



Council Chambers
200 H Street
Antioch, CA 94509

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

ANNOTATED AGENDA

for

June 11, 2019

Antioch City Council
Regular Meeting

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

Arne Simonsen, CMC, City Clerk
James D. Davis, City Treasurer

Ron Bernal, City Manager
Thomas Lloyd Smith, City Attorney

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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.

5:30 P.M. ROLL CALL – CLOSED SESSIONS – for Council Members – *All Present (Mayor Wright arrived at 5:32 p.m.)*

PUBLIC COMMENTS for Closed Sessions – *None*

CLOSED SESSIONS:

- 1) CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation Pursuant to California Government Code sec. 54956.9(d)(1) – Zeka Ranch One, LLC et al. v. City of Antioch et al., Contra Costa Superior Court Case Nos. N18-0228, N18-0229, N18-0231, and N18-0232.

No reportable action

- 2) CONFERENCE WITH LABOR NEGOTIATORS** – Agency designated representatives: Mayor Sean Wright and City Attorney Thomas Lloyd Smith. Unrepresented employee: City Manager Ron Bernal.

No reportable action

7:00 P.M. ROLL CALL – REGULAR MEETING – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

STAFF REPORT

1. PROCLAMATIONS

STAFF REPORT

- Relay for Life of the Delta – 2019
- Recognizing June as LGBTQ Pride Month in the City of Antioch

Approved, 5/0

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

Motion by Council Member Thorpe to Suspend the Rules and move Item 8 after the Proclamations

Approved, 4-1

Substitute Measure by Council Member Ogorchock to move Item 8 after Item 3

Failed, 3-2 (required 4/5ths vote)

8. RESOLUTION DIRECTING STAFF TO FLY THE RAINBOW PRIDE FLAG AT ANTIOCH CITY HALL THROUGHOUT THE MONTH OF JUNE IN RECOGNITION OF JUNE 2019 AS LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUESTIONING COMMUNITY PRIDE MONTH

Reso No. 2019/103 adopted, 5/0

Recommended Action: It is recommended that the City Council move to adopt the resolution directing staff to fly the Rainbow Pride Flag at City Hall throughout the month of June 2019 in recognition of Lesbian, Gay, Bisexual, Transgender, Questioning Community Pride Month in the City of Antioch.

STAFF REPORT

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

- ECONOMIC DEVELOPMENT COMMISSION
- POLICE CRIME PREVENTION COMMISSION

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/COMMUNICATIONS

MAYOR'S COMMENTS

PRESENTATION – *Recognition of the Water Park Lifeguard Staff*

2. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR MAY 14, 2019

Approved, 5/0

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

STAFF REPORT

- B. APPROVAL OF COUNCIL MINUTES FOR MAY 28, 2019

Continued, 5/0

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

STAFF REPORT

- C. APPROVAL OF COUNCIL WARRANTS

Approved, 5/0

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

STAFF REPORT

- D. SECOND READING - ACORN BUSINESS PARK (PD-18-02, UP-18-09, AR-18-09, PW-357-301-19) (Introduced on 05/28/19)

Ord. No. 2167-C-S adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the Ordinance approving a rezone of the project site from Planned Business Center (PBC) and Regional Commercial (C-3) to Planned Development District (PD-18-02).

STAFF REPORT

- E. RESOLUTION ANNEXING ASSESSOR'S PARCEL NUMBER 056-130-012 (QUAIL COVE) INTO CFD NO. 2018-02 (POLICE PROTECTION)

Reso No. 2019/89 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution annexing assessor's parcel number (APN) 056-130-012 (Quail Cove) into Community Facilities District (CFD) No. 2018-02 (Police Protection).

STAFF REPORT

- F. RESOLUTION ANNEXING ASSESSOR'S PARCEL NUMBER 056-130-012 (QUAIL COVE) INTO CFD NO. 2018-01 (PUBLIC SERVICES)

Reso No. 2019/90 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution annexing assessor's parcel number 056-130-012 (Quail Cove) into Community Facilities District (CFD) No. 2018-01 (Public Services).

STAFF REPORT

CONSENT CALENDAR – Continued

- G. RESOLUTION APPROVING ANNEXATION OF OAKLEY KNOLLS SUBDIVISION 8501 INTO ALMONDRIDGE STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT 5, ZONE 1 (P.W. 647)

Reso No. 2019/91 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution approving the annexation of Oakley Knolls Subdivision 8501 into Almondridge Street Light and Landscape Maintenance District (SLLMD) 5, Zone 1 (5-1).

STAFF REPORT

- H. RESOLUTION ANNEXING ASSESSOR'S PARCEL NUMBERS 051-430-001 THROUGH 051-430-016 (OAKLEY KNOLLS) INTO CFD NO. 2018-02 (POLICE PROTECTION)

Reso No. 2019/92 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution annexing assessor's parcel number (APN) 051-430-001 through 051-430-016 (Oakley Knolls) into Community Facilities District (CFD) No. 2018-02 (Police Protection).

STAFF REPORT

- I. CONTRACT EXTENSION WITH ANCHOR CONCRETE CONSTRUCTION, INC. FOR THE CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS AT MISCELLANEOUS LOCATIONS PROJECT (P.W. 507-16)

Reso No. 2019/93 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution extending the length of the contract with Anchor Concrete Construction, Inc. at the original unit prices for an additional period of one (1) year, through June 30, 2020 for the Curb, Gutter, and Sidewalk Repair Including Tree Removal and Stump Grinding and Installation of Concrete Curb Ramps at Miscellaneous Locations ("Project") increasing the existing contract by \$360,000 for an amount not to exceed \$1,341,644.60.

STAFF REPORT

J. AWARD OF CONTRACT FOR PAVEMENT PLUGS AND LEVELING COURSES AT VARIOUS LOCATIONS (P.W. 709)

Reso No. 2019/94 adopted, 5/0

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

- 1) Authorizing a revision to the draft FY18/19 Capital Improvement Budget for the Pavement Plugs and Leveling Courses at Various Locations ("Project") to a total of \$2,100,000 from the Measure J Fund.
- 2) Awarding the contract to the lowest, responsive and responsible bidder, MCK Services, Inc. in the amount of \$1,982,800.
- 3) Authorizing the City Manager to execute an agreement with MCK Services, Inc. in an amount not to exceed \$1,982,800.

STAFF REPORT

CONSENT CALENDAR – Continued

K. AWARD OF CONTRACT FOR INSTALLATION OF CURB RAMPS AT VARIOUS LOCATIONS (P.W. 409-6)

Reso No. 2019/95 adopted, 5/0

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

- 1) Authorizing a revision to the draft FY18/19 Capital Improvement Budget for the Installation of Curb Ramps at Various Locations ("Project") for a total of \$1,900,000 from the Measure J Fund.
- 2) Awarding the contract to the lowest, responsive and responsible bidder, J.J.R. Construction, Inc. in the amount of \$1,155,070.
- 3) Authorizing the City Manager to execute an agreement with J.J.R. Construction, Inc. in the amount of \$1,155,070.

STAFF REPORT

L. SECOND AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT WITH JDH CORROSION CONSULTANTS, INC. FOR THE CATHODIC PROTECTION ASSESSMENT (P.W. 321-1)

Reso No. 2019/96 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution approving the second amendment to the Consultant Service Agreement with JDH Corrosion Consultants, Inc. for cathodic protection upgrades related to the Cathodic Protection Assessment project increasing the existing contract by \$119,025 for an amount not to exceed \$312,350.

STAFF REPORT

M. NOTICE OF COMPLETION FOR THE CURB RAMPS, BIKE LANE AND PEDESTRIAN IMPROVEMENTS AT VARIOUS LOCATIONS PROJECT (P.W. 409-5)

Reso No. 2019/97 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting work and authorizing the Public Works Director/City Engineer to file a Notice of

STAFF REPORT

N. CITY MOBILE STAGE PURCHASE

Reso No. 2019/98 adopted, 5/0

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

- 1) Authorizing the purchase of a Mobile Stage system; and
- 2) Authorizing a sole source purchase agreement with Stageline for the purchase of the Stageline SL75 Mobile Stage.

STAFF REPORT

PUBLIC HEARING

3. ORDINANCE PROHIBITING THE CONVERSION OF SENIOR MOBILEHOME PARKS TO ALL-AGES MOBILEHOME PARKS

To 06/25/19 for adoption, 5/0

Recommended Action: It is recommended that the City Council accept the Planning Commission's recommendation and introduce an ordinance prohibiting the conversion of Senior Mobilehome Parks to All-Ages Mobilehome Parks, which will be added as Article 42 of Chapter 5 of Title 9 of the Antioch Municipal Code.

STAFF REPORT

4. CONSIDERATION OF TWO ORDINANCES AND A RESOLUTION REGULATING WIRELESS COMMUNICATIONS FACILITIES ON PRIVATE AND PUBLIC PROPERTY

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

To 06/25/19 for adoption, 5/0

- 1) Introduce the ordinance amending Chapter 5 of Title 9 of the Antioch Municipal Code establishing regulations for wireless communications facilities (Z-18-07).

To 06/25/19 for adoption, 5/0

- 2) Introduce the ordinance amending Antioch Municipal Code section 7-3.06.

Reso No. 2019/99 adopted, 5/0

- 3) Adopt the resolution approving the City Council Policy for Wireless Communications Facilities.

STAFF REPORT

COUNCIL REGULAR AGENDA

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

Reso No. 2019/100 adopted appointing Antwon Webster to the Full Member partial-term vacancy, expiring March 2020, 5/0

STAFF REPORT

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.

6. CONTRA COSTA COUNTY LIBRARY COMMISSION APPOINTMENT FOR ONE FULL-TERM VACANCY EXPIRING NOVEMBER 2022

Reso No. 2019/101 adopted appointing Dr. John M. Huh to the full-term vacancy, expiring November 2022, 5/0

Recommended Action: It is recommended that the Mayor nominate and Council appoint by resolution one (1) full-term vacancy to the Contra Costa County Library Commission expiring November 2022, to represent the City of Antioch.

STAFF REPORT

COUNCIL REGULAR AGENDA – Continued

7. PROPOSITION 68 - STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS

Reso No. 2019/102 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the Resolution of Local Support and authorize the filing of a grant application to the State of California Department of Parks and Recreation requesting grant funding for the renovation of Contra Loma Estates Park; expanding recreational opportunities for youth and families to explore healthy activities, enjoy family and neighborhood gatherings, and strengthen neighborhood connections.

STAFF REPORT

PUBLIC COMMENT - None

STAFF COMMUNICATIONS - None

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 – 9:33 p.m.



RELAY FOR LIFE OF THE DELTA 2019

WHEREAS, Cancer is predicted to strike one out of every three Americans sometime in our lifetime with an estimated 176,140 new cases diagnosed in California in 2017 and an estimated 5,190 cases in Contra Costa County; and

WHEREAS, The American Cancer Society is a nationwide voluntary community-based health organization of local citizens and businesses dedicated to eliminating cancer as a major health problem since 1913; and

WHEREAS, The Relay for Life event is the American Cancer Society's premier event, by which the organization accomplishes its mission; and

WHEREAS, The color purple is widely known as the Relay for Life signature color signifying the passion that cancer survivors and their families feel for finding a cure for this disease; and

WHEREAS, One of the events sponsored by the American Cancer Society's Relay for Life is "Paint Your Town Purple"; and

WHEREAS, The American Cancer Society's Relay for Life encourages community members to get involved in Relay for Life and the Paint Your Town Purple Event; and

WHEREAS, June 17 – 21, 2019 will be Paint Our Town Purple Days in the City of Antioch and June 22 – 23, 2019 will be our Main Relay for Life Event.

NOW, THEREFORE, I, SEAN WRIGHT, Mayor of the City of Antioch, do hereby proclaim June 2019 as "RELAY FOR LIFE OF THE DELTA" in Antioch and encourage the community to show their support and participate in the Relay for Life Days of Antioch / Pittsburg at Los Medanos College on June 22-23, 2019.

JUNE 11, 2019

SEAN WRIGHT, Mayor



***RECOGNIZING JUNE AS LGBTQ PRIDE MONTH
IN THE CITY OF ANTIOCH***

WHEREAS, the City of Antioch has a diverse Lesbian, Gay, Bisexual, Transgender, and Questioning (“LGBTQ”) community and is committed to supporting visibility, dignity and equality for all people in the community;

WHEREAS, many of the residents, students, city employees, and business owners within the City of Antioch who contribute to the enrichment of our City are a part of the lesbian, gay, bisexual, transgender, and questioning community;

WHEREAS, various advancements have been made with respect to equitable treatment of lesbians, gay men, bisexual, transgender, and questioning persons throughout the nation, but there continues to be some opposition against people from this community and around the world making it important for cities like Antioch to stand up and show support for our residents who are affected;

WHEREAS, several cities across the United States recognize and celebrate June as LGBTQ Pride Month; and

WHEREAS, June has become a symbolic month in which lesbian women, gay men, bisexual people, transgender people, and supporters come together in various celebrations of pride.

NOW, THEREFORE, I, SEAN WRIGHT, Mayor of the City of Antioch, do hereby declare the month of June as LGBTQ Pride Month in the City of Antioch, and invite everyone to reflect on ways we all can live and work together with a commitment to mutual respect and understanding.

JUNE 11, 2019

SEAN WRIGHT, Mayor

1.02
06-11-19

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

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

**May 14, 2019
Council Chambers**

4:00 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(1): Contra Costa County Flood Control and Water Conservation District v. Gary A. Eames, Contra Costa Superior Court Case No. C15-02052.
- 2. CONFERENCE WITH LABOR NEGOTIATORS –** Agency designated representatives: Mayor Sean Wright and City Attorney Thomas Lloyd Smith. Unrepresented employee: City Manager Ron Bernal.

Mayor Wright called the Special Meeting/Study Session to order at 5:04 P.M., and Minutes Clerk Eiden called the roll.

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

PLEDGE OF ALLEGIANCE

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

STUDY SESSION

- 1. SPECIAL REVENUE, DEBT SERVICE, CAPITAL PROJECT, ENTERPRISE, INTERNAL SERVICE, ANTIOCH PUBLIC FINANCING AUTHORITY AND SUCCESSOR AGENCY FUNDS BUDGET DEVELOPMENT 2019-21**

City Manager Bernal introduced the Study Session Agenda Item #1.

Finance Director Merchant presented the staff report dated May 13, 2019 recommending the City Council provide feedback and direction regarding the budget development information provided for fiscal years 2019-21.

Council reviewed the Special Revenue, Capital Projects, Debt Service, Enterprise, Internal Service, Antioch Public Financing Authority, Housing Successor & Successor Agency Funds and provided the following direction:

- Direction to staff to conduct public outreach informing the community of a timeline for the Lone Tree Way repaving project

Finance Director Merchant announced that she would be back on May 28, 2019 with a review of General Fund reflecting the direction given by Council.

Councilmember Thorpe suggested staff consider developing a hybrid/electric vehicle replacement program as part of the community climate action plan.

Council thanked Finance Director Merchant for the report.

Mayor Wright adjourned the Study Session at 6:03 P.M.

Mayor Wright called the Regular meeting to order at 7:02 P.M., and Minutes Clerk Eiden called the roll.

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

City Attorney Smith reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, no reportable action; and, **#2 CONFERENCE WITH LABOR NEGOTIATORS**, no reportable action.

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

In Honor of Antioch Memorial Day's 2019 Keynote Speaker Delphine Metcalf-Foster
National Water Safety and Drowning Prevention Month, May 2019
National Police Week, May 12 – 18, 2019
National Public Works Week, May 19 – 25, 2019

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

Mayor Wright presented the *In Honor of Antioch Memorial Day's 2019 Keynote Speaker Delphine Metcalf-Foster* proclamation to Delphine Metcalf-Foster who thanked Council for the proclamation.

Mayor Wright presented the *National Water Safety and Drowning Prevention Month* proclamation to Director of Parks and Recreation Kaiser and water park staff who thanked Council for the proclamation, and announced the American Red Cross had recognized the City of Antioch with their Gold Award.

Mayor Wright presented the *National Police Week* proclamation to Chief Brooks who accepted the proclamation on behalf of all men and women of the Antioch Police Department.

Mayor Wright presented the *National Public Works Week* proclamation to *Director of Public Works* Blank and Public Works staff who thanked Council for the proclamation and for their support.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser announced the Antioch Recreation Department was providing the following recreational opportunities for the community:

- Traditional and Specialty Camps at various locations throughout the City
- Friday Family Movies at Prewett Community Park
- Summer Concert Series at Waldie Plaza
- Mobile Recreation Bus at various locations throughout the City

Kathie Fitzpatrick, Board of Directors of the Antioch Historical Society and Museum, announced that the Antioch Historical Museum had been designated a 2019 Blue Star Museum by the National Endowment for the Arts. She noted a program honoring Blue Star Families would be open to the public from 1:00 P.M. – 4:00 P.M., Wednesday – Saturday, May 18, 2019 – September 2, 2019, at the Museum. She recognized VFW #6435 for their ongoing support.

PUBLIC COMMENTS

Marie Issa Gil, Regional Director Rocketship Public Schools and Co-Founder of Rocketship Delta Prep, reported that they had missed deadlines for submitting documentation to the Antioch Unified School District (AUSD) and as a result were served with letters of violation. She stated that they believed the City could implore AUSD to reject any resolution to revoke their charter. She requested the City provide them with an opportunity to formally present and showcase their students' academic achievements.

Katie Young stated she was representing children and concerned regarding the ranking of schools in the AUSD. She requested the City Council stand with them in making the reformation of the AUSD education system a priority.

Ken Rickner, spoke to praying for and serving the homeless population, in Antioch.

Ashly Mahan, expressed concern regarding a video she saw online addressing homelessness in Antioch. She suggested the non-profit organizations serving the homeless meet with Mayor Wright to discuss the homeless population, in Antioch.

Ali Shirani, expressed concern regarding increased criminal activity and the negative effect it is having on businesses in the area of the methadone clinic. He asked for Council's recognition of his concerns and advice on how to address the issue.

Kenny Strong, Antioch resident, requested the Antioch Police Department carry water and snacks to distribute to the homeless. He encouraged the City to have more compassion toward the homeless population.

Dan Aderhoff, American River Homeless Crew and Executive Board Member for the City Council in Natomas, discussed their efforts to clean up the community. He expressed concern regarding a video posted online addressing homelessness in Antioch and he invited Council to meet with them to develop their own perspective. He also discussed the need for a homeless shelter in Antioch.

Nicole Gardner, representing Facing Homelessness, expressed concern regarding the lack of services for the homeless and discussed the need for a shelter or care center in Antioch. She informed Council that there was a homeless crisis and she urged the City to respond to it immediately.

Richard Ksenzulak, provided letters to Council from tenants and other business owners, in the area of the methadone clinic who have had problems or issues with the clinic. He suggested Council consider relocating the facility to a more appropriate location. He noted it was affecting the business owner's ability to lease out their buildings.

Gene Zimmerman, Delta View Enterprises, thanked Council for their service. He expressed concern regarding the methadone clinic and its negative impact on children in the community, as well as the tenants in the area. He urged Council to not renew the license for the methadone clinic and relocate it to an area where they could be serviced without impacting children.

Lelah Sossaman, stated that she became homeless after being illegally evicted and when she sought help, there were no services available. She encouraged the City to take everyone's situation under consideration and provide a shelter for the homeless.

Carolyn Payne, Extended Hand Ministry, discussed services they provide to the homeless. She asked for the City to build a shelter and transitional housing.

Vicki Proctor, Extended Hands Ministry, provided a pamphlet of their organization to Council and discussed services they provide to the homeless. She expressed concern regarding a video that was posted on online addressing homelessness in Antioch. She encouraged Mayor Wright to speak with the homeless, to determine their needs.

Carlos Morales, Oakley resident, stated he was homeless and he discussed the need for shelters in Antioch. He expressed concern regarding a video that was posted online regarding homelessness in Antioch.

Eric Vizcarra, speaking on behalf of the Homeless, expressed concern regarding the lack of services for the homeless in Antioch and requested Council provide a shelter as soon as possible.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Tri Delta Transit meeting.

Councilmember Motts reported on her attendance at the Lone Tree Golf Course Committee and Homeless Task Force Ad Hoc Committee meetings. She announced the next Homeless Task Force Ad Hoc Committee meeting would be held on May 30, 2019.

Councilmember Thorpe reported on his attendance at a Tri Delta meeting and the Homeless Encampment Task Force Ad Hoc meeting. He announced that an all-day session of the Homeless Encampment Task Force Ad Hoc committee would be held on May 30, 2019. He encouraged participation by homeless advocates. He noted an additional meeting of the committee would be taking place on June 10, 2019.

Councilmember Ogorchock reported on her attendance at the CDBG committee meeting with Councilmember Motts.

Mayor Wright reported on his attendance at the TRANSPLAN meeting.

MAYOR'S COMMENTS

Mayor Wright apologized for comments he made regarding the homeless and accepted an offer to meet one on one with them to discuss the issue. He announced that the City had formed an Ad Hoc Committee to address the matter. He reported on his participation in Ramadan at the local Mosque with Councilmember Ogorchock.

3. CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 9, 2019**
- B. APPROVAL OF COUNCIL MINUTES FOR APRIL 23, 2019**
- C. APPROVAL OF SPECIAL MEETING MINUTES FOR APRIL 30, 2019**
- D. APPROVAL OF COUNCIL WARRANTS**
- E. REJECTION OF CLAIMS: (1) DYMOND HODGES; (2) DYNISHA HODGES; (3) VICTORIA MABRON**
- F. RESOLUTION NO. 2019/67 DESIGNATING THE CITY OF ANTIOCH REPRESENTATIVES TO THE MUNICIPAL POOLING AUTHORITY BOARD**

- G. **RESOLUTION NO. 2019/68 CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS AT MISCELLANEOUS LOCATIONS PROJECT (P.W. 507-16)**
- H. **RESOLUTION NO. 2019/69 FIRST AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH THE GUALCO GROUP, INC.**
- I. **RESOLUTION NO. 2019/70 AMEND THE FISCAL YEAR 2018-19 WATER DISTRIBUTION, SEWER COLLECTIONS, AND GENERAL FUND BUDGETS TO INSTALL BRIVO SECURITY SYSTEMS AND ACCESS CONTROLS**
- J. **RESOLUTION NO. 2019/71 ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA)**
- K. **RESOLUTION NO. 2019/72 IN SUPPORT OF CONTRA COSTA COUNTY PUBLIC MANAGER'S ASSOCIATION POLICY FRAMEWORK ON EMERGING HOUSING LEGISLATION**

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

PUBLIC HEARING

- 4. **AMCAL FAMILY/SENIOR APARTMENTS (Z-18-01, UP-18-04, AR-18-06, PW-357-RA-57)**

City Manager Bernal introduced Public Hearing Item #4.

Director of Community Development Ebbs discussed the project and introduced Associate Planner Kevin Scudero to give the staff report.

Associate Planner Scudero presented the staff report dated May 14, 2019 recommending the City Council take the following actions: 1) Adopt the resolution approving the AMCAL Family/Senior Apartments Project Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project. 2) Introduce the Ordinance approving a rezone of the project site from Planned Development (PD-08-06) to High Density Residential (R-25) and Senior Housing Overlay District (SH). 3) Adopt the resolution approving a senior housing density bonus, lot merger, use permit, and design review for multi-family development, subject to conditions of approval.

Director of Community Development Ebbs presented the memorandum dated May 14, 2019 regarding ambulance and fire services recommending the City Council include two additional conditions of approval with any forthcoming motion, to the Resolution.

Mayor Wright opened the public hearing.

Alex Pratt, Vice President of Development for AMCAL Multi-housing, gave a PowerPoint presentation of their project including the development/management team, company portfolio, identification of project site, public outreach, site plan, community amenities and landscape materials.

A speaker questioned if there were any resources for homeless who were employed.

Mayor Wright opened the public hearing.

Councilmember Motts suggested Mr. Pratt consider that seniors may want to bring their pets with them.

In response to Councilmember Motts, Mr. Pratt explained that initially there would be security on site and as they moved forward they would determine how much security would be necessary. He noted the entire development would be fully sprinklered and there would be a public fire system.

In response to Councilmember Ogorchock, Mr. Pratt explained that the unit mix would include 10% mobility and 4% sensory, disabled units. He noted generally the affordability requirement was 55-years.

A representative from LifeSTEPS gave an overview of the social services they provided and recommended Council approve the project. She offered to meet with Council to discuss any issues related to social services.

Mr. Pratt explained there were no subsidies for this project; however, the average median income (AMI) for this project would be between 50-60% of median income and anyone below that, could apply for a unit through the voucher program.

In response to Councilmember Wilson, Mr. Pratt noted Veterans were welcome to participate; however, they had not designated a percentage to be allocated for Veterans.

In response to Councilmember Motts, the LifeSTEPS representative clarified that there would be a social worker and afterschool coordinator on site with the possibility of additional staffing based on needs. Mr. Pratt added that there would also be four full-time employees managing the property.

Mayor Wright stated he appreciated the presentation and their commitment to maintaining their properties. He noted the product was needed in the community and he thanked them for their professionalism.

RESOLUTION NO. 2019/73
RESOLUTION NO. 2019/74

On motion by Councilmember Ogorchock, seconded by Councilmember Motts the City Council unanimously 1) Adopted the resolution approving the AMCAL Family/Senior Apartments Project Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project. 2) Introduced the Ordinance approving a rezone of the project site from Planned Development (PD-08-06) to High Density Residential (R-25) and Senior Housing Overlay District (SH). 3) Adopted the resolution approving a senior housing density bonus, lot merger, use permit, and design review for multi-family development, subject to conditions of approval with the addition of the following project specific conditions:

- L28 In anticipation of a formal update and assumed increase to the Fire Projection Facility Fee in the coming months, the applicant shall pay an enhanced Fire Projection Facility Fee of \$460 at the time of building permits. Should the formal update occur prior to building permits and a lesser amount is determined for this type of project, the applicant shall be entitled to the lesser amount at that time.
- L29 The applicant shall agree to participate and/or assist in the formation of a Community Facilities District (CFD) to fund the incremental cost of fire protection and ambulance service delivery. At minimum, the applicant shall remit payment equivalent to five (5) years of participation prior to occupancy of the building. The specific values and terms of such arrangement shall be formalized in any forthcoming Development Agreement.

COUNCIL REGULAR AGENDA

5. DISCUSSION OF COUNCIL MEETING SUMMER SCHEDULE

City Manager Bernal introduced Regular Agenda Item #5.

Administrative Services Director Mastay presented the staff report dated May 14, 2019 recommending the City Council discuss the summer City Council meeting schedule and provide direction to staff.

In response to Councilmember Motts, City Manager Bernal stated that staff could accommodate both meetings in July, being cancelled.

On motion by Councilmember Ogorchock, seconded by Councilmember Thorpe the City Council unanimously directed staff to cancel the July 23, 2019 City Council meeting.

Councilmember Thorpe clarified that even though there would be no City Council meetings in July, Council would be working on other assignments during the month.

6. DISCUSSION AND DIRECTION ON CANNABIS RELATED ITEMS

City Manager Bernal introduced Regular Agenda Item #6.

Administrative Services Director Mastay presented the staff report dated May 14, 2019 recommending the City Council discuss cannabis related items and provide direction to staff. It was also recommended that the City Council determine whether it would form a standing or ad hoc cannabis committee and, if appropriate, select councilmembers to serve on the committee.

Jason Teramoto, provided a brief professional history and spoke in support of including a development agreement in the application process. He stated that he believed forming an Ad Hoc Committee would create a potential stop-gap. He noted that he was committed to participating at every working group.

Following discussion, Council agreed to formalize the formation of an Ad Hoc Committee to discuss an open application process, separation requirements, zoning overlays as well as the entire Ordinance.

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock the City Council unanimously directed staff to bring back a resolution formalizing the formation of the Cannabis Ad Hoc Committee.

7. RESOLUTION APPROVING A NEW CLASS SPECIFICATION OF YOUTH SERVICES NETWORK MANAGER, ASSIGNING A SALARY RANGE AND HAVING THIS SALARY RANGE PLACED ON THE HOURLY CLASSIFICATIONS SALARY SCHEDULE

City Manager Bernal introduced Regular Agenda Item #7.

Administrative Services Director Mastay presented the staff report dated May 14, 2019 recommending the City Council adopt a resolution: 1) Approving the class specification of Youth Services Network Manager; and 2) Assigning the Youth Services Network Manager classification to a salary range and having this salary range placed on the hourly classifications salary schedule.

Councilmember Ogorchock requested that Restorative Justice be added to item #4.

Following discussion Council consensus directed staff to insert "restorative justice for youth" in #4 under Representative Duties.

RESOLUTION NO. 2019/75

On motion by Councilmember Thorpe, seconded by Councilmember Ogorchock the City Council unanimously adopted a resolution: 1) Approving the class specification of Youth Services Network Manager; and 2) Assigning the Youth Services Network Manager classification to a salary range and having this salary range placed on the hourly classifications salary schedule.

PUBLIC COMMENTS

Dan Aderhoff, American River Homeless Crew and Executive Board Member for the City of Natomas stated he was pleased with the response received from Council regarding homelessness. He discussed his dedication to the homeless and offered to provide his services. He provided contact information.

STAFF COMMUNICATIONS

City Manager Bernal announced Memorial Day Commemorative Services would be held at 10:00 A.M. on May 27, 2019 at Oak View Memorial Cemetery.

COUNCIL COMMUNICATIONS

Councilmember Ogorchock announced the following Memorial Day weekend events:

- Raising of the Memorial Banners - 9:00 A.M. – 10:00 A.M. on May 24, 2019
- Senior Picnic - 10:00 A.M. on May 24, 2019
- Veteran's Tournament of Heroes - May 25-26, 2019
- Memorial Day Service - 10:00 A.M. on May 27, 2019

She stated she needed the Raising of the Memorial Banners event to come before Council because a stage and police presence would be necessary. She expressed concern regarding the negative impacts from the methadone clinic on adjacent businesses and stated that she believed security for the area was necessary.

Councilmember Wilson announced Gathering for Garments would be held from 12:00 P.M. – 4:00 P.M., at Somerville Towne Center on May 18, 2019.

Councilmember Motts stated after the budget process she requests staff agendaize the consideration of a retail vacancy ordinance.

ADJOURNMENT

With no further business, Mayor Wright adjourned the meeting at 9:25 P.M. to the next regular Council meeting on May 28, 2019.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

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 Meeting Minutes of May 28, 2019

RECOMMENDED ACTION

It is recommended that the City Council continue the Meeting Minutes of May 28, 2019 to the next meeting.

FISCAL IMPACT

None

DISCUSSION

N/A

ATTACHMENT

None.

CITY OF ANTIOCH
CLAIMS BY FUND REPORT
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100 General Fund

Non Departmental

206327 CONTRA COSTA COUNTY	RECORDING FEE	50.00
381392 HARRIS AND ASSOCIATES INC	PROFESSIONAL SERVICES	770.00
381400 INTERSTATE TRANSPORT	REFUND DEPOSIT	6,000.00
381404 LENDLEASE CONSTRUCTION INC	REFUND DEPOSIT	2,000.00
381486 DELTA DENTAL	PAYROLL DEDUCTIONS	784.49
381583 CONTRA COSTA COUNTY	FILING FEE	2,354.75
934215 ZUMWALT ENGINEERING GROUP INC	PROFESSIONAL SERVICES	1,375.97

City Attorney

381362 COTA COLE ATTORNEYS LLP	LEGAL SERVICES RENDERED	18,990.55
381388 GOLDFARB AND LIPMAN LLP	LEGAL SERVICES RENDERED	383.50
381462 BANK OF AMERICA	TRAVELING EXPENSE	320.00
381536 OFFICE MAX INC	OFFICE SUPPLIES	58.43
381554 SHRED IT INC	SHRED SERVICES	63.15
934225 RAY MORGAN COMPANY	COPIER USAGE	511.51

City Manager

300680 DS WATERS OF AMERICA	WATER	66.01
381384 FEDERAL ADVOCATES INC	CONSULTING SERVICES	4,166.67
381441 VERIZON WIRELESS	DATA SERVICES	38.01
934218 CANON FINANCIAL SERVICES	COPIER USAGE	395.57

City Clerk

381573 WESTAMERICA BANK	COPIER LEASE	270.80
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City Treasurer

381503 GARDA CL WEST INC	ARMORED CAR PICKUP	252.07
381543 PFM ASSET MGMT LLC	ADVISORY SERVICES	8,076.73
934224 PFM ASSET MGMT LLC	CHECK REPLACEMENT	8,023.31

Human Resources

381350 BANK OF AMERICA	PRE-EMPLOYMENT SERVICES	124.70
381504 GOVERNMENTJOBS.COM INC	RECRUITMENT EXPENSE	7,623.79
381511 IEDA INC	PROFESSIONAL SERVICES	4,557.69
381512 JACKSON LEWIS LLP	PROFESSIONAL SERVICES	455.00
381529 MUNICIPAL POOLING AUTHORITY	PROFESSIONAL SERVICES	748.22
381554 SHRED IT INC	SHRED SERVICES	63.16
381573 WESTAMERICA BANK	COPIER LEASE	270.80

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Economic Development

381490 DUALHARE INC	PROFESSIONAL SERVICES	4,800.00
381530 MUNICIPAL RESOURCE GROUP LLC	PROFESSIONAL SERVICES	3,401.00
934223 ORANGE22 INC	CONSULTING SERVICES	3,600.00

Finance Administration

381536 OFFICE MAX INC	OFFICE SUPPLIES	108.46
381573 WESTAMERICA BANK	COPIER LEASE	342.57

Finance Accounting

381461 BADAWI & ASSOCIATES	AUDIT SERVICES	29,251.35
381536 OFFICE MAX INC	OFFICE SUPPLIES	176.29
381554 SHRED IT INC	SHRED SERVICES	63.17
934212 SUPERION LLC	ASP SERVICES	21,847.90

Finance Operations

381370 CONTRA COSTA COUNTY CLERK	RECORDING FEES	655.00
381438 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	17.50
381536 OFFICE MAX INC	OFFICE SUPPLIES	65.37
381568 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	6.00

Non Departmental

381393 HARRIS, LLOYD	CHECK REPLACEMENT	2,709.50
381505 GREEN, RICHARD	LANDLORD TAX REFUND	343.00
381524 MCGUIER, JAMES AND PATRICIA	LANDLORD TAX REFUND	250.00
934209 MUNISERVICES LLC	STARS SERVICE	250.00
934294 RETIREE	MEDICAL AFTER RETIREMENT	1,787.98

Public Works Maintenance Administration

381441 VERIZON WIRELESS	DATA SERVICES	38.01
381573 WESTAMERICA BANK	COPIER LEASE	299.06

Public Works Street Maintenance

381344 ANTIOCH BUILDING MATERIALS	ASPHALT	2,735.28
381349 BANK OF AMERICA	CERTIFIED MAIL	10.50
381357 C AND J FAVALORA TRUCKING INC	EQUIPMENT RENTAL	1,748.00
381410 LOWES COMPANIES INC	SUPPLIES	55.23
381441 VERIZON WIRELESS	DATA SERVICES	38.01
381452 ANTIOCH BUILDING MATERIALS	MATERIALS	939.47
381464 BISHOP CO	SUPPLIES	556.11
381488 DELTA GRINDING CO INC	EQUIPMENT RENTAL	6,000.00
381533 NEXTEL SPRINT	CELL PHONE	57.75

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381547 RECOLOGY BLOSSOM VALLEY	LANDSCAPE MATERIALS	7,534.43
934222 NIXON EGLI EQUIPMENT CO	REPAIR SERVICES	16,128.32

Public Works-Signal/Street Lights

381421 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	5,900.42
381448 AMERICAN GREENPOWER USA INC	INDUCTION LIGHTING	9,698.64
381458 AT AND T MCI	PHONE	750.47
381538 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	131.91
934207 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	2,800.05

Public Works-Striping/Signing

381349 BANK OF AMERICA	MEDICAL EXAM	75.00
381399 INTERSTATE SALES	EQUIPMENT	834.50
381410 LOWES COMPANIES INC	SUPPLIES	214.44
381441 VERIZON WIRELESS	DATA SERVICES	38.01
381522 MANERI SIGN COMPANY	SIGNS	264.81
381533 NEXTEL SPRINT	CELL PHONE	57.75
381563 TAPCO	EQUIPMENT	810.74

Public Works-Facilities Maintenance

381349 BANK OF AMERICA	SUPPLIES	207.00
381353 BLUE STAR COMPANY INC	RECYCLE FEE	300.00
381410 LOWES COMPANIES INC	SUPPLIES	227.59
381419 OFFICE MAX INC	OFFICE SUPPLIES	202.45
381421 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1.08
381424 RICKIES ROOF REPAIR	PROFESSIONAL SERVICES	2,600.00
381441 VERIZON WIRELESS	DATA SERVICES	38.01
381458 AT AND T MCI	PHONE	60.00
381508 HOME DEPOT, THE	SUPPLIES	52.07
381533 NEXTEL SPRINT	CELL PHONE	57.75

Public Works-Parks Maint

300650 UNITED SITE SERVICES OF CA	EQUIPMENT RENTAL	198.83
381410 LOWES COMPANIES INC	SUPPLIES	197.46
381458 AT AND T MCI	PHONE	102.75
934204 DEL CONTES LANDSCAPING INC	LANDSCAPE SERVICES	6,550.00
934205 FRED'S WELDING	EQUIPMENT RENTAL	250.00
934221 GRAINGER INC	SUPPLIES	324.93

Public Works-Median/General Land

381339 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	10,760.40
381343 ACE HARDWARE, ANTIOCH	PARTS	12.13

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381350 BANK OF AMERICA	FINGERPRINTING FEES	25.00
381421 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	50.04
381434 STEWARTS TREE SERVICE INC	LANDSCAPE SERVICES	5,700.00
381435 TARGET SPECIALTY PRODUCTS	SUPPLIES	912.26
381447 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	3,825.92
381458 AT AND T MCI	PHONE	226.39

Public Works-Work Alternative

381533 NEXTEL SPRINT	CELL PHONE	82.89
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Police Administration

300581 CRYSTAL CLEAR LOGOS INC	UNIFORMS	50.52
300619 COSTCO	SUPPLIES	129.94
381350 BANK OF AMERICA	RECRUITMENT EXPENSE	694.00
381374 CRUMP INVESTIGATIONS	PRE-EMPLOYMENT SERVICES	1,859.96
381385 FEDEX	SHIPPING	36.20
381389 M AND M CAR WASH AND DETAIL	ON-SITE CAR WASH	1,575.00
381406 LIN, MING QING	APPLICATION REFUND	300.00
381410 LOWES COMPANIES INC	SUPPLIES	952.71
381422 PARCEL QUEST	DISCOVERY SERVICES	22.92
381456 ARROWHEAD 24 HOUR TOWING	TOWING SERVICES	200.00
381474 CONCORD UNIFORMS LLC	UNIFORMS	722.44
381478 CSI FORENSIC SUPPLY FORNERLY	EVIDENCE SUPPLIES	616.51
381495 EIDEN, KITTY J	MINUTES CLERK	140.00
381496 EWART, JACOB R	CHECK REPLACEMENT	64.00
381499 FEDEX	SHIPPING	22.79
381518 KRAMER WORKPLACE INVEST.	PROFESSIONAL SERVICES	17,641.00
381525 MEADS, KORINA M	CHECK REPLACEMENT	34.50
381526 MEALS, CLINTON B	TRAINING PER DIEM	330.00
381532 NATIONAL TARGET COMPANY	SUPPLIES	619.70
381546 REACH PROJECT INC	PROGRAM SERVICES	17,083.00
381556 SMITH JR, RICHARD A	GAS REIMBURSEMENT	148.40
381557 SMITH, KYLE T	CHECK REPLACEMENT	64.00
381562 LEHR AUTO ELECTRIC	UPFIT	667.86
381576 BANK OF AMERICA	MEETING EXPENSES	268.93
381576 BANK OF AMERICA	CONFERENCE DUES	1,425.00
381576 BANK OF AMERICA	TRAVEL EXPENSES	2,918.36
381576 BANK OF AMERICA	SUPPLIES	251.23
381577 BANK OF AMERICA	SUPPLIES	1,070.80
381577 BANK OF AMERICA	TRAVEL EXPENSES	5,566.14
381585 CSI FORENSIC SUPPLY FORNERLY	SUPPLIES	378.10

CITY OF ANTIOCH
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Police Community Policing

300700 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	117.57
300701 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	97.70
381455 ARK PET HOSPITAL INC, THE	VETERINARY SERVICES	64.80
381456 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	52.50
381469 CLASSY GLASS	SUPPLIES	250.00
381486 DELTA DENTAL	PAYROLL DEDUCTIONS	427.31
381534 OCCUPATIONAL HEALTH CENTERS	PRE-EMPLOYMENT SERVICES	1,217.50
381544 PSYCHOLOGICAL RESOURCES INC	PRE-EMPLOYMENT SERVICES	3,500.00

Police Traffic Division

381576 BANK OF AMERICA	WITNESS SERVICES	40.00
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Police Investigations

381537 ORMAN, LEONARD A	EXPENSE REIMBURSEMENT	303.80
381577 BANK OF AMERICA	TRAVEL EXPENSES	415.02

Police Communications

381458 AT AND T MCI	PHONE	1,488.94
934217 AMERICAN TOWER CORPORATION	TOWER LEASE	242.30

Office Of Emergency Management

381458 AT AND T MCI	PHONE	314.48
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Police Facilities Maintenance

300600 CLUB CARE INC	REPAIR SERVICES	175.00
381397 INDUSTRIAL PLUMBING SUPPLY LLC	SUPPLIES	312.85
381410 LOWES COMPANIES INC	SUPPLIES	224.47
381411 M AND L OVERHEAD DOORS	MAINTENANCE SERVICES	350.08
381458 AT AND T MCI	PHONE	310.19
381459 AUTOMATIC DOOR SYSTEMS INC	MAINTENANCE SERVICES	1,067.81

Animal Control

934207 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	36,685.00
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P & R Administration

381348 BANK OF AMERICA	CAMP SUPPLIES	6,379.87
381410 LOWES COMPANIES INC	SUPPLIES	390.14
381427 SERVICE PROS PLUMBERS INC	PLUMBING SERVICES	22,976.00
381443 A AND G PRINTING	PRINTING SERVICES	627.85
381528 MONSTER MURAL LLC, THE	PROFESSIONAL SERVICES	4,650.00
381541 PARKINK	PROGRAM SUPPLIES	4,737.14

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381553 SERVICE PROS PLUMBERS INC	PLUMBING SERVICES	272.00
381560 SPARKLEZ N SPIKEZ	CONTRACTOR PAYMENT	365.00

Community Development Land Planning Services

381441 VERIZON WIRELESS	DATA SERVICES	38.01
381519 LAND USE PLANNING SERVICES INC	CONSULTING SERVICES	1,762.50

CD Code Enforcement

381355 BRIDGEHEAD SELF STORAGE	STORAGE FEES	470.00
381441 VERIZON WIRELESS	DATA SERVICES	152.04
381513 K2GC	PROFESSIONAL SERVICES	534.37
381533 NEXTEL SPRINT	CELL PHONE	436.50

PW Engineer Land Development

381349 BANK OF AMERICA	SUPPLIES	54.48
381360 CITY RISE INC	INSPECTION FEES REFUND	810.00
381376 DAVID TAUSSIG AND ASSOCIATES	CONSULTING SERVICES	127.50
381458 AT AND T MCI	PHONE	39.45
381466 CALIF DEPARTMENT OF JUSTICE	FINGERPRINTING FEES	49.00
381470 COASTLAND	INSPECTION SERVICES	26,698.75
381489 DIABLO LIVE SCAN	FINGERPRINTING FEES	20.00
381533 NEXTEL SPRINT	CELL PHONE	1,190.14
381535 OCCUPATIONAL HEALTH CENTERS	MEDICAL SERVICES	536.50
381536 OFFICE MAX INC	OFFICE SUPPLIES	97.85
934211 RED WING SHOE STORE	SAFETY SHOES - LAU	250.00
934213 TESTING ENGINEERS INC	PROFESSIONAL SERVICES	8,795.00

Community Development Building Inspection

381419 OFFICE MAX INC	OFFICE SUPPLIES	208.10
381422 PARCEL QUEST	DISCOVERY SERVICES	137.50
381533 NEXTEL SPRINT	CELL PHONE	214.61
381536 OFFICE MAX INC	OFFICE SUPPLIES	357.74

Capital Imp. Administration

381536 OFFICE MAX INC	OFFICE SUPPLIES	44.85
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Community Development Engineering Services

381350 BANK OF AMERICA	FINGERPRINTING FEES	25.00
381533 NEXTEL SPRINT	CELL PHONE	130.50
381536 OFFICE MAX INC	OFFICE SUPPLIES	146.39

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212 CDBG Fund

CDBG

381412 MEALS ON WHEELS	CDBG SERVICES	4,995.00
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213 Gas Tax Fund

Streets

381338 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	6,480.00
381421 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	190.32
381446 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	6,480.00
381538 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	98.41

214 Animal Control Fund

Animal Control

381380 EAST BAY VETERINARY EMERGENCY	VETERINARY SERVICES	812.35
381394 HILLS PET NUTRITION	SUPPLIES	220.28
381419 OFFICE MAX INC	OFFICE SUPPLIES	108.75
381436 ALLIANCE WELDING	SUPPLIES	36.10
381492 EAST BAY VETERINARY EMERGENCY	VETERINARY SERVICES	1,258.97
381494 EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	546.60
381507 HILLS PET NUTRITION	SUPPLIES	244.72
381516 KOEFRAN SERVICES INC	DISPOSAL SERVICES	1,850.00
381531 MWI VETERINARY SUPPLY CO	SUPPLIES	1,964.80
381565 ARF COMPANION ANIMAL CLINIC	SUPPLIES	476.00
934208 IDEXX LABORATORIES INC	LAB SERVICES	273.73

219 Recreation Fund

Non Departmental

381369 CONTRA COSTA COUNTY	HAZARDOUS MATERIALS PERMIT	1,878.00
381445 AKISAN SF COMMUNITY CENTER	RENTAL DEPOSIT REFUND	1,000.00
381453 APODACA, AURORA	RENTAL DEPOSIT REFUND	500.00
381467 CALIFORNIA VIRTUAL ACADEMY	RENTAL DEPOSIT REFUND	500.00
381476 CONTRA COSTA HEALTH SERVICES	RENTAL DEPOSIT REFUND	500.00
381500 FOSTER, GERRY	RENTAL DEPOSIT REFUND	1,000.00
381520 LEE, LANEASHA	RENTAL DEPOSIT REFUND	1,000.00
381521 LOPEZ, SILVIA	RENTAL DEPOSIT REFUND	1,000.00
381540 PARENTS CONNECTED	RENTAL DEPOSIT REFUND	500.00
381550 RODRIGUEZ, JENNIFER	RENTAL DEPOSIT REFUND	1,000.00
381561 STEWART, ATHYNA	RENTAL DEPOSIT REFUND	306.70
381564 TAYLOR, COLETTE	RENTAL DEPOSIT REFUND	500.00
381570 VAQUERANO, TOMAS	RENTAL DEPOSIT REFUND	750.00

CITY OF ANTIOCH
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Recreation Admin

381364 COLE SUPPLY CO INC	SUPPLIES	464.14
381410 LOWES COMPANIES INC	SUPPLIES	48.76
381573 WESTAMERICA BANK	COPIER LEASE	270.80

Senior Programs

381410 LOWES COMPANIES INC	SUPPLIES	5.19
381457 AT AND T MCI	PHONE	115.77
381458 AT AND T MCI	PHONE	83.02

Recreation Sports Programs

206352 HENDERSON, PAMELA	CLASS REFUND	12.00
381410 LOWES COMPANIES INC	SUPPLIES	412.18
381458 AT AND T MCI	PHONE	20.55

Recreation-Comm Center

206353 DOLLAR TREE STORES	SUPPLIES	36.91
381348 BANK OF AMERICA	LANDSCAPE SERVICES	444.43
381364 COLE SUPPLY CO INC	SUPPLIES	172.79
381366 COMMERCIAL APPLIANCE SERVICE	REPAIR SERVICES	430.00
381410 LOWES COMPANIES INC	SUPPLIES	446.76
381416 MUIR, ROXANNE	CONTRACTOR PAYMENT	374.40
381421 PACIFIC GAS AND ELECTRIC CO	GAS	7,504.89
381441 VERIZON WIRELESS	DATA SERVICES	38.01
381458 AT AND T MCI	PHONE	23.48
381460 AUTOMATIC DOOR SYSTEMS INC	MAINTENANCE SERVICES	839.14
381466 CALIF DEPARTMENT OF JUSTICE	FINGERPRINTING FEES	64.00
381489 DIABLO LIVE SCAN	FINGERPRINTING FEES	40.00
381491 DUGAND, KARINA	CONTRACTOR PAYMENT	365.40
381523 MAX MARTIAL ARTS LLC	CONTRACTOR PAYMENT	1,504.80
381536 OFFICE MAX INC	OFFICE SUPPLIES	34.94
381564 TAYLOR, COLETTE	EQUIPMENT REFUND	16.00
381567 UNIQUE PEST CONTROL	PEST CONTROL	400.00

Recreation Water Park

381340 AMERICAN PLUMBING INC	PLUMBING SERVICES	458.30
381348 BANK OF AMERICA	SUPPLIES	2,114.58
381363 COLE SUPPLY CO INC	SUPPLIES	397.72
381364 COLE SUPPLY CO INC	SUPPLIES	1,993.88
381367 COMMERCIAL POOL SYSTEMS INC	PARTS	1,561.43
381378 DIABLO LIVE SCAN	FINGERPRINTING FEES	1,960.00
381381 EAST BAY WELDING SUPPLY	EQUIPMENT RENTAL	114.00

CITY OF ANTIOCH
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381405 LESLIES POOL SUPPLIES	SUPPLIES	400.64
381408 LINCOLN EQUIPMENT INC	SUPPLIES	227.56
381410 LOWES COMPANIES INC	SUPPLIES	936.76
381458 AT AND T MCI	PHONE	118.44
381466 CALIF DEPARTMENT OF JUSTICE	FINGERPRINTING FEES	273.00
381489 DIABLO LIVE SCAN	FINGERPRINTING FEES	160.00
381533 NEXTEL SPRINT	CELL PHONE	33.39
381549 ROBERTS AND BRUNE CO	PIPE FITTINGS	642.39
934203 CONSOLIDATED ELECTRICAL DIST	SUPPLIES	171.88
934206 GRAINGER INC	SUPPLIES	47.63

222 Measure C/J Fund

Streets

381477 CONTRA COSTA TRANSPORTATION	MEMBERSHIP CONTRIBUTION	8,627.00
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226 Solid Waste Reduction Fund

Solid Waste Used Oil

381487 DELTA DIABLO	HHW PROGRAM	1,484.52
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Solid Waste

381487 DELTA DIABLO	HHW PROGRAM	9,828.66
381600 KIM DAVIS TRE	WASTE MANAGE FEE REFUND	35.00

229 Pollution Elimination Fund

Channel Maintenance Operation

381352 BLANKINSHIP AND ASSOCIATES INC	CONSULTING SERVICES	2,800.00
381383 FASTENAL CO	SUPPLIES	24.82
381410 LOWES COMPANIES INC	SUPPLIES	147.06
381414 MJH EXCAVATING INC	LANDSCAPE SERVICES	1,740.00
381435 TARGET SPECIALTY PRODUCTS	SUPPLIES	347.82
381486 DELTA DENTAL	PAYROLL DEDUCTIONS	124.36
381533 NEXTEL SPRINT	CELL PHONE	51.09

238 PEG Franchise Fee Fund

Non Departmental

381354 BLUEPRINT EXPRESS	PLAN FEES	1,308.90
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251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 1

381458 AT AND T MCI	PHONE	82.20
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Lonetree Maintenance Zone 2

381458 AT AND T MCI	PHONE	140.55
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Lonetree Maintenance Zone 3

381447 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	956.48
381458 AT AND T MCI	PHONE	61.65

**253 Almondridge SLLMD Fund
Almondridge Maintenance**

381447 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	3,586.80
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**254 Hillcrest SLLMD Fund
Hillcrest Maintenance Zone 1**

381458 AT AND T MCI	PHONE	41.10
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Hillcrest Maintenance Zone 2

381428 SILVA LANDSCAPE	LANDSCAPE SERVICES	4,782.40
381458 AT AND T MCI	PHONE	143.85
381555 SILVA LANDSCAPE	LANDSCAPE SERVICES	4,543.28

Hillcrest Maintenance Zone 4

381458 AT AND T MCI	PHONE	121.65
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**255 Park 1A Maintenance District Fund
Park 1A Maintenance District**

381434 STEWARTS TREE SERVICE INC	LANDSCAPE SERVICES	1,100.00
381458 AT AND T MCI	PHONE	20.55

**256 Citywide 2A Maintenance District Fund
Citywide 2A Maintenance Zone 3**

381339 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	2,152.08
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Citywide 2A Maintenance Zone 6

381339 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	1,434.72
381428 SILVA LANDSCAPE	LANDSCAPE SERVICES	4,020.00
381555 SILVA LANDSCAPE	LANDSCAPE SERVICES	4,020.00

Citywide 2A Maintenance Zone 9

381458 AT AND T MCI	PHONE	82.20
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Citywide 2A Maintenance Zone10

381428 SILVA LANDSCAPE	LANDSCAPE SERVICES	375.00
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257 SLLMD Administration Fund

SLLMD Administration

381349 BANK OF AMERICA	EQUIPMENT	488.65
381386 FURBER SAW INC	PARTS	1,114.30
381410 LOWES COMPANIES INC	SUPPLIES	84.71
381441 VERIZON WIRELESS	DATA SERVICES	76.02
381533 NEXTEL SPRINT	CELL PHONE	171.47
381551 ROYAL BRASS INC	PARTS	5.91

259 East Lone Tree SLLMD Fund

Zone 1-District 10

381447 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	5,021.52
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311 Capital Improvement Fund

Non Departmental

Parks & Open Space

381373 CONTRACTOR COMPLIANCE	LABOR COMPLIANCE SERVICES	60.00
381413 MERCOZA	PREWETT CONCRETE PROJECT	224,700.00
381527 MERCOZA	PREWETT CONCRETE PROJECT	1,280.00

376 Lone Diamond Fund

Assessment District

381468 CENTRAL SELF STORAGE ANTIOCH	STORAGE FEE	277.00
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416 Honeywell Capital Lease Fund

Non Departmental

381463 BANK OF AMERICA	DEBT SERVICE PAYMENT	45,427.96
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570 Equipment Maintenance Fund

Non Departmental

381509 HUNT AND SONS INC	FUEL	31,826.34
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Equipment Maintenance

381441 VERIZON WIRELESS	DATA SERVICES	38.01
381451 ANTIOCH AUTO PARTS	AUTO PARTS	1,061.41
381551 ROYAL BRASS INC	SUPPLIES	41.14

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573 Information Services Fund

Non Departmental

Information Services

381458 AT AND T MCI	PHONE	75.58
381571 VERIZON WIRELESS	DATA SERVICES	381.53

Network Support & PCs

381365 COMCAST	CONNECTION SERVICES	161.89
381458 AT AND T MCI	PHONE	332.18
381472 COMCAST	CONNECTION SERVICES	114.42
381473 COMCAST	CONNECTION SERVICES	108.42
381515 KIS	PROFESSIONAL SERVICES	150.00
381539 PAGEFREEZER SOFTWARE INC	PUBLIC RECORDS COMPLIANCE	4,990.00

Telephone System

381347 AT AND T MCI	PHONE	21.21
381449 AMERICAN MESSAGING	PAGER SERVICE	43.38
381458 AT AND T MCI	PHONE	2,258.45
381574 AMERICAN MESSAGING	PAGER SERVICE	43.38

GIS Support Services

381349 BANK OF AMERICA	KEYBOARD	76.68
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Office Equipment Replacement

934202 COMPUTERLAND	EQUIPMENT	1,991.80
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577 Post Retirement Medical-Police Fund

Non Departmental

381579 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
381580 RETIREE	MEDICAL AFTER RETIREMENT	768.25
381586 RETIREE	MEDICAL AFTER RETIREMENT	1,093.20
381589 RETIREE	MEDICAL AFTER RETIREMENT	1,093.20
381597 RETIREE	MEDICAL AFTER RETIREMENT	403.35
381601 RETIREE	MEDICAL AFTER RETIREMENT	955.99
381603 RETIREE	MEDICAL AFTER RETIREMENT	1,239.98
381609 RETIREE	MEDICAL AFTER RETIREMENT	248.13
381612 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
381616 RETIREE	MEDICAL AFTER RETIREMENT	511.48
934228 RETIREE	MEDICAL AFTER RETIREMENT	511.48
934229 RETIREE	MEDICAL AFTER RETIREMENT	1,861.45
934233 RETIREE	MEDICAL AFTER RETIREMENT	955.99

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934234 RETIREE	MEDICAL AFTER RETIREMENT	286.54
934236 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934237 RETIREE	MEDICAL AFTER RETIREMENT	1,022.99
934241 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934242 RETIREE	MEDICAL AFTER RETIREMENT	1,124.82
934249 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934254 RETIREE	MEDICAL AFTER RETIREMENT	972.43
934256 RETIREE	MEDICAL AFTER RETIREMENT	886.00
934259 RETIREE	MEDICAL AFTER RETIREMENT	584.82
934261 RETIREE	MEDICAL AFTER RETIREMENT	1,332.57
934273 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934274 RETIREE	MEDICAL AFTER RETIREMENT	1,536.50
934279 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934280 RETIREE	MEDICAL AFTER RETIREMENT	886.00
934281 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934293 RETIREE	MEDICAL AFTER RETIREMENT	248.13
934296 RETIREE	MEDICAL AFTER RETIREMENT	511.48
934297 RETIREE	MEDICAL AFTER RETIREMENT	1,344.66
934298 RETIREE	MEDICAL AFTER RETIREMENT	275.71
934299 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934305 RETIREE	MEDICAL AFTER RETIREMENT	187.74
934306 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934320 RETIREE	MEDICAL AFTER RETIREMENT	1,089.10
934322 RETIREE	MEDICAL AFTER RETIREMENT	632.25
934323 RETIREE	MEDICAL AFTER RETIREMENT	258.83
934334 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934335 RETIREE	MEDICAL AFTER RETIREMENT	584.82
934336 RETIREE	MEDICAL AFTER RETIREMENT	955.99
934338 RETIREE	MEDICAL AFTER RETIREMENT	1,016.38
934347 RETIREE	MEDICAL AFTER RETIREMENT	1,014.04
934348 RETIREE	MEDICAL AFTER RETIREMENT	1,423.72
934357 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934359 RETIREE	MEDICAL AFTER RETIREMENT	768.25
934364 RETIREE	MEDICAL AFTER RETIREMENT	511.48
934368 RETIREE	MEDICAL AFTER RETIREMENT	248.13
934378 RETIREE	MEDICAL AFTER RETIREMENT	632.25
934380 RETIREE	MEDICAL AFTER RETIREMENT	67.50
934381 RETIREE	MEDICAL AFTER RETIREMENT	632.25

578 Post Retirement Medical-Misc Fund

Non Departmental

381578 RETIREE	MEDICAL AFTER RETIREMENT	218.69
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381581 RETIREE	MEDICAL AFTER RETIREMENT	491.84
381587 RETIREE	MEDICAL AFTER RETIREMENT	100.69
381590 RETIREE	MEDICAL AFTER RETIREMENT	100.69
381592 RETIREE	MEDICAL AFTER RETIREMENT	709.38
381598 RETIREE	MEDICAL AFTER RETIREMENT	218.69
381604 RETIREE	MEDICAL AFTER RETIREMENT	100.69
381606 RETIREE	MEDICAL AFTER RETIREMENT	100.69
381607 RETIREE	MEDICAL AFTER RETIREMENT	337.38
381608 RETIREE	MEDICAL AFTER RETIREMENT	100.69
381611 RETIREE	MEDICAL AFTER RETIREMENT	100.69
381614 RETIREE	MEDICAL AFTER RETIREMENT	100.00
381615 RETIREE	MEDICAL AFTER RETIREMENT	100.69
381617 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934227 RETIREE	MEDICAL AFTER RETIREMENT	3,546.90
934230 RETIREE	MEDICAL AFTER RETIREMENT	258.83
934231 RETIREE	MEDICAL AFTER RETIREMENT	163.37
934235 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934240 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934245 RETIREE	MEDICAL AFTER RETIREMENT	218.69
934247 RETIREE	MEDICAL AFTER RETIREMENT	218.69
934250 RETIREE	MEDICAL AFTER RETIREMENT	218.69
934251 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934252 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934255 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934262 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934265 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934266 RETIREE	MEDICAL AFTER RETIREMENT	218.69
934269 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934272 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934276 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934277 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934278 RETIREE	MEDICAL AFTER RETIREMENT	187.74
934285 RETIREE	MEDICAL AFTER RETIREMENT	709.38
934286 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934287 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934288 RETIREE	MEDICAL AFTER RETIREMENT	117.78
934292 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934295 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934301 RETIREE	MEDICAL AFTER RETIREMENT	218.69
934304 RETIREE	MEDICAL AFTER RETIREMENT	103.69
934308 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934311 RETIREE	MEDICAL AFTER RETIREMENT	573.38

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934313 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934314 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934318 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934329 RETIREE	MEDICAL AFTER RETIREMENT	187.74
934330 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934331 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934340 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934343 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934346 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934352 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934362 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934366 RETIREE	MEDICAL AFTER RETIREMENT	23.70
934367 RETIREE	MEDICAL AFTER RETIREMENT	187.74
934369 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934371 RETIREE	MEDICAL AFTER RETIREMENT	709.38
934377 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934379 RETIREE	MEDICAL AFTER RETIREMENT	100.69

579 Post Retirement Medical-Mgmt Fund

Non Departmental

381582 RETIREE	MEDICAL AFTER RETIREMENT	877.90
381584 RETIREE	MEDICAL AFTER RETIREMENT	158.69
381588 RETIREE	MEDICAL AFTER RETIREMENT	604.14
381591 RETIREE	MEDICAL AFTER RETIREMENT	218.69
381593 RETIREE	MEDICAL AFTER RETIREMENT	877.90
381594 RETIREE	MEDICAL AFTER RETIREMENT	187.74
381595 RETIREE	MEDICAL AFTER RETIREMENT	400.00
381596 RETIREE	MEDICAL AFTER RETIREMENT	573.38
381599 RETIREE	MEDICAL AFTER RETIREMENT	1,861.45
381602 RETIREE	MEDICAL AFTER RETIREMENT	337.38
381605 RETIREE	MEDICAL AFTER RETIREMENT	738.38
381610 RETIREE	MEDICAL AFTER RETIREMENT	877.90
381613 RETIREE	MEDICAL AFTER RETIREMENT	1,861.45
934232 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934238 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934239 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934243 RETIREE	MEDICAL AFTER RETIREMENT	190.74
934244 RETIREE	MEDICAL AFTER RETIREMENT	187.74
934246 RETIREE	MEDICAL AFTER RETIREMENT	158.70
934248 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934253 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934257 RETIREE	MEDICAL AFTER RETIREMENT	573.38

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934258 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934260 RETIREE	MEDICAL AFTER RETIREMENT	709.38
934263 RETIREE	MEDICAL AFTER RETIREMENT	653.66
934264 RETIREE	MEDICAL AFTER RETIREMENT	163.37
934267 RETIREE	MEDICAL AFTER RETIREMENT	1,013.90
934268 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934270 RETIREE	MEDICAL AFTER RETIREMENT	453.38
934271 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934275 RETIREE	MEDICAL AFTER RETIREMENT	258.83
934282 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934283 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934284 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934289 RETIREE	MEDICAL AFTER RETIREMENT	426.90
934290 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934291 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934300 RETIREE	MEDICAL AFTER RETIREMENT	359.91
934302 RETIREE	MEDICAL AFTER RETIREMENT	709.38
934303 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934307 RETIREE	MEDICAL AFTER RETIREMENT	877.90
934309 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934310 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934312 RETIREE	MEDICAL AFTER RETIREMENT	1,400.50
934315 RETIREE	MEDICAL AFTER RETIREMENT	46.16
934316 RETIREE	MEDICAL AFTER RETIREMENT	1,016.38
934317 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934319 RETIREE	MEDICAL AFTER RETIREMENT	1,246.85
934321 RETIREE	MEDICAL AFTER RETIREMENT	224.41
934324 RETIREE	MEDICAL AFTER RETIREMENT	258.83
934325 RETIREE	MEDICAL AFTER RETIREMENT	158.69
934326 RETIREE	MEDICAL AFTER RETIREMENT	1,861.45
934327 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934328 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934332 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934333 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934337 RETIREE	MEDICAL AFTER RETIREMENT	610.47
934339 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934341 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934342 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934344 RETIREE	MEDICAL AFTER RETIREMENT	218.69
934345 RETIREE	MEDICAL AFTER RETIREMENT	158.70
934349 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934350 RETIREE	MEDICAL AFTER RETIREMENT	337.38

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934351 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934353 RETIREE	MEDICAL AFTER RETIREMENT	258.83
934354 RETIREE	MEDICAL AFTER RETIREMENT	653.66
934355 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934356 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934358 RETIREE	MEDICAL AFTER RETIREMENT	453.38
934360 RETIREE	MEDICAL AFTER RETIREMENT	223.89
934361 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934363 RETIREE	MEDICAL AFTER RETIREMENT	573.38
934365 RETIREE	MEDICAL AFTER RETIREMENT	709.38
934370 RETIREE	MEDICAL AFTER RETIREMENT	337.38
934372 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934373 RETIREE	MEDICAL AFTER RETIREMENT	229.69
934374 RETIREE	MEDICAL AFTER RETIREMENT	1,652.77
934375 RETIREE	MEDICAL AFTER RETIREMENT	100.69
934376 RETIREE	MEDICAL AFTER RETIREMENT	1,861.45

611 Water Fund

Non Departmental

381341 AMERICAN TEXTILE AND SUPPLY	CHECK REPLACEMENT	655.50
381363 COLE SUPPLY CO INC	SUPPLIES	235.55
381364 COLE SUPPLY CO INC	SUPPLIES	531.94
381371 CONTRA COSTA HEALTH SERVICES	PERMIT FEE	3,638.00
381395 WILCO SUPPLY	MASTER LOCKS	86.09
381410 LOWES COMPANIES INC	SUPPLIES	506.01
381451 ANTIOCH AUTO PARTS	SUPPLIES	329.53
381464 BISHOP CO	SUPPLIES	926.14
381471 COLE SUPPLY CO INC	SUPPLIES	1,766.93
381493 EAST BAY WORK WEAR	SUPPLIES	1,182.24
381510 WILCO SUPPLY	SUPPLIES	102.70
381549 ROBERTS AND BRUNE CO	PIPE FITTINGS	5,946.58
381572 WESCO RECEIVABLES CORP	SUPPLIES	454.92
934221 GRAINGER INC	SUPPLIES	1,257.87

Water Supervision

381441 VERIZON WIRELESS	DATA SERVICES	152.04
381493 EAST BAY WORK WEAR	UNIFORMS	136.31
381533 NEXTEL SPRINT	CELL PHONE	173.25
381558 SOUTHWEST MEMBRANE OPER.	CONFERENCE DUES	450.00

Water Production

381343 ACE HARDWARE, ANTIOCH	SUPPLIES	13.94
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381345 APPLIED TECHNOLOGY GROUP INC	PARTS	499.00
381346 ARAMARK UNIFORM SERVICES	PROFESSIONAL SERVICES	49.61
381349 BANK OF AMERICA	SUPPLIES	48.93
381351 BENNETT, KORY C	EXPENSE REIMBURSEMENT	39.90
381356 BURLINGAME ENGINEERS INC	PARTS	2,753.25
381359 CHUCKS BRAKE AND WHEEL SERV	PARTS	94.91
381372 CONTRA COSTA WATER DISTRICT	UNTREATED WATER	333,808.76
381382 ENVIRONMENTAL RESOURCE ASSOC	TESTING	169.35
381390 GUALCO GROUP INC, THE	PROFESSIONAL SERVICES	6,000.00
381391 HACH CO	LAB SUPPLIES	597.77
381402 KARL NEEDHAM ENTERPRISES INC	EQUIPMENT RENTAL	30,081.39
381403 LAW OFFICE OF MATTHEW EMRICK	WATER RIGHTS	6,179.00
381410 LOWES COMPANIES INC	SUPPLIES	115.43
381419 OFFICE MAX INC	OFFICE SUPPLIES	79.28
381421 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	224.31
381425 ROBINS LOCK AND KEY	PARTS	70.00
381429 SOUTHWEST VALVE LLC	PARTS	216.65
381439 UNIVAR USA INC	CAUSTIC	16,000.65
381440 US BANK	COPIER LEASE	79.28
381441 VERIZON WIRELESS	DATA SERVICES	38.01
381451 ANTIOCH AUTO PARTS	PARTS	171.92
381454 ARAMARK UNIFORM SERVICES	PROFESSIONAL SERVICES	49.61
381458 AT AND T MCI	PHONE	1,114.66
381465 BORGES AND MAHONEY	PARTS	241.71
381475 CONTRA COSTA FIRE EQUIPMENT	PARTS	845.22
381497 EXPONENT INC	WATER RIGHTS CONSULTING	10,567.50
381498 FASTENAL CO	SUPPLIES	27.91
381501 FRANK A OLSEN COMPANY INC	PARTS	492.78
381506 HARRINGTON INDUSTRIAL PLASTICS	PARTS	198.75
381533 NEXTEL SPRINT	CELL PHONE	78.41
381549 ROBERTS AND BRUNE CO	PARTS	198.38
381559 SOUTHWEST VALVE LLC	PARTS	3,861.00
381568 UNITED PARCEL SERVICE	SHIPPING	21.82
381569 UNIVAR USA INC	CAUSTIC	8,082.82
934208 IDEXX LABORATORIES INC	SUPPLIES	2,650.80
934216 AIRGAS SPECIALTY PRODUCTS	CHEMICALS	2,731.05
934220 CHEMTRADE CHEMICALS US LLC	ALUM	12,143.95
934221 GRAINGER INC	PARTS	1,222.09

Water Distribution

381343 ACE HARDWARE, ANTIOCH	SUPPLIES	1.35
381349 BANK OF AMERICA	MEDICAL EXAM	306.19

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381357 C AND J FAVALORA TRUCKING INC	RECYCLING PROJECT	8,035.00
381358 CAPITAL AIR TOOL LLC	WATER DIST	227.77
381377 DELTA DIABLO	RECYCLED WATER PARKS	8,043.36
381386 FURBER SAW INC	PARTS	826.39
381398 INFOSEND INC	POSTAGE COSTS	267.38
381410 LOWES COMPANIES INC	SUPPLIES	1,191.78
381418 NCBPA	TRAINING	2,370.00
381419 OFFICE MAX INC	OFFICE SUPPLIES	313.77
381422 PARCEL QUEST	DISCOVERY SERVICES	4,789.58
381441 VERIZON WIRELESS	DATA SERVICES	380.10
381442 WATSON, SEAN K	EXPENSE REIMBURSEMENT	70.00
381450 ACE HARDWARE, ANTIOCH	SUPPLIES	231.37
381452 ANTIOCH BUILDING MATERIALS	MATERIALS	3,282.49
381458 AT AND T MCI	PHONE	20.55
381479 CWEA SFBS	CERTIFICATE RENEWAL	97.00
381480 CWEA SFBS	CERTIFICATE RENEWAL	92.00
381481 CWEA SFBS	CERTIFICATE RENEWAL	87.00
381482 CWEA SFBS	CERTIFICATE RENEWAL	92.00
381483 CWEA SFBS	CERTIFICATE RENEWAL	92.00
381484 CWEA SFBS	CERTIFICATE RENEWAL	87.00
381485 CWEA SFBS	CERTIFICATE RENEWAL	92.00
381498 FASTENAL CO	SUPPLIES	34.84
381502 G AND S PAVING INC	ASPHALT REPAIRS	21,960.05
381514 KIE CON	MATERIALS	811.88
381533 NEXTEL SPRINT	CELL PHONE	637.41
381545 RAYAS, MARIA LOUISE	EXPENSE REIMBURSEMENT	75.54
381549 ROBERTS AND BRUNE CO	PIPE FITTINGS	2,916.98
381552 RT LAWRENCE CORP	LOCKBOX PROCESSING	466.66
381566 TRENCH PLATE RENTAL CO INC	EQUIPMENT	1,613.82
381568 UNITED PARCEL SERVICE	SHIPPING	62.93
934207 ICR ELECTRICAL CONTRACTORS	ELETRICAL SERVICES	299.63
934221 GRAINGER INC	SUPPLIES	1,168.89

Water Meter Reading

381410 LOWES COMPANIES INC	SUPPLIES	73.66
381419 OFFICE MAX INC	OFFICE SUPPLIES	1,947.61
381441 VERIZON WIRELESS	DATA SERVICES	38.01
381533 NEXTEL SPRINT	CELL PHONE	62.28
381549 ROBERTS AND BRUNE CO	PIPE FITTINGS	23,725.88
934221 GRAINGER INC	SUPPLIES	213.21

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Public Buildings & Facilities

381342 ANDERSON PACIFIC ENGINEERING I	WATER TREATMENT PROJECT	35,416.82
381517 KOFFLER ELECTRICAL MECH	WATER PROJECTS	29,317.35
934219 CAROLLO ENGINEERS INC	PROFESSIONAL SERVICES	205,487.43

Warehouse & Central Stores

381438 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	17.50
381533 NEXTEL SPRINT	CELL PHONE	65.69
381568 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	6.00

621 Sewer Fund

Non Departmental

Sewer-Wastewater Supervision

381375 CRYSTAL CLEAR LOGOS INC	COLLECTIONS	276.66
381441 VERIZON WIRELESS	DATA SERVICES	76.02
381552 RT LAWRENCE CORP	LOCKBOX PROCESSING	466.65

Sewer-Wastewater Collection

206285 CWEA SFBS	CERTIFICATE RENEWAL	87.00
300651 CWEA SFBS	MEMBERSHIP RENEWAL	188.00
381349 BANK OF AMERICA	PROFESSIONAL SERVICES	913.93
381357 C AND J FAVALORA TRUCKING INC	RECYCLING PROJECT	8,035.00
381358 CAPITAL AIR TOOL LLC	SUPPLIES	121.04
381398 INFOSEND INC	POSTAGE COSTS	267.38
381410 LOWES COMPANIES INC	SUPPLIES	853.78
381415 MT DIABLO LANDSCAPE CENTERS	REPAIR SERVICES	192.43
381419 OFFICE MAX INC	OFFICE SUPPLIES	387.34
381422 PARCEL QUEST	DISCOVERY SERVICES	550.00
381437 TRUESDELL, CHAD C	LICENSE REIMBURSEMENT	78.00
381441 VERIZON WIRELESS	DATA SERVICES	228.06
381452 ANTIOCH BUILDING MATERIALS	MATERIALS	3,778.99
381458 AT AND T MCI	PHONE	45.27
381487 DELTA DIABLO	HHW PROGRAM	19,686.82
381502 G AND S PAVING INC	ASPHALT REPAIRS	21,960.05
381514 KIE CON	MATERIALS	811.87
381533 NEXTEL SPRINT	CELL PHONE	463.97
381549 ROBERTS AND BRUNE CO	PIPE FITTINGS	812.82
381551 ROYAL BRASS INC	SUPPLIES	6.44
381568 UNITED PARCEL SERVICE	SHIPPING	18.12
381575 AMERICAN TEXTILE AND SUPPLY	SUPPLIES	1,886.54
934198 3T EQUIPMENT COMPANY	PARTS	13,925.41

CITY OF ANTIOCH
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
MAY 17 - MAY 30, 2019
FUND/CHECK#

934207 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	299.64
934221 GRAINGER INC	SUPPLIES	223.43
934226 SCOTTO, CHARLES W AND DONNA	BUILDING LEASE	4,750.00

631 Marina Fund

Marina Administration

381349 BANK OF AMERICA	ADVERTISING	1,197.80
381419 OFFICE MAX INC	OFFICE SUPPLIES	268.16
381533 NEXTEL SPRINT	CELL PHONE	57.75
381548 RECREATION PUBLICATIONS	ADVERTISING	509.50

Marina Maintenance

381410 LOWES COMPANIES INC	SUPPLIES	26.79
381426 SCRIBBLE SOFTWARE INC	COMPUTER SOFTWARE	375.00
381486 DELTA DENTAL	PAYROLL DEDUCTIONS	105.71
381542 PFLUEGER, MATTHEW JAMES	EXPENSE REIMBURSEMENT	114.38

Marina Boat Launch

381410 LOWES COMPANIES INC	SUPPLIES	98.36
381486 DELTA DENTAL	PAYROLL DEDUCTIONS	18.65
381508 HOME DEPOT, THE	SUPPLIES	29.48
381542 PFLUEGER, MATTHEW JAMES	EXPENSE REIMBURSEMENT	297.11

721 Employee Benefits Fund

Non Departmental

381361 CITY SPORTS CLUB	PAYROLL DEDUCTIONS	54.98
381368 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
381379 DIAMOND HILLS SPORT CLUB	PAYROLL DEDUCTIONS	209.00
381387 EMPLOYEE	PAYROLL DEDUCTIONS	195.62
381396 IN SHAPE HEALTH CLUBS	PAYROLL DEDUCTIONS	745.00
381401 IRVIN DEUTSCHER YMCA	PAYROLL DEDUCTIONS	50.00
381407 LINA	PAYROLL DEDUCTIONS	3,407.11
381417 MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	2,007.59
381420 OPERATING ENGINEERS LOCAL 3	PAYROLL DEDUCTIONS	3,264.00
381423 PARS	PAYROLL DEDUCTIONS	4,639.53
381430 STANDARD LIFE INSURANCE	PAYROLL DEDUCTIONS	955.75
381431 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
381432 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	278.05
381433 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	1,131.81
381444 AFLAC	PAYROLL DEDUCTIONS	5,410.86
381486 DELTA DENTAL	PAYROLL DEDUCTIONS	37,379.05
934199 ANTIOCH PD SWORN MGMT ASSOC	PAYROLL DEDUCTIONS	660.00

CITY OF ANTIOCH
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
MAY 17 - MAY 30, 2019
FUND/CHECK#


934200 ANTIOCH POLICE OFFICERS ASSOC	PAYROLL DEDUCTIONS	20,386.44
934201 ANTIOCH PUBLIC WORKS EMPLOYEE	PAYROLL DEDUCTIONS	3,686.60
934210 NATIONWIDE RETIREMENT SOLUTION	PAYROLL DEDUCTIONS	41,759.91
934214 VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	5,284.44




STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Kevin Scudero, Associate Planner 

APPROVED BY: Forrest Ebbs, Community Development Director 

SUBJECT: Acorn Business Park
(PD-18-02, UP-18-09, AR-18-09, PW-357-301-19)

RECOMMENDED ACTION

It is recommended that the City Council adopt the Ordinance approving a rezone of the project site from Planned Business Center (PBC) and Regional Commercial (C-3) to Planned Development District (PD-18-02) (Attachment "A").

DISCUSSION

The adoption of an Ordinance requires two separate readings. The subject Ordinance was introduced at the May 28, 2019 City Council meeting. This second reading will finalize the adoption of this Ordinance.

ATTACHMENTS

A: Ordinance approving rezone of the project site

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE
19.75 ACRES TO PLANNED DEVELOPMENT DISTRICT (PD-18-02) FOR THE
ACORN BUSINESS PARK PROJECT (APNs 051-052-112, and 051-052-113)**

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

SECTION 1: The City Council determined on May 28, 2019, pursuant to Section 15070 of the Guidelines of the California Environmental Quality Act, that the appropriate environmental document for the project is an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

SECTION 2: At its regular meeting of May 15, 2019, the Planning Commission recommended that the City Council approve the resolution adopting the Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and Errata for the proposed project and recommended that the City Council adopt the ordinance to rezone the subject property to Planned Development District (PD-18-02) for the Acorn Business Park Project.

SECTION 3: At its regular meeting of May 28, 2019, the City Council approved the resolution adopting the Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and Errata for the proposed project.

SECTION 4: The real property described in Exhibit A, attached hereto, is hereby rezoned to Planned Development District (PD-18-02) for the Acorn Business Park Project.

SECTION 5: The development standards, as defined below, for the subject property (APNs 051-052-112, and -051-052-113), known as the Acorn Business Park Project, are herein incorporated into this ordinance, and are binding upon said property.

**Development Standards for the Acorn Business Park Planned Development
District (PD-18-02)**

Development Standards for the Acorn Business Park Planned Development District	PD Zoning Standards for Subsection A (Commercial)	PD Zoning Standards for Subsection B (Self-Storage)	PD Zoning Standards for Subsection C (Light Industrial Business Park)
Maximum Building Height	70'	Storage Buildings 18'; Storage Office 40'; Cell Towers 50'	50'
Minimum Lot Size	20,000 SF	20,000 SF	20,000 SF
Maximum Lot Coverage	40%	65%	50%

Development Standards for the Acorn Business Park Planned Development District	PD Zoning Standards for Subsection A (Commercial)	PD Zoning Standards for Subsection B (Self-Storage)	PD Zoning Standards for Subsection C (Light Industrial Business Park)
Minimum Lot Width	Lots shall conform to the Vesting Tentative Subdivision Map submitted to the Community Development Department and dated September 14, 2018	Lots shall conform to the Vesting Tentative Subdivision Map submitted to the Community Development Department and dated September 14, 2018	Lots shall conform to the Vesting Tentative Subdivision Map submitted to the Community Development Department and dated September 14, 2018
Minimum Front/Street Side Setbacks	30' along E. 18 th St.	30' along E. 18 th St.; 20' along Drive-In Way	20' along Drive-In Way and Sakurai Street
Minimum Interior Side Yard Setbacks	<u>0'</u>	<u>0'</u>	<u>0'</u>
Minimum Rear Yard Setbacks	<u>10'</u>	<u>0'</u>	<u>0'</u>
Parking and Driveways	Parking provided per approved Final Development Plan or subsequent use permit requirements	Parking provided per approved Final Development Plan.	Parking provided per approved Final Development Plan or subsequent use permit requirements.
Driveway/Drive Aisle Width	Driveway 36' max; Drive Aisle 26' min. Ultimate driveway width subject to City Engineer Approval	Driveways 36' max; Drive Aisles 25' min. Ultimate driveway width subject to City Engineer Approval	36' max; Drive Aisles 26' min. Ultimate driveway width subject to City Engineer Approval
Landscape Requirements	Project landscaping shall be consistent with the Acorn Business Park Landscape Plan submitted to the Community Development Department on September 14, 2018	Project landscaping shall be consistent with the Acorn Business Park Landscape Plan submitted to the Community Development Department on September 14, 2018	Project landscaping shall be consistent with the Acorn Business Park Landscape Plan submitted to the Community Development Department on September 14, 2018

SECTION 6: The allowed uses, as defined below, for the subject property (APNs 051-052-112 and 051-052-113), known as the Acorn Business Park Project, are herein incorporated into this ordinance, and are binding upon said property.

Similar Use Determination. Additional uses not specifically listed in the following table maybe be allowed where the Community Development Director determines a proposed use is substantially similar to a listed use. Such use would be subject to any reviews and limitations noted herein for the listed use that is identified as similar.

Allowed Uses for the Acorn Business Park Commercial Sub-Section A Planned Development District (PD-18-02)

Allowed Uses		Notes
Merchandise and/or General Retail Sales	Allowed	Broadly includes merchandise and general retail except as otherwise defined herein.
Supermarkets or Grocery	Allowed	Supermarkets and groceries over 5,000 s.f. allowed to have alcohol sales by right
Convenience Store	Allowed	Limited to one store as a permitted use within the project. Any additional convenience store must apply for a conditional use permit. Convenience store defined as a store less than 5,000 s.f. that sells primarily packaged food, household, and personal convenience items. Alcohol sales require a conditional use permit.
Pet supply stores with ancillary uses such as grooming services	Allowed	
Liquor Stores	CUP	Liquor Stores including by way of example, but not limited to, establishments that sell primarily beer, wine, or distilled spirits. No more than one liquor store is allowed within the center.
Cannabis Uses	CUP	All uses allowed in the Antioch Cannabis Overlay District per the Antioch Municipal Code and adopted Cannabis Guidelines
Restaurants (with or without liquor sales)	Allowed	Including, but not limited to: full-service sit-down restaurant establishments; take-out only establishments; delis; and, fast-food with no drive-through.
Bar, sports bar, lounge, nightclub and similar establishments	CUP	No more than one type of on-site sale of beer, wine, or distilled spirits establishment, including establishments which offer food as a secondary use, live entertainment and/or dancing.
Tasting room – beer, wine, distilled spirits	CUP	No more than one of each type (beer, wine, distilled spirits). Serving space may not exceed 30% of total square footage of business with limitation on hours of operation as determined appropriate during CUP review.
Indoor entertainment and recreation	Allowed	Indoor entertainment and recreation facilities such as video arcades, trampoline parks, batting cages and similar uses as approved by the Community Development Director.
Health clubs and fitness studios	Allowed	Ancillary outdoor facilities such as swimming pools or tennis courts require approval of a conditional use permit.
Clubs/Lodges/Cultural Institutions	CUP	Subject to analysis of site access, internal circulation, noise and other issues as identified by the City.
Commercial uses which manufacture and sell their primary product on the premises	Allowed	Uses include, but are not limited to, jewelry, bakeries, coffee roaster, ice cream

Commercial and personal services	Allowed	Broadly includes personal services such as hair salons and day spas and professional offices such as title companies, real estate offices, tutoring centers that provide services to the general public or to other businesses and that do not have the potential to generate noise, odors, fumes or hazards that could adversely impact surrounding uses.
Professional Office	Allowed	Including but not limited to business, institutional, administrative, financial, professional and governmental offices, public and quasi-public offices.
Acute Care/Rehabilitation Care/Psychiatric Care/other general medical care providers and offices	Allowed	
Pet Grooming and Veterinary Clinics	Allowed	Overnight boarding of pets requires an administrative use permit
Childcare/Daycare	CUP	Childcare/daycare smaller than 3,000 SF are allowed by right. Uses larger than 3,000 SF require a use permit approval supported by analysis of site access, internal circulation, noise and other potential impacts identified by the Community Development Director.
Wholesale showrooms and distribution centers	Allowed	Includes the sale of furniture, appliances and similar bulk retail as approved by the Community Development Director.
Medical/Dental/Optical Laboratories	Allowed	
Hotel	Allowed	Includes hotel as well as auxiliary uses and services to hotel such as a hotel bar, restaurant or conference room. Maximum number of rooms shall be determined by the ability to meet the parking requirements for hotels outlined in the Antioch Municipal Code.
Tobacco and Paraphernalia Retailer	Not allowed except as follows	Retail businesses larger than 5,000 square feet may sell tobacco where less than 5% of their sales area devoted to tobacco products.
Check cashing facilities, pawnshops and second-hand sales	CUP	Shall be limited to one such facility within the project. Second-hand sales that do not accept donations on site shall be considered an allowed use.
Outdoor display, dining, and/or sale of merchandise	Allowed with Administrative Use Permit	Outdoor display, dining, and/or sales areas are permitted as ancillary uses to existing tenants or as seasonal events not associated with a tenant, such as Christmas tree lots and pumpkin patches. These uses shall be subject to administrative use permit approval by the Zoning Administrator.
Drive Up Windows for all types of uses (i.e. restaurant, bank, etc.)	CUP	Any drive-through would require amendment of the project approvals per the requirements of § 9-5.2311 and use permit approval, supported by analysis of site access, internal circulation, noise and other potential impacts as identified by the Community Development Department.
Cell Towers	CUP	Subject to the requirements set forth in the Antioch Municipal Code.

Temporary parking lot display and/or sale areas	AUP	Are permitted as ancillary uses to existing tenants. These uses shall be subject to administrative use permit approval by the Zoning Administrator.
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**Allowed Uses for the Acorn Business Park Self-Storage Facility Sub-Section B
Planned Development District (PD-18-02)**

Allowed Uses		Notes
Self-Storage	Allowed	Maximum of 1,025 units allowed. Maximum building square footage of 121,981 square feet as depicted on the project plans submitted to the City of Antioch on September 14, 2018. Includes ancillary sales and truck rentals for self-storage customers. Trucks for rent must be parked in approved parking spaces on the interior of the site.
Solar Energy Generation	Allowed	Rooftop solar on self-storage building rooftops. Ground mounted solar is not allowed.
RV Parking	AUP	Utilization of the site for temporary RV parking during the phased construction of the self-storage facility.
Cell Towers	CUP	Subject to the requirements set forth in the Antioch Municipal Code. Maximum height allowed of 50 feet.

**Allowed Uses for the Acorn Business Park Light Industrial Business Park Sub-
Section C Planned Development District (PD-18-02)**

Allowed Uses		Notes
Commissary	Allowed	Commissary uses related to the operation of commercial kitchens and food trucks.
Food and Beverage production	Allowed	Tasting rooms are allowed provided they are ancillary to the production of food and beverages.
Indoor entertainment and recreation	Allowed	Indoor entertainment and recreation facilities such as video arcades, trampoline parks, batting cages, athletic training facilities and similar uses as approved by the Community Development Director. Any outdoor component shall require approval of a conditional use permit.
Health clubs and fitness studios	Allowed	Ancillary outdoor facilities such as swimming pools or tennis courts require approval of a conditional use permit.
Professional Office	Allowed	Including but not limited to business, institutional, administrative, financial, professional and governmental offices, public and quasi-public offices. Professional offices that require the storage of fleet vehicles that leave the site daily such as maid services, ambulance services or repair services shall be considered an allowed use.

Acute Care/Rehabilitation Care/Psychiatric Care/other general medical care providers and offices	Allowed	
Pet Grooming and Veterinary Clinics	Allowed	Such uses must be confined to interior of the building.
Warehousing, distribution and storage	Allowed	Consists of the warehousing and storage of goods and materials for the purpose of distribution. All storage must occur within a building. Self-storage and automotive storage are not allowed.
Light Manufacturing – Production and Assembly	Allowed	Including but not limited to cabinetry, countertop, and furniture fabrication shops. All such uses must occur within a building.
Research and development facilities	Allowed	
Wholesale showrooms and distribution centers	Allowed	Includes the sale of furniture, appliances and similar bulk retail as approved by the Community Development Director.
Medical/Dental/Optical Laboratories	Allowed	
Cannabis Uses	CUP	All uses allowed in the Antioch Cannabis Overlay District per the Antioch Municipal Code and adopted Cannabis Guidelines
Cell Towers	CUP	Subject to the requirements set forth in the Antioch Municipal Code.
Outdoor storage	AUP	Outdoor storage of equipment and materials shall be subject to administrative use permit approval by the Zoning Administrator.
Temporary parking lot display and/or sale areas	AUP	Are permitted as ancillary uses to existing tenants. These uses shall be subject to administrative use permit approval by the Zoning Administrator.

Allowed: Allowed by right, subject to limitations as noted

CUP: Allowed subject to approval of a Conditional Use Permit

AUP: Allowed subject to approval of an Administrative Use Permit

SECTION 7: The City Council finds that the public necessity requires the proposed zone change, that the subject property is suitable to the use permitted in the proposed zone change, that said permitted use is not detrimental to the surrounding property, and that the proposed zone change is in conformance with the Antioch General Plan.

SECTION 8: This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 28th day of May, and passed and adopted at a regular meeting thereof, held on the 11th day of June, 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

EXHIBIT A

LEGAL DESCRIPTION

All that certain real property situated in the County of Contra Costa, State of California, described as follows:

City of Antioch

Parcel One:

The West half of Lot 2 and the West half of the East half of Lots 10 and 12 as designated on the Map entitled, "Map of Subdivision of Lands of Frank Peabody in South Half of Section 21, Township 2 North, Range 2 East" which Map was filed in the Office of the Recorder of the County of Contra Costa, State of California, on October 29, 1902 in Book C of Maps, at Page 68.

Excepting from Parcel One: that portion of Lot 2 described in the Deed from Ivan Winger, et ux, to Elmar D. Johnson, Recorded July 22, 1957, in Volume 3017 of Official Records, at Page 5, as follows:

"Beginning in the center line of a County road, said center line being the North line of said Lot 2, distant thereon Easterly 160 feet from the Northwest corner of said Lot 2; thence from said point of beginning, Easterly along said center line 99 feet; thence Southerly parallel with the West line of said Lot 2 220 feet; thence Westerly parallel with the North line of said Lot, 99 feet; thence Northerly parallel with the West line of said Lot 220 feet to the point of beginning."

Also excepting therefrom: that portion thereof granted to Contra Costa County by instrument dated August 6, 1969, Recorded November 13, 1969, Book 6003, Page 262, Series No. 80290, Official Records.

Parcel Two:

The right of way granted in the Deed from Frank Panfili to Ivan Winger Dated March 5, 1959, Recorded March 6, 1959, Book 3331, Page 171, Official Records, as follows:

"An easement of right of way only over, under and across the hereinafter described lands, said easement of right of way being only for the purpose of installing a pipeline for the carrying of water, said pipeline to be installed a minimum of 3 feet in depth.

Grantee shall have the right with the aforesaid easement to go upon the lands of the grantor at any and all times necessary for the purposes only of installing and repairing the aforesaid pipe lines, as and for an additional consideration for the granting of this easement of right of way, grantee shall hold grantor harmless from any and all damages which grantor might sustain by reason of the installation, maintenance and repair of said pipe line. The aforesaid easement of right of way shall be a strip of land 2 feet in width, the center line of which is described as follows:

Commencing at the Southwest corner of the lands of the grantor; thence North and in a Northerly direction along the Western boundary line of said grantor's lands, a distance of 660 feet to a station, being the point of commencement of the easement of right of way herein described; thence from said point of commencement the center line of said easement extends East and in an Easterly direction and parallel with the Southern boundary line of the lands of the grantor, a distance of 660 feet, more or less, to the Easterly boundary line of the lands of the grantor which said Easterly boundary line borders the lands of the grantee herein named."

Apn: 051-200-025

A portion of the West ½ of Lot 2, as designated on the Map entitled "Map of Subdivision of Lands of Frank Peabody in South ½ of sec. 21, T.2, N., R., 2 E." filed October 29, 1902, in Book C of Maps, Page 68, Contra Costa County Records, described as follows:

Beginning in the center line of a county road, said center line being the North line of said Lot 2, distant thereon, Easterly 160 feet from the Northwest corner of said Lot 2; thence from said point of beginning, Easterly along said center line 99 feet; thence Southerly parallel with the West line of said Lot 2, 220 feet; thence Westerly parallel with the North line of said Lot, 99 feet; thence Northerly parallel with the West line of said Lot, 220 feet to the point of beginning.

Excepting therefrom:

That portion thereof described in the Deed to Contra Costa County, Recorded November 13, 1969, in Book 6003 Official Records, Page 265.

Apn: 051-200-026




STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Phil Hoffmeister, Administrative Analyst II

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

SUBJECT: Resolution Annexing Assessor's Parcel Number 056-130-012 (Quail Cove) into CFD No. 2018-02 (Police Protection)

RECOMMENDED ACTION

It is recommended that the City Council adopt the attached resolution annexing assessor's parcel number (APN) 056-130-012 (Quail Cove) into Community Facilities District (CFD) No. 2018-02 (Police Protection).

FISCAL IMPACT

There is no immediately projected financial impact. In the long term, the property owners in this subdivision will contribute to police services through CFD No. 2018-02 (Police Protection).

DISCUSSION

Resolution No. 2018/113, adopted by the City Council on September 11, 2018, authorizes the City to annex properties into CFD No. 2018-02 and assess them for eligible Police Protection without further public hearings or formal elections upon receipt of written consent from the owner(s).

As part of the tentative map approval, West Coast Home Builders, Inc. was conditioned to annex the Quail Cove subdivision (APN 056-130-012) into a CFD for Police Protection. The project is located south of Prewett Ranch Drive midway between Hillcrest Avenue and Heidorn Ranch Road.

The Boundary Map (Attachment C) shows the location of the following properties to be added as Annexation No. 3 to CFD No. 2018-02 for Police Protection: APN 056-130-012 West Coast Home Builders, Inc.

The owner has given consent and approval that such parcel be annexed to CFD No. 2018-02 (Attachment B). The owner has agreed and intends that such consent and approval constitute election to annex to CFD No. 2018-02 and approval of the authorization for the levy of the Special Tax within the property.

It is recommended that the City Council adopt the attached resolution (Attachment A) certifying and adding the above property to CFD No. 2018-02 (Police Protection). If approved by the City Council, an amended Boundary Map and an Amendment of Notice

of Special Tax Lien for CFD 2018-02 (Police Protection) shall be filed with the Contra Costa County Recorder's Office within fifteen (15) days of the resolution to annex.

ATTACHMENTS

- A: Resolution
- B: Consent and Election to Annex with Notary Acknowledgement
- C: Boundary Map of Annexation No. 3 to CFD No. 2018-02 (Police Protection)
- D: Amended Notice of Special Tax Lien

ATTACHMENT "A"

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ANNEXING ASSESSOR'S PARCEL NUMBER 056-130-012 (QUAIL COVE)
INTO CFD NO. 2018-02 (POLICE PROTECTION)**

WHEREAS, West Coast Home Builders, Inc., has given its written consent and approval to have APN 056-130-012 annexed into CFD No. 2018-02 (Police Protection);

WHEREAS, West Coast Home Builders, Inc., intends that such consent and approval constitute election to annex into CFD No. 2018-02 (Police Protection), and approval of the authorization for the levy of the Special Tax within the property, respectively.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Antioch that APN 056-130-012 is hereby annexed into CFD No. 2018-02 (Police Protection).

* * * * *

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 11th day of June 2019, by the following vote:

AYES:

ABSENT:

ABSTAIN:

NOES:

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

ATTACHMENT "B"

**CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING
COMMUNITY FACILITIES DISTRICT**

**CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT NO. 2018-02
(POLICE PROTECTION)**

To: CITY COUNCIL OF THE CITY OF ANTIOCH IN ITS CAPACITY AS THE LEGISLATIVE
BODY OF THE ABOVE ENTITLED COMMUNITY FACILITIES DISTRICT:

1. The undersigned is the owner (the "Owner"), or the duly authorized representative of the Owner, of the real property as described in Exhibit A attached hereto and incorporated herein by reference (the "Property"), and in such capacity, possesses all legal authority necessary to execute this Consent and Election as and on behalf of the Owner in connection with the annexation of the Property to the District (as defined below).

The Owner is:

WEST COAST HOMEBUILDERS INC.

(Type or print the Full Name of the Owner or Owners of the Property in the above spaces.)

2. The Owner is aware of and understands the following:
 - A. The City of Antioch has conducted proceedings pursuant to the "Mello-Roos Community Facilities Act of 1982", (Government Code Section 53311 and following) (the "Act") to form a community facilities district known and designated as COMMUNITY FACILITIES DISTRICT NO. 2018-02 (POLICE PROTECTION) (the "District") to finance the increased demand for Police Protection (the "Services") resulting from new development within the District. The services to be financed by the CFD comprise services ("Services") authorized to be financed pursuant to Section 53313 and 53313.5 of the Government Code. CFD 2018-02 shall finance Services only to the extent they are in addition to those provided in the territory of CFD 2018-02 before the CFD was created and such Services may not supplant services already available within CFD 2018-02 when the CFD was created.

For a full and complete description of the Police Protection, reference is made to the final CFD Report, a copy of which is on file in the Office of the City Clerk. For all particulars, reference is made to said CFD Report.

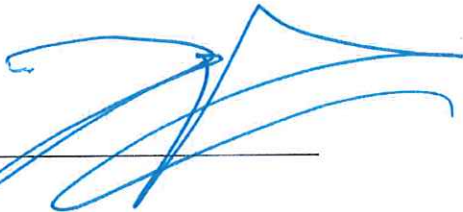
- B. The City has also undertaken proceedings pursuant to Article 3.5 of the Act to provide for the future annexation of certain territory, including the Property, to the District. On September 11, 2018, the City held a public hearing as required by the Act, to consider the future annexation of such territory, including the Property, to the District. Notice of such hearing was given in the form and manner as required by law. A protest to such future annexation was not received from 50% or more of the registered voters, or six (6) registered voters, whichever is more, residing in the territory proposed to be annexed in the future or the owners of one-half or more of the area of land in the territory proposed to be annexed in the future. At the conclusion of such public hearing, the legislative body of the City did approve and provide for the annexation in the future upon the unanimous approval of the owner or owners of each parcel or parcels at the time that such parcel or parcels are annexed, without additional hearings.

THE UNDERSIGNED DOES HEREBY CERTIFY UNDER PENALTY OF PERJURY AS FOLLOWS:

3. The Owner consents and elects to and expressly approves annexation of the Property to the District and the authorization for the levy of the Special Tax within the Property without further public hearing and without an election conducted pursuant to the provisions of Government Code Section 53339.7 and Article 2 of the Act and the Elections Code of the State of California. Owner agrees and intends that such consent and approval constitutes Owner's election to annex the Property to the District and to approve the authorization for the levy of the Special Tax within the Property.
4. The Owner waives any right, which the Owner may have to make any protest or complaint or undertake any legal action challenging the validity of the proceedings of the City or the District to authorize the future annexation of the Property to the District or the authorization for the levy of the Special Tax within the Property, any necessity, requirement, right or entitlement for further public hearing or election pertaining to the annexation of the Property to the District and the levy of the Special Tax within the Property.
5. The Owner specifically authorizes the levy of the Special Tax on the Property pursuant to the rate and method of apportionment set forth in Exhibit B to pay for the authorized Police Protection.

EXECUTED this 25th day of April, 2019, in Concord, CA,
California.

(Signature)



Louis Parsons
Type or print name of signor

(Signature)

Type or print name of signor

Note:

1. Signatures of property owner(s) or representatives must be notarized.
2. Proof of Authorization to sign is required for Corporations, Partnerships, Limited Liability Companies, Trusts, etc.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
(Civil Code §1189)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF CONTRA COSTA)

On April 25, 2019, before me, R. VALENZUELA, a Notary Public, personally appeared **LOUIS PARSONS**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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.



R. Valenzuela
SIGNATURE OF NOTARY

***** OPTIONAL *****

Title or Type of Document: _____

Signer(s) are Representing: _____

Document Date: _____

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**SECRETARY'S CERTIFICATION OF
RESOLUTIONS ADOPTED BY
WEST COAST HOME BUILDERS, INC.,
a California Corporation**


The undersigned, Secretary of **WEST COAST HOME BUILDERS, INC.**, a California Corporation ("**Corporation**"), does hereby certify that the following resolutions were adopted by the Board of Directors of the Corporation:

RESOLVED, that effective immediately, LOUIS PARSONS, as an Authorized Agent, is hereby granted the authority to execute, either alone or in combination with other authorized officers or agents of the Corporation, deposit receipts, sales contracts, escrow instructions (with such instructions to require deposit of sales proceeds into the Corporation's bank account and to no other person or entity), grant deeds, and other documents or instruments required by a title company in connection with the sale of single-family homes owned by the Corporation, and the conveyance of legal title thereto to a third party(ies) through said title company, in the normal course of business for single-family home sale closings only.

RESOLVED FURTHER, that any and all documents and instruments executed by LOUIS PARSONS on behalf of the Corporation in connection with the sale of single-family homes owned by the Corporation as referred to above, shall be legally binding acts and obligations of the Corporation.

RESOLVED FURTHER, that the authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the execution of this Resolution are hereby approved and ratified.

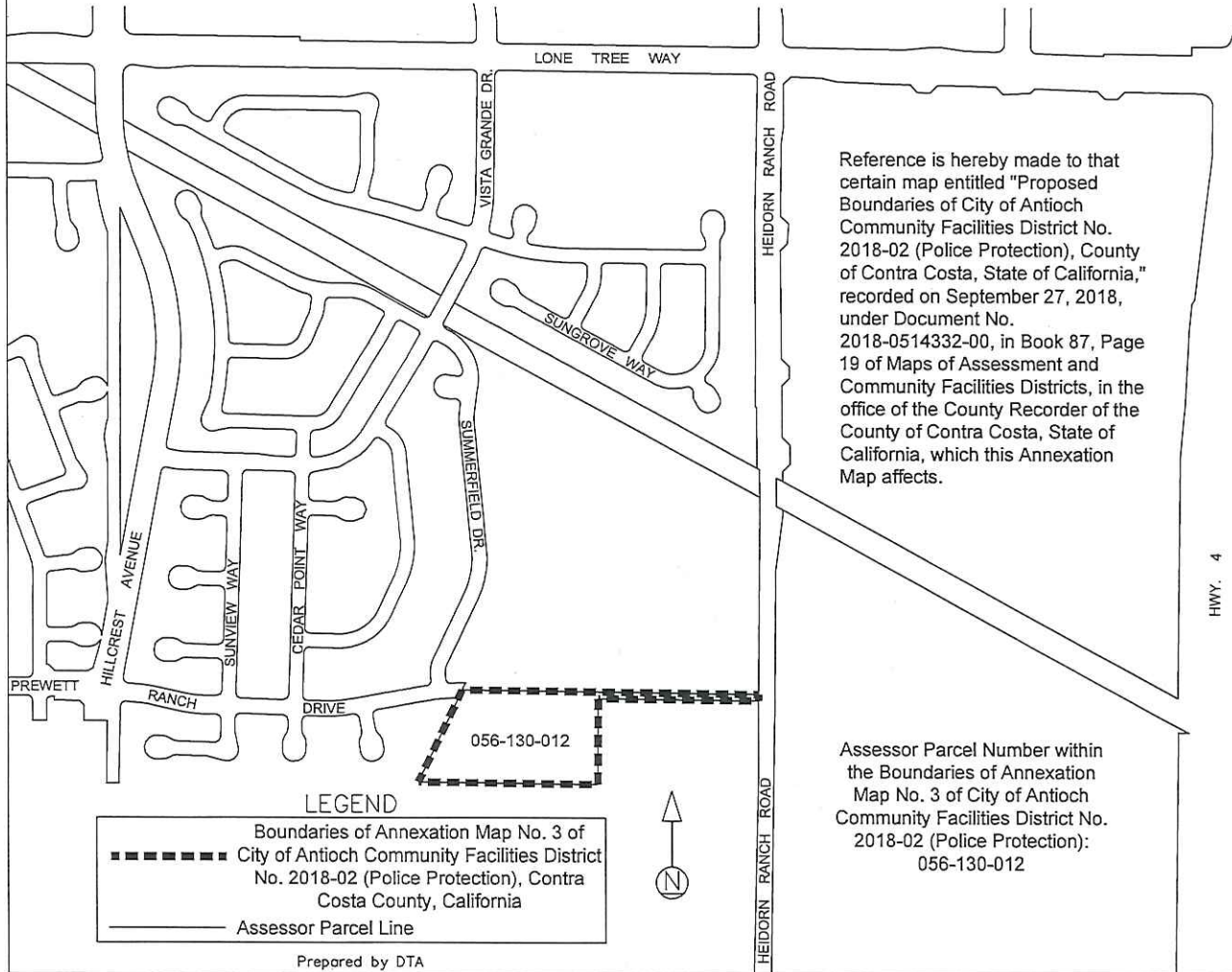
Dated this 1st day of April, 2015, at Concord, California.


JEANNE C. PAVAO
Secretary

BS

**ANNEXATION MAP NO. 3 OF
CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT NO. 2018-02
(POLICE PROTECTION)
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA**

Reference is hereby made to the Assessor maps of the County of Contra Costa, State of California, for a description of the lines and dimensions of each lot and parcel.



- (1) Filed in the office of the Clerk of the City of Antioch this ____ day of ____, 2019.

Arne Simonsen, Clerk of the City of Antioch,
California

- (2) I hereby certify that the within map showing the proposed boundaries of Annexation Map No. 3 of City of Antioch Community Facilities District No. 2018-02 (Police Protection), City of Antioch, County of Contra Costa, State of California, was approved by the City Council of the City of Antioch at a regular meeting thereof, held on the ____ day of ____, 2019, by its Resolution No. ____.

Arne Simonsen, Clerk of the City of Antioch,
California

- (3) Contra Costa County Recorder's Certificate

This map has been filed under Document Number ____, this ____ day of ____, 2019, at ____ m., in Book ____ of Maps of Assessment and Community Facilities Districts at page ____, in the office of the county recorder in the County of Contra Costa, State of California, at the request of the City of San Ramon in the amount of \$ ____.

Joseph E. Canciamilla
County Clerk-Recorder

By: _____

Deputy Recorder

ATTACHMENT "D"

RECORDED AT REQUEST OF:

**City of Antioch
Public Works Department
Engineering & Development Services Division
Attn: Phil Hoffmeister
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007**

**THIS SPACE FOR RECORDERS
USE ONLY**

(No fee for recording pursuant to Government Code §27383)

**Amendment to the Notice of Special Tax Lien
(Notice of Annexation)
Annexation No. 3
City of Antioch
Community Facilities District No. 2018-02
(Police Protection)**

APN 056-130-012

**City of Antioch
County of Contra Costa
State of California**

June 2019

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**AMENDMENT TO THE NOTICE OF SPECIAL TAX LIEN
(NOTICE OF ANNEXATION)**

ANNEXATION No. 3

**CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT No. 2018-02
(POLICE PROTECTION)**

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code and Section 53339.8 of the Government Code, the undersigned City Clerk of the City of Antioch, acting for and on behalf of the legislative body of the CITY OF ANTIOCH, COMMUNITY FACILITIES DISTRICT NO. 2018-02 (Police Protection), COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, HEREBY GIVES NOTICE that a lien is hereby imposed to secure payment of a special tax which the City Council of the City of Antioch, County of Contra Costa, State of California, acting in its capacity as the legislative body of such Community Facilities District is authorized to annually levy for the following purpose:

To finance increased demand for Police Protection resulting from new development within the District

The special tax is authorized to be levied on the property described in "Exhibit A" attached hereto (the "Annexed Property") which has been annexed to the District, which has now been officially formed, and the lien of the special tax is a continuing lien, which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied and cancelled in accordance with law or until the special tax ceases to be levied and an notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate and method of apportionment of the authorized special tax is as shown on the attached, referenced and incorporated Exhibit "B", and the special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, as applicable, the legislative body of the District may, by resolution, establish and adopt an alternative or supplemental collection procedure as necessary.

Notice is further given that upon the recording of this notice in the office of the County Recorder, the obligation to pay the special tax levy shall become a lien upon the Annexed Property in accordance with Section 3115.5 of the Streets and Highways Code.

The names of the owners of the Annexed Property as they appear on the last secured assessment roll as of the date of recording of this Notice and Assessor's tax parcels numbers of all parcels or any portion thereof which are included within the

Annexed Property are as set forth on the attached, referenced and incorporated Exhibit "C".

Reference is made to the following:

1. "Proposed Boundaries of City of Antioch Community Facilities District No. 2018-02 (Police Protection), County of Contra Costa, State of California", recorded on September 27, 2018 under Document No. 2018-0154332, in Book 87, Page 19 of Maps of Assessment and Community Facilities Districts, in the Office of the County Recorder of the County of Contra Costa, State of California.
2. "City of Antioch Community Facilities District No. 2018-02 (Police Protection), Rate and Method of Apportionment of Special Tax" attached as **Exhibit B** to Resolution No. 2018/113 adopted by the City of Antioch City Council on September 11, 2018
3. "Notice of Special Tax Lien, City of Antioch, Community Facilities District No. 2018-02 (Police Protection) (County of Contra Costa)", recorded on November 07, 2018 under Document No. 2018-0181159, in the Office of the County Recorder of the County of Contra Costa, State of California.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the following designated person:

Dated: _____

CITY CLERK, CMC
City Clerk of the City of Antioch
STATE OF CALIFORNIA

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EXHIBIT A

CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING COMMUNITY FACILITIES DISTRICT

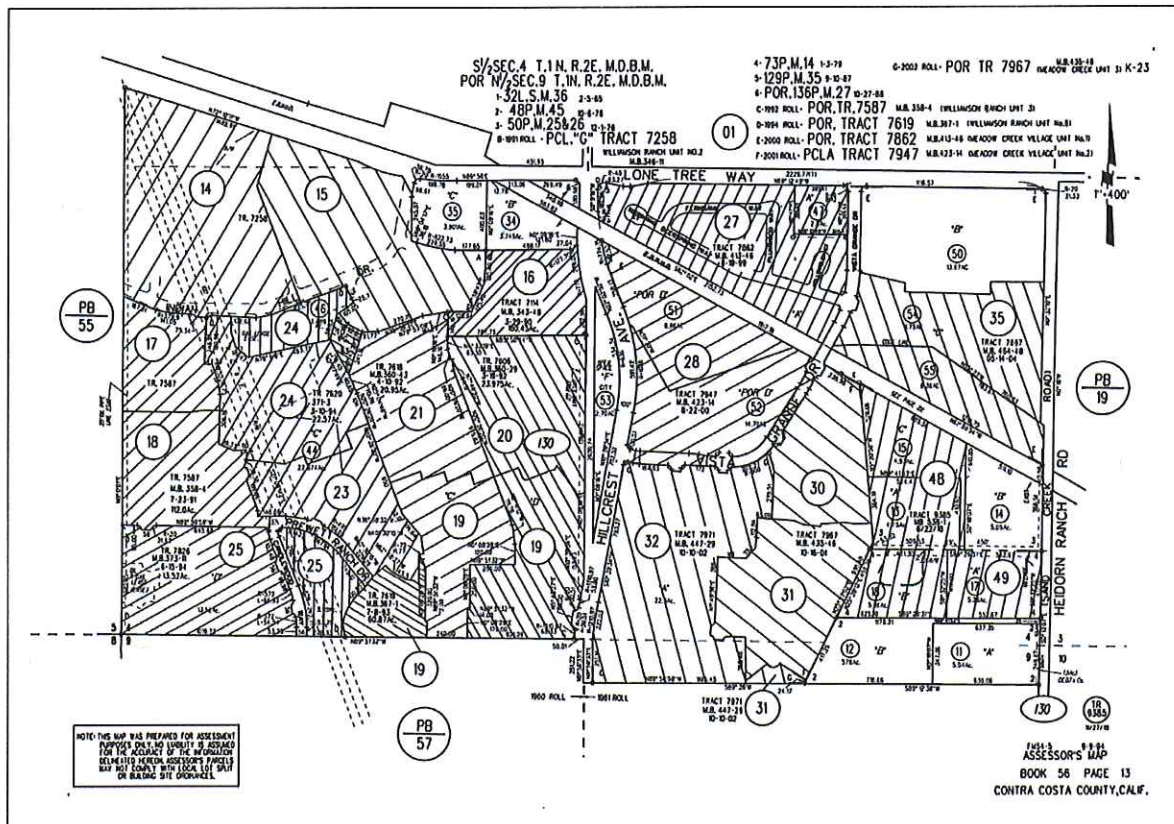
CITY OF ANTIOCH COMMUNITY FACILITIES DISTRICT No. 2018-02 (POLICE PROTECTION)

ANNEXATION No. 3

056-130-012

ASSESSOR'S PARCEL NUMBER(S)

CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT No. 2018-02
(POLICE PROTECTION)



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EXHIBIT B

CITY OF ANTIOCH COMMUNITY FACILITIES DISTRICT NO. 2018-02 (POLICE PROTECTION)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels of Taxable Property in City of Antioch Community Facilities District No. 2018-02 (Police Protection) (County of Contra Costa) ("CFD No. 2018-02") and collected each Fiscal Year commencing in Fiscal Year 2018-19, in an amount determined by the Council through the application of the appropriate Special Tax for "Developed Property," as described below. All of the real property in CFD No. 2018-02, unless exempted by law or by the provisions hereof, shall be taxed for these purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2018-02: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes (whether by the City or otherwise); the costs to the City, CFD No. 2018-02, or any designee thereof of complying with CFD No. 2018-02 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2018-02, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2018-02 for any other administrative purposes of CFD No. 2018-02, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

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“Age-Restricted Residential Property” means all Assessor’s Parcels of Developed Property which are identified and designated as Active Adult Senior Housing pursuant to City Municipal Code Section 9-5.203

“Assessor’s Parcel” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by Assessor’s Parcel number.

“Authorized Services” means those services eligible to be funded by CFD No. 2018-02, as defined in the Resolution of Formation and authorized to be financed by CFD No. 2018-02 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2018-02 shall finance Authorized Services only to the extent that they are in addition to those provided in the territory of CFD No. 2018-02 before the CFD was created and such Authorized Services may not supplant services already available within CFD No. 2018-02 when the CFD was created.

“CFD Administrator” means an official of the City or CFD No. 2018-02, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

“CFD No. 2018-02” means City of Antioch Community Facilities District No. 2018-02 (Police Protection) (County of Contra Costa).

“City” means the City of Antioch.

“City Manager” means the City Manager of the City of Antioch.

“Council” means the City Council of the City of Antioch, acting as the legislative body of CFD No. 2018-02.

“County” means the County of Contra Costa.

“Developed Property” means, for each Fiscal Year, all Assessor’s Parcels for which a Building Permit was issued after January 1, 2018 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied.

“Dwelling Unit” means a building or portion thereof designed for and occupied in whole or part as a residence or sleeping place, either permanently or temporarily, by one (1) family and its guests, with sanitary facilities and one (1) kitchen provided within the unit. Boarding or lodging houses, dormitories, and hotels shall not be defined as Dwelling Units unless the land use permit specifies a residential use.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

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“Land Use Class” means any of the classes listed in Table 1.

“Maximum Special Tax” means, for each Fiscal Year, the maximum Special Tax, determined in accordance with Section C, below, that can be levied on any Assessor’s Parcel.

“Multi-Family Residential Property” means, all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing a residential structure consisting of more than two (2) Dwelling Units, including, but not limited to, triplexes, condominiums, and apartment units.

“Property Owner Association Property” means, for each Fiscal Year, any Assessor’s Parcel within the boundaries of CFD No. 2018-02 that is owned by or irrevocably offered for dedication to a property owner association, including any master or sub-association, not including any such property that is located directly under a residential or non-residential structure.

“Proportionately” means that the ratio of the actual annual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property.

“Public Property” means, for each Fiscal Year, (i) any property within the boundaries of CFD No. 2018-02 that is owned by or irrevocably offered for dedication to the federal government, the State, the City, or any other public agency; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act, as such section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2018-02 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Rate and Method of Apportionment” or **“RMA”** means this Rate and Method of Apportionment of Special Tax.

“Residential Property” means, for each Fiscal Year, all Assessor’s Parcels of Developed Property for which a Building Permit was issued after January 1, 2018 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied, for purposes of constructing one (1) or more residential Dwelling Units.

“Resolution of Formation” means the resolution adopted by the Council pursuant to Section 53325.1 of the Act, establishing CFD No. 2018-02.

“San Francisco Urban Consumer Price Index” means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco – Oakland – San Jose Area, measured as of the month of December in the calendar year that ends in the previous Fiscal Year. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the CFD

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Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco – Oakland – San Jose Area.

“Services” means those services authorized to be financed by CFD No. 2018-02 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2018-02 shall finance Services only to the extent that they are in addition to those provided in the territory of CFD No. 2018-02 before such CFD was created and such Services may not supplant services already available within CFD No. 2018-02 when such CFD was created.

“Single Family Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing one single-family residential Dwelling Unit.

“Special Tax” or “Special Taxes” means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Developed Property to fund the Special Tax Requirement.

“Special Tax Requirement” means that amount to be collected in any Fiscal Year for CFD No. 2018-02 to pay for certain costs as required to meet the needs of CFD No. 2018-02 in that Fiscal Year. The costs to be covered shall be the direct costs for (i) Authorized Services, and (ii) Administrative Expenses; less (iii) a credit for funds available to reduce the annual Special Tax levy, if any, as determined by the CFD Administrator. Under no circumstances shall the Special Tax Requirement include debt service payments for debt financings by CFD No. 2018-02.

“State” means the State of California.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of CFD No. 2018-02 which are not exempt from the Special Tax pursuant to law or Section E below.

“Undeveloped Property” means, for each Fiscal Year, all property not classified as Developed Property, Property Owner Association Property, or Public Property.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, all Assessor’s Parcels, as applicable within CFD No. 2018-02, shall be classified by the CFD Administrator as Developed Property, Undeveloped Property, Property Owner Association Property, or Public Property, and shall be subject to annual Special Taxes in accordance with this Rate and Method of Apportionment as determined by the CFD Administrator pursuant to Sections C and D below. The CFD Administrator’s allocation of property to each type of Land Use Class shall be conclusive and binding. However, only Developed Property shall be subject to annual Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. All Developed Property shall be assigned to Land Use Classes 1, 2, or 3 as listed in Table 1.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

a. Maximum Special Tax

The Maximum Special Tax for Fiscal Year 2018-19 for Developed Property is shown below. Under no circumstances shall a Special Tax be levied on additions to Dwelling Units which have been categorized in prior Fiscal Years as Developed Property.

TABLE 1

**Maximum Special Taxes for Developed Property
For Fiscal Year 2018-19
Community Facilities District No. 2018-02**

Table 1: Residential Property		
Land Use Class	Police Protection Services Special Tax	FY 2018-2019 Maximum Tax
1	Single Family Residential Property	\$473.93
2	Multi-Family Residential Property	\$300.16
3	Age-Restricted Residential Property	\$236.97

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2019, the Maximum Special Tax for Developed Property shall be increased annually by the greater of the change in the San Francisco Urban Consumer Price Index (during the twelve (12) months prior to December of the previous Fiscal Year) or two percent (2.00%), with a maximum annual increase of four (4.00%) percent for any given Fiscal Year.

2. Undeveloped Property

No Special Taxes shall be levied on Undeveloped Property.

3. Prepayment of Special Tax

No prepayment of the Special Tax shall be permitted in CFD No. 2018-02.

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D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2018-19 and for each following Fiscal Year, the Council shall levy the annual Special Tax Proportionately for each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax, until the amount of Special Taxes equals the Special Tax Requirement.

E. EXEMPTIONS

In addition to Undeveloped Property being exempt from annual Special Taxes, no Special Tax shall be levied on Public Property or Property Owner Association Property. However, should an Assessor's Parcel no longer be classified as Public Property or Property Owner Association Property, such Assessor's Parcel shall, upon each reclassification, no longer be exempt from Special Taxes.

F. APPEALS AND INTERPRETATIONS

Any landowner or resident may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has thirty (30) days in which to appeal to the City Council by filing a written notice of appeal with the clerk of the City, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for the appellant's disagreement with the CFD Administrator's determination. The CFD Administrator may charge the appellant a reasonable fee for processing the appeal.

The City may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals. Any decision of the City will be final and binding as to all persons.

G. MANNER OF COLLECTION

The annual Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2018-02 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

H. FUTURE ANNEXATIONS

It is anticipated that additional properties will be annexed to CFD No. 2018-02 from time to time. As each annexation is proposed, an analysis may be prepared to determine the annual cost for providing Authorized Services to such parcels. Based on this analysis, any parcels to be annexed, pursuant to California Government Code Section 53339 *et seq.* will be assigned the approximate Maximum Special Tax rates when annexed.

I. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to meet the Special Tax Requirement, unless no longer required to pay for Authorized Services as determined at the sole discretion of the Council.

EXHIBIT C

**Property in City of Antioch
Community Facilities District No. 2018-02
(Police Protection)**

Annexation No. 3

The property in the City of Antioch Community Facilities District No. 2018-02 (Police Protection) Annexation No. 3 (County of Contra Costa) (State of California) is owned and identified as shown below:

Owner

West Coast Home Builders, Inc.

Assessor's Parcel Numbers

056-130-012




STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Phil Hoffmeister, Administrative Analyst II

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

SUBJECT: Resolution Annexing Assessor's Parcel Number 056-130-012 (Quail Cove) into CFD No. 2018-01 (Public Services)

RECOMMENDED ACTION

It is recommended that the City Council adopt the attached resolution annexing assessor's parcel number 056-130-012 (Quail Cove) into Community Facilities District (CFD) No. 2018-01 (Public Services).

FISCAL IMPACT

The property owners in this subdivision will contribute annually to public services through CFD No. 2018-01 (Public Services). Those public services include landscape maintenance, park and street lighting maintenance, stormwater maintenance, and open space maintenance.

DISCUSSION

Resolution No. 2018/26, adopted by City Council on February 27, 2018, authorizes the City to annex properties to CFD No. 2018-01 and assess them for eligible Public Services, without further public hearings or formal elections upon receipt of written consent from the owners.

As part of the tentative map approval, West Coast Home Builders, Inc. was conditioned to annex the Quail Cove subdivision (APN 056-130-012) into the public services CFD.

The Boundary Map (Attachment C) shows the location of the following properties to be added as Annexation No. 3 to CFD No. 2018-01 for Public Services: APN 056-130-012 West Coast Home Builders, Inc.

The owner of each parcel has given consent and approval that such parcel be annexed to CFD No. 2018-01 (Attachment B). The owner has agreed and intends that such consent and approval constitute election to annex to CFD No. 2018-01 and approval of the authorization for the levy of the Special Tax within the property.

If approved by the City Council, an amended Boundary Map and an Amendment of Notice of Special Tax Lien for CFD 2018-01 (Public Services) will be filed with the Contra Costa County Recorder's Office within fifteen (15) days.

ATTACHMENTS

- A: Resolution
- B: Consent and Election to Annex with Notary Acknowledgement
- C: Boundary Map of Annexation No. 3 to CFD No. 2018-01 (Public Services)
- D: Amended Notice of Special Tax Lien

ATTACHMENT "A"

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ANNEXING ASSESSOR'S PARCEL NUMBER 056-130-012 (QUAIL COVE)
INTO CFD NO. 2018-01 (PUBLIC SERVICES)**

WHEREAS, West Coast Home Builders, Inc., has given its written consent and approval to have APN 056-130-012 annexed into CFD No. 2018-01 (Public Services);

WHEREAS, West Coast Home Builders, Inc. intends that such consent and approval constitutes election to annex into CFD No. 2018-01 (Public Services), and approval of the authorization for the levy of the Special Tax within the properties, respectively.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Antioch that APN 056-130-012 is hereby annexed into the CFD No. 2018-01 (Public Services).

* * * * *

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 11th day of June 2019, by the following vote:

AYES:

ABSENT:

ABSTAIN:

NOES:

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

ATTACHMENT "B"

**CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING
COMMUNITY FACILITIES DISTRICT**

**CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT NO. 2018-01
(PUBLIC SERVICES)**

TO: CITY COUNCIL OF THE CITY OF ANTIOCH IN ITS CAPACITY AS THE LEGISLATIVE
BODY OF THE ABOVE ENTITLED COMMUNITY FACILITIES DISTRICT:

1. The undersigned is the owner (the "Owner"), or the duly authorized representative of the Owner, of the real property as described in Exhibit A attached hereto and incorporated herein by reference (the "Property"), and in such capacity, possesses all legal authority necessary to execute this Consent and Election as and on behalf of the Owner in connection with the annexation of the Property to the District (as defined below).

The Owner is:

WEST COAST HOMEBUILDERS INC.

(Type or print the Full Name of the Owner or Owners of the Property in the above spaces.)

2. The Owner is aware of and understands the following:
 - A. The City of Antioch has conducted proceedings pursuant to the "Mello-Roos Community Facilities Act of 1982", (Government Code Section 53311 and following) (the "Act") to form a community facilities district known and designated as COMMUNITY FACILITIES DISTRICT NO. 2018-01 (PUBLIC SERVICES) (the "District") to finance the increased demand for public services (the "Services") resulting from new development within the District. The services to be financed by the CFD comprise services ("Services") authorized to be financed pursuant to Section 53313 and 53313.5 of the Government Code. CFD 2018-01 shall finance Services only to the extent they are in addition to those provided in the territory of CFD 2018-01 before the CFD was created and such Services may not supplant services already available within CFD 2018-01 when the CFD was created.

For a full and complete description of the public services, reference is made to the final CFD Report, a copy of which is on file in the Office of the City Clerk. For all particulars, reference is made to said CFD Report.

- B. The City has also undertaken proceedings pursuant to Article 3.5 of the Act to provide for the future annexation of certain territory, including the Property, to the District. On February 13, 2018, the City held a public hearing as required by the Act, to consider the future annexation of such territory, including the Property, to the District. Notice of such hearing was given in the form and manner as required by law. A protest to such future annexation was not received from 50% or more of the registered voters, or six (6) registered voters, whichever is more, residing in the territory proposed to be annexed in the future or the owners of one-half or more of the area of land in the territory proposed to be annexed in the future. At the conclusion of such public hearing, the legislative body of the City did approve and provide for the annexation in the future upon the unanimous approval of the owner or owners of each parcel or parcels at the time that such parcel or parcels are annexed, without additional hearings.

THE UNDERSIGNED DOES HEREBY CERTIFY UNDER PENALTY OF PERJURY AS FOLLOWS:

3. The Owner consents and elects to and expressly approves annexation of the Property to the District and the authorization for the levy of the Special Tax within the Property without further public hearing and without an election conducted pursuant to the provisions of Government Code Section 53339.7 and Article 2 of the Act and the Elections Code of the State of California. Owner agrees and intends that such consent and approval constitutes Owner's election to annex the Property to the District and to approve the authorization for the levy of the Special Tax within the Property.
4. The Owner waives any right, which the Owner may have to make any protest or complaint or undertake any legal action challenging the validity of the proceedings of the City or the District to authorize the future annexation of the Property to the District or the authorization for the levy of the Special Tax within the Property, any necessity, requirement, right or entitlement for further public hearing or election pertaining to the annexation of the Property to the District and the levy of the Special Tax within the Property.
5. The Owner specifically authorizes the levy of the Special Tax on the Property pursuant to the rate and method of apportionment set forth in Exhibit B to pay for the authorized Public Services.

EXECUTED this 25th day of April, 2018, in Concord,
California.


(Signature)

Louis Parsons
Type or print name of signor

(Signature)

Type or print name of signor

Note:

1. Signatures of property owner(s) or representatives must be notarized.
2. Proof of Authorization to sign is required for Corporations, Partnerships, Limited Liability Companies, Trusts, etc.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

(Civil Code §1189)

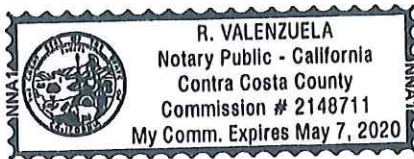
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF CONTRA COSTA)

On April 25, 2019, before me, R. VALENZUELA, a Notary Public, personally appeared **LOUIS PARSONS**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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.



R. Valenzuela
SIGNATURE OF NOTARY

***** **OPTIONAL** *****

Title or Type of Document: _____

Signer(s) are Representing: _____

Document Date: _____

Bf

**SECRETARY'S CERTIFICATION OF
RESOLUTIONS ADOPTED BY
WEST COAST HOME BUILDERS, INC.,
a California Corporation**


The undersigned, Secretary of **WEST COAST HOME BUILDERS, INC.**, a California Corporation ("**Corporation**"), does hereby certify that the following resolutions were adopted by the Board of Directors of the Corporation:

RESOLVED, that effective immediately, LOUIS PARSONS, as an Authorized Agent, is hereby granted the authority to execute, either alone or in combination with other authorized officers or agents of the Corporation, deposit receipts, sales contracts, escrow instructions (with such instructions to require deposit of sales proceeds into the Corporation's bank account and to no other person or entity), grant deeds, and other documents or instruments required by a title company in connection with the sale of single-family homes owned by the Corporation, and the conveyance of legal title thereto to a third party(ies) through said title company, in the normal course of business for single-family home sale closings only.

RESOLVED FURTHER, that any and all documents and instruments executed by LOUIS PARSONS on behalf of the Corporation in connection with the sale of single-family homes owned by the Corporation as referred to above, shall be legally binding acts and obligations of the Corporation.

RESOLVED FURTHER, that the authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the execution of this Resolution are hereby approved and ratified.

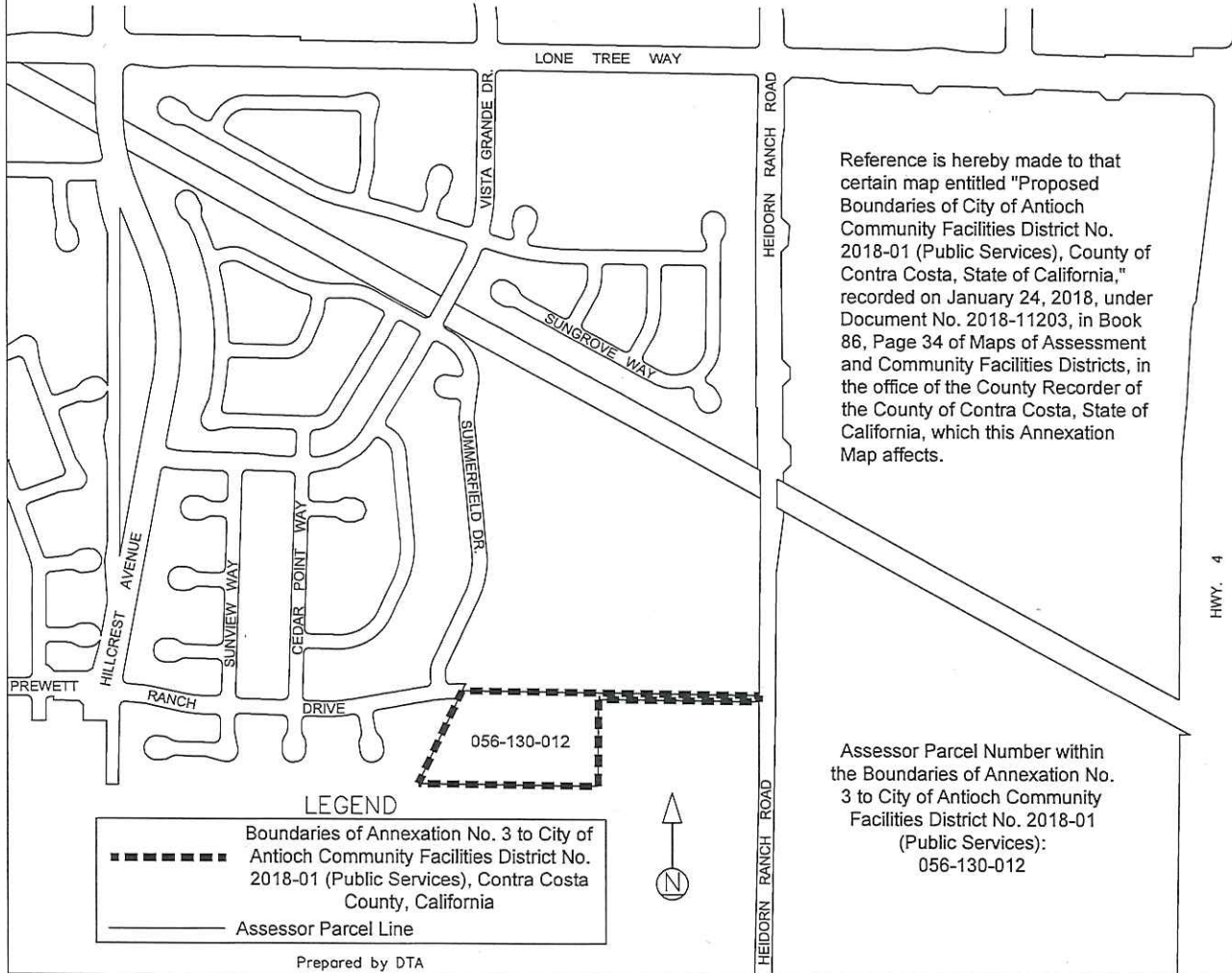
Dated this 1st day of April, 2015, at Concord, California.


JEANNE C. PAVAO
Secretary

BS

ANNEXATION NO. 3 TO
CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT NO. 2018-01
(PUBLIC SERVICES)
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

Reference is hereby made to the Assessor maps of the County of Contra Costa, State of California, for a description of the lines and dimensions of each lot and parcel.



- (1) Filed in the office of the Clerk of the City of Antioch this ____ day of ____, 2019.

Arne Simonsen, Clerk of the City of Antioch, California

- (2) I hereby certify that the within map showing the proposed boundaries of Annexation No. 3 to City of Antioch Community Facilities District No. 2018-01 (Public Services), City of Antioch, County of Contra Costa, State of California, was approved by the City Council of the City of Antioch at a regular meeting thereof, held on the ____ day of ____, 2019, by its Resolution No. ____.

Arne Simonsen, Clerk of the City of Antioch, California

- (3) Contra Costa County Recorder's Certificate

This map has been filed under Document Number ____, this ____ day of ____, 2019, at ____ m., in Book ____ of Maps of Assessment and Community Facilities Districts at page ____, in the office of the county recorder in the County of Contra Costa, State of California, at the request of the City of San Ramon in the amount of \$ ____.

Joseph E. Canciamilla
County Clerk-Recorder

By: _____

Deputy Recorder

ATTACHMENT "D"

RECORDED AT REQUEST OF:

**City of Antioch
Public Works Department
Engineering & Development Services Division
Attn: Phil Hoffmeister
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007**

**THIS SPACE FOR RECORDERS
USE ONLY**

(No fee for recording pursuant to Government Code §27383)

**Amended Boundary Map
Annexation No. 3 to
Community Facilities District No. 2018-01
(Public Services)**

&

**Amendment to the Notice of Special Tax Lien
(Notice of Annexation)
Annexation No. 3
City of Antioch
Community Facilities District No. 2018-01
(Public Services)**

APN: 056-130-012

**City of Antioch
County of Contra Costa
State of California**

June 2019

**AMENDMENT TO THE NOTICE OF SPECIAL TAX LIEN
(NOTICE OF ANNEXATION)**

ANNEXATION No. 3

**CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT No. 2018-01
(PUBLIC SERVICES)**

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code and Section 53339.8 of the Government Code, the undersigned City Clerk of the City of Antioch, acting for and on behalf of the legislative body of the CITY OF ANTIOCH, COMMUNITY FACILITIES DISTRICT NO. 2018-01 (Public Services), COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, HEREBY GIVES NOTICE that a lien is hereby imposed to secure payment of a special tax which the City Council of the City of Antioch, County of Contra Costa, State of California, acting in its capacity as the legislative body of such Community Facilities District is authorized to annually levy for the following purpose:

To finance increased demand for public services resulting from new development within the District

The special tax is authorized to be levied on the property described in "Exhibit A" attached hereto (the "Annexed Property") which has been annexed to the District, which has now been officially formed, and the lien of the special tax is a continuing lien, which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied and cancelled in accordance with law or until the special tax ceases to be levied and an notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate and method of apportionment of the authorized special tax is as shown on the attached, referenced and incorporated Exhibit "B", and the special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, as applicable, the legislative body of the District may, by resolution, establish and adopt an alternative or supplemental collection procedure as necessary.

Notice is further given that upon the recording of this notice in the office of the County Recorder, the obligation to pay the special tax levy shall become a lien upon the Annexed Property in accordance with Section 3115.5 of the Streets and Highways Code.

The names of the owners of the Annexed Property as they appear on the last secured assessment roll as of the date of recording of this Notice and Assessor's tax parcels numbers of all parcels or any portion thereof which are included within the

Annexed Property are as set forth on the attached, referenced and incorporated Exhibit "C".

Reference is made to the following:

1. "Proposed Boundaries of City of Antioch Community Facilities District No. 2018-01 (Public Services), County of Contra Costa, State of California", recorded on January 24, 2018, under Document No. 2018-11203, in Book 86, Page 34 of Maps of Assessment and Community Facilities Districts, in the Office of the County Recorder of the County of Contra Costa, State of California.
2. "City of Antioch Community Facilities District No. 2018-01 (Public Services), Rate and Method of Apportionment of Special Tax", recorded on March 13, 2018 under Document No. 2018-0038132-00 in the Office of the County Recorder of the County of Contra Costa, State of California.
3. "Notice of Special Tax Lien, City of Antioch, Community Facilities District No. 2018-01 (Public Services) (County of Contra Costa)", recorded on March 13, 2018 under Document No. 2018-0038132-00 in the Office of the County Recorder of the County of Contra Costa, State of California.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the following designated person:

Dated: _____

CITY CLERK
City of Antioch
STATE OF CALIFORNIA

CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING
COMMUNITY FACILITIES DISTRICT

CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT No. 2018-01
(PUBLIC SERVICES)

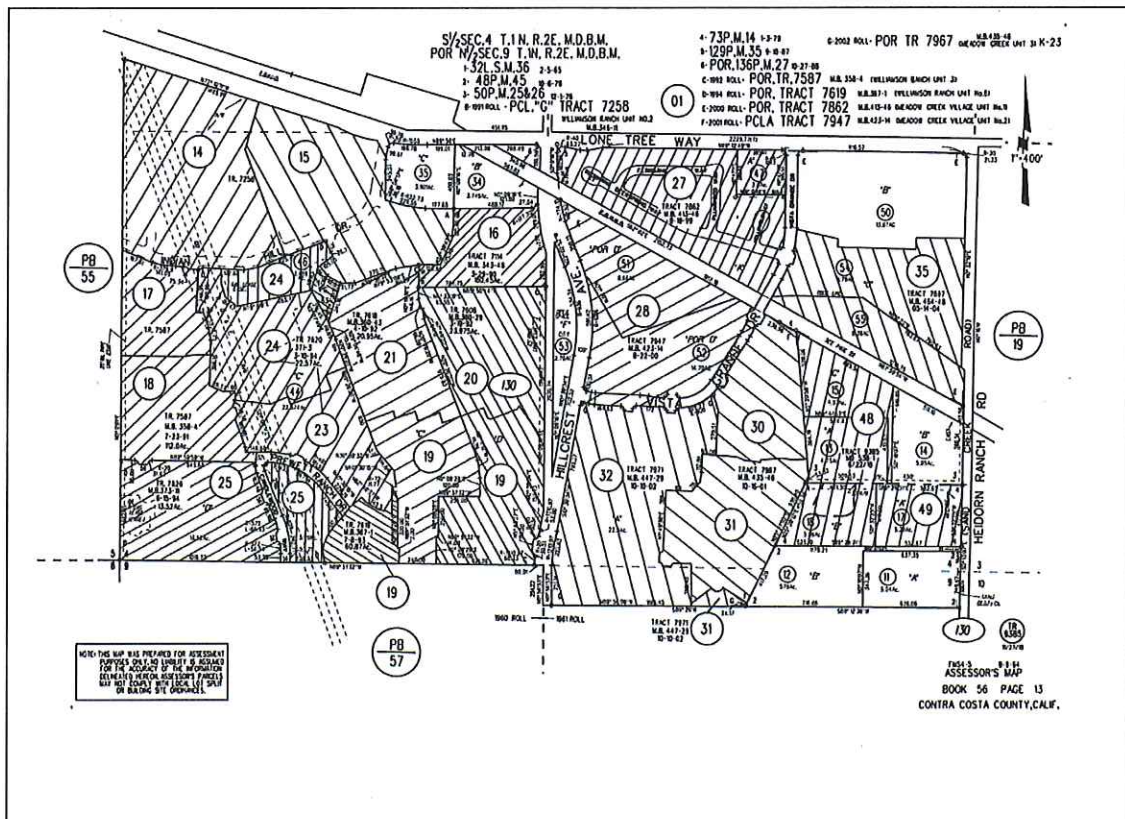
ANNEXATION No. 3

EXHIBIT A

056-130-012

ASSESSOR'S PARCEL NUMBER(S)

CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT No. 2018-01
(PUBLIC SERVICES)



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EXHIBIT B

CITY OF ANTIOCH COMMUNITY FACILITIES DISTRICT NO. 2018-01 (PUBLIC SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels of Taxable Property in City of Antioch Community Facilities District No. 2018-01 (Public Services) (County of Contra Costa) ("CFD No. 2018-01") and collected each Fiscal Year commencing in Fiscal Year 2018-19, in an amount determined by the Council through the application of the appropriate Special Tax for "Developed Property," as described below. All of the real property in CFD No. 2018-01, unless exempted by law or by the provisions hereof, shall be taxed for these purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2018-01: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes (whether by the City or otherwise); the costs to the City, CFD No. 2018-01, or any designee thereof of complying with CFD No. 2018-01 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2018-01, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2018-01 for any other administrative purposes of CFD No. 2018-01, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

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“Assessor’s Parcel” or **“Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by Assessor’s Parcel number.

“Authorized Services” means those services eligible to be funded by CFD No. 2018-01, as defined in the Resolution of Formation and authorized to be financed by CFD No. 2018-01 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2018-01 shall finance Authorized Services only to the extent that they are in addition to those provided in the territory of CFD No. 2018-01 before the CFD was created and such Authorized Services may not supplant services already available within CFD No. 2018-01 when the CFD was created.

“Building Permit” means a permit issued by the City or other governmental agency for the construction of a residential or non-residential building on an Assessor’s Parcel.

“CFD Administrator” means an official of the City or CFD No. 2018-01, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

“CFD No. 2018-01” means City of Antioch Community Facilities District No. 2018-01 (Public Services) (County of Contra Costa).

“City” means the City of Antioch.

“City Landscape and Park Maintenance Standards” means the then applicable landscape and park maintenance standards or then applicable level of services for then applicable landscape and park maintenance contracts executed by the City that are in effect and relate to similar landscape and park improvements.

“City Manager” means the City Manager of the City of Antioch.

“Council” means the City Council of the City of Antioch, acting as the legislative body of CFD No. 2018-01.

“County” means the County of Contra Costa.

“Developed Property” means, for each Fiscal Year, all Assessor’s Parcels for which a Building Permit was issued after January 1, 2018 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied.

“Dwelling Unit” means a building or portion thereof designed for and occupied in whole or part as a residence or sleeping place, either permanently or temporarily, by one (1) family and its guests, with sanitary facilities and one (1) kitchen provided within the unit. Boarding or

lodging houses, dormitories, and hotels shall not be defined as Dwelling Units unless the land use permit specifies a residential use.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Land Use Class” means any of the classes listed in Table 1 and Table 2.

“Maximum Special Tax” means, for each Fiscal Year, the maximum Special Tax, determined in accordance with Section C, below, that can be levied on any Assessor’s Parcel.

“Property Owner Association” means any association formed to represent residential housing interests in CFD No. 2018-01, which also has the resources to manage and maintain Property Owner Association Property or similar.

“Property Owner Association Property” means, for each Fiscal Year, any Assessor’s Parcel within the boundaries of CFD No. 2018-01 that is owned by or irrevocably offered for dedication to a property owner association, including any master or sub-association, not including any such property that is located directly under a residential or non-residential structure.

“Proportionately” means that the ratio of the actual annual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property.

“Public Property” means, for each Fiscal Year, (i) any property within the boundaries of CFD No. 2018-01 that is owned by or irrevocably offered for dedication to the federal government, the State, the City, or any other public agency; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act, as such section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2018-01 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Rate and Method of Apportionment” or “RMA” means this Rate and Method of Apportionment of Special Tax.

“Residential Property” means, for each Fiscal Year, all Assessor’s Parcels of Developed Property for which a Building Permit was issued after January 1, 2018 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied, for purposes of constructing one (1) or more residential Dwelling Units.

“Residential Property – In Compliance” means a definition of Residential Property that is only relevant for the purpose of calculating the annual Neighborhood Park & Street Lighting Maintenance Special Tax and the Neighborhood Landscape Maintenance Special Tax components, as identified in Table 1 and Table 2, and shall be applied each Fiscal Year only

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to Residential Property for which a Property Owner Association and/or the property owner, or any designee thereof, of the Residential Property has notified the City in writing by the February 1st preceding the Fiscal Year that it wishes to assume responsibility for maintaining its parcel's frontage landscaping, parks, and street lights and the City Manager or his/her designee has determined that the Property Owner Association and/or Property Owner, or any designee thereof, has maintained its parcel's frontage landscaping, parks, and street lights in previous Fiscal Years to City Landscape and Park Maintenance Standards. In addition, in order for any Residential Property to be defined as Residential Property – In Compliance, all Residential Properties within the boundaries of CFD No. 2018-01, as defined in the Resolution of Formation, must also be defined as Residential Property – In Compliance. With respect to future development in Assessor's Parcels not identified in the Resolution of Formation, Residential Property – In Compliance status will be evaluated based on the Annexation Map developed for those Assessor's Parcels at the time of annexation, pursuant to the Act.

“Residential Property – Out of Compliance” means all Residential Property that is not Residential Property – In Compliance.

“Resolution of Formation” means the resolution adopted by the Council pursuant to Section 53325.1 of the Act, establishing CFD No. 2018-01.

“San Francisco Urban Consumer Price Index” means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco – Oakland – San Jose Area, measured as of the month of December in the calendar year that ends in the previous Fiscal Year. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco – Oakland – San Jose Area.

“Special Tax” or “Special Taxes” means the special tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property to fund the Special Tax Requirement.

“Special Tax Component” means one of the following components of the Special Tax: Neighborhood Parks & Street Lighting Maintenance Special Tax, Neighborhood Landscape Maintenance Special Tax, or Stormwater Maintenance Special Tax, as identified in Table 1 and Table 2.

“Special Tax Requirement” means that amount to be collected in any Fiscal Year for CFD No. 2018-01 to pay for certain costs as required to meet the needs of CFD No. 2018-01 in that Fiscal Year. The costs to be covered shall be the direct costs for (i) Authorized Services, and (ii) Administrative Expenses; less (iii) a credit for funds available to reduce the annual Special Tax levy, if any, as determined by the CFD Administrator. Under no circumstances shall the Special Tax Requirement include debt service payments for debt financings by CFD No. 2018-01.

“State” means the State of California.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of CFD No. 2018-01 which are not exempt from the Special Tax pursuant to law or Section E below.

“Undeveloped Property” means, for each Fiscal Year, all property not classified as Developed Property, Property Owner Association Property, or Public Property.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, all Assessor’s Parcels, as applicable within CFD No. 2018-01, shall be classified by the CFD Administrator as Developed Property, Undeveloped Property, Property Owner Association Property, or Public Property, and shall be subject to annual Special Taxes in accordance with this Rate and Method of Apportionment as determined by the CFD Administrator pursuant to Sections C and D below. The CFD Administrator’s allocation of property to each type of Land Use Class shall be conclusive and binding. However, only Developed Property shall be subject to annual Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

a. Maximum Special Tax

The Maximum Special Tax for Fiscal Year 2018-19 for Developed Property is shown below. Under no circumstances shall a Special Tax be levied on additions to Dwelling Units which have been categorized in prior Fiscal Years as Developed Property.

TABLE 1

**Maximum Special Taxes for Developed Property – Out of Compliance
For Fiscal Year 2018-19
Community Facilities District No. 2018-01**

Table 1: Residential Property – Out of Compliance	
Special Tax Component (Per Dwelling Unit)	FY 2018-2019 Maximum Tax
Neighborhood Park & Street Lighting Maintenance Special Tax	\$550.62
Neighborhood Landscape Maintenance Special Tax	\$498.12
Stormwater Maintenance Special Tax	\$115.97
Open Space Maintenance Special Tax	\$43.97
Total:	\$1,208.68

TABLE 2

**Maximum Special Taxes for Developed Property – In Compliance
For Fiscal Year 2018-19
Community Facilities District No. 2018-01**

Table 2: Residential Property – In Compliance	
Special Tax Component (Per Dwelling Unit)	FY 2018-2019 Maximum Tax
Neighborhood Park & Street Lighting Maintenance Special Tax	\$550.62
Neighborhood Landscape Maintenance Special Tax	N/A
Stormwater Maintenance Special Tax	\$68.49
Open Space Maintenance Special Tax	43.97
Total:	\$663.07

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2019, the Maximum Special Tax for Developed Property shall be increased annually by the greater of the change in the San Francisco Urban Consumer Price Index (during the twelve (12) months prior to December of the previous Fiscal Year) or two percent (2.00%), with a maximum annual increase of four (4.00%) percent for any given Fiscal Year.

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2. Undeveloped Property

No Special Taxes shall be levied on Undeveloped Property.

3. Prepayment of Special Tax

No prepayment of the Special Tax shall be permitted in CFD No. 2018-01.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2018-19 and for each following Fiscal Year, the Council shall levy the annual Special Tax Proportionately for each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax, until the amount of Special Taxes equals the Special Tax Requirement.

E. EXEMPTIONS

In addition to Undeveloped Property being exempt from annual Special Taxes, no Special Tax shall be levied on Public Property or Property Owner Association Property. However, should an Assessor's Parcel no longer be classified as Public Property or Property Owner Association Property, such Assessor's Parcel shall, upon each reclassification, no longer be exempt from Special Taxes.

F. APPEALS AND INTERPRETATIONS

Any landowner or resident may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has thirty (30) days in which to appeal to the City Council by filing a written notice of appeal with the clerk of the City, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for the appellant's disagreement with the CFD Administrator's determination. The CFD Administrator may charge the appellant a reasonable fee for processing the appeal.

The City may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals. Any decision of the City will be final and binding as to all persons.

G. MANNER OF COLLECTION

The annual Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2018-01 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

H. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to meet the Special Tax Requirement, unless no longer required to pay for Authorized Services as determined at the sole discretion of the Council.

Exhibit C

**Property in City of Antioch
Community Facilities District No. 2018-01
(Public Services)**

Annexation No. 3

The property in the City of Antioch Community Facilities District No. 2018-01 (Public Services) Annexation No. 3 (County of Contra Costa) (State of California) is owned and identified as shown below:

Owner

West Coast Home Builders, Inc.

Assessor's Parcel Numbers

056-130-012



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Phil Hoffmeister, Administrative Analyst II

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

SUBJECT: Resolution Approving Annexation of Oakley Knolls Subdivision 8501 into Almondridge Street Light and Landscape Maintenance District 5, Zone 1, P.W. 647

RECOMMENDED ACTION

It is recommended that the City Council adopt the attached resolution approving the annexation of Oakley Knolls Subdivision 8501 into Almondridge Street Light and Landscape Maintenance District (SLLMD) 5, Zone 1 (5-1).

FISCAL IMPACT

Each lot will be assessed up to a maximum rate of \$216 annually. There are currently 16 lots in this subdivision, which will generate up to \$3,456 per year in assessment revenue toward annual maintenance costs within SLLMD 5-1.

DISCUSSION

The City of Antioch has an existing SLLMD program that was established pursuant to Streets and Highways Code §225000 et seq. The City's SLLMD program contains six (6) main districts, with some districts containing multiple zones. The SLLMD map is included as Attachment C.

As development progresses, projects are conditioned to either annex into existing districts and zones or form completely new ones. Under Streets and Highways Code §22608.1, properties are allowed to annex to an existing assessment district without notice or hearing, or the filing of an engineer's report, if the owner(s) provide written permission.

As part of project conditions of approval, Discovery Builders Inc. was required to annex Oakley Knolls Subdivision 8501 into the existing street light and landscape maintenance district and zone for the area (5-1). The developer has provided an annexation letter and agreed to an annual assessment of up to \$216 per lot. A copy of the annexation letter is included as Attachment B.

ATTACHMENTS

- A: Resolution
- B: Street Light and Landscape Maintenance District Annexation Letter, Oakley Knolls Subdivision 8501
- C: Street Light and Landscape Maintenance Districts Map

ATTACHMENT "A"

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING ANNEXATION OF OAKLEY KNOLLS SUBDIVISION 8501
(DISCOVERY BUILDERS INC.) INTO ALMONDRIDGE STREET LIGHT AND
LANDSCAPE MAINTENANCE DISTRICT 5, ZONE 1
P.W. 647**

WHEREAS, the City of Antioch has formed the Almondridge Street Light and Landscape Maintenance District 5, Zone 1 pursuant to Streets and Highways Code §225000 et seq.;

WHEREAS, Streets and Highways Code §22608.1 allows a territory to be annexed to an existing assessment district without notice or hearing, or the filing of an engineer's report, if the owners give written permission to such annexation;

WHEREAS, Discovery Builders Inc. has given its written consent to have Oakley Knolls Subdivision 8501 annexed into the Almondridge Street Light and Landscape Maintenance District 5, Zone 1.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Antioch that Oakley Knolls Subdivision 8501 is hereby annexed to the Almondridge Street Light and Landscape Maintenance District 5, Zone 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 11th day of June 2019, by the following vote:

AYES:

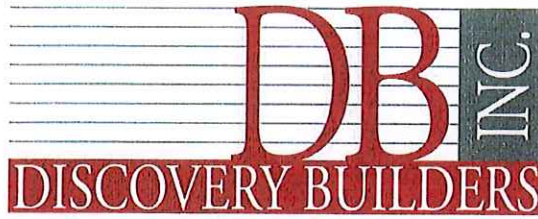
ABSENT:

ABSTAIN:

NOES:

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

ATTACHMENT "B"



CA License #753652 | NV License #70700

4061 Port Chicago Highway, Suite H

Concord, California 94520

(925) 682-6419

Fax (925) 689-7741

May 28, 2019

Mr. Jon Blank
Public Works Director/City Engineer
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

RE: Street Light and Landscape Maintenance District Annexation Letter – Oakley Knolls, Subdivision 8501 (PW 647)

Dear Mr. Blank,

Please accept this letter as our request to have Oakley Knolls, Subdivision 8501 (PW 647) annexed into existing Street Light and Landscape Maintenance District 5 (Almondridge) – Zone 1, and to accept a level of annual assessments sufficient to maintain the street lights and landscaping as recommended by the City Engineer and approved by the City Council.

We acknowledge the current annual assessment in this zone is \$216 per single family home and hereby elect to be assessed at that rate.

Sincerely,

A handwritten signature in blue ink, appearing to read "Louis Parsons", is written over a horizontal line.

Louis Parsons
President
Discovery Builders Inc.

Street Light and Landscape Maintenance Districts

District Name

- 1 Hillcrest
- 1A 2V Storage
- 2A San Jose Citywide
- 4 Downtown
- 5 Almaden
- 9 Los Leona Way
- 10 East Los Leona Way

ATTACHMENT "C"



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Phil Hoffmeister, Administrative Analyst II

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

SUBJECT: Resolution Annexing Assessor's Parcel Numbers 051-430-001 through 051-430-016 (Oakley Knolls) into CFD No. 2018-02 (Police Protection)

RECOMMENDED ACTION

It is recommended that the City Council adopt the attached resolution annexing assessor's parcel number (APN) 051-430-001 through 051-430-016 (Oakley Knolls) into Community Facilities District (CFD) No. 2018-02 (Police Protection).

FISCAL IMPACT

There is no immediately projected financial impact. Long term, the property owners in this subdivision will contribute to police services through CFD No. 2018-02 (Police Protection).

DISCUSSION

As part of the tentative map approval, Discovery Builders Inc. was conditioned to annex the Oakley Knolls subdivision (APNs 051-430-001 through 051-430-016) into a CFD for Police Protection. The project is located on the north side of Oakley Rd., approximately 875 feet east of the intersection of Willow Ave.

Resolution No. 2018/113, adopted by the City Council on September 11, 2018, authorizes the City to annex properties into CFD No. 2018-02 and assess them for eligible Police Protection without further public hearings or formal elections upon receipt of written consent from the owner(s).

The Boundary Map (Attachment C) shows the location of the following properties to be added as Annexation No. 2 to CFD No. 2018-02 for Police Protection: APN 051-430-001 through 051-430-016 Discovery Builders Inc.

The owner has given consent and approval that all APNs be annexed to CFD No. 2018-02 (Attachment B). The owner has agreed and intends that such consent and approval constitute election to annex to CFD No. 2018-02 and approval of the authorization for the levy of the Special Tax within the property.

It is recommended that the City Council adopt the attached resolution (Attachment A) certifying and adding the above property to CFD No. 2018-02 (Police Protection). If approved by the City Council, an amended Boundary Map and an Amendment of Notice

of Special Tax Lien for CFD 2018-02 (Police Protection) shall be filed with the Contra Costa County Recorder's Office within fifteen (15) days of the resolution to annex.

ATTACHMENTS

A: Resolution

B: Consent and Election to Annex with Notary Acknowledgement

C: Boundary Map of Annexation No. 2 to CFD No. 2018-02 (Police Protection)

D: Amended Notice of Special Tax Lien

ATTACHMENT "A"

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ANNEXING ASSESSOR'S PARCEL NUMBERS
051-430-001 THROUGH 051-430-016 (OAKLEY KNOLLS)
INTO CFD NO. 2018-02 (POLICE PROTECTION)**

WHEREAS, Discovery Builders Inc has given its written consent and approval to have APNs 051-430-001 through 051-430-016 annexed into CFD No. 2018-02 (Police Protection);

WHEREAS, Discovery Builders Inc. intends that such consent and approval constitute election to annex into CFD No. 2018-02 (Police Protection), and approval of the authorization for the levy of the Special Tax within the properties, respectively.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Antioch that APN 051-430-001 through 051-430-016 are hereby annexed into CFD No. 2018-02 (Police Protection).

* * * * *

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 11th day of June 2019, by the following vote:

AYES:

ABSENT:

ABSTAIN:

NOES:

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

ATTACHMENT "B"

CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING
COMMUNITY FACILITIES DISTRICT

CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT NO. 2018-02
(POLICE PROTECTION)

To: CITY COUNCIL OF THE CITY OF ANTIOCH IN ITS CAPACITY AS THE LEGISLATIVE
BODY OF THE ABOVE ENTITLED COMMUNITY FACILITIES DISTRICT:

1. The undersigned is the owner (the "Owner"), or the duly authorized representative of the Owner, of the real property as described in Exhibit A attached hereto and incorporated herein by reference (the "Property"), and in such capacity, possesses all legal authority necessary to execute this Consent and Election as and on behalf of the Owner in connection with the annexation of the Property to the District (as defined below).

The Owner is:

DISCOVERY BUILDERS INC

(Type or print the Full Name of the Owner or Owners of the Property in the above spaces.)

2. The Owner is aware of and understands the following:
 - A. The City of Antioch has conducted proceedings pursuant to the "Mello-Roos Community Facilities Act of 1982", (Government Code Section 53311 and following) (the "Act") to form a community facilities district known and designated as COMMUNITY FACILITIES DISTRICT NO. 2018-02 (POLICE PROTECTION) (the "District") to finance the increased demand for Police Protection (the "Services") resulting from new development within the District. The services to be financed by the CFD comprise services ("Services") authorized to be financed pursuant to Section 53313 and 53313.5 of the Government Code. CFD 2018-02 shall finance Services only to the extent they are in addition to those provided in the territory of CFD 2018-02 before the CFD was created and such Services may not supplant services already available within CFD 2018-02 when the CFD was created.

For a full and complete description of the Police Protection, reference is made to the final CFD Report, a copy of which is on file in the Office of the City Clerk. For all particulars, reference is made to said CFD Report.

B1

- B. The City has also undertaken proceedings pursuant to Article 3.5 of the Act to provide for the future annexation of certain territory, including the Property, to the District. On September 11, 2018, the City held a public hearing as required by the Act, to consider the future annexation of such territory, including the Property, to the District. Notice of such hearing was given in the form and manner as required by law. A protest to such future annexation was not received from 50% or more of the registered voters, or six (6) registered voters, whichever is more, residing in the territory proposed to be annexed in the future or the owners of one-half or more of the area of land in the territory proposed to be annexed in the future. At the conclusion of such public hearing, the legislative body of the City did approve and provide for the annexation in the future upon the unanimous approval of the owner or owners of each parcel or parcels at the time that such parcel or parcels are annexed, without additional hearings.

THE UNDERSIGNED DOES HEREBY CERTIFY UNDER PENALTY OF PERJURY AS FOLLOWS:

3. The Owner consents and elects to and expressly approves annexation of the Property to the District and the authorization for the levy of the Special Tax within the Property without further public hearing and without an election conducted pursuant to the provisions of Government Code Section 53339.7 and Article 2 of the Act and the Elections Code of the State of California. Owner agrees and intends that such consent and approval constitutes Owner's election to annex the Property to the District and to approve the authorization for the levy of the Special Tax within the Property.
4. The Owner waives any right, which the Owner may have to make any protest or complaint or undertake any legal action challenging the validity of the proceedings of the City or the District to authorize the future annexation of the Property to the District or the authorization for the levy of the Special Tax within the Property, any necessity, requirement, right or entitlement for further public hearing or election pertaining to the annexation of the Property to the District and the levy of the Special Tax within the Property.
5. The Owner specifically authorizes the levy of the Special Tax on the Property pursuant to the rate and method of apportionment set forth in Exhibit B to pay for the authorized Police Protection.

EXECUTED this 25th day of April, 2019, in Concord, California.



(Signature)

Louis Parsons

Type or print name of signor

(Signature)



Type or print name of signor

Note:

1. Signatures of property owner(s) or representatives must be notarized.
2. Proof of Authorization to sign is required for Corporations, Partnerships, Limited Liability Companies, Trusts, etc.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
(Civil Code §1189)

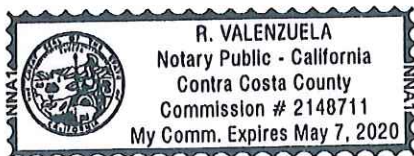
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF CONTRA COSTA)

On April 25, 2019, before me, R. VALENZUELA, a Notary Public, personally appeared **LOUIS PARSONS**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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.



R. Valenzuela
SIGNATURE OF NOTARY

***** OPTIONAL *****

Title or Type of Document: _____

Signer(s) are Representing: _____

Document Date: _____

Bf

**ACTION OF THE
BOARD OF DIRECTORS OF
DISCOVERY BUILDERS, INC.
a California corporation**


The undersigned, being the sole Member of the Board of Directors of **DISCOVERY BUILDERS, INC.**, a California corporation ("**Corporation**"), does hereby consent to the adoption of the following resolution without a meeting of the Board of Directors, pursuant to the Bylaws of the Corporation:

RESOLVED, that effective immediately, LOUIS PARSONS is hereby appointed as President of the Corporation and is granted the authority to perform those offices on behalf of the Corporation pursuant to the California Corporations Code, the Bylaws of the Corporation, and as directed by the Board of Directors of the Corporation.

RESOLVED, that effective immediately, ALBERT D. SEENO, III is hereby appointed as Chief Executive Officer and shall remain Chairman of the Board of the Corporation, and is granted the authority to perform those offices on behalf of the Corporation pursuant to the California Corporations Code, the Bylaws of the Corporation, and as directed by the Board of Directors of the Corporation.

FURTHER RESOLVED, that all actions lawfully taken by LOUIS PARSONS, as President, and by ALBERT D. SEENO, III, as Chief Executive Officer and Chairman of the Board, of the Corporation shall be the legally binding acts and obligations of the Corporation.

IN WITNESS WHEREOF, the undersigned Director has executed this action of the Board of Directors effective as of the 10th day of February, 2015, at Concord, California.


ALBERT D. SEENO, III
Director

2/10/15

B5

ANNEXATION MAP NO. 2 OF
CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT NO. 2018-02
(POLICE PROTECTION)
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BRAZIL DR.

PISTACHIO CT

FILBERT ST.

ST.

HONEYNUT ST.

HICKORYNUT ST.




HICKORYNUT ST.

HICKORYNUT CT

Reference is hereby made to that certain map entitled "Proposed Boundaries of City of Antioch Community Facilities District No. 2018-02 (Police Protection), County of Contra Costa, State of California," recorded on September 27, 2018, under Document No. 2018-0514332-00, in Book 87, Page 19 of Maps of Assessment and Community Facilities Districts, in the office of the County Recorder of the County of Contra Costa, State of California, which this Annexation Map affects.

Reference is hereby made to the Assessor maps of the County of Contra Costa, State of California, for a description of the lines and dimensions of each lot and parcel.

LEGEND

-  Boundaries of Annexation Map No. 2 of
 City of Antioch Community Facilities District
 No. 2018-02 (Police Protection), Contra
 Costa County, California
 Assessor Parcel Line

Assessor Parcel Number within
the Boundaries of Annexation
Map No. 2 of City of Antioch
Community Facilities District No.
2018-02 (Police Protection):

051-430-001
 051-430-002
 051-430-003
 051-430-004
 051-430-005
 051-430-006
 051-430-007
 051-430-008
 051-430-009
 051-430-010
 051-430-011
 051-430-012
 051-430-013
 051-430-014
 051-430-015
 051-430-016



- (1) Filed in the office of the Clerk of the City of Antioch this ____ day of _____, 2019.

Arne Simonsen, Clerk of the City of Antioch,
California

- (2) I hereby certify that the within map showing the proposed boundaries of Annexation Map No. 2 of City of Antioch Community Facilities District No. 2018-02 (Police Protection), City of Antioch, County of Contra Costa, State of California, was approved by the City Council of the City of Antioch at a regular meeting thereof, held on the ____ day of _____, 2019, by its Resolution No. _____.

Arne Simonsen, Clerk of the City of Antioch,
California

- (3) Contra Costa County Recorder's Certificate

This map has been filed under Document Number _____, this ____ day of _____, 2019, at _____ m., in Book _____ of Maps of Assessment and Community Facilities Districts at page _____, in the office of the county recorder in the County of Contra Costa, State of California, at the request of the City of Antioch in the amount of \$ _____.

Joseph E. Canciamilla
County Clerk-Recorder

By: _____

Deputy Recorder

OAKLEY ROAD

ATTACHMENT "D"

RECORDED AT REQUEST OF:

**City of Antioch
Public Works Department
Engineering & Development Services Division
Attn: Phil Hoffmeister
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007**

**THIS SPACE FOR RECORDERS
USE ONLY**

(No fee for recording pursuant to Government Code §27383)

**Amendment to the Notice of Special Tax Lien
(Notice of Annexation)
Annexation No. 2
City of Antioch
Community Facilities District No. 2018-02
(Police Protection)**

APN 051-430-001 THROUGH 051-430-016

**City of Antioch
County of Contra Costa
State of California**

June 2019

D1

**AMENDMENT TO THE NOTICE OF SPECIAL TAX LIEN
(NOTICE OF ANNEXATION)**

ANNEXATION No. 2

**CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT NO. 2018-02
(POLICE PROTECTION)**

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code and Section 53339.8 of the Government Code, the undersigned City Clerk of the City of Antioch, acting for and on behalf of the legislative body of the CITY OF ANTIOCH, COMMUNITY FACILITIES DISTRICT NO. 2018-02 (Police Protection), COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, HEREBY GIVES NOTICE that a lien is hereby imposed to secure payment of a special tax which the City Council of the City of Antioch, County of Contra Costa, State of California, acting in its capacity as the legislative body of such Community Facilities District is authorized to annually levy for the following purpose:

To finance increased demand for Police Protection resulting from new development within the District

The special tax is authorized to be levied on the property described in "Exhibit A" attached hereto (the "Annexed Property") which has been annexed to the District, which has now been officially formed, and the lien of the special tax is a continuing lien, which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied and cancelled in accordance with law or until the special tax ceases to be levied and an notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate and method of apportionment of the authorized special tax is as shown on the attached, referenced and incorporated Exhibit "B", and the special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, as applicable, the legislative body of the District may, by resolution, establish and adopt an alternative or supplemental collection procedure as necessary.

Notice is further given that upon the recording of this notice in the office of the County Recorder, the obligation to pay the special tax levy shall become a lien upon the Annexed Property in accordance with Section 3115.5 of the Streets and Highways Code.

The names of the owners of the Annexed Property as they appear on the last secured assessment roll as of the date of recording of this Notice and Assessor's tax parcels numbers of all parcels or any portion thereof which are included within the

Annexed Property are as set forth on the attached, referenced and incorporated Exhibit "C".

Reference is made to the following:

1. "Proposed Boundaries of City of Antioch Community Facilities District No. 2018-02 (Police Protection), County of Contra Costa, State of California", recorded on September 27, 2018 under Document No. 2018-0154332, in Book 87, Page 19 of Maps of Assessment and Community Facilities Districts, in the Office of the County Recorder of the County of Contra Costa, State of California.
2. "City of Antioch Community Facilities District No. 2018-02 (Police Protection), Rate and Method of Apportionment of Special Tax" attached as **Exhibit B** to Resolution No. 2018/113 adopted by the City of Antioch City Council on September 11, 2018
3. "Notice of Special Tax Lien, City of Antioch, Community Facilities District No. 2018-02 (Police Protection) (County of Contra Costa)", recorded on November 07, 2018 under Document No. 2018-0181159, in the Office of the County Recorder of the County of Contra Costa, State of California.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the following designated person:

Dated: _____

CITY CLERK, CMC
City Clerk of the City of Antioch
STATE OF CALIFORNIA

D3

EXHIBIT A

CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING
COMMUNITY FACILITIES DISTRICT

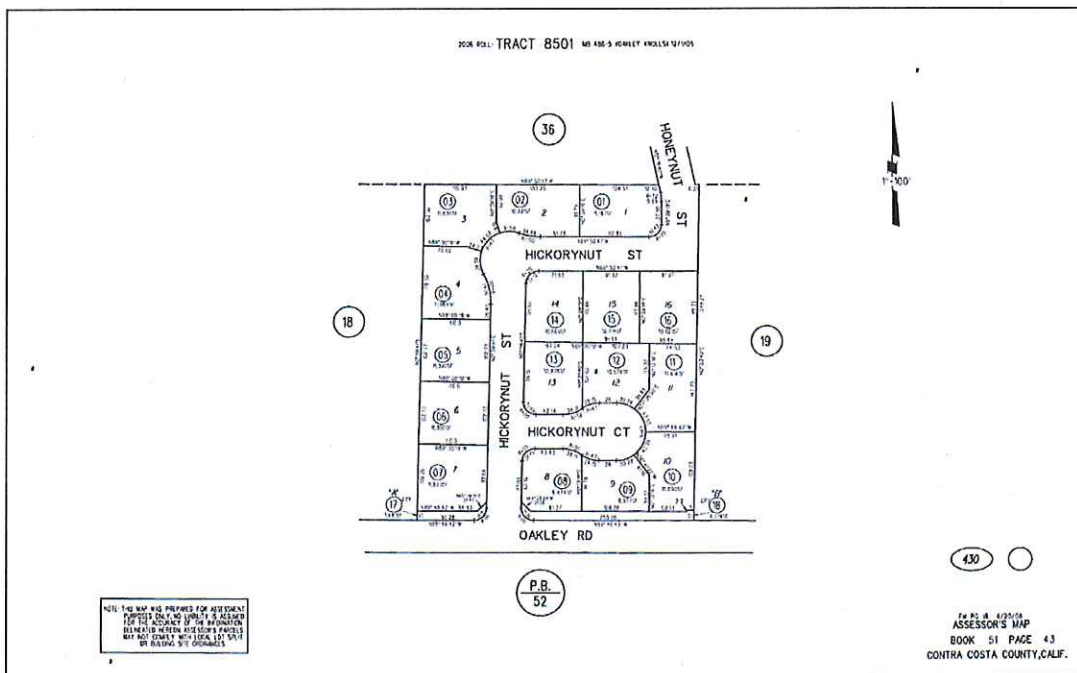
CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT No. 2018-02
(POLICE PROTECTION)

ANNEXATION No. 2

051-430-001 through 051-430-016

ASSESSOR'S PARCEL NUMBER(S)

CITY OF ANTIOCH
COMMUNITY FACILITIES DISTRICT No. 2018-02
(POLICE PROTECTION)



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EXHIBIT B

CITY OF ANTIOCH COMMUNITY FACILITIES DISTRICT NO. 2018-02 (POLICE PROTECTION)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels of Taxable Property in City of Antioch Community Facilities District No. 2018-02 (Police Protection) (County of Contra Costa) ("CFD No. 2018-02") and collected each Fiscal Year commencing in Fiscal Year 2018-19, in an amount determined by the Council through the application of the appropriate Special Tax for "Developed Property," as described below. All of the real property in CFD No. 2018-02, unless exempted by law or by the provisions hereof, shall be taxed for these purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2018-02: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes (whether by the City or otherwise); the costs to the City, CFD No. 2018-02, or any designee thereof of complying with CFD No. 2018-02 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2018-02, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2018-02 for any other administrative purposes of CFD No. 2018-02, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

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“Age-Restricted Residential Property” means all Assessor’s Parcels of Developed Property which are identified and designated as Active Adult Senior Housing pursuant to City Municipal Code Section 9-5.203

“Assessor’s Parcel” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by Assessor’s Parcel number.

“Authorized Services” means those services eligible to be funded by CFD No. 2018-02, as defined in the Resolution of Formation and authorized to be financed by CFD No. 2018-02 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2018-02 shall finance Authorized Services only to the extent that they are in addition to those provided in the territory of CFD No. 2018-02 before the CFD was created and such Authorized Services may not supplant services already available within CFD No. 2018-02 when the CFD was created.

“CFD Administrator” means an official of the City or CFD No. 2018-02, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

“CFD No. 2018-02” means City of Antioch Community Facilities District No. 2018-02 (Police Protection) (County of Contra Costa).

“City” means the City of Antioch.

“City Manager” means the City Manager of the City of Antioch.

“Council” means the City Council of the City of Antioch, acting as the legislative body of CFD No. 2018-02.

“County” means the County of Contra Costa.

“Developed Property” means, for each Fiscal Year, all Assessor’s Parcels for which a Building Permit was issued after January 1, 2018 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied.

“Dwelling Unit” means a building or portion thereof designed for and occupied in whole or part as a residence or sleeping place, either permanently or temporarily, by one (1) family and its guests, with sanitary facilities and one (1) kitchen provided within the unit. Boarding or lodging houses, dormitories, and hotels shall not be defined as Dwelling Units unless the land use permit specifies a residential use.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

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“Land Use Class” means any of the classes listed in Table 1.

“Maximum Special Tax” means, for each Fiscal Year, the maximum Special Tax, determined in accordance with Section C, below, that can be levied on any Assessor’s Parcel.

“Multi-Family Residential Property” means, all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing a residential structure consisting of more than two (2) Dwelling Units, including, but not limited to, triplexes, condominiums, and apartment units.

“Property Owner Association Property” means, for each Fiscal Year, any Assessor’s Parcel within the boundaries of CFD No. 2018-02 that is owned by or irrevocably offered for dedication to a property owner association, including any master or sub-association, not including any such property that is located directly under a residential or non-residential structure.

“Proportionately” means that the ratio of the actual annual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property.

“Public Property” means, for each Fiscal Year, (i) any property within the boundaries of CFD No. 2018-02 that is owned by or irrevocably offered for dedication to the federal government, the State, the City, or any other public agency; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act, as such section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2018-02 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Rate and Method of Apportionment” or **“RMA”** means this Rate and Method of Apportionment of Special Tax.

“Residential Property” means, for each Fiscal Year, all Assessor’s Parcels of Developed Property for which a Building Permit was issued after January 1, 2018 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied, for purposes of constructing one (1) or more residential Dwelling Units.

“Resolution of Formation” means the resolution adopted by the Council pursuant to Section 53325.1 of the Act, establishing CFD No. 2018-02.

“San Francisco Urban Consumer Price Index” means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco – Oakland – San Jose Area, measured as of the month of December in the calendar year that ends in the previous Fiscal Year. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the CFD

Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco – Oakland – San Jose Area.

“Services” means those services authorized to be financed by CFD No. 2018-02 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2018-02 shall finance Services only to the extent that they are in addition to those provided in the territory of CFD No. 2018-02 before such CFD was created and such Services may not supplant services already available within CFD No. 2018-02 when such CFD was created.

“Single Family Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing one single-family residential Dwelling Unit.

“Special Tax” or “Special Taxes” means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Developed Property to fund the Special Tax Requirement.

“Special Tax Requirement” means that amount to be collected in any Fiscal Year for CFD No. 2018-02 to pay for certain costs as required to meet the needs of CFD No. 2018-02 in that Fiscal Year. The costs to be covered shall be the direct costs for (i) Authorized Services, and (ii) Administrative Expenses; less (iii) a credit for funds available to reduce the annual Special Tax levy, if any, as determined by the CFD Administrator. Under no circumstances shall the Special Tax Requirement include debt service payments for debt financings by CFD No. 2018-02.

“State” means the State of California.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of CFD No. 2018-02 which are not exempt from the Special Tax pursuant to law or Section E below.

“Undeveloped Property” means, for each Fiscal Year, all property not classified as Developed Property, Property Owner Association Property, or Public Property.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, all Assessor’s Parcels, as applicable within CFD No. 2018-02, shall be classified by the CFD Administrator as Developed Property, Undeveloped Property, Property Owner Association Property, or Public Property, and shall be subject to annual Special Taxes in accordance with this Rate and Method of Apportionment as determined by the CFD Administrator pursuant to Sections C and D below. The CFD Administrator’s allocation of property to each type of Land Use Class shall be conclusive and binding. However, only Developed Property shall be subject to annual Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. All Developed Property shall be assigned to Land Use Classes 1, 2, or 3 as listed in Table 1.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

a. Maximum Special Tax

The Maximum Special Tax for Fiscal Year 2018-19 for Developed Property is shown below. Under no circumstances shall a Special Tax be levied on additions to Dwelling Units which have been categorized in prior Fiscal Years as Developed Property.

TABLE 1

**Maximum Special Taxes for Developed Property
For Fiscal Year 2018-19
Community Facilities District No. 2018-02**

Table 1: Residential Property		
Land Use Class	Police Protection Services Special Tax	FY 2018-2019 Maximum Tax
1	Single Family Residential Property	\$473.93
2	Multi-Family Residential Property	\$300.16
3	Age-Restricted Residential Property	\$236.97

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2019, the Maximum Special Tax for Developed Property shall be increased annually by the greater of the change in the San Francisco Urban Consumer Price Index (during the twelve (12) months prior to December of the previous Fiscal Year) or two percent (2.00%), with a maximum annual increase of four (4.00%) percent for any given Fiscal Year.

2. Undeveloped Property

No Special Taxes shall be levied on Undeveloped Property.

3. Prepayment of Special Tax

No prepayment of the Special Tax shall be permitted in CFD No. 2018-02.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2018-19 and for each following Fiscal Year, the Council shall levy the annual Special Tax Proportionately for each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax, until the amount of Special Taxes equals the Special Tax Requirement.

E. EXEMPTIONS

In addition to Undeveloped Property being exempt from annual Special Taxes, no Special Tax shall be levied on Public Property or Property Owner Association Property. However, should an Assessor's Parcel no longer be classified as Public Property or Property Owner Association Property, such Assessor's Parcel shall, upon each reclassification, no longer be exempt from Special Taxes.

F. APPEALS AND INTERPRETATIONS

Any landowner or resident may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has thirty (30) days in which to appeal to the City Council by filing a written notice of appeal with the clerk of the City, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for the appellant's disagreement with the CFD Administrator's determination. The CFD Administrator may charge the appellant a reasonable fee for processing the appeal.

The City may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals. Any decision of the City will be final and binding as to all persons.

G. MANNER OF COLLECTION

The annual Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2018-02 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

H. FUTURE ANNEXATIONS

It is anticipated that additional properties will be annexed to CFD No. 2018-02 from time to time. As each annexation is proposed, an analysis may be prepared to determine the annual cost for providing Authorized Services to such parcels. Based on this analysis, any parcels to be annexed, pursuant to California Government Code Section 53339 *et seq.* will be assigned the approximate Maximum Special Tax rates when annexed.

I. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to meet the Special Tax Requirement, unless no longer required to pay for Authorized Services as determined at the sole discretion of the Council.

D11

EXHIBIT C

**Property in City of Antioch
Community Facilities District No. 2018-02
(Police Protection)**

Annexation No. 2

The property in the City of Antioch Community Facilities District No. 2018-02 (Police Protection) Annexation No. 2 (County of Contra Costa) (State of California) is owned and identified as shown below:

Owner

Assessor's Parcel Numbers

Discovery Builders, Inc.

051-430-001 through 051-430-016



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Scott Buening, Project Manager *SB*

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

SUBJECT: Contract Extension with Anchor Concrete Construction, Inc. for the Curb, Gutter, and Sidewalk Repair Including Tree Removal and Stump Grinding and Installation of Concrete Curb Ramps at Miscellaneous Locations Project, P.W. 507-16

RECOMMENDED ACTION

It is recommended that the City Council adopt the resolution extending the length of the contract with Anchor Concrete Construction, Inc. at the original unit prices for an additional period of one (1) year, through June 30, 2020 for the Curb, Gutter, and Sidewalk Repair Including Tree Removal and Stump Grinding and Installation of Concrete Curb Ramps at Miscellaneous Locations ("Project") increasing the existing contract by \$360,000 for an amount not to exceed \$1,341,644.60.

FISCAL IMPACT

The 2019-2020 Capital Improvement Budget includes funding for this work in the amount of \$450,000 from a combination of Water, Sewer and Gas Tax funds for construction, design, engineering, inspection and other work related to this project.

DISCUSSION

On July 25, 2017 the City issued an on-call contract for \$258,900 for the fiscal year 2018/19. Anchor Concrete Construction, Inc. (ACCI) was determined to be the lowest responsible bidder. The project Special Provisions allow for the contract to be extended a maximum of two one-year terms upon mutual agreement between the City and ACCI, provided the contract unit prices remain unchanged. ACCI has agreed to extend the contract prices for a second one-year term that will expire June 30, 2020.

On June 12, 2018, (Resolution No. 2018/66) the City Council extended ACCI's contract for an additional year and increased the contract amount by \$300,000 with the contract unit prices remaining unchanged. This was the first one-year extension of the contract.

On March 12, 2019, (Resolution No. 2019/39) the City Council approved a budget amendment to ACCI's contract in the amount of \$150,000 due to an influx of concrete replacement work related to water and sewer utility repairs and numerous reported trip hazards.

On May 14, 2019, (Resolution No. 2019/68) the City Council approved a budget amendment to ACCI's contract in the amount of \$272,744.60 for concrete repairs adjacent to failing streets in preparation for various roadway rehabilitation projects.

During the past fiscal year, ACCI has replaced/installed 11,774 square feet of sidewalk, 1,800 square feet of driveway approach, 1,083 linear feet of curb and gutter and 10 storm drain catch basin tops throughout the City.

ATTACHMENTS

A: Resolution

B: ACCI Extension Acceptance Letter

ATTACHMENT "A"

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
EXTENDING THE LENGTH OF THE CONTRACT WITH ANCHOR CONCRETE
CONSTRUCTION, INC. AT THE CURRENT UNIT PRICES FOR AN ADDITIONAL
PERIOD OF ONE (1) YEAR, THROUGH JUNE 30, 2020 FOR THE
CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND
STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS
AT MISCELLANEOUS LOCATIONS PROJECT
P.W. 507-16**

WHEREAS, On July 25, 2017, Anchor Concrete Construction, Inc. ("Contractor") was awarded a contract by the City of Antioch ("City") to perform work associated with the Curb, Gutter, and Sidewalk Repair Including Tree Removal and Stump Grinding and Installation of Concrete Curb Ramps at Miscellaneous Locations project ("Project") through June 30, 2018;

WHEREAS, the Project Special Provisions allow for the contract to be extended a maximum of two one-year terms upon mutual agreement between the City and the Contractor, provided the contract unit prices remain unchanged;

WHEREAS, on June 12, 2018, Council approved the first year-year extension to the contract with Anchor Concrete Construction, Inc. to provide services through June 30, 2019 and increased the contract by \$300,000;

WHEREAS, on March 12, 2019, Council approved amending the fiscal year 2018/2019 Capital Improvement Budget to include funding from the Water Enterprise, Sewer Enterprise and Gas Tax Funds each by \$50,000 for a total budget increase of \$150,000 and increased the contract with Anchor Concrete Construction, Inc. in the amount of \$150,000;

WHEREAS, on May 14, 2019, Council approved to increase the contract with Anchor Concrete Construction, Inc. in the amount of \$272,744.60;

WHEREAS, the Contractor has agreed to extend the original Project unit prices for an additional period of one year, through June 30, 2020;

WHEREAS, the City desires to authorize the City Manager to execute the second one-year extension of the contract through June 30, 2020 with the original contract unit prices remaining unchanged and increase to the contract with Anchor Concrete Construction, Inc. in the amount of \$360,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby approves the second one-year extension of the contract with Anchor Concrete Construction, Inc. for the Project through June 30, 2020 with the original contract unit prices remaining unchanged increasing the contract by **\$360,000** for an amount not to exceed **\$1,341,644.60**.

A1

RESOLUTION NO. 2019/**

June 11, 2019

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 11th day of June 2019, by the following vote:

AYES:

ABSENT:

ABSTAIN:

NOES:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

A2

ATTACHMENT "B"



City of Antioch
Scott Buenting
PO Box 5007
Antioch, CA 94531

May 16, 2019

Dear Mr. Buenting,

This letter is to inform you that I will accept the extension of the contract for 2019-2020. The contract prices will remain the same through June 30, 2020.

Thank you for the business.

Regards,

A handwritten signature in blue ink, appearing to read "Mark Newens", is written over the typed name.

Mark Newens



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

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: Award of Contract for Pavement Plugs and Leveling Courses at Various Locations, P.W. 709

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution:

1. Authorizing a revision to the draft FY18/19 Capital Improvement Budget for the Pavement Plugs and Leveling Courses at Various Locations ("Project") to a total of \$2,100,000 from the Measure J Fund.
2. Awarding the contract to the lowest, responsive and responsible bidder, MCK Services, Inc. in the amount of \$1,982,800.
3. Authorizing the City Manager to execute an agreement with MCK Services, Inc. in an amount not to exceed \$1,982,800.

FISCAL IMPACT

Adoption of this resolution will revise Measure J Funding for this project to \$2,100,000 to include the cost of the construction bid amount and construction management costs (inspection, testing, and contract administration). This action will supersede the draft five-year Capital Improvement Budget of \$1,900,000, which will be presented to Council on June 25, 2019.

DISCUSSION

On May 21, 2019, four bids were received as shown in the Tabulation of Bids (Attachment B). The low bid for this project was submitted by MCK Services, Inc. of Concord. This work consists of constructing asphalt concrete plugs in areas of deteriorating roadway pavement and installing asphalt concrete leveling courses on 67 streets in preparation for surface treatments scheduled to be performed within the next two years.

The Engineer's estimate for the construction of this project was \$1,860,000.

ATTACHMENTS

- A: Resolution
B: Tabulation of Bids
C: List of Locations

ATTACHMENT "A"

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING AN AMENDMENT TO INCREASE THE CAPITAL IMPROVEMENT
BUDGET; AWARDING A CONSTRUCTION CONTRACT; AND AUTHORIZING THE
CITY MANAGER TO EXECUTE AN AGREEMENT WITH MCK SERVICES, INC. FOR
THE PAVEMENT PLUGS AND LEVELING COURSES AT VARIOUS LOCATIONS
P.W. 709**

WHEREAS, an amendment increasing the 2018/2019 fiscal year Capital Improvement Budget with Measure J Funds for the Pavement Plugs and Leveling Courses at Various Locations ("Project") in the amount of \$2,100,000 has been considered by City Council;

WHEREAS, the City Council has considered awarding the Project contract to the lowest, responsive and responsible bidder, MCK Services, Inc. in the amount of \$1,982,800;

WHEREAS, the City authorizes the City Manager to execute a construction agreement with MCK Services, Inc. in the amount of \$1,982,800.

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

1. A revision to the draft FY18/19 Capital Improvement Budget to a total of \$2,100,000 from the Measure J Fund;
2. Awarding the contract to the lowest, responsive and responsible bidder, MCK Services, Inc. in the amount of \$1,982,800;
3. The City Manager to execute an agreement with MCK Services, Inc. in an amount not to exceed \$1,982,800.

* * * * *

RESOLUTION NO. 2019/**

June 11, 2019

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 11th day of June 2019, by the following vote:

AYES:

ABSENT:

ABSTAIN:

NOES:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

A2

**CITY OF ANTIOCH
TABULATION OF BIDS**

JOB TITLE: Pavement Plugs and Leveling Courses at Various Locations
(P.W. 709)

BIDS OPENED: May 21, 2019 ~ 2:00 p.m.
City Council Chambers

	Engineer's Estimate	MCK Services, Inc. Concord	Teichert Construction Roseville	Saboo, Inc. Brentwood	Ghilotti Bros., Inc. San Rafael	
TOTAL BID PRICE	\$1,860,000.00	\$1,982,800.00	\$1,998,950.00	\$2,493,500.00	\$2,854,800.00	

<i>MCK Services, Inc.</i>	<i>Teichert Construction</i>	<i>Saboo, Inc.</i>	<i>Ghilotti Bros., Inc.</i>	
<u>Utilities</u> JCC, Inc. <u>Traffic Striping, Markings & Markers</u> Chrisp Company	<u>Traffic Striping, Markings & Markers</u> Chrisp Company <u>Tack Oil</u> Kent's Oil Services dba Pacific Northwest Oil	<u>Paving</u> A & A Paving <u>Striping</u> Chrisp Company	<u>Adjust Iron</u> Johnson Construction Company <u>Striping</u> Chrisp Company	

ATTACHMENT "B"

ATTACHMENT "C"

PAVEMENT PLUGS AND LEVELING COURSES LOCATIONS

MAIN ROAD	FROM	TO (or NOTES)
Jefferson Wy	Gentrytown	Washington
Washington Wy	Gentrytown	Jefferson
Garfield Pl	Washington	End
Baker Ct		
Johnson Dr	Gentrytown	Carte
Carter Wy	Hayes	Harding
Hayes Wy	Carter	Johnson
Reagan Ct		
Ford Ct		
Van Buren Pl		
Van Buren Ct		
Harding Wy		
Redwood Dr	Gentrytown	Sequoia
Sequoia Dr	Gentrytown	End
Madrone St	Redwood	Redwood
Pine St	Redwood	Persimmon
Persimmon St	Redwood	Pine
Ash St	Redwood	Hemlock
Hemlock St	Redwood	Ash
Muir Ct		
Oak Ct		
Cypress St	Redwood	Sequoia
Pecan St	Cypress	Cedar
Cedar St & Cedar Ct	Redwood	End
N Apple Ct		
S Apple Ct		
Cherry St	Pear	Iron @ Cherry St & Pear Ct
Pear St	Cherry	Cherry
Melon Ct		
Ash St	3100 Ash St	Service Cut & Dig Out
Pear St	3001 Pear St	Service Cut & Dig Out
Acorn Rd	Longview	G St
Milner Rd	Acorn	G St
Milner Rd	3100 Milner Rd	
Milner Rd	3120 Milner Rd	
Fairside Way	Vista Grande	Heidorn

ATTACHMENT "C"

Primrose Ct		
Morningvale Ct		
Pembroke Ct		
Sandrose Ct		
W 11th St	L St	G St
Klengel St	11th St	14th St
Cook St	11th St	14th St
Macaulay St	14th St	Cook St
Medanos St	11th St	14th St
Diamond St	10th St	11th St
Leggett St	14th St	Medanos St
W 12th St	G St	End of Road
W 13th St	G St	End of Road
W 14th St	G St	L St
H St	10th St	11th St
W 11th St	805 11th St	L St
W 11th St	816 11th St	832 11th St
14th St	612 14th St	Service Cut & Dig Out
13th St	622 13th St	Service Cut & Dig Out
12th St	624 12th St	Service Cut & Dig Out
Medanos St	1131 Medanos St	Service Cut & Dig Out
Clearbrook Rd	Lone Tree	Camby
Shasta Ct		
Nanimo Ct		
View Dr	Camby	Terranova
Charisse Ct		
Langley Ct		
Camby Rd	G Street	Clayburn
Clayburn Rd	Lone Tree	Clearbrook
Echo Circle		
Kalama Rd	Longview	Camby
Terranova Dr	Lone Tree	Camby
2nd Street	G Street	I Street
G Street	W 10th Street	Railroad Overpass
G Street	Longview	James Donlon
G Street	3113 G Street	3240 G Street
Crow Ct		
Sunset Dr	Cavallo Rd	Hillcrest Ave
Sunset Dr	Cavallo Rd	Devpar Ct



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

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: Award of Contract for Installation of Curb Ramps at Various Locations, P.W. 409-6

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution:

1. Authorizing a revision to the draft FY18/19 Capital Improvement Budget for the Installation of Curb Ramps at Various Locations ("Project") for a total of \$1,900,000 from the Measure J Fund.
2. Awarding the contract to the lowest, responsive and responsible bidder, J.J.R. Construction, Inc. in the amount of \$1,155,070.
3. Authorizing the City Manager to execute an agreement with J.J.R. Construction, Inc. in the amount of \$1,155,070.

FISCAL IMPACT

Adoption of this resolution will revise Measure J Funding to \$1,900,000 to include the cost of the construction bid amount and construction management costs (inspection, testing, and contract administration) and the 2018 Curb Ramp Installation project. This action will supersede the draft five-year Capital Improvement Budget of \$1,700,000, which will be presented to Council on June 25, 2019.

DISCUSSION

On May 21, 2019, eight bids were received for constructing 96 new curb ramps at various locations in preparation for future roadway resurfacing projects. Title II of the American with Disabilities Act (ADA) requires local agencies to provide ADA curb ramps whenever roadways are altered through pavement resurfacing, such as pavement overlay, rubberized cape seal or micro-surfacing. A copy of the bid tabulation is shown on Attachment B.

The apparent low bid was submitted by TNB Construction (TNB) in the amount of \$1,152,525. Section 8-1.01 of the Standard Specifications states that the Contractor shall perform, with the Contractor's own organization, contract work amounting to not less than 50 percent of the original total contract bid price. TNB's "List of Subcontractors" included within the submitted Bid Forms states that a subcontractor is scheduled to perform work

valued at 60% of the total contract bid price. Due to TNB's failure to meet the minimum work requirements of a Contractor, Staff recommends deeming TNB's bid as non-responsive and rejecting TNB's bid to this project.

Staff recommends awarding the contract to lowest, responsive bidder J.J.R. Construction, Inc. (JJR) in the amount of \$1,155,070. JJR's bid has been checked and found to be without any omissions. Mathematical errors were found within Bid Item Nos. 5, 6 and 10 of JJR's proposal. In accordance with the "Instructions to Bidders" included in the Bid Forms, the unit prices have been extended by the correct quantities and the extended prices have been added to arrive at the Total Bid Price of \$1,155,070.

The Engineer's estimate for the construction of this project was \$1,500,000.

ATTACHMENTS

- A: Resolution
- B: Tabulation of Bids
- C: Project Location Map

ATTACHMENT "A"

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING A REVISION TO THE CAPITAL IMPROVEMENT BUDGET;
AWARDING THE CONTRACT AND AUTHORIZING THE CITY MANAGER TO
EXECUTE AN AGREEMENT WITH J.J.R. CONSTRUCTION, INC. FOR THE
INSTALLATION OF CURB RAMPS AT VARIOUS LOCATIONS
P.W. 409-6**

WHEREAS, a revision to the draft FY18/19 Capital Improvement Budget with Measure J Funds for the Pavement Plugs and Leveling Courses at Various Locations ("Project") in the amount of \$1,900,000 has been considered by City Council;

WHEREAS, the City Council has considered awarding the Project contract to the lowest, responsive and responsible bidder, J.J.R. Construction, Inc. in the amount of \$1,155,070;

WHEREAS, the City authorizes the City Manager to execute a construction agreement with J.J.R. Construction, Inc. in the amount of \$1,155,070.

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

1. Approves revising the draft FY18/19 Capital Improvement Budget with Measure J Funds for the Project in the amount of \$1,900,000;
2. Awards the construction contract to the lowest, responsive and responsible bidder, J.J.R. Construction, Inc.;
3. Authorizes the City Manager to execute an agreement with J.J.R. Construction, Inc. in the amount of \$1,155,070.

* * * * *

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 11th day of June 2019, by the following vote:

AYES:

ABSENT:

ABSTAIN:

NOES:

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

**CITY OF ANTIOCH
TABULATION OF BIDS**

JOB TITLE: Installation of Curb Ramps at Various Locations
(P.W. 409-6)

BIDS OPENED: May 21, 2019 ~ 2:00 p.m.
City Council Chambers

	Engineer's Estimate	TNB Construction Antioch	J.J.R. Construction, Inc. San Mateo	Ghilotti Bros., Inc. San Rafael	JD Partners Concrete Pleasanton	Kerex Engineering, Inc. Pleasant Hill
TOTAL BID PRICE	\$1,500,000.00	\$1,152,525.00	\$1,155,070.00	\$1,435,920.00	\$1,473,300.00	\$1,484,500.00

<i>TNB Construction</i>	<i>J.J.R. Construction, Inc.</i>	<i>Ghilotti Bros., Inc.</i>	<i>JD Partners Concrete</i>	<i>Kerex Engineering, Inc.</i>
<u>None Listed</u> Wayne E. Swisher Cement	<u>Saw Cutting</u> Del Seco Core & Saw <u>Bollards & Striping</u> Chrisp Company	<u>None</u>	<u>None Listed</u> Bayside Striping & Seal, Inc.	<u>None</u>

ATTACHMENT "B"

21

**CITY OF ANTIOCH
TABULATION OF BIDS**

JOB TITLE: Installation of Curb Ramps at Various Locations
(P.W. 409-6)

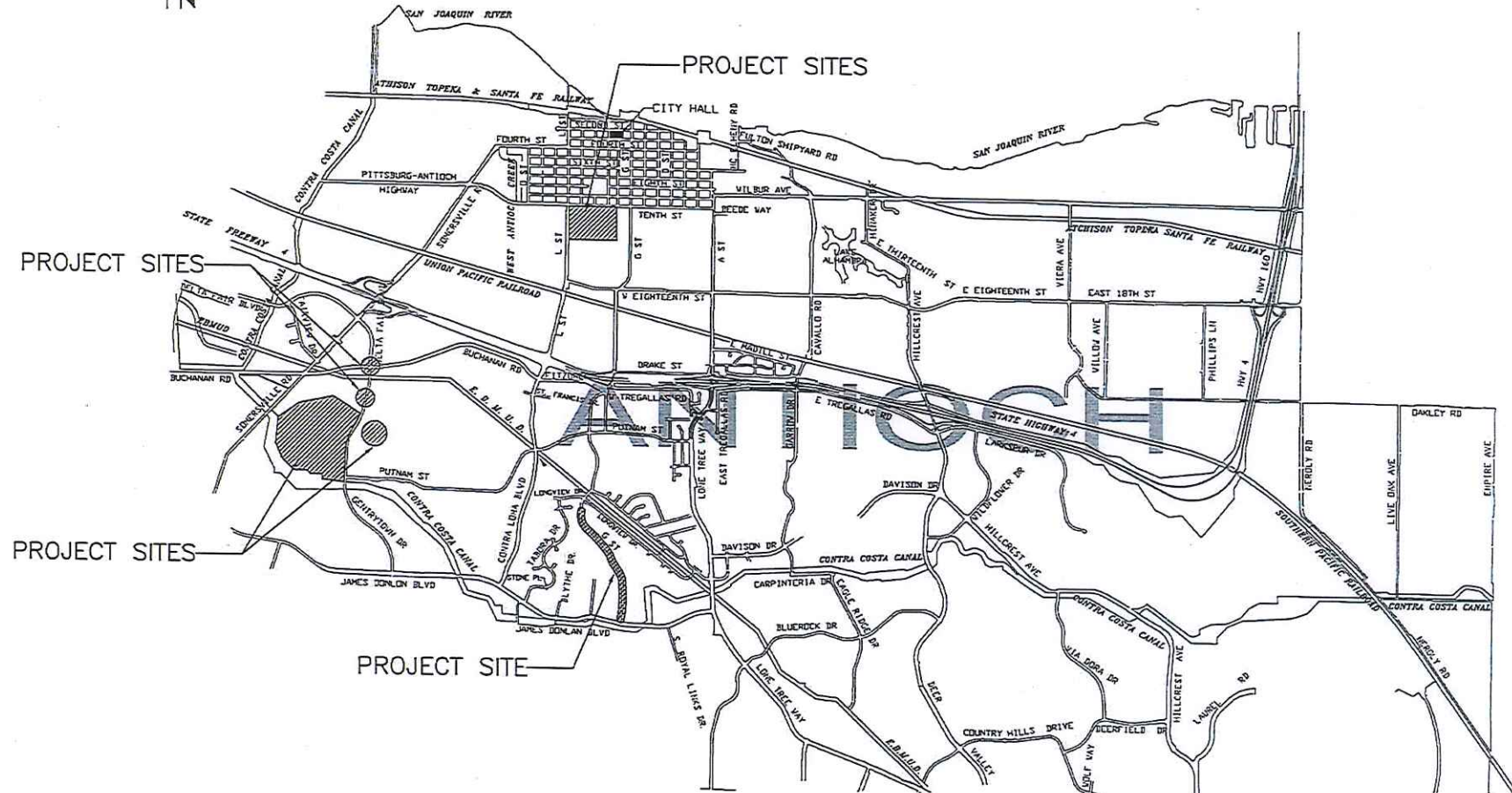
BIDS OPENED: May 21, 2019 ~ 2:00 p.m.
City Council Chambers

	Engineer's Estimate	FBD Vanguard Construction, Inc. Livermore	R & S Construction Management San Francisco	Saboo, Inc. Brentwood		
TOTAL BID PRICE	\$1,500,000.00	\$1,689,022.00	\$1,810,600.00	\$2,346,000.00		

<i>FBD Vanguard Construction, Inc.</i>	<i>R&S Construction Management</i>	<i>Saboo, Inc.</i>		
<u>Relocate Roadside Signs. Path Guard Post. Striping & Marking</u> Chrisp Co.	<u>None</u>	<u>Concrete Paving</u> A&A Paving Striping Chrisp Co.		

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CURB RAMPS AT VARIOUS LOCATIONS PW 409-6



VICINITY MAP
N.T.S.

ATTACHMENT "C"



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

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: Second Amendment to the Consultant Service Agreement with JDH Corrosion Consultants, Inc. for the Cathodic Protection Assessment, P.W. 321-1

RECOMMENDED ACTION

It is recommended that Council approve the second amendment to the Consultant Service Agreement with JDH Corrosion Consultants, Inc. for cathodic protection upgrades related to the Cathodic Protection Assessment project increasing the existing contract by \$119,025 for an amount not to exceed \$312,350.

FISCAL IMPACT

Water Enterprise funding for this work is included in the draft five-year Capital Improvement Budget, which will be presented to Council on June 25, 2019.

DISCUSSION

On November 10, 2015, the City Council authorized the execution of a consultant service agreement with JDH Corrosion Consultants, Inc. (JDH) to conduct a thorough assessment of all cathodic protection systems within the City. As part of this work, it was determined that neither the raw water pipeline between the River Pump Station and Lone Tree Way or the domestic water transmission pipeline on Lone Tree Way between Golf Course Road and Indian Hills Drive include cathodic protection test stations.

On December 12, 2017, the City Council approved the first amendment to the agreement with JDH that included the installation of thirteen (13) cathodic protection tests stations on the raw water and transmission pipelines and five (5) sacrificial anodes on the raw water pipeline. The test stations on the transmission pipeline indicated continuity along the pipeline and that the existing rectifiers were adequately protecting this facility. The test stations on the raw water pipeline indicated lower than anticipated levels of continuity. The test stations on this pipeline were spaced at 1,000 foot to 2,500 foot to provide an initial indication of the cathodic protection of the pipeline. JDH has recommended that additional test stations be installed along the pipeline to determine whether shorter spans will provide acceptable levels of electrical continuity for certain applications of cathodic protection.

Staff is recommending an amendment to JDH's Consultant Service Agreement to include the installation of ten (10) additional anode test stations along the raw water pipeline to reduce the spacing of test stations to approximately 800 feet and install one (1) insulating joint test station on the raw water pipeline at the intersection of Lone Tree Way and Worrell Road.

ATTACHMENTS

A: Resolution

ATTACHMENT "A"

RESOLUTION NO. 2019/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT
TO THE CONSULTANT SERVICE AGREEMENT WITH JDH CORROSION
CONSULTANTS, INC. FOR THE CATHODIC PROTECTION ASSESSMENT
P.W. 321-1

WHEREAS, on November 10, 2015, JDH Corrosion Consultants. Inc. entered into an Agreement for Professional Consultant Services for the Cathodic Protection Assessment ("Project") in the amount of \$84,290;

WHEREAS, on December 12, 2017, the City authorized the First Amendment to the Consultant Service Agreement with JDH Corrosion Consultants. Inc. for the Project in the amount of \$109,035;

WHEREAS, the City desires to authorize the City Manager to execute the Second Amendment to the Consultant Service Agreement with JDH Corrosion Consultants. Inc. for the Project increasing the contract by \$119,025.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby authorizes the City Manager to execute the Second Amendment to the Consultant Service Agreement with JDH Corrosion Consultants. Inc. for the Cathodic Protection Assessment increasing the existing contract by **\$119,025** for an amount not to exceed **\$312,350**.

* * * * *

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 11th day of June 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Scott Buenting, Project Manager

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

SUBJECT: Notice of Completion for the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations Project, P.W. 409-5

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution accepting work and authorizing the Public Works Director/City Engineer to file a Notice of Completion for the Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations project.

FISCAL IMPACT

The final construction contract price for this project is \$2,090,945.41 with funding from the Measure J and SB1 Funds and a \$70,000 TDA bike and pedestrian improvements grant.

DISCUSSION

On January 9, 2018, the City Council awarded a contract to J.J.R. Construction, Inc. (JJR) for the construction of curb ramps and pedestrian improvements at various areas that recently received pavement resurfacing or areas that are planned to be resurfaced. New sidewalks were also installed along the eastern side on Cavallo Road, south of Thirteenth Street and Putnam Street, west of Contra Loma Boulevard. In addition, bike lanes along Carpinteria Drive from Graphite Court to Garrow Drive were constructed utilizing a TDA grant for bike and pedestrian improvements.

On August 8, 2018, the City Council amended the contract with JJR to include additional removal and replacement of concrete flatwork and asphalt pavement and the installation of additional concrete curb ramps.

All work on this project was completed on April 29, 2019.

ATTACHMENTS

A: Resolution Accepting Work
B: Notice of Completion

ATTACHMENT "A"

RESOLUTION NO. 2019/**

**RESOLUTION ACCEPTING WORK; DIRECTING
THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF
COMPLETION FOR THE CURB RAMPS, BIKE LANE AND PEDESTRIAN
IMPROVEMENTS AT VARIOUS LOCATIONS
(P.W. 409-5)**

WHEREAS, the Public Works Director/City Engineer, has certified the completion of all work provided to be done under and pursuant to the contract between the City of Antioch and J.J.R. Construction, Inc.;

WHEREAS, it appears to the satisfaction of this City Council that said work under said contract has been fully completed and done as provided in said contract and the plans and specifications therein referred to.

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

1. The above-described work is hereby accepted.
2. The Public Works Director/City Engineer is authorized to execute and file for record with the County Recorder, County of Contra Costa, a Notice of Completion thereof.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 11th day of June 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

ATTACHMENT "B"

**RECORDED AT THE REQUEST
OF:**
CITY OF ANTIOCH, CA

WHEN RECORDED MAIL TO:
CITY OF ANTIOCH
CAPITAL IMPROVEMENTS DIVISION
P.O. BOX 5007
ANTIOCH, CA 94531
(925) 779-7050

THIS SPACE FOR RECORDER'S USE ONLY

**NOTICE OF COMPLETION FOR THE
CURB RAMPS, BIKE LANE AND PEDESTRIAN IMPROVEMENTS
AT VARIOUS LOCATIONS IN THE CITY OF ANTIOCH
(P.W. 409-5)**

NOTICE IS HEREBY GIVEN:

1. That the interest or estate stated in paragraph 3 herein the real property herein described is owned by: City of Antioch, 200 H Street, Antioch, California 94509.
2. That the full name and address of the Owner of said interest or estate, if there is only one Owner, and that the full names and addresses of all the co-owners who own said interest or estate as tenants in common, as joint tenants, or otherwise, if there is more than one owner, are set forth in the preceding paragraph.
3. That the nature of the stated owner, or if more than one owner, then of the stated owner and co-owners is: In fee.
4. That on April 29, 2019 the work and improvements hereinafter described, the contract for which was entered into by and between the City of Antioch and J.J.R. Construction, Inc was completed.
5. The surety for said project was Great American Insurance Company.
6. This project consisted of constructing concrete curb ramps, passage ways and flatwork, roadway construction, cold planing existing asphalt concrete and asphalt concrete installation at various locations (See Exhibit A) in the City of Antioch, County of Contra Costa, State of California.

**THE UNDERSIGNED STATES UNDER PENALTY OF
PERJURY THAT THE ABOVE IS TRUE AND CORRECT**

Date

JON BLANK, P.E.
Director of Public Works/City Engineer
City of Antioch

bl

List of Locations
WILLIAM REED DR. AND CATALINE AVE.
WILLIAM REED DR. AND CATALINE AVE.
WILLIAM REED DR. AND CAMPBELL AVE.
WILLIAM REED DR. AND CAMPBELL AVE.
WILLIAM REED DR. AND CREED AVE.
WILLIAM REED DR. AND CREED AVE.
WILLIAM REED DR. AND JOHN GILDI AVE.
WILLIAM REED DR. AND JOHN GILDI AVE.
CATALINE AVE. AND BRISDALE PL.
CATALINE AVE. AND BRISDALE PL.
CATALINE AVE. AND STILLWELL CIR.
CATALINE AVE. AND STILLWELL CIR.
CATALINE AVE. AND W. MADILL ST.
CATALINE AVE. AND MADILL CIR.
CATALINE AVE. AND W. MADILL ST.
CATALINE AVE. AND HAWTHORNE AVE.
CATALINE AVE. AND HAWTHORNE AVE.
W. MADILL ST AND CAMPBELL AVE.
W. MADILL ST AND CAMPBELL AVE.
W. MADILL ST AND CREED AVE.
W. MADILL ST AND CREED AVE.
W. MADILL ST AND JOHN GILDI AVE.
W. MADILL ST AND JOHN GILDI AVE.
W. MADILL ST AND WILLIAM REED DR.
NEWBURY AVE. AND CREED AVE.
NEWBURY AVE. AND CREED AVE.
NEWBURY AVE. AND JOHN GILDI AVE.
NEWBURY AVE. AND JOHN GILDI AVE.
NEWBURY AVE. AND JOHN GILDI AVE.
NEWBURY AVE. AND JOHN GILDI AVE.
NEWBURY AVE. AND WILLIAM REED DR.
NEWBURY AVE. AND WILLIAM REED DR.
NEWBURY AVE. AND WILLIAM REED DR.
NEWBURY AVE. AND WILLIAM REED DR.
NEWBURY AVE. AND RUSSELL DR.
NEWBURY AVE. AND RUSSELL DR.
RUSSELL DR. AND LAWRENCE AVE.
RUSSELL DR. AND LAWRENCE AVE.
RUSSELL DR. AND LAWRENCE AVE.
RUSSELL DR. AND LAWRENCE AVE.
RUSSELL DR. AND RUSSELL DR.
RUSSELL DR. AND RUSSELL DR.
RUSSELL DR. AND LAWTON ST.
RUSSELL DR. AND LAWTON ST.
D ST. AND LAWTON ST.
D ST. AND LAWTON ST.
D ST. AND LAWTON ST.
D ST. AND LAWTON ST.
W. MADILL ST. AND RUSSELL DR.
W. MADILL ST. AND RUSSELL DR.

EXHIBIT "A"

Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations, P.W. 409-5

D ST. AND W MADILL ST..
D ST. AND W MADILL ST..
D ST. AND W MADILL ST..
D ST. AND W MADILL ST..
D ST. AND ROSSI AVE.
D ST. AND ROSSI AVE.
TEXAS ST. AND GEM LN.
TEXAS ST. AND GEM LN.
TEXAS ST. AND F ST.
TEXAS ST. AND F ST.
D ST. AND TEXAS ST.
D ST. AND TEXAS ST.
D ST. AND TEXAS ST.
D ST. AND TEXAS ST.
E. 19TH ST. AND ACACIA AVE.
E. 19TH ST. AND ACACIA AVE.
E. 19TH ST. AND BIRCH AVE.
E. 19TH ST. AND BIRCH AVE.
E. 19TH ST. AND CHESTNUT AVE.
E. 19TH ST. AND CHESTNUT AVE.
E. 19TH ST. AND DEODAR AVE.
E. 19TH ST. AND DEODAR AVE.
E. 19TH ST. AND EVERGREEN AVE.
E. 19TH ST. AND EVERGREEN AVE.
BELSHAW ST. AND ACACIA AVE.
BELSHAW ST. AND ACACIA AVE.
BELSHAW ST. AND BIRCH AVE.
BELSHAW ST. AND BIRCH AVE.
BELSHAW ST. AND CHESTNUT AVE.
BELSHAW ST. AND CHESTNUT AVE.
BELSHAW ST. AND DEODAR AVE.
BELSHAW ST. AND DEODAR AVE.
LINDBERG ST. AND LAWTON ST.
LINDBERG ST. AND LAWTON ST.
LINDBERG ST. AND W. MADILL ST.
LINDBERG ST. AND W. MADILL ST.
LINDBERG ST. AND W. MADILL ST.
LINDBERG ST. AND W. MADILL ST.
W. MADILL ST AND NORTON ST.
LINDBERG ST. AND ROSSI AVE.
LINDBERG ST. AND ROSSI AVE.
LINDBERG ST. AND ROSSI AVE.
LINDBERG ST. AND ROSSI AVE.
LINDBERG ST. AND TEXAS ST.
LINDBERG ST. AND TEXAS ST.
LINDBERG ST. AND TEXAS ST.
LINDBERG ST. AND TEXAS ST.
E. MADILL ST. AND MADILL CT.
E. MADILL ST. AND MADILL CT.
E. MADILL ST. AND MCGINLEY AVE.
E. MADILL ST. AND MCGINLEY AVE.
BRYAN AVE. AND MCGINLEY AVE.

BRYAN AVE. AND MCGINLEY AVE.
E. MADILL ST AND DIABLO AVE.
E. MADILL ST AND DIABLO AVE.
BRYAN AVE. AND DIABLO AVE.
BRYAN AVE. AND DIABLO AVE.
E. MADILL ST. AND BEASLEY AVE.
E. MADILL ST. AND BEASLEY AVE.
BRYAN AVE. AND BRYAN AVE.
BRYAN AVE. AND BRYAN AVE.
E. MADILL ST. AND COVENTRY CT.
E. MADILL ST. AND COVENTRY CT.
SAN JOAQUIN AVE. AND ALCALA ST.
SAN JOAQUIN AVE. AND ALCALA ST.
SAN JOAQUIN AVE. AND D ST.
SAN JOAQUIN AVE. AND D ST.
SAN JOAQUIN AVE. AND D ST.
SAN JOAQUIN AVE. AND D ST.
FARIA ST. AND EL REY ST.
FARIA ST. AND EL REY ST.
FARIA ST. AND ALCALA ST.
FARIA ST. AND ALCALA ST.
EL REY ST. AND PUTNAM ST.
ALCALA ST. AND PUTNAM ST.
ALCALA ST. AND PUTNAM ST.
PUTNAM ST. AND SCHOOL ENTRANCE
PUTNAM ST. AND SCHOOL ENTRANCE
PUTNAM ST. AND D ST.
PUTNAM ST. AND D ST.
PUTNAM ST. AND ELIZABETH LN.
PUTNAM ST. AND PLUMLEIGH AVE.
PUTNAM ST. AND PLUMLEIGH AVE.
PUTNAM ST. AND PLUMLEIGH AVE.
PUTNAM ST. AND PLUMLEIGH AVE.
ROBERT ST. AND ELIZABETH LN.
ROBERT ST. AND ELIZABETH LN.
ROBERT ST. AND ELIZABETH LN.
ROBERT ST. AND ELIZABETH LN.
ROBERT ST. AND PLUMLEIGH AVE.
ROBERT ST. AND PLUMLEIGH AVE.
ELIZABETH LN. AND ELIZABETH CT.
ELIZABETH LN. AND ELIZABETH CT.
CAMBY RD. AND G ST.
CAMBY RD. AND G ST.
CAMBY RD. AND LAGLEY CT.
CAMBY RD. AND LAGLEY CT.
CAMBY RD. AND CHRISSE CT.
CAMBY RD. AND CHRISSE CT.
CAMBY RD. AND VIEW DR.
CAMBY RD. AND VIEW DR.
CAMBY RD. AND NANIMO CT.
CAMBY RD. AND NANIMO CT.
CAMBY RD. AND SHASTA CT.

B4

EXHIBIT "A"

Curb Ramps, Bike Lane and Pedestrian Improvements at Various Locations, P.W. 409-5

CAMBY RD. AND SHASTA CT.
CAMBY RD. AND CLEARBROOK RD.
CAMBY RD. AND CLEARBROOK RD.
CLEARBROOK RD AND CLAYBURN RD.
CLEARBROOK RD AND ECHO CIR.
CLEARBROOK RD AND ECHO CIR.
CAMBY RD. AND KALAMA RD.
CAMBY RD. AND KALAMA RD.
CAMBY RD. AND CLAYBURN RD
CAMBY RD. AND CLAYBURN RD
A ST. AND WILBUR AVE.
A ST.
A ST.
A ST. AND WILBUR AVE.
A ST. AND WILBUR AVE.
A ST. AND W. 10TH ST.
A ST. AND BEEDE WAY
A ST. AND BEEDE WAY
A ST. AND BEEDE WAY
A ST. AND E 13TH ST.
G ST. AND MARSH ELEMENTARY SCHOOL
G ST. AND MARSH ELEMENTARY SCHOOL
G ST. AND MARSH ELEMENTARY SCHOOL
G ST. AND MARSH ELEMENTARY SCHOOL
G ST. AND MARSH ELEMENTARY SCHOOL
CONTRA LOMA BLVD. AND ST. FRANCES DR.
CAVALLO RD. AND E. 18TH ST.
CARPINTERIA DR. AND EAGLERIDGE DR.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Nancy Kaiser, Parks and Recreation Director *Nancy Kaiser*

REVIEWED BY: Jon Blank, Public Works Director

SUBJECT: City Mobile Stage Purchase

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution:

- 1) Authorizing the purchase of a Mobile Stage system; and
- 2) Authorizing a sole source purchase agreement with Stageline for the purchase of the Stageline SL75 Mobile Stage.

FISCAL IMPACT

The cost to purchase a Stageline SL75 Mobile Stage is \$106,805. Funding the purchase of a new stage comes from two funding sources. The City Vehicle Replacement Fund has \$64,364 for the civic arts stage replacement, and there is a one-time revenue allocation in the amount of \$43,244. This purchase is a one-time expense for the standard stage and equipment, supports and hydraulic stabilizers, and the transport to Antioch along with training services for City staff.

DISCUSSION

The City utilizes a mobile stage unit for signature City events, noteworthy community festivals and gatherings, and special requests on occasion. The existing mobile stage has been in service since the 1980s and has been a valuable asset for many events including parades, music festivals and the annual July 4th celebration. A new state-of-the-art mobile stage unit will provide a better experience for all City and community uses. The stage will also enable City staff to develop a more efficient procedure for transporting, setting up and breaking down the stage.

Stageline SL75 Mobile Stage best meets the needs of the City including but not limited to, staff operations, storage, type of event and number of uses. Staff researched the companies that manufacture mobile stages and the SL75 is the ideal unit for the level of activity in Antioch. There is opportunity to add and enhance this stage in the future if

desired. The production schedule from Stageline indicates that the SL75 will be available September, 2019. Following receipt of the stage, staff will develop a new graphic plan to customize the banners that meets the standards of the newly adopted branding and marketing program.

The City Council Ad Hoc Committee for the Sesquicentennial Celebration anticipates a multi-year community celebration that begins in 2020 with the recognition that Antioch was founded in 1850 before incorporating as a city in 1872. Having a state-of-the-art mobile stage unit during the multi-year celebration is an important element for hosting numerous events.

ALTERNATIVES

Staff would open a request for bid purchasing process to determine if there are other stages similar to the SL75. This alternative would not ensure that a mobile stage that meets the needs of the City would be secured by the needed date. This alternative is not recommended.

CONCLUSION

The current mobile stage has been in service a long time. A state-of-the-art mobile stage is of greater benefit for staff operations, improving the transportation and set-up/break-down needs required by staff. A new stage will strengthen civic pride during all community events and traditional celebrations, while showcasing the City during the Sesquicentennial celebration.

The Stageline SL75 best meets the needs of the City. A sole source purchase is requested because Stageline is the provider of the SL75.

ATTACHMENTS

- A. Resolution
- B. Purchase quote from Stageline
- C. Sole source justification letter from Stageline

ATTACHMENT A

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE SOLE SOURCE REQUEST FOR THE PURCHASE OF A
STAGELINE SL75 MOBILE STAGE UNIT FROM STAGELINE**

WHEREAS, the City would like to replace the 1980s mobile stage unit that is currently used for city and community functions and events, and

WHEREAS, Stageline offers a state of the art, high quality mobile stage unit that best meets the needs of the City; and

WHEREAS, Stageline is the sole developer and manufacturer of the SL75, a compact and professional mobile stage unit with heavy duty hydraulic roof lifting and an integrated storage system, along with wind capacity loads and stage care warranty; and

WHEREAS, the purchase of this unit would increase efficiency, reduce vehicle needs, reduce staff requirements, improve accuracy of stage use, and potentially reduce liability.

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

1. The sole source request for purchase of a Stageline SL75 mobile stage unit is hereby approved in an amount not to exceed \$106,805.00.

* * * * *

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 11th day of June, 2019, by the following vote:

AYES:

ABSENT:

NOES:

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

TABLE OF **CONTENTS**

CITY OF ANTIOCH, CA

Purchase and Delivery of a Stageline SL75 Mobile Stage

PRICE LIST

STAGELINE SL75

Brochure
Banner Book
Technical Drawings
Pictures
Engineering Stamps
Warranty Certificate

ANNEXED DOCUMENTS

Technical Approach
Safety Declaration
Stageline Corporate Profile
Proof of Insurance
Stageline Training Program
Eco-conscious Company



13-May-19

City of Antioch, CA

REV. 1

Stageline SL75 Mobile Stage

Floor Size: 20' x 16'
 Wind Resistance: 2018 115 mph without windwalls
 Trailer Weight: 2018 6,725 lb



Standard Equipment *	\$	79 500
Options and Accessories	\$	12 955
Services	\$	14 350
Sub-Total	\$	106 805

Total \$ 106 805

All prices are in USD

Taxes not included (if applicable)

Payment terms: 30% to confirm, balance prior to departure

Approval

Date:

Signed:

Name:

EIN # (if applicable)

STANDARD EQUIPMENT *

ROOF STRUCTURE AND RIGGING

- 1 Built-in truss / aluminum 2" diameter tube trussing
- 6 Movable rigging points
- 3 Rigging bars / 10'
- 2018 2 Aluminum side overhang rigging beams 2'
- 4 Aluminum corner posts
- 2018 Fiberglass roof molded and bonded to aluminum structure - black roof
- 2018 Total roof load capacity:
- Rigging load capacity tested at twice the working load
- Steel mast

Compatible with industry clamps
 Capacity: 250 lb / each
 Capacity: 25 lb / ft
 Capacity: 750 lb / each

21' 6" x 16' 11"
 4,250 lb

LIFTING MECHANISM

- 2018 Stage roof deployment
- 8 Gaz spring cylinders

Hydraulic system to raise & lower roof
 Safe release of hinged roof & deck panels

STAGE

- Non-slip plywood - black / quick Levelling legs
- Multifunctional extruded aluminum deck frame
- 11 Guardrails / aluminum (3 sides)
- Support brackets provided for Stageline platforms
- Aluminum stairway - 6 steps - adjustable - 35" wide - with handrails
- 8 Rubber pads

20' x 16'
 To install decks, skirts, guardrails & staircases
 11 x 3' 8"

Improves friction coefficient

TRAILER

- Drawbar with ball hitch
- 2018 2 leaf spring axle
- 4 tires + 1 spare wheel
- Electric brakes on all wheels
- Emergency breakaway system
- Storage compartment
- Storage bumper
- 10 Equipment tie-downs
- 2018 Storage weight capacity
- Storage space capacity
- 2018 Rear trailer door - 3 sections - access door

2" 5/16
 Capacity: 12,000 lb

DOT requirement

Protects mast

5,000 lb
 15' 8" x 6' 2" x 6' 8" = 652 ft³
 Integrated storage rack

STANDARDS & CERTIFICATIONS

- Applicable regulations
- 2018 Vertical load
- Wind resistance

2018 IBC 2015, SAE, DOT, NFPA & CWB
 2018 Floor: 150 psf (7.18 KPa) / roof: 20 psf (1 KPa)
 2018 115 mph without windwalls
 77 mph with windwalls

DOCUMENTS

- Certificate stamped by professional engineers
- All technical documents supplied
- 24/7 service support +1(800) 267-8243

13-May-19

City of Antioch, CA

REV. 1

OPTIONS AND ACCESSORIES

A	WINDWALLS & SKIRTS	VINYL/S CRIM	Price (USD)	Quantity	
a1	Upstage fire retardant backdrop (aluminum keder track system) - black		\$ 1 550	1	\$ 1 550
a2	Side fire retardant windwalls - 16' (aluminum keder track system) - doors upstage and downstage - black		\$ 3 450		
a3	Side fire retardant windwalls - 8' (aluminum keder track system) - includes door - black		\$ 2 250		
a4	Skirting - 38' x 3' 2" - black		\$ 1 130	1	\$ 1 130
* other skirt lengths available on request * for options a1 to a4, select material - also available in grey - fabrication delay					
B	SOUND WINGS		Price (USD)	Quantity	
b1	Extension platforms (black non-slip) & accessories - 4' x 8' - (sugg'd qty: 4)		\$ 990	4	\$ 3 960
b2	Guardrails (Platform Model) / aluminum - 3' 8" - (sugg'd qty: 4)		\$ 180	4	\$ 720
C	BANNER SUPPORTS		Price (USD)	Quantity	
c1	Rooftop banner kit - 21' 10" x 2'		\$ 350	1	\$ 350
c2	Lateral banner supports - 3' x 12' 4"		\$ 610	1	\$ 610
c3	2 Lateral banner tightening bars / stage level		\$ 500	1	\$ 500
D	ACCESSORIES		Price (USD)	Quantity	
2018 d1	Hydraulic stabilizers x 4		\$ 3 850	1	\$ 3 850
d2	Aluminum stairway - 6 steps - adjustable - 35" wide - with handrails		\$ 1 500		
d3	Loading ramp / aluminum - 3' x 12'		\$ 1 325		
d4	Extension platforms (black non-slip) & accessories - 4' x 8'		\$ 990		
d5	Extension platforms (black non-slip) & accessories - 4' x 4'		\$ 800		
d6	Guardrails (Platform Model) / aluminum - 3' 8"		\$ 180		
d7	2 FOH pipes - capacity: 125 lb / each		\$ 500		
2018 d8	Skirt extensions - 8' x 3' 2" - (Set of 2)		\$ 350		
d9	Skids/skids		\$ 5 550		
d10	Spares kit		\$ 285	1	\$ 285

G	TRAILER GRAPHICS	Price (USD)	Quantity	
g1	Logo only	TBD		
g2	Full graphic trailer wrap - (2 x (16' 6" x 6' 6") - 2 x (5' 11" x 6' 5"))	\$ 2 550		
Customized scrim banners* - printed graphics - 4 color process				
g3	Roof banner - 21' 5" x 1' 10"	\$ 610		
g4	Lateral banners - 3' x 11' 10" (Set of 2)	\$ 565		
*available in vinyl - prices vary				

Total for Options & Accessories \$ 12 955

SERVICES

		Price (USD)	Quantity	
m1	Shrink-wrapping	\$ 625		
m2	Transport to Antioch, CA	\$ 9 850	1	\$ 9 850
m3	Training course - 1 day comprehensive - maximum 2 technicians	\$ 1 250		
m3a	Training course - 2 day comprehensive - maximum 4 technicians	\$ 1 850	1	\$ 1 850
m4	Trainer expenses - to, in & from training site (n/a when training given at Stageline)	\$ 2 650	1	\$ 2 650

Total for Services \$ 14 350

TRANSPORTATION, TRAINING AND TRAINER'S EXPENSES WILL BE INVOICED SEPARATELY.

*Prices & Specifications subject to change without notice

Stageline SL75 Mobile Stage - Sales Quote 2019



Costs related to Transportation, Training and Trainer Expenses (travel, accommodation and per diem) not included.
 EXW: L'Assomption, Quebec, Canada

Stageline Mobile Stage Inc.
 700 Marsolais Street, L'Assomption, Quebec, Canada J5W 2G9

Tel: (450) 589-1063, Fax: (450) 589-1711
 www.stageline.com

BROCHURE

(See separate brochure attached)

**STAGE
LINE**



SL75
A HIGHER STAGING
STANDARD



BANNER BOOK

(See separate SL75 banner book attached)



SL75
BANNERS & TRAILER
WRAP BOOK
2019

SL75 // TECHNICAL

DRAWINGS

(See separate SL75 technical drawings attached)



SL75
TECHNICAL DRAWINGS
2019

PHOTOS



PHOTOS



ENGINEERING STAMPS



12/26/2018

Stageline Mobile Stage Inc.
700 Marsolais Street
L'Assomption Quebec
J5W 2G9 Canada
Attn: Carl Gougeon

RE: SL75 US Certification 2018
CRE Project No. 18.501.110

Dear Carl,

Clark Reder Engineering Inc. (CRE) has completed our review of the documentation provided to us regarding the Stageline SL75 Mobile Stage Unit. The mobile unit was manufactured by Stageline Mobile Stage Inc. of Quebec, Canada.

Attached please find the following documentation which outlines the usage requirements and wind management plan for this mobile stage unit:

- Certification 2018: Wind Resistance and Procedures in case of Heavy Winds
- SL75 User's Manual, Stageline 2018
- SL75 Technical Drawings, 2018


CRE has determined that the SL75 Mobile Stage Units, when built and used in accordance with the manufacturer's guidelines, represents a safe design in accordance with the structural provisions of the 2018 International Building Code and is fit for use in all 50 states. This stamped document is valid for use through January 31, 2020.

The stage must have been inspected within the last 24 months by a competent authority for this certificate to be valid. If critical defects were found on the structure during the inspection, repairs and procedures must have been approved by a structural engineer and completed with professional standards. Inspection, engineering approval (if applicable) and repair documents must remain available for presentation upon request.

As stated in the SL75 User's Manual, the stage system must be operated under the supervision of Stageline trained and certified personnel.

We trust this information is suitable for your needs at this time. If you have any questions, please do not hesitate to contact our office.

Regards,
Clark-Reder Engineering, Inc.


Jeffrey M. Reder, P.E.
OH Registration No. 67450

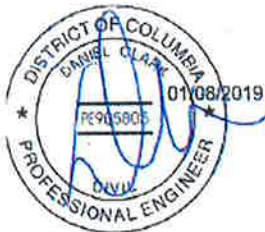
ENGINEERING STAMPS



10091 Mosteller Lane
West Chester, OH 45069

www.clark-reder.com
Phone: (513) 851-1223

The engineer's stamps and signatures on this page apply to the contents
of the Stageline SL75.



Clark Reder Engineering,
Inc. is a professional design
firm registered in Illinois
#104 9286801/08/2019

Project: SL75 Report
Client: Stageline

Page Number: 1

Project Number: 18.501.110
By: JMF Date: 01/08/2019

WARRANTY

The seller represents and warrants that the Stageline SL75 stage will be under the Stageline stage care program with the following coverage:

1 YEAR

Standard coverage: free from material defects in workmanship and labor from the date of delivery.

3 YEARS

Extended coverage: all aluminum welded structures including chassis.

5 YEARS

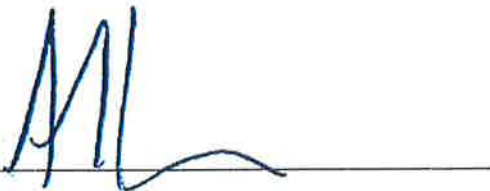
Extended coverage: fiber-lock roof covering.

IN THE EVENT OF A MATERIAL DEFECT WITHIN THE PRESCRIBED WARRANTY PERIOD, SELLER WILL REPAIR THE STAGE. SELLER SHALL BE SOLELY RESPONSIBLE FOR THE COST OF ALL WARRANTY PARTS AND LABOR. No WARRANTY IS GIVEN BY SELLER WITH RESPECT TO FABRICS, TIRES OR THE RUBBER ROOF JOINTS, OR NORMAL WEAR AND TEAR.

Recording Date: __/__/__

The warranty becomes effective immediately upon completion of the Stageline training program.

By: _____



TECHNICAL APPROACH

SAFETY, QUALITY & FABRICATION STANDARDS FOR TECHNICALLY SUPERIOR MOBILE STAGING PRODUCTS

BASIC INFORMATION

- **Type of product:** Mobile Outdoor Hydraulic Stages for professional and commercial use
- **Models:** Stageline SL and Stageline SAM series, Mobile Space and Multi-Level units
- **Number of stages in activity:** over 850 stage units worldwide
- **Number of events:** over 20 000 events held every year on Stageline stages
- **Number of events needing to be cancelled due to Stageline equipment :**
 - o None (0) – Perfect track record

GLOBAL APPROACH

Stageline mobile stages are designed, engineered and purposely built to be safely transported, safely deployed and safely used outdoors.

Manufacturing Approach:

- Every Stageline unit is built in Stageline's privately owned factory;
- Stageline controls every step of the manufacturing and assembly processes;
- No outsourcing is done for the construction of the structural components;
- Each stage built goes through a 600 point quality inspection throughout in-house manufacturing, road tests, load tests of structural major components and final, unit by unit installation with specific rigging tests before delivery;
- Prototype stages: Stageline does not sell prototype units, they are always kept under Stageline's control for R&D, testing and design improvement purposes;
- Welding certifications:

Canada: CWB certification CSA W47.1 and CSA W47.2. Our certification can be verified at <http://eng.cwbgroup.org/Pages/default.aspx>

United States: AWS D.1.1 and AWS D.1.2

Engineering documentation:

- All engineering stamps can be supplied upon demand. Included with Proposal is the certification from Clark-Reder Engineering .

TECHNICAL APPROACH

SAFETY, QUALITY & FABRICATION STANDARDS FOR TECHNICALLY SUPERIOR MOBILE STAGING PRODUCTS

Rigging:

- All rigging designs are tested with a security factor of 2:1;
- Please refer to the rigging diagrams of each model stamped by a professional engineer.

Safe Installation:

- Stageline mobile stages are pre-assembled staging structures composed of heavy panels that unfold hydraulically and sequentially into a self standing covered stage. Labor and set up are reduced by 90% compared to constructed stages and most of the work is done at deck level reducing the risk for potential human error and accidents;
- No tools are needed;
- The staging equipment is always installed according to step by step procedures as outlined in the operator's manual;
- A Stageline mobile stage has built in safety devices and never at any moment during the installation sequence is the stage unsafe or workers endangered;
- Stages must be installed by technicians who have been certified by Stageline;
- There are specific procedures in case of high wind;
- A Stageline unit is already a fully inspected, pre-assembled staging equipment and no additional engineering inspection is required on site.

Anchoring:

- No anchoring or ballasting is required with Stageline equipment.

Water Drainage:

- The fiberglass roofs are designed to expel water. No water pockets can occur on a Stageline equipment.

All of our different models have experienced high risk situations with heavy wind or rain, snow storms or even tornado winds. **They have proven to remain safe while protecting gear and people throughout the most extreme weather conditions.**

TECHNICAL APPROACH

SAFETY, QUALITY & FABRICATION STANDARDS FOR TECHNICALLY SUPERIOR MOBILE STAGING PRODUCTS

STAGELINE'S RESPONSIBILITIES AS A DESIGNER & MANUFACTURER

- Stageline guarantees that all components used in the construction and manufacturing of its stages have been duly tested at Stageline's manufacturing plant, and therefore assumes full responsibility for its products;
- Stageline can supply all of the details on the safety components used on its equipment upon request;
- Stageline is available for assistance 24/7 through its emergency service line.



SAFETY

DECLARATION



1) STAGELINE -- MANUFACTURER

Stageline products are entirely fabricated and assembled in our manufacturing plant. Less than 20% of the product is fabricated by sub-contractors

2) SAFETY RECORD

Spanning over 30 years with front line participation in more than one hundred thousand events, Stageline activity remains exemplary. There has been no incident causing an injury due to a breakdown of equipment and there are no reports of events needing to be cancelled due to a Stageline equipment.

3) SAFE STAGING ENVIRONMENT

We hereby attest that the environment during, and resulting from, the deployment of Stageline mobile stages is safe for staff, talent, for the public as well as gear and equipment.

4) LEGAL

Stageline attests that there are no ongoing or past lawsuits that are the result of past or recent accidents caused by any of its products.



Pierre-Luc Rompre
Commercial Director & Co-Owner

CORPORATE

PROFILE



BUSINESS TYPE

Designer and manufacturer

BUSINESS STORY

With over 30 years of proven success in the outdoor entertainment and staging industry, Stageline is renowned around the world as the leader in the design and manufacture of mobile hydraulic stages.

CONTACTS

Yvan Miron | President & Ceo

Pierre-Luc Rompré | Commercial Director & Coo

Marius Chouinard | Technical Director

Jonathan Doucet | Engineering Director

Christian G. Carrière | Customer Service Director



EMPLOYEES

182 employees (full time)



FACILITIES

Head office and two manufacturing plants



PRODUCTS

SL75, SL100, SL100 Mix, SL260, SL320, SAM555, SAM575 & SAM750,
Covered Wings & Backstage

Promobile | Mobile Space & Display Units

HyTower

CORPORATE PROFILE



CERTIFICATIONS



TECHNOLOGIES

Scenic Engineering
Hydraulics

Structural And Mechanical Engineering
Transportation

PARTIAL LIST OF CLIENTS

City of Spokane	WA	Town Of Cary	NC
City Of Carlsbad	CA	City Of Boston	MA
City Of Cold Lake	AB	City of Peoria	AZ
City Of Sulphur Springs	TX	City Of Halifax	NS
City Of Bath	ME	Great Neck Park District	NY
City Of Rome	NY	City Of New York	NY
Town of Estes Park	CO	City Of Cleveland	MS
Town Of Wasaga Beach	ON	City Of Fernie	BC
City Of El Centro	CA	City Of Burlington	ON
Ville De Montréal	QC	City of Mishawaka	IN
City Of Thunder Bay	ON	Village Of Lake George	NY
City Of Sunrise	FL	Town Of Niagara	NY
City Of Grand Prairie	TX	City of El Centro	CA

OVER 850 MOBILE STAGES BUILT TO DATE

PROOF OF INSURANCE

EVIDENCE OF INSURANCE

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS DOCUMENT MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES.

THIS DOCUMENT IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE HOLDER. THIS EVIDENCE OF INSURANCE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY(IES) BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE HOLDER. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIM.

NAMED INSURED	INSURANCE BROKER
Stageline Mobile Stage Inc. 827 L'Ange-Gardien Blvd. L'Assomption, QC J5W1T3	Forum Risk and Insurance Inc. 1080 Beaver Hall Hill, Suite 1720 Montreal, QC H2Z1S3

EVIDENCE OF INSURANCE NUMBER : 2019-TV

REVISION NUMBER :

DATE (YYYY-MM-DD) : 2019-03-01

TYPE OF INSURANCE	INSURER POLICY NUMBER	EFFECTIVE DATE EXPIRY DATE (YYYY-MM-DD)	LIMITS OF INSURANCE	
COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE FORM <input checked="" type="checkbox"/> OCCURRENCE FORM <input checked="" type="checkbox"/> NON-OWNED AUTOMOBILE (Q.P.F. No. 6) <input checked="" type="checkbox"/> ADDITIONAL INSURED - VENDORS BROAD FORM <input checked="" type="checkbox"/> CONTINGENT EMPLOYER'S LIABILITY - CANADA	AIG Insurance Company of Canada 88458326	2019-01-31 31 2020-01-31	EACH OCCURRENCE LIMIT PERSONAL & ADVERTISING INJURY LIMIT GENERAL AGGREGATE LIMIT PRODUCTS-COMPLETED OPERATIONS AGGREGATE LIMIT TENANTS' LEGAL LIABILITY LIMIT MEDICAL EXPENSE LIMIT	\$2,000,000 \$2,000,000 \$2,000,000 \$2,000,000 \$1,000,000 \$25,000
AUTOMOBILE LIABILITY (Q.P.F. No. 1) <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> ANY AUTO	AIG Insurance Company of Canada 88458343	2019-01-31 31 2020-01-31	CIVIL LIABILITY - BODILY INJURY TO OR DEATH OF OTHERS OR DAMAGE TO THEIR PROPERTY	\$1,000,000
COMMERCIAL UMBRELLA LIABILITY <input type="checkbox"/> CLAIMS-MADE FORM <input type="checkbox"/> OCCURRENCE FORM	AIG Insurance Company of Canada 88458327	2019-01-31 31 2020-01-31	EACH OCCURRENCE LIMIT GENERAL AGGREGATE LIMIT PRODUCTS-COMPLETED OPERATIONS AGGREGATE LIMIT	\$3,000,000 \$3,000,000 \$3,000,000

THIS EVIDENCE OF INSURANCE IS ISSUED IN REFERENCE TO:

EVIDENCE OF INSURANCE ISSUED TO:

To Whom It May Concern


Francis Jean, CIP, CRM
fjean@forumassurance.ca

AUTHORIZED REPRESENTATIVE



TRAINING PROGRAM

2019



YOUR STAGELINE EQUIPMENT INTEGRATES FOUR PRODUCTS IN ONE

- A road legal trailer
- A heavy-duty hydraulic equipment
- A pre-assembled building structure
- A staging structure

UNDERLYING THIS PRODUCT ARE NO FEWER THAN FOUR TECHNOLOGIES

- Transportation
- Hydraulics
- Structural & Mechanical Engineering
- Scenic Technology



A series of operations effectively transforms the trailer into a stage that integrates all the scenic elements needed for rigging such as video wall, lighting equipment, sound system, windwall and banner installation. The key to it all lies in an integration so finely tuned that every component interacts perfectly with each other.

Technicians must therefore obtain a certain degree of technical knowledge to operate a Stageline equipment. Driven by the need to ensure technical efficiency, Stageline developed a training and certification program which meets and even exceeds its clients' and users' requirements.

Operation of a Stageline mobile stage by qualified personnel is directly linked with the enforceability of the warranty and the benefit of the 24/7 technical support offered to all Stageline certified technicians.

OBJECTIVES

With its training program, Stageline helps its users and clients increase profitability on their investment through an efficient utilization of the products.

Our experienced instructors offer practical and realistic guidance needed to optimize the participants' performance. Our main objective is to develop the aptitudes and technical knowledge of the manpower responsible for the operation of the unit in order to preserve the product's integrity and guarantee maximum safety levels.

CONTENT

The participants will learn to:

- Understand basic theoretical concepts and stage utilization steps;
- Understand specific interactions of all elements during operation;
- Recognize the risks and consequences of inappropriate use and operation;
- Lead and communicate efficiently with helpers or other technicians on a site;
- Act responsibly for all aspects of work with the unit so as to prevent any undesirable situation.

The operator's training program will include:

- Definitions, concepts and technologies involved in a Stageline mobile stage;
- Explanation of the Operator's Manual and of the set-up/dismantle sequences;
- Use of the trailer, including loading and efficient leveling methods;
- Set-up and dismantling of the stage;
- Tools and practical techniques for solving mechanical and hydraulic problems;
- Notions and critical factors for scenographic use and application of load limitations.

EDUCATION METHODOLOGY

- Workshop and practical exercises
- Demonstration and simulation of critical situations (group and individual);
- Attendance and practical examination (practical examination must be successfully passed to obtain certification);
- Attendance throughout the session;
- Understanding of the theoretical aspects of the stage;
- Certification is based on the trainee's understanding of the product's integrity and safety in general.

PARTICIPATION AND EVALUATION MODE

- In-field practical exercises completed by theoretical training;
- User's Manual;
- The Operator Training Course includes a practical and formal evaluation of each and all participants.

DURATION

3 to 7 days depending on stage model.

NUMBER OF PARTICIPANTS

Group limited to four (4) people (per instructor/per stage).



SKILLS & ASSETS

1. Leadership.
2. Manual dexterity and general technical knowledge.
3. Experience in show-business (scenography), or outdoor events.
4. Knowledge of mechanics and hydraulics.
5. Knowledge or experience in the trucking industry.

CONDITIONS

1. The certificate issued in the technician's name is not transferable and remains valid as long as the technician is still active with the operation of the stage.
2. Certificates are issued solely by Stageline which reserves the right, at all times, to revoke the certification of any technician if major neglect or mistakes are committed.
3. Certified technicians unable to report a minimum pertinent practical operation of the Stageline product in the current year could have their status reexamined.
4. The technician must hold a written record of the set-ups/dismantles accomplished.
5. Stageline does not guarantee the participants' success. The instructor may refuse any participant if major negligence or mistakes have been detected which may compromise the group's safety or the product's integrity.

LOCATION

OPTION 1

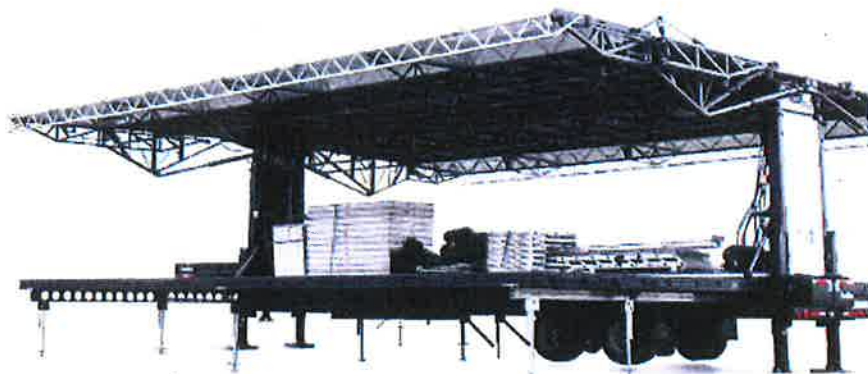
Training courses are given at the client's chosen location for a specific group.

Instructor's expenses: all related costs, such as hotel, transportation and other expenses will be charged to the client. The following will be required throughout the training course:

- The Stageline equipment;
- Availability of a truck and driver;
- Stagehands;
- An adequate site: accessibility, sufficient space and 24-hour security;
- Classroom and equipment.

OPTION 2

Training courses can be given at Stageline's facilities in L'Assomption, Quebec, for a specific group or individuals. Trainee's expenditures: all related costs, such as hotel, transport and other expenses will be the client's responsibility. Stageline will provide the stage throughout the training course.



WE'RE

ECO-CONSCIOUS

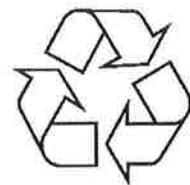
ALL OUR PRODUCTS ARE MANUFACTURED IN A LEED CERTIFIED , GREEN PRODUCTION FACILITY INTEGRATING THE LATEST ENVIRONMENTAL TECHNOLOGIES

- Stageline stage are made of recycle steel (+/- 73%)
- Recyclability of a mobile stage: 80%
- Proven durability of the equipment exceeding 25 years

STAGELINE MOBILE HYDRAULIC STAGES REDUCE SIGNIFICANTLY THE IMPACT OF OUTDOOR EVENTS ON THE ENVIRONMENT

- No cranes, boom trucks or forklifts required for deployment: the unit is self-contained, self-deployable and offers ample cargo capacity
- Only one truck/tractor is needed to move the equipment
- No ground preparation needed before the event: no grading or anchoring needed

SETTING THE STAGE FOR A GREENER FUTURE!





MOBILE STAGES
REAL LIFE TRANSFORMERS



STAGELINE.COM

2N



ATTACHMENT C

May 2nd 2019

Nancy Kaiser
City of Antioch – CA
Parks and Recreation Department
200 H Street
Antioch, CA 94509

Re: Sole Source Product

Ms. Kaiser,

This letter has been written to confirm that the Stageline SL75 is a sole source product. The mobile stage is manufactured, sold and distributed exclusively by Stageline Mobile Stage Inc. We are the one supplier and sole source for reasons of expertise, quality, safety, specifications and durability that is acceptable to meet your specific need of quality long lasting and safe mobile stage equipment.

Sole Supplier:

- We have **the only aluminum frame roof structure that is completely wrapped in fiberglass** (Fiber Lock, wraps around the aluminum roof panels) adding to the rigidity and strength; to the safety and to the life expectancy of the roof and of the equipment as a whole.
- The product carries the only warranty that offers **5 years coverage for the aforementioned "Fiber Lock" process** and roof's water repellency.

There is no division of Stageline that has any right of sub-license to make a similar or competing product. There is only one price for the above-named product fabricated and exclusively distributed by Stageline who holds all marketing rights.

The Stageline technology has innovative designs that improve scores on durability, safety, and maintenance requirements.

Stageline Mobile Stage Inc.

700 Marsolais, L'Assomption, Quebec, Canada J5W 2G9 • Tel: 450-589-1063 • 1-800-26-stage (North America) • Fax 450-589-1711
Web: <http://www.stageline.com> • E-mail: info@stageline.com



- Stageline warrants that no other mobile staging product is available for purchase that has a Fiber Lock process, or a near equivalent except for other Stageline products.
- Stageline warrants that no other product made for similar purposes can resist winds of 115 mph or a near equivalent. An inferior safety factor in resisting wind is unacceptable to us.
- Stageline warrants that no other product yields the same or equivalent levels of safety, ease of operation, ease of maintenance and durability as the Stageline SL75.

For additional information, please contact me at the toll-free number 1-800-267-8243, ext 358 or by e-mail, psauve@stageline.com

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Sauvé", with a stylized flourish at the end.

Pierre-Olivier Sauvé
Account Executive



Stageline SL75 / Added Features

- 1 The SL75 has the highest wind tolerance for outdoor stages – it resists gust winds of 115 mph without the windwall. No guy wires and no additional ballasts are required for stability.
- 2 The 21' 8" wide by 16' 10" roof is raised by a hydraulic mast lifting mechanism.
- 3 The roof is equipped with two (2) sound extension beams extending 2' off its downstage corners.
- 4 The overhanging beam is not assisted by an overhead post and cable that needs assembling.
- 5 The roof is made of fiberglass wrapped around the aluminium structure. No rivets or glue go into the fabrication. Three inch (3") square aluminium corner posts maximize audience sightlines.
- 6 The surround is a fire retardant windwall and/or scrimwall installed using a keder and aluminium track system that provides for rapid installation and maximum protection from rain, dust, sun and wind for artists and equipment.
- 7 The SL75 can accommodate banner support hardware both horizontally (25' 6" long x 2" high) above the roof line and vertically (12' high x 3' wide) in front of the speaker positions for maximum sponsorship possibilities. Such large banners are installed without affecting the wind resistance rating.



- 8 The SL75 comes with a multifaceted warranty of one, three and five years on, respectively:
 - a. 1 year coverage - standard manufacturer's warranty,
 - b. 3 years coverage - welded structures including the chassis,
 - c. 5 years coverage - Fiber Lock roof
- 9 24 hour (24/7) Service hotline (800-267-8243) supports you for as long as you own the stage.
- 10 Safety is a Priority.
 - a. all hydraulic components are equipped with check valves.
 - b. the stage has a secondary locking system.
 - c. all new stage designs are tested at twice the working load.
 - d. each individual unit is quality controlled with a 600-point inspection and tested at 1.2 times the working load.
 - e. the SL75 meets all North American Building Codes as well as the standards of IBC, SAE, DOT, NFPA, BOCA, NBC & CWB.
 - f. The SL75 is certified by professional Engineers in every state of the United States of America and Canada.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Thomas Lloyd Smith, City Attorney *TLS*

SUBJECT: Ordinance Prohibiting the Conversion of Senior Mobilehome Parks to All Ages Mobilehome Parks

RECOMMENDED ACTION

It is recommended that City Council accept the Planning Commission's recommendation and introduce an ordinance prohibiting the conversion of senior mobilehome parks to all-ages mobilehome parks, which will be added as Article 42 of Chapter 5 of Title 9 of the Antioch Municipal Code.

DISCUSSION

The purpose of this action is to introduce an ordinance that would permanently enact a prohibition on conversion of senior mobilehome parks to all-ages mobilehome parks.

- **Background**

In July 2017, the City Council enacted a moratorium on the conversion of senior mobilehome parks to all-ages facilities. The moratorium was enacted under Government Code section 65858 for a period 45 days. In September 2017, the Council extended the moratorium for one year, 10 months, and 15 days (effectively, for two years from the date of the first moratorium).

Under the moratorium, "senior" mobilehome parks are those in which 80% or more of the mobilehome units are occupied by persons aged 55 or over. "All ages" mobilehome parks, in contrast, are those in which more than twenty (20) percent of the units are occupied by persons younger than 55.

At the time of the moratorium, two mobilehome parks, Vista Diablo Mobile Estates (Somerville Road) and Delta Vista Estates (Strasbourg Lane), were operating as senior mobilehome parks. The effect of the moratorium was to prevent these mobilehome parks from converting to all-ages parks.

When the City Council considered the moratorium and its extension, the Council heard from numerous mobilehome occupants about the need to preserve opportunities for senior housing. Several speakers noted the difficulty seniors had in finding affordable housing in eastern Contra Costa County. These speakers explained that mobilehome

parks provide some of the best housing opportunities for persons over 55, who often lived on fixed incomes, due to relative affordability. Speakers advised that when mobilehome parks convert to all ages, units occupied by seniors are often acquired by younger and family tenants as the seniors' leases end. Seniors do not immediately lose their mobilehome spaces when parks are converted, in part due to tenant protections required by state law concerning termination of leases, but they are ultimately pushed out because of the higher rents younger tenants are able to pay.

The current moratorium will expire in July of this year unless extended by permanent ordinance.

- **CEQA**

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") through the general rule, that it can be found with certainty that the project will have no potential for significant impact on the environment.

- **Proposal**

The attached ordinance would effectively make the current prohibition on conversion of senior mobilehome parks permanent. The ordinance would enact a new article in the City Zoning Code, Article 42, that would prohibit the conversion of existing senior mobilehome parks to all-ages parks and effectively prohibit the two parks that are currently senior-only parks from converting to all-ages parks.

The proposed ordinance would impose this prohibition for as long as these establishments continue to be used as mobilehome parks. To that end, the ordinance notes that the prohibition would remain in effect until the park undergoes a "change of use," which under California law includes the closure of the park and the institution of some other land use. For such changes, mobilehome park operators must provide a minimum of 12 months' notice to tenants of the closure and other tenant protections. Thus, to the extent any of the mobilehome parks were to close, they would be required to minimize the impact of such closure on their existing tenant populations.

ATTACHMENTS

- A. Ordinance
- B. September 12, 2017 Antioch City Council Meeting Minutes and Staff Report
- C. August 8, 2017 Antioch City Council Meeting Minutes and Staff Report
- D. July 25, 2017 Antioch City Council Meeting Minutes and Staff Report

ATTACHMENT

“A”

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING CHAPTER 5 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE
PROHIBITING CONVERSION OF MOBILEHOME PARKS FROM SENIOR-ONLY TO
ALL-AGES HOUSING**

WHEREAS, pursuant to Article XI, section 7 of the California Constitution and sections 36931 *et seq.* of the California Government Code, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws;

WHEREAS, on May 15, 2019, the Planning Commission held a duly noticed public hearing on the proposed ordinance, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record, and recommended that the City Council adopt the ordinance;

WHEREAS, on May 31, 2019, the public notice required by Antioch Municipal Code § 9-5.2806 was given; and

WHEREAS, on June 11, 2019, the City Council held a duly noticed public hearing on the Amendments, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record.

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

Section 1.

Chapter 5 of Title 9 of the Antioch Municipal Code is amended by adding Article 42 (the Antioch Zoning Code) as follows:

ARTICLE 42: PROHIBITION ON CONVERSION OF SENIOR MOBILEHOME PARKS

§ 9-5.4201. Purpose and Intent.

- A. Mobilehome parks represent one of a few affordable housing options left to senior citizens that permit exclusive residence in a detached dwelling by those individuals over the age of 55 years.
- B. Senior mobilehome parks afford seniors the ability to live in their own homes rather than in apartments and provide a senior living community in low-rise setting that typically provides a clubhouse for community events and socializing as well as recreation facilities inside the park so that the residents can easily walk to these facilities and event. Many of the seniors living in senior mobilehome parks enjoy having their grandchildren visit them in the parks, but they, like the seniors without grandchildren, purchased mobilehomes in a senior park in order to live in a quieter

community with others in their own age group and purchased their homes in these parks because they were senior parks that only accepted prospective purchasers of homes in the park if at least one occupant of the mobilehome being purchased was 55 years or older.

- C. Residents of senior mobilehome parks relied upon the representation of the park management and park owners that only seniors could purchase homes in those parks and obtain tenancies in those parks. These representations were set forth in the leases or rental agreements they were required to sign upon purchasing a mobilehome in the parks and moving into the parks and in the rules of those parks, which the residents were also required to sign and acknowledge. Now some owners of senior mobilehome parks have indicated that they can and may change their parks from senior mobilehome parks to family parks, over the objections of their senior residents, by changing park rules using the procedure in Civil Code Section 798.25.
- D. While the seniors now living in senior mobilehome parks could remain in a park after it changes to an all ages mobilehome park, those seniors would no longer enjoy the companionship of a senior community and would likely lose the quite environment generally exists within these communities. A limited supply of senior parks exists and allowing conversion of those parks would most likely result in diminished supply and fewer housing options for senior citizens. Moreover, since mobilehomes are not mobile in any practical sense due to the high cost of moving a home, the risk of damage to the home in moving, the loss of improvements such as porches, patios, carports, and landscaping, which cannot be moved, and the lack of available rental spaces in senior parks, or in any mobilehome park in the City or surrounding areas that will accept re-locating homes, senior residents of a mobilehome park that becomes an all ages mobilehome park would have to sell the homes in which they have lived for many years and in which they have invested both financial and personal resources in order to move to another senior facility. After selling their mobilehomes, these seniors may no longer have sufficient funds to purchase a mobilehome in another senior park or senior facility. The aforementioned factors make it unlikely that seniors would be able to relocate to another Senior Mobilehome Community if the park owner converted their senior mobilehome park to an all ages mobilehome park.
- E. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.
- F. The California Legislature has authorized cities to provide zoning for senior-only mobilehome parks pursuant to Health and Safety Code section 18300.
- G. Prior to the adoption of this Ordinance, the City Council determined that an urgency ordinance was necessary to protect the public health, safety, and welfare of the citizens of the City, and further determined upon that basis that an urgency ordinance was necessary to prohibit conversions of senior-only mobilehome park

conversions within the City. Accordingly, an initial urgency ordinance was approved on August 8, 2017, which was effective for 45 days from the date of that adoption (i.e., until September 22, 2017). Then, the City Council approved a second urgency ordinance, which was effective for 22 months and 15 days from the expiration of the first urgency ordinance (i.e., until August 7, 2019).

- H. Prior to the expiration of the moratorium, the City Council adopted this Ordinance, finding that the permanent extension of the prohibition on conversion of Senior Mobilehome Parks to all-ages mobilehome parks was necessary to protect the supply of affordable housing for seniors within city limits and, thus, was necessary to protect the public health, safety, and welfare.

§ 9-5.4202. Definitions.

- A. For purpose of this Article, the term “**change of use**” shall have the same meaning as stated in California Civil Code section 798.10.
- B. For purpose of this Article, the term “**mobile home park**” shall have the same meaning as stated in California Health and Safety Code section 18214.
- C. For purpose of this Article, the term “**senior mobilehome park**” shall mean any mobilehome park where, on the effective date of this Ordinance, at least 80% of the full-time residents were individuals aged 55 years of age and older.
- D. For purpose of this Article, the term “**all ages mobilehome park**” shall mean any mobilehome park where, on the effective date of this Ordinance, the number of full-time residents younger than 55 years of age comprised 20.01% or more of the total number of residents in the mobilehome park.

§ 9-5.4203. Prohibition on Conversion.

No senior mobilehome park existing on the effective date of this Ordinance shall, from the effective date of this Ordinance and thereafter, convert to or become an all-ages mobilehome park. This prohibition shall be effective for any mobile home park subject to this Ordinance until such time as the mobile home park has complied with California Civil Code section 798.56(g) and all other applicable statutes, regulations, and ordinances regarding the change of use of the property in which the mobile home park is located.

Section 2. CEQA Finding.

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.

This ordinance shall take effect and be enforced within 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 California Government Code sections 65853 through 65857.

* * * * *

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 11th day of June 2019 and passed and adopted at a regular meeting thereof, held on the ____ day of _____, 2019, 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”

3. **URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
EXTENDING A MORATORIUM ON THE CONVERSION OF MOBILE HOME PARKS
FROM SENIOR-ONLY TO ALL-AGES HOUSING**

City Clerk Simonsen announced the Clerk's office received a letter of opposition from Doug Johnson, Western Manufactured Housing Communities Association, dated September 11, 2017 and copies were provided to Council and staff, and made available in the back of Council Chambers for the public this evening.

Interim City Attorney Cole explained the manner in which the Public Hearing would be conducted and presented the staff report dated September 12, 2017 recommending the City Council adopt the Urgency Ordinance of the City Council of the City of Antioch Extending the Moratorium on the Conversion of Mobile home Parks from Senior-Only to All-Ages Housing for 22 months and 15 days.

Mayor Pro Tem Thorpe opened the public hearing.

Al Ives, Vista Diablo resident, Home Owners Association and Action Committee, spoke in support of adopting the urgency ordinance and questioned when the permanent ordinance would be coming before Council for consideration. He suggested asking the park owners why there were so many refinances and so little ongoing maintenance. He requested Council attempt to continue the rent subsidies provided to residents, noting many of them would not be able afford increases.

Janet Stewart, representing Sierra Corporate Management, stated Rich Pinel was willing to work with the City and HOA regarding the permanent ordinance. She apologized to the residents who believed they would be converting the park to all age and clarified that they had not planned to; however, park owners did not want to give up their rights to do so in the future.

Lola Buck, Antioch resident, President of Vista Diablo HOA, requested residents of the park raise their hands, to which several audience members responded. She noted residents from the Delta Villa Mobile Home Park were also in attendance to show their support. She thanked the Council for bringing the urgency ordinance forward. She stated that she believed maintenance items were only being addressed temporarily and expressed concern that deferred maintenance item remained. She reported when families with children began living in the park, comments were made that in October of 2017 it would be converted to an all-age park. She thanked Council and staff for their support and stated they looked forward to the senior overlay ordinance.

Gil Davis, Vista Diablo Mobile Home Park, thanked Council and staff for bringing the ordinance forward and stated he hoped it would not take two years for completion so the rent control issue could be addressed. He questioned if there was a way to prevent the park owner from bringing in more non-senior residents and if there was any penalty for them breaking the agreement.

Vivian Espinoza, Antioch resident, Secretary/Treasurer of Golden State Manufactured-home Owners League (GSMOL) Chapter 1461, thanked Council for their consideration of the ordinance. She reported park ownership had allowed children under the age of 18 to move into the park and

senior residents were concerned their lifestyle would be disturbed if multiple families became residents. She noted some of the new residents had disregarded park rules and regulations. She reported the new managers had attempted to bring the park up to previous standards

Stacey Hensen, Hometown America Communities, Delta Villa Mobile Home Park, spoke in support of the senior community noting they worked hard their entire lives and took ownership. She noted the potential to convert from a senior to all-family park would negatively impact the senior resident's quality of life and bring in elements not wanted or supported. She stated she supported Council approving the ordinance.

Stephanie Wagner, Delta Villa Mobile Estates, stated their park was a gated senior community where they enjoyed the quietness and camaraderie of senior neighbors. She sympathized with the residents of Vista Diablo and stated they were also fearful they could be facing a conversion to an all age park. She stated they wished to remain a quiet community, deserved to live in a peaceful environment and supported the senior overlay zoning district.

Mayor Pro Tem Thorpe read written comment from Doug Johnson opposing the extension of the urgency moratorium on conversions of 55 and older communities to all-age communities.

Mayor Pro Tem Thorpe closed the public hearing.

Mayor Pro Tem Thorpe thanked Ms. Stewart for attending the meeting and encouraged her to work with staff and park residents on a resolution.

Councilmember Ogorchock requested the permanent ordinance be expedited. In response to the letter from Doug Johnson, she clarified that there were only two senior mobile home parks in Antioch.

In response to Mayor Pro Tem Thorpe, Interim City Attorney Cole responded that by definition, in federal law, a senior only facility was one whereby 80 percent of occupied units were owned by someone 55 years or older which meant 20 percent could be all ages.

In response to Councilmember Ogorchock, Interim City Attorney Cole clarified that the City did not have the ability to enforce contractual obligations with the HOA and action to approve the ordinance would not superseding their contract.

Interim City Attorney Cole stated it was understood that Council wanted staff to proceed as quickly as possible.

ORDINANCE NO. 2128-C-S

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the Council members present unanimously adopted the Urgency Ordinance of the City Council of the City of Antioch Extending the Moratorium on the Conversion of Mobile home Parks from Senior-Only to All-Ages Housing for 22 months and 15 days.

Mayor Pro Tem Thorpe declared a recess at 8:28 P.M. The meeting reconvened at 8:36 P.M. with all Councilmembers present with the exception of Mayor Wright who was previously noted as absent.

COUNCIL REGULAR AGENDA/HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY

4. 2016-17 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR PROJECTS FUNDED WITH CDBG AND HOUSING SUCCESSOR FUNDS

City Manager Bernal introduced Regular Agenda Item #4.

Director of Community Development Ebbs introduced CDBG/Housing Consultant House who presented the staff report dated September 12, 2017 recommending the City Council receive and file the FY 2016-17 CAPER year-end report and any public comments received about the achievements of programs funded with CDBG and Housing Successor funds for housing, homeless, and community services to improve the quality of life of lower income Antioch residents and neighborhoods.

Councilmember Tiscareno thanked CDBG/Housing Consultant House for the report and Council for approving the funding recommendations.

Councilmember Wilson thanked CDBG/Housing Consultant House for the report.

In response to Councilmember Wilson, CDBG/Housing Consultant House explained that when an agency fell short of their goals, they evaluated whether they were realistic and provided on-site monitoring and technical assistance. Additionally, she noted there were some natural variances over the course of a year.

Councilmember Ogorchock thanked CDBG/Housing Consultant House for the report.

In response to Councilmember Thorpe, CDBG/Housing Consultant House explained that goals were specific to the City of Antioch and every agency was considered individually to determine if they were reasonable, achievable and proportionate to the amount of funding received. She stated she believed there would be an upcoming report on homelessness and achievements for placing them in housing.

Councilmember Thorpe requested the homelessness report be weighed against CDBG funded agencies.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the Councilmembers present unanimously received and filed the report.

ORDINANCE NO. 2128-C-S

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH EXTENDING A MORATORIUM ON THE CONVERSION OF MOBILE HOME PARKS FROM SENIOR-ONLY TO ALL-AGES HOUSING FOR 22 MONTHS AND 15 DAYS

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

Section 1. Findings of Fact.

A. Mobile home parks represent one of a few affordable housing options left to senior citizens that permit exclusive residence in a detached dwelling by those individuals over the age of 55 years.

B. Mobile home parks afford seniors the ability to live in their own homes rather than in apartments and provide a senior living community in low-rise setting that typically provides a clubhouse for community events and socializing as well as recreation facilities inside the park so that the residents can easily walk to these facilities and event. Many of the seniors living in senior mobile home parks enjoy having their grandchildren visit them in the parks, but they, like the seniors without grandchildren, purchased mobile homes in a senior park in order to live in a quieter community with others in their own age group and purchased their homes in these parks because they were senior parks that only accepted prospective purchasers of homes in the park if at least one occupant of the mobile home being purchased was 55 years or older.

C. Residents of senior mobile home parks relied upon the representation of the park management and park owners that only seniors could purchase homes in those parks and obtain tenancies in those parks. These representations were set forth in the leases or rental agreements they were required to sign upon purchasing a mobile home in the parks and moving into the parks and in the rules of those parks, which the residents were also required to sign and acknowledge. Now some owners of senior mobile home parks have indicated that they can, and are already attempting to, change their parks from senior parks to family parks, over the objections of their senior residents, simply by changing park rules using the procedure in Civil Code Section 798.25.

D. While the seniors now living in senior mobile home parks could remain in a park that changed to an all ages park, those seniors would no longer enjoy the quiet and companionship of a senior community and the limited supply of senior parks that now exist could be greatly diminished or even eliminated. Since mobile homes are not mobile in any practical sense due to the high cost of moving a home, the risk of damage to the home in moving, the loss of improvements such as porches, patios, carports, and

landscaping, which cannot be moved, and the lack of available rental spaces in senior parks, or in any mobile home park in the City or surrounding areas that will accept re-locating homes, senior residents of a park that becomes an all ages park would have to sell the homes in which they have lived for many years and in which they have invested both financial and personal resources in order to move to another senior facility. After selling their mobile homes, these seniors may no longer have sufficient funds to purchase a mobile home in another senior park or senior facility.

E. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.

F. The California Legislature has authorized cities to provide zoning for senior-only mobile home parks pursuant to Health and Safety Code section 18300.

G. In 2012, the Ninth Circuit Court of Appeals issued a ruling in *Putnam Family Partnership v. City of Yucaipa* (2012) 673 F.3d 920, in which it determined that a senior mobile home housing overlay district did not discriminate in housing on the basis of familial status in violation of federal Fair Housing Amendments Act ("FHAA") under the federal senior housing exemption, since the FHAA's ban on familial status discrimination does not apply to "housing for older persons." The *Putnam* case has confirmed previous California Attorney General opinion that such senior-only zoning does not conflict with the general prohibition against discrimination based upon age contained in California Government Code section 65008. (87 Cal. Ops. Atty. Gen. 148 (Oct. 20, 2004).)

H. In 2007, the City and a mobile home park operator, the Vista Diablo Estates, entered into a Settlement Agreement in which, under the threat of litigation, the mobile home park operator agreed to continue to operate as a senior community (as it had done since 1978) for at least ten more years. The ten-year period expires on October 9 of this year. The operator of this mobile home park has expressed its intention to convert to an all-ages facility, threatening to cause the substantial diminishment of the opportunities for affordable, senior-owner housing within City limits.

I. The City currently does not have a senior-only mobile home park zoning ordinance in place, but such a zoning ordinance may be needed in the immediate future to preserve affordable housing options left to the City's senior citizens.

J. The City requires time to study and decide: (a) If an ordinance is necessary to protect the public health, safety, and welfare, and provide adequate local senior housing for the community's aging population; and (b) If such an ordinance would have any adverse effects upon the general housing market and particularly the senior and low-income housing market in the City.

K. Government Code sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety, and welfare, and to prohibit certain land uses that may conflict with land-use regulations that the City's legislative bodies are considering or intend to study within a reasonable time. Accordingly, the City Council has determined that an urgency ordinance is necessary to protect the public health, safety, and welfare of the citizens of the City, and upon that basis has determined that an urgency ordinance is necessary to prohibit such mobile home park conversions within the City.

Section 2. Applicability.

This ordinance shall not apply to any undeveloped parcels of land or to any mobile home parks currently operating within the City where the number of full-time residents younger than 55 years of age comprises 20.1% or more of the total number of residents in the mobile home park.

Section 3. Moratorium.

In order to protect the public health, safety, and welfare, and pursuant to the provisions of Government Code section 65858, the City adopts a moratorium prohibiting the conversion of any mobile home park currently in existence in the City, from a park where at least 80% of the full-time residents are individuals aged 55 years of age and older to a mobile home park accepting all ages of residents.

Section 4. Report.

Since the adoption of the initial urgency ordinance, the Office of the City Attorney has begun identifying options for a potential permanent ordinance covering the subjects addressed in this ordinance. The Office of the City Attorney intends to work together with the Planning Department to present a proposed permanent ordinance prior to the expiration of this urgency ordinance.

Staff is directed to provide a written report to the City Council at least 10 days prior to the expiration of this ordinance describing the study conducted of the local housing conditions that led to the adoption of this ordinance in accordance with State law.

Section 5. CEQA Finding.

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 6. 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 7. Effective Date and Duration.

This ordinance is an urgency ordinance enacted under California Government Code section 65858(b). This urgency ordinance shall become effective upon the expiration of the initial urgency ordinance approved on August 8, 2017, which is effective for 45 day from the date of that adoption (i.e., until September 22, 2017). From that date, this ordinance shall be effective for 22 months and 15 days (i.e., until September 21, 2019), at which time this ordinance will be replaced within that time by a permanent ordinance.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was passed and introduced at a regular meeting thereof, held on the 12th day of September 2017, by the following vote:

AYES: Council Members Wilson, Tiscareno, Ogorchock and Mayor Pro Tem Thorpe

NOES: None

ABSENT: Mayor Wright



Sean Wright, Mayor of the City of Antioch

ATTEST:



Arne Simonsen, City Clerk of the City of Antioch





STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 12, 2017

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Derek Cole, Interim City Attorney *DC*

SUBJECT: Urgency Ordinance of the City Council of the City of Antioch
Extending a Moratorium on the Conversion of Mobile Home Parks
from Senior-Only to All-Ages Housing

RECOMMENDED ACTION

It is recommended that the City Council adopt the Urgency Ordinance of the City Council of the City of Antioch extending the Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing for 22 months and 15 days.

STRATEGIC PURPOSE

The proposed action is consistent with Strategy H-5: Grow Antioch's economy through additional annexation, as well as residential and commercial development.

FISCAL IMPACT

Should the Council ultimately extend the senior mobile home overlay zoning district, it could incur expenses associated with enforcing the ordinance against any noncompliant mobile home parks, although some of those expenses could be recovered following successful enforcement. Otherwise, no fiscal impacts are anticipated.

DISCUSSION

At its June 13, 2017 meeting, the City Council received a report from this ordinance regarding the potential for creating a senior housing mobile-home park overlay zoning district. Several members residing at the Vista Diablo Estates mobile home park addressed the Council as part of that item. At the conclusion of the item, the Council directed the Interim City Attorney to bring back a proposed moratorium on the conversion of mobile-home parks from senior housing to all-ages housing.

On August 8, 2017, the City Council adopted an ordinance imposing an urgency ordinance regarding the conversion of senior mobile-home parks to "all ages" parks. By law, the ordinance could only take effect for 45 days, unless extended within that time. The September 12, 2017 meeting is the only scheduled regular meeting within the 45-day time period in which the Council may extend the ordinance. Staff is accordingly bringing the proposed extension to the Council for consideration at this meeting.

The original urgency ordinance was noticed as a public hearing. Because this was the case, under the "Moratorium" statute in state law (Government Code section 65858),

the Council can extend this ordinance for a total period of two years (including the original 45-day period in which the ordinance was effective). In other words, the Council may extend the ordinance by 22 months and 15 days beyond the expiration of the 45-day time period. If the Council approves the extension, this means the moratorium will be in place until September 21, 2019.

As noted when this urgency ordinance was first considered, under California law, the purpose of a moratorium, which is governed by a special statute (Government Code section 65858), is to give an agency breathing room to consider the adoption of permanent regulations regarding the subject of the moratorium. Thus, during the moratorium period, Staff would be required to study the issue, develop proposed permanent regulations, and bring the same to the Planning Commission and then the Council. My office, in conjunction with the Planning Department, plans to facilitate the development of long-term regulations regarding this subject.

ATTACHMENT

- A. Urgency Ordinance of the City Council of the City of Antioch Extending a Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing

ORDINANCE NO. ____-C-S

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
EXTENDING A MORATORIUM ON THE CONVERSION OF MOBILE HOME PARKS
FROM SENIOR-ONLY TO ALL-AGES HOUSING FOR 22 MONTHS AND 15 DAYS**

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

Section 1. Findings of Fact.

A. Mobile home parks represent one of a few affordable housing options left to senior citizens that permit exclusive residence in a detached dwelling by those individuals over the age of 55 years.

B. Mobile home parks afford seniors the ability to live in their own homes rather than in apartments and provide a senior living community in low-rise setting that typically provides a clubhouse for community events and socializing as well as recreation facilities inside the park so that the residents can easily walk to these facilities and event. Many of the seniors living in senior mobile home parks enjoy having their grandchildren visit them in the parks, but they, like the seniors without grandchildren, purchased mobile homes in a senior park in order to live in a quieter community with others in their own age group and purchased their homes in these parks because they were senior parks that only accepted prospective purchasers of homes in the park if at least one occupant of the mobile home being purchased was 55 years or older.

C. Residents of senior mobile home parks relied upon the representation of the park management and park owners that only seniors could purchase homes in those parks and obtain tenancies in those parks. These representations were set forth in the leases or rental agreements they were required to sign upon purchasing a mobile home in the parks and moving into the parks and in the rules of those parks, which the residents were also required to sign and acknowledge. Now some owners of senior mobile home parks have indicated that they can, and are already attempting to, change their parks from senior parks to family parks, over the objections of their senior residents, simply by changing park rules using the procedure in Civil Code Section 798.25.

D. While the seniors now living in senior mobile home parks could remain in a park that changed to an all ages park, those seniors would no longer enjoy the quiet and companionship of a senior community and the limited supply of senior parks that now exist could be greatly diminished or even eliminated. Since mobile homes are not mobile in any practical sense due to the high cost of moving a home, the risk of damage to the home in moving, the loss of improvements such as porches, patios, carports, and

landscaping, which cannot be moved, and the lack of available rental spaces in senior parks, or in any mobile home park in the City or surrounding areas that will accept re-locating homes, senior residents of a park that becomes an all ages park would have to sell the homes in which they have lived for many years and in which they have invested both financial and personal resources in order to move to another senior facility. After selling their mobile homes, these seniors may no longer have sufficient funds to purchase a mobile home in another senior park or senior facility.

E. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.

F. The California Legislature has authorized cities to provide zoning for senior-only mobile home parks pursuant to Health and Safety Code section 18300.

G. In 2012, the Ninth Circuit Court of Appeals issued a ruling in *Putnam Family Partnership v. City of Yucaipa* (2012) 673 F.3d 920, in which it determined that a senior mobile home housing overlay district did not discriminate in housing on the basis of familial status in violation of federal Fair Housing Amendments Act ("FHAA") under the federal senior housing exemption, since the FHAA's ban on familial status discrimination does not apply to "housing for older persons." The *Putnam* case has confirmed previous California Attorney General opinion that such senior-only zoning does not conflict with the general prohibition against discrimination based upon age contained in California Government Code section 65008. (87 Cal. Ops. Atty. Gen. 148 (Oct. 20, 2004).)

H. In 2007, the City and a mobile home park operator, the Vista Diablo Estates, entered into a Settlement Agreement in which, under the threat of litigation, the mobile home park operator agreed to continue to operate as a senior community (as it had done since 1978) for at least ten more years. The ten-year period expires on October 9 of this year. The operator of this mobile home park has expressed its intention to convert to an all-ages facility, threatening to cause the substantial diminishment of the opportunities for affordable, senior-owner housing within City limits.

I. The City currently does not have a senior-only mobile home park zoning ordinance in place, but such a zoning ordinance may be needed in the immediate future to preserve affordable housing options left to the City's senior citizens.

J. The City requires time to study and decide: (a) If an ordinance is necessary to protect the public health, safety, and welfare, and provide adequate local senior housing for the community's aging population; and (b) If such an ordinance would have any adverse effects upon the general housing market and particularly the senior and low-income housing market in the City.

K. Government Code sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety, and welfare, and to prohibit certain land uses that may conflict with land-use regulations that the City's legislative bodies are considering or intend to study within a reasonable time. Accordingly, the City Council has determined that an urgency ordinance is necessary to protect the public health, safety, and welfare of the citizens of the City, and upon that basis has determined that an urgency ordinance is necessary to prohibit such mobile home park conversions within the City.

Section 2. Applicability.

This ordinance shall not apply to any undeveloped parcels of land or to any mobile home parks currently operating within the City where the number of full-time residents younger than 55 years of age comprises 20.1% or more of the total number of residents in the mobile home park.

Section 3. Moratorium.

In order to protect the public health, safety, and welfare, and pursuant to the provisions of Government Code section 65858, the City adopts a moratorium prohibiting the conversion of any mobile home park currently in existence in the City, from a park where at least 80% of the full-time residents are individuals aged 55 years of age and older to a mobile home park accepting all ages of residents.

Section 4. Report.

Since the adoption of the initial urgency ordinance, the Office of the City Attorney has begun identifying options for a potential permanent ordinance covering the subjects addressed in this ordinance. The Office of the City Attorney intends to work together with the Planning Department to present a proposed permanent ordinance prior to the expiration of this urgency ordinance.

Staff is directed to provide a written report to the City Council at least 10 days prior to the expiration of this ordinance describing the study conducted of the local housing conditions that led to the adoption of this ordinance in accordance with State law.

Section 5. CEQA Finding.

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 6. 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 7. Effective Date and Duration.

This ordinance is an urgency ordinance enacted under California Government Code section 65858(b). This urgency ordinance shall become effective upon the expiration of the initial urgency ordinance approved on August 8, 2017, which is effective for 45 day from the date of that adoption (i.e., until September 22, 2017). From that date, this ordinance shall be effective for 22 months and 15 days (i.e., until September 21, 2019), at which time this ordinance will be replaced within that time by a permanent ordinance.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was passed and introduced at a regular meeting thereof, held on the 12th day of September 2017, by the following vote:

AYES:

NOES:

ABSENT:

Sean Wright, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT

“C”

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock, the City Council approved the Council Consent Calendar. The motion carried the following vote:

Ayes: Wilson, Tiscareno, Ogorchock, Wright

Absent: Thorpe

Councilmember Thorpe returned to the dais at 8:17 P.M.

PUBLIC HEARING

2. **URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH IMPOSING A MORATORIUM ON THE CONVERSION OF MOBILE HOME PARKS FROM SENIOR-ONLY TO ALL-AGES HOUSING (Continued from 07/25/17)**

City Manger Bernal introduced Public Hearing Item 2.

Interim City Attorney Cole discussed the manner in which the Public Hearing would be conducted and presented the staff report dated August 8, 2017 recommending the City Council enact an Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile home Parks from Senior-Only to All-Ages Housing.

Mayor Wright opened the public hearing.

Al Ives, Vista Diablo Mobile Home Park, Homeowners Board of Directors, urged Council to pass the moratorium to retain the park as a senior-only facility. He expressed concern regarding economic eviction and suggested the City pursue rent control. He provided statistics for mobile home parks with rent control ordinances and read a letter authored by Tom Torlakson in favor of a mobile home rent stabilization ordinance. He suggested the City discuss ways to help current homeowners with long-term leases and determine why park owners could not retain managers or provide preventative maintenance.

Lola Buck, President Vista Diablo Association, speaking on behalf of several residents present in Council Chambers, thanked Interim City Attorney Cole for drafting the ordinance. She reported that she believed recent actions by park management were in retaliation for residents speaking out and requesting the City's help. She urged Council to approve the urgency ordinance to impose the moratorium.

Gilbert Davis, Vista Diablo Mobile Home Park, stated the City did not provide an adequate amount of senior housing. He reported that regardless of a moratorium requiring the owners to maintain the park as a senior community for 10 years, management had allowed families, with children under the age of 18, to move into the park. He noted that park owners should be required to respond to the violation of the terms of their agreement with the City. He further noted that there was a discrepancy in space rents being charged. He spoke in support of maintaining the park as a senior community.

Vivian Espinoza, Vista Diablo Mobile Home Park, Secretary/Treasurer of Golden State Manufactured-home Owners League (GSMOL), thanked Interim City Attorney Cole for drafting the

ordinance. She reported the park was advertised as a senior community and residents were concerned their lifestyle would be disturbed if it was converted to a family park. She discussed the negative impacts of a family park environment and noted families had been allowed to move into the park which was in violation of park rules. She stated it was financially infeasible for them to move their homes. She encouraged Council to approve the senior overlay zoning ordinance.

Pat Honchell, Vista Diablo Mobile Home Park, stated she enjoyed living in a senior park with residents in the same age group, who were involved in the same activities. She reported that the structural integrity of her unit had been compromised when trenches were dug for additional spaces adjacent to her home and repairs due to the damage were estimated to cost approximately \$10k. She further noted attempts to contact Sierra Corporate Management regarding this issue were ignored. She urged Council to approve the urgency ordinance.

Emmet Corrigan, Vista Diablo Mobile Home Park, stated the corporate owners were entitled to a fair profit on their investment and he suggested park representatives consider what fair profit meant and how it affected seniors living on a fixed income.

Martha Aranda, Vista Diablo Mobile Home Park, reported that when she moved into the park, it was a quiet and well-maintained community; however, they were not informed about the possible conversion to a family park or the agreement they had with the City. She noted they were told children were required to be over 21 years old to live in the park. She stated owners of the park violated their agreement with Antioch by allowing individuals, with underage children, to purchase homes. She noted the park was built with no amenities or sufficient parking for families. She feared a financial hardship would be created for homeowners; because space rents would continue to increase and they would be unable to move or afford living in the park.

Erlinda Mirza, Vista Diablo Mobile Home Park, expressed concern that families who had moved into the park had resulted in visitor parking no longer being available, blight and vandalism. Additionally, she stated she could no longer enjoy her porch due to people loitering in the area.

Mayor Wright closed the public hearing.

Councilmember Tiscareno stated he supported the ordinance and thanked residents for speaking on this matter. He stated he was disappointed that the owners and management had not attended the meeting to express their point of view.

Councilmember Ogorchock reported that she had toured the area and Vista Diablo Mobile Home Park ownership needed to be held responsible for the health and safety issues that were occurring on the property. She thanked the residents for speaking this evening.

Mayor Wright stated Council had a lot of sympathy and compassion for residents of the park.

ORDINANCE NO. 2127 C-S

On motion by Councilmember Thorpe, seconded by Councilmember Wilson, Council unanimously enacted an Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile home Parks from Senior-Only to All-Ages Housing.

Mayor Wright declared a recess at 9:04 P.M. The meeting reconvened at 9:15 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

3. ANTIOCH ANIMAL SERVICES MANAGER

City Manager Bernal introduced Agenda Item #3.

Chief Brooks and Administrative Services Director Mastay presented the staff report dated August 8, 2017 recommending the City Council adopt a resolution: 1) Accepting funding from Tony La Russa's Animal Rescue Foundation (ARF) through the financial support of Maddies Fund; and 2) Approving the class specification for an Animal Services Manager; and 3) Assigning the Animal Services Manager class specification to a salary range and to the Management/Senior Bargaining Unit; and 4) Approving the cost and reimbursement of one (1) Animal Services Manager position in the fiscal year 2017/19 budget.

Chief Brooks explained that if the Animal Services Manager position were approved the salary savings for the Lieutenant and Captain currently performing oversight of the facility, would go toward the salary of the Manager.

In response to Councilmember Thorpe, Chief Brooks noted the monies from ARF were specifically earmarked for an Animal Services Manager position.

In response to Councilmember Ogorchock, Chief Brooks reported the surgical suite should be completed by the end of September and a person was in process for the DVM position.

Administrative Services Director Mastay added that the RVT class specification was in the process of being approved by Local 3 and should be before Council on August 22, 2017.

Dr. Jeffrey Klingler, spoke in support of the staff recommendations noting that they were aligned with the Grand Jury findings and important to preserve and build on gains made at the shelter.

Karen Kops, President of HARP, spoke in support of the Grand Jury and staff report recommendations. She suggested the City move forward with the selection of an advisory group. She thanked Council for their attention to the welfare of the animals in the shelter and community.

Mayor Wright read written comments from Kim Charef, Antioch resident, Julie Rasmussen, Brentwood resident and Holly Cuciz, Brentwood resident urging Council to approve the resolution to hire an Animal Services Manager.

ORDINANCE NO. 2127-C-S

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH IMPOSING A MORATORIUM ON THE CONVERSION OF MOBILE HOME PARKS FROM SENIOR-ONLY TO ALL-AGES HOUSING

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

Section 1. Findings of Fact.

A. Mobile home parks represent one of a few affordable housing options left to senior citizens that permit exclusive residence in a detached dwelling by those individuals over the age of 55 years.

B. Mobile home parks afford seniors the ability to live in their own homes rather than in apartments and provide a senior living community in low-rise setting that typically provides a clubhouse for community events and socializing as well as recreation facilities inside the park so that the residents can easily walk to these facilities and event. Many of the seniors living in senior mobile home parks enjoy having their grandchildren visit them in the parks, but they, like the seniors without grandchildren, purchased mobile homes in a senior park in order to live in a quieter community with others in their own age group and purchased their homes in these parks because they were senior parks that only accepted prospective purchasers of homes in the park if at least one occupant of the mobile home being purchased was 55 years or older.

C. Residents of senior mobile home parks relied upon the representation of the park management and park owners that only seniors could purchase homes in those parks and obtain tenancies in those parks. These representations were set forth in the leases or rental agreements they were required to sign upon purchasing a mobile home in the parks and moving into the parks and in the rules of those parks, which the residents were also required to sign and acknowledge. Now some owners of senior mobile home parks have indicated that they can, and are already attempting to, change their parks from senior parks to family parks, over the objections of their senior residents, simply by changing park rules using the procedure in Civil Code Section 798.25.

D. While the seniors now living in senior mobile home parks could remain in a park that changed to an all ages park, those seniors would no longer enjoy the quiet and companionship of a senior community and the limited supply of senior parks that now exist could be greatly diminished or even eliminated. Since mobile homes are not mobile in any practical sense due to the high cost of moving a home, the risk of damage to the home in moving, the loss of improvements such as porches, patios, carports, and

landscaping, which cannot be moved, and the lack of available rental spaces in senior parks, or in any mobile home park in the City or surrounding areas that will accept re-locating homes, senior residents of a park that becomes an all ages park would have to sell the homes in which they have lived for many years and in which they have invested both financial and personal resources in order to move to another senior facility. After selling their mobile homes, these seniors may no longer have sufficient funds to purchase a mobile home in another senior park or senior facility.

E. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.

F. The California Legislature has authorized cities to provide zoning for senior-only mobile home parks pursuant to Health and Safety Code section 18300.

G. In 2012, the Ninth Circuit Court of Appeals issued a ruling in *Putnam Family Partnership v. City of Yucaipa* (2012) 673 F.3d 920, in which it determined that a senior mobile home housing overlay district did not discriminate in housing on the basis of familial status in violation of federal Fair Housing Amendments Act ("FHAA") under the federal senior housing exemption, since the FHAA's ban on familial status discrimination does not apply to "housing for older persons." The *Putnam* case has confirmed previous California Attorney General opinion that such senior-only zoning does not conflict with the general prohibition against discrimination based upon age contained in California Government Code section 65008. (87 Cal. Ops. Atty. Gen. 148 (Oct. 20, 2004).)

H. In 2007, the City and a mobile home park operator, the Vista Diablo Estates, entered into a Settlement Agreement in which, under the threat of litigation, the mobile home park operator agreed to continue to operate as a senior community (as it had done since 1978) for at least ten more years. The ten-year period expires on October 9, 2017 of this year. The operator of this mobile home park has expressed its intention to convert to an all-ages facility, threatening to cause the substantial diminishment of the opportunities for affordable, senior-owner housing within City limits.

I. The City currently does not have a senior-only mobile home park zoning ordinance in place, but such a zoning ordinance may be needed in the immediate future to preserve affordable housing options left to the City's senior citizens.

J. The City requires time to study and decide: (a) If an ordinance is necessary to protect the public health, safety, and welfare, and provide adequate local senior housing for the community's aging population; and (b) If such an ordinance would have any adverse effects upon the general housing market and particularly the senior and low-income housing market in the City.

K. Government Code sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety, and welfare, and to prohibit certain land uses that may conflict with land-use regulations that the City's legislative bodies are considering or intend to study within a reasonable time. Accordingly, the City Council has determined that an urgency ordinance is necessary to protect the public health, safety, and welfare of the citizens of the City, and upon that basis has determined that an urgency ordinance is necessary to prohibit such mobile home park conversions within the City.

Section 2. Applicability.

This ordinance shall not apply to any undeveloped parcels of land or to any mobile home parks currently operating within the City where the number of full-time residents younger than 55 years of age comprises 20.1% or more of the total number of residents in the mobile home park.

Section 3. Moratorium.

In order to protect the public health, safety, and welfare, and pursuant to the provisions of Government Code section 65858, the City adopts a moratorium prohibiting the conversion of any mobile home park currently in existence in the City, from a park where at least 80% of the full-time residents are individuals aged 55 years of age and older to a mobile home park accepting all ages of residents.

Section 4. Report.

Staff is directed to provide a written report to the City Council at least 10 days prior to the expiration of this ordinance describing the study conducted of the local housing conditions that led to the adoption of this ordinance in accordance with State law.

Section 5. CEQA Finding.

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 6. 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 7. Effective Date and Duration.

This ordinance is an urgency ordinance enacted under California Government Code section 65858(a). This urgency ordinance is effective upon adoption by a four-fifths vote of the City Council and will extend for a period of 45 days from the date of adoption, at which time it will automatically expire unless extended by the City Council in accordance with California Government Code section 65858.

I HEREBY CERTIFY that the foregoing ordinance was Urgency Ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 8th day of August 2017, by the following vote:

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

NOES: None

ABSENT: None



Sean Wright, Mayor of the City of Antioch

ATTEST:



Arne Simonsen, City Clerk of the City of Antioch



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 8, 2017

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Derek Cole, Interim City Attorney *EP*

SUBJECT: Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing *(Continued from 07/25/17)*

RECOMMENDED ACTION

It is recommended that the City Council enact an Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing. ***(A 4/5 vote is required for adoption.)***

STRATEGIC PURPOSE

The proposed action is consistent with Strategy H-5: Grow Antioch's economy through additional annexation, as well as residential and commercial development.

FISCAL IMPACT

Should the Council ultimately approve the senior mobile home overlay zoning district, it could incur expenses associated with enforcing the ordinance against any noncompliant mobile home parks, although some of those expenses could be recovered following successful enforcement. Otherwise, no fiscal impacts are anticipated.

DISCUSSION

At its June 13, 2017 meeting, the City Council received a report from this ordinance regarding the potential for creating a senior housing mobile-home park overlay zoning district. Several members residing at the Vista Diablo Estates mobile home park addressed the Council as part of that item. At the conclusion of the item, the Council directed the Interim City Attorney to bring back a proposed moratorium on the conversion of mobile-home parks from senior housing to all-ages housing.

Attached is a proposed moratorium that responds to the Council's directive. If enacted, the moratorium would take effect immediately and would prohibit any mobile home park that currently is senior-only (defined as a mobile home park in which 80% or more of units are occupied by persons 55 or older) from converting to "all ages" housing (i.e., a park where 20.1% or more of occupied units belong to people 55 or younger).

As initially enacted, the moratorium would expire 45 days from enactment. As that date would fall on September 8, 2017, the Council would, as a practical matter, need to take

action to extend the moratorium at a meeting in August 2017. The extension could be in effect for an additional one year and 10 ½ months (effectively, through July 24, 2019).

Under California law, the purpose of a moratorium, which is governed by a special statute (Government Code section 65858), is to give an agency breathing room to consider the adoption of permanent regulations regarding the subject of the moratorium. Thus, during the moratorium period, Staff would be required to study the issue, develop proposed permanent regulations, and bring the same to the Planning Commission and then the Council.

ATTACHMENT

- A. Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing

ORDINANCE NO. ____-C-S

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
IMPOSING A MORATORIUM ON THE CONVERSION OF MOBILE HOME PARKS
FROM SENIOR-ONLY TO ALL-AGES HOUSING**

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

Section 1. Findings of Fact.

A. Mobile home parks represent one of a few affordable housing options left to senior citizens that permit exclusive residence in a detached dwelling by those individuals over the age of 55 years.

B. Mobile home parks afford seniors the ability to live in their own homes rather than in apartments and provide a senior living community in low-rise setting that typically provides a clubhouse for community events and socializing as well as recreation facilities inside the park so that the residents can easily walk to these facilities and event. Many of the seniors living in senior mobile home parks enjoy having their grandchildren visit them in the parks, but they, like the seniors without grandchildren, purchased mobile homes in a senior park in order to live in a quieter community with others in their own age group and purchased their homes in these parks because they were senior parks that only accepted prospective purchasers of homes in the park if at least one occupant of the mobile home being purchased was 55 years or older.

C. Residents of senior mobile home parks relied upon the representation of the park management and park owners that only seniors could purchase homes in those parks and obtain tenancies in those parks. These representations were set forth in the leases or rental agreements they were required to sign upon purchasing a mobile home in the parks and moving into the parks and in the rules of those parks, which the residents were also required to sign and acknowledge. Now some owners of senior mobile home parks have indicated that they can, and are already attempting to, change their parks from senior parks to family parks, over the objections of their senior residents, simply by changing park rules using the procedure in Civil Code Section 798.25.

D. While the seniors now living in senior mobile home parks could remain in a park that changed to an all ages park, those seniors would no longer enjoy the quiet and companionship of a senior community and the limited supply of senior parks that now exist could be greatly diminished or even eliminated. Since mobile homes are not mobile in any practical sense due to the high cost of moving a home, the risk of damage to the home in moving, the loss of improvements such as porches, patios, carports, and

landscaping, which cannot be moved, and the lack of available rental spaces in senior parks, or in any mobile home park in the City or surrounding areas that will accept re-locating homes, senior residents of a park that becomes an all ages park would have to sell the homes in which they have lived for many years and in which they have invested both financial and personal resources in order to move to another senior facility. After selling their mobile homes, these seniors may no longer have sufficient funds to purchase a mobile home in another senior park or senior facility.

E. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.

F. The California Legislature has authorized cities to provide zoning for senior-only mobile home parks pursuant to Health and Safety Code section 18300.

G. In 2012, the Ninth Circuit Court of Appeals issued a ruling in *Putnam Family Partnership v. City of Yucaipa* (2012) 673 F.3d 920, in which it determined that a senior mobile home housing overlay district did not discriminate in housing on the basis of familial status in violation of federal Fair Housing Amendments Act ("FHAA") under the federal senior housing exemption, since the FHAA's ban on familial status discrimination does not apply to "housing for older persons." The *Putnam* case has confirmed previous California Attorney General opinion that such senior-only zoning does not conflict with the general prohibition against discrimination based upon age contained in California Government Code section 65008. (87 Cal. Ops. Atty. Gen. 148 (Oct. 20, 2004).)

H. In 2007, the City and a mobile home park operator, the Vista Diablo Estates, entered into a Settlement Agreement in which, under the threat of litigation, the mobile home park operator agreed to continue to operate as a senior community (as it had done since 1978) for at least ten more years. The ten-year period expires on October 9, 2017 of this year. The operator of this mobile home park has expressed its intention to convert to an all-ages facility, threatening to cause the substantial diminishment of the opportunities for affordable, senior-owner housing within City limits.

I. The City currently does not have a senior-only mobile home park zoning ordinance in place, but such a zoning ordinance may be needed in the immediate future to preserve affordable housing options left to the City's senior citizens.

J. The City requires time to study and decide: (a) If an ordinance is necessary to protect the public health, safety, and welfare, and provide adequate local senior housing for the community's aging population; and (b) If such an ordinance would have any adverse effects upon the general housing market and particularly the senior and low-income housing market in the City.

K. Government Code sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety, and welfare, and to prohibit certain land uses that may conflict with land-use regulations that the City's legislative bodies are considering or intend to study within a reasonable time. Accordingly, the City Council has determined that an urgency ordinance is necessary to protect the public health, safety, and welfare of the citizens of the City, and upon that basis has determined that an urgency ordinance is necessary to prohibit such mobile home park conversions within the City.

Section 2. Applicability.

This ordinance shall not apply to any undeveloped parcels of land or to any mobile home parks currently operating within the City where the number of full-time residents younger than 55 years of age comprises 20.1% or more of the total number of residents in the mobile home park.

Section 3. Moratorium.

In order to protect the public health, safety, and welfare, and pursuant to the provisions of Government Code section 65858, the City adopts a moratorium prohibiting the conversion of any mobile home park currently in existence in the City, from a park where at least 80% of the full-time residents are individuals aged 55 years of age and older to a mobile home park accepting all ages of residents.

Section 4. Report.

Staff is directed to provide a written report to the City Council at least 10 days prior to the expiration of this ordinance describing the study conducted of the local housing conditions that led to the adoption of this ordinance in accordance with State law.

Section 5. CEQA Finding.

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 6. 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 7. Effective Date and Duration.

This ordinance is an urgency ordinance enacted under California Government Code section 65858(a). This urgency ordinance is effective upon adoption by a four-fifths vote of the City Council and will extend for a period of 45 days from the date of adoption, at which time it will automatically expire unless extended by the City Council in accordance with California Government Code section 65858.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was Urgency Ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 8th day of August 2017, by the following vote:

AYES:

NOES:

ABSENT:

Sean Wright, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT

“D”

ANTIOCH CITY COUNCIL
SUCCESSOR AGENCY/
HOUSING SUCCESSOR
Regular Meeting
July 25, 2017

Page 3 of 12

H. CITY CLERKS WORKSHOP AND LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE & EXPO

I. RESOLUTION NO. 2017/88 APPROVING THE CLASS SPECIFICATION UPDATES WITH NO SALARY CHANGES

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

J. APPROVAL OF HOUSING SUCCESSOR WARRANTS

On motion by Councilmember Ogorchock seconded by Councilmember Tiscareno, the City Council members present unanimously approved the Council Consent Calendar.

PUBLIC HEARING / HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY

3. **URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH IMPOSING A MORATORIUM ON THE CONVERSION OF MOBILE HOME PARKS FROM SENIOR-ONLY TO ALL-AGES HOUSING**

Interim City Attorney Cole discussed the manner in which the Public Hearing would be conducted. He announced an urgency ordinance required 4/5 vote of the Council and with only three Council members present, he recommended Council open the Public Hearing, allow speakers and continue the Public Hearing to a specific date.

Mayor Wright opened the public Hearing.

Lola Buck, President of the Vista Diablo Homeowners Association, thanked Council for their support and reported repairs had commenced since the last City Council meeting; however, deferred maintenance items remained. She urged Council to enact the urgency ordinance on August 8, 2017. She discussed an issue in which a resident's lease was to be increased 5 percent; however, after signing, they noticed management had enacted a 10 percent increase. Several members of the audience raised their hands indicating they were residents of Vista Diablo Mobile Home Estates and in support of Ms. Buck's comments.

Jerry Coffel, Vista Diablo resident representing the Golden State Manufactured Homeowners League, thanked staff for the report and voiced his support for the recommended action. He noted the park was created as a planned senior mobile home community and there were no amenities for children. In addition, he noted mobile homes were not built for more intense uses. He expressed concern for the increase demand on City services should the park be converted and encouraged Council to view a newspaper article related to the negative impacts of increased housing costs.

Gilbert Davis, Vista Diablo resident, stated the City did not have a sufficient amount senior housing. He reported that regardless of a moratorium requiring the owners of the Vista Diablo to

maintain it as a senior community, management had allowed families, with children under the age of 18, to move into the park. He noted that the owners should be required to respond to the violation. He spoke in support of maintaining the park as a senior community.

Mayor Wright closed the public hearing

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously continued the Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing to August 8, 2017.

4. CONSIDERATION OF FUNDING RECOMMENDATIONS WHICH COMPRISE THE 2017-18 ACTION PLAN FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOUSING SUCCESSOR AGENCY (AGENCY) FUNDS; DRAFT 2016-20 CONTRA COSTA CONSORTIUM ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AI) AND REVISIONS TO THE CITY'S CITIZEN'S PARTICIPATION PLAN, LANGUAGE ASSISTANCE PLAN, AND RESIDENTIAL ANTI-DISPLACEMENT & RELOCATION ASSISTANCE PLAN

City Manager Bernal introduced Public Hearing Item #4.

CDBG/Housing Consultant House presented the staff report dated July 25, 2017 recommending the City Council 1) Approve the funding recommendations of the CDBG subcommittee and adopt the Resolution approving the draft fiscal year (FY) 2017-18 Action Plan. 2) It is recommended the Housing Successor to the Antioch Development Agency approve the funding recommendations of the CDBG subcommittee and adopt the Resolution approving Housing Successor funding for homeless services outlined in the 2017-18 Action Plan. 3) It is recommended the City Council adopt the Resolution approving the Contra Costa Consortium 2016-2020 Analysis of Impediments to Fair Housing Choice. 4) It is recommended that the City Council adopt the Resolution approving the City's CDBG City's Citizen's Participation Plan, Language Assistance Plan, and Residential Anti-Displacement & Relocation Assistance Plan.

In response to City Clerk Simonsen, CDBG/Housing Consultant House clarified the Analysis of Impediments was over 200 pages so the web link was referenced in the staff report, as she had been instructed.

City Clerk Simonsen requested a copy of the Analysis of Impediments to attach to the resolution.

Mayor Wright opened the public hearing.

Kaushal Sharma, Antioch resident, Carlos Garcia, Antioch resident, Catherine Lyons, Antioch resident, and Analisa Nunez Aviles, Oakley resident representing Biotech Partners, spoke in support of the Workforce Development Program and the positive impact it had on their career



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of July 25, 2017

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Derek Cole, Interim City Attorney

SUBJECT: Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing

RECOMMENDED ACTION

It is recommended that the City Council enact an Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing. ***(A 4/5 vote is required for adoption.)***

STRATEGIC PURPOSE

The proposed action is consistent with Strategy H-5: Grow Antioch's economy through additional annexation, as well as residential and commercial development.

FISCAL IMPACT

Should the Council ultimately approve the senior mobile home overlay zoning district, it could incur expenses associated with enforcing the ordinance against any noncompliant mobile home parks, although some of those expenses could be recovered following successful enforcement. Otherwise, no fiscal impacts are anticipated.

DISCUSSION

At its June 13, 2017 meeting, the City Council received a report from this ordinance regarding the potential for creating a senior housing mobile-home park overlay zoning district. Several members residing at the Vista Diablo Estates mobile home park addressed the Council as part of that item. At the conclusion of the item, the Council directed the Interim City Attorney to bring back a proposed moratorium on the conversion of mobile-home parks from senior housing to all-ages housing.

Attached is a proposed moratorium that responds to the Council's directive. If enacted, the moratorium would take effect immediately and would prohibit any mobile home park that currently is senior-only (defined as a mobile home park in which 80% or more of units are occupied by persons 55 or older) from converting to "all ages" housing (i.e., a park where 20.1% or more of occupied units belong to people 55 or younger).

As initially enacted, the moratorium would expire 45 days from enactment. As that date would fall on September 8, 2017, the Council would, as a practical matter, need to take

action to extend the moratorium at a meeting in August 2017. The extension could be in effect for an additional one year and 10 ½ months (effectively, through July 24, 2019).

Under California law, the purpose of a moratorium, which is governed by a special statute (Government Code section 65858), is to give an agency breathing room to consider the adoption of permanent regulations regarding the subject of the moratorium. Thus, during the moratorium period, Staff would be required to study the issue, develop proposed permanent regulations, and bring the same to the Planning Commission and then the Council.

ATTACHMENT

- A. Urgency Ordinance of the City Council of the City of Antioch Imposing a Moratorium on the Conversion of Mobile Home Parks from Senior-Only to All-Ages Housing

ORDINANCE NO. ____-C-S

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
IMPOSING A MORATORIUM ON THE CONVERSION OF MOBILE HOME PARKS
FROM SENIOR-ONLY TO ALL-AGES HOUSING**

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

Section 1. Findings of Fact.

A. Mobile home parks represent one of a few affordable housing options left to senior citizens that permit exclusive residence in a detached dwelling by those individuals over the age of 55 years.

B. Mobile home parks afford seniors the ability to live in their own homes rather than in apartments and provide a senior living community in low-rise setting that typically provides a clubhouse for community events and socializing as well as recreation facilities inside the park so that the residents can easily walk to these facilities and event. Many of the seniors living in senior mobile home parks enjoy having their grandchildren visit them in the parks, but they, like the seniors without grandchildren, purchased mobile homes in a senior park in order to live in a quieter community with others in their own age group and purchased their homes in these parks because they were senior parks that only accepted prospective purchasers of homes in the park if at least one occupant of the mobile home being purchased was 55 years or older.

C. Residents of senior mobile home parks relied upon the representation of the park management and park owners that only seniors could purchase homes in those parks and obtain tenancies in those parks. These representations were set forth in the leases or rental agreements they were required to sign upon purchasing a mobile home in the parks and moving into the parks and in the rules of those parks, which the residents were also required to sign and acknowledge. Now some owners of senior mobile home parks have indicated that they can, and are already attempting to, change their parks from senior parks to family parks, over the objections of their senior residents, simply by changing park rules using the procedure in Civil Code Section 798.25.

D. While the seniors now living in senior mobile home parks could remain in a park that changed to an all ages park, those seniors would no longer enjoy the quiet and companionship of a senior community and the limited supply of senior parks that now exist could be greatly diminished or even eliminated. Since mobile homes are not mobile in any practical sense due to the high cost of moving a home, the risk of damage to the home in moving, the loss of improvements such as porches, patios, carports, and

landscaping, which cannot be moved, and the lack of available rental spaces in senior parks, or in any mobile home park in the City or surrounding areas that will accept re-locating homes, senior residents of a park that becomes an all ages park would have to sell the homes in which they have lived for many years and in which they have invested both financial and personal resources in order to move to another senior facility. After selling their mobile homes, these seniors may no longer have sufficient funds to purchase a mobile home in another senior park or senior facility.

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F. The California Legislature has authorized cities to provide zoning for senior-only mobile home parks pursuant to Health and Safety Code section 18300.

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H. In 2007, the City and a mobile home park operator, the Vista Diablo Estates, entered into a Settlement Agreement in which, under the threat of litigation, the mobile home park operator agreed to continue to operate as a senior community (as it had done since 1978) for at least ten more years. The ten-year period expires on October 9, 2017 of this year. The operator of this mobile home park has expressed its intention to convert to an all-ages facility, threatening to cause the substantial diminishment of the opportunities for affordable, senior-owner housing within City limits.

I. The City currently does not have a senior-only mobile home park zoning ordinance in place, but such a zoning ordinance may be needed in the immediate future to preserve affordable housing options left to the City's senior citizens.

J. The City requires time to study and decide: (a) If an ordinance is necessary to protect the public health, safety, and welfare, and provide adequate local senior housing for the community's aging population; and (b) If such an ordinance would have any adverse effects upon the general housing market and particularly the senior and low-income housing market in the City.

K. Government Code sections 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety, and welfare, and to prohibit certain land uses that may conflict with land-use regulations that the City's legislative bodies are considering or intend to study within a reasonable time. Accordingly, the City Council has determined that an urgency ordinance is necessary to protect the public health, safety, and welfare of the citizens of the City, and upon that basis has determined that an urgency ordinance is necessary to prohibit such mobile home park conversions within the City.

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This ordinance shall not apply to any undeveloped parcels of land or to any mobile home parks currently operating within the City where the number of full-time residents younger than 55 years of age comprises 20.1% or more of the total number of residents in the mobile home park.

Section 3. Moratorium.

In order to protect the public health, safety, and welfare, and pursuant to the provisions of Government Code section 65858, the City adopts a moratorium prohibiting the conversion of any mobile home park currently in existence in the City, from a park where at least 80% of the full-time residents are individuals aged 55 years of age and older to a mobile home park accepting all ages of residents.

Section 4. Report.

Staff is directed to provide a written report to the City Council at least 10 days prior to the expiration of this ordinance describing the study conducted of the local housing conditions that led to the adoption of this ordinance in accordance with State law.

Section 5. CEQA Finding.

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 6. 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 7. Effective Date and Duration.

This ordinance is an urgency ordinance enacted under California Government Code section 65858(a). This urgency ordinance is effective upon adoption by a four-fifths vote of the City Council and will extend for a period of 45 days from the date of adoption, at which time it will automatically expire unless extended by the City Council in accordance with California Government Code section 65858.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was Urgency Ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 25th day of July 2017, by the following vote:

AYES:

NOES:

ABSENT:

Sean Wright, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Zoe Merideth, Associate Planner *ZM*

APPROVED BY: Forrest Ebbs, Community Development Director *FE*

SUBJECT: Consideration of Two Ordinances and a Resolution Regulating Wireless Communications Facilities on Private and Public Property

RECOMMENDED ACTION

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

- Introduce the ordinance amending Chapter 5 of Title 9 of the Antioch Municipal Code establishing regulations for wireless communications facilities (Z-18-07)
- Introduce the ordinance amending Antioch Municipal Code § 7-3.06
- Adopt the resolution approving the City Council Policy for Wireless Communications Facilities

FISCAL IMPACT

This action would not directly impact the City budget. The proposed wireless communications facilities ordinance and policy provide application procedures and aesthetic standards for future wireless communications facilities, which likely would have been installed in the City regardless of this ordinance and policy.

DISCUSSION

ENVIRONMENTAL

Pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, these ordinances and resolution are not a "project" because their adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA.

Even if these ordinances and resolution qualified as a “project” subject to CEQA, pursuant to CEQA Guidelines § 15061(b)(3) (or the so-called “common sense exemption”), there is no possibility that this project will have a significant impact on the physical environment. The ordinances and resolution merely amend the Antioch Municipal Code to authorize the adoption of regulations related to wireless communications facilities (“WCFs”). The ordinances and resolution do not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new WCF or change to an existing WCF would be subject to additional environmental review on a case-by-case basis. Accordingly, these ordinances and resolution would be exempt from CEQA under the common-sense exemption.

BACKGROUND

The City of Antioch has never adopted an ordinance specifically regulating wireless communications facilities such as cell towers. Historically, the City has required a Use Permit and Design Review applications for new WCFs located on privately owned property. On City owned property and within the public right-of-way, City staff has negotiated leases with wireless providers and reviewed and approved the facilities. The City has been using general provisions in the zoning code, such as the maximum height allowed within the subject zoning district, to review proposed WCFs. Over time, WCFs have become smaller and more numerous, telecommunication law has become more complex, and federal regulations have limited local control over WCFs; the City has become increasingly vulnerable to litigation and a loss of local control.

Due to the complexities and changing regulatory landscape surrounding WCFs, the City retained Telecom Law Firm to draft an ordinance and policy that protect the City's aesthetic character while meeting the requirements of state and federal law. Telecom Law Firm and staff worked through a number of drafts of the new ordinance and policy. After creating a final draft of the policy, staff posted the draft to the City's website and invited industry stakeholders to comment. The City received three response comments and made minor changes to the policy in response to these comments.

At the June 11, 2019 Planning Commission meeting, the Planning Commission voted 6-0, with one commissioner absent recommending that the City Council adopt the ordinance amending chapter 5 of title 9 of the Antioch Municipal Code with the addition of a requirement in the City Council Policy that a structural analysis of the underlying pole or support structure be provided as part of the application requirements for a small cell wireless facility. During the public comment period, a representative from Verizon Wireless gave a presentation regarding the small wireless facilities and discussed Verizon's position that the City's policy violated federal law. The Planning Commission did not make any changes to the Policy as a result of this public comment. The final draft of the policy is included as Attachment “D”.

WIRELESS REGULATIONS

Various federal and state laws affect traditionally local land-use discretion over wireless facilities. The following discussion provides a summarized explanation for the key regulations applicable to wireless deployments.

The Telecommunications Act of 1996

In 1996, Congress adopted the Telecommunications Act to, among many other things, preserve state and local land-use authority and at the same time encourage and facilitate the deployment of wireless service facilities. Local governments retain all their traditional authority except that local regulations cannot (1) prohibit or effectively prohibit personal wireless services; (2) unreasonably discriminate among functionally equivalent services; or (3) regulate based on environmental impacts from radiofrequency (RF) emissions.

In addition, local decisions must be made within a reasonable time and any denial requires a written decision based on substantial evidence in the written record. The Federal Communications Commission (FCC) defines a “presumptively reasonable” time, known as the “shot clock,” for application review as 90 days for “collocations” and 150 days for non-collocations, after which time the applicant may seek expedited judicial review. As described below, California law provides an additional remedy to applicants in the event that the local reviewing agency fails to act within the designated shot clock. Moreover, the FCC recently adopted new rules with respect to “small wireless facilities” that dramatically shorten the applicable shot clocks and impose new limitations on local regulations.

Section 6409(a)

In 2012, Congress enacted Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act that requires state and local governments to approve collocations and modifications to existing wireless towers and base stations that do not substantially change in the site’s physical dimensions. In 2014, the FCC defined key terms in this provision, including (1) a definition for “substantial change” that preempts all state and local regulations except those related to public health and safety; (2) new limitations on materials and disclosures that municipalities can require for their review; and (3) a deemed-granted remedy for a failure to approve or deny the application within 60 days.

The FCC Small Cell Order

On September 26, 2018, the FCC adopted new rules that further limit local authority to regulate “small wireless facilities” as that term is defined by the FCC. The rules, which became fully effective on April 15, 2019, require the City to review applications for small wireless facilities (or small cells) faster and consistent with the FCC’s national standard for an effective prohibition of personal wireless services. These rules are part of a larger rulemaking that aims to reinterpret the Telecommunications Act of 1996 and prohibit actual and effective local moratoria on infrastructure deployments.

In addition, the FCC provides that a local small cell regulation causes an effective prohibition in violation of federal law unless the regulation is (1) reasonable; (2) no more burdensome than regulations imposed on similar infrastructure deployments; (3)

objective; and (4) published in advance. Reasonable regulations are those that are technically feasible and reasonably directed to avoiding or remedying the “intangible public harm” (as described by the FCC) of unsightly or out-of-character deployments. Although the FCC declared that minimum spacing or undergrounding requirements would potentially violate the new test, the FCC provided little guidance as to the scope of specific local regulations that would likely be considered to be preempted. The regulations mean that the City may not prohibit placement of small cells within the public right-of-way or on publicly-owned and operated utility poles but can prescribe reasonable standards for their placement and design.

Applicable California Law

State law further limits local authority over all wireless facilities regardless of the proposed location and grants special rights to applicants that propose facilities in the public rights-of-way. In 2015, the California Legislature adopted AB 57 (Quirk), which automatically deems any non-small wireless facility permit application approved if (1) the local government failed to approve or deny the request within the applicable FCC timeframe and (2) the public notices for the application were satisfied.

With respect to the public rights-of-way, California law grants telephone corporations registered with the Public Utilities Commission a limited right to use public roads in a manner that does not “incommode” the public use of the rights-of-way. This right to use the public rights-of-way is subject to local governments’ reasonable time, place and manner regulations. Both federal and state courts hold that California preserves local authority to regulate against both physical obstructions and aesthetic impacts. Although state law generally preserves local aesthetic authority, municipalities must reconcile their authority with the FCC rules.

PROPOSED ORDINANCES AND POLICY

In order to react to changing technology and regulations, Telecom Law Firm and staff have created a Wireless Communications Ordinance and a referenced City Council Policy for Wireless Communications Facilities. First, staff recommends that City Council adopt an ordinance (Attachment “A”) updating the chapter 5 of title 9 of the Antioch Municipal Code. The proposed language that will be found in the Antioch Municipal Code states that all WCFs are subject to a permit as specified in the City Council Policy for Wireless Communications Facilities. The ordinance also updates the land use table to add a wireless communications facilities use category and amends the height and setback table to address wireless communications facilities. Second, staff is recommending the City Council adopt an ordinance that removes wording in the Underground Utility District § 7-3.06 of the Antioch Municipal Code that could conflict with the proposed City Council Policy (Attachment “B”). This section of the Antioch Municipal Code was last updated in 1969 and could not have predicted the types of antennas and communications equipment now available. This is a minor administrative change that would only apply to new Underground Utility Districts that may be formed. Third, staff is asking the City Council to adopt the attached policy by resolution (Attachment “C”). The proposed City Council Policy includes the design standards and permit requirements for different WCFs, which are described in more detail below.

Telecom Law Firm and staff believe creating a City Council Policy that can be amended by City Council resolution rather than by ordinance will be more prudent in the long-run as wireless communications technology and regulations evolve quickly. For example, since 2012, at least four major changes in state and federal law have occurred, the most recent FCC regulations are pending review in the Court of Appeals for the Ninth Circuit, and the FCC is poised to adopt more rules limiting local authority. In addition, wireless technology and network architecture has begun the shift from 4th generation (or 4G) to 5G. The wireless industry estimates that 300,000 small cells will be deployed nationwide in the next three to four years to support 5G technologies. This is approximately the same total number of wireless facilities in existence prior to small cells. In sum, the policy approach provides flexibility to adopt enforceable regulations in response to changes in law and technology, while preserving public input through the City Council resolution process.

Proposed Policy

The proposed policy is divided into four main sections for the four types of facilities: "macro facilities" on private property and city-owned real property, eligible facilities requests, temporary wireless facilities, and small wireless facilities. To the extent allowed by federal and state law, the proposed policy sets aesthetic and siting standards for WCFs in each of the four sections, arranged by WCF type. The specific standards and procedures found in the policy for each type of facility are discussed below.

- "Macro facilities" have historically been the typical WCF. These are sites that include antenna facilities on towers, monopoles and buildings. Faux pine trees with antennas concealed within the branches and the facilities at the City's water towers are examples of macro facilities. These facilities provide services to a larger geographic area and number of users.
- Eligible facilities requests are requests to change or add equipment to an existing WCF that meets the specific requirements of Section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012. If the proposed modification to the existing facility meets all of the Section 6409 requirements, the City is required to approve the modification.
- Temporary wireless facilities are portable wireless facilities intended to provide services on a temporary or emergency basis, such as during a large-scale special event or during a disaster that disables permanent facilities.
- Small wireless facilities are specifically defined by the FCC and are smaller in size, generally installed closer to ground level, and cover a smaller geographic area than a macro facility. These facilities complement macro facilities and add capacity to a provider's network. Small cells can be mounted on existing utility poles, light poles, and buildings. As the latest 5G technology is deployed, more small cell sites will be needed to meet growing data demands and will become more common. Several small cell sites have already been approved within the City pursuant to existing license agreements to support current 4G networks.

Application Materials

The policy includes the minimum application materials that an applicant must provide. These requirements are tailored to the WCF type. Some of the required items include: a completed application form, applicable fee, a site plan with dimensions, a Radio Frequency compliance report. Due to the limited "shot clock" the City has to review small cell wireless applications under FCC regulations, a number of additional application materials are required, including a site survey, and construction drawings. These additional documents allow staff to fully review and permit the facility while meeting federal requirements.

Approval Process

All new, substantially changed, and eligible facilities would require either an administrative use permit, a use permit and design review, or a 6409 approval. Macro facilities that meet applicable development standards and location preferences would be subject to a use permit and design review with Zoning Administrator review. Macro facilities that are within a discouraged location, that do not meet the design standards, or that are referred to the Planning Commission by the Zoning Administrator would be subject to a use permit and design review with Planning Commission review. Eligible facilities requests would be subject to a 6409 approval through an administrative review process. Temporary wireless facilities would require an administrative use permit, subject to the Zoning Administrator's review and approval. Finally, a small wireless facility would be subject to an administrative use permit and/or an encroachment permit pursuant to a license agreement.

Location Preferences

The proposed policy establishes preferred locations to guide the location of new facilities within the City. When evaluating an application, staff will review if the proposed site is in a preferred location, or if more preferred locations are technically feasible and potentially available. The most preferred locations are industrial districts and industrial uses. Other preferred locations are public/institutional districts and commercial districts. Discouraged locations for the larger, macro sites are single family residential districts and uses, the Downtown Specific Plan area, and open spaces not owned or controlled by the City. For small cell facilities, residential districts along local roads and any locations in any district within 250 feet of single-family residential uses are the least preferred location. While some locations are less preferred than other locations, the City cannot prohibit WCFs from being placed in a less preferred location if the provider shows that another, more preferred location is not technically feasible.

Design Standards

Design standards provide specific standards to address the appearance of macro and small facilities. Height standards have been tailored to the specific facility type and WCFs must incorporate concealment as part of the design. In the case of small wireless facilities, antennas generally must be shrouded. Macro facilities must incorporate concealment elements, such as mimicking a tree in an open space location or matching architectural features on a building. Landscape standards, site security measures, and lighting are also included in the policy.

Standard Conditions of Approval

Staff and Telecom Law Firm have developed a list of standard conditions of approval for each facility type. These standard conditions have been incorporated into the policy and, as a safeguard, automatically attach to any permit approval whether approved by the City or deemed approved by law. Standard conditions ensure that facilities are subject to the same, high operation and maintenance standards, dependent on the facility type. These conditions include site maintenance, adverse impacts on other properties, compliance with laws, contact information, permit revocation, indemnification, and abandoned wireless facilities.

PUBLIC COMMENTS

On March 26, 2019, the City posted the draft wireless policy online for public comment. The City received three comment letters from representatives of telecommunications companies in response to the draft policy. Many of the comments received were focused on increasing the allowed height and volume of equipment, increasing the number of locations facilities were encouraged to locate, and relaxing undergrounding equipment requirements. Broadly, these comments are focused on aesthetic character of the WCFs, which state law and the FCC allow cities to regulate. The aesthetic standards in the policy were developed to maintain the aesthetic character of Antioch with guidance from Telecom Law Firm. Therefore, except as outlined below, staff did not update the policy in response to comments regarding aesthetics. A number of the comments were about administrative items, including public noticing and fees. Staff and Telecom Law Firm developed the policy to be consistent with all applicable laws and existing City policies and practices. Therefore, staff did not amend the policy to include the commenters' suggestions.

The following describes the changes that Telecom Law Firm and staff made to the policy in response to suggestions from the comment letters. First, the site survey requirement for small wireless facilities in Policy § VIII(C)(1)(c) was reduced from 250 feet from the project site to 50 feet. This change is consistent with other types of development applications, such as a Planned Development application. Second, in Policy § VIII(H)(2)(a), the height limit for small wireless facilities in the public right-of-way was updated to allow new facilities to extend an additional foot from the previous policy to five feet above existing support structures. Third, to potentially accommodate new 5G technologies, the City may allow unshrouded antennas if evidence is shown that shrouding would be technically infeasible, as described in Policy § VIII(H)(2)(b). Fourth, the small wireless facilities in the right-of-way section in Policy § VIII(H)(2)(k) was updated to allow new aerial lines to be installed if there are already existing aerial lines present. This change will allow the facilities to have the same character as existing facilities in the area. Fifth, Policy § VIII(H)(3)(e) was updated to provide greater flexibility for small wireless facilities outside the public right-of-way that would require installation of new poles to allow a pole's base enclosure diameter to not exceed twenty inches, an increase of four inches over the draft policy. Sixth, staff updated the small cell facilities' location preferences to clarify the type of residential uses that were least preferred for deployment in Policy § VIII(G)(2). Finally, minor grammatical changes and clerical edits were made throughout the document.

As discussed above, a minor change to the small cell wireless facilities' permit application requirements were incorporated into the final policy in response to the Planning Commission's recommendation.

ATTACHMENTS

- A. Ordinance Amending Chapter 5 of Title 9 of the Antioch Municipal Code
- B. Ordinance Amending Antioch Municipal Code § 7-3.06
- C. Resolution Approving the City Council Policy for Wireless Communications Facilities
- D. City Council Policy for Wireless Communications Facilities

ATTACHMENT "A"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING CHAPTER 5 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE ESTABLISHING REGULATIONS FOR WIRELESS COMMUNICATIONS FACILITIES

WHEREAS, pursuant to Article XI, section 7 of the California Constitution and sections 36931 *et seq.* of the California Government Code, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws;

WHEREAS, the City of Antioch (the "City") has not previously adopted specific regulations applicable to wireless communications facilities ("WCFs"), but has generally required a use permit consistent with the development standards and procedures in Chapter 5 of Title 9 of the Antioch Municipal Code;

WHEREAS, significant changes in federal and State law that affect local authority over WCFs have occurred, including but not limited to the following:

- On November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling (the "Shot Clock"), which established presumptively reasonable timeframes for state and local governments to act on applications for WCFs;
- On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act ("Section 6409(a)"), which mandated that state and local governments approve certain modifications and collocations to existing WCFs;
- On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how state and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the Shot Clock. This report and order effectively preempted local moratoria on WCFs by finding that the Shot Clock continues to run even when a valid moratorium is adopted;
- On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the Shot Clock timeframes;
- On August 2, 2018, the FCC adopted a Third Report & Order and Declaratory Ruling in the rulemaking proceeding titled *Accelerating*

Wireline and Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, 33 FCC Rcd. 7705 (rel. Aug. 3, 2018) (the "August Order"), that formally prohibited express and *de facto* moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a) and directed the Wireline Competition Bureau and the Wireless Telecommunications Bureau to hear and resolve all complaints on an expedited basis;

- On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order in the same rulemaking proceeding, --- FCC Rcd. ---, FCC 18-133 (rel. Sep. 27, 2018) (the "September Order"), which, among many other things, creates a new regulatory classification for small wireless facilities, alters existing "shot clock" regulations to require local public agencies to do more in less time, establishes a national standard for an effective prohibition that replaces the existing "significant gap" test adopted by the United States Court of Appeals for the Ninth Circuit and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.

WHEREAS, in addition to the changes described above, local authority may be further impacted by other pending legislative, judicial and regulatory proceedings, including but not limited to:

- On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the "STREAMLINE Small Cell Deployment Act" (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the Shot Clock timeframes, require all proceedings to occur within the Shot Clock timeframes, and provide a "deemed granted" remedy for failure to act within the applicable Shot Clock;
- Further orders and/or declaratory rulings by the FCC from the same rulemaking proceeding as the August Order and September Order; and
- Multiple petitions for reconsideration and judicial review filed by state and local governments against the August Order and September Order, which could cause the rules in either order to change or be invalidated.

WHEREAS, given the rapid and significant changes in federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with federal and State law, the City Council desires to amend Antioch Municipal Code Title 9, Chapter 5 to allow greater flexibility and responsiveness to new federal and State laws in order to

preserve the City's traditional authority to the maximum extent practicable (collectively, the "Amendments");

WHEREAS, on May 15, 2019, the Planning Commission held a duly noticed public hearing on the Amendments, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record, and recommended that the City Council adopt the Amendments;

WHEREAS, on May 31, 2019, the public notice required by Antioch Municipal Code § 9-5.2806 was given; and

WHEREAS, on June 11, 2019, the City Council held a duly noticed public hearing on the Amendments, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANTIOCH DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council finds that:

- A. The facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.
- B. The Amendments are consistent with the General Plan, Antioch Municipal Code and applicable federal and State law.
- C. The Amendments will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 2. CEQA.

Pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that this Ordinance is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA.

Even if this Ordinance qualified as a "project" subject to CEQA, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), (the so called "common sense exemption") there is no possibility that this project will have a significant impact on the physical environment. This Ordinance merely amends the Antioch Municipal Code to authorize the adoption of regulations related to WCFs. This Ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment.

Applications for any new WCF or change to an existing WCF would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Ordinance would be exempt from CEQA under the common sense exemption.

SECTION 3. Amending Antioch Municipal Code Title 9, Chapter 5.

Antioch Municipal Code 9-5.3846 WIRELESS COMMUNICATIONS FACILITIES is adopted to read as follows:

All wireless communications facilities, and any modifications, collocations, expansions or other changes to existing wireless communications facilities, are subject to a permit as specified in City Council Policy for Wireless Communication Facilities, which may be adopted, amended and/or repealed by City Council resolution. All wireless communications facilities shall comply with City Council Policy for Wireless Communication Facilities.

SECTION 4. Amending Antioch Municipal Code Title 9, Chapter 5, Article 3.

Antioch Municipal Code Table 9-5.3803 is amended to read as follows:

	RE RR	R-4 R-6	R-10	R-20	R-25	R-35	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES ⁹	CB
RESIDENTIAL USES																			
Day-care centers (§ 9-5.3832)	U	U	U	U	U	U	U	U	U	U	U	U	—	—	U	—	U	*	—
Day-care: large family (§ 9-5.3818)	A	A	A	A	A	A	—	—	—	—	—	—	—	—	—	—	—	*	—
Day-care: small family (§ 9-5.3817)	P	P	P	P	P	P	—	—	—	—	—	—	—	—	—	—	—	*	—
Senior Group Housing	U	U	U	U	U	U	—	—	—	—	—	U	—	—	—	—	U	*	—
Family care home	P	P	P	P			—	—	—	—	—	U	—	—	—	—	—		—
Fraternity-sorority house/dormitory	U	U	U	U	U	U	—	—	—	—	—	U	—	—	—	—	—	*	—
Home occupations	A	A	A	A	A	A						A	—	—	—	—	—	*	—
Hospice ¹⁰	—	—	U	U	U	U	—	U	U	—	—	U	—	—	—	—	U ²	*	—
Manufactured, modular home; mobile home (§ 9-5.3804)	P	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	*	—
Mobile home park	—	—	U	U	U	U	—	—	—	—	—	—	—	—	—	—	—	*	—
Multiple-family: condominium, apartment, town-house (§ 9-5.3820)	—	—	U	U	P, U ¹¹	P, U ¹¹	—	—	—	—	—	U	—	—	—	—	U ²	*	—
Recreational vehicle park (§ 9-5.3830)	—	—	—	—	—	—	—	—	—	—	U	—	U	—	—	U	—	*	—
Residential care facility ¹⁰	—	—	U	U	U	U	—	U	U	—	—	U	—	—	—	—	U	*	—
Residential hotel	—	—	U	U	U	U	—	U	U	U	U	U	—	—	—	—	—	*	—
Room & boarding house	—	—	U	U	U	U	—	U	U	U	U	U	—	—	—	—	—	*	—
Second residential unit (§ 9-5.3805)	A	A	A	A	A	A	—	—	—	—	—	—	—	—	—	—	—	*	—
Single-family dwelling	P	P	U	P ¹	P ¹	P ¹	—	—	—	—	—	U	U	—	—	—	—	*	—

Tobacco and paraphernalia retailers (§ 9-5.3843)	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—	—
Two-family dwelling	—	—	P	P	P	P	—	—	—	—	—	U	—	—	—	—	*	—
PUBLIC AND SEMI-PUBLIC USES																		
Bus & transit maintenance facility	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	—	*
Bus & train terminal	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	—	*
Clubs & Lodges (private & public)	—	U	U	U	U	U	U	U	U	U	U	U	U	—	—	—	U	*
Convalescent and Extended Care	—	—	U	U	U	U	—	—	—	—	—	—	U	—	—	—	U	—
Correctional facility ¹²	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—
Cultural institutions	—	—	—	—	—	—	U	U	—	U	U	U	U	—	U	—	U	*
Government offices	—	—	—	—	—	—	U	P	P	P	P	U	—	—	U	U	—	*
Heliport (§ 9-5.3806)	—	—	—	—	—	—	U	—	—	—	—	—	U	—	U	U	U	*
Homeless shelter	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	P
Hospitals (§ 9-5.3827):																		
Acute care	—	—	—	—	—	—	U	U	—	—	—	U	—	—	U	—	U	*
Rehabilitation	—	—	—	—	—	—	U	U	—	—	—	U	—	—	U	—	U	*
Psychiatric/ chemical dependency	—	—	—	—	—	—	U	U	—	—	—	U	—	—	U	—	U	*
Medical care—urgent	—	—	—	—	—	—	U	U	—	—	—	U	—	—	P	U	P	*
Parks	P	P	P	P	P	P	P	P	—	U	U	U	P	P	U	U	—	*
Public assembly	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*
Public safety facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*
Public utility yard	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	—	*
Religious assembly ³ (§ 9-5.3832)	—	U	U	U	U	U	U	U	U	U	U	U	U	—	—	—	U	*
Satellite antenna (§ 9-5.3807)	A	A	A	A	A	A	A	A	A	A	A	A	A	—	A	A	A	*
Schools, private and preschools	U	U	U	U	U	U	U	U	U	U	—	U	—	—	U	—	U	*
Utility substations	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*
COMMERCIAL USES																		
Adult book stores, motion picture arcades, and model studios (§ 9-5.3808)	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	*
Adult entertainment, other (§ 9-5.3808)	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	*
Agricultural uses (§ 9-5.3809)	P	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	*
Appliance maintenance & repair services:																		
Major	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	*
Minor	—	—	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	*
Amusement center (§ 9-5.3813)	—	—	—	—	—	—	—	—	—	U	U	U	U	U	—	—	—	*
Animal hospital veterinary clinics	—	—	—	—	—	—	—	U	—	U	U	U	U	—	—	U	U	*
Antique store	—	—	—	—	—	—	—	—	—	—	P	P	A	U	—	U	—	*
Auto sales, rental	—	—	—	—	—	—	—	U	—	—	U	U	U	—	—	—	—	*
Auto storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	*
Auto service station (§ 9-5.3815)	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	U	U	*
Auto repair:																		
Major	—	—	—	—	—	—	—	U	—	—	—	U	U	—	—	U	P	*
Minor	—	—	—	—	—	—	—	U	—	—	U	U	U	—	—	P	P	*
Bakeries—retail	—	—	—	—	—	—	—	—	—	P	P	P	P	U	—	P	P	*

Bank or savings & loan	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—	—	—	*	—
Bar (§ 9-5.3831)	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—
Barber & beauty shop	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—
Bed and breakfast inns (§ 9-5.3819)	U	U	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	*	—
Boat repair																			
Major	—	—	—	—	—	—	U	—	—	—	U	U	U	—	U	P	—	*	—
Minor	—	—	—	—	—	—	U	—	U	U	U	U	U	—	P	P	—	*	—
Boat, RV—storage facility (§ 9-5.3810)	—	—	—	—	—	—	—	—	—	—	U	U	U	—	U	P	—	*	—
Bowling alleys (§ 9-5.3831)	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—
Cannabis business (§ 9-5.3845)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U ¹³
Car and vehicle wash	—	—	—	—	—	—	—	—	—	U	U	U	U	—	U	U	—	*	—
Card room	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—	*	—
Catering services	—	—	—	—	—	—	—	—	—	P	P	P	A	—	U	—	—	*	—
Clothing store	—	—	—	—	—	—	—	—	—	P	P	P	A	—	—	—	—	*	—
Combined residential/commercial structure	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	*	—
Communication facilities	U	U	U	U	U	U	U	P	P	P	P	P	—	U	P	P	—	*	—
Computer gaming and internet access business	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—	—	—
Confectionery stores	—	—	—	—	—	—	—	—	P	P	P	P	A	—	—	—	—	*	—
Dance hall	—	—	—	—	—	—	—	—	—	U	U	U	—	—	U	—	—	*	—
Drive-up window (all uses)	—	—	—	—	—	—	U	U	U	U	U	U	—	—	U	U	U	*	—
Dry cleaning agencies; pick-up and self-serve	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—
Florist shop	—	—	—	—	—	—	P	—	P	P	P	P	—	—	—	—	P	*	—
Food stores (§ 9-5.3831):																			
Convenience store	—	—	—	—	—	—	—	—	U	U	U	U	U	—	—	—	U	*	—
Supermarket	—	—	—	—	—	—	—	—	U	P	P	U	—	—	—	—	—	*	—
Fortune-teller's	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—
Funeral parlor & mortuary	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	*	—
Furniture stores	—	—	—	—	—	—	—	—	—	P	P	U	—	—	—	—	—	*	—
Gift shop	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	*	—
Gun sales (§ 9-5.3833)	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—
Hardware store	—	—	—	—	—	—	—	—	U	P	P	U	U	—	—	—	—	*	—
Health club/fitness center	—	—	—	—	—	—	U	—	U	P	P	U	—	—	U	—	U	*	—
Hotel & motels	—	—	—	—	—	—	U ⁵	U	—	P	P	P	U	—	U ⁵	—	U	*	—
Jewelry store	—	—	—	—	—	—	—	—	—	P	P	P	U	—	—	—	—	*	—
Kennels	—	—	—	—	—	—	—	—	—	U	U	—	—	—	U	U	—	*	—
Laboratories; medical, dental, optical	—	—	—	—	—	—	P	P	U	U	U	U	—	—	U	—	P	*	—
Launderette	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—
Liquor stores (§ 9-5.3831)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	*	—
Live entertainment	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—
Marina	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	*	—
Miniature golf courses	—	—	—	—	—	—	—	—	—	U	U ⁶	U	—	—	U	—	—	*	—

Mini-storage	—	—	—	—	—	—	—	—	—	—	—	U	U	—	U	P	—	*	—
Nurseries (horticulture) (\$ 9-5.3824)	—	—	—	—	—	—	—	—	—	P	P	U	U	—	P	P	—	*	—
Offices:																			
Business & professional	—	—	—	—	—	—	P	P	U	P	P	P	U	—	—	—	P	*	—
Medical (includes clinics)	—	—	—	—	—	—	P	P	U	P	P	P	U	—	—	—	P	*	—
Paint store	—	—	—	—	—	—	—	—	—	P	P	U	—	—	U	—	—	*	—
Parking lot (commercial) (\$ 9-5.3837)	—	—	—	—	—	—	A	A	A	A	A	A	A	A	P	P	A	*	—
Pawn shops	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—
Pet shop	—	—	—	—	—	—	—	—	—	P	P	P	P	U	—	—	—	*	—
Pharmacy	—	—	—	—	—	—	U	P	P	P	P	P	A	—	P	P	P	*	—
Photographer	—	—	—	—	—	—	—	P	P	P	P	P	A	—	U	—	—	*	—
Printing & blue printing	—	—	—	—	—	—	—	P	P	U	U	U	—	—	P	P	—	*	—
Radio & TV sales & repair	—	—	—	—	—	—	—	—	—	U	P	P	P	—	—	—	—	*	—
Recycling facilities:																			
Reverse vending machines (\$ 9-5.3811)	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	*
Small collection facility (\$ 9-5.3812)	—	—	—	—	—	—	—	—	—	A	A	A	A	—	—	A	A	—	*
Large collection facility (\$ 9-5.3813)	—	—	—	—	—	—	—	—	—	A	A	A	A	—	—	A	A	—	*
Light processing facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Heavy processing facility (\$ 9-5.3815)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Repair service	—	—	—	—	—	—	—	—	—	—	—	U	U	U ⁷	—	P	P	—	*
Restaurants (\$§ 9-5.3823 and 9-5.3831):																			
General	—	—	—	—	—	—	P	P	P	P	P	P	P	—	U ⁵	—	—	—	*
Fast food	—	—	—	—	—	—	U	—	—	U	U	U	U	—	U ⁵	—	—	—	*
Outdoor seating & food service	—	—	—	—	—	—	U	U	U	U	U	U	U	—	U ⁵	U	—	—	*
Take out/delivery	—	—	—	—	—	—	P	U	P	P	P	P	U	—	U ⁵	—	—	—	*
With bar & live entertainment	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	*
Retail; general and specialty	—	—	—	—	—	—	—	—	—	P	P	P	P	A	—	—	—	—	*
Secondhand sales	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	*
Shoe repair shop	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*
Sign shop	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	*
Studios (e.g., dance, martial arts)	—	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	*
Tailor shop	—	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	*
Tattoo studio	—	—	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	*
Theaters	—	—	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	*
Upholstery shop	—	—	—	—	—	—	—	—	—	—	—	U	U	U	—	—	U	P	*
Wireless Communications Facilities (\$ 9-5.3846)	As subject to § 9-5.3846																		
Variety store	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*
Vehicle/boat/ equipment sales & rental (\$ 9-5.3825)	—	—	—	—	—	—	U ⁸	—	—	—	U	U	U	U	—	U	U	—	*
INDUSTRIAL USES																			

Animal rendering	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—
Bakery-commercial	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	*
Beverage bottling plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*
Boat building	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	P	—	*
Cement or clay products manufacturing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Concrete batch plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Contractor's storage yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*
Dairy products processing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*
Dry cleaners processing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Exterminator	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*
Finished paper production	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Food processing plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*
Fuel yard; bulk petroleum storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Garment manufacture	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Hazardous waste facilities (§ 9-5.3826):	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Small generator (§ 9-5.3826)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	U	U	—	*
Large generator (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Processor (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Household hazardous waste facility (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Junk yard/auto wrecking yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Lumber yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Machine shop	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*
Manufacturing or storage of explosives, acid, cement, fertilizer, gas, inflammable fluids, glue, gypsum, lime, plaster of paris	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Mining & quarry; resource extraction	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Oil & gas drilling	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Oil & gas production	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Photographic plants	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Plastic fabrication	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Research & development	—	—	—	—	—	—	—	U	—	—	—	—	—	U	—	—	U	U	*
Residual repository (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Salvage/war surplus yards	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*
Solid waste transfer station	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Smelting or processing of iron, tin zinc or other ore	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Stockyards/ slaughterhouses	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*
Stone monument works	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	*
Truck terminal yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	*
Truck & tractor repair	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	*
Warehousing & wholesaling	—	—	—	—	—	—	—	U	—	—	—	—	—	—	—	—	U	P	*
TEMPORARY USES																			
Removal of earth (§ 9-5.3822)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*

Temporary construction building and uses (§ 9-5.3821)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	—
Outdoor display of merchandise (in conjunction with a non-residential use)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	—
Special outdoor events (§§ 9-5.3828 and 9-5.3831)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	—
Christmas tree and pumpkin sale lots (§ 9-5.3829)	—	—	—	—	—	—	A	A	A	A	A	A	—	—	A	A	—	*	—

1. Single-family dwellings existing prior to the effective date of this section are permitted uses, conforming to the R-20 zone; however, development of new single-family dwelling units, other than replacement of existing single-family dwellings, are prohibited within the R-20 zone.
2. Use may be permitted as an ancillary use if it is incidental to an otherwise permitted or conditionally permitted use within this zoning district.
3. Legally established churches existing prior to the effective date of this section are permitted uses, conforming to the PBC, C-O, C-1, C-2, and C-3 zone; however, development of new religious assembly uses, other than replacement of existing uses, is prohibited within these zoning districts.
4. Funeral services are limited to "J" Street, Fourth Street, and the area between Fourth and Fifth Streets.
5. May be located only on sites adjacent to freeway interchanges.
6. May be located along Somersville Road north of the SR-4 freeway.
7. Marine repair only. Permitted as an ancillary service for waterfront activities.
8. Boat sales and repair only.
9. In the case of the Emergency Shelter Overlay District, where no letter or number is included in the table for a particular land use, the regulations of the base zone apply. Emergency shelters are permitted by right in the Emergency Shelter Overlay District if they meet all standards of § 9-5.3835, Emergency Shelters, of this article.
10. Hospices and residential care facilities providing care for up to six patients are a permitted use in any district where residential uses are allowed.
11. Up to 20 units/acre permitted by right subject to compliance with all other applicable standards.
12. Subject to a conditional use permit on a site at least one quarter mile from any type of residential care facility, social service institution, welfare institution, or a similar type of facility; at least one mile from another correctional facility; and at least 1,000 feet from a school, library, public park, recreation area or any property zoned or used for residential development. See § 9-5.3838, Correctional Facilities, for additional requirements.
13. Cannabis business requires approval of a use permit by the City Council upon recommendation by the Planning Commission. See § 9-5.3845.

SECTION 5. Amending Antioch Municipal Code Title 9, Chapter 5, Article 6.

Antioch Municipal Code Table 9-5.601 is amended to read as follows:

HEIGHT, AREA & SETBACK REGULATIONS FOR PRIMARY STRUCTURE											
Zone	Maximum Height Feet ^b	Minimum Building Site Sq. Ft.	Minimum Lot Width in Feet		Maximum Lot Coverage	Minimum Density Allowed (Units per Gross Developable Acre)	Maximum Density Allowed Units Per Gross Developable Acre ^d	Front Yard Minimum ^{a,k}	Minimum Side Yard Required in Feet ^e		Minimum Rear Yard Required in Feet
			Corner	Interior					Corner	Interior	
RE	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
RR	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
R-4	35	6,000	65	60	40%	NA	4 du/acre	f	f	5 ft.	20 ft.
R-6	35	6,000	65	60	40%	NA	6 du/acre	f	f	5 ft.	20 ft.
R-10	45	6,000	65	60	40%	NA	10 du/acre	f	f	5 ft.	10 ft.
R-20	45	20,000	70	70	40%	NA	20 du/acre	f	f	5 ft.	10 ft.
R-25	45	20,000	70	70	50%	20 du/acre	25 du/acre	f	f	5 ft.	10 ft. ^m
R-35	45	20,000	70	70	50%	30 du/acre	35 du/acre	f	f	5 ft.	10 ft. ^m
PBC	35	20,000	65	60	35%	NA	0	f	f	0 ft.	0 ft.
C-0	35	20,000	65	60	35%	NA	0	f	f	0 ft.	10 ft.
C-1	35	20,000	65	60	35%	NA	0	f	f	0 ft.	10 ft.
C-2	35	20,000	65	60	35%	NA	0	f	f	0 ft.	10 ft.
C-3	70	20,000	65	60	35%	NA	0	f	f	0 ft.	10 ft.
MCR ^j	45	6,500	65	60	50%	NA	20 du/acre	f	f	5 ft.	10 ft.
RTC ^j	50	2,500	25 ^s	25 ^s	100%	NA	20 ^h	0 ⁱ	0 ⁱ	0 ft.	0 ft.
RTR-10	45	3,500	45	45	50%	NA	12	15	10	5 ft.	15 ft.
RTR-20	45	20,000	100	100	50%	NA	20	15	10	5 ft.	10 ft.

HEIGHT, AREA & SETBACK REGULATIONS FOR PRIMARY STRUCTURE											
Zone	Maximum Height Feet ^b	Minimum Building Site Sq. Ft.	Minimum Lot Width in Feet		Maximum Lot Coverage	Minimum Density Allowed (Units per Gross Developable Acre)	Maximum Density Allowed Units Per Gross Developable Acre ^a	Front Yard Minimum ^{a,k}	Minimum Side Yard Required in Feet ^c		Minimum Rear Yard Required in Feet
			Corner	Interior					Corner	Interior	
WF	45	6,500	60	60	60%	NA	0	0	0	0 ft.	0 ft.
M-1	45	40,000	100	100	50%	NA	0	f	f	0 ft.	0 ft.
M-2	70	40,000	100	100	50%	NA	0	f	f	0 ft.	0 ft.
HPD	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
PD	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
RRMP	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS IN A MANNER CONSISTENT WITH ARTICLE 41 OF THE MUNICIPAL CODE										
TOD	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
H	70	SAME AS C-0 ZONE ^k									
OS	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
S	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
SH	SAME AS UNDERLYING BASE ZONE										
T	SAME AS UNDERLYING BASE ZONE										
^a	Where 40% or more of the frontage (excluding reversed frontage lots) in a block has been improved with buildings, the minimum required front yard for main buildings shall be the average of the improved lots if less than the front yard requirements, but not less than six feet from the property line.										
^b	Height shall mean the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the structure, excluding below ground basements, to the topmost point of the roof. Exceptions to the specified height limitation shall include the spires, belfries, cupolas and domes of churches, monuments, water towers, fire and hose towers, observation towers, distribution and transmission towers, lines and poles, chimneys, smokestacks, flag poles, radio towers, excluding wireless communications facilities subject to § 9-5.3846, equipment penthouses encompassing less than 20% of total roof area and less than eight feet in height, and parapets less than 30 inches in height, unless otherwise governed by this chapter.										
^c	Minimum lot area in all zones shall not apply to the condominium parcelization of a larger project where land is being divided for individual building envelopes.										

HEIGHT, AREA & SETBACK REGULATIONS FOR PRIMARY STRUCTURE

- ^d Maximum density allowed is defined in the city General Plan as per the maximum developable gross acreage definition found in this chapter.
- ^e For at least 25% of the lots in a given subdivision, one side yard of an interior lot shall be 10 feet in width and the other side yard can be five feet. The 10-foot side yard area shall remain as unrestricted open area. This shall also apply to all two-story single-family residential lots. On any parcel of land of an average width of less than 50 feet, which parcel was under one ownership or is shown as a lot on any subdivision map filed in the office of the County Recorder prior to April 11, 1950, when the owner thereof owns no adjoining land, the width of each side yard may be reduced to 10% of the width of such parcel, but in no case to less than three feet.
- ^f Front yard and street side setbacks shall be reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows:
- (1) Non-residential uses.
 Arterial street: minimum 30-foot setback with 30-foot landscaping on all frontages.
 Collector street: minimum 25-foot setback with 25-foot landscaping.
 Local street: minimum 20-foot setback with 20-foot landscaping.
 - (2) Single-family detached and two-family dwelling uses.
 Arterial street: minimum 30-foot setback with 30-foot landscaping on all frontages.
 Collector street: minimum 25-foot setback and landscaping for front yard and 10-foot street side yard setback with landscaping
 Local street: minimum 20-foot front yard setback with 20 foot of landscaping and 10-foot street side yard setback with landscaping.
 - (3) Multi-family dwelling uses.
 Arterial street: minimum 15-foot setback with 15-foot landscaping on all frontages.
 Collector street: minimum 15-foot setback with 15-foot landscaping.
 Local street: minimum 10-foot setback with 10-foot landscaping.
- ^g New construction with frontage in excess of the minimum lot width shall reflect the pattern of building widths in facade design.
- ^h Within the area bounded by the Burlington Northern Santa Fe Railroad, "I" Street, Second Street, and "E" Street, residential density may be increased to 45 dwelling units per acre provided:
- (1) The residential use is part of a mixed-use development with the entire first floor devoted to commercial use;
 - (2) The proposed development provides public amenities as described in § 4 (relating to residential use in RTC); and
 - (3) The project has received use permit approval from the Planning Commission.

HEIGHT, AREA & SETBACK REGULATIONS FOR PRIMARY STRUCTURE

i Buildings in the RTC district shall be placed on the property line except for:

- (1) Setbacks to accommodate outdoor dining and plazas, provided that such setbacks do not exceed a depth of one-third of the lot depth;
- (2) Courtyards, promenades, and plazas located on any portion of the site; and
- (3) Where a setback is necessary to maintain the uniform setback of building facades.

j The first floor of a building shall extend from property line to property line except:

- (1) In setback areas for outdoor dining, plazas; and
- (2) For required vehicular or pedestrian access.

k Notwithstanding any other provisions of this chapter for yard requirements, in any residential district the front of any garage shall be not less than 20 feet from the exterior property line on which such garage faces.

l For projects that consist of attached single-family dwellings (townhomes), in which each dwelling occupies its own lots, the minimum lot area is 1,800 square feet and the minimum required interior side setback is zero.

m Where a multi-family dwelling abuts a lot that is zoned RR, RE, R4 or R6, a minimum rear yard of 20 feet shall be provided.

SECTION 6. Conflicts with Prior Ordinances.

If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 7. Publication; Effective Date.

This Ordinance shall take effect and be enforced within 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 8. 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 11th day of June 2019 and passed and adopted at a regular meeting thereof held on the ____ day of _____, 2019, 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

A14

ATTACHMENT "B"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING ANTIOCH MUNICIPAL CODE § 7-3.06 - OTHER EXCEPTIONS TO UNDERGROUND UTILITY DISTRICTS

WHEREAS, pursuant to Article XI, section 7 of the California Constitution and sections 36931 *et seq.* of the California Government Code, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws;

WHEREAS, on May 28, 1969 the City Council amended Antioch Municipal Code § 7-3.06 regulating exceptions to Underground Utility Districts;

WHEREAS, significant changes in technology have occurred, including the development of wireless communications facilities ("WCFs"), since the last amendment to Antioch Municipal Code § 7-3.06;

WHEREAS, significant changes in federal and State law that affect local authority over WCFs have occurred, including but not limited to the following:

- On November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling (the "Shot Clock"), which established presumptively reasonable timeframes for state and local governments to act on applications for WCFs;
- On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act ("Section 6409(a)"), which mandated that state and local governments approve certain modifications and collocations to existing WCFs;
- On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how state and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the Shot Clock. This report and order effectively preempted local moratoria on WCFs by finding that the Shot Clock continues to run even when a valid moratorium is adopted;
- On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the Shot Clock timeframes;
- On August 2, 2018, the FCC adopted a Third Report & Order and Declaratory Ruling in the rulemaking proceeding titled *Accelerating Wireline and Wireless Broadband Deployment by Removing Barriers to*

Infrastructure Investment, 33 FCC Rcd. 7705 (rel. Aug. 3, 2018) (the "August Order"), that formally prohibited express and *de facto* moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a) and directed the Wireline Competition Bureau and the Wireless Telecommunications Bureau to hear and resolve all complaints on an expedited basis;

- On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order in the same rulemaking proceeding, --- FCC Rcd. ---, FCC 18-133 (rel. Sep. 27, 2018) (the "September Order"), which, among many other things, creates a new regulatory classification for small wireless facilities, alters existing "shot clock" regulations to require local public agencies to do more in less time, establishes a national standard for an effective prohibition that replaces the existing "significant gap" test adopted by the United States Court of Appeals for the Ninth Circuit and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.

WHEREAS, the City Council desires to amend Antioch Municipal Code § 7-3.06 to reflect these changes to technology and federal and State law;

WHEREAS, on May 31, 2019, the public notice required by Antioch Municipal Code § 9-5.2806 was given;

WHEREAS, on June 11, 2019, the City Council held a duly noticed public hearing on the Amendments, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANTIOCH DOES ORDAIN AS FOLLOWS:

SECTION 1: Findings.

The City Council finds that:

- A. The facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.
- B. The Amendments are consistent with the General Plan, Antioch Municipal Code and applicable federal and State law.
- C. The Amendments will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 2: CEQA

Pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that this Ordinance is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA.

Even if this Ordinance qualified as a "project" subject to CEQA, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), (the so called "common sense exemption") there is no possibility that this project will have a significant impact on the physical environment. This Ordinance merely amends the Antioch Municipal Code to authorize the adoption of regulations related to WCFs. This Ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new WCF or change to an existing WCF would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Ordinance would be exempt from CEQA under the common-sense exemption.

SECTION 3: Amending Antioch Municipal Code § 7-3.06

Antioch Municipal Code § 7-3.06 OTHER EXCEPTIONS is amended to read as follows:

The provisions of this chapter and any resolution adopted pursuant to the provisions of § 7-3.03 of this chapter shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

- (A) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer;
- (B) Poles or electroliers used exclusively for street lighting;
- (C) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, where such wires originate in an area from which poles, overhead wires, and associated overhead structures are not prohibited;
- (D) Poles, overhead wires, and associated overhead structures used for the transmission of electric energy at normal voltages in excess of 34,500 volts;
- (E) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending front one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- (F) Antennae, ~~associated equipment, and supporting structures~~ solely used by a utility for furnishing communications services;

(G) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts; and

(H) Temporary poles, overhead wires, and associated overhead structures used or to be used in conjunction with construction projects.

SECTION 4: Severability.

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 5: Publication; Effective Date

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 11th of June 2019, and passed and adopted at a regular meeting thereof, held on the ____ of _____, 2019, 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 "C"

RESOLUTION NO. 2019/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING THE CITY COUNCIL POLICY FOR WIRELESS COMMUNICATIONS FACILITIES

WHEREAS, the regulation of wireless communications facilities ("WCFs") is subject to a number of federal and state laws and regulations; and

WHEREAS, the City of Antioch has not previously adopted specific regulations applicable to WCFs,

WHEREAS, on June 11, 2019, the City Council introduced an ordinance to regulate WCFs that includes for the adoption of a City Council Policy in order to allow greater flexibility and responsiveness to federal and State laws;

WHEREAS, on June 11, 2019, the City Council found that the ordinance regulating WCFs is exempt from the California Environmental Quality Act (CEQA), per Section 15061(b)(3) as it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment. This City Council Policy is an implementation of the above ordinance and is similarly exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch approves the City Council Policy for Wireless Communications Facilities, as set forth in Exhibit A hereto.

* * * * *

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 11th day of June, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

ATTACHMENT "D"

CITY OF ANTIOCH

CITY COUNCIL POLICY FOR WIRELESS COMMUNICATIONS FACILITIES

STANDARDS AND PROCEDURES FOR WIRELESS COMMUNICATIONS FACILITIES

ADOPTED: _____ RESOLUTION NO. _____

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I. PURPOSE AND INTENT

- A. The City of Antioch intends this policy to establish reasonable, uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this policy are intended to, and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community. This policy is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interest is maintained on a case-by-case basis; (2) protecting the City's visual character from potential adverse impacts or visual blight created or exacerbated by wireless communications infrastructure; (3) protecting and preserving the City's environmental resources; and (4) promoting access to high-quality, advanced wireless services for the City's residents, businesses and visitors.
- B. This policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization

to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California law.

II. GENERAL DEFINITIONS

- A. **"antenna"** means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded.
- B. **"approval authority"** means the council, commission or official responsible to review permit applications and vested with the authority to approve or deny such applications. The approval authority for an administrative use permit or applications in connection with eligible facilities requests located outside the public rights-of-way shall be the Zoning Administrator. The approval authority for an administrative use permit or applications in connection with eligible facilities requests located within the public rights-of-way shall be the City Engineer. The approval authority for a use permit shall be the Zoning Administrator or Planning Commission, as provided in this policy.
- C. **"arterial road"** means the same as defined in the Antioch General Plan, Circulation Element.
- D. **"batched application"** means more than one application submitted at the same time.
- E. **"collector road"** means the same as defined in the Antioch General Plan, Circulation Element.
- F. **"collocation"** means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), as may be amended or superseded.
- G. **"concealed" or "concealment"** means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (1) facade or rooftop mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; (3) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (4) an isolated or standalone faux-tree.

- H. **"CPCN"** means a "Certificate of Public Convenience and Necessity" granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code §§ 1001 *et seq.*, as may be amended or superseded.
- I. **"CPUC"** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
- J. **"decorative pole"** means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public right-of-way in which the pole is located.
- K. **"Director"** means the Community Development Director or his/her designee for applications in connection with wireless facilities located outside the public rights-of-way. Director means the Public Works Director or his/her designee for applications in connection with wireless facilities located within the public rights-of-way.
- L. **"FCC"** means the Federal Communications Commission or its duly appointed successor agency.
- M. **"FCC Shot Clock"** means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC and as may be amended from time to time.
- N. **"local road"** means the same as defined in the Antioch General Plan, Circulation Element.
- O. **"macro wireless facility"** or **"macro wireless facilities"** means any wireless facility that is not a small wireless facility as defined by the FCC in 47 C.F.R. § 1.6002(f), as may be amended or superseded.
- P. **"OTARD"** means any over-the-air reception device subject to 47 C.F.R. §§ 1.4000 *et seq.*, as may be amended or superseded, and which includes satellite television dishes not greater than one meter in diameter.
- Q. **"personal wireless services"** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- R. **"personal wireless service facilities"** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as facilities that provide personal wireless services.
- S. **"routine maintenance and repair"** means work performed solely to maintain or repair the existing transmission equipment approved in accordance with the

regulatory approvals or permits required at the time the subject wireless facility was constructed or modified. As an illustration, routine maintenance and repair includes fixing the internal components of damaged, inoperable or malfunctioning transmission equipment or replacing such equipment with new equipment of the same make, model and size of the equipment being replaced. Maintenance or repair that involves adding any new transmission equipment, increasing the size or dimensions of any existing transmission equipment, or implementing technology upgrades shall not be considered routine.

- T. **"Section 6409"** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended or superseded.
- U. **"small wireless facility"** or **"small wireless facilities"** means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded.
- V. **"stealth"** means concealment techniques that completely screen all transmission equipment from public view and integrate the transmission equipment with the surrounding natural and/or built environment such that, given the particular context, the average, untrained observer does not recognize the existence of the wireless facility or concealment technique. These facilities are so integrated and well-hidden that the average, untrained observer would need special knowledge to recognize their existence. Stealth concealment techniques include, but are not limited to: (1) transmission equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure and (2) new architectural features that mimic the underlying building in architectural style, physical proportion and quality of construction materials. Architectural features commonly used as stealth concealment include, but are not limited to, church steeples, cupolas, bell towers, clock towers, pitched faux-roofs, water tanks and flagpoles. Further, whether a wireless facility qualifies as a stealth facility depends on the context that exists at a given location and is evaluated on a case-by-case basis.
- W. **"structure"** (or **"support structure"**) means the same as defined by the FCC in 47 C.F.R. § 1.6002(m), as may be amended or superseded.
- X. **"temporary wireless facilities"** means portable wireless facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster disables permanent wireless facilities. Temporary wireless facilities include, without limitation, cells-on-wheels ("**COWs**"), sites-on-wheels ("**SOWs**"), cells-on-light-trucks ("**COLTs**") or other similarly portable wireless facilities not permanently affixed to site on which is located.
- Y. **"tower"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(9), as may be amended or superseded, which defines that term as any structure built for

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the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles (i.e., a bare, unconcealed pole solely intended to support wireless transmission equipment), mono-trees and lattice towers.

III. APPLICABILITY

- A. **Applicable Wireless Facilities.** Except as expressly provided otherwise in this policy, the provisions in this policy shall be applicable to all existing wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy wireless facilities within the City's jurisdictional and territorial boundaries on private property or within the public rights-of-way.
- B. **Exemptions.** Notwithstanding section III.A, the provisions in this policy will not be applicable to: (1) wireless facilities owned and operated by the City for public purposes; (2) wireless facilities installed on City-owned support structures or other personal property in the public rights-of-way pursuant to a valid license agreement with the City; (3) amateur radio facilities; (4) OTARD antennas; (5) wireless facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D; and (6) routine maintenance and repair.
- C. **Special Provisions for Eligible Facilities Requests.** All requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be reviewed under the standards in section VI. A discretionary permit under section V or section VIII is not required for any request that qualifies for approval pursuant to Section 6409. To the extent that the applicant's request does not qualify for approval under Section 6409, the applicant may submit the same or a substantially similar application for a discretionary permit under section V or section VIII.
- D. **Special Provisions for Temporary Wireless Facilities.** All applications for temporary wireless facilities will be reviewed under the application procedures and standards in section VII. A discretionary permit under section V or section VIII is not required for any temporary wireless facility. To the extent that the application does not meet the required findings for a temporary wireless facility, the applicant may submit the same or a substantially similar application for a discretionary permit under section V or section VIII.

- E. **Special Provisions for Small Wireless Facilities.** All applications for small wireless facilities, as defined by the FCC in 47 C.F.R. § 1.6002(l), will be reviewed under the application procedures and standards in section VIII.

IV. APPLICATIONS AND SUBMITTAL PROCEDURES

- A. **Application Required.** The approval authority shall not approve any request to place, construct or modify any wireless facility except upon a complete and duly filed application consistent with this section IV and any other written rules the City or the Director may establish from time to time in any publicly-stated format. To the extent that any special application requirements or procedures in section VII or section VIII conflict with this section IV, the special application requirements or procedures in those sections will control.
- B. **Application Content.** Except as provided in section VIII, all applications for a use permit, administrative use permit or section 6409 approval (as that term is defined in section VI.B) must include all the information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this policy. All applications shall, at a minimum, require the applicant to demonstrate that the proposed project will be in planned compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions. All applications for wireless facilities in the public rights-of-way shall also contain sufficient evidence (such as a valid CPCN) of the applicant's regulatory status as a telephone corporation under the California Public Utilities Code. The City Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.
- C. **Voluntary Pre-Submittal Conference.** The City strongly encourages, but does not require, applicants to schedule and attend a pre-submittal conference with the Director and other City staff. This voluntary, pre-submittal conference does not cause the FCC Shot Clock to begin and is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. Pre-submittal conferences are especially encouraged when an applicant

seeks to submit one or more batched applications so that the Director may advise the applicant about any staffing or scheduling issues that may hinder the City's ability to meet the presumptively reasonable timeframes under the FCC Shot Clock. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Planning Division shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the staff time and services rendered in the pre-submittal conference.

- D. **Submittal Appointments.** All applications must be submitted to the City at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment, or up to five individual applications per appointment as a batch, but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. The Director shall use reasonable efforts to provide the applicant with an appointment within ten working days after the Director receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.
- E. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Planning Division within 90 calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director may, in the Director's discretion, grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.
- F. **Additional Procedures.** The City Council authorizes the approval authority to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for appointments with applicants, as the approval authority deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice.

V. MACRO WIRELESS FACILITIES ON PRIVATE PROPERTY AND CITY-OWNED REAL PROPERTY

A. Required Permits.

1. **Use Permit – Zoning Administrator Review.** A use permit and minor design review approval, subject to the Zoning Administrator's prior review and approval that complies with all applicable development standards in section V.B is required for construction of any wireless facility proposed in a preferred location in section V.B.1.
2. **Use Permit – Planning Commission Review.** A use permit and design review approval, subject to the Planning Commission's prior review and approval is required for:
 - a. any wireless facility proposed to be located in or within 250 feet, measured from the facility to the parcel line, from a single-family residential district or structure approved for a single-family residential use;
 - b. any wireless facility proposed to be located in a discouraged location under section V.B.2;
 - c. any wireless facility that requires a limited exception pursuant to section V.D.3;
 - d. any wireless facility subject to an administrative review process but that has been referred to the Planning Commission by the Zoning Administrator; and
 - e. any wireless facility not identified as subject to the Zoning Administrator review process in section V.A.1.
3. **Referral to Planning Commission.** Notwithstanding any other provision in this section V.A, the Zoning Administrator may refer any application for a use permit to the Planning Commission when the Zoning Administrator determines that the application raises a significant policy or design issue.
4. **Other Permits and Regulatory Approvals.** In addition to any use permit or other approval required under this section V.A, the applicant must also obtain all other permits and approvals as may be required by any other federal, state or local government agencies, which includes, without limitation, any other permits and/or approvals issued by other City departments or divisions. Furthermore, any permit or approval granted under this section V (or deemed granted or deemed approved by law) shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or approvals.

B. Development Standards.

1. **Preferred Locations.** When evaluating compliance with this section V, the approval authority will take into account whether any or more preferred locations are technically feasible and potentially available. All applicants for a use permit must propose new wireless facilities according to the following preferences, ordered from most preferred to least preferred:
 - a. parcels within industrial districts or approved for an industrial use;
 - b. parcels within public/institutional districts or approved for a public/institutional use;
 - c. parcels within commercial districts or approved for a commercial use.
2. **Discouraged Locations.** The City strongly discourages new wireless facilities in the following locations, ordered from most discouraged to least discouraged, when a technically feasible and potentially available alternative in a "preferred" location exists. Any application for a new wireless facility in the following "discouraged" locations shall not be approved without a limited exception granted by the review authority pursuant to section V.D.3.
 - a. parcels within single-family residential districts or approved for a single-family residential use;
 - b. locations within the Downtown Specific Plan area;
 - c. open spaces not owned or controlled by the City.
3. **General Design Standards.** All new wireless facilities and collocations, modifications or other changes to existing wireless facilities not covered under Section 6409 must conform to the generally applicable design regulations in this section V.B.3.
 - a. **Concealment.** Wireless facilities must incorporate concealment elements, measures and techniques that blend the equipment and other improvements into the natural and/or built environment in a manner consistent and/or compatible with the uses germane to the underlying zoning district and existing in the immediate vicinity. As an illustration and not a limitation, a wireless facility designed to mimic a native tree species or a rock outcrop may be appropriate in an open space or hillside location where other natural elements exist to provide effective camouflaging and/or concealment.
 - b. **Overall Height.** Wireless facilities on private property may not exceed the applicable height limit for structures in the applicable zoning district or

overlay zone; provided, however, that a stealth wireless facility in a preferred location may exceed the applicable height limit by not more than ten (10) feet. If the subject zoning district or overlay zone does not have a height limit, the height of wireless facilities must be consistent with the nearest adjacent structures, but not to exceed 50 feet.

- c. **Setbacks.** Wireless facilities on private property may not encroach into any applicable setback for structures in the subject zoning district.
- d. **Noise.** Wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Antioch Municipal Code § 9-5.1901, and shall not exceed, either individually or cumulatively, the applicable ambient noise limit. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or strategies whenever necessary to avoid any ambient noise from equipment (such as backup power generators) reasonably likely to exceed the applicable limit. In the event a duly authorized federal, state, county or City official declares an emergency within a region that includes the City in whole or in part, backup power generators may exceed the applicable noise control standards and regulations to the extent reasonably necessary to operate the facility until the declared emergency is lifted or power is restored to the affected facility.
- e. **Lights.** Wireless facilities may not include exterior lights other than (a) as may be required under Federal Aviation Administration, FCC or other applicable governmental regulations; and (b) timed or motion-sensitive lights for security and/or worker safety. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible.
- f. **Landscape Features.** All wireless facilities must include landscape features and a landscape plan when proposed to be placed in a landscaped area or required by the approval authority for screening and/or concealment purposes. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance with Antioch Municipal Code §§ 9-5.1001 *et seq.* The approval authority may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this policy.
- g. **Site Security Measures.** Wireless facilities may incorporate reasonable and appropriate site security measures, such as fences, walls and anti-climbing devices, to prevent unauthorized access, theft or vandalism. Site

security measures must be designed to enhance concealment to the maximum extent possible, such as installing equipment within an enclosure designed to mimic a trash enclosure or corral. The approval authority may require additional concealment elements as the approval authority finds necessary to blend the security measures and other improvements into the natural and/or built environment. The approval authority shall not approve chain link (unless located in industrial zoning districts and not visible from the public right-of-way), barbed wire, razor ribbon, electrified fences or any similar security measures. The approval authority may permit mini-mesh fences to the extent that they would not be visible from the public right-of-way.

- h. **Backup Power Sources.** The approval authority may approve backup power sources and/or generators on a case-by-case basis. The approval authority shall not approve any diesel generators or other similarly noisy or noxious generators in or within 250 feet, measured from the facility to the parcel line, from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.
- i. **Signage; Advertisements.** All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC or other United States governmental agencies for compliance with RF emissions regulations.
- j. **Future Collocations and Equipment.** To the extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance.
- k. **Utilities.** All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost; provided, however, that the approval authority may waive this requirement to the extent the approval of new overhead lines or service drops would amount to a *de minimis* visual change. Microwave

or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

- I. **Parking; Access.** Any equipment or improvements constructed or installed in connection with any wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, wireless facilities should use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use and meet Contra Costa County Fire Protection District requirements.

4. **Towers and Freestanding Wireless Facilities.**

- a. **Tower-Mounted Equipment—In General.** All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat/neutral colors subject to the approval authority's prior approval.
- b. **Ground-Mounted Equipment—In General.** All ground-mounted equipment must be concealed underground, within an existing or new structure or other enclosure(s) subject to the approval authority's prior approval. The approval authority may require additional concealment elements as the approval authority finds necessary or appropriate to blend the ground-mounted equipment, enclosure and/or other improvements into the natural and/or built environment.
- c. **Concealment—In General.** All tower-mounted wireless facilities must be designed to conceal equipment to the extent appropriate for the proposed location through use of faux-architectural or faux-natural features including, without limitation, monopines and faux trees, clock towers, lighthouses, water tanks, flag poles, field light standards, shopping center signs and monuments. All faux-architectural or faux-natural features shall be subject to the approval authority's discretion for compatibility with the surrounding built and/or natural environment. The approval authority will consider criteria which includes, without limitation, (i) architectural compatibility with the underlying support structure; (ii) quality and texture of the construction materials; (iii) natural and/or realistic color and finishes; (iv) proportion and scale with surrounding environment and/or underlying support structure; and (v) the extent to which the proposed concealment accurately, realistically and/or naturally mimics the subject design feature.

d. **Monopines and Faux Trees.**

- i. **Shape and Branching.** Monopines shall be gradually tapered from bottom to top to resemble the natural conical pine-tree shape, with shorter branches at the top and wider branches at the bottom. All monopines shall include a "crown" or "topper" installed above the monopole to create a natural point at the top. Branches shall begin at no greater than 15 feet above ground level and maintain at least 3.5 branches per vertical foot when averaged between the bottom-most branch and the highest point on the monopole (excluding any "crown" or "topper" installed above the monopole). The approval authority may consider other faux tree designs including without limitation mono-eucalyptus trees, monopalms and monocypress trees. The canopy for the faux tree species must be naturally tapered to mimic the particular species. The canopy must completely envelop all tower-mounted equipment and extend beyond the tower-mounted equipment by at least 18 inches.
- ii. **Bark Cladding.** The entire monopole shall be fitted with faux-tree bark cladding, painted or colored with browns or other appropriate earth tones to mimic natural tree bark for the particular species.
- iii. **Equipment Concealment.** All antennas, accessory equipment, cross arms, hardware, cables and other attachments to the monopine or other tree species must be painted or colored with a flat greens, browns or other appropriate earth tones to blend into the faux branches. All antennas, remote radio units, tower-mounted amplifiers and other similar equipment larger than one cubic foot shall be fitted with a faux-pine or broadleaf "sock" with faux-pine needles or other faux-foliage. No tower-mounted equipment shall be permitted to protrude beyond the branch canopy such that it would materially alter the tapered tree shape.
- iv. **Concealment Material Selection and Approval.** All materials and finishes used to conceal the monopine shall be subject to prior approval by the Planning Division. Applicants shall use only high-quality materials to conceal the wireless facility. The applicant shall use color-extruded plastics for elements such as the faux-foliage and faux-bark cladding to prolong the like-new appearance and reduce fading caused by exposure to the sun and other weather conditions.

5. **Building-Mounted Wireless Facilities.**

- a. **Preferred Concealment Techniques.** All applicants should, to the extent feasible, propose new non-tower wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at

ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.

- b. **Facade-Mounted Equipment.** When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this subsection. All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The approval authority may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure. Except in industrial zones, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.
- c. **Rooftop-Mounted Equipment.** All rooftop-mounted equipment must be screened from public view from the nearest right-of-way with concealment measures that match the underlying structure in proportion, quality, architectural style and finish. The approval authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.

C. **Notices.**

- 1. **General Notice Requirements.** Except as provided in section V.C.2, public notice in accordance with Antioch Municipal Code § 9-5.2702 shall be given for all applications for a use permit governed under this section V.
- 2. **Deemed-Approval Notice.** Not more than 30 days before the applicable FCC Shot Clock expires, and in addition to any public notice required prior to a decision, an applicant for a use permit must provide a posted notice, no smaller than 24" x 36", at the project site in a conspicuous location that contains (1) a statement the project will be automatically deemed approved pursuant to California Government Code § 65964.1 unless the City approves or denies the application or the applicant voluntarily agrees to toll the timeframe for review within the next 30 days; (2) a general description for the proposed project; (3) the applicant's name and contact information as provided on the application

submitted to the City; and (4) contact information for the Planning Division. The public notice required under this section V.C.2 will be deemed given when the applicant delivers written notice to the Planning Division that shows the appropriate notice has been posted at the project site. Notwithstanding anything to the contrary in this policy, the approval authority shall be permitted to act on an application for a use permit at any time so long as any applicable prior public notice in this section V.C.1 has occurred.

3. **Decision Notice.** Within five calendar days after the approval authority acts on a use permit application governed under this policy or before the FCC Shot Clock expires (whichever occurs first), the approval authority or its designee shall send a written notice to the applicant. In the event that the approval authority denies the application (with or without prejudice), the written notice to the applicant must contain (1) the reasons for the decision and (2) instructions for how and when to file an appeal.

D. Decisions and Appeals.

1. **Required Findings.** The approval authority may approve or conditionally approve an application for a use permit submitted under this section V when the approval authority finds all of the following:
 - a. the approval authority can make all the findings required for a use permit in accordance with Antioch Municipal Code § 9-5.2703; and
 - b. the proposed wireless facility complies with all applicable development standards in section V.B; and
 - c. the applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and
 - d. the applicant has proposed to place the wireless facility in the most-preferred location or, if the wireless facility is not proposed in the most-preferred location, the applicant has demonstrated a good-faith effort to identify and evaluate more-preferred alternative locations through a meaningful comparative analysis; and
 - e. the applicant has provided the approval authority with a meaningful comparative analysis that shows all more-preferred alternative designs identified in the administrative record are either technically infeasible or unavailable.
2. **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or California laws, nothing in this policy is intended to limit the approval authority's ability to conditionally approve or deny without

prejudice any use permit application governed under this policy as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the General Plan and any specific plan, the Antioch Municipal Code and/or this policy.

3. **Limited Exception.** In the event that an applicant claims that strict compliance with the development standards in section V.B would effectively prohibit the applicant's ability to provide personal wireless services, the Planning Commission may grant a limited exception from such requirements in accordance with this section V.D.3.

- a. **Required Findings for a Limited Exception.** The Planning Commission shall not grant any limited exception unless the applicant shows that:

- i. the proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded; and
- ii. the applicant has provided the Planning Commission with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
- iii. the applicant has provided the Planning Commission with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this policy; and
- iv. the applicant has provided the Planning Commission with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
- v. the applicant has demonstrated to the Planning Commission that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.

- b. **Scope.** Any limited exception shall be narrowly tailored to ensure that any deviations from the development standards in section V.B are no greater than necessary to avoid an effective prohibition of the applicant's personal

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wireless services. Limited exceptions shall be based on the facts and circumstances of the applicant, its demonstrated technical service objectives at the time the exception is granted and the proposed wireless facility, and shall not be deemed to establish any precedent for similar deviations for the same or any other applicant, location or wireless facility.

4. **Appeals.** Any interested person or entity may appeal any decision by the approval authority in accordance with the provisions in Antioch Municipal Code § 9-5.2705; provided, however, that appeals from an approval shall not be permitted when based solely on the environmental effects from radio frequency emissions that are compliant with applicable FCC regulations and guidelines.
- E. **Standard Conditions.** In addition to all other conditions adopted by the approval authority, all use permits, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section V.E. The approval authority (or the appellate authority) shall have discretion to modify or amend any standard conditions of approval on a case-by-case basis as may be necessary or appropriate to protect and promote the public health, safety and welfare, allow for the proper operation of the approved wireless facility, maintain compliance with applicable laws and/or to advance the goals or policies in the General Plan and any specific plan, the Antioch Municipal Code and/or this policy.
1. **Compliance with Approved Plans.** Before the permittee submits any applications to the Building Division required to commence construction in connection with this permit, the permittee must incorporate this permit, all conditions associated with this permit and the approved photo simulations into the project plans (the "**Approved Plans**"). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director's prior review and approval, who may refer the request to the original approval authority if the Director finds that the requested alteration, modification or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
 2. **Build-Out Period.** This permit will automatically expire one (1) year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Zoning Administrator may grant one written extension to a date certain, but not to exceed one (1) additional year, when the permittee shows good cause to extend the limitations

period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.

3. **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
4. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("**Laws**") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the Antioch Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Antioch Municipal Code, any permit, any permit condition or any applicable law or regulation.
5. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Antioch Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Director or the Director's designee may issue a stop work order for any activities that violates this condition in whole or in part.
6. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designees may enter onto

the site and inspect the improvements and equipment upon reasonable prior notice to the permittee, or at any time during an emergency. The City's officers, officials, staff or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.

7. **Permittee's Contact Information.** The permittee shall furnish the Director with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.
8. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and City boards, commissions, agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (2) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.
9. **Permit Revocation.** In accordance with Antioch Municipal Code § 9-5.2707.1, the approval authority may recall this permit for review at any time due to complaints about noncompliance with applicable laws or any approval

conditions attached to this permit. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

10. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.
11. **Abandoned Wireless Facilities.** The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Antioch Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to abate the nuisance by removal and restoration, store or sell the facility or any part thereof, with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal, storage and/or restoration activities. In accordance with Antioch Municipal Code Title 5, Chapter 1, Article 3, all costs associated with the abatement in connection with a facility on real property shall be assessed against the property as a lien to be recorded with the County of Contra Costa Recorder's Office. Within 60 calendar days after the lien amount is fully satisfied including costs and interest, the City shall cause the lien to be released with the County of Contra Costa Recorder's Office.

VI. ELIGIBLE FACILITIES REQUESTS

A. Special Definitions for Eligible Facilities Requests.

1. **"base station"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(1), as may be amended or superseded, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.6100(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii).
2. **"collocation"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC's definition effectively means "to add" and does not necessarily refer to more than one wireless facility installed at a single site. As applicable to any eligible facilities request, the definition of collocation provided in this section controls over the definition of collocation provided in section II.
3. **"eligible facilities request"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

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4. **"eligible support structure"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4), as may be amended, which defines that term as any tower or base station as defined in 47 C.F.R. § 1.6100(b), provided that it is existing at the time the relevant application is filed with the State or local government under 47 C.F.R. § 1.6100.
5. **"existing"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC's Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
6. **"site"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
7. **"substantial change"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). For clarity, this definition organizes the FCC's criteria and thresholds for a substantial change according to the wireless facility type and location.
 - a. For towers outside the public rights-of-way, a substantial change occurs when:
 - i. the proposed collocation or modification increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet (whichever is greater); or
 - ii. the proposed collocation or modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower by more than 20 feet or more than the width of the tower structure at the level of the appurtenance (whichever is greater); or
 - iii. the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or

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- iv. the proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
 - b. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
 - i. the proposed collocation or modification increases the height of the structure by more than 10% or more than 10 feet (whichever is greater); or
 - ii. the proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet; or
 - iii. the proposed collocation or modification involves the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure; or
 - iv. the proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are more than ten percent (10%) larger in height or volume than any other ground cabinets associated with the structure; or
 - v. the proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
 - c. In addition, for all towers and base stations wherever located, a substantial change occurs when:
 - i. the proposed collocation or modification would defeat the existing concealment elements of the support structure; or
 - ii. the proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in 47 C.F.R. § 1.6100(b)(7)(i)-(iv).
- 8. **"transmission equipment"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(8), as may be amended or superseded, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless

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communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

- B. **Required Approval.** Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted with a written request for approval under Section 6409 shall require an administrative use permit consistent with all valid and enforceable terms and conditions of the underlying permit or other prior regulatory authorization for the tower or base station (each amendment a "**section 6409 approval**"). Each section 6409 approval shall be subject to the Zoning Administrator's approval, conditional approval or denial without prejudice pursuant to the standards and procedures in this section VI. However, the applicant may voluntarily elect to seek a discretionary permit subject to the general standards and procedures in section V or section VIII.

C. **Decisions and Appeals.**

1. **Administrative Review.** The approval authority shall review a complete and duly filed application for a section 6409 approval, and may act on such application without prior notice or a public hearing.
2. **Decision Notices.** Within five days after the approval authority acts on an application for a section 6409 approval or before the FCC Shot Clock expires (whichever occurs first), the approval authority shall send a written notice to the applicant. In the event that the approval authority denies the application, the written notice to the applicant must contain (1) the reasons for the decision; (2) a statement that denial will be without prejudice; and (3) instructions for how and when to file an appeal.
3. **Required Findings for Approval.** The approval authority may approve or conditionally approve an application for a section 6409 approval when the approval authority finds that the proposed project:
 - a. involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
 - b. does not substantially change the physical dimensions of the existing wireless tower or base station.
4. **Criteria for Denial without Prejudice.** Notwithstanding any other provision in this policy, and consistent with all applicable federal laws and regulations, the approval authority may deny without prejudice any application for a section 6409 approval when the approval authority finds that the proposed project:
 - a. does not meet the findings required in section VI.C.3;

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- b. involves the replacement of the entire support structure; or
 - c. violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health or safety.
- 5. **Conditional Approvals.** Subject to any applicable limitations in federal or state law, nothing in this section VI is intended to limit the approval authority's authority to conditionally approve an application for a section 6409 approval to protect and promote the public health and safety.
- 6. **Appeals.** Any applicant may appeal the approval authority's written decision to deny without prejudice an application for section 6409 approval. The written appeal together with any applicable appeal fee must be tendered to the City Clerk within five working days from the approval authority's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The City Manager or the City Manager's designee (either party, the "**City Manager**") shall be the appellate authority for all appeals from the approval authority's written decision to deny without prejudice an application for section 6409 approval. The City Manager shall review the application *de novo* without notice or a public hearing; provided, however, that the City Manager's decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this section VI and any other applicable laws. The City Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals.
- D. **Standard Conditions.** In addition to all other conditions adopted by the approval authority, all section 6409 approvals, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this section VI.D. The approval authority (or the appellate authority) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this section VI.
 - 1. **Permit Term.** The City's grant or grant by operation of law of a section 6409 approval constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or base station, and will be regarded as a modification to the underlying approval for the subject tower or base station. The City's grant or grant by operation of law of this section 6409 approval will not extend the permit term, if any, for any underlying permit or other underlying prior regulatory authorization. Accordingly, the term for this section 6409 approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station, and any renewals thereof. This condition shall not be applied or interpreted in any

way that would cause the term of the underlying permit for the modified facility to be less than 10 years in total length.

2. **Compliance Obligations Due to Invalidation.** In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409 or any FCC rule that interprets Section 6409 such that federal law would not mandate approval for any eligible facilities request(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved eligible facilities requests or the Director grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the Director may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated eligible facilities request when it has obtained the applicable permit(s) or submitted an application for such permit(s) before the one-year period ends.
3. **City's Standing Reserved.** The City's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409, any FCC rules that interpret Section 6409 or any eligible facilities request.
4. **Compliance with Approved Plans.** Before the permittee submits any applications to the Building Division required to commence construction in connection with this section 6409 approval, the permittee must incorporate this section 6409 approval, all conditions associated with section 6409 approval and any approved photo simulations into the project plans (the "**Approved Plans**"). The permittee must construct, install and operate the wireless facility in substantial compliance, as determined by the Director, with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director's prior review and approval. The Director may refer the request to the approval authority who may revoke the section 6409 approval if the approval authority finds that the requested alteration, modification or other change may cause a substantial change as that term is defined by the FCC in 47 C.F.R. § 1.6100(b)(7), as may be amended.
5. **Build-Out Period.** This section 6409 approval will automatically expire one (1) year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Director may grant one written extension to a date certain, but not to exceed one (1)

additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.

6. **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
7. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("**Laws**") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this section 6409 approval, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the Antioch Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Antioch Municipal Code, any permit, any permit condition or any applicable law or regulation.
8. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Antioch Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Director or the Director's designee may issue a stop work order for any activities that violates this condition in whole or in part.

9. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee, or at any time during an emergency. The City's officers, officials, staff or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.
10. **Permittee's Contact Information.** The permittee shall furnish the Director with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.
11. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed, shall defend, indemnify and hold harmless the City, City Council and City boards, commissions, agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("**Claims**") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this section 6409 approval, and (2) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this section 6409 approval or the wireless facility. In the event the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this section 6409 approval, and that such indemnification obligations will survive the expiration or revocation of this section 6409 approval.

12. **Permit Revocation.** The Director may recall this section 6409 approval for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this section 6409 approval after notice and an opportunity to cure the violation is provided to the permittee. If the noncompliance continues after notice and reasonable opportunity to cure the noncompliance, the Zoning Administrator may revoke this section 6409 approval or amend these conditions as the Zoning Administrator deems necessary or appropriate to correct any such noncompliance.
13. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.
14. **Abandoned Wireless Facilities.** The wireless facility authorized under this section 6409 approval shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Antioch Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to abate the nuisance by removal and restoration, store or sell the facility or any part thereof, with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal, storage and/or restoration activities. In accordance with Antioch Municipal Code Title 5, Chapter 1, Article 3, all costs associated with the abatement in connection with a facility on real property shall be assessed against the property as a lien to be recorded with the County of Contra Costa Recorder's Office. Within 60 calendar days after the lien amount is fully satisfied including costs and interest, the City shall cause the lien to be released with the County of Contra Costa Recorder's Office.

VII. TEMPORARY WIRELESS FACILITIES

A. Required Permits.

1. **Administrative Use Permit.** An administrative use permit, subject to the Zoning Administrator's prior review and approval in accordance with the procedures and standards in this section VII, is required for any temporary wireless facility, unless deployed in connection with an emergency pursuant to section VII.D.
2. **Other Permits and Regulatory Approvals.** In addition to any administrative use permit required under this section VII, the applicant must also obtain all other permits and approvals as may be required by any other federal, state or local government agencies, which includes, without limitation, any other permits and/or approvals issued by other City departments or divisions. Furthermore, any permit or approval granted under this section VII (or deemed granted or deemed approved by law) shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or approvals.

- B. **Minimum Application Requirements.** Notwithstanding the provisions in section IV, applicants for a temporary wireless facility shall submit at a minimum: (1) an administrative use permit application on the most current form prepared by the Planning Division; (2) the applicable fee for the application; (3) a site plan that shows the proposed temporary wireless facility and its equipment, physical dimensions and placement on the proposed site relative to property lines and existing structures; (4) an RF compliance report in accordance with the City's requirements; and (5) an insurance certificate for general commercial liability that names the City as an additional insured, includes coverage for the time period in which the temporary wireless facility will be placed and a carries at least \$1,000,000 in coverage per occurrence.

C. Decisions and Appeals.

1. **Required Findings for Temporary Wireless Facilities.** The Zoning Administrator may approve or conditionally approve an administrative use permit for a temporary wireless facility only when the Zoning Administrator finds:
 - a. the proposed temporary wireless facility will not exceed the overall zone height limit of the zoning district in which it is located or 50 feet, whichever is less; and
 - b. the proposed temporary wireless facility complies with all setback requirements applicable to the proposed location; and

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- c. the proposed temporary wireless facility will not involve any excavation or ground disturbance; and
 - d. the proposed temporary wireless facility will be compliant with all generally applicable public health and safety laws and regulations, which include without limitation maximum permissible exposure limits for human exposure to RF emissions established by the FCC; and
 - e. the proposed temporary wireless facility will not create any nuisance or violate any noise limits applicable to the proposed location; and
 - f. the proposed temporary wireless facility will be identified with a sign that clearly identifies the (i) site operator, (ii) the operator's site identification name or number and (iii) a working telephone number answered 24 hours per day, seven days per week by a live person who can exert power-down control over the antennas; and
 - g. the proposed temporary wireless facility will be removed within 30 days after the Zoning Administrator grants the administrative use permit, or such longer time as the Zoning Administrator finds reasonably related to the applicant's need or purpose for the temporary wireless facility (but in no case longer than one year); and
 - h. the applicant has not been denied an approval for any permanent wireless facility in substantially the same location within the previous 365 days.
2. **Appeals.** Any applicant may appeal the Zoning Administrator's written decision to deny an administrative use permit for a temporary wireless facility. The written appeal together with any applicable appeal fee must be tendered to the City within five working days from the Zoning Administrator's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The City Manager or the City Manager's designee (either party, the "**City Manager**") shall be the appellate authority. The City Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals.

D. **Emergency Temporary Wireless Facilities.**

1. **Authorization.** Temporary wireless facilities may be placed and operated within the City's jurisdictional and/or territorial boundaries without an administrative use permit only when a duly authorized federal, state, county or City agency or official declares an emergency within a region that includes the City in whole or in part.

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2. **Notice.** All temporary wireless facilities deployed in an emergency shall bear a sign that clearly identifies the site operator and the contact information for the person responsible for such temporary wireless facility. Any person or entity that places temporary wireless facilities pursuant to this section VII.D must send a written notice that identifies the approximate site location and person responsible for its operation to the Director as soon as reasonably practicable. One notice may cover multiple temporary wireless facilities.
3. **Removal.** Any temporary wireless facilities placed pursuant to this section VII.D must be removed within 15 days after the date the emergency is lifted. The Director may authorize a longer timeframe for emergency temporary wireless facilities when the Director finds that (1) the temporary wireless facilities were deployed to temporarily replace permanent wireless facilities destroyed or otherwise rendered inoperable in connection with the emergency or (2) removal within the default timeframe would threaten public health, safety or welfare.

VIII. SMALL WIRELESS FACILITIES

A. Applicability.

1. **Applicable Wireless Facilities.** Except as expressly provided otherwise in this policy, the provisions in this section VIII shall be applicable to all existing small wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy small wireless facilities within the City's jurisdictional and territorial boundaries within the public rights-of-way or on private property.
2. **Other Infrastructure Deployments.** To the extent that other infrastructure deployments, including without limitation any deployments that require approval pursuant to Antioch Municipal Code Title 7, involve the same or substantially similar structures, apparatus, antennas, equipment, fixtures, cabinets, cables or improvements, the department or official responsible to review and approve or deny requests for authorization in connection with such other infrastructure deployment shall apply the provisions in this section VIII unless specifically prohibited by applicable law.

B. Required Permits and Approvals.

1. **Administrative Use Permit.** An administrative use permit subject to the approval authority's prior review and approval, is required for any small wireless facility proposed on an existing, new or replacement support structure.
2. **Request for Approval Pursuant to Section 6409.** Notwithstanding anything in the policy to the contrary, requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 (47 U.S.C. Section 1455(a)) will be subject to the provisions in section VI, as may be amended or superseded.
3. **Other Permits and Approvals.** In addition to an administrative use permit, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any ministerial permits and/or approvals issued by other City departments or divisions. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid administrative use permit issued by the City for the proposed facility. Any application for any ministerial permit(s) submitted without such administrative use permit may be denied without prejudice. Furthermore, any permit or approval granted under this section VIII shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals.

C. Small Wireless Facility Permit Application Requirements.

1. **Small Wireless Facility Permit Application Contents.** All applications for an administrative use permit must include all the information and materials required in this subsection C.1, unless exempted by the approval authority.
 - a. **Application Form.** The applicant shall submit a complete, duly executed administrative use permit application on the then-current form prepared by either the Planning Manager or his/her designee (if for a small wireless facility located outside the public rights-of-way) or the Public Works Director (if for a small wireless facility located within the public rights-of-way).
 - b. **Application Fee.** The applicant shall submit the applicable administrative use permit application fee established by City Council resolution. Batched applications must include the applicable permit application fee for each small wireless facility in the batch. If no administrative use permit application fee applicable to small wireless facilities has been established, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to reimburse the City for its reasonable costs incurred in connection with the application.
 - c. **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all structures within 50 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
 - d. **Structural Analysis.** The applicant shall submit a report prepared and certified by an engineer (or other qualified personnel acceptable to the City) that evaluates whether the underlying pole or support structure has the

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structural integrity to support all the proposed equipment and attachments. At a minimum, the analysis must be consistent with all applicable requirements in CPUC General Order 95 (including, but not limited to, load and pole overturning calculations), the National Electric Safety Code, and any safety and construction standards required by the utility.

- e. **Site Survey.** For any small wireless facility proposed to be located within the public rights-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 250 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.
- f. **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
- g. **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. § 1.6002(l). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a structure as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for an administrative use permit as provided in subsection E.3.
- h. **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population

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limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

- i. **Public Notices.** The applicant shall submit a mailing list and envelopes, stamped and addressed, for all properties and record owners of properties within a 300 foot radius of the project location. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.
- j. **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the small wireless facility proposed in the application.
- k. **Site Agreement.** For any small wireless facility proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant shall submit a partially-executed site agreement on a form prepared by the City that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the City's form site agreement except as may be indicated on the form itself. Any unpermitted changes to the City's form site agreement shall be deemed a basis to deem the application incomplete.
- l. **Title Report and Property Owner's Authorization.** For any small wireless facility proposed to be installed on any private property not owned or controlled by the City, the applicant must submit: (i) a title report issued within 30 days from the date the applicant filed the application; and (ii) if the applicant is not the property owner, a written authorization signed by the property owner identified in the title report that authorizes the applicant to submit and accept an administrative use permit in connection with the subject property.
- m. **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer for the proposed small wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits as provided in Antioch Municipal Code § 9-5.1901.

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2. **Additional Requirements.** The City Council authorizes the approval authority to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the approval authority finds necessary, appropriate or useful for processing any application governed under this section VIII. All such requirements and materials must be in written form and publicly stated to provide all interested parties with prior notice.

D. **Small Wireless Facility Permit Application Submittal and Completeness Review.**

1. **Application Completeness Review.** Within 10 calendar days after the approval authority receives a duly filed administrative use permit application, the approval authority shall review the application for completeness and, if any application does not contain all the materials required in subsection C.1 or any other publicly stated requirements, send a written notice to the applicant that identifies the missing or incomplete requirements.
2. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, and to mitigate unreasonable delays or barriers to entry caused by chronically incomplete applications, any application governed under this policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the approval authority within 60 calendar days after the approval authority deems the application incomplete in a written notice to the applicant. As used in this subsection D.2, a "substantive response" must include the materials identified as incomplete in the approval authority's notice.

E. **Approvals and Denials; Notices.**

1. **Public Notice.** Prior to any approval, conditional approval or denial, public notice shall be mailed to all properties and record owners of properties within a 300 foot radius from the project site. The notice must contain: (1) a general project description; (2) the applicant's identification and contact information as provided on the application submitted to the City; (3) contact information for the approval authority; (4) a statement that the approval authority will act on the application without a public hearing but will accept written public comments that evaluate the application for compliance with the standards in this section VIII; and (5) a statement that the FCC requires the City to act on administrative use permit applications for small wireless facilities, which includes any administrative appeals, in 60 days for attachments to existing structures and 90 days for new structures, unless the applicant voluntarily agrees to toll the timeframe for review.
2. **Administrative Review.** Not less than 10 calendar days after the public notice required in subsection E.1, the approval authority shall approve, conditionally

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approve or deny a complete and duly filed administrative use permit application without a public hearing.

3. **Required Findings.** The approval authority may approve or conditionally approve a complete and duly filed application for an administrative use permit for small wireless facilities when the approval authority finds:

- a. the proposed project meets the definition for a "small wireless facility" as defined by the FCC;
- b. the proposed project would be in the most preferred location within 250 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location(s) within 250 feet would be technically infeasible;
- c. the proposed project would not be located on a prohibited support structure identified in this section VIII;
- d. the proposed project would be on the most preferred support structure within 250 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) within 250 feet would be technically infeasible;
- e. the proposed project complies with all applicable design standards in this section VIII;
- f. the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and
- g. all public notices required for the application have been given.

4. **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or California laws, nothing in this section VIII is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any administrative use permit application as may be necessary or appropriate to ensure compliance with this section VIII.

5. **Decision Notices.** Within five calendar days after the approval authority acts on an administrative use permit application or before the FCC Shot Clock expires (whichever occurs first), the approval authority shall notify the applicant by written notice. If the approval authority denies the application (with or without prejudice), the written notice must contain the reasons for the decision.

6. **Appeals.** Any decision by the approval authority shall be final and not subject to any administrative appeals.

F. **Standard Conditions of Approval.**

1. **General Conditions.** In addition to all other conditions adopted by the approval authority for an administrative use permit, all administrative use permits issued under this section VIII shall be automatically subject to the conditions in this subsection F.1.
 - a. **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a small wireless facility approved or deemed-approved, the permittee shall provide the approval authority with documentation reasonably acceptable to the approval authority that the small wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.
 - b. **Build-Out Period.** This permit will automatically expire six (6) months from the approval date (the "build-out period") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved small wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the small wireless facility or its use. If this build-out period expires, the City will not extend the build-out period but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.
 - c. **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
 - d. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the small wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is

intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws. No failure or omission by the City to timely notice, prompt or enforce compliance with any applicable provision in the Antioch Municipal Code, this policy, any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all respects with all applicable provisions in the Antioch Municipal Code, this policy, any permit, any permit condition or any applicable law or regulation.

- e. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the City of Antioch Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The approval authority may issue a stop work order for any activities that violates this condition in whole or in part.
- f. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.
- g. **Permittee's Contact Information.** Within 10 days from the final approval, the permittee shall furnish the City with accurate and up-to-date contact information for a person responsible for the small wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the City with updated contact information if either the responsible person or such person's contact information changes.

- h. **Indemnification.** The permittee and, if applicable, the property owner upon which the small wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and the City's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (i) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (ii) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this permit or the small wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this permit.
- i. **Permit Revocation.** Any permit granted under this section VIII may be revoked in accordance with the provisions and procedures in this condition. The approval authority may initiate revocation proceedings when the approval authority has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Before the approval authority may conduct a public hearing to revoke any permit granted under this section VIII, the approval authority must issue a written notice to the permittee that specifies (i) the facility; (ii) the violation(s) to be corrected; (iii) the timeframe in which the permittee must correct such violation(s); and (iv) that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s). A permit granted under this section VIII may be revoked only by the City Council after a duly notice public hearing. The City Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit

shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the approval authority shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

- j. **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the permit application, permit, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the permit (collectively, "records"). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.
- k. **Abandoned Wireless Facilities.** The small wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Antioch Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to abate the nuisance by removal and restoration, store or sell the facility or any part thereof, with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal, storage and/or restoration activities. In accordance with Antioch Municipal Code Title 5, Chapter 1, Article 3, all costs associated with the abatement in connection with a facility on real property shall be assessed against the property as a lien to be recorded with the County of Contra Costa

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Recorder's Office. Within 60 calendar days after the lien amount is fully satisfied including costs and interest, the City shall cause the lien to be released with the County of Contra Costa Recorder's Office.

- i. **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
 - m. **Cost Reimbursement.** The permittee acknowledges and agrees that (i) the permittee's request for authorization to construct, install and/or operate the wireless facility will cause the City to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse City for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.
2. **Conditions for Small Wireless Facilities in the Public Rights-of-Way.** In addition to all conditions in subsection F.1, all administrative use permits for small wireless facilities in the public rights-of-way issued under this section VIII shall be automatically subject to the conditions in this subsection F.2.
 - a. **Future Undergrounding Programs.** If other public utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility is located, the permittee must underground its equipment except the antennas, any electric meter and any other equipment that must be placed above ground to function. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. Small wireless facilities installed on wood utility poles that will be

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removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.

- b. **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- c. **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (i) change any street grade, width or location; (ii) add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (iii) perform any other work deemed necessary, useful or desirable by the City (collectively, "City work"). The City reserves the rights to do any and all City work without any admission on its part that the City would not have such rights without the express reservation in this permit. If the Public Works Director determines that any City work will require the permittee's small wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's small wireless facility without prior notice to permittee when the Public Works Director determines that the City work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs.

G. **Location Requirements.**

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1. **Preface to Location Requirements.** This subsection G.1 provides guidance as to how to interpret and apply the location requirements in this section VIII. To better assist applicants and decisionmakers understand and respond to the community's aesthetic preferences and values, subsections G.2-G.5 set out listed preferences for locations and support structures to be used in connection with small wireless facilities in ordered hierarchies. Applications that involve lesser-preferred locations or structures may be approved so long as the applicant demonstrates that either (1) no more preferred locations or structures exist within 250 feet from the proposed site; or (2) any more preferred locations or structures within 250 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record. Subsection G.6 identifies "prohibited" support structures on which the City shall not approve any administrative use permit application for any competitor or potential competitor.
2. **Locations in the Public Rights-of-Way.** The City prefers small wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
 - a. locations within commercial or industrial districts on or along arterial roads;
 - b. locations within commercial or industrial districts on or along collector roads;
 - c. locations within commercial or industrial districts on or along local roads;
 - d. locations within public/institutional districts on or along arterial roads;
 - e. locations within public/institutional districts on or along collector roads;
 - f. locations within public/institutional districts on or along local roads;
 - g. locations within residential districts on or along arterial roads;
 - h. locations within residential districts on or along collector roads;
 - i. locations within residential districts on or along local roads;
 - j. any location within any district within 250 feet, measured from the facility to the parcel line, from a single-family residential district or structure approved for a single-family residential use.
3. **Locations Outside the Public Rights-of-Way.** The City prefers small wireless facilities outside the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
 - a. parcels within industrial districts or approved for an industrial use;

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- b. parcels within public/institutional districts or approved for a public/institutional use;
 - c. parcels within commercial districts or approved for a commercial use.
4. **Support Structures in the Public Rights-of-Way.** The City prefers small wireless facilities to be installed on support structures in the public rights-of-way, ordered from most preferred to least preferred, as follows:
- a. existing or replacement streetlight poles;
 - b. existing or replacement wood utility poles;
 - c. new, non-replacement streetlight poles;
 - d. new, non-replacement poles for small wireless facilities.
5. **Support Structures Outside the Public Rights-of-Way.** The City prefers small wireless facilities to be installed on support structures outside the public rights-of-way, ordered from most preferred to least preferred, as follows:
- a. existing buildings or other non-tower structures previously approved for use as a support structure for personal wireless service facilities;
 - b. other existing buildings or non-tower structures;
 - c. existing or replacement poles or towers;
 - d. new, non-replacement towers for small wireless facilities.
6. **Prohibited Support Structures.** The City prohibits small wireless facilities to be installed on the following support structures, whether located in the public rights-of-way or not:
- a. decorative poles;
 - b. traffic signals, signs, poles, cabinets and related devices;
 - c. any utility pole scheduled for removal or relocation within 12 months from the time the approval authority acts on the administrative use permit application;
 - d. new, non-replacement wood poles.

H. Design Standards.

1. **General Standards.**

- a. **Noise.** Small wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Antioch Municipal Code § 9-5.1901, as may be amended or superseded, and shall not exceed, either on an individual or cumulative basis, the noise limit.
- b. **Lights.** Small wireless facilities shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation Administration, FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this subsection 1.b shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this section VIII.
- c. **Landscape Features.** Small wireless facilities shall not displace any existing landscape features unless: (A) such displaced landscaping is replaced with native and/or drought-resistant plants, trees or other landscape features approved by the approval authority and (B) the applicant submits and adheres to a landscape maintenance plan. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance Antioch Municipal Code §§ 9-5.1001 *et seq.*, as may be amended or superseded.
- d. **Site Security Measures.** Small wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The approval authority shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures. All exterior surfaces on small wireless facilities shall be constructed from or coated with graffiti-resistant materials.
- e. **Signage; Advertisements.** All small wireless facilities must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Small wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC, OSHA or other United States governmental agencies for compliance with RF emissions regulations.

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- f. **Compliance with Health and Safety Regulations.** All small wireless facilities shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions.

2. **Small Wireless Facilities in the Public Right-of-Way.**

- a. **Overall Height.** Small wireless facilities may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations, plus five feet or (B) five feet above the existing support structure.
- b. **Antennas.**
 - i. **Concealment.** All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure. Applications that involve unshrouded antennas must demonstrate that it would be technically infeasible to shroud the antennas as supported by clear and convincing evidence in the written record.
 - ii. **Antenna Volume.** Each individual antenna may not exceed three cubic feet in volume and all antennas may not exceed six cubic feet in volume.
- c. **Accessory Equipment.**
 - i. **Installation Preferences.** All non-antenna accessory equipment shall be installed in accordance with the following preferences, ordered from most preferred to least preferred: (i) underground in any area in which the existing utilities are primarily located underground; (ii) on the pole or support structure; or (iii) integrated into the base of the pole or support structure. Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that no more preferred installation location would be technically infeasible as supported by clear and convincing evidence in the written record.
 - ii. **Undergrounded Accessory Equipment.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade

when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced.

- iii. **Pole-Mounted Accessory Equipment.** All accessory equipment installed, attached or mounted directly to a utility pole or support structure must comply with the provisions of this subsection c.iii. All pole-mounted accessory equipment must be installed in a single equipment shroud, cage or cabinet unless the applicant demonstrates that it would be technically infeasible as supported by clear and convincing evidence in the written record. All pole-mounted accessory equipment must be installed flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation permitted between the accessory equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must be placed and oriented away from adjacent sidewalks and structures. Pole-mounted equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. All cables, wires and other connectors must be routed through conduits within the pole, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying support structure.
- iv. **Base-Mounted Accessory Equipment.** All accessory equipment installed within a shroud, pedestal or other enclosure that is incorporated with the base of the pole, rather than as a separate, detached element, must comply with the provisions of this subsection c.iv. All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.
- v. **Ground-Mounted Accessory Equipment.** On collector roads and local roads, the City prefers ground-mounted accessory equipment to be concealed as follows: (A) within a landscaped parkway, median or similar location, behind or among new/existing landscape features and painted or wrapped in flat natural colors to blend with the landscape features; and (B) if landscaping concealment is not technically feasible, disguised as other street furniture adjacent to the support structure, such as, for example, mailboxes, benches, trash cans and information kiosks. On arterial roads outside underground districts, proposed ground-mounted accessory equipment should be completely shrouded or

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placed in a cabinet substantially similar in appearance to existing ground-mounted accessory equipment cabinets.

- vi. **Accessory Equipment Volume.** All accessory equipment associated with a small wireless facility installed above ground level shall not cumulatively exceed: (i) nine (9) cubic feet in volume if installed in a residential district; or (ii) seventeen (17) cubic feet in volume if installed in a non-residential district. The volume calculation shall include any shroud, cabinet or other concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.
- d. **Streetlights.** Applicants that propose to install small wireless facilities on an existing streetlight must remove and replace the existing streetlight with one substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment. To mitigate any material changes in the streetlighting patterns, the replacement pole must: (A) be located as close to the removed pole as possible; (B) be aligned with the other existing streetlights; and (C) include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers to the pole.
- e. **Wood Utility Poles.** Applicants that propose to install small wireless facilities on an existing wood utility pole must install all antennas at the top of the pole unless the applicant demonstrates that mounting the antennas at the top of the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations. Applicants that propose to install small wireless facilities on a replacement wood utility pole must remove and replace the existing wood utility pole with one that is substantially similar in height and diameter unless the applicant demonstrates that a substantially similar replacement pole would be technically infeasible or violate applicable public safety regulations as supported by clear and convincing evidence in the written record.
- f. **New, Non-Replacement Poles.** Applicants that propose to install small wireless facilities on a new, non-replacement pole must install a new streetlight substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a

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metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome.

- g. **Strand-Mounted Wireless Facilities.** All small wireless facilities installed on aerial cable strand between two utility poles shall comply with this subsection. No more than one strand-mounted wireless facility may be installed on any single span between two poles. The approval authority shall not approve any ground-mounted equipment in connection with any strand-mounted wireless facility unless such equipment is a remote power source that delivers power to a cluster of strand-mounted wireless facilities. The remote power source shall not be located along residential frontage and must be fully concealed within landscaping or located along an arterial road. All equipment and other improvements associated with a strand-mounted wireless facility must comply with all applicable health and safety regulations. Strand-mounted wireless facilities shall not exceed one (1) cubic foot in total volume. All strand-mounted equipment shall be finished in a non-reflective grey color. Any accessory equipment mounted on the pole shall be painted and textured to match the underlying pole. "Snow shoes" and other spooled fiber or cables are prohibited.
- h. **Encroachments over Private Property.** Small wireless facilities may not encroach onto or over any private or other property outside the public rights-of-way without the property owner's express written consent.
- i. **Backup Power Sources.** Fossil-fuel based backup power sources shall not be permitted within the public rights-of-way; provided, however, that connectors or receptacles may be installed for temporary backup power generators used in an emergency declared by federal, state or local officials.
- j. **Obstructions; Public Safety.** Small wireless facilities and any associated equipment or improvements shall not physically interfere with or impede access to any: (A) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (B) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (C) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (D) fire hydrant or water valve; (E) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress

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and egress points to any building appurtenant to the rights-of-way; or (F) access to any fire escape.

- k. **Utility Connections.** All cables and connectors for telephone, data backhaul, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All cables, wires and connectors between the underground conduits and the antennas and other accessory equipment shall be routed through and concealed from view within: (A) internal risers or conduits if on a concrete, composite or similar pole; or (B) a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. In areas with existing overhead lines, new overhead utility lines or service drops are permitted provided that new communication lines shall be "overlashed" with existing communication lines to the extent feasible. In all other areas, the approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
- l. **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.
- m. **Electric Meters.** Small wireless facilities shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a shrouded smart meter. The approval authority shall not approve a separate ground-mounted electric meter pedestal.
- n. **Street Trees.** To preserve existing landscaping in the public rights-of-way, all work performed in connection with small wireless facilities shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site for the duration of the permit term.

3. Small Wireless Facilities Outside the Public Right-of-Way.

- a. **Overall Height.** Small wireless facilities on private property may not exceed the applicable height limit for structures in the applicable zoning district or overlay zone. If the subject zoning district or overlay zone does not have a height limit, the overall height may not exceed 35 feet.
- b. **Setbacks.** Small wireless facilities on private property may not encroach into any applicable setback for structures in the subject zoning district.

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- c. **Backup Power Sources.** The approval authority shall not approve any diesel generators or other similarly noisy or noxious generators in or within 250 feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.
- d. **Parking; Access.** Any equipment or improvements constructed or installed in connection with any small wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, small wireless facilities must use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements must be the minimum size necessary to reasonably accommodate the proposed use.
- e. **Towers, Poles and Other Freestanding Small Wireless Facilities.** All new towers, poles or other freestanding structures that support small wireless facilities must be made from a metal or composite material capable of concealing all the accessory equipment, including cables, mounting brackets, radios, and utilities, either within the support structure or within an integrated enclosure located at the base of the support structure. All antennas must be installed above the pole in a single, canister-style shroud or radome. The support structure and all transmission equipment must be painted with flat/neutral colors that match the support structure. The pole height shall not exceed thirty-five (35) feet or the height limit for the applicable zoning district or overlay zone, whichever is less. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed twenty (20) inches.

4. Building-Mounted Small Wireless Facilities.

- a. **Preferred Concealment Techniques.** All applicants must propose new non-tower small wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant demonstrates with clear and convincing evidence that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, steeples and chimneys).
- b. **Facade-Mounted Equipment.** When small wireless facilities cannot be placed behind existing parapet walls or other existing screening elements,

SMALL WIRELESS FACILITIES

the approval authority may approve facade-mounted equipment in accordance with this subsection 4.b. All facade-mounted equipment must be concealed behind screen walls and mounted flush to the facade. The approval authority may not approve "pop-out" screen boxes. Except in industrial zones, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

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.

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:

- Antwon R. Webster
- Timothy Barrow

The applicants were interviewed by Mayor Wright.

ATTACHMENTS

- A. Resolution
- B. Applications

RESOLUTION NO. 2019/**

**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 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 11th day of June, 2019, by the following vote:

AYES:

NOES:

ABSENT:

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



RECEIVED

DEC 21 2018

**CITY OF ANTIOCH
CITY CLERK**

APPLICATION DEADLINE: 5:00 p.m. Friday, December 21, 2018

APPLICATION FOR COMMUNITY SERVICE

BOARD OF ADMINISTRATIVE APPEALS

Alternate Board Member

Print your name: Antwon R. Webster

Address: Alumrock Dr City: Antioch

ZIP Code: 94509 Phone (H) _____ (W) _____ (C) _____

e-mail address: _____

Employer: U.S. Army CORP of Engineers

Address: _____ City: San Francisco

Occupation: Civil Service Employee/Army Logistician/Company Owner 1stCLAS LLC

Years lived in the City of Antioch: 6 Months

List the three (3) main reasons for your interest in this appointment: _____

I am a devoted Civil Servant who prides himself in Servant Leadership and would like to continue serving.

As a former Project Manager, I have dealt with municipal code which would add value to the committee.

I am also interested in this appointment because as a business owner, I feel that I am able to understand and connect with local businesses from their perspective providing them an appreciated and valued service.

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? I am experienced in municipal code. I am a business owner. I have managed and submitted contracts proposal to the city.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

If selected for this position, my goal is to provide the City of Antioch with the service they deserve.
While being committed in my duties a member of the board, I will ensure that each individual or
representative that comes before the board of appeals is respected, equally heard, and provided with the
highest level of service. As a former member of the U.S. military, integrity, service before self, and respect
are just a few of the values that have been instilled in me. I wish to continue providing a service as an
appointed member of the board of appeals.

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

20-Dec-2018

Date

ANTWON R. WEBSTER

EXPERIENCE

1ST CLAS LLC

July 2017 – Present

Summarize your key responsibilities, leadership, and most stellar accomplishments. Don't list everything; keep it relevant and include data that shows the impact you made.

COMPANY OWNER

July 2017 – Present

Small contract procurement company. We specialize in contracting and sub-contracting.

EDUCATION

MASTER DEGREE IN PUBLIC ADMINISTRATION

DEC 2018

Keller Graduate University

Bachelor's Degree in Global Supply Chain Management

June 2016

DeVry University

OBJECTIVE

To provide a professional overview of Company Owner experience

SKILLS

Project Management, Contract Writing, Company Startups, Manufacturing, Process Management

VOLUNTEER EXPERIENCE OR LEADERSHIP

I am an active board member for Cherished Hearts Breast Cancer Foundation. While serving in the military I have led numerous missions involving day to day requirement and contingency operations.

When it comes to managing and leading, it can be said that it comes naturally to me. I am extremely process oriented and driven. I enjoy manufacturing and the processes involved in creating a product or service. Since the age of 10, I have been involved in entrepreneurship striving to be my own company owner.

Antwon R. Webster

Alumrock Dr. • Antioch, California, 94509 • Phone:

Objective Summary

The purpose of this resume is to provide an overview of my employment work history and experience.

Experience

US Army Corps of Engineers (USACE) / Regional **Property Book Officer**

July 2018 – Present

- Appointed to manage and services of field delivery points (Division HQs districts, laboratories, FOAs). Responsible for functional areas such as: property accountability, inventory management, catalog management, equipment management, financial management, disposal management and maintenance management. Serves as the supported delivery point principal manager for the USACE Automated Personal Property Management System (APPMS).
- Represents supporting customers at meetings and conferences with Major Subordinate Command/HQs., U.S. Army Corps Engineers, Department of Defense, federal, and civilian elements where matters relating to personal property management, accountability, maintenance and logistics systems are discussed. Coordinates prescribed internal controls and supplement them where necessary to accommodate delivery point conditions. Completes management control review and Command Supply Discipline (CSDP) checklists and functional areas within established time frames and reports results.

US Army Corps of Engineers (USACE) / **Logistics Management Specialist**

December 2017 – July 2018

- Selected from the DA Logistics Management Intern program to work as a Logistics Management Specialist for USACE.
- Assigned to USACE Logistics Activity Millington (ULA), Tennessee in a developmental position for target level training of a GS-11 Logistics Management Specialist.
- Training at ULA consist of divisional training in the areas of Resource Management, Supply, Transportation, and Facility Management. Training will progressively intensify to ensure that effective training and development is being administered.
- Developmental training consists of processes, procedures, functional operations, and management functions within all operational areas of logistics management, and contracting for services and product.
- Works closely with division chiefs and program managers providing technical guidance and assistance to unit planners.
- Creates policy recommendations for changes or adjustments of resources for process improvement. Makes decisions based on analysis of quality data and provides feedback on technical requirements.
- Performs corrective action process on recurring deficiencies and systemic problems identified through evaluation.

Dept. of the Army / **Intern Logistics Management Specialist**

June 2016 – December 2017

- Selected to be a DA Logistics Management Intern at Fort Lee, VA where I am able to better develop my logistics skills. Completed several courses gaining thorough understanding of the Joint Logistics Enterprise and how the Army functions as a whole.
- Assigned to Fort Stewart as an Intern to be gain the hands on experience of an Action Officer. Received training in all areas pertaining to Supply, Maintenance, Transportation, and Plans and Ops. Gained a thorough understanding of developing material and support strategy. Saved Fort Stewart 400 work hours at an estimated cost of \$8000 dollars.
- Utilized Army SAP software as part of my assigned duties and training while at Fort Stewart. Worked in the Rail Marshalling Area in support of a movement of nearly 2000 items by rail and 4500 soldiers by air. Gained invaluable skills processing frustrated equipment and making quick corrections to equipment in the frustrated cargo area.

Gainsborough Waste/Texas Outhouse / **Operations Coordinator-Project Manager**

November 2014 – August 2015

- Operations Coordinator in charge of managing transportation related work processes, procedures, and expenses dealing with over 5 million customers. Managed all city contracts ensuring that the organization is operation in accordance with municipal codes.
- Developed and ensured implementation of policies and procedures covering rate negotiation, freight bill auditing, contract agreements, fleet management, and optimizing service routes. Ensured that all drivers were in compliance with federal, state, and local traffic laws.
- Oversaw 150 personnel monitoring the needs of the department which included driver selection, coaching, mentoring, training, and evaluation of employee performance. Provided input on terminations, compensations, and promotions.

- **Distribution Chief** in charge of ensuring all unit distribution movement operations consisting of people, supplies, and equipment are carried out on a daily basis. Ensured unit regulations were properly updated to meet mission requirements and that they were aligned towards future organizational processes. Planned, scheduled, and controlled the operational timed movement of passengers being processed for deployment operations while coordinating with 3rd party and external partners to ensure a smooth simultaneous movement operation. Responsible for ensuring appropriated funds were used in accordance with FAR regulations. Oversaw the distribution of fiscal maintenance funds required for shipping parts to external agencies for repair/maintenance. Provided budgetary insight to subordinate sections under my supervision on their current processes and possible lean solutions.

US Air Force / **Procurement Specialist** **18th Munitions, KAB, Japan**

May 2012 - June 2013

- **Procurement Specialist** in charge of ensuring all unit purchases are completed and comply with Air Force regulations.
- Recorded all purchases in a purchase log book to ensure that all purchases had been completed correctly for purpose of an audit trail.
- Managed, tracked, and prepared the unit's procurement budget annually. Oversaw the management of 2.6 million dollars in purchase request annually.

US Air Force / **Logistics Management Specialist** **18th Munitions, KAB, Japan**

March 2011 – May 2012

- **Logistics Manager:** US Air Force as key liaison to the unit Commander managing all transportation and logistics requirements. Coordinated over 5000 high-volume movement operations with a proven ability to manage, schedule, and exceed demands while maximizing safety throughout work sites. Charged with the responsibility of managing all special projects while meeting the objectives of all stakeholders. Oversaw the cardholder procurement program ensuring all purchases are made in accordance with regulatory guidance.

US Air Force / **Logistics Management Specialist** **18 Logistics Readiness Sqd., KAB, Japan** April 2010 – March 2011

- Fleet Manager in charge of managing a vehicle fleet of 208 Vehicles valued at \$16 million dollars. Managed 300+ personnel ensuring that each person was properly trained and certified on vehicle operation, federal safety OSHA requirements and DOT regulations. Collaborated with wing installation leadership in the development of future vehicle acquisition requirements and present day logistics and transportation requirements. Ensured that all unit vehicle coordinators maintained a 90% serviceability percentage at all times. Charged with the responsibility of writing and updating unit logistical operational instructions.

US Air Force / **Procurement Specialist****18 Logistics Readiness Sqd, KAB, Japan** February 2009 – April 2010

In charge of all Unit GSA procurement needs. Unit buyer in charge of procuring supplies, furniture, equipment and other mission necessities. In charge of aligning all unit supply requisitions against the unit budget to determine a level of priority based on need, quantity, and other factors that fall within the spectrum of the fiscal budget matrix. Created an operations plan for unit procurement which saved the unit \$100,000 while still being able to meet mission requirements.

US Air Force / **Supply Distribution Specialist****18 Logistics Readiness, Sqd, KAB, Japan** December 2007 – February 2009

- Planned, scheduled, and supervised comprehensive logistical operations while ensuring effective movement and distribution of units, personnel, equipment, and supplies by Land, Ocean and Air. Ensured property book accountability and readiness of all accountable property. Improved reliability by providing data analysis and subject matter expertise to other logistics personnel. Responsible ensuring unit equipment requirements are aligned with MTOE/TDA requirements and completing TDA modification request when needed. Managed the movement tracker of materiel from the supplier to the delivery destination while maintaining effective supplier relationship with the use of ORACLE based computer software.

US Air Force / **Vehicle Operations Specialist****18 Logistics Readiness, Sqd, KAB, Japan** April 2006 – December 2007

- Responsible for transporting passenger and/or cargo safely from pick-up location to destination. Duties included safety checks of the vehicle/equipment being used, cleaning the vehicle fleet, creating mileage and fuel logs, and ensuring all vehicles and equipment are serviceable. Provided material handling support per customer request. Provided disposition transportation services routinely. Trained in equipment maintenance to ensure equipment readiness utilizing formulated equations to determine routine equipment failure. Responsible for maintaining an equipment readiness of 95% at all times.

Education

Master's in Public Administration
Keller University

June 2016 – December 2018

B.S. Degree Global Supply Chain Management
DeVry University

April 2013 – May 2016

Certified Six Sigma Lean Green Belt
Villanova University

October 2013 – April 2014

Skills

- Transportation/Fleet Management
- GSA Procurement
- GCSS-Army/GFEBS

- Property Book Accountability
- Project/Facility Management
- Resource Management

- Budgeting /Appropriations
- Sustainability Planning
- Warehouse Management

RECEIVED

FEB 13 2019

CITY OF ANTIOCH
CITY CLERK



EXTENDED DEADLINE DATE: Friday, February 15, 2019 by 5:00 p.m.

APPLICATION FOR COMMUNITY SERVICE

BOARD OF ADMINISTRATIVE APPEALS

One (1) Partial-term vacancy expiring March 2020

PRINT YOUR NAME TIMOTHY BARROW

ADDRESS OAK CREST WAY CITY ANTIOCH

ZIP CODE 94531 PHONE (H) _____ (W) _____ (C) _____

E-MAIL ADDRESS _____

EMPLOYER Retired from Building Trades

ADDRESS _____ CITY _____

OCCUPATION Project Manager

YEARS LIVE IN THE CITY OF ANTIOCH 84 YEARS

LIST THE THREE (3) MAIN REASONS FOR YOUR INTEREST IN THIS APPOINTMENT:

Building Construction Trades Experience
Contribution to City of Antioch Development
Concerned Citizen

HAVE YOU ATTENDED ANY MEETINGS 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? Interpretation of Municipal Codes & CCR understanding Common Sense & Reasonable Logic

PLEASE INDICATE ANY FURTHER INFORMATION OR COMMENTS YOU WISH TO MAKE THAT WOULD BE HELPFUL IN REVIEWING YOUR APPLICATION.

Licensed Antioch resident, keeping neighborhoods safe, decent & sanitary. Working w/ Neighbors. Expertise in City Planning/ zoning Building & Housing Codes. Studied in College Urban & Community Economic Development Commission Member with City of Hayward years ago when I was a Resident of City of Hayward when my children were young prior to my family move to the City of Antioch, CA.

PLEASE READ THE ATTACHED GENERAL INFORMATION REGARDING BOARDS AND COMMISSION SO YOU ARE AWARE OF THE DUTIES, TIME AND FREQUENCY OF MEETINGS. CAN YOU ATTEND MEETINGS AT THE DESIGNATED TIME? YES

PLEASE ATTACH YOUR RESUME (Recommended to enhance your application).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

DELIVER OR E-MAIL TO:

Office of the City Clerk
City of Antioch
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007
Email: cityclerk@ci.antioch.ca.us


Signature


Date



TIM BARROW

Education

U.C. Extension at Berkeley

Construction Management

University of California, Berkeley

B.A., African American Studies, Social Sciences, Urban Planning

Chabot College, Hayward

A.S., Inspection-Construction.

Certification-Inspection (Building & Housing)

Certification- Inspection (Public Works)

Skyline College, San Bruno

A.A., Public Administration

Selected Project Experience

Alta Potrero

Project Manager/Asst. Superintendent- Market rate mixed use project, San Francisco, 7-story, 172 units including 29 on-site Below Market Rate units with ground floor retail spaces. The units will consist of one, two three, four bedroom units and penthouse units. Hiring local craft persons in accordance with subcontractor's contract compliance First Source/City Build program.

RAD/Westbrook Apartments/BVHP

Project Manager/Community Liaison- Redevelopment and major upgrades to existing affordable multi-family residential property in BVHP southeast section of San Francisco, Workforce management; hiring and training pre-apprenticeship programs, subcontractor hiring requirements and community participation. Local hire retention and contract hiring compliance issues with First Source/City Build program.

Alice Griffith

Project Manager- Alice Griffith, Phase I and II, San Francisco, Phase I and II (Blocks 2 and 4) consisting of 94 units and 90 units, respectively, for a total of 184 units. Experienced workforce development professional with successful track record of collaborating with various public/private

entities to develop work programs aimed at increasing BVHP residents' workers and SBE/LBE participation opportunities in accordance with interagency MOU commitments in the Master Development Agreement; OCII, CB, SFHA, MOH, OEWD, BVHP employment and contracting policy. These efforts resulted in an increase of over 183+ local residents placed on the project in the first year of the program. Managed over 1,374 unskilled and skilled craft persons. Meetings with OCII/City Build, Community organizations, Community Partners and Trade Partners at the beginning of each construction phase to present resource loaded staffing plans indicating manpower required for each construction trade scope of work. Community liaison and communicate effectively with identified members of the community surrounding the construction projects. Received outstanding marks for engagement of community participation from CCSF/OCII staff members. Acted as lead representative for city-wide strategic planning meetings regarding local hire activities, as well as acted as lead liaison to various trade unions, contractors and community based organizations.

Professional Experience

Principal/CEO

My Brother's Keeper (MBK)

Apprenticeship Training Programs

June 2017- Present

Principal/CEO, San Francisco Bay Area creating Local and Global apprenticeship programs for unskilled to skilled craft persons, in the construction trades industry. Creating upward mobility for youth and adults, in the San Francisco Bay Area/BVHP community for construction industry jobs. Mentorship in job readiness with vocational apprenticeship training programs. Working with General Contractors, Subcontractors and local organizations in providing a skilled workforce for the future. PowerPoint presentations to private and public agencies and collaboration with Northern California Apprenticeship Programs and program participation requirements.

Project Manager/Asst. Superintendent

TB Penick & Sons, Inc.

December 2017 – January 2019

Project Manager

Alice Griffith, Phase I and II (Blocks 2 and 4)

Joint Venture with Nibbi Brothers

January 2015 – May 2017

Project Manager/Program Manager/Property Manager

San Francisco Housing Authority

April 2007 – January 2015

2010-2015-Property Manager II, Public Housing Operations

2010-Program Manager II, Section 8, HQS Inspections Department

2009 -2010-Property Manager II, Public Housing Operations

2007-2009-Project Manager, Housing Development Division/Modernization & Construction Department

Project Manager

RIA, LTD., Property Inspections, Hayward

2001 to2007; Project Manager

Building Inspector/Interim Permitting Supervisor

The Presidio Trust

1999- 2001

Project Engineer

ARA Engineering, Oakland

2000

Building Inspector

Contra Costa County Building Inspection Department, Martinez

1998-1999

Project Engineer

B&R, Inc. Construction Management

1997

Housing Inspector

Housing Authority, City of Alameda

1997

Consultant/Unit Inspection

Housing Authority of Contra Costa County

1996

Housing Specialist/Unit Inspector

Housing Authority, County of Alameda

1994-1996

Supervising Planning Investigator 1989-1994

Office of Planning & Building, City of Oakland

Planning Investigator 1985-1989

City Planning Department

1985- 1994



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

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: Contra Costa County Library Commission appointment for one full-term vacancy expiring November 2022 (Antioch Representative)

RECOMMENDED ACTION

It is recommended that the Mayor nominate and Council appoint by resolution one (1) full-term vacancy to the Contra Costa County Library Commission expiring November 2022, to represent the City of Antioch.

FISCAL IMPACT

There is no fiscal impact to the City as all positions are voluntary.

DISCUSSION

The Contra Costa County Library Commission was established by the Contra Costa County Board of Supervisors in March 1991. The Commission was created to serve in an advisory capacity to the Board of Supervisors and the County Librarian. The Library Commission is comprised of 29 members:

- 19 members representing the cities/towns in Contra Costa County - these Commissioners are appointed by the city/town councils
- 5 members represent Contra Costa County - each member of the Board of Supervisors appoints one Commissioner
- 5 members represent the Central Labor Council, the Contra Costa Council, the Contra Costa Community College District, the Superintendent of Schools, and the Friends Council

The Board normally meets on the fourth Thursday of every other month starting in January at 7:00 p.m. at the Library Administration, 75 Santa Barbara Blvd., Pleasant Hill. The City of Antioch advertised to fill the vacancy in the usual manner.

The Clerk's Office received one application for this vacancy from Dr. John M. Huh. The applicant was interviewed by Mayor Wright.

ATTACHMENTS

- A. Resolution
- B. Application of the listed applicant

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPOINTING [INSERT NAME OF APPOINTEE AFTER APPOINTMENT] TO THE
CONTRA COSTA COUNTY LIBRARY COMMISSION FOR THE (1) ONE FULL-TERM
VACANCY, ENDING IN NOVEMBER 2022**

WHEREAS, there is currently (1) one full-term vacancy on the Contra Costa County Library Commission ending in November 2022; and

WHEREAS, the City Clerk made announcement of the vacancy and solicited applications for the (1) one full-term vacancy; and

WHEREAS, Mayor Sean Wright considered one application received and interviewed the interested applicant; 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 appointee after appointment] to the one (1) full-term vacancy to the Contra Costa County Library Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby approve the Mayor's nomination of [insert name of appointee after appointment] to the one (1) full-term vacancy, ending in November 2022, and appoint him to serve on the Contra Costa County Library Commission.

* * * * *

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 11th day of June 2019, by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH

Feb. 22, 2019

Hon. City Clerk CMC, Arne Simonsen
City of Antioch
200 H Street, Antioch, Ca.

Ref; Reappointment of Contra Costa County Library Commissioner.

Hon. City Clerk CMC Arne Simonsen

I, John M Huh Ph.D., current Contra Costa County Library Commissioner (from Jan 2017-Nov 2018) from Antioch, hereby humbly applying for reappointment of Contra Costa County Library Commissioner for 2 years.

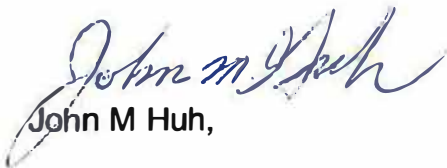
I just received E-Mail from County Library Office, Mr. Walter Bevetidge, that my Library term is ended [11/22/ 2018](#) as attached Email. It would be helpful if I continue to attend Commissioners Meetings for avoiding to cancel for lack of a quorum.

I need a reappointment letter from you for the continuation of Commission work.

I also attached a brief summary of my past 2 years of work as Commissioner for your consideration

I thank you, in advance, for your very kind and generous reappointment letter.

Very Sincerely Yours,



John M Huh,

PS, I was just elected as Trustee of VFW post 6435 (Antioch)

Sent from Yahoo Mail for iPad

Subject Just a heads up...
From Walter
To: Walter
Cc: Melinda
Date Thu, Feb 21 2019 at 3:24 PM

Gentlemen:

I have reached out to the City Clerk or Supervisor in regards to your reappointment to the Library Commission and wanted you to know so you're not surprised when they contact you to have a conversation about it. Your term end dates are as follows:

Dr. John Huh/Antioch	11/22/2018
----------------------	------------

Juan Kelly/Orinda	<u>02/28/2019</u>
-------------------	-------------------

Don Woodrow/District 1	<u>02/28/2019</u>
------------------------	-------------------

✕ Since none of you has an alternate (Juan, Jeremy Conescu's term ended on 1/31/19) it would be helpful if you could continue to attend until such time as you've been either reappointed or replaced on the commission. This way we can avoid having to cancel for lack of a quorum.

Please contact me with any questions.



**OATH OR AFFIRMATION
OF ALLEGIANCE FOR
PUBLIC OFFICERS AND
EMPLOYEES**

State Of California
County of Contra Costa, }
City of Antioch } ss

The Execution of this Oath is required by Article XX, Section 3, of the Constitution of the State of California.

I, JOHN M. HUH, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

*Subscribed and sworn to before me this
24th day of January, 2017.*



John M. Huh
Contra Costa Library Commissioner

Arne Simonsen

Arne Simonsen, City Clerk

ORGANIZATION MISSION STATEMENTS

Contra Costa County Library

Vision

Contra Costa County Library is the pulse of our community. Working together, we spark imagination, fuel potential, and connect people with ideas and each other.

Mission

The **Contra Costa County Library** brings people and ideas together.

CCC Library Commission

The Commission is created for the following **purposes**:

To serve in an advisory capacity to the Board of Supervisors and the County Librarian; provide a link between the community and the County Library; provide a forum for the public to express its views regarding the goals and operations of the County Library; assist the Board of Supervisors and the County Librarian in providing library services based on assessed public need; and to make recommendations to the Board and the County Librarian for the betterment of the County Library, including, but not limited to, ways to ensure stable and adequate funding for libraries in the County.

Antioch

The purpose of this organization shall be to cultivate a relationship between the Antioch Branch Library, Contra Costa Library System. And the citizens of the Antioch area: to maintain an association of people interested in books and libraries, to focus attention on library services, facilities and needs, to stimulate gifts of books, magazines, desirable collections, endowments and bequests.

Brentwood

Foundation:

The **Brentwood Library Foundation** works with the community and private funding sources to raise the needed funds for facilities, larger collections, and enhanced programs and services.

Friends:

Friends: The purpose of this organization shall be to draw together people in the community and unite in a common effort to enrich the quality of Brentwood Library's services and resources. (Taken from their 1996 bylaws document.)

Subject Contra Costa County Library Commission 2018 Annual Report Planning WorkSheet

From john

To: Walter

Date Wed, Oct 3 2018 at 10:21 AM

Interim Report Prepared by:

Name: John M. Huh, Antioch, Library Commissioner

1. Activities;

Attended all of Library Commissioners Meetings including Brentwood Library Opening and El Cerido Library. Also viewed the Brown Act and Ethics videos.

2. Accomplishment;

Sponsored and Co-arranged Antioch Library's 50 years Anniversary Celebration ([March 29th](#)). City Council Members and many students and Citizens were attened to this celebration.

Letter of Appreciation to Sgt. John McMullen who built Antioch Library at [501 W. 18th Street Antioch](#), The appreciation Letter were signed by County Librarian Melinda Cervantes, Mayor Dr. Sean Wright and Commissioner Dr. John Huh.

County Librarian Melinda Cervantes's hard work for additional funding from City of Antioch for longer opening hours of the Antioch Library were achieved. Commissioner John Huh also explained about the necessity

**of Longer Opening Hours of Antioch Library
to Antioch City Council members.**

Sent from Yahoo Mail for iPhone



CCC LIBRARY WORK PLA...

Copy

Letter of Appreciation

Antioch city and Library hereby honored to present the Letter of Appreciation of

The 50 Years Anniversary of Antioch Library

to

Sgt. John McMullen

Who built Antioch Library at 501 W. 18th Street Antioch, March 1968



Antioch Library



celebrate

50 Years

serving the community

Thursday, March 29th!

Sean Wright
Dr. Sean Wright.

Mayor.
City of Antioch.

Melinda S. Cervantes
Melinda S. Cervantes.

County Librarian.
Contra Costa County.

John Huh
Dr. John Huh

Library Commissioner
Contra Costa County



Proclamation

Ambassador for Peace Medal

WHEREAS, the Consulate General of the Republic of Korea in San Francisco and the California Department of Veteran Affairs held a ceremony in San Francisco on Friday, September 29; and

WHEREAS, they celebrated National Day of Korea honoring the Korean War Veterans; and

WHEREAS, Korean War Veterans of Northern California were invited to 2017 Nation Day of Korea; and

WHEREAS, three of Antioch's Veterans of Foreign Wars Post 6435 members were honored to receive The Ambassador for Peace Medal from both the Korean Government and the California Department of Veterans Affairs;

NOW THEREFORE, I, Sean Wright, Mayor of the City of Antioch, do hereby proclaim

Dr. John M Huh to be an

Ambassador for Peace

for his honorable service to the United States Military and the Republic of Korea Military during and after the Korean Conflict. We are honored to have you living in our community and your active participation in Antioch's Veterans of Foreign Wars Post 6435. Your service reflects great honor on you and our country.

NOVEMBER 14, 2017



Mayor Sean Wright
SEAN WRIGHT, Mayor



Contra Costa County Library Commission: About

Search the Catalog

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Information about the Library Commission including meeting agendas and minutes, members, and mission.

Meetings and Agendas

Commissioners

About

Archives




About the Library Commission

The Contra Costa County Library Commission was established by the Contra Costa County Board of Supervisors in March 1991. The Commission was created to serve in an advisory capacity to the Board of Supervisors and the County Librarian. The Library Commission is comprised of 24 members:

- 18 members representing the cities/towns in Contra Costa County - these Commissioners are appointed by the city/town councils (Richmond does not participate)
- 5 members represent Contra Costa County - each member of the Board of Supervisors appoints one Commissioner
- 1 members representing the Central Labor Council.

The Commission application, interview, and appointment procedures vary for each city/town. If you would like to express your interest in serving on the Library Commission, please contact the appropriate appointing authority for your community.

BY-LAWS and Reauthorization of the Commission

-  Bylaws
-  Reauthorization Board Order
-  Reauthorization Letter from Mayors' Conference


Contact the Library Commission

- Contact the Library Commission

County's Video Viewing Requirements & Advisory Body Handbook

- Brown Act Video
- Ethics In Government Video
- County's Advisory Body Handbook (4/2014)

Training Certification

-  Training Certification for County Advisory Body

- County Board Order - Legislation Committee Position on Bills



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Nancy Kaiser, Parks and Recreation Director

SUBJECT: Proposition 68 - Statewide Park Development and Community Revitalization Program Grant Funds

RECOMMENDED ACTION

It is recommended that the City Council adopt the attached Resolution of Local Support and authorize the filing of a grant application to the State of California Department of Parks and Recreation requesting grant funding for the renovation of Contra Loma Estates Park; expanding recreational opportunities for youth and families to explore healthy activities, enjoy family and neighborhood gatherings, and strengthen neighborhood connections.

FISCAL IMPACT

Developing the grant application and fulfilling the requirements of the application checklist will be completed by City staff. The City is requesting grant funding from the Statewide Park Program (SPP) competitive grants for new parks and new recreation opportunities in critically underserved communities.

DISCUSSION

Proposition 68 Funding was approved by California voters in 2018. The competitive grants category in the SPP provides funding for critically underserved communities. To be eligible for this program, applications must expand an existing park or renovate an existing park. At least one new recreation feature must be included in the project. The project selection criteria in the application requires that projects must meet a critically underserved community that has the lowest ratio of park space per 1,000 residents and the lowest median household income, along with a high number of people living in poverty.

Contra Loma Estates Park is a primary park within the Antioch park system that meets the project selection criteria. Staff confirmed the project selection criteria with the grant officers in the Department of Parks and Recreation, Office of Grants and Local Services. The competitive grant program includes a requirement for community based park and project planning. The applicant must facilitate a least five meetings before the application deadline, and the park design and list of recreation features must originate from the community.

The total amount of funding requested to renovate Contra Loma Estates Park will be determined following the community planning process. Recreation features that are eligible for funding include but are not limited to, picnic and barbecue areas, walking and jogging loops, outdoor gym exercise equipment fixed into the ground, athletic fields, community gardens, shade structures, and restroom facilities. The parameters outlined for eligible recreation features will be shared with the community, which will enable the community to plan and recommend their preferences for their neighborhood park.

Contra Loma Estates Park is approximately five acres and it has limited amenities that youth and families can enjoy for health and recreation. The City has completed park upgrades as funding was made available; most recently the play structure was upgraded. The 2019-2024 Capital Improvement Program (CIP) includes replacing the existing tennis courts with basketball courts, and this project is currently active.

The Proposition 68 SPP program offers the City an opportunity to transform a somewhat bland existing park into a neighborhood crown jewel; something all citizens can be proud to be a part of and enjoy year-round. The application deadline is August 5, 2019. Grant award decisions will be announced early 2020, which will enable the City to incorporate the park renovation project into the 2020-2025 CIP. This grant program will fund 100% of the project including design and construction costs if applicable. Other funding sources, as well as staff time and expenditures to implement and manage the project, are encouraged to be a part of the project.

The project has a very high potential to transform a neighborhood, which is the primary intent of the Statewide Park Program competitive grant program. Contra Loma Estates Park meets the criteria of the highest point categories of the application packet.

ATTACHMENTS

A: Resolution Approving Application

ATTACHMENT A

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND
COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS**

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby approves the filing of an application for the Contra Loma Estates Park redevelopment project; and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to Parks and Recreation Director to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Will consider promoting inclusion per Public Resources Code §80001(b)(8A-G)

* * * * *

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 11th day of June, 2019 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 June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Thomas Lloyd Smith, City Attorney *TL S*

SUBJECT: Resolution Directing Staff to fly the Rainbow Pride Flag at Antioch City Hall Throughout the Month of June in Recognition of June 2019 as Lesbian, Gay, Bisexual, Transgender, Questioning Community Pride Month

RECOMMENDED ACTION

It is recommended that the City Council move to adopt the resolution directing staff to fly the Rainbow Pride Flag at City Hall throughout the month of June 2019 in recognition of Lesbian, Gay, Bisexual, Transgender, Questioning Community Pride Month in the City of Antioch.

FISCAL IMPACT

This action has no fiscal impact. The LGBTQ Pride flag will be provided to the City by residents of its community who have requested to fly the flag at City Hall during LGBTQ Pride Month.

DISCUSSION

In June of 1969, the Stonewall Riots served as a catalyst for the Lesbian, Gay, Bisexual, Transgender, Questioning Community ("**LGBTQ**") rights movement in the United States and around the world, which is committed to achieving equal justice under law for LGBTQ Americans and is commemorated during LGBTQ Pride Month every year in June.

At the May 28, 2019, Antioch City Council meeting the City Council discussed a proclamation for LGBTQ Pride Month and considered flying the Rainbow Pride Flag at City Hall throughout the month of June 2019 in recognition of LGBTQ Community Pride Month in the City of Antioch. The Council continued the agenda item to this meeting, so the City Attorney could draft a resolution for Council's consideration that directs staff to fly the Rainbow Pride Flag at City Hall throughout the month of June 2019 in recognition of LGBTQ Pride Month in the City of Antioch.

ATTACHMENT

A. Resolution

RESOLUTION NO. 2019/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
DIRECTING STAFF TO FLY THE RAINBOW PRIDE FLAG AT ANTIOCH CITY HALL
THROUGHOUT THE MONTH OF JUNE IN RECOGNITION OF JUNE 2019 AS
LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUESTIONING COMMUNITY
PRIDE MONTH**

WHEREAS, in June of 1969, the Stonewall Riots served as a catalyst for the Lesbian, Gay, Bisexual, Transgender, Questioning Community (“**LGBTQ**”) rights movement in the United States and around the world, which is committed to achieving equal justice under law for LGBTQ Americans and is commemorated during LGBTQ Pride Month every year in June;

WHEREAS, the City of Antioch has a diverse LGBTQ community and is committed to supporting visibility, dignity, and equity for all people in the community;

WHEREAS, many of the residents, students, employees, and business owners within the City of Antioch who contribute to the enrichment of our City are a part of the LGBTQ community;

WHEREAS, LGBTQ Americans serve as leaders in all professional fields, make contributions that strengthen the fabric of American society, and, due in great part to the efforts of the LGBTQ rights movement, are able to live their lives more openly today than ever before;

WHEREAS, LGBTQ youth should feel safe to learn, grow, and enjoy their childhood without the fear of discrimination, harassment, bullying, or hate crimes;

WHEREAS, the LGBTQ rights movement has achieved great progress, but there is more work to be done within our nation;

WHEREAS, the rainbow flag, also known as the LGBTQ pride flag or gay pride flag, has been used since the 1970’s as a symbol of LGBTQ pride and LGBTQ social movements;

WHEREAS, flying the rainbow flag at City Hall throughout the month of June further symbolizes the City’s celebration of diversity and support for the LGBTQ community;

WHEREAS, the LGBTQ Pride Rainbow Flag has been raised around the world as a symbol of diversity, inclusion, and hope for members of the LGBTQ community;

WHEREAS, the City of Antioch has been offered an LGBTQ pride rainbow flag by residents of its community who have requested to fly the flag at City Hall during LGBTQ Pride Month; and

RESOLUTION NO. 2019/**

June 11, 2019

Page 2

WHEREAS, the City Council is open to considering similar requests to fly flags celebrating the efforts of other nationally recognized civil rights movements that strive for equal rights and equal protection under the law for groups that have historically endured and sought to overcome unlawful and unjust discrimination within our country.

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

1. The City Manager or designee is directed to fly the Rainbow Pride Flag at City Hall throughout the month of June 2019 in recognition of Lesbian, Gay, Bisexual, Transgender, Questioning Community Pride Month in the City of Antioch.
2. This resolution shall become effective immediately upon its passage and adoption.

* * * * *

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 11 day of June, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANITOC