A motion was made by Councilmember Ogorchock, seconded by Councilmember Tiscareno, to: 1) Rescind Resolution No. 2018/94 and Resolution No. 2018/92 and Repeal Ordinance No. 2145-C-S; and 2) Adopt a Resolution Calling for a Municipal Election on November 6, 2018 to Request City Voters Extend and increase the City's Transaction and Use Tax from One-Half Cent to One Cent to Provide for Public Safety and 911 Service, Support Youth, and Maintain Other Quality of Life Services; and 3) Enact an Ordinance Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to increase the City's Transactions and Use Tax from a One-Half Cent to One Cent and to Impose This Tax and to Collect Such Tax for Twenty Years.

Councilmember Wilson stated she supported the Measure; however, she could not support the 20-year sunset.

Councilmember Thorpe stated he was disappointed that after 1-1/2 years of working with staff to develop language reflective of the community, the City Council was changing language that was not vetted through the community engagement process. He expressed concern that the consultant's recommendation to Council was being discarded. He also felt that the City Clerk had undermined the Adhoc Committee's efforts.

Councilmember Tiscareno commended the Adhoc Committee and staff for their efforts. He stated that he believed if marketed correctly, the Measure would pass with a 20-year sunset. He noted that it was his opinion that this Measure was an extension of Measure C and the City needed to act according to the principals of that measure. He further noted the Council would also be protecting the integrity of the Measure with citizens' oversight and by improving the quality of life for residents.

Mayor Wright commented that the Adhoc committee was asked to do the work and bring it back to Council for deliberation and he was concerned that the information came to Council with little time to review. He noted the constituents asked for continued oversight and a sunset date. He further noted that he would have liked to have had the sunset issue polled so they could have reviewed that information.

Council took action on the previous motion to: 1) Rescind Resolution No. 2018/94 and Resolution No. 2018/92 and Repeal Ordinance No. 2145-C-S; and 2) Adopt a Resolution Calling for a Municipal Election on November 6, 2018 to Request City Voters Extend and increase the City's Transaction and Use Tax from One-Half Cent to One Cent to Provide for Public Safety and 911 Service, Support Youth, and Maintain Other Quality of Life Services; and 3) Enact an Ordinance Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to increase the City's Transactions and Use Tax from a One-Half Cent to One Cent and to Impose This Tax and to Collect Such Tax for Twenty Years.

The motion carried the following vote:

Ayes: Tiscareno, Ogorchock, Wright

Noes: Wilson, Thorpe

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS

Councilmember Ogorchock announced that the Antioch Police Department had participated in the lip sync challenge. She commended them on a job well done and for engaging the community in the process.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 4:51 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

**ANTIOCH CITY COUNCIL
SPECIAL MEETING**

**Special Meeting
5:15 P.M.**

**August 9, 2018
Council Chambers**

Mayor Wright called the meeting to order at 5:16 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

PLEDGE OF ALLEGIANCE

Councilmember Tiscareno led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS – None

1. **CONSIDER THE RECONSIDERATION OF THE ADOPTION OF RESOLUTION NO 2018/95 AND ADOPTION OF ORDINANCE NO 2147-C-S, AS APPROVED AT THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ON AUGUST 7, 2018; AND**

2. **RESCIND RESOLUTION NO. 2018/95 AND RESOLUTION NO. 2018/92 AND REPEAL ORDINANCE NO. 2145-C-S; AND ADOPT A RESOLUTION AND ENACT AN ORDINANCE SUBMITTING A MEASURE TO THE VOTERS OF THE CITY OF ANTIOCH TO AMEND ARTICLE 4 OF CHAPTER 5 OF TITLE 3 OF THE ANTIOCH MUNICIPAL CODE TO INCREASE THE CITY'S TRANSACTIONS AND USE TAX FROM ONE-HALF CENT TO ONE CENT AND TO IMPOSE THIS TAX AND TO COLLECT SUCH TAX FOR TWENTY YEARS**

City Manager Bernal introduced Agenda Item #1 and 2.

Interim City Attorney Cole apologized to Council, staff and the consultants for failing to advise Council of the 2/3 supermajority requirement and the implications of their vote. He presented the staff report dated August 9, 2018 recommending the City Council take the following actions: 1) Rescind Resolution No. 2018/95 and Repeal Ordinance No. 2147-C-S; and 2) Adopt a Resolution of the City Council of the City of Antioch Calling for a Municipal Election on November 6, 2018 to Request City Voters Extend and increase the City's Transaction and Use Tax from One-Half Cent to One Cent to Provide for Public Safety and 911 Service, Support Youth, and Maintain Other Quality of Life Services; and 3) Enact an Ordinance of the City Council of the City of Antioch Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to increase the City's Transactions and Use Tax from Half Cent to One Cent and to Impose This Tax and to Collect Such Tax for Twenty Years.

City Clerk Simonsen stated the motion for reconsideration would need to be made by someone who voted in the majority.

Interim City Attorney Cole clarified in this case the no vote was the prevailing side because a supermajority was required.

On motion by Councilmember Wilson, seconded by Councilmember Thorpe, the City Council unanimously approved reconsideration of the adoption of Resolution No. 2018/95 and adoption of Ordinance No. 2147-C-S.

Mayor Wright read written comment submitted by Dr. Jeffrey Klingler which expressed concern that this item was before Council again with limited time for discussion. He urged the Adhoc committee members to strike the appropriate compromise.

Fred Hoskins, Antioch resident, spoke in opposition to the Sales Tax Measure.

Hal Bray, Contra Costa Taxpayers Association, expressed concern that the City may use sales tax revenue to pay pensions and urged them to develop a plan to address rising pension costs. He offered to work with the City to address this issue.

Tim McCall, Antioch resident, thanked the Adhoc committee for their work and the Council for their consideration of this matter. He urged Council to unite and vote unanimously on this measure, as written, without further changes.

Councilmember Thorpe thanked Interim City Attorney Cole for taking responsibility for the oversight. He noted that at the last meeting, his and Councilmember Wilson's votes were symbolic in that they were adamant about protecting the ballot language and making sure there was a strong possibility of passing the ballot measure. He stated that they were prepared to continue with the direction of Council.

RESOLUTION NO. 2018/96
ORDINANCE NO. 2048-C-S

On motion by Councilmember Thorpe, seconded by Councilmember Wilson, Council unanimously 1) Rescinded Resolution No. 2018/95 and Repealed Ordinance No. 2147-C-S; and 2) Adopted a Resolution and Enacted an Ordinance Submitting a Measure to The Voters of the City of Antioch to Amend Article 4 of Chapter 5 of Title 3 of the Antioch Municipal Code to increase the City's Transactions and Use Tax from a One-Half Cent to One Cent and to Impose This Tax and to Collect Such Tax for Twenty Years.

Mayor Wright thanked Council for coming together on short notice this evening.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS – None

COUNCIL COMMUNICATIONS – None

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 5:36 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

August 14, 2018
Council Chambers

6:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City's Labor Negotiators is authorized by California Government Code section 54957.6; City designated representatives: Nickie Mastay and Glenn Berkheimer; Employee organization: Treatment Plant Employees' Association (TPEA).

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, direction given to Labor Negotiators.

Mayor Wright called the meeting to order at 7:01 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Thorpe, Tiscareno, Ogorchock and Mayor Wright

PLEDGE OF ALLEGIANCE

Councilmember Ogorchock led the Council and audience in the Pledge of Allegiance.

1. PROCLAMATION

East Contra Costa Emergency Preparedness & Safety Fair, August 25, 2018

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock, the Council unanimously approved the Proclamation.

Mayor Wright presented the proclamation to James Davis, Margo Olsen, and Shannon and Dale Roberts who thanked City Council for the proclamation.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Melissa Margain, Rubicon Programs, invited the community to attend a Block Party from 5:00 P.M. – 8:00 P.M. on August 21, 2018. She explained that the goal was to unite community and provide information on their program. Participants in the Rubicon program were in attendance to support their programming.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- Sales Tax Citizens' Oversight Committee: Seven (7) vacancies; deadline date is August 17, 2018

- Planning Commission: One (1) vacancy; deadline date is August 31, 2018

He reported applications would be available online, at the City's website, and at the City Clerk's and Deputy City Clerks offices.

PUBLIC COMMENTS – None

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Mello Roos subcommittee meeting.

Councilmember Ogorchock reported she had also attended the Mello Roos subcommittee meeting and the League of California Cities meeting.

MAYOR'S COMMENTS

Mayor Wright reported that for the last two weeks he had hosted the Sister City Delegation from Chichibu, Japan in celebration of the 51st year as Sister Cities.

PRESENTATIONS

Izac O. Chyou, Senior Managing Consultant, Public Finance Management (PFM), gave a Power Point presentation of the Investment Performance Review Quarterly Report ending June 30, 2018.

Mayor Wright thanked Mr. Chyou for the report.

Economic Development Director Reed introduced Mr. Kippen to give the presentation and gave a brief overview on the City's branding process.

David Kippen, Ewviva Brands, LLC, gave a PowerPoint presentation of the City's branding process.

The Council thanked Mr. Kippen for the report and supported the theme of "Opportunity" for Antioch.

Mayor Wright thanked Economic Development Director Reed for the report.

2. CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JULY 24, 2018

B. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR JULY 31, 2018

C. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR AUGUST 3, 2018

D. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR AUGUST 7, 2018

- E. APPROVAL OF COUNCIL WARRANTS
- F. ORDINANCE NO. 2149-G-S SECOND READING – BLACK DIAMOND RANCH UNIT 4
(Introduced on 07/24/18)
- G. RESOLUTION NO. 2018/97 CITYWIDE DATA SWITCH UPGRADE PROJECT
- H. RESOLUTION NO. 2018/98 APPROVING AN IMPROVEMENT AGREEMENT AND INFRASTRUCTURE IMPROVEMENT PLANS FOR STORM DRAIN IMPROVEMENTS FOR AVIANO UNIT 1 SUBDIVISION 9249 (PW 676-1)
- I. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR AUGUST 9, 2018
- J. RESOLUTION NO. 2018/99 APPLICATION TO THE UNITED STATES BUREAU OF RECLAMATION TO OBTAIN A WATERSMART DESALINATION CONSTRUCTION PROJECT GRANT FOR THE BRACKISH WATER DESALINATION PROJECT (PW 694)
- K. RESOLUTION NO. 2018/100 VARIOUS ASPHALT REPAIRS – SERVICE CUTS BID AWARD

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously approved the Council Consent Calendar.

COUNCIL REGULAR AGENDA

3. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTIONS PACKET

City Manager Bernal introduced Regular Agenda Item #3.

Administrative Services Director Mastay presented the staff report dated August 14, 2018 recommending the City Council review and discuss the League of California Cities Annual Conference Resolutions Packet and provide direction to the voting delegate Council Member Ogorchock.

Following discussion, Council unanimously supported local control and agreed for Councilmember Ogorchock to act in the best interest of the City upon receiving additional input that is presented at the meeting.

City Clerk Simonsen explained the process of how the resolutions go through the committees.

On motion by Councilmember Tiscareno, seconded by Councilmember Thorpe, the City Council unanimously appointed Councilmember Ogorchock as the 2018 voting delegate for the League of California Cities Annual Conference to represent Antioch's vote on the two Resolutions before the League's General Assembly with latitude to dialog and vote on both Resolutions.

4. RECRUITMENT FIRM FOR THE CITY ATTORNEY RECRUITMENT

City Manager Bernal introduced Regular Agenda Item #4.

Administrative Services Director Mastay presented the staff report dated August 14, 2018 recommending the City Council adopt a resolution authorizing the Mayor to execute the Consulting Services Agreement with William Avery & Associates and authorize the appropriate budget adjustment.

RESOLUTION NO. 2018/101

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adopted a resolution authorizing the Mayor to execute the Consulting Services Agreement with William Avery & Associates and authorize the appropriate budget adjustment.

5. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH INVITING APPLICANTS FOR APPOINTMENT TO THE UNEXPIRED TERM OF CITY TREASURER

City Manager Bernal introduced Regular Agenda Item #5.

Interim City Attorney Cole presented the staff report dated August 14, 2018 recommending the City Council adopt a Resolution inviting Applicants for Appointment to the Unexpired Term of City Treasurer.

In response to Councilmember Thorpe, Interim City Attorney Cole stated he was not able to put the staff report together for this item until this meeting. He noted he believed it was too late to try to put this on the ballot.

City Clerk Simonsen clarified the timeline would not allow the City to hold an election for the City Treasurer until January and it would be too costly at \$257,000. He noted the process presented was utilized in 2011 when there was a vacancy of the City Clerk's position. He stated he had prepared the paperwork and should Council approve the resolution, he would have it available for the public on August 15, 2018.

Councilmember Thorpe stated he supported the appointment process.

Councilmember Ogorchock suggested the resolution require applicants to provide a resume.

RESOLUTION NO. 2018/102

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe, the City Council unanimously adopted a Resolution inviting Applicants for Appointment to the Unexpired Term of City Treasurer and amended language in 1a of the Resolution to read: "A resume and Letter of Interest...."

City Clerk Simonsen announced that applications for City Treasurer would be available on August 15, 2018 after 10:00 A.M.

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Manager Bernal announced Smith's Landing was hosting a soft opening event to benefit three local organizations from August 16 – 18, 2018. Contact information was provided for anyone wishing to make a reservation.

COUNCIL COMMUNICATIONS

Councilmember Ogorchock requested staff agendize a discussion on an 8/80 Ordinance and an update on Measure O.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 8:44 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Christina Garcia, CMC, Deputy City Clerk *Cg*

APPROVED BY: Nickie Mastay, Administrative Services Director *NM*

SUBJECT: City Council Special Meeting Minutes of August 21, 2018

RECOMMENDED ACTION

It is recommended that the City Council continue the Special Meeting Minutes of August 21, 2018 to the next meeting.

STRATEGIC PURPOSE

N/A

FISCAL IMPACT

None

DISCUSSION

N/A

ATTACHMENT

None.

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

100 General Fund

Non Departmental

376298 ALLISON, RICHARD	SB1186 STATE FEE REFUND	4.00
376339 HARRIS AND ASSOCIATES INC	PLAN REVIEW SERVICES	6,333.75
376372 UNITED STATES POSTAL SERVICE	POSTAGE	11,000.00
376377 VIVINT SOLAR INC	CBSC FEE REFUND	27.24
376472 RANEY PLANNING & MANAGEMENT	CONSULTING SERVICES	423.79
376476 RESCUE ROOTER	CBSC FEE REFUND	1.59
376493 STATE OF CALIFORNIA	SEISMIC HAZARD MAPPING FEE	3,461.71
932276 ZUMWALT ENGINEERING GROUP INC	PROFESSIONAL SERVICES	183.00
932281 MICHAEL BAKER INTERNATIONAL INC	CONSULTING SERVICES	4,608.75

City Council

376397 BANK OF AMERICA	CONFERENCE EXPENSE	1,439.92
------------------------	--------------------	----------

City Attorney

376435 GOLDFARB AND LIPMAN LLP	LEGAL SERVICES RENDERED	1,386.50
376474 REGENTS OF THE UNIVERSITY OF CA	MUNICIPAL LAW HANDBOOK	433.84
376496 TELECOM LAW FIRM PC	LEGAL SERVICES RENDERED	3,446.00
376510 ZANDONELLA REPORTING SERVICE	LEGAL SERVICES RENDERED	1,266.30
932273 RAY MORGAN COMPANY	COPIER USAGE	246.38

City Manager

376397 BANK OF AMERICA	CONFERENCE DUES	4,040.83
932266 COMPUTERLAND	COMPUTER EQUIPMENT	1,382.34
932273 RAY MORGAN COMPANY	COPIER USAGE	246.38

City Clerk

376398 BANK OF AMERICA	CONFERENCE/DUES	2,168.50
376454 MAESTRETTI, RICHARD	REFUND APPEAL FEE	50.00
932273 RAY MORGAN COMPANY	COPIER USAGE	246.38

Human Resources

376333 FEDEX	SHIPPING	24.45
376398 BANK OF AMERICA	CONFERENCE/DUES	367.99
376458 MUNICIPAL POOLING AUTHORITY	PROFESSIONAL SERVICES	396.38
376463 OFFICE MAX INC	OFFICE SUPPLIES	72.75
932273 RAY MORGAN COMPANY	COPIER USAGE	306.70

Economic Development

376397 BANK OF AMERICA	WEB HOSTING	328.32
376409 CALIF DEPARTMENT OF JUSTICE	FINGERPRINTING FEES	49.00

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

376421	DIABLO LIVE SCAN	FINGERPRINTING FEES	20.00
376463	OFFICE MAX INC	OFFICE SUPPLIES	500.25
932273	RAY MORGAN COMPANY	COPIER USAGE	246.38
Finance Administration			
376307	BANK OF AMERICA	MEMBERSHIP - MERCHANT	210.00
932273	RAY MORGAN COMPANY	COPIER USAGE	418.09
Finance Accounting			
376307	BANK OF AMERICA	MEMBERSHIPS	630.00
376333	FEDEX	SHIPPING	48.11
376463	OFFICE MAX INC	OFFICE SUPPLIES	170.19
932273	RAY MORGAN COMPANY	SCANNER	705.79
932284	SUPERION LLC	NEW ELF FORM	200.00
Finance Operations			
376307	BANK OF AMERICA	POSTAGE SUPPLIES	256.65
932273	RAY MORGAN COMPANY	COPIER USAGE	701.53
Non Departmental			
376298	ALLISON, RICHARD	APPLICATION FEE REFUND	280.00
376310	BIZI MART	BL TAX FEE REFUND	277.57
376322	CONTRA COSTA COUNTY LIBRARY	LIBRARY SERVICES	33,456.84
932272	MUNISERVICES LLC	FY17/18 Q3 SUTA SERVICES	54,508.30
932282	MUNISERVICES LLC	DISCOVERY SERVICES	1,932.78
Public Works Maintenance Administration			
932273	RAY MORGAN COMPANY	COPIER USAGE	51.42
Public Works General Maintenance Services			
932273	RAY MORGAN COMPANY	COPIER USAGE	137.11
Public Works Street Maintenance			
376391	ANTIOCH BUILDING MATERIALS	MATERIALS	22,766.38
376470	PITTS, BRYAN J	SAFETY SHOES REIMBURSEMENT	254.33
376483	SEELICKFIX	LICENSE RENEWAL	2,271.00
932280	ICR ELECTRICAL CONTRACTORS	LED INSTALLATION	17,935.91
Public Works-Signal/Street Lights			
376356	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	948.48
376468	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	5,601.00
932280	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICE	4,052.88

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

Public Works-Striping/Signing

376301 ACE HARDWARE, ANTIOCH	SUPPLIES	48.93
376361 SUBURBAN PROPANE	PROPANE	311.05
376455 MANERI SIGN COMPANY	SIGNS	2,435.58

Public Works-Facilities Maintenance

376299 AMERICAN PLUMBING INC	PLUMBING SERVICES	140.00
376468 PACIFIC GAS AND ELECTRIC CO	GAS	13,742.65

Public Works-Parks Maint

376356 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	133.66
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	818.76

Public Works-Median/General Land

376301 ACE HARDWARE, ANTIOCH	KEYS	41.19
376384 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	8,363.12
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,807.82
376471 PRINTEX CONCRETE PRODUCTS INC	SOUND WALL REPAIR	3,790.00
932280 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICE	295.15

Police Administration

376296 ALAMEDA COUNTY SHERIFFS OFFICE	RANGE TRAINING	650.00
376304 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICE	142.50
376305 ATKINSON ANDELSON LOYA RUUD	LEGAL FEES	15,504.30
376314 BROWNELLS INC	PARTS	1,482.74
376324 CRUMP INVESTIGATIONS	PRE-EMPLOYMENT BACKGROUND	1,704.80
376338 HAMPTON INN	LODGING - T SMITH	446.08
376345 LC ACTION POLICE SUPPLY	RIFLES	10,300.68
376353 OFFICE MAX INC	OFFICE SUPPLIES	2,529.28
376355 ORMAN, LEONARD A	EXPENSE REIMBURSEMENT	123.90
376357 SAFESTORE INC	OFF-SITE EVIDENCE STORAGE	2,057.05
376358 SHRED IT INC	SHRED SERVICES	146.54
376367 INTERNATIONAL ASSN OF CRIME	TRAINING - V JOHNSON	500.00
376368 THIRD DEGREE COMMUNICATIONS	TRAINING - T SMITH	375.00
376401 BANK OF AMERICA	RECRUITMENT SUPPLIES	4,363.51
376402 BANK OF AMERICA	AIRFARES	5,314.98
376404 BITTNER, DESMOND D	EXPENSE REIMBURSEMENT	141.83
376407 CALEBI	TRAINING - T MENDES	350.00
376408 CALEBI	TRAINING - R MARTIN	350.00
376413 CONCORD UNIFORMS LLC	UNIFORMS	163.07
376414 CONTRA COSTA COUNTY	FELONY FILING	9,137.00
376420 CREATIVE SERVICES OF NEW ENG.	SUPPLIES	268.95

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

376426	EIDEN, KITTY J	MINUTES CLERK	84.00
376445	JOHNSON, VIRGINIA L	EXPENSE REIMBURSEMENT	68.67
376447	KIRBY POLYGRAPH AND INVESTIGAT	PRE-EMPLOYMENT SERVICES	5,250.00
376460	OCCUPATIONAL HEALTH CENTERS	MEDICAL SCREENING	173.50
376463	OFFICE MAX INC	OFFICE SUPPLIES	2,693.81
376473	REACH PROJECT INC	PROGRAM SERVICES	17,083.00
376479	ROSE, BRIAN C	TRAINING PER DIEM	192.00
376485	SHERATON GARDEN GROVE ANAHEIM	LODGING - R SMITH	422.70
376487	SMITH JR, RICHARD A	EXPENSE REIMBURSEMENT	112.77
376488	SMITH, THOMAS S	TRAINING PER DIEM	138.00
376498	THIRD DEGREE COMMUNICATIONS	TRAINING - J JEONG	525.00
376499	THIRD DEGREE COMMUNICATIONS	TRAINING - C MEALS	525.00
932273	RAY MORGAN COMPANY	COPIER USAGE	2,708.52
Police Prisoner Custody			
376402	BANK OF AMERICA	DRY CLEANING	120.00
932273	RAY MORGAN COMPANY	COPIER USAGE	99.47
Police Community Policing			
376304	ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICE	285.00
376349	MOORE K9 SERVICES	K9 TRAINING	800.00
376385	ALL STAR FORD	NEW VEHICLES	89,518.81
376402	BANK OF AMERICA	PATROL SUPPLIES	82.64
376411	COLE, SHANE RYAN	MILEAGE REIMBURSEMENT	66.49
376430	FACHNER, DANIEL E	MILEAGE REIMBURSEMENT	47.42
376444	JEONG, JISEOK	MEAL ALLOWANCE	34.50
376456	MORTIMER, MICHAEL P	MILEAGE REIMBURSEMENT	64.09
376482	SAHNIC, AMEL	MILEAGE REIMBURSEMENT	40.00
Police Traffic Division			
376441	HUNT AND SONS INC	FUEL	406.92
Police Investigations			
376316	CELLEBRITE USA INC	RESEARCH SERVICES	3,400.00
376321	CONTRA COSTA COUNTY	SART EXAM	1,500.00
376333	FEDEX	SHIPPING	34.67
376334	FORTNER, JOHN C	EXPENSE REIMBURSEMENT	310.20
376335	GONZALEZ, ADRIAN E	EXPENSE REIMBURSEMENT	213.53
376352	NAPA SOLANO SART	SART EXAM	2,400.00
376364	T MOBILE USA INC	RESEARCH SERVICES	1,071.00
376402	BANK OF AMERICA	RECORDS FEE	20.00
376467	ORMAN, LEONARD A	EXPENSE REIMBURSEMENT	189.95

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

932273 RAY MORGAN COMPANY	COPIER USAGE	775.41
Police Special Operations Unit		
376370 TOYOTA FINANCIAL SERVICES	VEHICLE LEASE	592.59
376394 AUTO WORLD INC	VEHICLE LEASE	546.25
376509 EMPLOYEE	OPERATIONS FUND	3,000.00
Police Communications		
376393 AT AND T MCI	DISPATCH PHONE LINES	104.52
Police Facilities Maintenance		
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	22,966.83
932265 CLUB CARE INC	MAINTENANCE SERVICES	225.00
Community Development Land Planning Services		
376400 BANK OF AMERICA	MEMBERSHIP - A MORRIS	545.14
376425 ECONOMIC AND PLANNING SYSTEMS	CONSULTING SERVICES	412.50
376432 FLORES, FLORENCIA S	HOUF FEE REFUND	116.00
376433 FLORES, FLORENCIA S	HOUF FEE REFUND	116.00
376442 ICF JONES AND STOKES INC	CONSULTING SERVICES	61,534.83
932273 RAY MORGAN COMPANY	COPIER USAGE	518.33
CD Code Enforcement		
376400 BANK OF AMERICA	TRAINING - M DAVID	446.40
376454 MAESTRETTI, RICHARD	ADMINISTRATIVE CITE REFUND	400.00
932273 RAY MORGAN COMPANY	COPIER USAGE	220.57
PW Engineer Land Development		
376400 BANK OF AMERICA	BOOKS	50.76
932273 RAY MORGAN COMPANY	COPIER USAGE	529.07
Community Development Building Inspection		
376353 OFFICE MAX INC	OFFICE SUPPLIES	266.83
376377 VIVINT SOLAR INC	ENERGY INSPECTION FEE REFUND	813.90
376400 BANK OF AMERICA	OFFICE SUPPLIES	227.34
376463 OFFICE MAX INC	OFFICE SUPPLIES	5.71
376476 RESCUE ROOTER	ENERGY INSPECTION FEE REFUND	148.99
Capital Imp. Administration		
932273 RAY MORGAN COMPANY	COPIER USAGE	337.43

Community Development Engineering Services

Prepared By: Lauren Posada
 Finance Accounting
 8/23/2018

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

376353 OFFICE MAX INC	OFFICE SUPPLIES	130.72
932273 RAY MORGAN COMPANY	COPIER USAGE	327.50

212 CDBG Fund

CDBG

376317 COMMUNITY VIOLENCE SOLUTIONS	CDBG SERVICES	1,616.14
376319 CONTRA COSTA CHILD CARE	CDBG SERVICES	3,832.61
376320 CONTRA COSTA COUNTY	CDBG SERVICES	7,309.00
376332 ECHO HOUSING	CDBG SERVICES	7,194.98
376348 MEALS ON WHEELS AND SENIOR	CDBG SERVICES	5,556.20
376354 OPPORTUNITY JUNCTION	CDBG SERVICES	12,751.01
376400 BANK OF AMERICA	SAFETY SHOES - T LOPEZ	125.05
376418 CONTRA COSTA SENIOR LEGAL SERV	CDBG SERVICES	432.13
376419 COURT APPOINTED SPECIAL AD	CDBG SERVICES	897.85
376451 LOAVES AND FISHED OF CONTRA CO	CDBG SERVICES	1,249.82
376464 OMBUDSMAN SERVICES OF CCC	CDBG SERVICES	398.86
376466 OPEN OPPORTUNITIES INC	CDBG SERVICES	15,000.00
932279 HOUSE, TERI	CONSULTING SERVICES	3,997.50

213 Gas Tax Fund

Streets

376356 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,148.00
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	30,459.16

214 Animal Control Fund

Animal Control

376303 ARF COMPANION ANIMAL CLINIC	VETERINARY SERVICES	86.75
376318 CONCORD FEED AND FUEL INC	SUPPLIES	412.90
376331 EAST BAY VETERINARY EMERGENCY	VETERINARY SERVICES	859.47
376340 HILLS PET NUTRITION	ANIMAL FOOD	730.80
376351 MWI VETERINARY SUPPLY CO	SUPPLIES	1,492.07
376353 OFFICE MAX INC	OFFICE SUPPLIES	159.13
376360 STARLINE SUPPLY COMPANY	SUPPLIES	75.10
376376 VICTOR MEDICAL COMPANY	MEDICAL SUPPLIES	1,778.34
376382 ZOETIS LLC	SUPPLIES	349.90
376387 ANIMAL CLINIC OF ANTIOCH	VETERINARY SERVICES	2,689.17
376402 BANK OF AMERICA	AIRFAIRE	248.96
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,208.77
376489 STARLINE SUPPLY COMPANY	SUPPLIES	160.04
932266 COMPUTERLAND	COMPUTER EQUIPMENT	1,382.35
932273 RAY MORGAN COMPANY	COPIER USAGE	460.98
932278 HLP INC	SOFTWARE SUPPORT	2,697.00

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

215 Civic Arts Fund

Civic Arts

376329 DPH SOUND	CONCERT SERVICES	2,762.17
376392 ANTIOCH HERALD	CONCERTS BY THE RIVER AD	343.75
376422 DPH SOUND	CONCERT SERVICES	3,862.17

219 Recreation Fund

Non Departmental

376325 CSU FRESNO FOUNDATION	RENTAL DEPOSIT REFUND	500.00
376365 TAAN, SHIRLEY	RENTAL DEPOSIT REFUND	500.00
376406 BOYD, TIFFINEY MARIE	RENTAL DEPOSIT REFUND	500.00
376424 EBEID, ENTESAR	RENTAL DEPOSIT REFUND	500.00
376440 HUB INTERNATIONAL OF CA INSURA	EVENT INSURANCE	512.16
376462 ODO NOVAN, DOMINIC	RENTAL DEPOSIT REFUND	500.00
376502 ULLOA, ELISABETH	RENTAL DEPOSIT REFUNDS	1,000.00

Recreation Admin

376437 GREASE TRAP CLEANERS LLC	PROFESSIONAL SERVICES	200.00
376459 OAKLEYS PEST CONTROL	PEST CONTROL SERVICE	240.00
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	3,529.97

Senior Programs

376395 AUTOMATIC DOOR SYSTEMS INC	REPAIR SERVICES	225.00
376468 PACIFIC GAS AND ELECTRIC CO	GAS	2,353.32

Recreation Sports Programs

376308 BIG SKY LOGOS AND EMBROIDERY	ADULT SOFTBALL AWARDS	815.59
376409 CALIF DEPARTMENT OF JUSTICE	FINGERPRINTING FEES	81.00
376434 GARDA CL WEST INC	ARMORED CAR SERVICE	180.28
376459 OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	160.00
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	3,125.69
376504 UNITED STATES POSTAL SERVICE	POSTAGE	2,400.00
376505 US FOODSERVICE INC	SUPPLIES	368.77

Recreation-Comm Center

376300 AMERICAN TROPHIES AWARDS	EVENT EXPENSE	129.41
376306 BAGNESCHI, ALBERTA	CONTRACTOR PAYMENT	577.20
376312 BLACK DIAMOND KIDS CENTER	CONTRACTOR PAYMENT	1,478.40
376327 DELTA KAYAK ADVENTURES	CONTRACTOR PAYMENT	1,139.40
376330 DUGAND, KARINA	CONTRACTOR PAYMENT	413.40
376366 TAU AUNUU, LESLIE	CAMP REFUND	246.50
376395 AUTOMATIC DOOR SYSTEMS INC	REPAIR SERVICES	225.00

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

376399 BANK OF AMERICA	EVENT EXPENSE	1,521.48
376409 CALIF DEPARTMENT OF JUSTICE	FINGERPRINTING FEES	98.00
376421 DIABLO LIVE SCAN	FINGERPRINTING FEES	60.00
376429 EWING IRRIGATION PRODUCTS	IRRIGATION PARTS	364.55
376431 FERGUSON, ROBERT	SKATE OLYMPICS EVENT	1,500.00
376434 GARDA CL WEST INC	ARMORED CAR SERVICE	180.28
376436 GOODBEER, DARRELL	CONTRACTOR PAYMENT	500.00
376457 MUIR, ROXANNE	CONTRACTOR PAYMENT	1,065.60
376459 OAKLEYS PEST CONTROL	PEST CONTROL SERVICE	270.00
376463 OFFICE MAX INC	OFFICE SUPPLIES	36.95
376477 RIDLEY, DEXTER	CONTRACTOR PAYMENT	147.00
376478 ROBERTS, NANCY	CONTRACTOR PAYMENT	745.20
376500 SKYHAWKS SPORTS	CONTRACTOR PAYMENT	1,332.00
376503 UNIQUE PEST CONTROL	PEST CONTROL SERVICE	400.00
376504 UNITED STATES POSTAL SERVICE	POSTAGE	2,400.00
932273 RAY MORGAN COMPANY	COPIER USAGE	403.13
226 Solid Waste Reduction Fund		
Solid Waste Used Oil		
376475 REPUBLIC SERVICES INC	OIL	1,668.25
236 CDBG Revolving Loan Fund		
CDBG		
376412 COMMUNITY ENERGY SERVICES CORP	ANTIOCH HOME REPAIR PROGRAM	5,503.19
251 Lone Tree SLLMD Fund		
Lonetree Maintenance Zone 1		
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	927.04
376497 TERRACARE ASSOCIATES	TURF MOWING	273.20
Lonetree Maintenance Zone 2		
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	796.58
376497 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	4,620.00
932280 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICE	1,089.48
Lonetree Maintenance Zone 3		
376486 SILVA LANDSCAPE	LANDSCAPE SERVICES	3,420.00
376497 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	4,620.00
Lonetree Maintenance Zone 4		
376497 TERRACARE ASSOCIATES	TURF MOWING	437.12

252 Downtown SLLMD Fund

Prepared By: Lauren Posada
 Finance Accounting
 8/23/2018

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

Downtown Maintenance

376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	260.71
376497 TERRACARE ASSOCIATES	TURF MOWING	273.20

253 Almondridge SLLMD Fund

Almondridge Maintenance

376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	233.38
------------------------------------	----------	--------

254 Hillcrest SLLMD Fund

Hillcrest Maintenance Zone 1

376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	897.54
376497 TERRACARE ASSOCIATES	TURF MOWING	710.32

Hillcrest Maintenance Zone 2

376384 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	3,783.20
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	817.07
376486 SILVA LANDSCAPE	LANDSCAPE SERVICES	3,982.40
376497 TERRACARE ASSOCIATES	TURF MOWING	772.60

Hillcrest Maintenance Zone 4

376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	704.76
376497 TERRACARE ASSOCIATES	TURF MOWING	546.40

255 Park 1A Maintenance District Fund

Park 1A Maintenance District

376356 PACIFIC GAS AND ELECTRIC CO	GAS	51.82
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	185.53
376497 TERRACARE ASSOCIATES	TURF MOWING	710.32

256 Citywide 2A Maintenance District Fund

Citywide 2A Maintenance Zone 3

376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	86.00
376497 TERRACARE ASSOCIATES	TURF MOWING	10.92

Citywide 2A Maintenance Zone 4

376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	337.88
------------------------------------	----------	--------

Citywide 2A Maintenance Zone 5

376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	355.53
------------------------------------	----------	--------

Citywide 2A Maintenance Zone 6

376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	247.61
------------------------------------	----------	--------

Prepared By: Lauren Posada
 Finance Accounting
 8/23/2018

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

376497 TERRACARE ASSOCIATES	TURF MOWING	655.68
Citywide 2A Maintenance Zone 8		
376497 TERRACARE ASSOCIATES	TURF MOWING	54.64
Citywide 2A Maintenance Zone 9		
376384 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	3,185.92
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	534.07
376494 STEWARTS TREE SERVICE INC	LANDSCAPE SERVICES	350.00
376497 TERRACARE ASSOCIATES	TURF MOWING	163.92
Citywide 2A Maintenance Zone10		
376468 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	129.81
257 SLLMD Administration Fund		
SLLMD Administration		
376301 ACE HARDWARE, ANTIOCH	SUPPLIES	18.59
376483 SECLICKFIX	LICENSE RENEWAL	2,271.00
376497 TERRACARE ASSOCIATES	TURF MOWING	655.68
311 Capital Improvement Fund		
Non Departmental		
Parks & Open Space		
376328 DMZ BUILDERS	WEST ANTIOCH CREEK PROJECT	1,624,427.63
376369 TNB CONSTRUCTION	PREWETT PARK PROJECT	13,543.75
376501 TNB CONSTRUCTION	PREWETT PARK PROJECT	13,543.75
Northeast Annexation		
376311 BKF ENGINEERS INC	CONSULTING SERVICES	11,041.58
312 Prewett Family Park Fund		
Parks & Open Space		
376378 WATER SAFETY PRODUCTS INC	SUPPLIES	519.33
319 Residential Dev Alloc Fund		
Non Departmental		
376399 BANK OF AMERICA	SKATEBOARD DOCKS	3,810.60
570 Equipment Maintenance Fund		
Non Departmental		
376341 HUNT AND SONS INC	FUEL	5,624.52

Prepared By: Lauren Posada
 Finance Accounting
 8/23/2018

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

Equipment Maintenance

376302	ANTIOCH AUTO PARTS	AUTO PARTS	1,042.65
376304	ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICE	45.00
376346	MAACO	REPAIR SERVICES	5,867.71
376371	TRED SHED, THE	TIRES	9,100.41
376380	WINTER CHEVROLET CO	AUTO PARTS	67.02
376463	OFFICE MAX INC	OFFICE SUPPLIES	7.28
376468	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	786.92
932271	KIMBALL MIDWEST	SUPPLIES	468.82
932273	RAY MORGAN COMPANY	COPIER USAGE	62.85

573 Information Services Fund

Information Services

376375	VERIZON WIRELESS	DATA USAGE	381.23
--------	------------------	------------	--------

Network Support & PCs

376463	OFFICE MAX INC	OFFICE SUPPLIES	326.53
932267	DIGITAL SERVICES	SERVER/WEBSITE MAINTENANCE	3,055.00
932273	RAY MORGAN COMPANY	COPIER USAGE	20.32

GIS Support Services

376405	BORELLI, GINA MARIE	EXPENSE REIMBURSEMENT	898.78
376428	ESRI INC	SOFTWARE LICENSE	10,766.25

577 Post Retirement Medical-Police Fund

Non Departmental

376453	MACLEOD WATTS INC	GASB 75 REPORT	750.00
--------	-------------------	----------------	--------

578 Post Retirement Medical-Misc Fund

Non Departmental

376453	MACLEOD WATTS INC	GASB 75 REPORT	750.00
--------	-------------------	----------------	--------

579 Post Retirement Medical-Mgmt Fund

Non Departmental

376453	MACLEOD WATTS INC	GASB 75 REPORT	750.00
--------	-------------------	----------------	--------

580 Loss Control Fund

Human Resources

376389	ANNUVIA	ANNUAL AED OVERSIGHT	1,919.84
--------	---------	----------------------	----------

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

611 Water Fund

Non Departmental

376301 ACE HARDWARE, ANTIOCH	SUPPLIES	65.00
376302 ANTIOCH AUTO PARTS	SUPPLIES	391.50
376309 BISHOP CO	SUPPLIES	310.36
376363 SYN TECH SYSTEMS INC	FUEL MASTER SOFTWARE REPAIR	102.34
376379 WESCO RECEIVABLES CORP	SUPPLIES	659.28
376463 OFFICE MAX INC	OFFICE SUPPLIES	137.80
376508 WILCO SUPPLY	LOCKS	504.77
932269 GRAINGER INC	SUPPLIES	445.88
932270 HAMMONS SUPPLY COMPANY	SUPPLIES	3,395.57

Water Supervision

376465 ONLINE RESOURCES	ONLINE WATER REFUND	38.41
-------------------------	---------------------	-------

Water Production

376301 ACE HARDWARE, ANTIOCH	SUPPLIES	3.71
376302 ANTIOCH AUTO PARTS	AUTO PARTS	304.39
376336 GUALCO GROUP INC, THE	LEGAL SERVICES RENDERED	6,000.70
376337 HACH CO	LAB SUPPLIES	712.34
376343 KELLY MOORE PAINT CO	PAINT	171.17
376386 ANDERSON PACIFIC ENGINEERING	CONCRETE	9,994.80
376388 ANIMAL DAMAGE MANAGEMENT	PEST CONTROL	425.00
376390 ANTIOCH AUTO PARTS	SUPPLIES	115.70
376427 ENVIRONMENTAL RESOURCE ASSOC	SAMPLE TESTING	441.52
376438 HARRINGTON INDUSTRIAL PLASTICS	SUPPLIES	404.88
376448 KIRK WELDING	SUPPLIES	750.00
376449 LAW OFFICE OF MATTHEW EMRICK	WATER RIGHTS	12,284.00
376463 OFFICE MAX INC	OFFICE SUPPLIES	20.75
376468 PACIFIC GAS AND ELECTRIC CO	GAS	155,647.35
376506 USA BLUE BOOK	PARTS	839.29
932264 CHEMTRADE CHEMICALS US LLC	ALUM	17,403.45
932268 EUROFINS EATON ANALYTICAL INC	SAMPLE TESTING	120.00
932273 RAY MORGAN COMPANY	COPIER USAGE	49.43
932274 THATCHER COMPANY OF CALIFORNIA	CHLORINE	11,713.60

Water Distribution

376297 ALL PRO PRINTING SOLUTIONS	PRINTING SERVICES	8,957.52
376301 ACE HARDWARE, ANTIOCH	PARTS	12.61
376315 CALIFORNIA PRINTING CONSULTANT	WATER BILL FORMS	2,762.42
376326 DELTA FENCE CO	CONCRETE	154.80
376342 INFOSEND INC	POSTAGE COSTS	1,197.04

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

376362 SYAR INDUSTRIES INC	ASPHALT	1,939.99
376374 USA NORTH 811	ANNUAL SERVICE FEE	1,667.16
376428 ESRI INC	DATA BASE CONVERSION	3,748.49
376452 LUCITY INC	SOFTWARE MAINTENANCE	11,585.62
376463 OFFICE MAX INC	OFFICE SUPPLIES	9.55
376483 SEECLICKFIX	LICENSE RENEWAL	5,299.00
932273 RAY MORGAN COMPANY	COPIER USAGE	159.97

Water Meter Reading

376301 ACE HARDWARE, ANTIOCH	SUPPLIES	28.12
376396 BACKFLOW DISTRIBUTORS INC	BACKFLOW REPAIR PARTS/KITS	1,777.96

Public Buildings & Facilities

376350 MUNICIPAL FINANCIAL SERVICES	WATER & SEWER RATE PROJECT	140.00
376386 ANDERSON PACIFIC ENGINEERING	WTP PROJECT	171,451.63
932263 CAROLLO ENGINEERS INC	PROFESSIONAL SERVICES	17,676.70

Warehouse & Central Stores

376379 WESCO RECEIVABLES CORP	SUPPLIES	1,150.43
932273 RAY MORGAN COMPANY	COPIER USAGE	23.03

621 Sewer Fund

Sewer-Wastewater Supervision

932273 RAY MORGAN COMPANY	COPIER USAGE	253.94
---------------------------	--------------	--------

Sewer-Wastewater Collection

376297 ALL PRO PRINTING SOLUTIONS	PRINTING SERVICES	8,957.52
376301 ACE HARDWARE, ANTIOCH	FITTINGS	66.88
376315 CALIFORNIA PRINTING CONSULTANT	WATER BILL FORMS	2,762.43
376342 INFOSEND INC	POSTAGE COSTS	1,197.03
376350 MUNICIPAL FINANCIAL SERVICES	WATER & SEWER RATE PROJECT	140.00
376362 SYAR INDUSTRIES INC	ASPHALT	1,939.99
376374 USA NORTH 811	ANNUAL SERVICE FEE	1,667.16
376428 ESRI INC	DATA BASE CONVERSION	3,748.51
376452 LUCITY INC	SOFTWARE MAINTENANCE	11,585.62
376463 OFFICE MAX INC	OFFICE SUPPLIES	46.51
376480 ROYAL BRASS INC	FITTINGS	237.05
376483 SEECLICKFIX	LICENSE RENEWAL	5,299.00

631 Marina Fund

Marina Administration

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 3 - AUGUST 16, 2018
 FIELD/CHECK#

376313 BRENTWOOD PRESS AND PUB	ADVERTISEMENT	276.00
376468 PACIFIC GAS AND ELECTRIC CO	GAS	4,237.85
932273 RAY MORGAN COMPANY	COPIER USAGE	86.33
Marina Maintenance		
376481 RUSSELL, DARREN EUGENE	SAFETY SHOES REIMBURSEMENT	225.07
Marina Boat Launch		
376381 WMW	PARTS	104.28
641 Prewett Water Park Fund		
Non Departmental		
376344 KRITZELL, TANEKA	INSURANCE FEE REFUND	146.00
376347 MCINTOSH, BEVERLY	RENTAL DEPOSIT REFUND	500.00
376440 HUB INTERNATIONAL OF CA INSUR.	EVENT INSURANCE	512.16
376446 KIMBALL ELEMENTARY	DEPOSIT REFUND	500.00
376461 OCHOA, ABBIGAIL	RENTAL DEPOSIT REFUND	500.00
376495 SUTTER ELEMENTARY PTA	DEPOSIT REFUND	500.00
Recreation Water Park		
376373 US FOODSERVICE INC	CONCESSIONS SUPPLIES	10,188.61
376378 WATER SAFETY PRODUCTS INC	LIFEGUARD UMBRELLAS	535.64
376399 BANK OF AMERICA	POOL PLAN REVIEW	1,108.45
376403 BIG SKY LOGOS AND EMBROIDERY	STAFF SHIRTS	2,584.45
376409 CALIF DEPARTMENT OF JUSTICE	FINGERPRINTING FEES	418.00
376410 COLE SUPPLY CO INC	JANITORIAL SUPPLIES	543.40
376421 DIABLO LIVE SCAN	FINGERPRINTING FEES	272.00
376423 EAST COUNTY LITTLE LEAGUE	ATTRACTION CLOSURE REFUND	228.93
376434 GARDA CL WEST INC	ARMORED CAR SERVICE	180.29
376437 GREASE TRAP CLEANERS LLC	USED COOKING OIL PICK-UP	400.00
376439 HONEYWELL INTERNATIONAL INC	AC REPAIR	1,207.00
376446 KIMBALL ELEMENTARY	SLIDE CLOSURE REFUND	635.79
376450 LESLIES POOL SUPPLIES	SUPPLIES	374.65
376459 OAKLEYS PEST CONTROL	PEST CONTROL SERVICE	220.00
376463 OFFICE MAX INC	OFFICE SUPPLIES	180.49
376468 PACIFIC GAS AND ELECTRIC CO	GAS	17,640.03
376504 UNITED STATES POSTAL SERVICE	POSTAGE	2,400.00
376505 US FOODSERVICE INC	SUPPLIES	1,988.17
376507 WEST MARINE	SUPPLIES	124.22
932273 RAY MORGAN COMPANY	COPIER USAGE	815.13
932275 VINCENT ELECTRIC MOTOR CO	REPAIR SERVICES	7,341.18
932277 CONSOLIDATED ELECTRICAL DIST	SUPPLIES	312.73

CITY OF ANTIOCH
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
AUGUST 3 - AUGUST 16, 2018
FIELD/CHECK#

721 Employee Benefits Fund

Non Departmental

376383	24 HOUR FITNESS SPORT	PAYROLL DEDUCTIONS	47.24
376415	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
376416	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
376469	PARS	PAYROLL DEDUCTIONS	7,571.62
376490	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
376491	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	485.00
376492	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	53.41
932283	NATIONWIDE RETIREMENT SOLUTION	PAYROLL DEDUCTIONS	29,433.39
932285	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	3,956.48



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Dawn Merchant, Finance Director *DM*

SUBJECT: Treasurer's Report – July 2018

RECOMMENDED ACTION

It is recommended that the City Council receive and file the July 2018 Treasurer's Report.

STRATEGIC PURPOSE

This action is essential to Strategy O-3 in the Strategic Plan: Ensure financial records and reports are accurate, reliable and timely.

FISCAL IMPACT

There is no fiscal impact of this action.

DISCUSSION

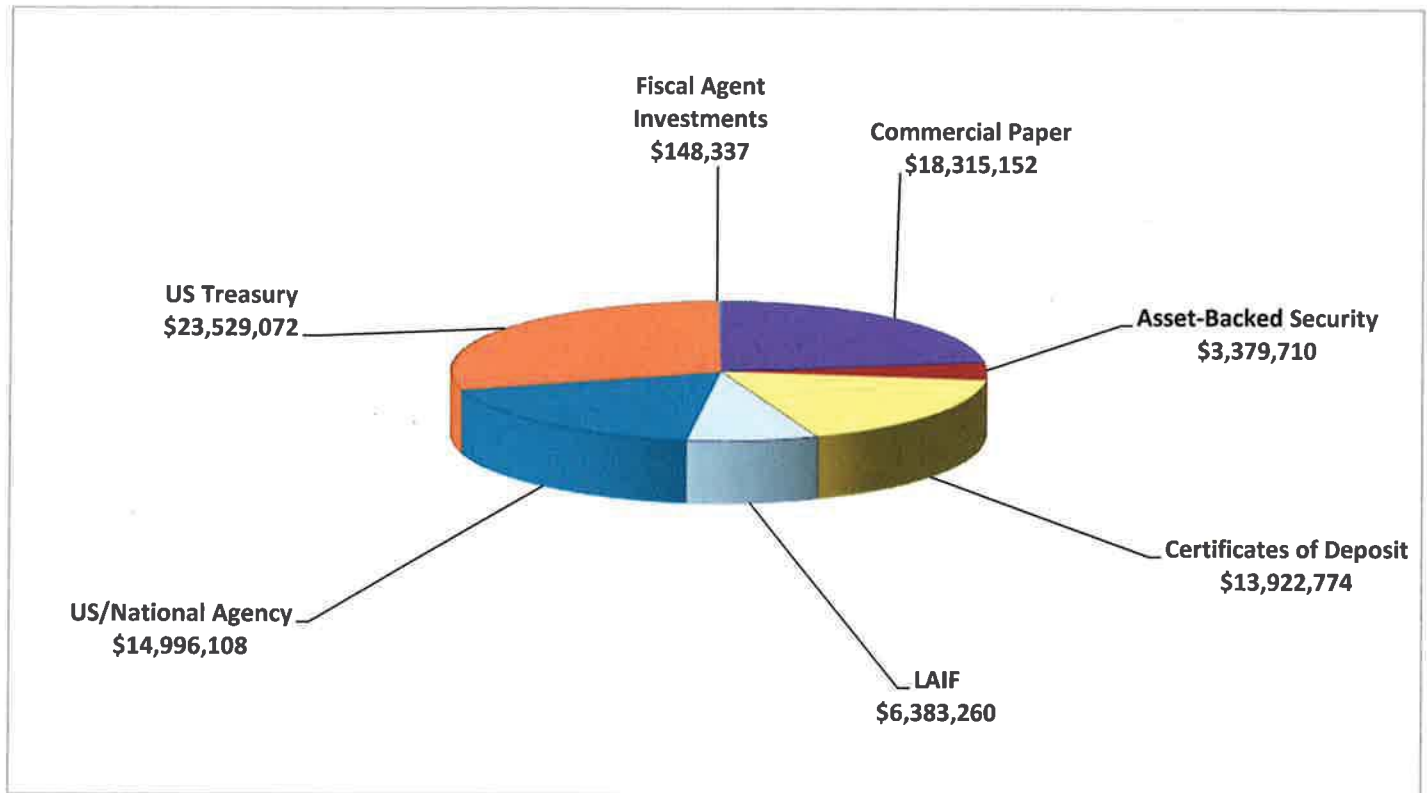
The City's *Statement of Investment Policy* (Policy) requires that the City Treasurer render, at least quarterly, an investment report to the City Council. The Policy also requires a monthly report of investment transactions to City Council. A monthly Treasurer's Report is provided to comply with both reporting provisions of the Policy. This report is being submitted by the Finance Department in the absence of a City Treasurer at this time.

ATTACHMENT

A. Treasurer's Report

**CITY OF ANTIOCH
SUMMARY REPORT ON THE CITY'S INVESTMENTS**

JULY 31, 2018



Total of City and Fiscal Agent Investments = \$80,674,413

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.

Vacant
Treasurer

Dawn Merchant

Dawn Merchant
Finance Director

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

	<u>Amount</u>
Antioch Public Financing Authority 2015 Bonds	1,061
Antioch Development Agency 2009 Tax Allocation Bonds	147,275
	<u>\$148,337</u>



Managed Account Issuer Summary

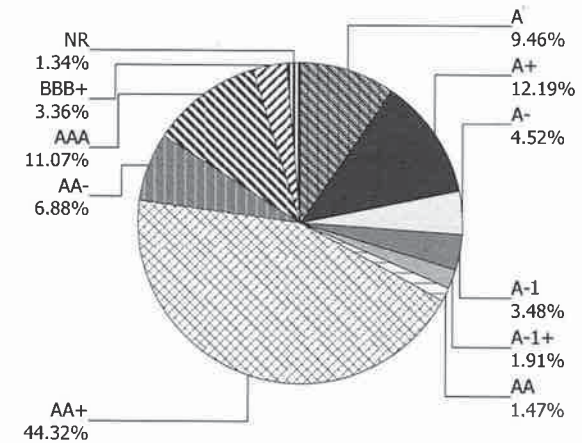
For the Month Ending July 31, 2018

CITY OF ANTIOCH, CA - 04380500

Issuer Summary

Issuer	Market Value of Holdings	Percent
ALLY AUTO RECEIVABLES TRUST	288,255.46	0.39
AMERICAN EXPRESS CO	1,364,729.59	1.87
AMERICAN HONDA FINANCE	738,715.73	1.01
APPLE INC	419,105.68	0.57
BANK OF AMERICA CO	1,077,530.41	1.48
BANK OF MONTREAL	1,123,911.00	1.54
BANK OF NOVA SCOTIA	754,632.75	1.03
BB&T CORPORATION	718,495.30	0.98
CALIFORNIA ST	840,648.25	1.15
CANADIAN IMPERIAL BANK OF COMMERCE	749,996.25	1.03
CARMAX AUTO OWNER TRUST	339,953.66	0.47
CATERPILLAR INC	531,732.52	0.73
CHARLES SCHWAB	350,539.00	0.48
CITIGROUP INC	1,436,625.21	1.97
CREDIT AGRICOLE SA	751,706.25	1.03
CREDIT SUISSE GROUP	750,332.25	1.03
DEERE & COMPANY	957,745.82	1.31
EXXON MOBIL CORP	369,923.25	0.51
FANNIE MAE	8,196,616.02	11.22
FORD CREDIT AUTO OWNER TRUST	65,788.66	0.09
FREDDIE MAC	221,655.60	0.30
GENERAL DYNAMICS CORP	434,391.44	0.59
GOLDMAN SACHS GROUP INC	721,541.75	0.99
HERSHEY COMPANY	280,525.56	0.38
HOME DEPOT INC	338,603.70	0.46
HONEYWELL INTERNATIONAL	197,699.00	0.27
HSBC HOLDINGS PLC	242,167.80	0.33
HYUNDAI AUTO RECEIVABLES	222,460.35	0.30
IBM CORP	741,532.00	1.02
INTEL CORPORATION	466,576.35	0.64
INTER-AMERICAN DEVELOPMENT BANK	1,546,709.64	2.12
INTERNATIONAL FINANCE CORPORATION	716,671.20	0.98

Credit Quality (S&P Ratings)





Managed Account Issuer Summary

For the Month Ending July 31, 2018

CITY OF ANTIOCH, CA - 04380500

<u>Issuer</u>	<u>Market Value of Holdings</u>	<u>Percent</u>
INTL BANK OF RECONSTRUCTION AND DEV	2,478,416.35	3.39
JOHNSON & JOHNSON	152,185.20	0.21
JP MORGAN CHASE & CO	717,198.28	0.98
MICROSOFT CORP	818,795.41	1.12
MITSUBISHI UFJ FINANCIAL GROUP INC	743,242.50	1.02
MORGAN STANLEY	714,098.18	0.98
NATIONAL RURAL UTILITIES CO FINANCE CORP	297,943.50	0.41
NORDEA BANK AB	746,702.25	1.02
PACCAR FINANCIAL CORP	432,649.36	0.59
PEPSICO INC	157,536.32	0.22
PFIZER INC	223,005.83	0.31
ROYAL BANK OF CANADA	957,130.70	1.31
SKANDINAVISKA ENSKILDA BANKEN AB	1,463,590.88	2.00
STATE OF CONNECTICUT	779,306.70	1.07
SUMITOMO MITSUI FINANCIAL GROUP INC	1,420,840.43	1.95
SVENSKA HANDELSBANKEN AB	1,395,427.60	1.91
SWEDBANK AB	735,393.00	1.01
THE BANK OF NEW YORK MELLON CORPORATION	690,093.25	0.94
THE WALT DISNEY CORPORATION	846,311.85	1.16
TOYOTA MOTOR CORP	1,153,391.75	1.58
UBS AG	752,735.25	1.03
UNILEVER PLC	741,112.81	1.01
UNITED PARCEL SERVICE INC	428,505.44	0.59
UNITED STATES TREASURY	23,161,394.68	31.70
VISA INC	196,657.60	0.27
WAL-MART STORES INC	852,551.59	1.17
WELLS FARGO & COMPANY	722,913.45	0.99
WESTPAC BANKING CORP	1,305,755.70	1.79
Total	\$73,042,403.31	100.00%



Managed Account Detail of Securities Held

For the Month Ending **July 31, 2018**

CITY OF ANTIOCH, CA - 04380500

Security Type/Description	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 12/01/2014 1.500% 11/30/2019	912828G61	1,950,000.00	AA+	Aaa	12/20/16	12/23/16	1,947,791.02	1.54	4,954.92	1,948,989.98	1,923,035.40
US TREASURY NOTES DTD 12/01/2014 1.500% 11/30/2019	912828G61	2,725,000.00	AA+	Aaa	12/01/16	12/05/16	2,729,257.81	1.45	6,924.18	2,726,920.12	2,687,318.70
US TREASURY NOTES DTD 02/02/2015 1.250% 01/31/2020	912828H52	255,000.00	AA+	Aaa	01/03/17	01/05/17	252,967.97	1.52	8.66	253,997.75	249,989.76
US TREASURY NOTES DTD 03/02/2015 1.375% 02/29/2020	912828J50	1,450,000.00	AA+	Aaa	08/31/17	09/01/17	1,449,943.36	1.38	8,343.41	1,449,964.03	1,422,302.10
US TREASURY NOTES DTD 04/30/2015 1.375% 04/30/2020	912828K58	1,025,000.00	AA+	Aaa	04/03/17	04/05/17	1,020,395.51	1.53	3,561.74	1,022,354.81	1,002,817.98
US TREASURY NOTES DTD 04/30/2015 1.375% 04/30/2020	912828K58	1,250,000.00	AA+	Aaa	04/07/17	04/10/17	1,243,554.69	1.55	4,343.58	1,246,279.71	1,222,948.75
US TREASURY NOTES DTD 04/30/2015 1.375% 04/30/2020	912828K58	2,000,000.00	AA+	Aaa	07/19/17	07/19/17	1,994,140.63	1.48	6,949.73	1,996,301.50	1,956,718.00
US TREASURY NOTES DTD 06/30/2015 1.625% 06/30/2020	912828XH8	2,700,000.00	AA+	Aaa	06/26/17	06/28/17	2,709,703.13	1.50	3,815.22	2,706,226.23	2,647,687.50
US TREASURY NOTES DTD 07/31/2015 1.625% 07/31/2020	912828XM7	1,075,000.00	AA+	Aaa	07/05/17	07/07/17	1,075,671.87	1.60	47.47	1,075,444.00	1,053,037.75
US TREASURY NOTES DTD 10/31/2015 1.375% 10/31/2020	912828L99	200,000.00	AA+	Aaa	10/17/17	10/17/17	198,031.25	1.71	694.97	198,534.58	194,195.40
US TREASURY NOTES DTD 11/30/2015 1.625% 11/30/2020	912828M98	860,000.00	AA+	Aaa	11/01/17	11/03/17	856,271.09	1.77	2,367.35	857,157.78	838,701.24
US TREASURY NOTES DTD 12/31/2015 1.750% 12/31/2020	912828N48	750,000.00	AA+	Aaa	12/04/17	12/06/17	745,253.91	1.96	1,141.30	746,246.80	733,008.00
US TREASURY NOTES DTD 12/31/2015 1.750% 12/31/2020	912828N48	1,700,000.00	AA+	Aaa	12/01/17	12/05/17	1,691,898.44	1.91	2,586.96	1,693,601.56	1,661,484.80
US TREASURY NOTES DTD 01/31/2016 1.375% 01/31/2021	912828N89	1,500,000.00	AA+	Aaa	01/02/18	01/04/18	1,470,000.00	2.05	56.05	1,475,486.63	1,450,840.50



Managed Account Detail of Securities Held

For the Month Ending July 31, 2018

CITY OF ANTIOCH, CA - 04380500

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 06/02/2014 2.000% 05/31/2021	912828WN6	2,900,000.00	AA+	Aaa	06/04/18	06/06/18	2,848,457.03	2.62	9,825.14	2,851,016.51	2,840,413.70
US TREASURY NOTES DTD 06/30/2014 2.125% 06/30/2021	912828WR7	1,300,000.00	AA+	Aaa	07/03/18	07/06/18	1,280,093.75	2.66	2,402.17	1,280,550.04	1,276,895.10
Security Type Sub-Total		23,640,000.00					23,513,431.46	1.79	58,022.85	23,529,072.03	23,161,394.68
Supra-National Agency Bond / Note											
INTL BANK OF RECON AND DEV GLOBAL NOTES DTD 10/27/2016 1.125% 11/27/2019	459058FS7	725,000.00	AAA	Aaa	08/28/17	08/30/17	718,815.75	1.51	1,450.00	721,330.50	710,666.75
INTL BANK OF RECONSTRUCTION AND DEV NOTE DTD 09/19/2017 1.561% 09/12/2020	45905UP32	725,000.00	AAA	Aaa	09/12/17	09/19/17	723,260.00	1.64	4,369.72	723,756.81	705,813.60
INTER-AMERICAN DEVELOPMENT BANK DTD 11/08/2013 2.125% 11/09/2020	4581X0CD8	720,000.00	AAA	Aaa	10/02/17	10/10/17	726,673.75	1.81	3,485.00	724,960.61	708,700.32
INTERNATIONAL FINANCE CORPORATION NOTE DTD 03/16/2018 2.635% 03/09/2021	45950VLO7	725,000.00	AAA	Aaa	03/09/18	03/16/18	724,456.25	2.66	7,163.91	724,520.88	716,671.20
INTER-AMERICAN DEVELOPMENT BANK NOTE DTD 04/19/2018 2.625% 04/19/2021	4581X0DB1	845,000.00	AAA	Aaa	04/12/18	04/19/18	843,141.00	2.70	6,284.69	843,310.74	838,009.32
INTL BANK OF RECONSTRUCTION AND DEV NOTE DTD 07/25/2018 2.750% 07/23/2021	459058GH0	1,065,000.00	AAA	Aaa	07/18/18	07/25/18	1,062,507.90	2.83	488.13	1,062,521.26	1,061,936.00
Security Type Sub-Total		4,805,000.00					4,798,854.65	2.26	23,241.45	4,800,400.80	4,741,797.19
Municipal Bond / Note											
CT ST TXBL GO BONDS DTD 08/17/2016 1.300% 08/15/2019	20772J3D2	795,000.00	A	A1	08/03/16	08/17/16	796,717.20	1.23	4,765.58	795,602.78	779,306.70



Managed Account Detail of Securities Held

For the Month Ending July 31, 2018

CITY OF ANTIOCH, CA - 04380500

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
Municipal Bond / Note											
CA ST TXBL GO BONDS DTD 04/25/2018 2.800% 04/01/2021	13063DGA0	845,000.00	AA-	Aa3	04/18/18	04/25/18	845,033.80	2.80	6,309.33	845,025.87	840,648.25
Security Type Sub-Total		1,640,000.00					1,641,751.00	2.04	11,074.91	1,640,628.65	1,619,954.95
Federal Agency Collateralized Mortgage Obligation											
FNMA SERIES 2015-M15 ASQ2 DTD 11/01/2015 1.898% 01/01/2019	3136AOSW1	24,189.02	AA+	Aaa	11/06/15	11/30/15	24,430.91	1.20	38.26	24,193.20	24,085.26
FNMA SERIES 2016-M9 ASQ2 DTD 06/01/2016 1.785% 06/01/2019	3136ASPX8	113,136.06	AA+	Aaa	06/09/16	06/30/16	114,267.36	1.05	168.29	113,332.77	112,739.05
FANNIE MAE SERIES 2015-M13 ASQ2 DTD 10/01/2015 1.646% 09/01/2019	3136AQDQ0	210,326.91	AA+	Aaa	10/07/15	10/30/15	212,433.10	1.08	288.50	210,706.27	209,376.76
FNA 2018-M5 A2 DTD 04/01/2018 3.560% 09/25/2021	3136B1XP4	500,000.00	AA+	Aaa	04/11/18	04/30/18	509,945.50	2.27	1,483.33	509,386.04	505,743.20
Security Type Sub-Total		847,651.99					861,076.87	1.79	1,978.38	857,618.28	851,944.27
Federal Agency Bond / Note											
FHLMC REFERENCE NOTE DTD 07/20/2016 0.875% 07/19/2019	3137EAE1	225,000.00	AA+	Aaa	07/19/16	07/20/16	224,455.50	0.96	65.63	224,822.69	221,655.60
FNMA BENCHMARK NOTE DTD 08/02/2016 0.875% 08/02/2019	3135G0N33	1,425,000.00	AA+	Aaa	07/29/16	08/02/16	1,422,606.00	0.93	6,199.74	1,424,192.35	1,402,624.65
FNMA NOTES DTD 09/02/2016 1.000% 08/28/2019	3135G0P49	1,650,000.00	AA+	Aaa	10/03/16	10/05/16	1,649,010.00	1.02	7,012.50	1,649,630.32	1,624,134.60
FNMA NOTES DTD 09/02/2016 1.000% 08/28/2019	3135G0P49	2,025,000.00	AA+	Aaa	08/31/16	09/02/16	2,021,841.00	1.05	8,606.25	2,023,852.35	1,993,256.10
FNMA NOTES DTD 02/28/2017 1.500% 02/28/2020	3135G0T29	900,000.00	AA+	Aaa	02/24/17	02/28/17	899,424.00	1.52	5,737.50	899,694.38	883,941.30
FNMA NOTES DTD 08/01/2017 1.500% 07/30/2020	3135G0T60	1,475,000.00	AA+	Aaa	08/31/17	09/01/17	1,475,383.50	1.49	61.46	1,475,268.42	1,440,715.10



Managed Account Detail of Securities Held

For the Month Ending July 31, 2018

CITY OF ANTIOCH, CA - 04380500

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
Security Type Sub-Total		7,700,000.00					7,692,720.00	1.16	27,683.08	7,697,460.51	7,566,327.35
Corporate Note											
WELLS FARGO & COMPANY CORP NOTE DTD 04/22/2014 2.125% 04/22/2019	94974BFU9	725,000.00	A-	A2	03/10/16	03/15/16	727,965.25	1.99	4,236.72	725,710.14	722,913.45
GOLDMAN SACHS GRP INC CORP NT (CALLABLE) DTD 04/25/2016 2.000% 04/25/2019	38141GVT8	100,000.00	BBB+	A3	04/20/16	04/25/16	99,722.00	2.10	533.33	99,930.49	99,523.00
GOLDMAN SACHS GRP INC CORP NT (CALLABLE) DTD 04/25/2016 2.000% 04/25/2019	38141GVT8	625,000.00	BBB+	A3	04/21/16	04/26/16	624,600.00	2.02	3,333.33	624,900.02	622,018.75
PFIZER INC CORP NOTES DTD 06/03/2016 1.450% 06/03/2019	717081DU4	225,000.00	AA	A1	05/31/16	06/03/16	224,743.50	1.49	525.63	224,927.16	223,005.83
CITIGROUP INC CORP NOTES DTD 06/09/2016 2.050% 06/07/2019	172967KS9	280,000.00	BBB+	Baa1	06/02/16	06/09/16	279,854.40	2.07	861.00	279,957.73	278,129.88
APPLE INC CORP NOTES DTD 08/04/2016 1.100% 08/02/2019	037833CB4	425,000.00	AA+	Aa1	07/28/16	08/04/16	424,575.00	1.13	2,298.54	424,856.12	419,105.68
MICROSOFT CORP NOTES DTD 08/08/2016 1.100% 08/08/2019	594918BN3	480,000.00	AAA	Aaa	08/01/16	08/08/16	479,505.60	1.14	2,537.33	479,830.12	473,194.56
IBM CREDIT CORP NOTE DTD 09/08/2017 1.625% 09/06/2019	44932HAA1	625,000.00	A+	A1	09/05/17	09/08/17	624,525.00	1.66	4,090.71	624,736.69	617,812.50
PEPSICO, INC CORP NOTES DTD 10/06/2016 1.350% 10/04/2019	713448DJ4	160,000.00	A+	A1	10/03/16	10/06/16	159,976.00	1.36	702.00	159,990.45	157,536.32
WAL-MART STORES INC CORP NOTE DTD 10/20/2017 1.750% 10/09/2019	931142DY6	335,000.00	AA	Aa2	10/11/17	10/20/17	334,993.30	1.75	1,823.89	334,995.49	331,344.15
HONEYWELL INTERNATIONAL CORP NOTES DTD 10/30/2017 1.800% 10/30/2019	438516B08	200,000.00	A	A2	10/23/17	10/30/17	199,844.00	1.84	910.00	199,902.09	197,699.00
AMERICAN HONDA FINANCE DTD 11/16/2017 2.000% 11/13/2019	02665WBZ3	250,000.00	A+	A2	11/13/17	11/16/17	249,860.00	2.03	1,083.33	249,909.06	247,025.25
BB&T CORP (CALLABLE) NOTE DTD 12/08/2014 2.450% 01/15/2020	05531FAS2	725,000.00	A-	A2	01/31/17	02/03/17	732,227.53	2.10	789.44	728,518.24	718,495.30



Managed Account Detail of Securities Held

For the Month Ending **July 31, 2018**

CITY OF ANTIOCH, CA - 04380500

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
Corporate Note											
JPMORGAN CHASE & CO (CALLABLE) DTD 01/23/2015 2.250% 01/23/2020	46625HKA7	725,000.00	A-	A3	05/10/17	05/15/17	726,935.75	2.15	362.50	726,057.57	717,198.28
MORGAN STANLEY CORP BONDS DTD 01/27/2015 2.650% 01/27/2020	61747YDW2	375,000.00	BBB+	A3	01/31/17	02/03/17	378,243.75	2.35	110.42	376,647.50	372,673.88
MICROSOFT CORP NOTES DTD 02/06/2017 1.850% 02/06/2020	594918BV5	350,000.00	AAA	Aaa	01/30/17	02/06/17	349,765.50	1.87	3,147.57	349,880.03	345,600.85
AMERICAN HONDA FINANCE DTD 02/16/2017 2.000% 02/14/2020	02665WBM2	340,000.00	A+	A2	02/13/17	02/16/17	339,517.20	2.05	3,154.44	339,748.58	334,860.56
AMERICAN EXPRESS CREDIT (CALLABLE) NOTE DTD 03/03/2017 2.200% 03/03/2020	0258M0EE5	440,000.00	A-	A2	02/28/17	03/03/17	439,542.40	2.24	3,979.56	439,753.90	434,224.56
WALT DISNEY COMPANY CORP NOTES DTD 03/06/2017 1.950% 03/04/2020	25468PDP8	140,000.00	A+	A2	03/01/17	03/06/17	139,963.60	1.96	1,114.75	139,980.35	137,774.42
HSBC USA INC NOTES DTD 03/05/2015 2.350% 03/05/2020	40428HPR7	245,000.00	A	A2	03/27/18	03/29/18	241,878.70	3.03	2,334.99	242,415.07	242,167.80
EXXON MOBIL (CALLABLE) CORP NOTE DTD 03/06/2015 1.912% 03/06/2020	30231GAG7	375,000.00	AA+	Aaa	08/14/17	08/15/17	376,901.25	1.71	2,887.92	376,173.92	369,923.25
JOHN DEERE CAPITAL CORP NOTES DTD 03/15/2017 2.200% 03/13/2020	24422ETO2	305,000.00	A	A2	03/10/17	03/15/17	304,762.10	2.23	2,572.17	304,869.53	300,904.46
UNILEVER CAPITAL CORP BONDS DTD 05/05/2017 1.800% 05/05/2020	904764AV9	175,000.00	A+	A1	05/02/17	05/05/17	174,441.75	1.91	752.50	174,668.54	171,614.98
GENERAL DYNAMICS CORP DTD 05/11/2018 2.875% 05/11/2020	369550BA5	435,000.00	A+	A2	05/08/18	05/11/18	433,460.10	3.06	2,779.17	433,627.32	434,391.44
INTEL CORP NOTES DTD 05/11/2017 1.850% 05/11/2020	458140AZ3	475,000.00	A+	A1	05/08/17	05/11/17	474,819.50	1.86	1,952.78	474,891.86	466,576.35
HOME DEPOT INC CORP NOTES DTD 06/05/2017 1.800% 06/05/2020	437076BO4	345,000.00	A	A2	05/24/17	06/05/17	344,799.90	1.82	966.00	344,875.72	338,603.70
WALT DISNEY COMPANY CORP NOTES DTD 06/06/2017 1.800% 06/05/2020	25468PDU7	725,000.00	A+	A2	06/01/17	06/06/17	724,159.00	1.84	2,030.00	724,477.04	708,537.43



Managed Account Detail of Securities Held

For the Month Ending **July 31, 2018**

CITY OF ANTIOCH, CA - 04380500

Security Type/Description	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note											
JOHN DEERE CAPITAL CORP NOTES DTD 06/22/2017 1.950% 06/22/2020	24422ETS8	150,000.00	A	A2	06/19/17	06/22/17	149,908.50	1.97	316.88	149,941.69	147,259.65
AMERICAN HONDA FINANCE CORP NOTES DTD 07/20/2017 1.950% 07/20/2020	02665WBT7	160,000.00	A+	A2	07/17/17	07/20/17	159,838.40	1.98	95.33	159,892.84	156,829.92
BNY MELLON CORP NOTE (CALLABLE) DTD 08/17/2015 2.600% 08/17/2020	06406HDD8	325,000.00	A	A1	02/16/18	02/21/18	323,404.25	2.81	3,849.44	323,681.79	322,172.50
CATERPILLAR FINL SERVICE NOTE DTD 09/07/2017 1.850% 09/04/2020	14913Q2A6	545,000.00	A	A3	09/05/17	09/07/17	544,542.20	1.88	4,117.02	544,677.02	531,732.52
CITIGROUP INC CORP NOTES DTD 10/26/2015 2.650% 10/26/2020	172967KB6	425,000.00	BBB+	Baa1	09/22/17	09/26/17	429,726.00	2.27	2,972.05	428,462.25	419,214.48
AMERICAN EXPRESS CO CORP (CALLABLE) NOTE DTD 10/30/2017 2.200% 10/30/2020	025816BP3	325,000.00	BBB+	A3	10/23/17	10/30/17	324,577.50	2.25	1,807.36	324,680.97	318,202.30
JOHNSON & JOHNSON CORP NOTE DTD 11/10/2017 1.950% 11/10/2020	478160CH5	155,000.00	AAA	Aaa	11/08/17	11/10/17	154,834.15	1.99	680.06	154,873.37	152,185.20
PACCAR FINANCIAL CORP NOTES DTD 11/13/2017 2.050% 11/13/2020	69371RN85	200,000.00	A+	A1	11/06/17	11/13/17	199,982.00	2.05	888.33	199,986.20	195,098.80
VISA INC (CALLABLE) CORP NOTES DTD 12/14/2015 2.200% 12/14/2020	92826CAB8	200,000.00	A+	A1	08/25/17	08/30/17	202,200.00	1.85	574.44	201,584.03	196,657.60
JOHN DEERE CAPITAL CORP NOTES DTD 01/08/2018 2.350% 01/08/2021	24422ETZ2	140,000.00	A	A2	01/03/18	01/08/18	139,927.20	2.37	210.19	139,940.50	137,861.08
IBM CORP CORP NOTES DTD 02/06/2018 2.650% 02/05/2021	44932HAG8	125,000.00	A+	A1	02/01/18	02/06/18	124,938.75	2.67	1,610.24	124,948.31	123,719.50
PACCAR FINANCIAL CORP NOTES DTD 02/27/2018 2.800% 03/01/2021	69371RN93	240,000.00	A+	A1	02/22/18	02/27/18	239,882.40	2.82	2,874.67	239,898.90	237,550.56
JOHN DEERE CAPITAL CORP NOTES DTD 03/13/2018 2.875% 03/12/2021	24422EUD9	375,000.00	A	A2	03/08/18	03/13/18	374,745.00	2.90	4,132.81	374,776.32	371,720.63
NATIONAL RURAL UTIL COOP DTD 02/26/2018 2.900% 03/15/2021	63743HER9	300,000.00	A	A2	02/21/18	02/26/18	299,667.00	2.94	3,745.83	299,714.62	297,943.50



Managed Account Detail of Securities Held

For the Month Ending **July 31, 2018**

CITY OF ANTIOCH, CA - 04380500

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
Corporate Note											
UNILEVER CAPITAL CORP NOTES DTD 03/22/2018 2.750% 03/22/2021	904764AZ0	575,000.00	A+	A1	03/19/18	03/22/18	572,061.75	2.93	5,666.15	572,400.07	569,497.83
UNITED PARCEL SERVICE CORPORATE BOND DTD 11/14/2017 2.050% 04/01/2021	911312BP0	440,000.00	A+	A1	11/09/17	11/14/17	439,304.80	2.10	3,006.67	439,444.29	428,505.44
TOYOTA MOTOR CREDIT CORP CORP NOTES DTD 04/13/2018 2.950% 04/13/2021	89236TEU5	440,000.00	AA-	Aa3	04/10/18	04/13/18	439,824.00	2.96	3,894.00	439,840.96	437,391.68
BANK OF NEW YORK MELLON CORP (CALLABLE) DTD 02/19/2016 2.500% 04/15/2021	06406FAA1	375,000.00	A	A1	02/16/18	02/21/18	370,128.75	2.93	2,760.42	370,796.79	367,920.75
MORGAN STANLEY CORP NOTES DTD 04/21/2016 2.500% 04/21/2021	61746BEA0	350,000.00	BBB+	A3	02/13/18	02/15/18	344,120.00	3.06	2,430.56	344,945.27	341,424.30
HERSHEY COMPANY CORP NOTES DTD 05/10/2018 3.100% 05/15/2021	427866BA5	280,000.00	A	A1	05/03/18	05/10/18	279,806.80	3.12	1,953.00	279,821.02	280,525.56
CHARLES SCHWAB CORP CORP NOTES DTD 05/22/2018 3.250% 05/21/2021	808513AW5	350,000.00	A	A2	05/17/18	05/22/18	349,989.50	3.25	2,180.21	349,990.06	350,539.00
WAL-MART STORES INC CORP NOTES DTD 06/27/2018 3.125% 06/23/2021	931142EJ8	520,000.00	AA	Aa2	06/20/18	06/27/18	519,974.00	3.13	1,534.72	519,974.57	521,207.44
BANK OF AMERICA CORP (CALLABLE) DTD 09/18/2017 2.328% 10/01/2021	06051GGS2	275,000.00	A-	A3	09/22/17	09/26/17	274,560.00	2.37	2,134.00	274,649.14	268,696.73
BANK OF AMERICA CORP (CALLABLE) DTD 09/18/2017 2.328% 10/01/2021	06051GGS2	450,000.00	A-	A3	09/13/17	09/18/17	450,000.00	2.33	3,492.00	450,000.00	439,685.55
Security Type Sub-Total		18,325,000.00					18,319,525.03	2.23	108,796.40	18,315,151.71	18,096,398.15
Certificate of Deposit											
SVENSKA HANDELSBANKEN NY LT CD DTD 01/12/2017 1.890% 01/10/2019	86958JHB8	1,400,000.00	A-1+	P-1	01/10/17	01/12/17	1,400,000.00	1.91	1,617.00	1,400,000.00	1,395,427.60



Managed Account Detail of Securities Held

For the Month Ending **July 31, 2018**

CITY OF ANTIOCH, CA - 04380500

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
Certificate of Deposit											
BANK OF MONTREAL CHICAGO CERT DEPOS DTD 02/09/2017 1.880% 02/07/2019	06427KRC3	1,125,000.00	A-1	P-1	02/08/17	02/09/17	1,125,000.00	1.90	10,222.50	1,125,000.00	1,123,911.00
SUMITOMO MITSUI BANK NY CD DTD 05/04/2017 2.050% 05/03/2019	86563YVNO	1,425,000.00	A-1	P-1	05/03/17	05/04/17	1,425,000.00	2.05	7,303.13	1,425,000.00	1,420,840.43
SKANDINAV ENSKILDA BANKEN NY CD DTD 08/04/2017 1.840% 08/02/2019	83050FXT3	1,475,000.00	A+	Aa2	08/03/17	08/04/17	1,474,424.75	1.85	13,570.00	1,474,710.80	1,463,590.88
MUFG BANK LTD/NY CERT DEPOS DTD 09/27/2017 2.070% 09/25/2019	06539RGM3	750,000.00	A	A1	09/25/17	09/27/17	750,000.00	2.07	13,282.50	750,000.00	743,242.50
CREDIT SUISSE NEW YORK CERT DEPOS DTD 02/08/2018 2.670% 02/07/2020	22549LFR1	750,000.00	A	A1	02/07/18	02/08/18	750,000.00	2.67	9,623.13	750,000.00	750,332.25
NORDEA BANK AB NY CD DTD 02/22/2018 2.720% 02/20/2020	65590ASN7	750,000.00	AA-	Aa3	02/20/18	02/22/18	750,000.00	2.72	9,010.00	750,000.00	746,702.25
UBS AG STAMFORD CT LT CD DTD 03/06/2018 2.900% 03/02/2020	90275DHG8	750,000.00	A+	Aa2	03/02/18	03/06/18	750,000.00	2.93	8,941.67	750,000.00	752,735.25
CREDIT AGRICOLE CIB NY FLT CERT DEPOS DTD 04/10/2018 2.801% 04/10/2020	22532XHT8	750,000.00	A	A1	04/06/18	04/10/18	750,000.00	2.85	1,283.99	750,000.00	751,706.25
CANADIAN IMP BK COMM NY FLT CERT DEPOS DTD 04/10/2018 2.731% 04/10/2020	13606BVF0	750,000.00	A+	Aa2	04/06/18	04/10/18	750,000.00	2.78	1,251.91	750,000.00	749,996.25
BANK OF NOVA SCOTIA HOUSTON CD DTD 06/07/2018 3.080% 06/05/2020	06417GU22	750,000.00	A+	Aa2	06/05/18	06/07/18	749,715.00	3.10	3,465.00	749,735.72	754,632.75
WESTPAC BANKING CORP NY CD DTD 08/07/2017 2.050% 08/03/2020	96121T4A3	1,325,000.00	AA-	Aa3	08/03/17	08/07/17	1,325,000.00	2.05	13,128.54	1,325,000.00	1,305,755.70
SWEDBANK (NEW YORK) CERT DEPOS DTD 11/17/2017 2.270% 11/16/2020	87019U6D6	750,000.00	AA-	Aa2	11/16/17	11/17/17	750,000.00	2.30	3,641.46	750,000.00	735,393.00
ROYAL BANK OF CANADA NY CD DTD 06/08/2018 3.240% 06/07/2021	78012UEE1	950,000.00	AA-	Aa2	06/07/18	06/08/18	950,000.00	3.24	4,531.50	950,000.00	957,130.70
Security Type Sub-Total		13,700,000.00					13,699,139.75	2.36	100,872.33	13,699,446.52	13,651,396.81



Managed Account Detail of Securities Held

For the Month Ending July 31, 2018

CITY OF ANTIOCH, CA - 04380500

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
Asset-Backed Security / Collateralized Mortgage Obligation											
FORD ABS 2015-C A3 DTD 09/22/2015 1.410% 02/15/2020	34530YAD5	65,900.78	AAA	Aaa	09/15/15	09/22/15	65,887.96	1.42	41.30	65,898.03	65,788.66
ALLY ABS 2016-3 A3 DTD 05/31/2016 1.440% 08/15/2020	02007LAC6	125,566.70	AAA	Aaa	05/24/16	05/31/16	125,554.51	1.44	80.36	125,561.15	125,036.21
HYUNDAI ABS 2016-A A3 DTD 03/30/2016 1.560% 09/15/2020	44930UAD8	103,529.50	AAA	Aaa	03/22/16	03/30/16	103,509.41	1.57	71.78	103,520.90	103,042.67
TOYOTA ABS 2017-B A3 DTD 05/17/2017 1.760% 07/15/2021	89190BAD0	725,000.00	AAA	Aaa	05/09/17	05/17/17	724,944.39	1.76	567.11	724,960.03	716,000.07
ALLY ABS 2017-3 A3 DTD 05/24/2017 1.740% 09/15/2021	02007EAE8	165,000.00	AAA	Aaa	05/16/17	05/24/17	164,982.79	1.96	127.60	164,987.77	163,219.25
CCCIT 2017-A9 A9 DTD 10/02/2017 1.800% 09/20/2021	17305EGH2	375,000.00	AAA	NR	09/25/17	10/02/17	374,972.06	1.80	2,456.25	374,977.81	370,626.94
CITIBANK ABS 2017-A3 A3 DTD 04/11/2017 1.920% 04/07/2022	17305EGB5	375,000.00	AAA	NR	05/15/17	05/22/17	376,001.25	1.82	2,280.00	375,802.08	368,653.91
HART 2018-A A3 DTD 04/18/2018 2.790% 07/15/2022	44891KAD7	120,000.00	AAA	Aaa	04/10/18	04/18/18	119,981.93	2.80	148.80	119,983.10	119,417.68
BANK OF AMERICA ABS 2017-A1 A1 DTD 03/30/2017 1.950% 08/15/2022	05522RCW6	375,000.00	NR	Aaa	06/11/18	06/13/18	369,052.73	2.73	325.00	369,131.70	369,148.13
AMXCA 2018-1 A DTD 03/21/2018 2.670% 10/17/2022	02582JHQ6	615,000.00	NR	Aaa	03/14/18	03/21/18	614,928.60	2.68	729.80	614,934.04	612,302.73
CARMAX AUTO OWNER TRUST DTD 07/25/2018 3.350% 06/15/2023	14313FAD1	340,000.00	AAA	NR	07/18/18	07/25/18	339,953.66	3.36	189.83	339,953.82	339,953.66
Security Type Sub-Total		3,384,996.98					3,379,769.29	2.23	7,017.83	3,379,710.43	3,353,189.91
Managed Account Sub-Total		74,042,648.97					73,906,268.05	2.00	338,687.23	73,919,488.93	73,042,403.31



Managed Account Detail of Securities Held

For the Month Ending **July 31, 2018**

CITY OF ANTIOCH, CA - 04380500

Securities Sub-Total	\$74,042,648.97	\$73,906,268.05	2.00%	\$338,687.23	\$73,919,488.93	\$73,042,403.31
Accrued Interest						\$338,687.23
Total Investments						\$73,381,090.54



Managed Account Security Transactions & Interest

For the Month Ending **July 31, 2018**

CITY OF ANTIOCH, CA - 04380500

Transaction Type	Trade	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
BUY											
07/03/18	07/06/18		US TREASURY NOTES DTD 06/30/2014 2.125% 06/30/2021	912828WR7	1,300,000.00	(1,280,093.75)	(450.41)	(1,280,544.16)			
07/18/18	07/25/18		CARMAX AUTO OWNER TRUST DTD 07/25/2018 3.350% 06/15/2023	14313FAD1	340,000.00	(339,953.66)	0.00	(339,953.66)			
07/18/18	07/25/18		INTL BANK OF RECONSTRUCTION AND DEV NOTE DTD 07/25/2018 2.750% 07/23/2021	459058GH0	1,065,000.00	(1,062,507.90)	0.00	(1,062,507.90)			

Transaction Type Sub-Total					2,705,000.00	(2,682,555.31)	(450.41)	(2,683,005.72)			
-----------------------------------	--	--	--	--	---------------------	-----------------------	-----------------	-----------------------	--	--	--

INTEREST											
07/01/18	07/25/18		FANNIE MAE SERIES 2015-M13 ASQ2 DTD 10/01/2015 1.646% 09/01/2019	3136AOD00	213,203.69	0.00	311.88	311.88			
07/01/18	07/25/18		FNMA SERIES 2015-M15 ASQ2 DTD 11/01/2015 1.898% 01/01/2019	3136AOSW1	59,623.34	0.00	94.31	94.31			
07/01/18	07/25/18		FNMA SERIES 2016-M9 ASQ2 DTD 06/01/2016 1.785% 06/01/2019	3136ASPX8	121,092.98	0.00	180.13	180.13			
07/01/18	07/25/18		FNA 2018-M5 A2 DTD 04/01/2018 3.560% 09/25/2021	3136B1XP4	500,000.00	0.00	1,483.33	1,483.33			
07/08/18	07/08/18		JOHN DEERE CAPITAL CORP NOTES DTD 01/08/2018 2.350% 01/08/2021	24422ETZ2	140,000.00	0.00	1,645.00	1,645.00			
07/10/18	07/10/18		SVENSKA HANDELSBANKEN NY LT CD DTD 01/12/2017 1.890% 01/10/2019	86958JHB8	1,400,000.00	0.00	13,303.50	13,303.50			
07/10/18	07/10/18		CREDIT AGRICOLE CIB NY FLT CERT DEPOS DTD 04/10/2018 2.801% 04/10/2020	22532XHT8	750,000.00	0.00	5,322.48	5,322.48			
07/10/18	07/10/18		CANADIAN IMP BK COMM NY FLT CERT DEPOS DTD 04/10/2018 2.731% 04/10/2020	13606BVF0	750,000.00	0.00	5,189.77	5,189.77			
07/15/18	07/15/18		BB&T CORP (CALLABLE) NOTE DTD 12/08/2014 2.450% 01/15/2020	05531FAS2	725,000.00	0.00	8,881.25	8,881.25			
07/15/18	07/15/18		TOYOTA ABS 2017-B A3 DTD 05/17/2017 1.760% 07/15/2021	89190BAD0	725,000.00	0.00	1,063.33	1,063.33			
07/15/18	07/15/18		ALLY ABS 2017-3 A3 DTD 05/24/2017 1.740% 09/15/2021	02007EAE8	165,000.00	0.00	239.25	239.25			



Managed Account Security Transactions & Interest

For the Month Ending **July 31, 2018**

CITY OF ANTIOCH, CA - 04380500

Transaction Type		Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
Trade	Settle									
INTEREST										
07/15/18	07/15/18	AMXCA 2018-1 A DTD 03/21/2018 2.670% 10/17/2022	02582JHO6	615,000.00	0.00	1,368.38	1,368.38			
07/15/18	07/15/18	HART 2018-A A3 DTD 04/18/2018 2.790% 07/15/2022	44891KAD7	120,000.00	0.00	279.00	279.00			
07/15/18	07/15/18	ALLY ABS 2016-3 A3 DTD 05/31/2016 1.440% 08/15/2020	02007LAC6	139,874.47	0.00	167.85	167.85			
07/15/18	07/15/18	BANK OF AMERICA ABS 2017-A1 A1 DTD 03/30/2017 1.950% 08/15/2022	05522RCW6	375,000.00	0.00	609.38	609.38			
07/15/18	07/15/18	FORD ABS 2015-C A3 DTD 09/22/2015 1.410% 02/15/2020	34530YAD5	82,577.30	0.00	97.03	97.03			
07/15/18	07/15/18	HYUNDAI ABS 2016-A A3 DTD 03/30/2016 1.560% 09/15/2020	44930UAD8	114,320.57	0.00	148.62	148.62			
07/19/18	07/19/18	FHLMC REFERENCE NOTE DTD 07/20/2016 0.875% 07/19/2019	3137EAEB1	550,000.00	0.00	2,406.25	2,406.25			
07/20/18	07/20/18	AMERICAN HONDA FINANCE CORP NOTES DTD 07/20/2017 1.950% 07/20/2020	02665WBT7	160,000.00	0.00	1,560.00	1,560.00			
07/23/18	07/23/18	JPMORGAN CHASE & CO (CALLABLE) DTD 01/23/2015 2.250% 01/23/2020	46625HKA7	725,000.00	0.00	8,156.25	8,156.25			
07/27/18	07/27/18	MORGAN STANLEY CORP BONDS DTD 01/27/2015 2.650% 01/27/2020	61747YDW2	375,000.00	0.00	4,968.75	4,968.75			
07/30/18	07/30/18	FNMA NOTES DTD 08/01/2017 1.500% 07/30/2020	3135G0T60	1,475,000.00	0.00	11,062.50	11,062.50			
07/31/18	07/31/18	US TREASURY NOTES DTD 01/31/2016 1.375% 01/31/2021	912828N89	1,500,000.00	0.00	10,312.50	10,312.50			
07/31/18	07/31/18	US TREASURY NOTES DTD 02/02/2015 1.250% 01/31/2020	912828H52	255,000.00	0.00	1,593.75	1,593.75			
07/31/18	07/31/18	US TREASURY NOTES DTD 07/31/2015 1.625% 07/31/2020	912828XM7	1,075,000.00	0.00	8,734.38	8,734.38			
Transaction Type Sub-Total				13,110,692.35	0.00	89,178.87	89,178.87			
PAYDOWNS										
07/01/18	07/25/18	FNMA SERIES 2015-M15 ASQ2 DTD 11/01/2015 1.898% 01/01/2019	3136AOSW1	35,434.32	35,434.32	0.00	35,434.32	(354.34)	0.00	



Managed Account Security Transactions & Interest

For the Month Ending July 31, 2018

CITY OF ANTIOCH, CA - 04380500

Transaction Type	Trade	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
PAYDOWNS											
07/01/18	07/25/18		FANNIE MAE SERIES 2015-M13 ASQ2 DTD 10/01/2015 1.646% 09/01/2019	3136AOD00	2,876.78	2,876.78	0.00	2,876.78	(28.81)	0.00	
07/01/18	07/25/18		FNMA SERIES 2016-M9 ASQ2 DTD 06/01/2016 1.785% 06/01/2019	3136ASPX8	7,956.92	7,956.92	0.00	7,956.92	(79.57)	0.00	
07/15/18	07/15/18		ALLY ABS 2016-3 A3 DTD 05/31/2016 1.440% 08/15/2020	02007LAC6	14,307.77	14,307.77	0.00	14,307.77	1.39	0.00	
07/15/18	07/15/18		FORD ABS 2015-C A3 DTD 09/22/2015 1.410% 02/15/2020	34530YAD5	16,676.52	16,676.52	0.00	16,676.52	3.24	0.00	
07/15/18	07/15/18		HYUNDAI ABS 2016-A A3 DTD 03/30/2016 1.560% 09/15/2020	44930UAD8	10,791.07	10,791.07	0.00	10,791.07	2.09	0.00	
Transaction Type Sub-Total					88,043.38	88,043.38	0.00	88,043.38	(456.00)	0.00	
SELL											
07/03/18	07/06/18		FHLMC REFERENCE NOTE DTD 07/20/2016 0.875% 07/19/2019	3137EAEB1	1,250,000.00	1,230,462.50	5,073.78	1,235,536.28	(16,512.50)	(18,482.04)	FIFO
07/18/18	07/24/18		APPLE INC CORP NOTES DTD 08/04/2016 1.100% 08/02/2019	037833CB4	300,000.00	295,596.00	1,558.33	297,154.33	(4,104.00)	(4,300.49)	FIFO
07/18/18	07/25/18		FHLMC REFERENCE NOTE DTD 07/20/2016 0.875% 07/19/2019	3137EAEB1	325,000.00	320,105.50	47.40	320,152.90	(4,108.00)	(4,633.98)	FIFO
07/18/18	07/25/18		INTL BANK OF RECON AND DEV SN NOTE DTD 07/13/2016 0.875% 08/15/2019	459058FK4	725,000.00	712,247.25	2,822.67	715,069.92	(12,600.50)	(12,699.91)	FIFO
Transaction Type Sub-Total					2,600,000.00	2,558,411.25	9,502.18	2,567,913.43	(37,325.00)	(40,116.42)	
Managed Account Sub-Total						(36,100.68)	98,230.64	62,129.96	(37,781.00)	(40,116.42)	
Total Security Transactions						(\$36,100.68)	\$98,230.64	\$62,129.96	(\$37,781.00)	(\$40,116.42)	



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Dawn Merchant, Finance Director *DM*

SUBJECT: Adopt a Resolution Authorizing the City Manager to Forward a Response to Countywide Grand Jury Report: “Joint Powers Authorities Transparency and Accountability” (Report 1808)

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution authorizing the City Manager to forward a response to the Grand Jury report: “Joint Powers Authorities Transparency and Accountability” (Report 1808).

STRATEGIC PURPOSE

This action meets Long Term Goal O, Financial Services to achieve and maintain financial stability and transparency. Updating the Statement of Investment Policy falls within Strategy O-2 of this Long Term goal by ensuring the City achieves long-term fiscal sustainability by maximizing the return on investments while maintaining the safety and liquidity of assets.

FISCAL IMPACT

There is no fiscal impact associated with this action.

DISCUSSION

Early in California’s history, the California Constitution established grand juries in each county. The California Penal Code includes provisions on the formation of grand juries and their powers and duties. With respect to public agencies, grand juries are authorized to “investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or systems of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit.” (Cal. Penal Code section 925a) Within 90 days after the grand jury submits a report regarding the operations of any public agency, the “governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body” (Cal. Penal Code section 933(c))

Antioch (as well as other public agencies in the County) received the attached Grand Jury report: “Joint Powers Authorities Transparency and Accountability” (Attachment A). Cities are instructed to review and report on transparency and accountability of Joint

Powers Authorities (JPAs). More specifically, the City of Antioch is a party to the following JPAs which are included in this Grand Jury report requiring response:

- Antioch Public Financing Authority – A JPA in conjunction with the City’s former Antioch Development Agency used as the financing mechanism for the City and/or redevelopment agency to issue bonds.
- Antioch Area Public Facilities Financing Agency – A JPA in conjunction with the Antioch Unified School District used as the financing mechanism for the issuance of bonds to build several schools in the City and the Prewett Water Park facility. These bonds have been paid off and this JPA is in the wind down phase to be dissolved.

Accordingly, the attached draft response (Exhibit 1 to Attachment B) is presented for the City Council’s consideration to authorize the City Manager to transmit to the Grand Jury.

ATTACHMENT

- A. Grand Jury Report
- B. Resolution
 - a. Exhibit 1 - Letter

June 6, 2018



City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Dear City of Antioch:

Attached is a copy of Grand Jury Report No. 1808, "Joint Powers Authorities" by the 2017-2018 Contra Costa Grand Jury.

In accordance with California Penal Code Section 933 et seq., we are submitting this report to you as the officer, agency or department responsible for responding to the report. As the responding person or person responding on behalf of an entity, you shall report one of the following actions in respect to each finding:

- (1) You agree with the finding.
- (2) You disagree with the finding.
- (3) You partially disagree with the finding.

(Pen. Code, § 933.05(a).) In the cases of both (2) and (3) above, you shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons thereof.

In addition, Section 933.05(b) requires you to reply to each recommendation by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

After reviewing your response to ensure that it includes the above-noted mandated items, please send (1) a hard copy of the response to the Grand Jury at P.O. Box 431, Martinez, CA 94553; and (2) a copy in Word by e-mail to ctadmin@contracosta.courts.ca.gov. Your response must be submitted to the Grand Jury, in the form described by the above-quoted Government Code, no later than **September 11, 2018**.

Finally, please note that this report is being provided to you at least two working days before it is released publicly. Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to its public release.

Please immediately confirm receipt of this letter and the attached report by responding via e-mail to ctadmin@contracosta.courts.ca.gov.

Sincerely,

Mario Gutierrez, Foreperson
2017-2018 Contra Costa County Civil Grand Jury

cc: Ron Bernal, City Manager

**A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1808

Joint Powers Authorities

Transparency and Accountability

APPROVED BY THE GRAND JURY

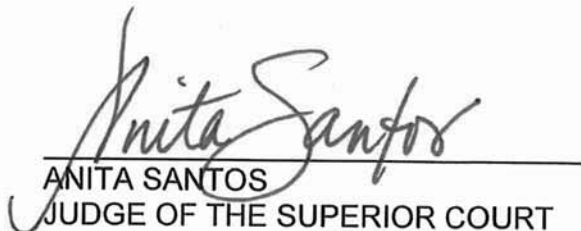
Date MAY 31, 2018



MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date June 5, 2018



ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

**A REPORT BY
THE 2017-2018 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1808

Joint Powers Authorities

Transparency and Accountability

APPROVED BY THE GRAND JURY

Date MAY 31, 2018



MARIO GUTIERREZ
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date June 5, 2018



ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contact: Mario Gutierrez
Foreperson
925-389-1556

Contra Costa County Grand Jury Report 1808

Joint Powers Authorities

Transparency and Accountability

**TO: Contra Costa County Auditor-Controller;
Local Agency Formation Commission;
City Councils of the following cities: Antioch, Brentwood,
Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette,
Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill,
Richmond, San Pablo, San Ramon, and Walnut Creek**

SUMMARY

When you review your property tax bill, have you ever questioned why there was a particular assessment? Was this on a ballot? Was there public disclosure? The majority of tax assessments are approved by the voters. However, assessments can also be made without voter approval by cities that are members of Joint Powers Authorities.

Local governments have used Joint Powers Authorities (JPA) as a flexible, easy to form, cost-effective means to carry out specific functions. JPAs have been used to cover a wide range of functions, such as: fire protection, recreational programs, construction projects, and transportation.

As of December 2017, the 19 incorporated cities in Contra Costa County (County) reported to the Contra Costa Civil Grand Jury (Grand Jury) that they were members of at least one of 157 JPAs established in the County. The Grand Jury could not confirm that this was the total number of JPAs established. The Grand Jury also found that the 19 cities in the County have issued bonds, with an estimated cumulative value that exceeds \$1.5 billion. (www.standardandpoors.com, Dec 2017)

The Grand Jury investigated the use of JPAs by the cities. Due to the level of debt generated, the Grand Jury focused on financial type JPAs and specifically on their oversight, transparency, and financial accountability.

Based on our findings, the Grand Jury recommends the County Auditor post on their website all documents received from all JPAs associated with Redevelopment Agencies

(RDA) and their Successor Agencies. All cities should confirm their compliance with Gov. Codes 6500, and 33400 et seq. To demonstrate full transparency, cities should consider reporting all JPA financial information separate from their city budgets. The cities should also consider submitting periodic financial reports directly to the County Auditor, and increasing their efforts to provide the public an opportunity to understand and comment on planned debt actions pertaining to JPAs.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed Contra Costa Auditor-Controller senior staff
- Interviewed Contra Costa Tax Collector senior staff
- Interviewed Local Area Formation Commission (LAFCO) senior staff
- Interviewed Finance Directors of three representative cities within the County
- Submitted two Requests for Information to the 19 cities in the County
- Researched financial data published by Standard and Poor's

BACKGROUND

The California State Legislature passed the Joint Powers Authority Act in 1921. California Government Code (Gov. Code) statues for JPA laws are set forth in Sections 6500 - 6599. A JPA is formed when two or more public agencies agree on creating a function/service that benefits all JPA members. JPAs are not formed by voter initiative or voted on by the electorate, but by the action of the agencies' governing bodies.

To form a JPA, the organization members post a formal notice, hold a public meeting, and solicit comments from the public and stakeholders. The members formalize the agreement and appoint a Board of Directors. The JPA can then enter into contracts and incur debt to finance projects.

The intent of a JPA is to provide services efficiently, resulting in financial benefit to the taxpayers. By sharing resources and combining services, the member agencies save time, create efficiencies, and reduce overlapping functions and costs. JPAs allow governments to conduct selected public projects without voter approval of financial commitments or key operational decisions. JPAs can be formed for many reasons: acquisition of land, construction and maintenance projects, financing, insurance pooling, and operations of facilities.

When multiple jurisdictions decide a new project is needed, they can form a JPA. Otherwise they would have to take the lengthy approach to get a measure on the ballot, secure majority-voter approval, and sell revenue bonds to private investors to raise capital to fund the project.

Gov. Code, Section 6547 allows JPAs to issue revenue bonds without voter approval provided each of the member agencies adopts a separate local ordinance to issue such bonds. Voters have a 30-day period to call for a referendum election on the local ordinances, but this rarely occurs.

JPAs and Special Districts

JPAs are sometimes confused with Special Districts, which are another legal entity established to provide specific functions. The difference is that a Special District is an independent entity with its own governing body that delivers services to a dedicated community. Special Districts rely on different State laws for their legal authority and are governed by elected boards.

While counties and cities must provide basic services in accordance with federal and state law, Special Districts provide specific services and must be approved by the Local Agency Formation Commission (LAFCO) and the voters. Some examples include fire districts, water districts, and pest abatement. LAFCOs are responsible for "...overseeing the establishment, expansion and organization of cities and special districts and their municipal services in meeting current and future community needs" Gov. Code Section 56000 et seq.

In 2017, SB 1266 created a formal reporting process connecting JPAs and LAFCOs.

Types of Joint Powers Authorities

JPAs can be categorized into five broad groups based on the type of services they provide ("Governments Working Together: A Citizens Guide to Joint Powers Agreements," Cypher & Grinnell, 2007):

- Financial services: financing construction of public works such as city halls, bridges, and flood control projects
- Public services: transportation, police and fire protection
- Insurance pooling and purchasing discounts: pooling for lower insurance rates
- Planning Services: addressing and planning for topics of regional importance that go beyond city and county limits
- Regulatory enforcement: ensuring that member agencies adhere to state and federal laws and procedures by conducting educational seminars, formulating enforcement procedures, and maintaining an oversight role

DISCUSSION

The Grand Jury requested a list of all JPAs in Contra Costa County from the County Auditor-Controller and the State Controller's offices. Neither the County nor the State could provide a consolidated list of all the JPAs operating in the County. The State


Controller publishes an annual report on its website combining all relevant financial JPA information with Special Districts. The Grand Jury's attempts to identify JPA-specific data was not possible because the data was mixed in with Special Districts' data.

To secure JPA-specific data, the Grand Jury submitted a Request for Information to each of the 19 incorporated cities in the County to which all responded.

A total of 157 JPAs were reported. Because multiple cities participate in the same JPA (e.g., State Route 4 Bypass Authority), the number of individual JPAs is 66.

JPAs in Contra Costa County

JPAs			
Antioch	8	Oakley	5
Brentwood	10	Orinda	5
Clayton	10	Pinole	8
Concord	9	Pittsburg	9
Danville	10	Pleasant Hill	10
El Cerrito	7	Richmond	11
Hercules	9	San Pablo	5
Lafayette	4	San Ramon	18
Martinez	4	Walnut Creek	8
Moraga	7		
TOTAL		157	



JPA TYPES	
Public	35
Financial	23
Insurance	4
Regulatory	3
Planning	1
TOTAL	66

Source: RFI responses from 19 cities

The Grand Jury determined that due to the number of JPAs in the County and the amount of bonds issued, the investigation would focus on Financial JPAs (see chart above). The investigation addressed three areas of transparency and accountability: organization, reporting, and oversight.

Organization

RDAs were originally formed by California cities to fund their urban renewal programs. The California Community Redevelopment Law and Redevelopment Agencies were dissolved by Assembly Bill (ABx1.26) effective October 1, 2011. This was done to support the state's budget deficit and address issues with RDAs. After losing an appeal, California RDAs were officially dissolved on February 1, 2012. Their assets and liabilities transferred to Successor Agencies and Successor Housing Agencies. The Government Codes addressing RDAs and their Successor Agencies as a result of ABx1.26 are set forth in Gov. Codes Sections 33500, 33600, 34161, and 34170 et seq.

Numerous Successor Agencies now operate under a JPA. The Grand Jury identified 23 financial JPAs: nine with multiple cities, two without RDA, and 12 formed between a city and its RDA, creating the RDA's Successor Agency. Three JPAs that have been labeled

“Defunct” by the respective cities have ongoing financial obligations (such as repayment of bonds). The 12 Financial JPAs with RDA are:

- Antioch Public Finance Authority between the City of Antioch and its RDA
- Antioch Public Facilities Financing between the City of Antioch and its RDA
- Brentwood Infrastructure Finance Authority between the City of Brentwood and its RDA
- Concord Financing Authority between the City of Concord and its RDA
- El Cerrito Public Financing Authority between the City of El Cerrito and its RDA
- Hercules Public Financing Authority between the City of Hercules and its RDA
- Lafayette Public Facilities Financing Authority between the City of Lafayette and its Successor Agency to the RDA (Defunct)
- Pinole Financing Authority between the City of Pinole and its RDA
- Pleasant Hill Financing Authority between the City of Pleasant Hill and its RDA (Defunct)
- Richmond Financing Authority between the City of Richmond and its RDA
- San Pablo Financing Authority between the City of San Pablo and its Successor Agency to the RDA
- San Ramon Public Financing between the City of San Ramon and its Successor Agency to the RDA (Defunct)

The Gov. Codes Sections 34161, and 34170 et seq. required the closing of RDAs and the formation of Successor Agencies. The Successor Agencies were prohibited from taking on new redevelopment or debt and were required to dissolve and pay off their existing debt under a conservator’s guidance and State oversight. The Successor Agency was to terminate once the debt is fully paid off.

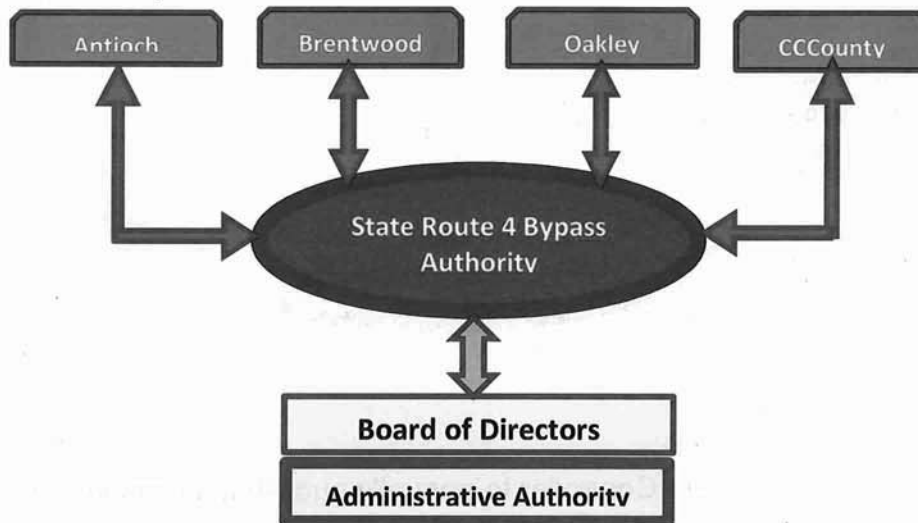
Numerous city councils elected themselves to be the Successor Agency conducting their own oversight. Eleven cities, listed above, formed JPAs consisting of the city council and the Successor Agency. These new JPAs may be invalid if they take on new debt (Gov. Codes Sections 34161, and 34170 et seq.).

The Grand Jury determined that, based on their characteristics, JPAs can be divided into two distinct organizational models: Direct and Circular.

Direct Organizational Model

The Direct model supports shared services: insurance pools, transportation, communications systems, worker’s compensation and flood protection. The JPA members are composed of similar entities that share a mutual challenge or opportunity.

Each member delegates a function of their authority to a JPA to either improve the service that is provided or to reduce the cost through a joint effort. If the JPA does not provide positive results or improvements, any member can withdraw from the JPA. This structure has checks and balances and allows for self-correction and accountability. In addition to each member providing inputs, the public has access to the JPA at the City Council member and JPA's Board levels. The majority of JPAs maintain this organizational structure and comply with the intent of the statute (Gov. Codes, Sections 6505, 6547 et seq.). The following is a simplified model of one JPA, The State Route 4 Bypass Authority.



Circular Organizational Model

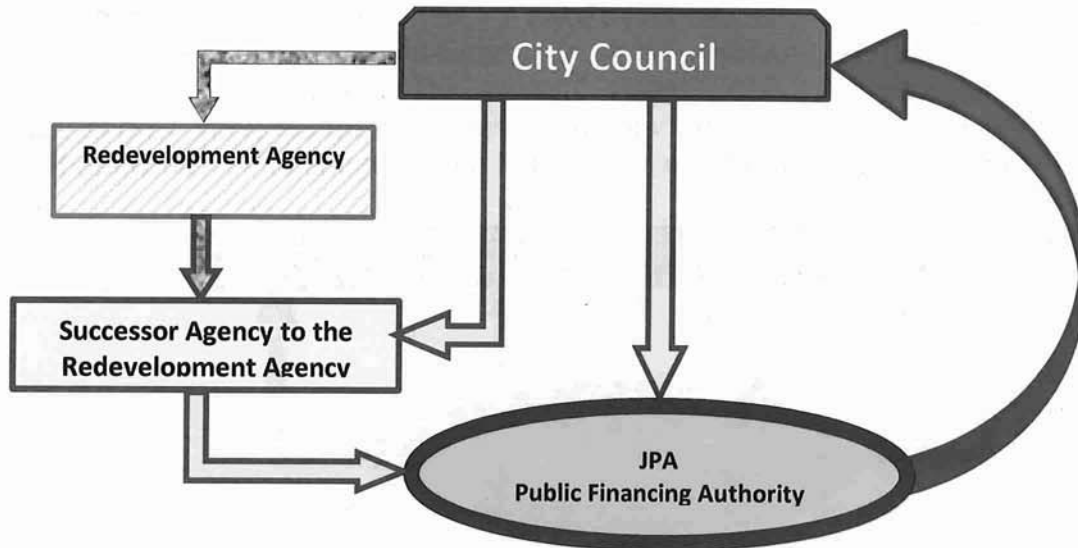
The Circular model is not made up of independent entities like the Direct model but is one entity using internal staff or departments. The members of this JPA are controlled by a single authority, such as the city council. Because JPAs can issue revenue bonds without voter approval, there is no public access or independent party to review financial accountability.

The 12 Financial JPAs with RDA use this Circular model. The city council now has authority over the city, its RDA, and the financing JPA. The reporting structure is circular as shown in the diagram below. The Grand Jury reviewed several Financial JPAs' charters and noted that the City Manager and City Clerk were signatories for both the city and the RDA. In one case, the same individual signed for both the city and its RDA. Since all its members are from a single entity, the Circular model does not have the same checks and balances and accountability as the Direct JPAs.

The circular model presents a potential risk to the public due to the absence of checks and balances resulting in a loss of transparency and accountability to its citizens.

In the event that a JPA falls short of its ability to repay debt, a member could utilize its General Fund or other internal sources to avoid the risk of defaulting on the bond. JPA protocols allow such actions by the city council without voters' approval. If the debt

increase is unchecked, a negative outcome can be damaging to the reputation of the city and its credit rating, and may result in higher costs to taxpayers.



Reporting

State Law SB 282 requires the State Controller to annually publish financial information of Special Districts, JPAs and public benefit corporations, excluding school districts. The Grand Jury was not able to accurately document JPA finances because the State Controller's report did not separate JPA data from Special District data. The Grand Jury also requested JPA information from the County Auditor-Controller's Office. They provided information only on JPAs with which the County was directly involved.

Health and Safety Code Sections 34182-34188.8 requires the Auditor-Controller to review JPAs' compliance with ABx1.26 (dissolution of redevelopment agencies and the designation of Successor Agencies) to determine any violation.

In 2017, SB1266 was amended to require JPAs to send a copy of their agreement to LAFCO. LAFCO was designated only to be a repository of filings with no authority over JPAs, they focus on municipal ground services and not JPAs formed for the purpose of financing.

Without a consolidated and useful way to track JPA financial reporting, there is a loss of transparency and accountability to the public.

Oversight

No State or County agency directly oversees the use and operation of JPAs in Contra Costa County. The Secretary of State, State Controller, the California Debt and Investment Commission and LAFCO serve only as a repository of JPA reports.

JPAs that fail to report their financial information to the State or county violate Gov. Codes Section 6505(a), which requires that "...an annual audit of the accounts and records of every agency or entity." Gov. Codes Section 6505(c) requires that when an audit is made, "...a report thereof shall be filed as public record with each of the contracting parties to the agreement and also with the county auditor of the county where the home office of the joint powers is located."

Because JPAs are easy to create, they facilitate the sharing of services and financing. If they are mismanaged, JPAs may present a burden for taxpayers. The estimated \$1.5 billion bonds issued by cities in the County may provide needed services and financial benefit to the taxpayers. However, the latitude allowed by State statutes creates the potential for JPAs to acquire debt that exceeds the ceiling imposed on government entities.

JPA's provide a legal process that gives cities the ability to remain compliant with California Constitution Article XVI, Section 18 "Debt." Article XVI prohibits cities, counties and school districts from borrowing an amount that exceeds the income and revenue for each year, unless approval is obtained from at least two-thirds of the voters. Since JPAs are separate legal entities formed by two members, such as the City Council and a Successor JPA, they are not bound by this prohibition on city, county and school debt. Gov. Codes Sections 6547 et seq, does not require voter approval on a JPA ordinance to issue revenue bonds, unless voters initiate a referendum to contest the action during the 30-day referendum period. If there is no referendum, the JPA can then issue revenue bonds that can exceed a cities' annual debt limit imposed by Article XVI, Section 18.

JPAs have no direct State or County oversight and minimal reporting requirements. As a result, Some JPAs, such as those defined as circular, are a mechanism whereby cities may take on debt that is not independently monitored.

FINDINGS

- F1. In the Direct JPA model, each member delegates to the JPA a function that each member has the legal authority to provide. This shared approach results in cost savings and better efficiency on behalf of taxpayers.
- F2. The Circular JPAs with a single controlling entity, such as a city council, have the potential to avoid legal debt limits and provide limited disclosures to taxpayer.
- F3. In Contra Costa County, there are 12 Circular JPAs created by cities with RDAs that no longer exist. These JPAs may no longer be valid because each is a member of another Financial JPA which may take on new debt without the prohibition (Gov. Codes Sections 6505 3416/34170 et seq,) placed on Successor Agencies.

- F4. Cities that have created the 12 Financial JPAs do not provide JPA-specific financial information in their budget document. As a result, the public may have difficulty evaluating JPA's financial performance.
- F5. The Contra Costa Auditor-Controller's office maintains information only on JPAs of which the County is a member. The County Auditor could not verify that all JPAs in the County have filed an audit in accordance with Gov. Codes Sections 6505 et seq.
- F6. LAFCO has no JPA oversight and acts as a repository only for municipal services JPAs that choose to voluntarily file. This limits LAFCO's ability to review Financial JPAs.

RECOMMENDATIONS

- R1. All cities with JPAs in the County should confirm their compliance with Gov. Codes Sections 6505 by submitting the required audit report to the County Auditor by December 31, 2018.
- R2. The Auditor-Controller under Health and Safety Code Sections 34182-34188.8, should consider a review of JPAs under ABx1.26 (dissolution of redevelopment agencies and the designation of Successor Agencies) by June 30, 2019 to determine any violation of the prohibition on taking on new redevelopment or debt.
- R3. The Auditor-Controller should consider posting on its website all financial and organizational data received from JPAs associated with an RDA or their Successor Agency in a manner readily available to the public by September 30, 2018.
- R4. The 11 cities that are members of a JPA associated with an RDA or their Successor Agencies should consider confirming their compliance with the provisions of Abx1.26 (Gov. Codes Sections 34177 et seq.) and report their findings and any corrective actions to the Auditor-Controller's office by December 31, 2018.
- R5. All cities with JPAs should consider making special efforts, such as special mailings to taxpayers, website postings and announcements in local media, to communicate JPA debt decisions and audit reports to the public beyond simple notifications by December 31, 2018.
- R6. Contra Costa County LAFCO should consider seeking funds to expand their focus to include County Financial JPAs by September 1, 2019.

REQUIRED RESPONSES

	Findings	Recommendations
Cities of Antioch, Brentwood, Clayton, Concord, Town of Danville, El Cerrito, Hercules, Lafayette, Martinez, Town of Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek	F1	R1, R5
Contra Costa County Auditor-Controller	F2, F3, F4, and F5	R2 and R3
Cities of Antioch, Brentwood, Concord, El Cerrito, Hercules, Lafayette, Pinole, Pleasant Hill, Richmond, San Pablo, San Ramon	F2, F3, and F4	R4
Local Agency Formation Commission (LAFCO)	F6	R6

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

RESOLUTION NO. 2018/

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING THE CITY MANAGER TO FORWARD A RESPONSE TO GRAND
JURY REPORT NO. 1808: "JOINT POWERS AUTHORITIES TRANSPARENCY AND
ACCOUNTABILITY"**

WHEREAS, the City received Grand Jury Report No. 1808, "Joint Powers Authorities Transparency and Accountability" dated June 6, 2018; and,

WHEREAS, a written response to the Grand Jury Report is required under California Penal Code; and,

WHEREAS, a written response to the Grand Jury Report has been drafted and reviewed by the City Council.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Antioch hereby authorizes the City Manager to sign the written response to Grand Jury Report No. 1808 - "Joint Powers Authorities Transparency and Accountability" which is attached to this Resolution as "Exhibit 1".

* * * * *

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 28th day of August 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

August XX, 2018

Civil Grand Jury - Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Dear Foreperson:

On behalf of the Antioch City Council, this letter responds to Contra Costa County Grand Jury Report: "Joint Powers Authorities" (Report No. 1808). The City Council authorized this response at its meeting on July 24, 2018.

We appreciate the time and effort that the Grand Jury spent considering these matters. The Report emphasizes the transparency and financial accountability of JPA's.

Pursuant to California Penal Code section 933.05, the City will respond to each finding and to each recommendation individually.

Findings

F1. In the Direct JPA model, each member delegates to the JPA a function that each member has the legal authority to provide. This shared approach results in cost savings and better efficiency on behalf of taxpayers.

The City agrees with the finding.

F2. The Circular JPAs with a single controlling entity, such as a City Council, have the potential to avoid legal debt limits and provide limited disclosures to taxpayer.

The City disagrees with the finding. Revenue bonds issued by a JPA still have to be approved by the governing board at a public meeting that is noticed. When issuing bonds, the City of Antioch utilizes independent bond counsel and financial advisor to ensure the proposed issuance is financially feasible and done in compliance with any government codes.

F3. In Contra Costa County, there are 12 Circular JPAs created by cities with RDAs that no longer exist. These JPAs may no longer be valid because each is a member of another Financial JPA which may take on new debt without prohibition (Gov. Codes Sections 6505 3416/34170 et. Seq.) place on Successor Agencies.

Based on the list provided by the Grand Jury, there are only 11 Circular JPA's as the Grand Jury inaccurately reported that the Antioch Public Facilities Financing is between the City of Antioch and its RDA. The name of this JPA is in fact "Antioch Area

Public Facilities Financing Agency” and is between the City of Antioch and the Antioch Unified School District.

The City disagrees with the finding as the Circular JPAs may still issue non-redevelopment debt and also may have the ability to refinance existing redevelopment debt if done in compliance with government code guidelines and approved by the State Department of Finance.

F4. Cities that have created the 12 Financial JPAs do not provide JPA-specific financial information in their budget document. As a result, the public may have difficulty evaluating JPA’s financial performance.

The City disagrees with the finding. The City of Antioch includes a section in its budget document entitled “Antioch Public Financing Authority” for the budget information of the JPA. Information on debt repayment is also included in the budget document. As far as the Antioch Area Public Facilities Financing Agency, this is not a component unit of the City or School District and therefore financial information cannot be included in the City’s budget document. That JPA establishes its own budget and records are maintained by both the City and School District.

Recommendations

R1. All cities with JPAs in the County should confirm their compliance with Gov. Codes Sections 6505 by submitting the required audit report to the County Auditor by December 31, 2018.

The City will implement this recommendation.

R4. The 11 cities that are members of a JPA associated with an RDA or their Successor Agencies should consider confirming their compliance with the provisions of Abx1.26 (Gov. Codes Sections 34177 et seq.) and report their findings and any corrective actions to the Auditor-Controller’s office by December 31, 2018.

Should the Auditor-Controller’s office create a template report for agencies to provide this reporting so that it is consistent and meaningful across the reporting agencies, the City would consider implementing this recommendation.

R5. All cities with JPAs should consider making special efforts, such as special mailings to taxpayers, website postings and announcements in local media, to communicate JPA debt decisions and audit reports to the public beyond simple notifications by December 31, 2018.

This recommendation will not be implemented at this time as the Antioch Public Financing Authority between the City and former RDA has no plans to issue debt in the immediate future and all audit reports are presented at a public City Council meeting.

The Antioch Public Facilities Financing is actually called the “Antioch Area Public Facilities Financing Agency” and is between

the City and Antioch Unified School District, not the Successor Agency. However, this JPA will no longer be issuing debt, all debt has been repaid and is the process of winding down. This JPA did make announcements in the local media when the debt was repaid to notify taxpayers and therefore the City/School District has implemented these methods in the past but has no need moving forward as it will be dissolved in the next couple of years.

Sincerely,

Ron Bernal
City Manager

Cc: Mayor and City Council
Derek Cole, Interim City Attorney
Dawn Merchant, Finance Director



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Shaun Connelly, Water Distribution Superintendent *SC*

APPROVED BY: Jon Blank, Public Works Director/City Engineer *JB*

SUBJECT: Fulton Yard Recycling Project Bid Award

RECOMMENDED ACTION

It is recommended that the City Council adopt the resolution awarding the Fulton Yard Recycling Project contract to C&J Favalora Trucking Inc. in an amount not to exceed \$200,000 per fiscal year for the period of September 1, 2018 through June 30, 2021, with an option to extend for an additional two years.

STRATEGIC PURPOSE

This action supports Strategy K-1, ensuring well maintained public facilities, rights-of-way and parks.

FISCAL IMPACT

Funding for this expenditure is included in the adopted fiscal year 2018/19 budget in the Water and Sewer Enterprise Funds. The annual purchase order for this contract is not to exceed \$200,000 per year and \$600,000 over the three-year agreement period.

DISCUSSION

Utilizing contracted recycling and off hauling services provides the most cost effective method of maintaining the Fulton Yard. These types of contracted services allow the Public Works Department to provide a consistent level of maintenance to the facility.

The Fulton Yard serves as a holding grounds for various recyclable and non-recyclable materials resulting from Public Works related projects. The contracted work includes operation of a backhoe or excavator to sort materials and off haul the spoils to various locations. This work is essential in maintaining a well-organized and fully operational facility.

Public Works published the request for bids on July 18, 2018. The bids closed on July 26, 2018. The City received two bid submittals, one of which was deemed non-responsive. C&J Favalora Trucking Inc. submitted the lowest responsive bid. The bid tabulation is included in Attachment B.

ATTACHMENTS

- A. Resolution
- B. Bid Tabulation

ATTACHMENT "A"

RESOLUTION NO. 2018/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE AWARD OF THE FULTON YARD RECYCLING PROJECT
CONTRACT TO C&J FAVALORA TRUCKING INC.**

WHEREAS, the Public Works department maintains all City facilities including the Fulton Yard; and

WHEREAS, the Public Works department is responsible for sorting, recycling and disposing of materials brought into the Fulton Yard from Public Works related operations; and

WHEREAS, utilizing contracted recycling and off hauling services provides the most cost effective method of maintaining the facility; and

WHEREAS, C&J Favalora Trucking Inc. submitted the lowest bid for this recycling and off hauling contract; and

THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby awards the Fulton Yard Recycling Project contract to C&J Favalora Trucking Inc. in an amount not to exceed \$200,000 per year for the three-year period of September 1, 2018 through June 30, 2021, with an option to extend services for an additional two years.

BE IT FURTHER RESOLVED that the City Council of the City of Antioch authorizes the City Manager to execute an agreement with C&J Favalora Trucking Inc., in an amount not to exceed \$200,000 per year for the three-year period of September 1, 2018 through June 30, 2021, with an option to extend services for an additional two years, in a form approved by the City Attorney.

* * * * *

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 28th day of August 2018, by the following vote:

AYES:

ABSENT:

NOES:

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

ATTACHMENT "B"



**2018 Bid Tabulation
Fulton Yard Recycling Project
Bid No. 968-0726-18B**

Fulton Yard Recycling Project	C&J Favalora Trucking Inc. Excavator/Backhoe Hourly Rate	C&J Favalora Trucking Inc. Off-Hauling Hourly Rate	Finta Enterprises Inc. Excavator/Backhoe Hourly Rate	Finta Enterprises Inc. Off-Hauling Hourly Rate
FY 2018/19	\$125.00	\$105.00	\$215.00	not specified
FY 2019/20	\$125.00	\$105.00	\$215.00	not specified
FY 2020/21	\$130.00	\$110.00	\$215.00	not specified
Total:	\$380.00	\$320.00	\$645.00	n/a
Optional Two Year Renewal:				
FY 2021/22	\$130.00	\$115.00	\$225.00	not specified
FY 2022/23	\$130.00	\$115.00	\$225.00	not specified
Total:	\$260.00	\$230.00	\$450.00	n/a
Grand Total:	\$640.00	\$550.00	\$1,095.00	n/a

No Bid: Lone Tree Trucking



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Scott Buenting, Project Manager *SB*

APPROVED BY: Jon Blank, Public Works Director/City Engineer *JB*

SUBJECT: First Amendment to the Construction Agreement with J.J.R. Construction, Inc. for the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations (P.W. 409-5)

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution:

- 1) Amending the fiscal year 2018/2019 Capital Improvement budget by carrying forward \$526,611 in unspent budgeted SB1 funds designated for Pavement Preventative Maintenance Program in fiscal year 2017/2018; and
- 2) Reallocating \$526,611 in unspent budgeted SB1 funds designated for Pavement Preventative Maintenance Program to the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations project; and
- 3) Increasing fiscal year 2018/2019 Measure 'J' funding for the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations project in the amount of \$73,399; and
- 4) Increasing the existing contract with J.J.R. Construction, Inc. for the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations project by \$600,000 for a total contract amount of \$2,236,452.

STRATEGIC PURPOSE

This program will support Strategy K-5 by reducing City liability from third party claims by increasing and enhancing ADA accessibility and reducing trip hazards along City streets.

FISCAL IMPACT

The approval of this amendment will increase J.J.R. Construction, Inc. by \$600,000 for a total contract amount of \$2,236,452 utilizing funding from the SB1 Fund in the amount of \$526,611 and the Measure 'J' Fund in the amount of \$79,399.

L

DISCUSSION

On January 9, 2018, the City Council awarded a construction contract to J.J.R. Construction, Inc. in the amount of \$1,636,452. The project consists of constructing of curb ramps and pedestrian improvements to comply with Title II of the American with Disabilities Act (ADA) which requires local agencies to provide ADA curb ramps whenever streets are altered through pavement resurfacing. These ADA improvements are being performed in areas that have recently received pavement resurfacing and areas planned to receive a rubberized cape seal pavement treatment in the near future. In addition, new sidewalks have been installed along Cavallo Road and Contra Loma Boulevard. Bike lanes along Carpinteria Drive from Graphite Court to Garrow Drive will also be constructed utilizing a TDA grant for bike and pedestrian improvements.

Due to the topography of the areas in which the curb ramps are being installed and the condition of the existing concrete and adjacent asphalt pavement, the extent of the modifications must be expanded in order to comply with ADA requirements. Furthermore, additional accessibility concerns requiring immediate concrete rehabilitation have been identified in various location within the City. Staff is recommending amending the construction contract with J.J.R. Construction, Inc. to include additional removal and replacement of concrete flatwork and asphalt pavement as well as the installation of additional concrete curb ramps. The approval of this agreement amendment will increase the contract by \$600,000 for a total contract amount of \$2,236,452.

ATTACHMENTS

A: Resolution

ATTACHMENT "A"

RESOLUTION NO. 2018/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING THE 2018/19 FISCAL YEAR CAPITAL IMPROVEMENT BUDGET AND
APPROVING THE FIRST AGREEMENT WITH J.J.R. CONSTRUCTION, INC. FOR
THE CURB RAMPS, BIKE LANE AND PEDESTRIAN IMPROVEMENTS
AT VARIOUS LOCATIONS
P.W. 409-5**

WHEREAS, an amendment carrying forward unspent budgeted funds of \$526,611 from the 2017/2018 Capital Improvement budget designated for Pavement Preventative Maintenance Program in fiscal year 2017/2018 has been considered by the City Council; and

WHEREAS, an amendment reallocating \$526,611 in unspent budgeted SB1 funds designated for Pavement Preventative Maintenance Program to the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations project (Project) has been considered by City Council; and

WHEREAS, an amendment increasing fiscal year 2018/2019 Measure 'J' funding for the Project in the amount of \$73,399 has been considered by City Council; and

WHEREAS, the City desires to increase the existing contact with J.J.R. Construction, Inc. for the Project by \$600,000 for a total contract amount of \$2,236,452;

THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby approves:

- 1) An amendment carrying forward \$526,611 in unspent budgeted SB1 funds designated for Pavement Preventative Maintenance Program in fiscal year 2017/2018;
- 2) Reallocating \$526,611 in unspent budgeted SB1 funds designated for Pavement Preventative Maintenance Program to the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations project (Project);
- 3) Increasing fiscal year 2018/2019 Measure 'J' funding of the Project in the amount of \$73,399; and
- 4) Increasing the existing contact with J.J.R. Construction, Inc. for the Project by \$600,000 for a total contract amount of \$2,236,452.

* * * * *

Resolution No. 2018/**

August 28, 2018

Page 2 of 2

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 28th day of August 2018, by the following vote:

AYES:

ABSENT:

NOES:


ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH




STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Scott Buenting, Project Manager 

APPROVED BY: Jon Blank, Director of Public Works/City Engineer 

SUBJECT: Consideration of Bids for the Lone Tree Way and Golf Course Road Pavement Resurfacing Project (P.W. 392-30)

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution:

1. Reallocating \$1,861,720 of SB1 funding designated for the Pavement Preventative Maintenance Program to the Lone Tree Way and Golf Course Road Pavement Resurfacing project; and
2. Awarding a contract for Lone Tree Way and Golf Course Road Pavement Resurfacing to the lowest responsive and responsible bidder, Intermountain Slurry Seal, Inc.; and
3. Authorizing the City Manager to execute an agreement in the amount of \$2,079,012.

STRATEGIC PURPOSE

This item supports Strategy K-1 in the Strategic Plan by ensuring well maintained public facilities and rights-of-way. Resurfacing aging roadways is fiscally responsible aspect of maintaining the City's assets.

FISCAL IMPACT

This action will authorize the allocation of SB1 funding for the project in the amount of \$1,861,720. The 2018/2019 Capital Improvements budget currently includes funding from Measure 'J' to fund the the additional construction contract cost as well as contract administration, engineering, inspection, material testing, and construction of this project. In addition, staff will pursue construction cost reimbursement from the CalRecycle program of up to \$350,000 once the work has been completed.

DISCUSSION

On August 14, 2018, four (4) bids were received and opened, as shown on the attached tabulation. The low bid was submitted by Intermountain Slurry Seal, Inc. of Elk Grove in the amount of \$2,079,012. The bids have been checked and found to be without any errors or omissions.

This project will consist of installing a rubberized cape seal over 290,000 square yards of pavement on Lone Tree Way between West Tregallas Road and Empire Avenue, Golf Course Road, from Lone Tree Way to Frederickson Lane and the entire access road to the Lone Tree Golf and Event Center.

ATTACHMENTS

- A: Resolution
- B: Bid Tabulation
- C: Vicinity Map

ATTACHMENT "A"

RESOLUTION NO. 2018/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
REALLOCATING \$1,861,720 OF SB1 FUNDS FROM THE PAVEMENT
PREVENTATIVE MAINTENANCE PROGRAM TO THE LONE TREE WAY AND GOLF
COURSE ROAD PAVEMENT RESURFACING PROJECT, AWARDING THE LONE
TREE WAY AND GOLF COURSE ROAD PAVEMENT RESURFACING PROJECT
AND AUTHORIZING EXECUTION OF A CONSTRUCTION AGREEMENT WITH
INTERMOUNTAIN SLURRY SEAL, INC.
P.W. 392-30**

WHEREAS, a budget amendment reallocating \$1,861,720 of SB1 funds designated for the Pavement Preventative Maintenance Program to Lone Tree Way and Golf Course Road Pavement Resurfacing Project (Project) has been considered by City Council; and

WHEREAS, the City desires to execute a construction agreement with Intermountain Slurry Seal, Inc. in the amount of \$2,079,012 for the Project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby:

1. Authorizes a budget amendment reallocating \$1,861,720 of SB1 funds designated for the Pavement Preventative Maintenance Program to the Lone Tree Way and Golf Course Road Resurfacing Pavement project; and
2. Awards the construction contract to the lowest, responsive and responsible bidder, Intermountain Slurry Seal, Inc.; and
3. Authorizes the City Manager to execute a construction agreement with Intermountain Slurry Seal, Inc. in the amount of \$2,079,012, in a form approved by the City Attorney.

* * * * *

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 28th day of August 2018, by the following vote:

AYES:

ABSENT:

NOES:

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

ATTACHMENT "B"

**CITY OF ANTIOCH
TABULATION OF BIDS**

JOB TITLE: Lone Tree Way and Golf Course Road Pavement Resurfacing
(P.W. 392-30)

BIDS OPENED: August 14, 2018 ~ 2:00 p.m.
City Council Chambers

	Engineer's Estimate	Intermountain Slurry Seal, Inc. Elk Grove	American Pavement Systems, Inc. Modesto	VSS International, Inc. West Sacramento	Telfer Pavement Technologies, LLC McClellan	
TOTAL BID PRICE	\$2,100,000.00	\$2,079,012.00	\$2,392,167.00	\$2,528,000.00	\$2,810,750.00	

<i>Intermountain Slurry Seal, Inc.</i>	<i>American Pavement Systems, Inc.</i>	<i>VSS International, Inc.</i>	<i>Telfer Pavement Technologies, LLC</i>	
<u>Striping</u> Sierra Traffic Markings <u>Crack Seal</u> Global Road Sealing, Inc.	<u>Striping</u> Chrisp Co. <u>Crack Seal</u> Global Road Sealing, Inc. <u>Microsurfacing</u> California Pavement Maintenance Company	<u>Striping</u> Chrisp Co. <u>Crack Seal</u> Global Road Sealing, Inc.	<u>Striping</u> Chrisp Co. <u>Crack Seal</u> Global Road Sealing, Inc.	

ATTACHMENT "C"



LEGEND

 PROJECT LOCATION

VICINITY MAP

N.T.S.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

PREPARED BY: Ken R. Warren, Senior Civil Engineer *kw*

APPROVED BY: Jon Blank, Public Works Director/City Engineer *JB*

SUBJECT: Resolution Approving an Improvement Agreement for In-Tract and Off-Tract Improvements for Nelson Ranch Unit 3 Subdivision 8851 (PW 547-3)

RECOMMENDED ACTION

It is recommended that the City Council adopt the resolution approving an Improvement Agreement for In-Tract and Off-Tract Improvements for Nelson Ranch Unit 3 Subdivision 8851 (PW 547-3) and authorize the City Manager to execute the Improvement Agreement in substantially the same form as attached.

STRATEGIC PURPOSE

This item supports Long Term Strategic Goal K: Public Works & Engineering; to design, build, operate, maintain, steward and enhance Antioch's assets and resources in partnership with the community, and to create a safe, beautiful, highly functioning and desirable community. Specifically, it supports Strategy K-1: Ensure well maintained public facilities; and Strategy K-4: Prioritize infrastructure improvements to coincide with economic development goals. Additionally, this item supports Long Term Strategic Goal H: Planning, Entitlements and Permitting; to provide consistent and efficient entitlement, permitting, and development services to the public. Specifically, it supports Strategy H-4: Streamline entitlement and permit processes; and Strategy H-5: Grow Antioch's economy through residential development.

FISCAL IMPACT

There is no projected financial impact. The developer has paid all required fees and is responsible for all costs of construction and maintenance until the City Council accepts the improvements.

DISCUSSION

The applicant, K. Hovnanian Homes, requests approval of an Improvement Agreement for in-tract and off-tract improvements to facilitate development of a 130-unit residential community on an approximately 38.1-acre site. The project is located northeast of the intersection of Wild Horse Road and Ridgeline Drive.

The City Council approved a Final Development Plan and Tentative Map for Nelson Ranch Subdivision 6893 in 1988 and a Development Agreement in 1989. The project was never constructed and the project Use Permit expired in 1992. The City Council

N

Agenda Item #

approved a revised Tentative Map for the project in 1998 and a 10-year extension to the Development Agreement in 2002. The City Council approved the final map and improvement plans for Nelson Ranch Unit 3 Subdivision 8851 in 2006. In-tract improvements were constructed in 2013 and thirty-one (31) homes were built between 2013-2014, whereupon house construction ceased. K. Hovnanian Homes purchased the remaining 99 lots in Unit 3 from Lennar on May 11, 2018.

At this time the developer intends to repair certain deficiencies in the in-tract improvements, construct off-tract Wild Horse Road improvements (i.e., the extension of Wild Horse Road from its current terminus to future Slatten Ranch Road), construct off-tract Storm Drain Line 'C' improvements, and provide an in-lieu cash payment for construction of Slatten Ranch Road in the amount of \$2,767,165. If approved, the developer will dedicate Slatten Ranch Road right-of-way and a public storm drain easement centered along the Line 'C' improvements to the City, at no cost to the City. The developer will apply to the City Council for acceptance of completed Unit 3 improvements at a later date.

ATTACHMENTS

- A: Resolution
- B: Improvement Agreement
- C: Vicinity Map

ATTACHMENT "A"

RESOLUTION NO. 2018/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING AN IMPROVEMENT AGREEMENT FOR IN-TRACT AND OFF-TRACT
IMPROVEMENTS FOR NELSON RANCH UNIT 3 SUBDIVISION 8851 (PW 547-3)**

WHEREAS, the City Council approved a Final Development Plan and Tentative Map for Nelson Ranch Subdivision 6893 in 1988 and a Development Agreement in 1989; but the project was never constructed and the project Use Permit expired in 1992; and

WHEREAS, the City Council approved a revised Tentative Map for the project in 1998 and a 10-year extension to the Development Agreement in 2002; and the City Council approved the final map and improvement plans for Nelson Ranch Unit 3 Subdivision 8851 in 2006; and

WHEREAS, the in-tract improvements were constructed in 2013 and thirty-one (31) homes were built between 2013-2014, whereupon house construction ceased; and

WHEREAS, K. Hovnanian Homes purchased the remaining 99 lots in Unit 3 from Lennar on May 11, 2018; and

WHEREAS this City Council has specifically found that the design of these improvements will not likely cause substantial environmental damage and is not likely to substantially and avoidably injure fish or wildlife or their habitats; and

WHEREAS, this City Council has specifically found that the design of these improvements will not likely cause serious public health problems; and

WHEREAS, the applicant has paid all the necessary fees, made all deposits required to date, and submitted the Improvement Agreement and the required bonds;

NOW THEREFORE BE IT RESOLVED that the Improvement Agreement for Nelson Ranch Unit 3 Subdivision 8851 is hereby approved; and

BE IT FURTHER RESOLVED that the City Manager of the City of Antioch is hereby authorized to sign the Improvement Agreement in substantially the same form as attached hereto.

* * * * *

RESOLUTION NO. 2018/**

August 28, 2018

Page 2

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 28th day of August 2018, by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

IMPROVEMENT AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Antioch, hereinafter referred to as "City", and K. Hovnanian CA Land Holdings, LLC, hereinafter referred to as "Developer", both of whom understand as follows:

Developer has presented to City for approval improvement plans (hereinafter called "Plans") entitled: "Off-Tract Wild Horse Road Improvement Plan, Subdivision 6893, Nelson Ranch, City of Antioch, California", "Improvement Plan, Subdivision 8851, Nelson Ranch 3, City of Antioch, California", and "Improvement Plan, Subdivision 6893, Nelson Ranch, City of Antioch, California (Storm Drain Line C)". Additionally, City will accept an in-lieu cash payment to satisfy the tentative map condition of approval #60 related to the construction of Slatten Ranch Road improvements (formerly known as Sunset Drive) per the Public Works Director/City Engineer's letter dated July 19, 2018 (the "July 2018 Letter"). In addition to the terms of the July 2018 Letter, Developer shall be subject to interest (per the ENR Construction Cost Index) starting January 1, 2020 for the balance of any unpaid in-lieu cash payment until the balance is paid.

The Plans have been filed with the City Engineer of City for presentation to the City Council of the City for its approval, which Plans are hereby referred to and incorporated herein.

The Plans have been filed with the City Engineer of City for presentation to the City Council of the City for its approval, which Plans are hereby referred to and incorporated herein.

Developer has requested approval of the Plans, including all public utility facilities that are a part of, appurtenant to, or designated on the Plans.

This Agreement is executed pursuant to the provisions of the Subdivision Map Act of the State of California and Title 9, Chapter 4 of the Antioch Municipal Code.

NOW THEREFORE, for and in consideration of the approval of the Plans and of the acceptance of the dedications, or some thereof, and in order to insure satisfactory performance by Developer's obligations under said Subdivision Map Act and said Municipal Code, the parties agree as follows:

1. **PERFORMANCE OF WORK.** Developer will do and perform or cause to be done and performed, at Developers own expense, in a good and workmanlike manner, and furnish all required materials, all under the direction and to the satisfaction of the City Engineer of City, all

of the following work and improvements within (and/or without) the dedication, to wit:

- a) Those certain improvements designated and shown on the Plans, and Developer shall also do all work and furnish all materials reasonably necessary in the opinion of the City Engineer to complete the improvements in accordance with the Plans on file, or with any changes reasonably required or ordered by said Engineer, which in his opinion are necessary or required to complete the work, at no cost to the City. All work shall meet the minimum construction standards contained in the City Construction Details and the State of California Department of Transportation Standard Specifications, current edition, unless noted otherwise by the City.

2. WORK: PLACES AND GRADES TO BE FIXED BY ENGINEER. All of said work is to be done to the satisfaction of the City Engineer, and to the grades as shown upon the Plans on file in the office of the City Engineer.

3. WORK: TIME FOR COMMENCEMENT AND PERFORMANCE. At least twenty-four hours prior to the commencement of any work hereunder, Developer shall notify City Engineer in writing (email notice is sufficient) of the date fixed by Developer for commencement thereof, so that City Engineer shall be able to provide services of inspection.

The Developer will complete, or cause to be completed, all improvements in accordance with the Plans on file as hereinbefore specified, including any changes required or ordered by the said Engineer pursuant to a time schedule approved by the City Engineer. The City Engineer may, from time to time, extend the schedule. The schedule shall be deemed to be extended if any completion date is not met and there is no objection from the City Engineer. Any such extension may be effective without notice to developer surety, and no extension shall release or modify the surety's liability on the bond to secure the faithful performance of this Agreement, or for the payment of labor and materials.

The work shall be performed in a safe and good workmanlike manner, and enough workmen to quickly and adequately perform the work shall be employed and used. All work must comply with State of California, Division of Industrial Safety Construction Orders, and to the State of California Department of Transportation Standard Specifications, current edition. Compaction shall be 95% relative compaction to a depth of 30" (30 inches).

No work on any public improvement will be permitted unless performed in a safe,

workmanlike manner, and unless sufficient workmen are on the job to adequately perform the work in that manner.

Except as approved by the City Engineer in writing, all work shall be performed Monday through Friday, excluding City holidays between the hours of 8:00 a.m. and 5:00 p.m.

Any contractor not performing as required by this Agreement may, at the discretion of the City Engineer, be barred from doing any work within the City on any subdivision or any Public Works project for a maximum period of two years.

The Developer shall furnish a licensed Soils Engineer to test and certify that all cuts, fills, and trench backfill conform to the requirements of the City and State Codes.

4. REPAIRS AND REPLACEMENTS. Developer shall replace, or have replaced, or repair or have repaired, as the case may be, all pipes shown on the Plan which have been destroyed or damaged by Developer or its agents, and Developer shall replace or have replaced, repair or have repaired, as the case may be, or pay the owner, the entire cost of replacement or repairs, of any and all property damaged or destroyed by reason of any work done hereunder, whether such property be owned by the United States or any agency thereof, or the State of California or any agency or political subdivision thereof, or by the City or by any public or private corporation, or by any person whomsoever, or by any combination of such owners. Any such repair or replacement shall be to the satisfaction, and subject to the approval, of the City Engineer.

5. PERMITS, COMPLIANCE WITH LAW. Developer shall, at Developer's expense, obtain all necessary permits and licenses for the construction of such improvements, give all necessary notices and pay all applicable fees and taxes required by law.

6. SUPERINTENDENCE BY DEVELOPER. Developer shall give personal superintendence to the work on said improvement, or have a competent foreman or superintendent, satisfactory to the City Engineer, on the work at all times during progress, with authority to act for Developer.

7. INSPECTION BY CITY. Developer shall at all times maintain property facilities, and provide safe access for inspection by City to all parts of the work, and to the shops wherein the work is in preparation.

8. CONTRACT SECURITY. Concurrently with the execution hereof, Developer shall furnish: (1) A surety bond, or cash deposit in an amount equal to at least one hundred percent (100%) of the estimated cost of improvements as security for the faithful performance of this Agreement; and (2) a separate surety bond or cash deposit in an equal amount to at least one hundred percent (100%) of the estimated cost of improvements as security for the payment of all persons performing labor and furnishing materials in connection with this Agreement. The surety on each of said bonds, and the form thereof, shall be satisfactory to the City Attorney. All surety bonds and cash deposits furnished in connection with this Agreement shall be held by the City and released as set forth herein. The faithful performance bond may be released by the City upon acceptance of the work in exchange for the Developer providing a warranty bond for the work. The labor and materials bond shall be reduced or released pursuant to Government Code section 66499.7(h). The warranty bond shall remain in effect for the period described in Paragraph No. 11 of this Agreement.

9. HOLD-HARMLESS AGREEMENT. Developer hereby agrees to, and shall hold City, its elective and appointive boards, commissions, officers, agents, and employees, harmless from any liability for damage and for personal injury, including death, as well as from claims for property damage which may arise from Developer or Developer's contractors', sub-contractors', agents' or employees' operations under this Agreement, whether such operations be by Developer or by any of Developer's contractors, sub-contractors, or by any one or more persons directly or indirectly employed by, or acting as agent for, Developer or any of Developer's contractors or subcontractors. Developer agrees to, and shall, defend City and its elective and appointive boards, commissions, officers, agents and employees from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of any of the aforesaid operations; provided as follows:

- a) That City does not, and shall not, waive any rights against Developer which it may have by reason of the aforesaid hold-harmless agreement, because of the acceptance by City, or the deposit with City by Developer.
- b) That the aforesaid hold-harmless agreement by Developer shall apply to all damages and claims for damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this

paragraph, regardless of whether or not City has prepared, supplied or approved of, plans and/or specifications for the subdivision.

Notwithstanding anything to the contrary set forth herein, the indemnification, hold harmless and defense obligations to be provided by Developer to the City pursuant to the terms of this paragraph shall not be applicable where the aforementioned liability, claim, suit, action, etc., is the result of the sole negligence or sole willful misconduct of the City, its elective and appointive boards, commissions, officers, agents or employees.

10. TITLE TO IMPROVEMENTS. Title to, and ownership of, all improvements constructed hereunder by Developer shall vest absolutely in City, upon completion and acceptance of such improvements by City. Developer shall provide dedication of Slatten Ranch Road right-of-way and a public storm drain easement centered along offsite storm drain Line 'C' improvements to the City, at no cost to the City.

11. REPAIR OR RECONSTRUCTION OF DEFECTIVE WORK. If, within a period of one year after final acceptance of the work performed under this Agreement, any structure or part of any structure furnished and/or installed or constructed, or caused to be installed or constructed by Developer, or any of the work done under this Agreement, fails to fulfill any of the requirements of this Agreement or the specifications referred to herein, Developer shall without delay and without any cost to the City, repair or replace or reconstruct any defective or otherwise unsatisfactory part or parts of the work or structure. Should Developer fail to act promptly or in accordance with this requirement, or should the exigencies of the case require repairs or replacements to be made before Developer can be notified, City may, as its option, make the necessary repairs or replacements or perform the necessary work and Developer shall pay to City the actual cost of such repairs plus twenty-five percent (25%).

12. DEVELOPER NOT AGENT OF CITY. Neither Developer nor any of Developer's agents or contractors are or shall be considered to be agents of City in connection with the performance of Developer's obligations under this Agreement.

13. COST OF ENGINEERING AND INSPECTION. The Developer shall be responsible for the actual costs of all plan checking inspection, administration, and testing services furnished by

the City in connection with this Agreement, including those performed by consultants under contract with the City (the "City Costs"). The Developer's subdivision inspection deposit and billing for hourly staff time shall be based upon the City of Antioch Master Fee Schedule in effect at the time this Agreement is fully executed. As work progresses, an invoice for staff time and materials shall be delivered each month to the Developer for payment. Additionally, the Developer shall pay any direct City costs of all outside inspection, including soils and materials testing, as required by the City Engineer, promptly upon receipt of a City invoice for the work and prior to final acceptance of the improvements by City.

No work shall be performed without inspection by the City. Any work performed without an inspection will not be accepted by the City.

All work which requires inspection shall be performed during the City's normal working hours and work days. If any work is performed before 8:00 a.m. and after 5:00 p.m., or on a City holiday, or on a weekend, there must be a request in writing 24 hours in advance for an inspector during those hours. All overtime inspections will be invoiced at double the inspector's hourly cost to the City.

If an inspector is not available to work during such hours, as requested, no work shall be performed during those hours.

14. NOTICE OF BREACH AND DEFAULT. If Developer refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will ensure its completion within the time specified, or any extensions thereof, or fails to obtain completion of said work within such time, or if the Developer should be adjudged a bankrupt, or Developer should make a general assignment for the benefit of Developer's creditors, or if a receiver should be appointed in the event of Developer's insolvency, or if Developer, or any of Developer's contractors, subcontractors, agents or employees, should violate any of the provisions of this Agreement, City Engineer or City Council may serve written notice upon Developer and Developer's surety of breach of this Agreement, or of any portion thereof and default of Developer.

15. BREACH OF AGREEMENT: PERFORMANCE BY SURETY OR CITY. In the event Developer fails to cure such default within thirty (30) days of any such notice, Developer's surety shall have the duty to take over and complete the work and the improvement herein specified;

provided, however, that if the surety, within five days after the serving upon it of such notice of breach, does not give City written notice of its intention to take over the performance of the contract, and does not commence performance thereof within five days after notice to City of such election, City may take over the work and prosecute the same to completion, by contract or by any other method City may deem advisable, for the account and at the expense of developer, and Developer's surety shall be liable to City for any excess cost or damages occasioned City thereby; and, in such event, City, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to Developer as may be on the site of work and necessary therefore.

16. NOTICES. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage paid.

Notices required to be given to City shall be addressed as follows:

CITY ENGINEER/CITY HALL/P.O. BOX 5007/ANTIOCH, CA 94531-5007

Notices required to be given surety of Developer shall be addressed as follows:

LOCKTON COMPANIES

ATTN: CHRISTINE MAROTTA

500 WEST MONROE STREET, SUITE 3400

CHICAGO, IL 60661

Provided that any party or the surety may change such address by notice of writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

CITY:

CITY OF ANTIOCH

DEVELOPER:

K. HOVNANIAN CA
LAND HOLDINGS, LLC

Rowland E. Bernal, Jr., City Manager

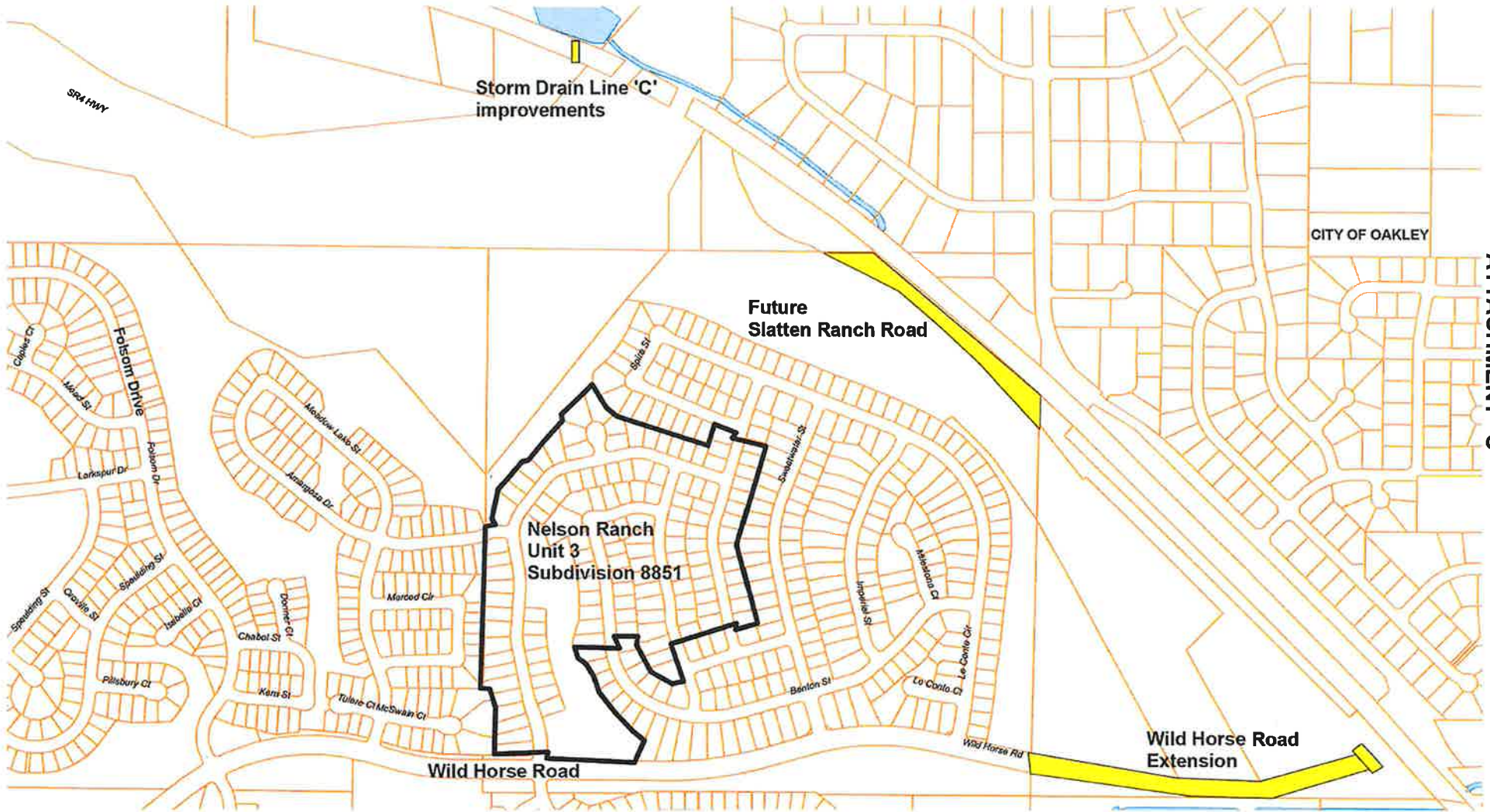
Mike Wyatt, Division President

Attest:

Arne Simonsen, CMC, City Clerk

Approved as to Form:

City Attorney



ATTACHMENT "C"



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

PREPARED BY: Scott Buenting, Project Manager *SB*

APPROVED BY: Jon Blank, Public Works Director/City Engineer *JB*

SUBJECT: Fourth Amendment to the Consultant Services Agreement with JN Engineering for On-Call Inspection Services

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution amending the fiscal year 2018/2019 Capital Improvements budget to increase funding for on-call inspection services by \$100,000 and authorize the City Manager to execute the Fourth Amendment to the Consultant Services Agreement with JN Engineering to continue to provide on-call inspection services for a total contract amount of \$375,000 and extend the term of the contract to June 30, 2019.

STRATEGIC PURPOSE

This item supports Strategy K-1 in the Strategic Plan by ensuring public facilities are constructed in accordance with the appropriate standards and reducing the need for future maintenance.

FISCAL IMPACT

Adoption of this resolution will amend the fiscal year 2018/2019 Capital Improvements budget to increase funding for the on-call inspection services by \$100,000 and increase JN Engineering's contract by \$100,000 for a total contract amount of \$375,000. Funding for this work will be provided from various funding sources, such as encroachment permits, developer fees and budgeted expenses within Capital Improvement funds corresponding to the project inspections performed by the consultant.

DISCUSSION

Staff anticipates the volume of projects under construction in the near future will continue to require more inspection services than the City's two current Public Works Inspectors will be able to provide. This work is expected to include the development of the Parkridge, Aviano, Promenade, Heidorn Village and Almond Knolls subdivisions, numerous utility and encroachment permits, and several capital improvement projects. Staff is recommending an amendment to JN Engineering's Consultant Services Agreement to include additional on-call inspection services in the amount of \$100,000 for a total contract amount of \$375,000.

ATTACHMENTS

A: Resolution

ATTACHMENT "A"

RESOLUTION NO. 2018/
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING THE CITY MANAGER TO EXECUTE THE FOURTH
AMENDMENT TO AGREEMENT WITH JN ENGINEERING FOR
ON-CALL INSPECTION SERVICES**

WHEREAS, on February 3, 2016, JN Engineering was awarded a contract by the City of Antioch in the amount of \$50,000 for on-call inspection services through December 31, 2016; and

WHEREAS, on July 26, 2016, the City Council approved the First Amendment to the Consultant Services Agreement with JN Engineering for on-call inspection services in the amount of \$75,000 for a total contract amount of \$125,000; and

WHEREAS, on June 13, 2017, the City Council approved the Second Amendment to the Consultant Services Agreement with JN Engineering for on-call inspection services in the amount of \$75,000 for a total contract amount of \$200,000; and

WHEREAS, on February 27, 2018, the City Council approved the Third Amendment to the Consultant Services Agreement with JN Engineering for on-call inspection services in the amount of \$75,000 for a total contract amount of \$275,000; and

WHEREAS, a Fourth Amendment increasing funding for this work in the amount of \$100,000 and extend the term of the contract to June 30, 2019, has been considered by City Council; and

WHEREAS, the City desires to authorize the City Manager to execute the Fourth Amendment to the Consultant Services Agreement with JN Engineering for on-call inspection services in the amount of \$100,000 for a total contract amount of \$375,000;

THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby authorizes the City Manager to execute the Fourth Amendment to the Consultant Services Agreement with JN Engineering for on-call inspection services in the amount of \$100,000, bringing the total contract amount to \$375,000 and extend the term of the contract to June 30, 2019, in a form approved by the City Attorney.

* * * * *

RESOLUTION NO. 2018/**

August 28, 2018

Page 2 of 2

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 28th day of August 2018, by the following vote:

AYES:

ABSENT:

NOES:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

CITY OF ANTIOCH AS HOUSING SUCCESSOR TO
 THE ANTIOCH DEVELOPMENT AGENCY
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 JULY 13 - AUGUST 16, 2018
 FUND/CHECK#

227 Housing Fund

Housing - CIP

376323 CONTRA COSTA CRISIS CENTER	CDGB SERVICES	2,497.12
376359 STAND FOR FAMILIES FREE OF VIOLENCE	CDGB SERVICES	6,274.51
376417 CONTRA COSTA HEALTH SERVICES	CDGB SERVICES	32,471.47
376443 INTERFAITH COUNCIL OF CONTRA COSTA	CDGB SERVICES	4,270.34
376484 SHELTER INC	CDGB SERVICES	5,897.48
932081 HOUSE, TERI	CONSULTING SERVICES	2,957.50
932279 HOUSE, TERI	CONSULTING SERVICES	3,932.50



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Zoe Merideth, Associate Planner *ZM*

APPROVED BY: Alexis Morris, Planning Manager *AM*

SUBJECT: Accessory Dwelling Units Ordinance Amendment (Z-18-06)

RECOMMENDED ACTION

It is recommended that the City Council introduce the Ordinance making text amendments to Section 9-5.3805-*Accessory Dwelling Units* of the Zoning Ordinance to comply with new State Laws relating to Accessory Dwelling Units.

STRATEGIC PURPOSE

This action will forward Long Term Goal G: Planning, Entitlements, and Permitting, by providing consistent and efficient entitlement, permitting, and development services to the public.

FISCAL IMPACT

The action does not directly impact the City budget. Some staff time will be required to update the Municipal Code, application materials, and handouts to include the requirements of the new state law.

DISCUSSION

In 2016, Governor Brown signed into law changes to the Planning and Zoning law in order to make it easier for property owners to build accessory dwelling units. On November 16, 2016, the Planning Commission recommended approval of the required revisions to Antioch's ordinance to comply with the new law. The City Council adopted the ordinance on January 10, 2017. On October 8, 2017, Governor Brown signed SB 229 (Wiecowski) and AB 494 (Bloom) into law to again amend the Planning and Zoning law in order to make clarifying changes to the Accessory Dwelling Unit law. The 2017 revisions to State law clarify aspects of the 2016 legislation and create new requirements for local agencies that must be incorporated into local ordinances. The major changes to requirements for accessory dwelling units (ADU) include:

- Clarifying that an ADU may be built on a property zoned to allow a single-family or multifamily use.

- Allowing an ADU to be built on a property in conjunction with a proposed single-family dwelling.
- Restricting additional off street parking for an ADU to a maximum of one space per unit or bedroom, whichever is less.
- Allowing off-street parking spaces that must be replaced when a garage, carport, or covered parking structure is demolished or converted into an ADU to be provided in any configuration on the lot, such as on the existing driveway or in a tandem configuration.
- Defining "Tandem Parking" to mean a situation where two or more automobiles are parked lined up behind one another.
- Making minor organizational changes to the ordinance to allow for greater readability and ease of use.

Proposed Zoning Ordinance

The City of Antioch already allows ADUs in zoning districts that allow single-family and multiple-family uses upon approval of an Administrative Use Permit (AUP), which is a ministerial approval that does not require a public hearing or discretionary review. The most substantial change to the City's current ADU ordinance as a result of the new state laws is the requirement to allow off-street parking that is lost when a garage or carport is demolished or converted as part of the construction of an ADU to be provided in any configuration on the lot. Therefore, if a required two-car garage is converted to an ADU, the existing driveway would count as the two replacement parking spaces and a new garage would not have to be constructed on the property.

The revised ordinance included as Attachment "A" formally codifies the changes required by the new state law. Revisions are shown as underlined text and deletions from the current ordinance are struck out. The City's current Accessory Dwelling Units ordinance, adopted on January 10, 2017, is included as Attachment "B" for reference.

Planning Commission Recommendation

On August 1, 2018, the Planning Commission recommended that the City Council adopt the ordinance making amendments to Section 9-5.3805-*Accessory Dwelling Units* of the Zoning Ordinance.

Environmental

Pursuant to Public Resources Code Section 21080.17, the adoption of a local ordinance to regulate the construction of second units is exempt from the California Environmental Quality Act (CEQA). The ministerial approval of ADU applications would also not be considered a "project" for CEQA purposes, and environmental review would not be required prior to approving individual applications.

ATTACHMENTS

- A: Ordinance Amending Zoning Regulations for Accessory Dwelling Units
- B: Current Accessory Dwelling Unit Ordinance §Section 9-5.3805

ATTACHMENT "A"

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING ZONING REGULATIONS FOR ACCESSORY DWELLING UNITS

SECTION 1. Findings. The Antioch City Council hereby finds, determines and declares as follows:

A. The City of Antioch holds the right to make and enforce all laws and regulations not in conflict with general laws, and the City holds all rights and powers established by state law.

B. On January 10, 2017, the City Council adopted Ordinance No. 2121-C-S regulating second residential units within the City of Antioch.

C. On October 8, 2017, Governor Brown signed SB 229 (Wiecowski) and AB 494 (Bloom) into law, amending Government Code section 65852.2 and mandating that all local agencies adopt an Accessory Dwelling Unit ordinance consistent with the new provisions.

D. The Planning Commission conducted a duly noticed public hearing on August 1, 2018 at which time a resolution was approved to initiate and recommend to the City Council that this ordinance be adopted. The City Council held a duly noticed public hearing August 28, 2018 at which time all interested persons were allowed to address the Council regarding adoption of this ordinance.

E. The City Council finds that the public necessity requires the proposed zoning ordinance amendments to impose requirements for Accessory Dwelling Units within the City of Antioch that are consistent with State law; said amendments are not detrimental to properties within Antioch, and that the proposed zoning ordinance amendment is in conformance with the Antioch General Plan.

SECTION 2. Section 9-5.3805 is hereby amended as follows:

9-5.3805 ACCESSORY DWELLING UNITS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY DWELLING UNIT. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is

situated. An **ACCESSORY DWELLING UNIT** also includes the following: An efficiency unit, as defined in Health and Safety Code § 17958.1; a manufactured home, as defined in Health and Safety Code § 18007.

ADMINISTRATIVE USE PERMIT. A land use permit defined in § 9-5.2701(E) of this code, and issued by the Zoning Administrator or his or her designee without notice or public hearing.

JUNIOR ACCESSORY DWELLING UNIT. An accessory dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing single-family structure. A **JUNIOR ACCESSORY DWELLING UNIT** may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

LIVING AREA. The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

MAIN UNIT. The existing single-family or multiple-family dwelling unit currently on the lot.

TANDEM PARKING. Parking configuration where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(B) *General requirements.* An accessory dwelling unit may be allowed by administrative use permit in areas zoned to allow single-family and or multiple-family zoning districts use. No building permit shall be issued for an accessory dwelling unit until an administrative use permit has been approved by the Zoning Administrator. A building permit shall be issued within 120 days of receipt of an application if all of the following development standards are met:

- (1) The lot is zoned ~~for~~ to allow single-family or multi-family residential use and is ~~improved with a~~ includes a proposed or existing single-family dwelling unit;
- (2) There shall be no more than one accessory dwelling unit per legal parcel;
- (3) The lot on which the accessory dwelling unit is to be placed shall not be subdivided and neither unit can be sold independently of the other. The city shall require recordation of a deed restriction setting forth this subdivision limitation;
- (4) The lot on which an accessory dwelling unit is to be placed must be able to provide adequate sewer and water services for both the existing primary dwelling unit and the accessory dwelling unit as determined by the City Engineer. Approval by the Contra Costa County Health Department shall be required if a private sewage disposal system or well system is being used;
- (5) The accessory dwelling unit is architecturally compatible with the main unit, and the development of the accessory dwelling unit will maintain the appearance of a single-family residence (if located in a single-family neighborhood or zoning district);
- (6) The total combined maximum lot coverage ratio for the existing main dwelling unit and the accessory dwelling unit and all accessory buildings located on the lot shall not exceed 60%;
- (7) The accessory dwelling unit may either be attached to the proposed or existing main unit, located within the living area of the proposed or existing main unit, or be detached from the proposed or existing main unit;

- (8) The floor area of an attached accessory dwelling unit may not exceed 50% of the floor area of the proposed or existing main unit living area, with a maximum increase in floor area of 1,200 square feet;
- (9) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet;
- ~~(10) The floor area of a junior accessory dwelling unit may not exceed 500 square feet;~~
- (1110) Height, setback, uniform building codes, architectural review, site plan review, and other similar land use requirements of this code pertaining to main units shall apply to accessory dwelling units.
- (11) A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of the accessory dwelling unit;
- (12) The rear yard setback for accessory dwelling units may be reduced to ten feet. Either the accessory dwelling unit or the main unit may be permitted to face the rear of the other structure, and the accessory dwelling unit shall maintain ten feet separation from the main unit, but may be permitted closer than ten feet from the main unit where it can be shown that the site design will be improved;
- ~~(1213) No passageway shall be required in conjunction with construction of an accessory dwelling unit;~~
- ~~(2014) Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence;~~
- ~~(2115) The main unit shall comply with applicable Building Code requirements for detached dwellings;~~
- ~~(2216) The accessory dwelling unit shall have a permanent foundation.~~
- (1317) Junior Accessory Dwelling Units
- (a) Junior accessory dwelling units are limited to one per residential lot zoned for within a zone for single-family residences use with a single-family residence already built on the lot;
- (14b) Junior accessory dwelling units must be constructed within the existing walls of the structure and must include an existing bedroom;
- (15c) Junior accessory dwelling units must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area;
- (16d) Junior accessory dwelling units may include separate sanitation facilities, or may share sanitation facilities with the existing structure;
- (e) No additional off-street parking spaces are required to be provided;
- (f) The floor area of a junior accessory dwelling unit may not exceed 500 square feet;
- (17g) Junior accessory dwelling units must include an efficiency kitchen, which shall include:
- (a) 1. A sink with a maximum waste line diameter of one and one-half inches;
- (b) 2. A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural gas or propane;

- (e) 3. A food preparation counter and storage cabinets that are of reasonable size in relation to junior accessory dwelling unit;

(18) Parking.

- (a) One additional standard off street parking space shall be provided per unit or per bedroom, whichever is less. The additional space may be in tandem, ~~or on an existing a~~ driveway;
- (b) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the number of off-street parking spaces are required to be replaced per the requirements of § 9-5.1703.1, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, ~~or tandem spaces~~, or by the use of mechanical automobile parking lifts;
- (c) The requirement for off-street parking may be waived for an accessory dwelling unit in any of the following instances:
 - 1. Lots developed prior to January, 1964, that have a minimum parcel size of less than 6,000 square feet, provided that compliance with the parking requirements of this section could not be accomplished;
- (d) Parking standards shall not be imposed in the following instances:
 - 1. The accessory dwelling unit is either a junior accessory dwelling as defined in this section or located in an existing accessory structure or is an attached accessory dwelling unit;
 - 2. The accessory dwelling unit is located within one-half mile of public transit;
 - 3. There is a car share vehicle located within one block of the accessory dwelling unit;
 - 4. The accessory dwelling unit is located within an architecturally and historically significant historic district;
 - 5. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

~~(19) The rear yard setback for accessory dwelling units may be reduced to ten feet. Either the accessory dwelling unit or the main unit may be permitted to face the rear of the other structure, and the accessory dwelling unit may be permitted closer than ten feet from the main unit where it can be shown that the site design will be improved;~~

~~(20) Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence;~~

~~(21) The main unit shall comply with applicable Building Code requirements for detached dwellings;~~

~~(22) The accessory dwelling unit shall have a permanent foundation.~~

(C) *Residential allocation exemption.* The issuance of administrative use permits for accessory dwelling units shall be exempt from the provisions of Article 40 of this code, and such permits are exempt from any other growth control limits. This provision is a requirement of state law (Chapter 1062 of the 2002 Statutes). If such requirement is rescinded, this exemption may be eliminated by the City Council.

- (D) *Occupancy.* The owner of the parcel upon which the accessory dwelling unit or junior accessory dwelling unit is located must occupy either the main unit or the accessory dwelling unit or junior accessory dwelling unit, as applicable. Accessory dwelling units may be used for rentals of terms longer than 30 days. Owner occupancy of a junior accessory dwelling unit shall not be required if the owner is another governmental agency, land trust, or housing organization.
- (E) *Deed restrictions.* Before obtaining a building permit for an accessory dwelling unit, the applicant shall do the following:
- (1) Enter into an agreement of restrictions with the city that refers to the deed under which the property was acquired by the applicant and provides the following:
 - (a) The second unit shall not be sold separately;
 - (b) The second unit is restricted to the maximum size allowed under division (C) above;
 - (c) The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the county against the property owner.
 - (2) Record the agreement with the County Recorder.
 - (3) Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows: "You are purchasing a property with a permit for a second residential unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the second unit separately. The second unit is restricted to the maximum size allowed under City of Antioch Zoning Ordinance Code Section § 9-5.3805(C). The permit is available from the current owner or from the City of Antioch Community Development Department."
- (F) This section is adopted consistent with, and as required by, state law.

SECTION 4. CEQA.

Pursuant to Public Resources Code section 21080.17, the adoption of an ordinance to implement the provisions of Government Code Section 65852.1 and Section 65852.2 is exempt from the California Environmental Quality Act (CEQA).

SECTION 5. 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 posted and published in accordance with the California Government Code.

SECTION 6. 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 a regular meeting of the City Council of the City of Antioch held on the 28th day of August and passed and introduced at a regular meeting thereof, held on the ___ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

Sean Wright, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, CMC
City Clerk of the City of Antioch

ATTACHMENT "B"

CURRENT ORDINANCE – ADOPTED IN 2017

9-5.3805 ACCESSORY DWELLING UNITS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY DWELLING UNIT. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An **ACCESSORY DWELLING UNIT** also includes the following: An efficiency unit, as defined in Health and Safety Code § 17958.1; a manufactured home, as defined in Health and Safety Code § 18007.

ADMINISTRATIVE USE PERMIT. A land use permit defined in § 9-5.2701(E) of this code, and issued by the Zoning Administrator or his or her designee without notice or public hearing.

JUNIOR ACCESSORY DWELLING UNIT. An accessory dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing single-family structure. A **JUNIOR ACCESSORY DWELLING UNIT** may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

LIVING AREA. The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

MAIN UNIT. The existing single-family or multiple-family dwelling unit currently on the lot.

(B) *General requirements.* An accessory dwelling unit may be allowed by administrative use permit in single-family and multiple-family zoning districts. No building permit shall be issued for an accessory dwelling unit until an administrative use permit has been approved by the Zoning Administrator. A building permit shall be issued within 120 days of receipt of an application if all of the following development standards are met:

(1) The lot is zoned for single-family or multi-family residential use and is improved with a single-family dwelling unit;

(2) There shall be no more than one accessory dwelling unit per legal parcel;

(3) The lot on which the accessory dwelling unit is to be placed shall not be subdivided and neither unit can be sold independently of the other. The city shall require recordation of a deed restriction setting forth this subdivision limitation;

(4) The lot on which an accessory dwelling unit is to be placed must be able to provide adequate sewer and water services for both the existing primary dwelling unit and the accessory dwelling unit as determined by the City Engineer. Approval by the Contra Costa County Health Department shall be required if a private sewage disposal system or well system is being used;

(5) The accessory dwelling unit is architecturally compatible with the main unit, and the development of the accessory dwelling unit will maintain the appearance of a single-family residence (if located in a single-family neighborhood or zoning district);

(6) The total combined maximum lot coverage ratio for the existing dwelling unit and the accessory dwelling unit and all accessory buildings located on the lot shall not exceed 60%;

(7) The accessory dwelling unit may either be attached to the main unit, located within the living area of the main unit, or be detached from the main unit;

(8) The floor area of an attached accessory dwelling unit may not exceed 50% of the floor area of the main unit, with a maximum increase in floor area of 1,200 square feet;

(9) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet;

- (10) The floor area of a junior accessory dwelling unit may not exceed 500 square feet;
- (11) Height, setback, uniform building codes, architectural review, site plan review, and other similar land use requirements of this code pertaining to main units shall apply to accessory dwelling units. A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. No setback shall be required for an existing garage that is converted to an accessory dwelling unit;
- (12) No passageway shall be required in conjunction with construction of an accessory dwelling unit;
- (13) Junior accessory dwelling units are limited to one per residential lot zoned for single-family residences with a single-family residence already built on the lot;
- (14) Junior accessory dwelling units must be constructed within the existing walls of the structure and must include an existing bedroom;
- (15) Junior accessory dwelling units must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area;
- (16) Junior accessory dwelling units may include separate sanitation facilities, or may share sanitation facilities with the existing structure;
- (17) Junior accessory dwelling units must include an efficiency kitchen, which shall include:
- (a) A sink with a maximum waste line diameter of one and one-half inches;
 - (b) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural gas or propane;
 - (c) A food preparation counter and storage cabinets that are of reasonable size in relation to junior accessory dwelling unit;
- (18) Parking.
- (a) One additional standard off street parking space shall be provided per unit or per bedroom. The additional space may be in tandem, or on an existing driveway;
 - (b) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the off-street parking spaces are required to be replaced per the requirements of § 9-5.1703.1, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces;
 - (c) The requirement for off-street parking may be waived for an accessory dwelling unit in any of the following instances:
 - 1. Lots developed prior to January, 1964, that have a minimum parcel size of less than 6,000 square feet, provided that compliance with the parking requirements of this section could not be accomplished;
 - (d) Parking standards shall not be imposed in the following instances:
 - 1. The accessory dwelling unit is a junior accessory dwelling as defined in this section or located in an existing accessory structure;
 - 2. The accessory dwelling unit is located within one-half mile of public transit;
 - 3. There is a car share vehicle located within one block of the accessory dwelling unit;
 - 4. The accessory dwelling unit is located within an architecturally and historically significant historic district;
 - 5. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit;

(19) The rear yard setback for accessory dwelling units may be reduced to ten feet. Either the accessory dwelling unit or the main unit may be permitted to face the rear of the other structure, and the accessory dwelling unit may be permitted closer than ten feet from the main unit where it can be shown that the site design will be improved;

(20) Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence;

(21) The main unit shall comply with applicable Building Code requirements for detached dwellings;

(22) The accessory dwelling unit shall have a permanent foundation.

(C) *Residential allocation exemption.* The issuance of administrative use permits for accessory dwelling units shall be exempt from the provisions of Article 40 of this code, and such permits are exempt from any other growth control limits. This provision is a requirement of state law (Chapter 1062 of the 2002 Statutes). If such requirement is rescinded, this exemption may be eliminated by the City Council.

(D) *Occupancy.* The owner of the parcel upon which the accessory dwelling unit or junior accessory dwelling unit is located must occupy either the main unit or the accessory dwelling unit or junior accessory dwelling unit, as applicable. Accessory dwelling units may be used for rentals of terms longer than 30 days. Owner occupancy of a junior accessory dwelling unit shall not be required if the owner is another governmental agency, land trust, or housing organization.

(E) *Deed restrictions.* Before obtaining a building permit for an accessory dwelling unit, the applicant shall do the following:

(1) Enter into an agreement of restrictions with the city that refers to the deed under which the property was acquired by the applicant and provides the following:

(a) The second unit shall not be sold separately;

(b) The second unit is restricted to the maximum size allowed under division (C) above;

(c) The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the county against the property owner.

(2) Record the agreement with the County Recorder.

(3) Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows: "You are purchasing a property with a permit for a second residential unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the second unit separately. The second unit is restricted to the maximum size allowed under City of Antioch Zoning Ordinance Code Section § 9-5.3805(C). The permit is available from the current owner or from the City of Antioch Community Development Department."


(F) This section is adopted consistent with, and as required by, state law.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Derek P. Cole, Interim City Attorney 

SUBJECT: Consider The Introduction Of An Ordinance Comprehensively Amending Title 5, Chapter 19, Of The Antioch Municipal Code Concerning The Permitting Of Massage Establishments

RECOMMENDED ACTION

It is recommended that the City Council waive the first reading and consider the Introduction of an Ordinance of the City Council of the City of Antioch Repealing and Reenacting Chapter 19 Of Title 5 of the Antioch Municipal Code Concerning Massage Establishments.

STRATEGIC PURPOSE

The proposed action is consistent with Strategy N-1, Effectively and efficiently provide legal services in support of the City's policies, procedures and initiatives.

FISCAL IMPACT

Costs in an unknown amount may be incurred to enforce the ordinance and enforcement scheme provided for in this revised Chapter of the Antioch Municipal Code. However, the ordinance provides for recovery of administration and enforcement costs from applicants and registrants.

DISCUSSION

At the February 27, 2018 Council Meeting, Council Member Wilson requested that staff review our current Massage Ordinance. The City has had a chapter in its Municipal Code concerning the permitting of Massage Establishments since 2007. The proposed comprehensive revision to this chapter is based on an analysis of developments that have occurred over the past decade. In particular, the City has consulted with the California Massage Therapy Council (CAMTC), which has published a "best practices" document for local massage ordinances. To ensure the City's ordinance implements all of these practices and is up to date, the following changes are proposed to be made to Title 5, Chapter 19 of the Antioch Municipal Code:

- Integration of the CAMTC licensing requirements. The revised ordinance requires that all massage business be certified by the CAMTC in addition to obtaining City massage establishment registrations. At the same time, the revised ordinance eliminates the requirements for each massage therapist to obtain a permit from the City

Police Department. (This is because the State basically covers the licensing of individual therapists). Going forward, only massage businesses (establishments) will be required to obtain City permits.

- Registration System. The Police Department will be principally responsible for enforcing a registration system for all massage establishments within city limits. Massage businesses will be required to obtain registrations from the Police Department rather than permits, as provided under the previous ordinance. The Department's responsibility in administering the application is mostly ministerial; it will review all applications to ensure the completeness of the information submitted and compliance with applicable requirements. Upon determination of completeness and compliance, a registration will be issued.
- Background Checks for all Owners of Massage Establishments. Because of the expanded definitions of "owner" and "operator" under the revised ordinance, all persons with some ownership interest in a massage business will be required to undergo background checks. This avoids a situation in which only one person, designated as the applicant, is allowed to undergo the background check while others—who may have relevant past experiences, including criminal convictions—are not required to undergo the same.
- Tightening of the Educational Requirements for Massage Therapists. The revised ordinance includes language requiring that massage therapists possess diplomas or certificates from state-licensed massage schools. In particular, the revised ordinance prohibits massage establishments from fraudulently doubling as massage schools and issuing diplomas or certificates to persons who are not actually qualified.
- Additional Grounds for Denial of Registrations. The current ordinance provides several grounds for denial of massage establishment permits. In the revised ordinance, conviction for loitering in association with, or aiding of, prostitution is added as grounds for denial and revocation of permits.
- Expanded Inspection Authority. The revised ordinance expands the list of city officials with the ability to enter buildings and structures devoted to massage establishments to include the City Code Enforcement Officer, Building Official, and Health Officer. Fee authority is provided to ensure the City can recover the costs of such inspections.
- Notification Requirements. The revised ordinance requires that, within 96 hours of an arrest of any owners or employees, resignation or termination of any practitioner within the establishment, or any violation of the City Massage Ordinance, the registrant must advise the Police Department of the event.
- Expanded Grounds for Revocation of Permits. The revised ordinance expressly adopts violations of Business and Professions Code section 4609 as grounds for revocation of any City-issued registration. This state code section prohibits several acts, including the provision of various sexual acts during the giving of massages.

- Prohibition on Continued Use of Location Where Permit Revoked. The revised ordinance provides that if a registration is revoked, no new massage establishment may be located in the same location for a period of 18 months from the effective date of the revocation. This avoids the situation in which one business is effectively transferred to another owner and continued after a revocation proceeding has concluded against a registrant.

VOTE REQUIREMENT

Majority of quorum.

ATTACHMENTS

- A. Ordinance Repealing and Reenacting Chapter 19 Of Title 5 of the Antioch Municipal Code Concerning Massage Establishments
- B. Current Antioch Municipal Code Chapter 19: Massage Regulations' Ordinance

ORDINANCE NO. _____-C-S

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
REPEALING AND REENACTING CHAPTER 19 OF TITLE 5 OF THE ANTIOCH
MUNICIPAL CODE CONCERNING MASSAGE ESTABLISHMENTS**

The City Council of the City of Antioch does ordain as follows:

Section 1. Chapter 19 of Title 5 of the Antioch Municipal Code is hereby repealed and reenacted to read as follows:

5-19.01 PURPOSE AND INTENT.

The City Council finds and declares as follows:

(A) In enacting this chapter, the City Council recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The City Council further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. Accordingly, it is the purpose and intent of this chapter to protect the public health, safety, and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

(B) Furthermore, it is the purpose and intent of this chapter to address the negative impacts identified in the City Council's findings to reduce or prevent neighborhood blight and to protect and preserve the quality of city neighborhoods and commercial districts and to enhance enforcement of criminal statutes relating to the conduct of operators and employees of massage businesses.

(C) It is the Council's further purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the State Legislature in 2008 as California Business and Professions Code Sections 4600 et seq. by Senate Bill 731, and amended in 2011 by Assembly Bill 619 and in 2014 by Assembly Bill 1147, to restrict the commercial practice of massage in the city to those persons duly certified to practice by the California Massage Therapy Council and to provide for the regulation of massage businesses for health and safety purposes to the extent allowed by law.

5-19.02 DEFINITIONS.

For the purposes of this chapter, unless the particular provision or the context otherwise clearly requires, the definitions in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

ACUPUNCTURE means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electro acupuncture, cupping, and moxibustion.

APPLICANT in the case of a massage establishment registration, means an individual, or if not an individual, the general partner, chief executive officers, chief advisor, or other person responsible for the ownership and operation of the massage establishment, who applies to obtain a registration under this chapter.

CALIFORNIA MASSAGE THERAPY COUNCIL or “**CAMTC**” means the massage therapy organization formed pursuant to California Business and Professions Code Section 4600.5.

CERTIFIED MASSAGE PRACTITIONER means any individual certified by the CAMTC as a certified massage therapist or as a certified massage practitioner pursuant to California Business and Professions Code Sections 4600 et seq.

CLIENT means the customer or patron who pays for or receives massage services.

COMPENSATION means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

EMPLOYEE means any owner, partner, operator, manager, supervisor or worker, whether paid or not, employed by a massage business who may render any service to the business, and who receives any form of compensation from the business.

HEALTH OFFICER means the person appointed by the City of Antioch pursuant to the California Health and Safety Code or his or her authorized representatives or designees.

MASSAGE or **MASSAGE THERAPY**, means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

MASSAGE ESTABLISHMENT means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities—including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs—shall be deemed a massage business under this chapter.

OPERATOR means any and all owners of a massage business.

OUTCALL MASSAGE means the engaging in or carrying on of massage therapy for compensation in a location other than the business operations address set forth in the massage business's registration.

OWNER means any of the following persons:

(1) Any person who is a general partner of a general or limited partnership that owns a massage business.

(2) Any person who has five percent (5%) or greater ownership interest in a corporation that owns a massage business.

(3) Any person who is a member of a limited liability company that owns a massage business.

(4) Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a massage business.

PERSON means any individual, firm, association, partnership, co-partnership, joint stock company, corporation, joint venture, limited liability company, or combination of individuals of whatever form or character.

POLICE DEPARTMENT means the unit or person(s) designated by the Police Chief to administer this chapter.

RECEPTION AREA and **WAITING AREA** means an area immediately inside the front door of the massage business dedicated to the reception and waiting of patrons of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

REGISTRATION means the registration to engage in the practice or business of massage therapy as required by this chapter.

REGISTRANT means any person possessing a registration required and issued under this chapter.

SCHOOL OF MASSAGE means any school or institution of learning that is recognized as an approved school pursuant to California Business and Professions Code Division 2, Chapter 10.5, as currently drafted or as may be amended.

SOLE PROPRIETORSHIP means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.

SOLICIT means to request, ask, demand or otherwise arrange for the provision of services.

5-19.03 CAMTC CERTIFICATION REQUIRED.

It shall be unlawful for any individual to practice massage therapy for compensation as a sole proprietorship or employee of a massage business or in any other capacity with the City of Antioch unless that individual is a certified massage practitioner.

5-19.04 MASSAGE ESTABLISHMENT REGISTRATION.

(A) Except as otherwise provided in Section 5-19.05, it shall be unlawful for any person to engage in, conduct, carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the city, the operation of a massage establishment without first having obtained a massage establishment registration issued by the Police Department pursuant to this chapter. A separate registration shall be obtained for each separate massage establishment.

(B) A registration issued under this chapter does not authorize the registrant to practice massage therapy until the registrant has complied with all business license requirements, zoning/planning requirements, and all other applicable federal, state, and city laws or regulations.

5-19.05 REGISTRATION EXCEPTIONS.

The registration requirements of this chapter shall not apply to the following persons while engaged in the performance of their duties:

(A) Physicians, surgeons, chiropractors, osteopaths, nurses, physical therapists, or acupuncturists who are duly licensed to practice their respective professions of the state.

(B) Barbers beauticians, cosmetologists, and estheticians who are duly licensed under the laws of the state while engaging in practices within the scope of their licenses.

(C) Hospitals, nursing homes, sanitariums, or any other health facility duly licensed by the state.

(D) Accredited high schools, junior colleges, colleges, or universities whose coaches and trainers are acting within the scope of their employment.

(E) Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes and trainers working in conjunction with a specific athletic event such as road races, track meets, triathlons, biathlons, or similar single occurrence athletic or recreational events.

5-19.06 MASSAGE ESTABLISHMENT REGISTRATION APPLICATION AND FEE.

(A) Each applicant for a massage establishment registration shall file a written application with the Police Department on a form provided by the Police Department.

(B) Each application shall be accompanied by a nonrefundable fee, in an amount established in the resolution approving the Master Fee Schedule. The application fee shall be used to defray the costs of processing the investigation and report, and is not made in lieu of any other fees or taxes required under this code. In addition, applicants are required to make payment to the Department of Justice for fingerprinting services as required by this chapter. A copy of the receipt for the nonrefundable fee shall accompany the application.

(C) Each applicant shall submit the following information in the application under penalty of perjury:

(1) Legal name of the massage business.

(2) The present or proposed address and telephone number where the massage business is to be conducted.

(3) Legal names, including all names used presently or in the past, of all owners of the massage business.

(4) A list of all of the massage business's employees and independent contractors who are performing massage and their CAMTC certifications.

(5) Residence address and telephone number of all owners of the massage business.

(6) Business address and telephone number of all owners of the massage business.

(7) The form of business under which the massage business will be operating (i.e. corporation, general or limited partnership, limited liability company, or other form).

(8) Each owner or operator of the massage business who is not a CAMTC-certified massage practitioner shall submit an application for a background check, including the following: the individual's business, occupation, and employment history for the five years preceding the date of the application; the inclusive dates of such employment history; the name and address of any massage business or similar business owned or operated by the individual whether inside or outside the County of Contra Costa and its incorporated cities.

(9) For all owners, a valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.

(10) For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code Sections 4600 et seq., and local, state, or federal law, or the provisions of this chapter may result in revocation of the massage establishment's registration.

5-19.07 APPLICATION REVIEW.

Upon receipt of an application, the Police Department shall review the application and supplementary material. If it is clear from the face of the application and supplementary material that the applicant is not qualified for the registration sought pursuant to the requirements and standards of this chapter, or if the required fee has not been paid, the application may be denied without further investigation. If it appears from the face of the application and supplementary material that the applicant may be eligible for the registration sought, the Police Department shall verify the information

submitted by the applicant and shall further investigate the qualifications of the applicant as follows:

(A) The Police Department shall receive a full set of the applicant's fingerprints from a qualified private fingerprinting service, at the applicant's sole expense. Upon receipt of the applicant's fingerprints, the Police Department shall review the criminal history (if any) of the applicant.

(B) The Police Department may conduct additional investigations in a manner authorized by law when necessary to determine if the applicant meets the qualifications for a registration pursuant to this chapter.

5-19.08 REGISTRATION ISSUANCE OR DENIAL.

(A) The Police Department shall issue or deny the application for a massage establishment registration within sixty (60) days of a completed application. When necessary, the Police Department may extend the time to issue or deny the application.

(B) In addition to any other section of this chapter, the Police Department shall deny a registration if any of the following circumstances exist:

(1) The application is incomplete and/or required supplementary material is not submitted within thirty (30) days of the date the material is requested.

(2) The applicant has previously had a massage establishment registration or any similar license, certificate, or registration revoked by the city or any public agency during the seven (7) years preceding the date of the application.

(3) The applicant has made a material misrepresentation in the application or supplementary material submitted with the application.

(4) The applicant has been successfully prosecuted under the Red Light Abatement Act (California Penal Code Sections 11225, et seq.) or any similar law in another jurisdiction during the seven (7) years preceding the date of the application.

(5) The applicant has been convicted of conduct that requires registration under Cal. Penal Code Section 290; conduct which is in violation of California Penal Code Sections 220, 245.3, 345.5, 261, 264.1, 266(e), 266(h), 266(i), 314, 315, 316, 318, 647(a), 647(b), 647(d), 653.22, or 653.23; any other crime involving dishonesty, fraud, deceit, violence, or moral turpitude; conspiracy or attempt to commit any of the aforementioned designated offenses; convictions to a charge of a violation of California Penal Code Sections 415 and 602, or any lesser included or related offense, in satisfaction of, or as substitute for any of the previously listed crimes, or any crime committed while engaged in the ownership of a massage establishment or the practice of massage therapy; convictions that have been expunged and convictions under the laws of other jurisdictions that proscribe the same or similar conduct as the previously listed crimes; or conviction of California Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution, or possession of a controlled substance specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058 during the seven (7) years preceding the date of the application.

(C) If prosecution is pending against the applicant for either conduct listed in Paragraph (B) of this section, the Police Department may postpone the decision on the application until the final resolution of the prosecution is reached. As used in this chapter, prosecution means charges filed by the District Attorney, administrative proceedings brought by a local government or agency, or a civil action maintained by the City Attorney.

(D) The Police Department may postpone a decision on license or registration application until the city receives the applicant's fingerprint review results from the Department of Justice.

(E) The Police Department shall give written notice of the grounds for denial to the applicant personally or by first class mail, postage prepaid, at the address provided on the application. The notice shall advise the applicant of the right to request a hearing as provided in this chapter.

5-19.09 HEARING ON DENIAL OF REGISTRATION.

If a registration for a massage establishment is denied, an applicant may, within fourteen (14) calendar days after such action is taken, request a hearing before the Board of Administrative Appeals pursuant to Chapter 4 of Title 1 of the Municipal Code, at which time evidence will be received for the purpose of determining whether the action of the Police Department in denying the issuance of an annual registration should be sustained or reversed.

5-19-10 APPEAL OF DENIAL OF REGISTRATION.

Judicial review shall be available as established in Government Code Section 53069.4 and pursuant to Section 1-4.04 of this code.

5-19.11 OPERATING REQUIREMENTS.

Every massage establishment shall comply with the standards established by the Contra Costa County Health Services. No person shall engage in, conduct, carry on, or permit any massage within the City of Antioch unless all of the following requirements are met:

(A) CAMTC certification shall be worn by and clearly visible on the massage practitioner's person during working hours and at all times when the massage practitioner is inside a massage business or providing outcall massage.

(B) Massage shall be provided or given only between the hours of 7:00 a.m. and 9:00 p.m. No massage establishment shall be open and no massage shall be provided between 9:00 p.m. and 7:00 a.m. A massage commenced prior to 9:00 p.m. shall nevertheless terminate at 9:00 p.m., and all clients shall exit the premises at that time. It is the obligation of the massage business to inform clients of the requirement that services must cease at 9:00 p.m.

(C) A list of the services available and the cost of such services shall be posted in the reception area within the massage premises, and shall be described in readily

understandable language. Outcall service providers shall provide such a list to clients in advance of performing any service. No owner, manager, operator, or responsible managing employee shall permit any service other than those posted or listed as required herein, nor shall an operator or a massage practitioner request or charge a fee for any service other than those on the list of services available and posted in the reception area or provided to the client in advance of any outcall services.

(D) A copy of the CAMTC certificate of each and every massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates of former employees and/or contractors shall be removed as soon as those massage practitioners are no longer employed by or offering services through the massage business.

(E) For each massage service provided, every massage business shall keep a complete and legible written record of the following information: the date and hour that service was provided; the service received; the name or initials of the employee entering the information; and the name of the massage practitioner administering the service. Such records shall be open to inspection and copying by the Police Department, may not be used by any massage practitioner or operator for any purpose other than as records of service provided and may not be provided to other parties by the massage practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two (2) years and be immediately available for inspection during business hours.

(F) Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

(G) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the Health Officer. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the Health Officer. All walls, ceilings, floors, and other physical facilities for the business must be in good repair, and maintained in a clean and sanitary condition.

(H) Instruments utilized in performing massage shall not be used on more than one client unless they have been sterilized, using approved sterilization methods.

(I) All massage business operators and their employees, including massage practitioners, shall wear clean, non-transparent outer garments. Such garments shall not expose their genitals, pubic areas, buttocks, or chest, and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest. For the purposes of this section, outer garments means a garment worn over other garments and does not include garments like underwear, bras, lingerie or swimsuits.

(J) No person shall enter, be, or remain in any part of a massage business while in possession of an open container of alcohol, or consuming or using any alcoholic

beverage or drugs except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises.

(K) No massage business shall operate as a school of massage, or use the same facilities as that of a school of massage.

(L) No massage business shall place, publish or distribute, or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to this chapter, nor shall any massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.

(M) No massage shall be given unless the client's genitals are, at all times, fully covered. A massage practitioner shall not, in the course of administering any massage, make physical contact with the genitals or private parts of any other person regardless whether the contact is over or under the person's clothing.

(N) Where the massage establishment has staff available to assure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage business shall remain unlocked during business hours when the business is open for business or when clients are present.

(O) No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. For the purpose of this subsection, there is a non-rebuttable presumption that the visibility is impermissibly blocked if more than ten percent (10%) of the interior reception and waiting area is not visible from the exterior window.

(P) All signs shall be in conformance with the current ordinances of the City of Antioch.

(Q) Minimum lighting consisting of at least one artificial light of not less than forty (40) watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

(R) Ventilation shall be provided in accordance with applicable building codes and regulations.

(S) Hot and cold running water shall be provided at all times.

(T) Adequate dressing, locker, and toilet facilities shall be provided for clients.

(U) A minimum of one (1) wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.

(V) All massage businesses shall comply with all state and federal laws and regulations for handicapped clients.

(W) A massage establishment shall operate only under the name specified in its registration issued under this chapter.

(X) No massage business shall allow any person to reside within the massage business or in attached structures owned, leased, or controlled by the massage business.

(Y) Other than custodial or maintenance staff, no persons shall be permitted within the premises of a massage business between the hours of 11:00 p.m. and 6:00 a.m.

5-19.12 INSPECTION BY OFFICIALS.

The investigating and enforcing officials of the City of Antioch, including, but not limited to, the Police, Health Officer, Code Enforcement Official, and Building Official, or their designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this chapter. The massage business may be charged a fee for any safety inspections. The City may charge registrants for the cost of inspections in amounts established in the Master Fee Schedule.

5-19.13 NOTIFICATIONS.

(A) A registrant shall report to the Police Department any of the following within ninety-six (96) hours of the following occurrences:

(1) Arrests of any employees, operators, or owners of the registrant's massage establishment for an offense other than a misdemeanor traffic offense.

(2) Resignations, terminations, or transfers of practitioners employed by the registrant's massage business.

(3) Any event involving the registrant's massage establishment or the massage practitioners employed therein that constitutes a violation of this chapter or state or federal law.

(B) This provision requires reporting to the Police Department even if the massage business believes that the Police Department has or will receive the information from another source.

5-19.14 GROUNDS FOR SUSPENSION OR REVOCATION OF REGISTRATION.

(A) The Police Department may revoke or suspend any registration under this chapter if any of the following are found:

(1) The registrant commits any act that violates Business and Professions Code section 4609.

(2) The registrant does not possess the qualifications for the registration as required by this chapter.

(3) The registrant has been convicted of or found liable for any violation of this chapter.

(4) There is fraud, material misrepresentation, false statement, or omission of material fact in any application for a registration or in any supplemental material.

(5) An activity authorized in the registration has been conducted in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

(B) For purposes of this section, registrant, in the case of a massage establishment, shall include the managing responsible officer or managing employee.

(C) Prior to the suspension or revocation of any registration issued pursuant to this chapter, the Police Department shall give written notification of the suspension or revocation of the registration(s) to the registrants(s) personally or by first class mail, postage prepaid, at the address provided on the registration application. This notice shall advise the registrant of the right to request a hearing as provided in this chapter.

(D) The suspension or revocation shall take effect immediately upon the Board of Administrative Appeals' decision affirming of the suspension or revocation of, if no appeal of the notice of revocation or suspension is filed, upon the expiration of the appeal period for challenging the notice. The filing of an appeal of the Board of Administrative Appeals' decision to the City Council shall not stay or delay the effectiveness of the suspension or resignation. The filing of a petition for writ of mandamus challenging the City Council's affirmance of the Board of Administrative appeal shall not stay or delay the effectiveness of the suspension or resignation, unless upon proper motion or application, the court orders otherwise.

5-19.15 HEARING ON SUSPENSION OR REVOCATION OF REGISTRATION.

The registrant shall have fourteen (14) days from the date of the written notice of suspension or revocation of any registration issued pursuant to this chapter to file a written appeal with the Board of Administrative Appeals, pursuant to Chapter 4 of Title 1 of the Municipal Code. Evidence will be received at the hearing for the purpose of determining whether or not such registration shall be suspended or revoked, or whether the registration may be retained.

5-19.16 BURDEN OF PROOF.

Unless otherwise specifically prohibited by law, the burden of proof is on the applicant or registrant in any hearing or other matter under this chapter.

5-19.17 APPEAL OF SUSPENSION OR REVOCATION OF REGISTRATION.

If the Board of Administrative Appeals does not reverse the Police Department action in suspending or revoking the registration pursuant to this chapter, judicial review shall be available as established in California Government Code Section 53069.4 and pursuant to Section 1-4.04 of this code.

5-19.18 EFFECT OF REVOCATION OF REGISTRATION.

If a registration issued under this Chapter is revoked, no massage establishment shall be authorized to locate in the same location of the establishment where the registration was revoked for a period of 18 months from the effective date of the revocation. If the registrant is not also the legal owner of the real property on which the massage establishment is situated, notice of such revocation and the 18-month prohibition shall be provided to the owner of record of the property as shown on the latest county assessment roll.

5-19.19 MINIMUM AGE REQUIREMENT.

(A) No person shall be employed in a massage therapy establishment or perform massage therapy or manage or hold ownership interest in a massage therapy establishment who is not at least eighteen (18) years of age.

(B) It is unlawful for the owner, proprietor, managing employee, or any other person in charge of any massage establishment to employ any person less than eighteen (18) years of age.

5-19.20 REGISTRATIONS NON-ASSIGNABLE.

No registration shall be sold, transferred, or assigned by registrant or by operation of law to any other person. Any such sale, transfer, assignment, attempted sale, attempted transfer, or attempted assignment shall constitute an immediate revocation of the registration and the registration shall thereafter be null and void.

5-19.21 CHANGE OF NAME OR LOCATION, EXPANSION OF BUILDING.

(A) No registrant shall operate under any name or conduct any massage establishment under any designation or location not specified in the registration.

(B) In the case of any proposed change of name, notification thereof shall be made to the Police Department at least thirty (30) days prior to the change. Any proposed name change is subject to the approval of the Police Department.

(C) Any proposed change of location of a massage establishment is subject to the approval of the Police Department, in addition to compliance with all city ordinances and regulations.

(D) Any application for an expansion of a building of a massage establishment shall require compliance with this chapter and all other applicable laws.

(E) In case of any change of location or expansion of the massage establishment, inspection thereof by the city's Building and/or Planning Department shall be made as required in this chapter within thirty (30) days of the application.

5-19.22 DISPLAY OF REGISTRATION.

The massage establishment registration shall be displayed in an open and conspicuous place on the premises where the massage establishment business is conducted.

5-19.23 RESPONSIBILITY OF REGISTRANT

It shall be the responsibility of the massage establishment registrant who has employed or subcontracted any person acting or purporting to act as a massage therapist or the employer of contractor of any person acting or purporting to act as a massage therapist or anyone operating a massage establishment to ensure that all massage therapists comply with the requirements of this chapter and all laws. The massage establishment registrant or operator of a massage establishment shall be held responsible for the conduct of all persons on the premises that engage in providing the service of massage therapy. Any act or omission of the holder of the massage establishment registration or the operator of the massage establishment shall be deemed an act or omission of the holder of the massage establishment registration for the purposes of determining whether any license or registration may be revoked, suspended, or denied. Proof of knowledge of any violation of this section shall not be required for purposes of suspension, revocation or denial of such registration or license.

5-19.24 OUTCALL MASSAGE THERAPY REGISTRATION.

It shall be unlawful for any massage establishment or massage therapist to provide, or to offer to provide, massage therapy at any location except the place of business approved in the registration for a massage establishment or massage therapist. However, a massage establishment or massage therapist may obtain approval from the Police Department specifically authorizing outcall massage therapy services.

5-19.25 REGISTRATION DURATION AND RENEWAL.

(A) A registration shall be valid for one (1) year from the date of issuance, unless revoked or suspended.

(B) A registrant may apply for a renewal of a registration thirty (30) days prior to the expiration of the registration. If, upon the thirty-first (31st) day after the expiration of a registration, an application of renewal has not been received, the registration shall be deemed expired. Any registration issued under this chapter shall be returned to the Police Department within forty-eight (48) hours of its expiration. No privilege to provide massage therapy shall exist until an application for renewal has been granted. After a registration expires, a new application may be filed.

(C) Registrations may be renewed every year by filing an application for renewal under penalty of perjury updating information in the original application provided to the Police Department.

(D) To renew a registration under this chapter, the registrant shall pay the city a non-refundable fee in an amount set forth in the resolution approving the Master Fee Schedule. A copy of the receipt for the non-refundable fee shall accompany the application for renewal.

(E) After investigating the application for renewal, the Police Department may renew the registration if registrant continues to meet the requirements for issuance of a registration and none of the grounds for denial of a registration set forth in this chapter exist. The Police Department shall renew the registration within thirty (30) days of such request if the information upon which the original application was granted remains unchanged and no violations of this chapter have been committed.

5-19.26 CESSATION OF BUSINESS.

If at any time during the duration of a registration issued under this chapter, a registrant ceases to do business as a massage establishment, the registrant shall:

(A) Return any registration issued under this chapter to the Police Department within five (5) business days.

(B) Notify the Business License Department.

5-19.27 ENFORCEMENT.

(A) It is the duty of the Police Department to enforce rules and regulations in accordance with this chapter.

(B) Pursuant to the city's prosecutorial discretion, the city may enforce violations of the provisions of this chapter by criminal, civil, and/or administrative actions.

(C) Any massage business operated, conducted or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to California Business and Professions Code Section 17200 et seq., and the City Attorney or District Attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the Superior Court of Contra Costa County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to fines, attorneys fees and costs. All remedies provided for in this chapter are cumulative.

(D) It shall be unlawful and a public nuisance for a massage business to be operated, conducted, or maintained contrary to the provisions of this chapter. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, and enjoinder of that business in any manner provided by law.

Section 2. CEQA Findings.

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

Section 3. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in force and effect.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation or by publishing a summary of the proposed ordinance and posting a certified copy of the proposed ordinance in the City Clerk’s Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted and within fifteen (15) days after its adopting, publishing a summary of the ordinance with the names of the Council members voting for and against the ordinance.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 28th day of August, 2018 and passed and introduced at a regular meeting thereof, held on the 11th day of September 2018, by the following vote:

AYES:

NOES:

ABSENT:

Sean Wright, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, CMC, City Clerk of the City of Antioch

[Print](#)

Antioch, CA Code of Ordinances

CHAPTER 19: MASSAGE REGULATIONS

Section

- 5-19.01 Findings and purpose
- 5-19.02 Definitions
- 5-19.03 Permit requirement
- 5-19.04 Permit exceptions
- 5-19.05 Educational, certification, and association requirements
- 5-19.06 Massage therapy technician examination
- 5-19.07 Massage establishment permit application and fee
- 5-19.08 Massage therapy technician permit application and fee
- 5-19.09 Application review
- 5-19.10 Permit issuance or denial
- 5-19.11 Disqualifying conduct
- 5-19.12 Hearing on denial of permit
- 5-19.13 Appeal of denial of permit
- 5-19.14 Grounds for suspension or revocation of permit
- 5-19.15 Hearing on suspension or revocation of permit
- 5-19.16 Burden of proof
- 5-19.17 Appeal of suspension or revocation of permit
- 5-19.18 Minimum age requirement
- 5-19.19 Permits non-assignable
- 5-19.20 Change of name or location, expansion of building
- 5-19.21 Display of permit
- 5-19.22 Facilities and operating requirements
- 5-19.23 Responsibility of employer/ establishment permittee
- 5-19.24 Out-call massage therapy permit
- 5-19.25 Permit duration and renewal
- 5-19.26 Applicability to existing businesses

5-19.27 Cessation of business

5-19.28 Inspection

5-19.29 Enforcement

§ 5-19.01 FINDINGS AND PURPOSE.

The City Council finds and declares as follows:

(A) The city is authorized by virtue of the Constitution of the State of California, and Cal. Gov't Code § 51031 to regulate massage establishments by imposing reasonable conditions on the operation of massage establishments.

(B) In adopting these regulations, the City Council acknowledges that massage therapy is a legitimate, viable professional field that provides valuable health benefits. The Council also finds that there are health, safety and welfare concerns, including unsanitary massage establishments and improperly trained and/or uneducated massage therapists who do not have a state massage certification and this chapter provides reasonable safeguards against injury and economic costs. The City Council further finds that it is reasonable to conclude that the presence of inexperienced and unlicensed trainees in massage establishments would encourage and foster prostitution and human trafficking. In addition, massage therapy services occurring at night and with the furnishing of alcoholic beverages are more likely to raise the possibility of criminal conduct when police staffing is at the lowest.

(C) This chapter takes into account the separate certification process of the California Massage Therapy Council under Cal. Business and Professions Code §§ 4600 through 4620.

(D) The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the city.

(Ord. 1085-C-S, passed 1-23-07; Am. Ord. 2028-C-S, passed 5-26-09; Am. Ord. 2101-C-S, passed 1-13-15)

§ 5-19.02 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meaning set forth herein:

ACUPUNCTURE. The stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electro acupuncture, cupping, and moxibustion.

ACUPRESSURE. Based on a theory similar to acupuncture except that it stimulates acupuncture points by the application of pressure rather than by the application of needles.

ADULT-ORIENTED MERCHANDISE. Any sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to, condoms and sexually oriented items that are designed or marketed primarily for the stimulation of human genital organs.

APPLICANT. In the case of a massage establishment permit, means an individual, or if not an individual, the general partner, chief executive officer, chief advisor, or other person responsible for the ownership and operation of the massage establishment, who applies to obtain a permit under this chapter. In the case of a massage therapy technician permit, **APPLICANT** means an individual who applies for a permit under this chapter.

CHIEF OF POLICE. The Chief of Police of the City of Antioch or his or her designee.

EMPLOYEE. Includes any owner, partner, operator, manager, supervisor or worker, whether paid or not, who renders personal services of any nature in the operation of a massage establishment.

MANAGING EMPLOYEE. Any employee of a massage establishment who has been designated by the massage establishment permittee to manage the business.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business where any person provides, receives, or permits others to provide or receive massage therapy services. **MASSAGE ESTABLISHMENT** includes, but is not limited to, a massage parlor as defined in § 9-5.203 of this code, any beauty salon, hot tub or sauna facility, health and fitness center, skin care salon, spa or tanning salon in which massage therapy services are provided to customers.

MASSAGE THERAPY. The treatment of the human body by soft tissue manipulation using a variety of manipulative techniques, which may include any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations. This may include body/mind/spirit integration, personal growth, physical or emotional relaxation and the relief of somatic pain or dysfunction. As used in this chapter, **MASSAGE THERAPY** includes bodywork and somatic therapies.

MASSAGE THERAPY TECHNICIAN. Any person who provides massage therapy services to another person.

OUT-CALL MASSAGE THERAPY. Massage therapy performed or administered for money or other consideration by a massage therapy technician at a location other than a massage establishment.

PERMIT. The permit to engage in the practice or business of massage therapy as required by this chapter.

PERMITTEE. Any person possessing a permit required and issued under this chapter.

PERSON. Any individual, co-partnership, firm, association, joint stock company, corporation, joint venture, or combination of individuals of whatever form or character.

POLICE DEPARTMENT. The unit or person(s) designated by the Police Chief to administer this chapter.

RECOGNIZED SCHOOL OF MASSAGE THERAPY. Any school or institution of learning which has been approved or accredited pursuant to applicable state or federal law or regulation, or any school which requires a resident course on the theory, ethics, history, practice, methods, profession or work of massage therapy, including the study of anatomy and physiology and hygiene, and demonstration and practice of massage therapy techniques, and which provides a diploma or certificate of graduation upon successful completion of such course of study or course work recognized by national professional massage or body therapy organizations. Any school or institution of learning offering or allowing correspondence course credit not requiring actual attendance at class, or a course of massage therapy not approved by the California Department of Education shall not be deemed a "recognized school of massage therapy."

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.03 PERMIT REQUIREMENT.

(A) *Massage establishment permit.* Except as otherwise provided in § 5-19.04, it shall be unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the city, the operation of a massage establishment without first having obtained a massage

establishment permit issued by the Police Department pursuant to this chapter. A separate permit shall be obtained for each separate massage establishment.

(B) *Massage therapy technician permit.* Except as otherwise provided in § 5-19.04, it shall be unlawful for any person to engage in, conduct or carry on the function of a massage therapy technician without first having obtained a massage therapy technician permit issued by the Police Department pursuant to this chapter.

(C) *Temporary training permit.* The Police Department may issue a temporary training permit to any applicant, for a period not to exceed six months, if the applicant requires experience in the massage therapy profession for the purpose of eligibility as provided in § 5-19.05(A) or educational requirements for a recognized school of massage therapy, and the applicant shows proof of satisfactory completion of at least 100 hours of a non-repetitive curriculum in anatomy, physiology, hygiene, sanitation, and massage therapy theory, history, ethics, and practice from a recognized school of massage therapy.

(D) A permit issued under this chapter does not authorize the permittee to practice massage therapy until the permittee has complied with all business license requirements, zoning/planning requirements, and all other applicable federal, state, and city laws or regulations.

(E) Persons practicing acupressure under the direction of a licensed State of California acupuncturist shall obtain a massage therapy technician permit as required in this chapter.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.04 PERMIT EXCEPTIONS.

The permit requirements of this chapter shall not apply to the following persons while engaged in the performance of their duties:

(A) Physicians, surgeons, chiropractors, osteopaths, nurses, physical therapists, or acupuncturists who are duly licensed to practice their respective professions in the state;

(B) Barbers, beauticians, cosmetologists, and estheticians who are duly licensed under the laws of the state while engaging in practices within the scope of their licenses;

(C) Hospitals, nursing homes, sanitariums, or any other health facility duly licensed by the state;

(D) Accredited high schools, junior colleges, colleges, or universities whose coaches and trainers are acting within the scope of their employment;

(E) Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event such as road races, track meets, triathlons, biathlons, or similar single occurrence athletic or recreational events; and

(F) A person who holds a current, valid state certificate from the California Therapy Council as a massage practitioner or massage therapist, under Cal. Business and Professions Code §§ 4600 through 4620. However, such a certificate holder shall be subject to the city's laws including but not limited to business license tax, building and zoning regulations and health, safety and welfare requirements and be subject to having a business license revoked for material misrepresentation in the business license application.

(Ord. 1085-C-S, passed 1-23-07; Am. Ord. 2028-C-S, passed 5-26-09; Am. Ord. 2101-C-S, passed 1-13-15)

§ 5-19.05 EDUCATIONAL, CERTIFICATION, AND ASSOCIATION REQUIREMENTS.

(A) Each permittee shall either:

(1) Possess an original diploma, original certificate of graduation, or other written proof, including certified transcripts, acceptable to the Police Department, from a recognized school of massage therapy, college, junior college, or university, which shows satisfactory completion of at least 250 hours of a nonrepetitive curriculum which shall include formal education and training in massage therapy and/or bodywork, ethics, anatomy, and physiology; and related education and/or professional experience; or

(2) Certification pursuant to the National Certification Board for Therapeutic Massage and Bodywork.

(B) The permittee shall present original documents showing such certification at the time of application.

(C) Each permittee shall be a member, in good standing, of a state or national professional association devoted to the massage therapy specialty and therapeutic enhancement approach. The organization shall meet the following requirements:

(1) The organization or association promotes participation in continuing education programs as a condition of continuing membership;

(2) The organization or association has an established code of ethics and has enforcement procedures for the suspension and revocation of membership of persons violating the code of ethics;

(3) The organization or association is open to members of the general public, meeting the requirements for membership on a regional, statewide, or national basis, and is devoted to serving the interests of its members, the public, and the profession.

(D) Each applicant for a massage establishment permit who signs a declaration under penalty of perjury that such applicant will not personally engage in the practice of massage therapy is exempt from the educational, certification, association, and testing requirements set forth in this division.

(E) Each applicant for a massage establishment permit and massage therapy technician permit shall successfully complete and pass a written examination as described in § 5-19.06, unless the applicant is exempt from the requirements as provided in division (D) of this section.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.06 MASSAGE THERAPY TECHNICIAN EXAMINATION.

(A) Each applicant must demonstrate a basic knowledge of anatomy, physiology, hygiene and massage therapy by successfully completing a written examination. The applicant must pass the test with a score of no less than 70% on the written test.

(B) The tests will be formed by using a series of questions submitted from various Bay Area massage schools and have questions that can effectively assess the basic knowledge addressed in division (A) of this section.

(C) The tests will be administered through the Police Department at the time of application. If the applicant fails the written examination the person may submit a request at any time to retake the failed test. If the person fails the written test the second time, the person must wait six months before submitting a request to retake the failed test.

(D) If the applicant requires the services of a translator during the examination, the applicant must arrange for a court certified translator to be present at the examination. The applicant is solely responsible to pay for the translator's services. No persons other than court certified translators, city representatives, and examinees are allowed in the testing room during the written test.

(E) The examination is a one-time requirement for all massage establishment permittees and massage therapy technician permittees and will not be required again unless the applicant fails to renew their permit as required by this chapter or as may be required by state law.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.07 MASSAGE ESTABLISHMENT PERMIT APPLICATION AND FEE.

(A) Each applicant for a massage establishment permit shall file a written application with the Police Department on a form provided by the Police Department.

(B) Each application shall be accompanied by a nonrefundable fee, in an amount established in the resolution approving the Master Fee Schedule. The application fee shall be used to defray the costs of processing the investigation and report, and is not made in lieu of any other fees or taxes required under this code. In addition, applicants are required to make payment to the Department of Justice for fingerprinting services as required by this chapter. A copy of the receipt for the nonrefundable fee shall accompany the application.

(C) Each applicant shall submit the following information in the application under penalty of perjury:

(1) The full, true name under which the business will be conducted;

(2) The present or proposed address where the business is to be conducted;

(3) The applicant's full, true name, including all other names used presently or in the past, date of birth, valid California driver's license number or identification number, Social Security number, present residence address and telephone number, gender, height, weight, color of hair, and color of eyes;

(4) The names and addresses of all persons financially interested in the business;

(5) The applicant's two most recent street addresses and the dates of residence at each address;

(6) The name, street address, and telephone number of other businesses in which the applicant has owned or been employed with within the past seven years. This shall include the dates of employment, positions held by the applicant, and a contact person at each location. Applicant shall disclose or declare that within the seven years preceding submission of the application, the owner, operator, manager, and responsible managing officer/employee have not:

(a) Had a massage establishment permit, massage therapy technician permit, or other similar permit or license denied, suspended, or revoked by the city, or any other federal, state or local agency;

(b) Engaged in conduct or operated a massage therapy or similar establishment in a manner that would be grounds for denial, suspension, or revocation of a permit under this chapter; or

(c) Owned or managed a massage establishment or similar establishment where persons required to be licensed were allowed to work without the required license or permit;

(7) A statement of the permit history of the applicant which identifies whether or not such person has ever held a professional or vocational license or permit, other than as required under this chapter, issued by any agency, board, city, county, territory, or state; the date of issuance of such permit or license; whether or not the permit or license is still in effect; if the permit or license is no longer in effect, whether or not it was revoked or suspended, and if so, the reason(s) therefore. The name and location of the jurisdiction or agency that suspended or revoked such license, certificate, permit, or other authorization shall also be included;

(8) The name and street address of any other massage business operated or managed by the applicant during the last seven years;

(9) A statement whether the applicant intends to personally provide massage therapy services at the business;

(10) Except as provided in § 5-19.05(D), an original diploma, certificate of graduation, or other written proof, including certified sealed transcripts, acceptable to the Police Department or written proof of the applicant's successful completion of the National Certification Board for Therapeutic Massage and Bodywork examination showing that the applicant has met the requirements of § 5-19.05;

(11) Except as provided in § 5-19.05(D), written proof that the applicant is a member, in good standing, of a state or national professional association devoted to the massage therapy specialty and therapeutic enhancement approach as required by § 5-19.05(C);

(12) A statement that within the seven years preceding submission of the application, whether the applicant has been convicted or entered a plea of nolo contendere in a court of competent jurisdiction of any of the offenses listed below. For the purposes of this subsection, "applicant" means the following: an individual if the applicant is an individual; any officers, directors, stockholders holding more than 5% of the stock of the corporation, or the managing responsible officer, if the applicant is a corporation; and a partner or the managing responsible officer, if the applicant is a partnership:

(a) Conduct that requires registration under Cal. Penal Code § 290;

(b) Conduct which is in violation of Cal. Penal Code §§ 220, 245.3, 245.5, 261, 264.1, 266(e), 266(h), 266(i), 314, 315, 316, 318, 647(a), 647(b), or 647(d);

(c) Crimes that are designated in Cal. Gov't Code § 51032(b);

(d) Any other crime involving dishonesty, fraud, deceit, violence, or moral turpitude;

(e) Conspiracy or attempt to commit any of the aforementioned designated offenses;

(f) Convictions to a charge of a violation of Cal. Penal Code §§ 415 and 602, or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes, or any crime committed while engaged in the ownership of a massage establishment or the practice of massage therapy;

(g) Convictions that have been expunged and convictions under the laws of other jurisdictions that proscribe the same or similar conduct as the aforesaid designated crimes shall be reported;

(h) Conviction of Cal. Health and Safety Code § 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Cal. Health and Safety Code §§ 11054, 11055, 11056, 11057 or 11058;

(i) Whether the applicant has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Cal. Penal Code §§ 11225 et seq. or any similar provisions of law in a jurisdiction outside the state;

(j) Been convicted of any offense in any other state that is the equivalent of any of the above-mentioned offenses; and

(k) Committed an act in another jurisdiction which, if committed in this state, would have been a violation of law and, which, if done by a permittee under this chapter, would be grounds for denial, suspension or revocation of the permit;

(13) The name, street address, telephone number, and date of birth of each massage therapy technician or employee who is or will be employed at the massage establishment, regardless of the nature of the employment;

(14) The name, street address, and telephone number of any massage establishment or other like establishment owned or operated by any person whose name is required to be given pursuant to this section;

(15) Documentation to prove that the applicant has a lawful right to work in the United States, to include but not limited to Department of Justice Immigration and Naturalization Service Employment Authorization Document;

(16) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Chapters of Incorporation or Charter, together with the state and date of incorporation and the name, residence address, and telephone number of each of its current officers, directors, along with the amount of stock held;

(17) If the applicant is a partnership, the application shall set forth the name, residence street address, and telephone number of each of the partners. If the applicant is a limited partnership, it shall furnish a copy of its Certificate of Limited Partnership as filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporate applicants shall apply to the corporate partner. The applicant, if a corporation or partnership, shall designate one of its officers or general partners to act as its responsible managing officer/employee. Such person shall complete and sign all application forms required of an individual applicant under this chapter and shall, at all times, meet all of the requirements set for permittees by this chapter or the permit shall be suspended until a responsible managing officer who meets such requirements is designated. If no such person is found within 90 days after the permit's suspension, the corporation or partnership's permit is deemed canceled. If the corporation or partnership wishes to reapply for a permit, a new application shall be filed;

(18) Two recent, identical, passport-size, color photographs of the applicant;

(19) Fingerprints taken by a representative of the Police Department and submitted to the Department of Justice for processing pursuant to this chapter;

(20) Certificate from a physician licensed to practice in the State of California stating that the applicant is free from any contagious and communicable diseases and has, within 30 days immediately before the filing of the application, tested negative for tuberculosis. If the applicant has tested positive, the applicant must submit documentation from a physician licensed to practice in the State of California that the tuberculosis is not in an active state and the applicant is asymptomatic. The certification is not required if the massage establishment applicant does not intend to provide massage therapy services and has so certified as provided in above in division (C)(9) of this section;

(21) Proof of massage malpractice insurance in the sum of not less than \$500,000 per massage therapy technician licensed, or to be licensed, at the massage establishment, up to a maximum of \$1,000,000; this requirement can be satisfied by malpractice insurance being provided in the name of individual massage therapy technicians;

(22) Written authorization for the city, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the applicant and the responsible managing officer/employee of the massage establishment; and

(23) Such other identification and information shall be provided as required by the Chief of Police, necessary to discover the truth of the matters specified and required in the application.

(D) A massage establishment permit does not authorize the permittee to provide massage therapy services, and it is unlawful to do so without a valid massage therapy technician permit issued by the licensing authority.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.08 MASSAGE THERAPY TECHNICIAN PERMIT APPLICATION AND FEE.

(A) Each applicant for a massage therapy technician permit shall file a written application with the Police Department on a form provided by the Police Department.

(B) Each application shall be accompanied by a non-refundable fee, in an amount established in the resolution approving the Master Fee Schedule. The application fee shall be used to defray the costs of processing the application, the investigation and report, and is not made in lieu of any other fees or taxes required under this code. In addition, applicants are required to make payment to the Department of Justice, for fingerprinting services, as required by § 15-19.07(C)(19). A copy of the receipt for the non-refundable fee shall accompany the application.

(C) Each applicant shall submit the following information and/or document(s) under penalty of perjury:

(1) All information required by § 5-19.07(C), except: §§ 5-19.07(C)(1), 5-19.07(C)(2), 5-19.07(C)(13), 5-19.07(C)(14), 15-19.07(C)(16), and 5-19.07(C)(17);

(2) As required by § 5-19.06, successful completion of the massage therapy technician's examination;

(3) Each applicant shall provide written authorization for the city, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the applicant to comply with § 5-19.07(C)(23); and

(4) The full name, street address, and telephone number of each business premises in which the massage therapy technician administers massage therapy.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.09 APPLICATION REVIEW.

Upon receipt of an application, the Police Department shall review the application and supplementary material. If it is clear from the face of the application and supplementary material that the applicant is not qualified for the permit sought pursuant to the requirements and standards of this chapter, or if the required fee has not been paid, the application may be denied without further investigation. If it appears from the face of the application and supplementary material that the applicant may be eligible for the permit sought, the Police Department shall verify the information submitted by the applicant and shall further investigate the qualifications of the applicant as follows:

(A) The Police Department shall photograph the applicant, take a full set of the applicant's fingerprints, and submit the fingerprints to the Department of Justice for evaluation. Upon receipt of the report from the Department of Justice, the Police Department shall review the criminal history (if any) of the applicant;

(B) The Police Department may conduct additional investigations in a manner authorized by law when necessary to determine if the applicant meets the qualifications for a permit pursuant to this chapter; and

(C) Upon receipt of an application for a massage establishment permit, the Police Department shall refer the application to the city's Building Department, who shall review the application and inspect the premises to ensure that it will comply with applicable ordinances, including, but not limited to, building, health, and fire safety ordinances. Any modifications in the proposed site that are required to meet city standards shall be completed and all fees shall be paid before the application will be considered for approval by the Police Department.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.10 PERMIT ISSUANCE OR DENIAL.

(A) The Police Department shall issue or deny the application for a massage establishment or massage therapy technician permit within 60 days of a completed application. When necessary, the Police Department may extend the time in order to issue or deny the application.

(B) In addition to any other section of this section, the Police Department shall deny a permit if any requirement of any of the following circumstances exist:

(1) The application is incomplete and/or required supplementary material is not submitted within 30 days of the date the material is requested;

(2) The applicant does not have sufficient proof of the required educational or certification requirements and association qualifications pursuant to § 5-19.05, unless the applicant is exempt from these requirements as provided in § 5-19.04;

(3) The operation as proposed by the applicant would not comply with all applicable ordinances and laws, including, but not limited to, the city's building, zoning, health, and fire safety ordinances;

(4) The applicant has previously had a massage establishment permit, massage therapy technician permit, or any similar license, certificate, or permit revoked by the city or any public agency during the seven years preceding the date of the application;

(5) The applicant has made a material misrepresentation in the application or supplementary material submitted with the application;

(6) The applicant has been successfully prosecuted under the Red Light Abatement Act (Cal. Penal Code §§ 11225 et seq.) or any similar law in another jurisdiction during seven years preceding the date of the application;

(7) The applicant has been convicted of any of the offenses provided in § 15-19.07(C)(12) during the seven years preceding the date of the application; or

(8) The applicant does not pass the examination described in § 5-19.06.

(C) If prosecution is pending against the applicant for either conduct listed in § 5-19.11 or for conduct violating this chapter's provisions, the Police Department may postpone the decision on the application until the final resolution of the prosecution. As used in this division, prosecution means charges filed by the district attorney, administrative proceedings brought by a local government or agency, or a civil action maintained by the City Attorney.

(D) The Police Department may postpone the decision on a license or permit application until the city receives the applicant's fingerprint review results from the California Department of Justice.

(E) The Police Department shall give written notice of the grounds for denial to the applicant personally or by first class mail, postage prepaid, at the address provided in the application. The notice shall advise the applicant of the right to request a hearing as provided in § 5-19.12.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.11 DISQUALIFYING CONDUCT.

(A) The person has been convicted of, or pled guilty or no contest to an offense that requires registration under Cal. Penal Code § 290, or which is a violation of §§ 266(i), 314, 315, 316, 318 or 647(b) or the sections in Part 1, Title 9, Chapters 7.5 or 7.6 of the Cal. Penal Code or equivalent offenses under the laws of another jurisdiction, or any offense involving sexual misconduct with children or adults, even if expunged pursuant to Cal. Penal Code § 1203.4.

(B) The person has been convicted of, or pled guilty or no contest to an offense involving the sale of a controlled substance specified in §§ 11054, 11055, 11056, 11057, 11058, 11351, 11352, 11358 through 11363 or 11378 through 11380 of the Cal. Health and Safety Code, or equivalent offenses under the laws of another jurisdiction, even if expunged pursuant to Cal. Penal Code § 1203.4.

(C) The person was convicted of, or pled guilty or no contest to a violation of Cal. Penal Code § 415 as a result of an arrest for violation of Cal. Penal Code § 647(b).

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.12 HEARING ON DENIAL OF PERMIT.

If a permit for a massage establishment or massage therapy technician is denied, an applicant may, within 14 calendar days after such action is taken, request a hearing before the Board of Administrative Appeals pursuant to Chapter 4 of Title 1 of the Municipal Code, at which time evidence will be received for the purpose of determining whether the action of the Police Department in denying the issuance of an annual permit should be sustained or reversed.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.13 APPEAL OF DENIAL OF PERMIT.

Judicial review shall be available as established in Cal. Gov't Code § 53069.4 and pursuant to § 1-4.04 of this code.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.14 GROUNDS FOR SUSPENSION OR REVOCATION OF PERMIT.

(A) The Police Department may revoke or suspend any permit granted under this chapter if any of the following are found:

- (1) The permittee does not possess the qualifications for the permit as required by this chapter;
- (2) The permittee has been convicted of any violation of any provision of this chapter;
- (3) The permittee has engaged in conduct or operated a massage establishment where conduct has been engaged or has engaged in conduct as a massage therapist technician in a manner which violates this chapter, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit;
- (4) There is fraud, material misrepresentation, false statement, or omission of a material fact in any application for a permit or in any supplementary material;
- (5) An activity authorized in the permit has been conducted in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public;
- (6) Upon a recommendation from the city and/or county officials which states that such business is being managed, conducted, or maintained without regard for public safety or public health; or
- (7) For purposes of this section, permittee, in the case of a massage establishment, shall include the managing responsible officer or managing employee.

(B) Prior to the suspension or revocation of any permit issued pursuant to this chapter, the Police Department shall give written notification of the suspension or revocation of the permit(s) to the permittee(s) personally or by first class mail, postage prepaid, at the address provided on the permit application. This notice shall advise the permittee of the right to request a hearing as provided in § 5-19.15.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.15 HEARING ON SUSPENSION OR REVOCATION OF PERMIT.

The permittee shall have 14 days from the date of the written notice of suspension or revocation of any permit issued pursuant to this chapter to file a written appeal with the Board of Administrative Appeals, pursuant to Chapter 4 of Title 1 of the Municipal Code. Evidence will be received at the hearing for the purpose of determining whether or not such permit shall be suspended or revoked, or whether the permit may be retained.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.16 BURDEN OF PROOF.

Unless otherwise specifically prohibited by law, the burden of proof is on the applicant or permittee in any hearing or other matter under this chapter.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.17 APPEAL OF SUSPENSION OR REVOCATION OF PERMIT.

If the Board of Administrative Appeals does not reverse the Police Department action in suspending or revoking the permit pursuant to § 5-19.14, judicial review shall be available as established in Cal. Gov't Code § 53069.4 and pursuant to § 1-4.04 of this code.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.18 MINIMUM AGE REQUIREMENT.

(A) No person shall be employed in a massage therapy business or perform massage therapy or manage or hold an ownership interest in a massage therapy business who is not at least 18 years of age.

(B) It is unlawful for the owner, proprietor, managing employee, or any other person in charge of any massage establishment to employ any person less than 18 years of age.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.19 PERMITS NON-ASSIGNABLE.

No permit shall be sold, transferred, or assigned by the permittee or by operation of law, to any other person. Any such sale, transfer, assignment, attempted sale, attempted transfer or attempted assignment shall constitute an immediate revocation of the permit and the permit shall thereafter be null and void.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.20 CHANGE OF NAME OR LOCATION, EXPANSION OF BUILDING.

(A) No permittee shall operate under any name or conduct any massage establishment under any designation or location not specified in the permit.

(B) In the case of any proposed change of name, notification thereof shall be made to the Police Department within 30 days prior to the change. Any proposed change of name is subject to the approval of the Police Department.

(C) Any proposed change of location of a massage establishment is subject to the approval of the Police Department, in addition to compliance with all city ordinances and regulations.

(D) Any application for an expansion of a building of a massage establishment shall require compliance with this chapter and all other applicable laws.

(E) In case of any change of location or expansion of the massage establishment, inspection thereof by the city's Building and/or Planning Department shall be made as required in this chapter within 30 days of receipt of the application.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.21 DISPLAY OF PERMIT.

(A) The massage establishment permit and a copy of the permit of each and every massage therapy technician employed in the establishment shall be displayed in an open and conspicuous place on the premises.

(B) Each massage therapy technician permittee shall be issued a photograph identification badge from the Police Department that shall also serve as a massage therapy technician permit. When visiting a location other than a massage establishment in order to give a massage, each massage therapy technician permittee shall display the badge on such permittee's person, except when the permittee is giving a massage.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.22 FACILITIES AND OPERATING REQUIREMENTS.

(A) Every massage establishment and every massage therapy technician shall comply with standards established by the Contra Costa County Health Services for such businesses and practitioners and the following facilities and operations requirements:

(1) The massage establishment's premises and facilities shall meet and be maintained in a condition to comply with all applicable code requirements of the city, county, and state, including, but not limited to, those related to the safety of structures, adequacy of the plumbing, lighting, heating, ventilation, waterproofing of rooms in which showers, water or steam baths are used, and the health and cleanliness of the facility.

(2) Massage establishments and massage therapy technicians shall at all times have an adequate supply of clean sanitary towels, coverings, and linens. Towels, non-disposable coverings, and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and disposable coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate receptacles.

(3) In the massage establishment, wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bathrooms, tanning booths, whirlpool baths, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day when the premises are open, with a disinfectant. Bathtubs shall be thoroughly cleaned with a disinfectant after each use. All walls, ceilings, floors, and other physical facilities for the establishment shall be in good repair, and maintained in a clean and sanitary condition.

(4) All equipment used in the massage establishment and massage therapy operation shall be maintained in a clean and sanitary condition. Instruments utilized in performing massage therapy shall not be used on more than one client unless they have been sterilized, using standard sterilization methods.

(5) Clients of the massage establishment shall be furnished with a dressing room. Only clients of the same sex will use dressing rooms at the same time. Dressing rooms need not be separate from the room in which the massage therapy is being performed.

(6) Toilet facilities shall be provided in convenient locations within the massage establishment and shall consist of at least one unisex toilet with lavatories or wash basins provided with soap and both hot and cold running water either in the toilet room or vestibule.

(7) A minimum of one washbasin for massage technicians shall be provided at all times in a massage establishment. The basin shall be located within or as close as practicable to the area devoted to performing of massage therapy services. Soap and sanitary towels shall also be provided at each basin.

(B) Massage therapy shall be provided or given only between the hours of 6:00 a.m. and 10:00 p.m. No massage establishment shall be open and no client shall be in the establishment between 10:00 p.m. and 6:00 a.m.

(C) No alcoholic beverages shall be sold, served, furnished, kept, consumed, or possessed on the premises of any massage establishment.

(D) No owner, manager, operator, responsible managing employee, or massage therapy technician shall permit, offer or perform, any service other than those permitted under this chapter.

(E) No one engaged in massage therapy or operating at a massage establishment shall engage in unprofessional conduct as defined in Cal. Business and Professions Code § 4609. This prohibition includes no one at a massage establishment or no massage therapy technician exposing his or her genitalia, breasts or buttocks; engaging in sexual activity while providing massage services; or providing massage of genitals or anal region.

(F) No one engaged in massage therapy or operating at a massage establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective customers that any service is available that is prohibited under this chapter nor shall any massage establishment employ language in any advertising text or business name that would reasonably suggest to a prospective client that any service is available that is prohibited under this chapter.

(G) The use or possession of adult-oriented merchandise in or on any part of a massage establishment is expressly prohibited.

(H) No electrical, mechanical or artificial device shall be used by the operator and/or manager, massage therapy technician or any employee of the massage establishment for audio and/or video recording or for monitoring the performance of any massage therapy, or the conversation or other sounds in the massage rooms without the knowledge and written consent of the patron.

(I) Locks prohibited.

(1) No massage therapy shall be conducted within any cubicle, room, booth or treatment room on the premises of a massage therapy establishment that is fitted with a lock.

(2) All exterior doors on the premises of a massage therapy establishment shall remain unlocked from the interior side during business hours.

(3) The requirements of this division (I) do not apply to a massage establishment solely owned by a state certificate holder or to a massage establishment which employs only persons who hold a state certificate. (See § 5-19.04(F).)

(J) Clients shall be draped to cover genitalia and female breasts.

(Ord. 1085-C-S, passed 1-23-07; Am. Ord. 2028-C- S, passed 5-26-09; Am. Ord. 2101-C-S, passed 1-13-15)

§ 5-19.23 RESPONSIBILITY OF EMPLOYER/ ESTABLISHMENT PERMITTEE.

It shall be the responsibility of the massage establishment permittee who has employed or subcontracted any person acting or purporting to act as a massage therapy technician or the employer or contractor of any person acting or purporting to act as a massage therapy technician or anyone operating a massage establishment to ensure that all massage therapy technicians comply with the requirements of this chapter and all laws. The massage establishment permittee or operator of a massage establishment shall be held responsible for the conduct of all persons on the premises that engage in providing the service of massage therapy. Any act or omission of any person giving massage therapy, or any service of massage therapy shall be deemed the act or omission of the holder of the massage establishment permit or the operator of the massage establishment for the purposes of determining whether any license or permit may be revoked, suspended, or denied. Proof of knowledge of any violation of this section shall not be required for purposes of suspension, revocation, or denial of such a permit or license.

(Ord. 1085-C-S, passed 1-23-07; Am. Ord. 2101-C-S, passed 1-13-15)

§ 5-19.24 OUT-CALL MASSAGE THERAPY PERMIT.

It shall be unlawful for any massage establishment or massage therapy technician to provide, or to offer to provide, massage therapy at any location except at the place of business approved in the permit for a massage establishment or massage therapy technician; provided, however that a massage establishment or massage therapists may obtain approval from the Police Department, specifically authorizing out-call massage therapy services.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.25 PERMIT DURATION AND RENEWAL.

(A) A permit shall be valid for one year from the date of issuance unless revoked or suspended.

(B) A permittee may apply for a renewal of a permit 30 days prior to the expiration of the permit. If, upon the 31st day after the expiration of a permit, an application of renewal has not been received, the permit shall be deemed expired. Any permit issued under this chapter shall be returned to the Police Department within 48 hours of its expiration. No privilege to provide massage therapy shall exist until an application for renewal has been granted. After a permit expires, a new application may be filed.

(C) Permits may be renewed every year by filing an application for renewal under penalty of perjury updating information in the original application provided to the Police Department.

(D) Verification of continued membership, in good standing, of a state or national professional association described in § 5-19.05(C).

(E) To renew a permit under this chapter, the permittee shall pay the city a non-refundable fee in an amount set forth in the resolution approving the Master Fee Schedule. A copy of the receipt for the non-refundable fee shall accompany the application for renewal.

(F) After investigating the application for renewal, the Police Department shall renew the permit if the permittee continues to meet the requirements for the issuance of a permit, and none of the grounds for denial of a permit set forth in this chapter exist. The Police Department shall renew the permit within 30 days of such request if the information upon which the original application was granted remains unchanged and no violations of this chapter have been committed.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.26 APPLICABILITY TO EXISTING BUSINESSES.

(A) All persons currently operating a massage establishment or working as a massage therapy technician shall have six months following the enactment of this chapter in which to comply with the requirements of this chapter. Except as provided in division (B) of this section, any currently legally operating massage establishment or massage therapy technician that does not attain compliance with this chapter within the prescribed time limits, is in violation of this code and subject to administrative and/or legal action.

(B) The Police Department may issue a provisional permit to any massage establishment or massage therapy technician, for a period not to exceed six months, if the applicant:

(1) Is able to show that substantial compliance with the requirements of this chapter has been met, including association membership (§ 5-19.07(C)(11)), negative tuberculosis test (§ 5-19.07(C)(20)), insurance (§ 5-19.07(C)(21)) and at least 250 hours of education and training (§ 5-19.07(C)(10));

(2) Successful completion of the massage therapy technician examinations can be achieved within 90 days; and

(3) That the remaining compliance can be achieved within the period of the provisional permit. This six month provisional permit shall not be renewed.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.27 CESSATION OF BUSINESS.

If at any time during the duration of a permit issued under this chapter a permittee ceases to do business as a massage establishment and/or a massage therapy technician, the permittee shall:

(A) Return any permit issued under this chapter to the Police Department within five business days; and

(B) Notify the Business License Department.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.28 INSPECTION.

The Police Department shall, from time to time, make an inspection of each massage establishment for the purpose of determining compliance with this chapter.

(Ord. 1085-C-S, passed 1-23-07)

§ 5-19.29 ENFORCEMENT.

(A) It is the duty of the Chief of Police to enforce rules and regulations in accordance with this chapter.

(B) Pursuant to the city's prosecutorial discretion, the city may enforce violations of the provisions of this chapter by criminal, civil and/or administrative actions.

(C) Any massage establishment operated, conducted, or maintained contrary to the provisions of this chapter shall be unlawful and a public nuisance, and the City Attorney may, in the exercise of discretion, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in any manner provided by law.

(Ord. 1085-C-S, passed 1-23-07)



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Arne Simonsen, CMC, City Clerk
Christina Garcia, CMC, Deputy City Clerk *Cg*

APPROVED BY: Nickie Mastay, Administrative Services Director *NM*

SUBJECT: Board of Administrative Appeals Appointments for one (1) Full Member and one (1) Alternate Member, partial-term vacancies

RECOMMENDED ACTION

It is recommended that the Mayor nominate and Council appoint by resolution:

- 1) One Board Member to the Board of Administrative Appeals for a partial-term vacancy which will expire March 2020; and
- 2) One Alternate Board Member to the Board of Administrative Appeals for a partial-term (two-year term) which will expire July 2019.

STRATEGIC PURPOSE

Long Term Goal L: City Administration. Provide exemplary City administration.
Strategy L-8: Coordinate City Boards and Commissions administrative requirements.

FISCAL IMPACT

There is no fiscal impact to the City as this position is voluntary.

DISCUSSION

The Board of Administrative Appeals consists of five members and one alternate to be appointed by the Mayor and confirmed by a majority of the Council. The Alternate Member shall serve a term of two years. The Board hears appeals regarding administrative decisions by any official of the City dealing with Municipal Code interpretations. These administrative citations are typically issued by a Code Enforcement Officer, Police Officer, or Animal Control Officer.

Three of the Board Members shall have experience in the building construction trades and/or training in the California Code of Regulations, or such training and experience necessary to hear appeals on Building, Housing, and Technical Codes. All appointed members of the Board shall be Antioch residents. Meetings are held the first Thursday of every month at 3:00 p.m. in the City Council Chambers; or on other dates as needed.

The City of Antioch advertised to fill the vacancies in the usual manner. The Clerk's Office received two applications from the following residents to be considered for appointments:

- Darren Goodbeer
- Aisha Hall

The applicants were interviewed by Mayor Wright.

ATTACHMENTS

- A. Resolution
- B. Applications

RESOLUTION NO. 2018/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPOINTING [INSERT NAME OF APPOINTEE AFTER APPOINTMENT] TO THE
BOARD OF ADMINISTRATIVE APPEALS FOR THE ONE (1) FULL MEMBER
PARTIAL-TERM VACANCY, ENDING IN MARCH 2020, AND APPOINTING [INSERT
NAME OF APPOINTEE AFTER APPOINTMENT] FOR THE ONE (1) ALTERNATE
MEMBER VACANCY, ENDING IN JULY 2019**

WHEREAS, there is currently one (1) Full Member partial-term vacancy on the Board of Administrative Appeals ending in March 2020; and one (1) Alternate Member vacancy, two-year term, ending in July 2019; and

WHEREAS, the City Clerk's Office made announcement of the vacancies and solicited applications for the one (1) Full Member partial-term vacancy and one (1) Alternate Member vacancy; and

WHEREAS, Mayor Sean Wright considered two applications received and interviewed the interested applicants; and

WHEREAS, Antioch Municipal Code Section 2-5.201 requires that the Mayor nominate candidates for membership on all boards and commissions and requires that the City Council approve, by a majority vote, the appointment of said nominee; and

WHEREAS, Mayor Sean Wright has nominated [insert name of appointees after appointment] to the one (1) Full Member partial-term vacancy and [insert name of appointee after appointment] to the one (1) Alternate Member vacancy to the Board of Administrative Appeals.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Antioch hereby approve the Mayor's nominations of [insert name of appointee after appointment] to the one (1) Full Member partial-term vacancy ending in March 2020 and [insert name of appointee after appointment] to the one (1) Alternate Member vacancy, two-year term, ending in July 2019, appointing *him/her/them* to serve on the Board of Administrative Appeals.

* * * * *

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 28th day of August, 2018, by the following vote:

AYES:

NOES:

ABSENT:

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



ORIGINAL

ATTACHMENT B

RECEIVED

APR 20 2018

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. Friday, April 20, 2018

APPLICATION FOR COMMUNITY SERVICE

BOARD OF ADMINISTRATIVE APPEALS

Alternate Board Member (partial term ending January 2020)

Print your name: DARRELL J. GOODBEER

Address: BELLE DRIVE City: ANTIOCH

ZIP Code: 94509 Phone (H) _____ (W) _____ (C) _____

e-mail address: _____

Employer: BAYMARK HEALTH SERVICES

Address: SUNSET LANE City: ANTIOCH

Occupation: SUBSTANCE ABUSE COUNSELOR PRODUCTION COORDINATOR AUDIO ENGINEER/DJ

Years lived in the City of Antioch: 6 YEARS

List the three (3) main reasons for your interest in this appointment: I HAVE A SOCIAL OBLIGATION TO DO MY PART IN CIVIC SERVICE. I STUDIED PUBLIC ADMINISTRATION, AND I NEED TO EXPAND MY ABILITY TO EMPOWER OTHERS WHILE EMPOWERING MYSELF. I HAVE AN AFFINITY FOR POLICY AND DECISION MAKING, AND A PROBLEM SOLVING ABILITY THAT I BELIEVE CAN HELP IN THIS CITY.

Have you attended any meeting of this board? NO

Have you had any previous city community service on this board? (If yes, please explain) NO, BUT I HAVE SOME EXPERIENCE. I BRIEFLY SERVED ON THE HUMAN RIGHTS COMMISSION FOR THE CITY OF RICHMOND CA. I BELIEVE IN 2006-2007

What skills/knowledge do you have that would be helpful in serving on the Board of Administrative Appeals? I AM FOCUSED, AND I PAY ATTENTION TO DETAIL. I UNDERSTAND INVOLVEMENT WITH ADM. APPEALS IS A GREAT RESPONSIBILITY. THIS RESPONSIBILITY REQUIRES WILLINGNESS AND ABILITY TO RESEARCH AND DOCUMENT LARGE AMOUNTS OF RECORDS, FINDINGS AND STUDIES AND WORK WITHIN A CONTINUUM OF ACCOUNTABILITY STANDARDS. I HAVE EXPERIENCE RESEARCHING, REVIEWING AND APPROVING POLICY AS A COMMISSIONER AND AS A COMMUNITY ORGANIZER WORKING WITH SOCIAL JUSTICE ISSUES IN THE CITY OF RICHMOND, CA.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

Can you attend meetings at the designated time and date? YES

Please attach your resume (recommended to enhance your application for appointment).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Board members are required to file an annual FPPC Form 700 (Statement of Economic Interest) with the City Clerk and complete a 2-hour online AB 1234 Ethics course.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
City of Antioch
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007



Signature

04/20/2018

Date

Darrell Goodbeer

SKILLS

- Proficient Communication — Effective writing and speaking skills
- Command of Office Suite Software — Google Docs; Microsoft Office software
- Efficient Typing — 55 words per minute

PROFESSIONAL EXPERIENCE

Bay Mark Health, Antioch, CA 2/2017 to 2/2018

MAT Counselor, Bay Mark Health Hub & Spoke Program

- Work within a medical assisted treatment program to provide clients with support to help them meet their identified treatment goals and collaborate with service providers and other community organizations to coach and assist client to efficacy.
- Work with clients one on one to develop an individual treatment plan for the successful treatment of addictive behavior toward recovery and relapse prevention.
- Maintain group and individual session notes and update files daily/ weekly according to policy while maintaining Bay Mark Health standards.

Center Point, San Rafael, CA 2/2017 to 2/2018

Journey Level Counselor, San Quentin SUDT Program

- Conduct and facilitate class/group substance abuse curriculum.
- Work with clients one on one to develop an individual treatment plan for the successful treatment of addictive behavior and the mitigation of recidivism.
- Maintain group and individual session notes and update files daily/ weekly according to policy while maintaining Center Point standards.

On Courier 365, Oakland, CA 8/2016 to 2/2017

Courier

- Deliver Amazon packages
- Follow guidelines for compliance for successful delivery
- Communicate with dispatch and Amazon technical support

The Arc San Francisco, Main, CA 3/2016 to 8/2016

Direct Support Professional II

- Worked with clients on a one on one basis or in a group setting to provide a wide range of services.
- Developed and implemented direct instructional plan for clients in community and business sector.
- Prepared annual calendar for client program reviews and facilitated case reviews and goal planning for each client.

Computer Technology Program, Berkeley, CA 2/2014 to 9/2014

Computer Technician/Computer Reuse Center (Temporary)

- Refurbished upgraded and repaired computers for Computer Recycle Center clients
- Recycled e-Waste and helped coordinate and maintain Computer Reuse Area

- Installed and/or performed minor repairs to hardware, software, and/or peripheral equipment

Oakland Venue Management, Oakland, CA

10/2009 to 2/2013

Audio Visual Technician/Specialist

- Operated and maintained audio visual equipment: projectors, lighting and sound equipment
- Provided technical support during seminars and remote conferences
- Operated front of house and monitor mix as audio engineer for special events

Opportunity West, Richmond, CA

11/2006 to 12/2008

Project Director Sage Project/Youth Development Coordinator/Computer Lab Instructor

- Lead the Urban Planning and Development of the Yellow Brick Road project to secure safe passage to and from school
- Researched and monitored public policy related to public health and safety and adhered to environmental and social justice guidelines
- Lead youth academy involving youth experiencing agriculture, and nutrition

Neighborhood House, Path II Differential Response, Richmond, CA

9/2004 to 11/2006

Community Case Manager

- Coordinated the intake assignment of referrals from Child Welfare Services
- Established service plan with families to assist families to self-sufficiency
- Maintained comprehensive documentation of client files updated weekly

West Contra Costa Unified School District – Lincoln Elementary –School linked Services

Healthy Start Coordinator/Student Support Supervisor

4/2001 to 9/2003

- Case-managed families needing vision, health, & mental health screening and made referrals
- Wrote Technology and Block grants, received \$10,000 in Grants toward resources
- Worked with the Families in Transition office to identify homeless families and inform them of their rights and of resources available

EDUCATION

Computer Technologies Program, Berkeley, CA

2014

- Computer Skills Boot camp, Network and Technical Support Training Program
- Certificate of Completion

Project Management Institute, Teleconference,

2010

- completed 35 hours Project Management Training

University of San Francisco, San Francisco, CA

1999

- Bachelors of Public Administration



APPLICATION DEADLINE: 5:00 p.m. Friday, April 20, 2018

APPLICATION FOR COMMUNITY SERVICE

BOARD OF ADMINISTRATIVE APPEALS

Alternate Board Member (partial term ending January 2020)

Print your name: Aisha Hall

Address: West 4th St. City: Antioch

ZIP Code: 94509 Phone (H) _____ (W) _____ (C) _____

e-mail address _____

Employer: In Home Supportive Service

Address: Crestwood Dr City: San Pablo

Occupation: Care Provider

Years lived in the City of Antioch: 5 years

List the three (3) main reasons for your interest in this appointment: _____

To gain experience

To give back to my community

To gain an understanding of the process of conducting an appeal.

Have you attended any meeting of this board? NO

Have you had any previous city community service on this board? (If yes, please explain) NO.

What skills/knowledge do you have that would be helpful in serving on the Board of Administrative Appeals? none

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.


Can you attend meetings at the designated time and date? _____

Please attach your resume *(recommended to enhance your application for appointment)*.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Board members are required to file an annual FPPC Form 700 (Statement of Economic Interest) with the City Clerk and complete a 2-hour online AB 1234 Ethics course.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
City of Antioch
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

 _____

Signature

4/9/18 _____


Date



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Derek P. Cole, Interim City Attorney 

SUBJECT: Action to be Taken Regarding "Initiative to Change General Plan Designations Within the Sand Creek Focus Area and Permanently Require Voter Approval of Amendments to Urban Limit Line"

RECOMMENDED ACTION

It is recommended that the City Council take one of the following actions concerning the Initiative to Change General Plan Designations within the Sand Creek Focus Area and Permanently Require Voter Approval of Amendments to Urban Limit Line:

- A) Adopt the ordinance, without alteration; or
- B) Submit the ordinance, without alteration, to the voters.

STRATEGIC PURPOSE

The proposed action is consistent with Strategy N-1, Effectively and efficiently provide legal services in support of the City's policies, procedures and initiatives.

FISCAL IMPACT

If the Council calls an election on this initiative, the estimated County cost for this item would be incurred in 2020. At this time, information concerning the cost of the County's administration of this election in the March 2020 General Election is not available.

If the Council chooses to adopt this initiative as presented, the restrictions it would impose on the development of the Sand Creek Focus Area could have revenue implications due to the loss of the anticipated development in that area. This information was addressed in the report submitted to the City Council at its August 21, 2018 special meeting.

BACKGROUND

On July 3, 2018, the Contra Costa County Elections Department certified that the "Initiative to Change General Plan Designations within the Sand Creek Focus Area and Permanently Require Voter Approval of Amendments to Urban Limit Line" has sufficient signatures to qualify for the ballot.

A full copy of this proposed initiative, which the proponents call the "Let the Voters Decide: the Sand Creek Area Protection Initiative," is attached as **Exhibit 1** to this Staff Report.

As part of his official duties concerning the initiative, the City Attorney was required to provide an impartial summary of the purpose and provisions of the initiative. His official summary, which by law was limited to no more than 500 words, reads as follows:

"This proposed initiative amends the Antioch General Plan to limit development in a part of the city known as the Sand Creek Focus Area. Within this area, the initiative seeks to protect Sand Creek and its tributaries, preserve agricultural land, protect open spaces, protect wildlife, preserve scenic views, and encourage enjoyment of nature. The initiative declares that development proposed within the area threatens achievement of these goals.

Presently, the General Plan allows up to 4,000 dwelling units in the Sand Creek Focus Area. The proposed initiative would reduce the allowed number of units to 2,100. Further, the initiative would require that General Plan designations of land within a defined "Initiative Area," composed of all land within the Sand Creek Focus Area west of Deer Valley Road, be changed to "Rural Residential, Agriculture, Open Space." Overall, more than 80% of land within the Initiative Area would be preserved as open space. A minimum parcel size of 80 acres would also be established for Initiative Area land.

With the Initiative Area, the proposed initiative would allow only certain uses. These would include single-family homes, uses secondary to residences (such as in-home occupations and offices), rental of rooms to lodgers in residences not exceeding four occupants, agricultural and agriculturally related uses (such as processing and boarding of animals), low-intensity recreational uses, and certain governmental, institutional, and non-profit uses. Uses that would detrimentally affect wetlands, stream corridors, grasslands, and wildlife would not be allowed. Development, agricultural activities, and grading would also be prohibited on certain slopes of 20% or more.

Within the Initiative Area, only one house with a maximum area of up to 6,000 square feet for residential structures (including accessory buildings) could be built per parcel. Other structures would be limited to maximum floor areas of 10,000 feet. (Certain agricultural structures could be allowed an additional 20,000 feet upon City Council approval.) All buildings on parcels would be required to be located in contiguous areas, as compact as possible, not to exceed two acres. Structures and roads on properties would also need to be located in ways that limit visibility from roads, parks, and public places. Structures also could not be located within 150 feet of any ridgeline or hilltop or where they will project into the view of ridgelines or hilltops from public places.

Structures requiring city approval would require restrictive covenants barring creation of parcels or uses the initiative prohibits.

Separately, the proposed initiative amends the Antioch General Plan to permanently extend the requirement that City voters approve any amendment to the Urban Limit Line. (Presently, the General Plan requires voter approval for any such change only until December 31, 2020.) Approved by initiative in November 2005, the Urban Limit Line establishes a line through the Roddy Ranch and Ginocchio properties at the south of the City beyond which only open spaces are allowed.”

PREVIOUS ACTIONS CONCERNING THE INITIATIVE

The City Council initially considered the proposed initiative at its July 24, 2018 regular meeting. At that time, the Council received the City Clerk’s certificate regarding the sufficiency of the initiative petition and directed Staff to prepare a report concerning the initiative per Elections Code section 9212. The “9212” report was presented to the City Council at a special meeting on August 21, 2018.

REMAINING OPTIONS FOR RESPONDING TO QUALIFICATION OF THE INITIATIVE

Now that the “9212” Report has been received, the City Council must take one of the following actions at the August 28, 2018 meeting (no continuance of this matter is permitted):

1. Adopt the Initiative. The City Council may enact the initiative. (Elec. Code, § 9215(a).) If the Council chooses this option, it must adopt the initiative *exactly as it written*; it cannot make any changes, deletions, or amendments before approving it. Once adopted, the initiative is just as effective as any general plan amendment or ordinance adopted through the usual adoption processes.
2. Call an Election. The Council may also call an election on the initiative. (Elec. Code, § 9215(b).) If the Council chooses this option, the initiative will be placed on the ballot for the General Election on March 3, 2020. (As indicated in a previous staff report, the deadline for placement on the upcoming November 2018 ballot has passed.)

If the Council is prepared to adopt the initiative outright, a resolution to effect this decision is attached as **Exhibit 2.**

If the Council does not wish to adopt the ordinance, but is prepared to call the election on the initiative for March 2020, a resolution effecting that decision is attached as **Exhibit 3.**

VOTE REQUIREMENT

Majority of quorum.

ATTACHMENTS

1. Copy of the "Let the Voters Decide: The Sand Creek Area Protection Initiative"
2. Resolution Confirming Adoption of the Initiative to Change General Plan Designations Within the Sand Creek Focus Area and Permanently Require Voter Approval Of Amendments To Urban Limit Line
3. Resolution Calling an Election on March 3, 2020 for the Initiative to Change General Plan Designations Within the Sand Creek Focus Area and Permanently Require Voter Approval Of Amendments To Urban Limit Line

Let Antioch Voters Decide: The Sand Creek Area Protection Initiative

Staff Review pursuant to California Elections Code Section 9212

Overview

The Initiative establishes new land use controls throughout the Sand Creek Focus Area and creates a defined “Sand Creek Initiative Area” within which severe development restrictions are imposed. This area includes all lands west of Deer Valley Road within the Sand Creek Focus Area, as defined in the General Plan. The development restrictions serve the purposes of restricting development, maintaining the urban limit line, preserving nature, open spaces, and historic qualities, maintaining agriculture, protecting the Sand Creek corridor, and limiting traffic congestion. Future changes to the provision of the initiative, if adopted, require voter approval.

Background

The proposed “Sand Creek Initiative Area” [Initiative Area] is located within the Sand Creek Focus Area (SCFA), which has been identified in the City of Antioch General Plan since 2003. The Initiative Area covers all portions of the SCFA west of Deer Valley Road. The Sand Creek Initiative, however, also includes text amendments that impact areas beyond the Initiative Area, including the entire Sand Creek Focus Area and the City of Antioch within the Urban Limit Line.

Prior to the July 24, 2018 approval of the “West Sand Creek Tree, Hillside, and Open Space Protection, Public Safety Enhancement, and Development Restriction Initiative” [The Ranch Initiative], the lands within the Initiative Area were designated Estate and Executive Residential, Open Space, Low Density Residential, Hillside Residential, and Golf Course and Senior Housing. The overall permitted development capacity for the SCFA was 4,000 units. Two previously-approved projects in the SCFA (Aviano and Vineyards at Sand Creek) provided a total of 1,174 units, leaving 2,826 units available for development. The Ranch project, as approved, consumed an additional 1,177 single-family dwellings, leaving 1,649 units available for development throughout the remainder of the SCFA. Though most of these units are anticipated to be developed east of Deer Valley Road beyond the Initiative Area, there remained the possibility of additional development within the Initiative Area prior to its adoption.

The Ranch Initiative modified the General Plan Land Use Designations of The Ranch project area to “Limited Development Area” and all lands within The Ranch Initiative Area, but outside of The Ranch project area to “Restricted Development Area”. Within the Limited Development Area, the General Plan Land Use Designation was changed to reflect The Ranch project and included the following land use designations: Estate Residential, Low Density Residential, Medium Low Density Residential, Medium Density Residential, Convenience Commercial, Mixed Use, Public/Quasi Public and Open Space. Within the Restricted Development Area, the General Plan Land Use Designation was changed to Rural Residential, Agriculture, and Open Space, allowing development of single-family homes at a density of one unit per 80 acres, agricultural uses, low-intensity recreational uses, and certain governmental, institutional, and non-profit uses. The approval also included Municipal Code amendments and a Development Agreement that would vest The Ranch project approval.

The impacts of The Ranch project were thoroughly studied through a Draft Environmental Impact Report (DEIR) and a fiscal analysis, which determined that the project would yield a net positive financial benefit

of \$515,325 annually. A corresponding technical review found that the project would conservatively generate a figure of \$276,767 if the existing police CFD were in place. Neither the DEIR nor the fiscal analyses considered the full impact of The Ranch Initiative, as they only studied the impacts of The Ranch project. The impact of modifying the General Plan Land Use Designations of the adjacent western properties to essentially preclude ordinary residential development, as was anticipated prior, was never studied.

The approval of The Ranch Initiative was followed by a vesting of the Development Agreement thirty days thereafter, at which time the area of land covered by the Development Agreement, The Ranch project area, became immune from modification by subsequent ballot initiatives or City Council action. However, the lands outside of The Ranch project area could still be affected by a new ballot initiative as it is not protected by the Development Agreement. If the Sand Creek Initiative were to be adopted by the City Council on August 28, 2018, only those provisions outside of The Ranch Development Agreement area would be amended. As a result, the proper baseline and setting for this analysis is the western portion of the Sand Creek Focus Area after approval of The Ranch Initiative. As such, this report will describe the anticipated changes that would occur should the Sand Creek Initiative be adopted in the near future considering that The Ranch Initiative has already been approved.

Zeka Ranch

Directly to the west of Empire Mine Road is a 640-acre assemblage of land that constitutes Zeka Ranch. The General Plan Land Use Designation for Zeka Ranch was approximately 40% Hillside and Estate Residential (256 acres) and 60% Open Space (384 acres). The Hillside Estate Housing designation in the General Plan Land Use Element allows development at a rate of one dwelling unit per gross developable acre. (4.4.6.7.b.m). Using the above land use figures, this would allow an absolute maximum of 256 single-family homes on the Zeka Ranch property. It is more likely that some of the land within the Hillside and Estate Residential area would be disqualified from development and would not be contribute to “developable acreage”, which is defined by the General Plan (4.4.1.1) as follows:

“Density is assumed to accrue only to lands that are ‘developable.’ Developable acres are those lands within the boundaries of the ULL that are not encumbered by prior dedications of easements or rights-of-way, and are not so steep (generally over 25%), unstable, flood-prone or subject to other hazards as to be unable to support new development. Achievement of the maximum allowable density is neither guaranteed nor implied by the General Plan. The final density of any particular residential development type is dependent upon development design; any physical, geological, or environmental constraints that might be present within the site available infrastructure and services; and other factors.”

The underlined portion was added with approval of The Ranch Initiative. Also, with the passage of The Ranch Initiative, the development potential of Zeka Ranch was reduced to one unit per eighty acres, which results in a maximum development potential of eight homes. The Sand Creek Initiative applies an identical density and would result in a maximum of eight homes as well.

The other provisions of The Sand Creek Initiatives are similar to those applied by The Ranch Initiative. Both also allow for limited agricultural, low-intensity recreational uses, and certain governmental, institutional, and non-profit uses.

In summary, adoption of The Sand Creek Initiative would not materially affect the development potential of Zeka Ranch due, in large part, to the extensive restrictions recently imposed on the property through adoption of The Ranch initiative.

Unconstitutional Taking

The Ranch Initiative contains language (Section 13; p. 75) that allows for amendment to the General Plan contrary to the contents of the initiative under very specific circumstances. One such circumstance would be that "The City Council makes a finding, supported by substantial evidence, that failure to amend would constitute an unconstitutional taking of a landowner's property". Under State and Federal laws, a government agency may not simply "take" a person's private property and the down-zoning of property has been, and may be, interpreted by courts to constitute a form of unlawful "taking". Presumably, a landowner would need to prove with substantial evidence that the initiative had the unintended effect of unconstitutionally taking their property through the diminishment of development rights, etc. If the City Council then agrees with the evidence, the General Plan could be amended without a public vote to address the grievance.

The Sand Creek Initiative contains differing language addressing the same concept. The Sand Creek Initiative (Section 6; p. 3) states, "Notwithstanding their terms or literal meaning, the provisions of this Ordinance are not applicable to the extent that courts decide that if they are applied they would violate the Federal or State Constitution or law." In such a case, the City would have to rely on a court to determine that a taking occurred, presumably through a lawsuit against the City and might then be allowed to permit the minimum number of parcels necessary to resolve the financial loss.

Whereas, The Ranch initiative allowed the City Council to determine the validity of a takings grievance and take proper steps towards restitution, The Sand Creek Initiative would require that courts determine that the terms of the initiative violate the law. The Sand Creek Initiative would impose a higher and costlier standard to resolve a takings dispute, should one arise.

Urban Limit Line

The Ranch Initiative re-established the Urban Limit Line and set it at the 2005 Measure K location. The Ranch Initiative also included a provision in Section 13, which states "this Initiative may only be amended or repealed, pursuant to California Elections Code section 9217, by majority of the voters in the City voting in an election held in accordance with State law." This requirement is restated in the modified General Plan language (4.1.2) that says "The Initiative also ensure that City's ULL cannot be changed, except by a vote of the people."

The Sand Creek Initiative has a similar provision contained in Section 22, which states "The location of the Urban Limit Line enacted in Antioch Measure K on November 8, 2005, may be changed only by the voters." It also amends the General Plan to state "The location of the Voter-Approved Urban Limit Line may be amended only by the voters of the City." (P.15)

Both The Ranch Initiative and The Sand Creek Initiative contain provisions that assigns all future changes to the Urban Limit Line to the voters, rather than the City Council. These requirements are restated in the General Plan, which similarly cannot be amended without approval of the voters. Changes to the General Plan that do not conflict with either initiative may still be amended by the City Council.

In summary, The Sand Creek Initiative would not modify the recently-adopted standard that all changes to the Urban Limit Line must be decided by the voters.

Land Uses

The Ranch Initiative established a list of permissible uses that would be allowed in the Restricted Development Area – that area beyond The Ranch project area. Through the Land Use Element in the General Plan, The Ranch Initiative created the "Rural Residential, Agriculture, and Open Space" land use designation that corresponds to the Restricted Development Area contained in The Ranch Initiative. No

changes were made directly to the Municipal Code, but other provisions require that Staff amend the Municipal Code (Zoning Ordinance) to be consistent with The Ranch Initiative. The following land uses are permissible within the Rural Residential, Agriculture, and Open Space land use designation:

- Single-Family Dwellings, with permissible rental of rooms to lodgers (4 max.),
- Home Occupations,
- Agriculture, including small scale dairy farms, pig farms, poultry ranches, vineyards, Christmas tree farms and nurseries,
- Processing, storage or sale of agricultural produce, but not freezing facilities or slaughterhouses,
- Breeding, rearing, boarding, training, care, use and sale or rental of horses, dogs and other animals not covered in paragraph (d),
- Low-intensity outdoor recreation, exercise, and pastimes for active participants, not spectators and accessory uses,
 - Amusement or theme parks, golf courses, firearms ranges, stadiums or non-equestrian arenas, motor vehicle tracks, and off-road courses are prohibited.
- Recreational vehicle parks are permitted, but not for stays greater than 14 days,
- Institutional and non-profit uses that predominantly serve permitted uses in the Initiative Area and adjacent areas, except cemeteries, and facilities for convalescence, rehabilitation and hospice care for not more than six patients,
- Government and public utility uses that only meet the needs of the other permitted uses in the Initiative Area, unless determined to be impractical by the City Council,
 - Waste disposal, processing or treatment, or electrical power production or transmission public for sale is prohibited.
- Occasional short-term events related to agriculture, animals, or outdoor recreation.
- All uses must be found not to cause significant environmental harm.

Within The Ranch project area, all land uses associated with The Ranch project were approved including housing, retail, senior-housing, parks, open space, a fire station, etc.

The Sand Creek Initiative contains an identical list of permissible land uses, but applies these restrictions to the entire Initiative Area. However, since The Ranch project will have been vested, these provisions would only apply to the remaining land outside of The Ranch project area. As a result, there would be no change to the potential land uses under The Sand Creek Initiative when compared to The Ranch Initiative and considering the approved vested nature of The Ranch project.

Sand Creek Focus Area Unit Count

The General Plan has maintained a maximum development capacity for the entirety of the Sand Creek Focus Area of 4,000 units since its adoption in 2003. This figure was restated in The Ranch Initiative in Section 4.4.6.7.j. on page 27. The Sand Creek Initiative, however, would reduce this figure to 2,100 units per Section 4.4.6.7.k. et.al on page 12.

The City of Antioch previously approved two residential projects in the Sand Creek Focus Area – Vineyards at Sand Creek with 641 units and Aviano with 533 units. With the recent approval of The Ranch with 1,177 units, the current number of approved units in the Sand Creek Focus Area is 2,351. Since The Sand Creek

Initiative would limit the total number of residential units to 2,100, any future development anywhere in the Sand Creek Focus Area, including east of Deer Valley Road, would be absolutely prohibited. This includes the southern Ginochio property, Albers Ranch, and other residentially-designated properties. These properties would remain vacant or would have to be redesignated to non-residential land uses. This change represents a significant departure from the traditional land use vision of the Sand Creek Focus Area.

Financial Analysis

With adoption of The Ranch Initiative, the General Plan was amended to reduce the development capacity of the western portion of the Sand Creek Focus Area, though it maintained the 4,000-unit maximum in the broader Sand Creek Focus Area. Though these units may not be developable in the western portion of the Sand Creek Focus Area, they could still be developed elsewhere in the Focus Area. As such, the predicted costs and/or revenues from future development were not affected.

The Sand Creek Initiative reduces the 4,000-unit maximum to 2,100, eliminating the potential for any additional development in the Sand Creek Focus Area. This represents a loss of 1,900 units and all of the associated costs and revenues.

As part of the original submittal for The Ranch, a Fiscal Impact Analysis was prepared to demonstrate the ongoing financial costs and revenues to the City of Antioch that would result from development of that project. This analysis considered only the ongoing costs and revenues and did not evaluate the one-time fees that are collected at the Building Permit stage.

Ongoing Revenues

The ongoing costs and revenues include items such as property tax, sales tax, property transfer tax, property tax in lieu of vehicle license fee, and the Citywide Police Services Community Facilities District.

COSTS & REVENUE	1,900 Units	Per Unit
Property Tax	\$ 1,647,691	\$ 867
Transfer Tax	\$ 80,465	\$ 42
Police CFD	\$ 879,700	\$ 463
Sales and Use Tax	\$ 552,460	\$ 291
Total Revenues	\$ 3,160,315	\$ 1,663
Maintenance Costs	\$ (740,289)	\$ (390)
Net Ongoing Benefit	\$ 2,420,026	\$ 1,274

If The Sand Creek Initiative were adopted, 1,900 potential residential units would be eliminated. The effect of this action is a reduction in annual ongoing revenue of \$3,160,315. The value of this revenue would be offset by the costs of \$740,289 to provide increased services to the new development. In total, the net annual ongoing benefit would be **\$2,420,026** or **\$1,274** per unit.

Building Permit Revenues

The fees collected at the Building Permit stage are calculated to include the per-unit obligation for direct services such as building inspections and also include pass-through fees for East Contra Costa Regional Fees & Financial Authority (ECCRFFA) and the Antioch Unified School District (AUSD). The impacts of the adoption of The Sand Creek Initiative are provided below.

Pass Through and Regional Fees

Pass through and regional fees are used to either pay-down past regional projects or to fund the construction of future projects. In the case of AUSD, the developer pays the school district directly. For the Fire Protection Fee, the City collects and holds the fee and then releases it for the construction of new fire stations. The CCWD fee is similarly collected to pay for water storage.

With the adoption of The Ranch Initiative, these fees will not be collected on future development. These fees were established assuming a certain level of development and the corresponding projects rely on build-out projections to ensure that they will be fully funded. Since this level would be decreased, there may be a shortfall in funding and alternate sources or increased fees elsewhere may be required. The total loss of pass through and regional fees is **\$65,411,015** or **\$34,427** per unit.

PASS THROUGH/REGIONAL FEES	1,900 Units	Per Unit
ECCRFFA	\$ 35,856,515	\$ 18,872
CCWD	\$ 10,429,100	\$ 5,489
Fire Protection	\$ 1,122,900	\$ 591
AUSD	\$ 18,002,500	\$ 9,475
TOTAL PASS THROUGH FEES	\$ 65,411,015	\$ 34,427

City Building Permit Revenues

Building Permit fees are collected to cover the costs of providing building inspection, plan check, compliance, records maintenance and other services related permitting construction. In addition, Development Impact Fees and the General Plan Maintenance fee are collected through building permits. If the Sand Creek Initiative were to be adopted, the City would forego a total revenue of **\$42,101,473** or **\$22,159** per unit.

CITY BUILDING PERMIT FEES	1,900 Units	Per Unit
Building Permit	\$ 4,568,075	\$ 2,404
Plan Check	\$ 2,969,244	\$ 1,563
CBSC SB1473	\$ 26,600	\$ 14
SMIP Residential	\$ 78,888	\$ 42
Technology Fee	\$ 91,371	\$ 48
Energy Inspection Fee	\$ 91,371	\$ 48
Plumb/Mech/Insul/Elec	\$ 1,140,000	\$ 600
Temp Const Water	\$ 55,100	\$ 29
TWC	\$ 2,130,622	\$ 1,121
Water Capacity	\$ 10,031,639	\$ 5,280
Sewer Connection	\$ 4,903,900	\$ 2,581
Backflow Domestic	\$ 327,807	\$ 173
Water Meter Installation	\$ 520,600	\$ 274
Traffic Signalization	\$ 792,300	\$ 417
Park In Lieu	\$ 2,850,000	\$ 1,500
Dev Impact Fee - CD Admin	\$ 299,193	\$ 157
Dev Impact Fee - Gen Admin	\$ 874,000	\$ 460

Dev Impact Fee - Parks & Rec	\$	5,975,500	\$	3,145
Dev Impact Fee - Police	\$	2,261,000	\$	1,190
Dev Impact Fee - Pub Works	\$	845,500	\$	445
Green Building Residential	\$	822,263	\$	433
Waste Management Plan	\$	66,500	\$	35
General Plan Maintenance	\$	380,000	\$	200
TOTAL BLDG. PERMIT REVENUE	\$	42,101,473	\$	22,159

Summary

In summary, The Sand Creek Initiative imposes severe land use restrictions throughout the western portion of the Sand Creek Focus Area and also reduces the overall development capacity of the Sand Creek Focus Area from 4,000 units to 2,100 units. This change along with the differing language regarding constitutionality are the most prominent elements of The Sand Creek Initiative. If adopted, the Sand Creek Initiative would have a profound effect on the Sand Creek Focus Area and would halt all future residential development. Other non-residential uses may still be feasible.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING AND ENACTING THE INITIATIVE TO CHANGE GENERAL PLAN DESIGNATIONS WITHIN THE SAND CREEK FOCUS AREA AND PERMANENTLY REQUIRE VOTER APPROVAL OF AMENDMENTS TO URBAN LIMIT LINE

WHEREAS the City Clerk has issued a certificate verifying that proponents of the above referenced Initiative Petition have timely submitted petitions containing the required number of signatures pursuant to the Elections Code to qualify for an election; and

WHEREAS the City Council has determined to approve the Initiative rather than call an election;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch, in accordance with Elections Code section 9215(a), hereby adopts the Initiative, attached and incorporated by reference to this Resolution as Exhibit 1, without alternation.

BE IT FURTHER RESOLVED that the City Clerk is directed to give notice of approval of the Initiative's amendments to the Antioch Municipal Code and Antioch General Plan as required by law.

* * * * *

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 28th day of August, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
CALLING AN ELECTION REGARDING THE INITIATIVE TO CHANGE GENERAL
PLAN DESIGNATIONS WITHIN THE SAND CREEK FOCUS AREA AND
PERMANENTLY REQUIRE VOTER APPROVAL OF AMENDMENTS TO URBAN
LIMIT LINE**

WHEREAS the City Clerk has issued a certificate verifying that proponents of the above referenced Initiative Petition have timely submitted petitions containing the required number of signatures pursuant to the Elections Code to qualify for an election; and

WHEREAS the City Council has determined to submit the matter to the electorate rather than adopting the Initiative;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby call an election to be consolidated with the March 3, 2020 General Election to determine the Initiative Petition.

BE IT FURTHER RESOLVED that the specific measure on the ballot shall be as follows:

Shall the electors adopt the Initiative to Change General Plan Designations within the Sand Creek Focus Area and Permanently Require Voter Approval of Amendments to Urban Limit Line?	YES	
	NO	

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Contra Costa is hereby requested to authorize the County Clerk/Recorder/Registrar of Voters to render all services necessary and proper for the conduct of the special municipal election called by this Resolution. Pursuant to California Elections Code section 10403, the City Council hereby requests that the Contra Costa County Board of Supervisors consolidate that election with the election to be conducted on March 3, 2020 and order the special municipal election to be conducted by the Registrar of Voters. The Contra Costa County Elections department is authorized to canvass the returns of the special election, and the election shall be held in all respects as only one election.

BE IT FURTHER RESOLVED that that the City Clerk is directed to transmit a copy of the measure to the City Attorney for the purpose of preparing an impartial analysis of the measure.

RESOLUTION NO. _____
August 28, 2018
Page 2

BE IT FURTHER RESOLVED that the full text of the measure is not to be printed in the voter pamphlet. Instead, the Voter Pamphlet shall advise, below the Impartial Analysis, that a copy of this measure is available at no cost from the City Clerk's Office at 925-779-7009 or on the City's website: www.ci.antioch.ca.us.

BE IT FURTHER RESOLVED that the City Clerk shall fix and determine a reasonable date prior to the election, and consistent with rules of the Contra Costa County Elections Division, after which no arguments for or against the measure may be submitted, which date shall be noticed by the City Clerk pursuant to Government Code Sec. 6061 and Elections Code Sec. 9286.

BE IT FURTHER RESOLVED no rebuttal arguments shall be allowed.

* * * * *

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 28th day of August, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Dawn Merchant, Finance Director *DM*

SUBJECT: New Water Account Establishment Procedures

RECOMMENDED ACTION

It is recommended that the City Council provide direction to staff on procedures for establishing new water accounts.

STRATEGIC PURPOSE

This action is essential to Strategy H-1 in the Strategic Plan: Improve the City's business processes with the short term objective of improving customer services.

FISCAL IMPACT

There is no direct fiscal impact of this action. Staffing costs for the time setting up new water accounts is paid out of the Water and Sewer Enterprise Funds.

DISCUSSION

In 2012, the City was experiencing significant problems with home squatters due to the recession. The Water Billing Department received a high volume of undetectable fraudulent lease/rental documents to establish water accounts for tenants. Once owners of the vacant properties found out someone was living in their home, significant effort was expended by Code Enforcement staff to assist with any abatement issues. However, ultimately, the City does not get involved in civil disputes of this nature, i.e., the owner of record and reported tenant.

At that time, City Council directed that they wanted staff to mirror a tenant application process that was in place in the City of Pittsburg in an attempt to pre-empt the fraudulent renting. A water account application was created and in August 2012, a report was brought to Council detailing the new procedures with a sample of the application (Attachment A). Under the procedures in place since 2012, the owner of a property (or authorized listing agent or property manager) has to sign and certify that the tenant has a right to residency. The owner can either be verified in person at City Hall or get their signature notarized. The owners name must match County parcel records and if a notary is used, City staff verifies that the notary license is valid.

Council Member Ogorchock asked that this item be brought forth to Council for reconsideration.

ATTACHMENTS

- A. August 14, 2012 Staff Report to City Council

**STAFF REPORT TO THE ANTIOCH CITY COUNCIL FOR
CONSIDERATION AT THE MEETING OF AUGUST 14, 2012**

Prepared by: Dawn Merchant, Finance Director

Reviewed by: Jim Jakel, City Manager

Date: August 7, 2012

Subject: New Procedures for Establishing Water Accounts

RECOMMENDATION

Receive and file report.

BACKGROUND

Vacant homes and squatters continue to be a problem within the City of Antioch. Foreclosures and short sales can be an exhaustive process during which time, home ownership and responsibility can become a muddy issue. While the City has strived to establish valid residency for tenants and/or listing agents for properties when new water accounts are set up, we still receive a number of fraudulent documents that cannot be detected. Past practice has been to receive a copy of a valid identification, a lease agreement with the homeowner of record (verified by staff through County Parcel Quest) and a \$90 deposit. If the account is being set up in the name of the listing agent, we have only required a request from the agent on either company letterhead or business card if in person. While the City does not get involved with landlord/tenant disputes, we felt it necessary to tighten up procedures for establishing accounts in order to better protect our residents and business community from illegal squatters.

Effective August 13, 2012, new tenants to a property or a listing agent representing a property will have to complete a water service application (attached). This application requires the owner to certify that the tenant has a right to residency or that the listing agent is authorized to establish water service. A copy of the lease agreement and/or listing agreement will need to be provided and if the owner cannot appear in person with the tenant then the form will have to have a notarized signature of the owner of the property, which can be verified. We will still be requiring valid identification and a deposit. Establishment of water may be delayed if staff needs to complete additional verification of documents. We realize that this will not solve all problems with squatters in our community, but this is a measure we can take to help combat it. Staff will also consider other measures as needed.

ATTACHMENT

Water Account Application



FINANCE DEPARTMENT, 200 H ST, corner of 3RD & H St, ANTIOCH, CA 94509
Telephone: 925.779.7060

VERIFICATION OF PROPERTY OWNERSHIP AND LEASE

Service Address: _____

***** OWNER INFORMATION *****

First Name: _____ Last Name: _____

Mailing Address: _____

Telephone number: _____ Email: _____

Drivers License number or last four digits of Social Security number: _____

NOTE: *Proof of ownership may be required if owner's name is not verifiable on County records. In this case, original ownership paperwork is required; such as Recorded Grant Deed or HUD-1 final settlement statement.*

***** TENANT/AGENCY INFORMATION *****

Beginning date of Occupancy/Contract: _____

Tenant and Co-Tenant Name(s): _____

Property Management/Leasing Agency Name: _____

Tenant Signature: _____ Date: _____

Agency Signature: _____ Date: _____

Owner Signature: _____ Date: _____

I, the property owner, confirm the above information to be true and correct and authorize the above tenant's occupancy or the above agency to act on my behalf when establishing water service with the City. A true and correct copy of the lease agreement and/or property management or listing agreement is being provided. In the case of any discrepancies, water service connection may be delayed while information is verified.

***** NOTARY ACKNOWLEDGEMENT *****

If the property owner does not come to City Hall to verify ownership, the property owner's signature must be notarized.

State of: _____ County of: _____

On this, the _____ day of _____, 20____, before me a notary public, the undersigned Officer, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity/ies, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official Seal.

Signature: _____

My commission expires: _____

Notary Name: _____

Notary Phone number: _____

Notary Registration number: _____

County of Principal Place of Business: _____

PLACE SEAL ABOVE: ↑



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018
TO: Honorable Mayor and Members of the City Council
SUBMITTED BY: Forrest Ebbs, Community Development Director *FE*
SUBJECT: Code Enforcement Contract Staffing

RECOMMENDED ACTION

Staff recommends that the City Council offer comment and/or direction to the City Manager regarding Code Enforcement Staffing Options.

STRATEGIC PURPOSE

This action would address Strategic Plan Long Term Goal D-3: To grow the Code Enforcement staff in number and efficiency.

FISCAL IMPACT

The cost of adding one additional Contract Code Enforcement Officer is \$125,000 per year.

DISCUSSION

On June 26, 2018, the Community Development Department presented a staff report and resolution to the City Council requesting an extension of the current contract with TRB & Associates to provide contract code enforcement staffing services. The City Council adopted the resolution and the contract has been extended to June 30, 2019 with \$250,000 budgeted for two contract Code Enforcement Officers.

During the discussion for this item, Mayor Pro Tem Thorpe inquired about options to add additional staff to the Code Enforcement Division, at which time staff committed to return with a comprehensive report on options to further augment the Code Enforcement function. This report offers that response.

The Code Enforcement Division current consists of the following personnel:

- (1) Code Enforcement Manager
- (2) Code Enforcement Officers – General Assignment
- (1) Code Enforcement Officer – CDBG/Housing Assignment
- (1) Development Services/Engineering Technician – Clerical and Counter
- (1) Part time Admin for Cost Recovery
- (2) General Laborers – Abatement Team
- (2) Contract Code Enforcement Officers – Proactive Detail

Presently, just one of the two Contract Code Enforcement Officer positions is filled as one of the contract officers recently left employment with TRB & Associates. The Community Development Department is currently working with the firm to refill that position.

In order to add a third Contract Code Enforcement Officer position, the City Council would need to authorize an additional annual amount of \$125,000. As some time has already passed in FY 18/19, staff would suggest an additional amount of \$105,000 for the ten remaining months. This would bring the total Contract budget to \$355,000.

The City Council should be aware that it is becoming more difficult to use contract employment due to the improving economy and the unavailability of competent qualified personnel. If this amount is authorized, staff will work diligently with TRB & Associates or another firm to provide the staffing.

In addition, the Code Enforcement Division Manager believes that there is a great need for personnel on the Abatement Team. As the Council may be aware, the Abatement Team responds to calls for illegal dumping, clears out rubbish and debris from homeless encampments, covers graffiti, and addresses a number of high visibility nuisance issues. Presently, the City employs two General Laborers, each with a truck and trailer, as the Abatement Team. This team is often assisted by Public Works crews, as available. As the Abatement Team's workload has increased, the regular Code Enforcement Officers have had to assist with the abatement work at the expense of traditional code enforcement assignments. As a result, many complaints are not responded to as quickly as is desired.

In short, the Code Enforcement program may be more effective through the employment of one or two Contract General Laborers or part time employees to supplement the Abatement Team, rather than a third Contract Code Enforcement Officer. Should the City fail to find a competent Contract Code Enforcement Officer, this alternative would be very beneficial. As such, staff asks that the City Council allow for either contract staffing scenario or part time employees, depending on availability of qualified contract personnel and the immediate needs of the Code Enforcement Division.


The City met and conferred with OE3 on August 16, 2018 regarding this matter. The representatives of OE3 are not supportive of a third contract Code Enforcement Officer position and would prefer that the City instead hire an additional permanent Code Enforcement Officer. The representatives cited the recent agreement that specifically authorized two contract positions and saw this expansion as inconsistent with the agreement. Additional permanent General Laborers would be represented by the Antioch Public Works Employees Association.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Nickie Mastay, Administrative Services Director 

SUBJECT: Resolution removing the Class Specification for Deputy Public Works Director II and Assistant City Engineer II, removing the Salary Range, and removing the Classification from the Management (Senior) Bargaining Unit

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution:

- 1) Removing the Class Specification for Deputy Public Works Director II and Assistant City Engineer II.
- 2) Removing the Deputy Public Works Director II Classification and Assistant City Engineer II Classification Salary Range and Removing the Deputy Public Works Director II Classification and Assistant City Engineer II Classification from the Management (Senior) Bargaining Unit.

STRATEGIC PURPOSE

Strategy L-10: Effective and efficient management of all aspects of Human Resource management, including Employer/Employee Relations, labor negotiations, classification and compensation, recruitment and selection, benefits administration, and staff development.

FISCAL IMPACT

Removing the class specification, salary range and management (senior) bargaining unit for the Deputy Public Works Director II and Assistant City Engineer II has no financial impact.

DISCUSSION

The Management Bargaining Unit has reviewed and approved the removal of the Deputy Public Works Director II and Assistant City Engineer II class specifications and salary ranges.

Since the City has hired the Public Works Director/City Engineer and with the retirement of the Deputy Public Works Director II and the retirement of the Assistant City Engineer II, senior management has reviewed the organizational structure of the Public Works Department and determined that there does not need to be a Deputy Public Works

Director II class specification and Assistant City Engineer II class specification. Also, it was stated to City Council that upon hiring of a Public Works Director/City Engineer, both of these class specifications will be removed from the class specification list and the internal candidates will move back to their prior positions. Since both employees have retired, the class specifications of Deputy Public Works Director and Assistant City Engineer are currently vacant.

ATTACHMENTS

A. Resolution

Exhibit A to Resolution – Deputy Public Works Director II Class Specification

Exhibit B to Resolution – Assistant City Engineer II Class Specification

RESOLUTION NO. 2018/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
REMOVING THE CLASS SPECIFICATIONS FOR DEPUTY PUBLIC WORKS
DIRECTOR II AND ASSISTANT CITY ENGINEER II, REMOVING THE SALARY
RANGES, AND REMOVING THE CLASSIFICATIONS FROM THE
MANAGEMENT (SENIOR) BARGAINING UNIT**

WHEREAS, the City has an interest in the effective and efficient management of the classification plan; and

WHEREAS, department management has determined that the class specification of Deputy Public Works Director II and Assistant City Engineer II is not needed for the organizational structure of the Public Works Department; and

WHEREAS, with retirement of the Deputy Public Works Director II and Assistant City Engineer II and subsequent hiring of the Public Works Director who will be performing the duties that were distributed to the Deputy Public Works Director II and Assistant City Engineer II while the Public Works Director position was vacant.

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

Section 1. That the class specification for the classifications of Deputy Public Works Director II (Exhibit A), and Assistant City Engineer II (Exhibit B), be removed from the City of Antioch Employees' Classification System; and

Section 2. That the Deputy Public Works Director II classification be removed from the City of Antioch Salary Schedule (removal of the monthly salary range of \$10,429 - \$12,677); and

Section 3. That the Assistant City Engineer II classification be removed from the City of Antioch Salary Schedule (removal of the monthly salary range of \$10,950 - \$13,311); and

Section 4. That the Deputy Public Works Director II classification and Assistant City Engineer II classification be removed from the Management (Senior) Bargaining Unit.

* * * * *

RESOLUTION NO. 2018/**

August 28, 2018

Page 2

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 28th day of August, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

DEPUTY PUBLIC WORKS DIRECTOR II

*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 Operations Division and Collection Systems/NPDES Division within the Public Works Department including streets, fleet, parks and landscape, facilities and marina sections, wastewater and storm water systems; coordinates assigned activities with other divisions, departments, and outside agencies; provides highly responsible and complex administrative support to the Public Works Director; and serves as second in charge of the Public Works Department and acts as the Public Works Director in his/her absence.

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. Participate in the overall management of the Public Works Department; assume day-to-day management responsibility for the Operations Division including streets, fleet, parks and landscape, facilities and marina sections; wastewater and storm water systems for the Collections Systems/NPDES Division.
2. Manage and participate in the development and implementation of goals, objectives, policies, and priorities for assigned service areas, programs, and operations; 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 operations 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; in association with the Public Works Director, participate in the development and administration of the Public Works Department budget; participate in the forecast of funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement adjustments.
7. Oversee and administer the daily operations of the streets, fleet, parks and landscape, facilities and marina sections; and wastewater and storm water systems division in compliance with guidelines, requirements, and regulations; oversee the submittal of required reports.
8. Oversee the establishment, implementation, and monitoring of a preventive maintenance program with responsibility for division staff and equipment to include inspection, cleaning, and repair of the City's assets relating to the wastewater collection and storm water systems.
9. Oversee preparation and submittal of regular operations and maintenance reports and required regulatory reports to consultant and local, state, and federal agencies; ensure compliance with local, state, and federal regulations.
10. Establish management reporting systems and ensure the availability of accurate data for the Computerized Maintenance Management System (CMMS); work with engineering staff to develop

**CITY OF ANTIOCH
DEPUTY DIRECTOR PUBLIC WORKS (CONTINUED)**

and implement capital projects for improvements and expansion of the collection and storm water systems.

11. Develop bid specs and obtain and review bids for chemicals, supplies, and outside contractual services, monitor and approve equipment purchases; order supplies and initiate purchase orders; assist staff in developing specification as necessary.
12. Serve as the liaison for the Operations and Collections Systems/NPDES Divisions with other divisions, departments, and outside agencies; negotiate and resolve sensitive and controversial issues.
13. Oversee and inspect public works facilities and infrastructures; visits work sites to monitor progress and quality of work performed, provide direction, and assist in resolving problems encountered in the field.
14. Oversee safety programs for assigned sections and work groups; assist with action planning for safety programs.
15. Serve as the liaison for the Operations 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 Public Works Director; conduct a variety of organizational studies, investigations, and operational studies; recommend modifications to planning 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 public works; incorporate new developments as appropriate.
19. Respond to and resolve difficult and sensitive citizen inquiries and complaints.
20. Serve as the Public Works Director as required.
21. Perform related duties as required.

ADDITIONAL DUTIES AND RESPONSIBILITIES

- Greater signing authority and oversight for department purchases up to \$25,000
- Signing authority for all timesheets, personnel action forms, requisitions, etc.
- Oversee Public Works Maintenance budget preparation, department goals, objective and priorities and provide regular oversight and monitoring.
- Chair bi-weekly Manager's and Superintendent's Meetings, and monthly Central Safety Committee Meetings.
- Oversee preparation of weekly and quarterly City Manager's Reports.
- Oversee preparation and submittal of all City Council Staff Reports.
- Attend City Council and Parks and Recreation Commission Meetings and present Public Works Maintenance staff reports and presentations.
- Oversee Public Works Administration Division and assist Assistant City Engineer in overseeing GIS group.
- In conjunction with Parks and Recreation Director, oversee research and preparation of Antioch Park and Playground Condition Assessment for presentation to the City Council and inclusion in the 5-Year CIP.
- Respond to and resolve most difficult and sensitive citizen inquiries and complaints.

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 assigned public works maintenance operations and program areas including street maintenance, fleet services, parks and landscape maintenance, facility maintenance and marina maintenance; a comprehensive municipal collections system and NPDES program functions and program areas.
- Advanced methods, practices, procedures and materials used in the construction maintenance, operation, repair and improvement of municipal street, fleet, parks and landscape, facilities and marina; wastewater collection, storm channels and related facilities.
- Principles and practices of program development and administration.
- Principles and practices of municipal budget preparation and administration.
- Principles of supervision, training, and performance evaluation.
- Principles and practices of project management, administration, and coordination.
- Modern methods, tools, equipment, materials, and work practices utilized in public works maintenance operations and service areas including street maintenance, fleet services, and parks maintenance.
- Types and level of maintenance and repair activities generally performed in a public works maintenance operations and program areas, including street maintenance, fleet services, and parks maintenance.
- Geography and public works systems of the City.
- Principles of business letter writing and report preparation.
- Occupational hazards and standard safety precautions.
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
- Pertinent federal, state, and local laws, codes, and regulations.

Ability to:

- Oversee and participate in the management of multiple sections, work groups, and/or service areas within a comprehensive public works operations division, collection systems, and NPDES program.
- Oversee, direct, and coordinate the work of lower level staff.
- Select, supervise, train, and evaluate staff.
- Participate in the development and administration of goals, objectives, and procedures for assigned areas of responsibility.
- Research, analyze, and evaluate new service delivery methods and techniques.
- Prepare and administer program budgets.
- Prepare clear and concise administrative and financial reports.
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Oversee and participate in the completion of data, maintenance of records and files, and the preparation of clear and concise administrative and financial reports.
- Interpret and apply federal, state, and local policies, laws, and regulations.
- Understand the organization, operation, and services of the City and of outside agencies as necessary to assume assigned responsibilities.
- Ensure adherence to established safety rules, regulations and guidelines.
- Oversee and participate in the provision of a high level of customer service to internal and external customers.
- Respond to requests and inquiries from the general public; tactfully and courteously

- represent the Public Works Department during public contacts.
- Operate office equipment including computers and supporting word processing, spreadsheet, and database applications.
- 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 construction, business administration, public administration, or a closely related field; or

Experience:

Six years of broad and extensive experience in public works development and maintenance activities or related service delivery operations, including two years of administrative and supervisory responsibility.

License or Certificate:

Possession of an appropriate, valid driver's license.

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 to different sites; incumbents may be exposed to inclement weather conditions; incumbents may be required to work extended hours including evenings and weekends and may be required to travel outside City boundaries to attend meetings.

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: Exempt

March 2017

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.

ASSISTANT CITY ENGINEER II

*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 Engineering & Development Services and Capital Improvement Divisions within the Public Works Department including land development, traffic and transportation engineering, and capital projects engineering; coordinates assigned activities with other divisions, departments, and outside agencies; and provides highly responsible and complex administrative support to the Director of Public Works/City Engineer.

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 the City engineering services and activities performed by the Engineering & Development Services and Capital Improvement Divisions including land development, engineering design and administration of the Subdivision Map Act, traffic and transportation engineering activities, implement design and construction of all capital improvement projects by staff or consultant engineers; the City's storm water program (NPDES); the City's Assessment Districts; and the City's construction inspection program.
2. Perform advanced levels of traffic engineering studies; complaint investigation; plan review; signal system design, monitoring and control; field engineering and inspection of signals and other traffic control devices.
3. Manage and participate in the development and implementation of goals, objectives, policies, and priorities for assigned programs; recommend and administer policies and procedures.
4. Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; recommend, within departmental policy, appropriate service and staffing levels.
5. Plan, direct, coordinate, and review the work plan for engineering staff; assign work activities, projects, and programs; review and evaluate work products, methods, and procedures; meet with staff to identify and resolve problems.
6. Select, train, motivate, and evaluate engineering personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
7. Oversee and participate in the development and administration of each division's annual budget; participate in the forecast of funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement adjustments.
8. Coordinate activities with planners, building inspectors and other City staff; to advise the Planning Commission and other City boards and commissions.
9. Oversee all activities related to subdivision plan checking; improvement construction; traffic engineering; the storm water program; design and construction activities; and contract proposals for activities involved in the City's engineering and construction activities; and insure the overall quality of professional engineering.

CITY OF ANTIOCH
ASSISTANT CITY ENGINEER (CONTINUED)

10. Conduct comprehensive engineering analysis of land development, traffic, and storm water related problems.
11. Establish benefit districts within the City and determine how costs will be distributed.
12. Plan and track projects.
13. Establish and maintain liaison with appropriate governmental agencies, private firms, organizations or individuals to assist in achieving City objectives and ensuring compliance with appropriate laws and technical standards affecting engineering activities; negotiate solutions to disputes between the City and developers or other parties.
14. Serve as staff on a variety of boards, commissions, and committees; prepare and present staff reports and other necessary correspondence; make presentations to the City Council, Planning Commission, Design Review Board and other groups as necessary.
15. Provide responsible staff assistance to the department Director; conduct a variety of organizational studies, investigations, and operational studies; recommend modifications to engineering programs, policies, and procedures as appropriate.
16. Attend and participate in professional group meetings; maintain awareness of new trends and developments in the fields of transportation and land development engineering; incorporate new developments as appropriate.
17. Respond to and resolve difficult and sensitive citizen inquiries and complaints.
18. May act as Director of Public Works/City Engineer in the Director's absence.
19. Perform related duties as required.

ADDITIONAL DUTIES AND RESPONSIBILITIES

- Greater signing authority and oversight for department purchases up to \$25,000
- Signing authority for all timesheets, personnel action forms, requisitions, etc.
- Oversee Public Works CIP and Engineering Division budget preparation, department goals, objective and priorities and provide regular oversight and monitoring.
- Chair weekly CIP and Development and Engineering Meetings.
- Serve in lead role in all CIP and Engineering meetings with applicants, developers and engineers.
- Oversee preparation of weekly and quarterly City Manager's Reports.
- Take lead role for conditions of approvals, development agreements, and subdivision agreements for new developments including signing CIP project plans and specifications, and Subdivision Improvement Plans.
- Oversee Community Facilities Districts and Benefits Districts.
- Oversee preparation and submittal of all City Council Staff Reports.
- Attend City Council Meetings and present Public Works CIP and Engineering staff reports and presentations.
- Lead preparation and sign Street Light and Landscape Maintenance District Engineer's Report.
- Close Out Assessment District 27/31 and Assessment District 26.

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 land development engineering program.
- Principles and practices of civil engineering, including planning, plan checking, construction, and inspection.
- Principles and practices of program development and administration.
- Advanced principles and practices of traffic and transportation engineering, design, operation, and maintenance.
- Principles and practices of civil engineering, including their application to the design, construction and inspection of municipal public works.
- Principles and laws governing public works contract administration and public safety.
- Principles and practices of municipal budget preparation and administration.
- Principles of supervision, training, and performance evaluation.
- Methods and techniques of public relations.
- Land development including planning and analysis of engineering systems needed for the use of land including streets, highways, sewage, water facility, storm drains, grading, land use and utilities.
- Construction inspection, materials and methods.
- Occupational hazards and standard safety practices.
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
- Pertinent federal, state, and local laws, codes, and regulations.

Ability to:

- Oversee and participate in the management of a comprehensive land development engineering 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.
- Prepare and administer assessment districts and land-based financing districts.
- Explain City practices and objectives to appropriate public and private agencies, organizations and individuals.
- Deal tactfully and effectively with the public, staff, other public and private agencies, contractors and private engineers.
- Make complex structural, hydraulic, traffic and other engineering calculations
- Make clear, concise and accurate public oral presentations.
- 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 civil engineering or a related field.

Experience:

Five years of increasingly responsible civil engineering experience including two years of administrative and supervisory responsibility.

License or Certificate:

Possession of an appropriate, valid driver's license.

Possession of Registration as a Professional Civil Engineer in the State of California, or if a registered Civil Engineer in another state, the ability to obtain registration as a Civil Engineer in the State of California within one (1) year of appointment.

Possession of registration as a Professional Traffic Engineer in the State of California is desirable.

Possession of registration as a Practicing Land Surveyor in the State of California 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.

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: Exempt

March 2017


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.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 28, 2018

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Nickie Mastay, Administrative Services Director 

SUBJECT: Public Works Department - Engineering Division Organizational Structure

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution freezing the Assistant City Engineer position and approving one (1) Project Manager position and authorizing the Appropriate Budget Adjustments.

STRATEGIC PURPOSE

Strategy L-10: Effective and efficient management of all aspects of Human Resources Management, including Employer/Employee Relations, labor negotiations, classification and compensation, recruitment and selection, benefits administration, and staff development.

Strategy L-11: Attract and hire highly qualified candidates to fill funded vacant positions. **Short Term Objective:** Continued focused, timely, and targeted recruitment efforts specific to the position and department needs.

FISCAL IMPACT

The Assistant City Engineer position is budgeted for \$274,116 funded 50 percent from the General Fund and 50 percent from the Water and Sewer Funds. The estimated cost of the Project Manager position is \$214,032. The cost of the Project Manager position will be funded from the General Fund which will be reimbursed from developers.

DISCUSSION

With the retirement of the Assistant City Engineer on August 2, 2018, Senior Management has reviewed the organizational structure of the Public Works Department and determined that freezing the Assistant City Engineer position and approving and appropriating for one (1) Project Manager position would best fit the needs of the Public Works Department. With the approved housing projects, the Public Works Department will need a second Project Manager for approval of subdivisions. The Public Works Director is a Licensed Traffic Engineer, Land Surveyor, and Civil Engineer and is capable of performing engineering services for the City.

The Project Manager positions will enhance the Public Works Department with the skills listed below.

The Project Manager position directs, organizes and manages the development, planning and implementation of assigned City projects; directs, coordinates, and monitors the work of assigned staff, consultants, vendors, and contractors; and performs a variety of professional, administrative, and programmatic work in support of assigned project to achieve project completion.

ATTACHMENT

A. Resolution

RESOLUTION NO. 2018/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
FREEZING THE ASSISTANT CITY ENGINEER POSITION AND APPROVING ONE
(1) PROJECT MANAGER POSITION AND AUTHORIZING THE APPROPRIATE
BUDGET ADJUSTMENT**

WHEREAS, the City has an interest in the effective and efficient management of the classification plan; and

WHEREAS, the City would like continued focused, timely, and targeted recruitment efforts specific to the position and department needs; and

WHEREAS, the City would like to provide project management to ensure that City projects are completed following proper building and construction codes.

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

Section 1. Freeze the Assistant City Engineer position; and

Section 2. That one (1) Project Manager position is hereby approved to be funded in the fiscal year 2018/19 budget; and

Section 3. The Finance Director is authorized to make the necessary adjustments to the fiscal year 2018/19 budget to effectuate this change.

* * * * *

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 28th day of August, 2018, by the following vote:

AYES:

NOES:

ABSENT:

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