



****Revised***

ANNOTATED AGENDA

**Antioch City Council
SPECIAL AND REGULAR MEETING
Including the Antioch City Council acting as
Housing Successor to the Antioch Development Agency**

Date: Tuesday, August 25, 2020

Time: 6:00 P.M. – Special Meeting/Study Session

7:00 P.M. – Regular Meeting

Place: The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease, is making Antioch City Council meetings available via Comcast channel 24, AT&T U-verse channel 99, or live stream (at www.antiochca.gov).

If you wish to make a public comment, you may do so any of the following ways: **(1)** by filling out an online speaker card, located at https://www.antiochca.gov/speaker_card, **(2)** by emailing the City Clerk prior to or during the meeting at cityclerk@ci.antioch.ca.us, or **(3)** by dialing **(925) 776-3057** during the meeting.

The City cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.

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

Arne Simonsen, MMC, City Clerk
James D. Davis, City Treasurer
Ron Bernal, City Manager
Thomas Lloyd Smith, City Attorney

Online Viewing: <https://www.antiochca.gov/government/city-council-meetings/>

Electronic Agenda Packet: <https://www.antiochca.gov/government/agendas-and-minutes/city-council/>

Project Plans: <https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf>

Hard Copy Viewing: Antioch Public Library, 501 W 18th St, Antioch, CA

SPEAKERS' RULES

IMPORTANT NOTICE REGARDING THIS MEETING: To protect our residents, officials, and staff, and aligned with the Governor's Executive Order N-29-20, certain teleconference requirements of the Brown Act have been suspended, including the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public seeking to observe the meeting may do so at https://www.antiochca.gov/live_stream, on Comcast Channel 24, or AT&T U-Verse Channel 99.

Members of the public wishing to provide public comment may do so in the following ways (#2 pertains to the Zoom Webinar):

1. Fill out an online speaker card located at: https://www.antiochca.gov/speaker_card.
2. Provide oral public comments during the meeting by clicking the following link to register in advance to access the meeting via Zoom Webinar: <https://www.antiochca.gov/speakers>
 - You will be asked to enter an email address and a name. Your email address will not be disclosed to the public. After registering, you will receive an email with instructions on how to connect to the meeting.
 - When the Mayor announces public comments, click the "raise hand" feature in Zoom. For instructions on using the "raise hand" feature in Zoom, visit: https://www.antiochca.gov/raise_hand.
3. Email comments to cityclerk@ci.antioch.ca.us **prior** to the Mayor announcing that public comment is closed, and the comment will be read into the record at the meeting (350 words maximum, up to 3 minutes, at the discretion of the Mayor). **IMPORTANT:** Identify the agenda item in the subject line of your email if the comment is for Announcement of Community Events, General Comment, or a specific Agenda Item number. All emails received will be entered into the record for the meeting.

Speakers will be notified shortly before they are called to speak.

- When called to speak, please limit your comments to the time allotted (350 words, up to 3 minutes, at the discretion of the Mayor).

After having heard from the public, the agenda item will be closed. Deliberations will then be limited to members of the City Council.

If the Council meeting appears to be going late, the City Council may decide to continue some items until a subsequent meeting. We will try to make this determination around 10:00 p.m. It is the goal of the City Council to stop discussing agenda items no later than 11:00 p.m.

In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: publicworks@ci.antioch.ca.us.

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. City Council Agendas, including Staff Reports are posted onto our City's Website 72 hours before each Council Meeting. To be notified when the agenda packets are posted onto our City's Website, simply click on this link: <https://www.antiochca.gov/notifications/> and enter your e-mail address to subscribe. To view the agenda information, click on the following link: <https://www.antiochca.gov/government/agendas-and-minutes/city-council/>. Questions may be directed to the staff member who prepared the staff report, 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 Speaker Request form online at https://www.antiochca.gov/speaker_card. See the Speakers' Rules on the inside cover of this Agenda. The Council can only take action on items that are listed on the agenda. Comments regarding matters not on this Agenda, may be addressed during the "Public Comments" section.

**6:01 P.M. ROLL CALL – SPECIAL MEETING/STUDY SESSION – for Council Members – *All Present*
*(Motts arrived at 6:04 p.m.)***

PLEDGE OF ALLEGIANCE

STUDY SESSION

1. FISCAL YEAR 2020-21 BUDGET UPDATE

Budget update received

Recommended Action: It is recommended that the City Council receive the Fiscal Year 2020-21 Budget update and provide direction to staff.

PUBLIC COMMENT

MOTION TO ADJOURN SPECIAL MEETING/STUDY SESSION

Motion to adjourn Special Meeting/Study Session at 6:24 p.m., 5/0

**7:00 P.M. ROLL CALL – REGULAR MEETING – for City /City Council Members acting as Housing
Successor to the Antioch Development Agency – *All Present (Thorpe arrived at
7:01 p.m.)***

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

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

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

A. APPROVAL OF SPECIAL MEETING MINUTES FOR JUNE 30, 2020

Approved, 5/0

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

B. APPROVAL OF COUNCIL MINUTES FOR JULY 28, 2020

Continued, 5/0

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

C. APPROVAL OF ADJOURNED REGULAR COUNCIL MEETING MINUTES FOR JULY 31, 2020

Continued, 5/0

Recommended Action: It is recommended that the City Council continue the Adjourned Regular Council Meeting Minutes.

D. APPROVAL OF COUNCIL MINUTES FOR AUGUST 11, 2020

Continued, 5/0

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

E. APPROVAL OF COUNCIL WARRANTS

Approved, 5/0

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

F. APPROVAL OF HOUSING SUCCESSOR WARRANTS

Approved, 5/0

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

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

G. SECOND READING – DENSITY BONUS ORDINANCE AMENDMENTS (Z-20-02)
(Introduced on 08/11/20)

Ord. No. 2190-C-S adopted, 5/0

Recommended Action: It is recommended that the City Council adopt an ordinance amending Title 9 of Chapter 5 of the Antioch Municipal Code related to residential density bonuses.

H. AB 2923 – BART TRANSIT ORIENTED DEVELOPMENT UPDATE

***Received and filed, 5/0**

Recommended Action: It is recommended that the City Council receive and file the update.

I. PUBLIC SAFETY POWER SHUTOFF (“PSPS”) AGREEMENT

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

Reso. No. 2020/132 adopted, 5/0

1) Approving an agreement between the City and Pacific Gas and Electric to provide an indoor community resource center at the Nick Rodriguez Community Center during public safety power shutoff events.

2) Authorizing the City Manager to execute the Agreement.

J. ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS AT MISCELLANEOUS LOCATIONS (2017-2018) (P.W. 507-16)

Reso. No. 2020/133 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting work and authorizing the City Manager or designee to file a Notice of Completion for the Curb, Gutter, and Sidewalk Repair Including Tree Removal and Stump Grinding and Installation of Concrete Curb Ramps at Miscellaneous Locations (2017-2018) (“Project”).

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

- K.** ACCEPTANCE OF WORK AND NOTICE OF COMPLETION FOR THE INSTALLATION OF CURB RAMPS AT VARIOUS LOCATIONS (P.W. 409-6)

Reso. No. 2020/134 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting work and authorizing the City Manager or designee to file a Notice of Completion for Installation of Curb Ramps at Various Locations ("Project").

- L.** RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS AND THE RELEASE OF BONDS FOR QUAIL COVE, TRACT NO. 7938 (P.W. 696)

Reso. No. 2020/135 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting the completed improvements and release of bonds for Quail Cove, Tract No. 7938.

COUNCIL REGULAR AGENDA

- 3.** POLICE CRIME PREVENTION COMMISSION APPOINTMENTS FOR ONE VACANCY EXPIRING JUNE 2023 AND ONE VACANCY EXPIRING OCTOBER 2021

****Reso. No. 2020/141 adopted***

Appointed Jack Bruckman to the term expiring June 2023 and Robert Munton to the term expiring October 2021,

5/0

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

- 1) One Member to the Police Crime Prevention Commission for the vacancy expiring June 2023; and
- 2) One Member to the Police Crime Prevention Commission for the vacancy expiring October 2021.

COUNCIL REGULAR AGENDA – Continued

MAYOR WRIGHT RECUSED HIMSELF FOR AGENDA ITEM #4 AND LEFT THE MEETING

4. RESOLUTION AMENDING THE FISCAL YEAR 2020/21 BUDGET FOR THE ALLOCATION OF \$300,000 IN CARES ACT FUNDING AND REPROGRAMMING OF \$120,000 IN THE ECONOMIC DEVELOPMENT DEPARTMENTS BUDGET TOWARDS COVID-19 SMALL BUSINESS RELIEF INCLUDING \$15,000 FOR THE ANTIOCH CHAMBER OF COMMERCE FOR THE PURPOSE OF ADMINISTERING THE SMALL BUSINESS GRANT PROGRAM

Reso. No. 2020/136 amended to \$315,000 of CARES Act funding and adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution to approve amending the fiscal year 2020/21 budget for the allocation of \$300,000 in CARES Act funding and reprogramming of \$120,000 in the Economic Development Department budget towards COVID-19 small business relief including \$15,000 for the Antioch Chamber of Commerce for the purpose of administering the small business grant program.

***MAYOR WRIGHT RETURNED TO THE MEETING FOR THE REMAINING AGENDA ITEMS**

5. SAND CREEK FOCUS AREA ALTERNATIVE PLANNING PROCESS

Reso. No. 2020/137 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a Resolution repealing Resolution 2005/41 and amending the Sand Creek Focus Area Alternative Planning Process.

6. TRAFFIC CALMING POLICY (P.W. 282-19)

Reso. No. 2020/138 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution approving an amendment of the City of Antioch's Traffic Calming Policy ("Policy").

7. CREATION OF A TRAFFIC CALMING AD HOC COMMITTEE

Council Member Thorpe withdrew his request for this item. No further action

Recommended Action: It is recommended that the City Council provide direction to staff on the formation of a Traffic Calming Ad Hoc Committee.

COUNCIL REGULAR AGENDA – Continued

8. NORTHEAST ANTIOCH ANNEXATION UTILITY CONNECTION FEES

Direction provided to Staff

Recommended Action: It is recommended that the City Council provide direction regarding providing financial assistance for utility connection fees to customers in the Northeast Antioch Annexation area.

9. RESOLUTION APPROVING A NEW CLASS SPECIFICATION OF UNHOUSED RESIDENT COORDINATOR, ASSIGNING A SALARY RANGE, HAVING THIS SALARY RANGE PLACED ON THE HOURLY CLASSIFICATIONS SALARY SCHEDULE, AND AUTHORIZING THE APPROPRIATE BUDGET ADJUSTMENT

Reso. No. 2020/139 adopted, 5/0

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

- 1) Approving the class specification of Unhoused Resident Coordinator; and
- 2) Assigning the Unhoused Resident Coordinator classification to a salary range and having this salary range placed on the hourly classification salary schedule; and
- 3) Authorize the Appropriate Budget Adjustments.

10. RESOLUTION FOR APPROVING A PARTIAL CHANGE IN OWNERSHIP OF ALLUVIUM, INC.

Reso. No. 2020/140 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt the resolution approving a partial change in ownership of Alluvium, Inc.

11. WATERFRONT REVITALIZATION AD HOC COMMITTEE DISSOLUTION OR CREATION OF A STANDING COMMITTEE

Update received direction to staff to create a Standing Committee

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

- 1) Receive an update from Committee members of the Waterfront Revitalization Ad Hoc Committee on their ad hoc committee activities.
- 2) Determine whether to extend the ad hoc committee, dissolve the ad hoc committee or create a standing committee. (Please note: Ad Hoc Committees may be dissolved, and another created with a different and specific purpose, in the same genre).

PUBLIC COMMENT

STAFF COMMUNICATIONS

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


MOTION TO ADJOURN – *After Council Communications and Future Agenda Items, the Mayor will make a motion to adjourn the meeting. A second of the motion is required, and then a majority vote is required to adjourn the meeting.*
Motion to adjourn meeting at 8:54 p.m., 5/0



STAFF REPORT TO THE CITY COUNCIL

DATE: Special Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Dawn Merchant, Finance Director 

APPROVED BY: Ron Bernal, City Manager

SUBJECT: Fiscal Year 2020-21 Budget Update

RECOMMENDED ACTION

It is recommended that the City Council receive the fiscal year 2020-21 budget update and provide direction to staff.

FISCAL IMPACT

The fiscal impact is discussed in the next section.

DISCUSSION

A mid-year budget discussion was held at the April 14, 2020 City Council meeting and mid-year adjustments were adopted on April 28th based on direction provided. At that time, the projected financial impacts of the COVID pandemic were only beginning and not a lot was known. The Council decided to move forth with a tempered approach to sales tax decreases and not adopt a full recession scenario. Since that time, California has entered a recession and as of May, California has had a 20.1% decline in sales tax revenues. The financial implications are still a moving target for the City with a lot of uncertainty and no end date for the crisis in site. Our sales tax consultants have been closely monitoring state trends with sales and business closures thus far and have provided updated recessionary sales tax projections with no moderate approach as they did prior. The budget provided this evening provides revised projections for this current fiscal year incorporating significant sales tax declines as well a few other items that have transpired since the mid-year budget was adopted.

FISCAL YEAR 2020-21 BUDGET

Since the mid-year budget review in April, we have received updated sales tax projections, the 2020-21 property tax assessment roll figure from the County, approved a School Resource Officer ("SRO") grant for six (6) SRO's and approved a new Administrative Assistant position in the City Clerk's office. The financial impact of these items and other adjustments needed in the budget is outlined below.

- Revised sales tax projections result in a further reduction of the City's regular sales tax revenues by \$1,671,239 and the 1% sales tax by \$1,105,833 for a total loss of sales tax of \$2,777,072 (the budget will need to be amended at a future date).
- The adopted FY2020-21 budget included an estimated 7% property tax increase based on new development coming on-line. The assessment roll released on August 10th revealed the City's property tax increase will only be 5.95% resulting in a reduction of \$270,196 in property tax revenues (the budget will need to be amended at a future date).
- Only July 28th, the City Council approved a federal SRO grant to fund six (6) SRO's up to a total of \$750,000 for a three-year period on the stipulation that AUSD pay for 50% of the unfunded cost. \$251,187 has been included in the projected FY2020-21 budget with an offset in the cost of \$94,500 from AUSD and \$62,500 from the grant in the Budget Summary table (the budget will need to be amended at a future date).
- On July 31st, the City Council approved a new Administrative Assistant I position in the City Clerk's office for a FY2020-21 net cost of \$60,000. The budget was amended with that approval, and no further action is needed.
- The Police Department received a federal COVID grant. Approximately \$109,000 of the grant was used to reimburse FY2019-20 expenditures, but there is \$51,833 remaining to reimburse FY2020-21 expenditures. This amount is included in the projected FY2020-21 in the Budget Summary table (the budget will need to be amended at a future date).
- The Police Department received two federal grants totaling \$78,000 under the STEP and TRIP programs that are included in the FY2020-21 projected budget in the Budget Summary table (the budget will need to be amended at a future date).
- The City previously approved a sales tax reimbursement agreement with Nokes for the expansion of his dealership which did not come to fruition. The FY2020-21 projected budget in the Budget Summary table reflects a \$200,000 reduction in estimated sales tax generated by the expansion as well as a \$250,000 reduction in expenses for sales tax reimbursement share provided to Nokes under the agreement (the budget will need to be amended at a future date).

Budget Summary

The next table reflects a summary of the current 2020-21 budget verses revised projections as of August 25th.

Budget Summary		
	2020-21 Budget	2020-21 Projected
Beginning Balance, July 1	\$24,019,863	\$24,019,863
Revenue Source:		
Taxes	46,745,821	44,604,386
1% Sales Tax	15,702,000	14,596,167
Licenses & Permits	1,280,000	1,280,000
Fines & Penalties	118,000	118,000
Investment Income & Rentals	575,000	575,000
Revenue from Other Agencies	444,622	731,455
Current Service Charges	4,725,091	4,725,091
Other Revenue	617,800	617,800
Transfers In	3,609,079	3,609,079
Total Revenue	73,817,413	70,856,978
Expenditures:		
Legislative & Administrative	5,284,746	5,284,746
Finance	1,801,077	1,801,077
Nondepartmental	3,352,104	3,102,104
Public Works	9,517,309	9,517,309
Police Services	46,222,932	46,474,119
Police Services-Animal Support	1,812,617	1,812,617
Recreation/Community Svs.	3,200,806	3,200,806
Community Development	5,067,659	5,067,659
Total Expenditures	76,259,250	76,260,437
Budget Stabilization Transfer	2,266,837	5,403,459
Surplus/(Deficit)	0	0
Ending Balance, June 30	\$29,597,698	\$24,019,863
Committed-Comp. Absences	115,000	115,000
Committed-Litigation Reserve	500,000	500,000
Committed-Comm. Dev. Fees	827,179	827,179
Unassigned Fund Balance	\$28,155,519	\$22,577,684
Percentage of Revenue	38.14%	31.86%

GENERAL FUND PROJECTIONS

With the furthered revenue loss the General Fund is expected to incur, expenditures are beginning to rapidly outpace revenues. That gap can only be filled temporarily by the Budget Stabilization Fund, and the Budget Stabilization Fund should not be the only

mechanism that balances the budget as funds will be quickly depleted. City Council needs to carefully chart our financial path forward to ensure we maintain adequate reserves as spending decisions are evaluated. We have not seen the worst of things to come as we still do not know the impact the CalPERS investment losses will have on City contributions yet. CalPERS is expected to update their pension outlook tool later in the fall so that cities can evaluate their specific plan data for projections.

The figures presented in the prior table are just the best estimates known at this time. Although the property tax reduction is a factual number that will need to be adjusted in the budget, the sales tax is still a moving target as the crisis continues. We may fair better, or we may fair worse. However, it is important we are prepared for the worst.

Another important item to note for Council is that the FY2020-21 Police Services budget number includes a \$1M vacancy savings factor in sworn staffing as directed by Council during the 2019-21 budget development process. The Police Department is currently fully staffed with 115 officers, so no savings in sworn personnel are currently being realized (however, there are currently vacancy savings from non-sworn positions). If the Department is fortunate enough to maintain this for the remainder of year, or even a majority, those savings will not come to fruition and have the potential to increase expenditures by \$1M above what is budgeted.

Updated General Fund projections through FY2024-25 are provided in Attachment A. While the underlying factors for revenue and expenditure changes in outlying years have not been changed from when presented to Council in April, the impact of losing sales tax and property tax this fiscal year and extrapolating that out through 2025 result in a loss of \$11.2M in revenue over these next five years if our sales tax follows a recessionary trend. The revenue projections also assume AUSD pays half of the SRO's for three years only, during the SRO grant. With the addition of the six (6) SRO's and the Administrative Assistant positions, expenditures are expected to increase \$6M over five years. Expenditures in outlying years have the potential of being even more if CalPERS contribution rates come in higher than we have projected.

NEXT STEPS

Updated budget information will be brought to Council in the October/November timeframe as we gather more information on actual revenues and expenditures up to that time.

ATTACHMENTS

A. General Fund Projections

GENERAL FUND PROJECTIONS - AUGUST 25, 2020

	2020-21	2021-22	2022-23	2023-24	2024-25
Beginning Fund Balance	\$24,019,863	\$24,019,863	\$24,019,863	\$16,733,555	\$7,336,648
Taxes	44,604,386	46,179,024	47,817,519	49,512,643	51,042,976
Taxes - Measure C	0	0	0	0	0
1% Sales Tax	14,596,167	15,438,537	16,239,822	17,243,465	17,908,581
Services Charges/Permits	6,005,091	5,145,286	5,188,071	5,236,890	5,280,184
All Other Revenues	2,042,255	2,742,354	2,536,159	2,218,446	1,509,422
Transfers In	3,609,079	3,706,282	3,859,195	4,017,109	4,171,565
Total Revenues	70,856,978	73,211,483	75,640,766	78,228,553	79,912,728
% Change		3%	3%	3%	2%
Personnel	54,507,124	58,488,482	62,037,251	64,938,753	67,765,133
Services/Supplies/Transfers	21,753,313	21,289,899	21,856,641	22,686,708	23,627,241
Total Expenditures	76,260,437	79,778,381	83,893,892	87,625,461	91,392,374
% Change		5%	5%	4%	4%
Transfer In Budget Stabilization	5,403,459	6,566,898	966,818	-	-
Surplus/(Deficit)	-	-	(7,286,308)	(9,396,908)	(11,479,646)
Ending Fund Balance	\$24,019,863	\$24,019,863	\$16,733,555	\$7,336,648	(\$4,142,998)
Committed	1,442,179	1,444,579	1,447,027	1,449,524	0
Unassigned	\$22,577,684	\$22,575,284	\$15,286,528	\$5,887,124	(\$4,142,998)
Unassigned %	31.86%	30.84%	20.47%	7.53%	-5.18%

CITY COUNCIL MEETING

Special Meeting
7:00 P.M.

June 30, 2020
Antioch Community Center

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Antioch City Council meetings via Comcast channel 24, AT&T U-verse channel 99, and live stream (at www.antiochca.gov). The City Council meeting was conducted utilizing Zoom Audio/Video Technology.

Mayor Wright called the meeting to order at 7:00 P.M., and Deputy City Clerk Garcia called the roll.

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

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease, had made the Antioch City Council meeting available via Comcast channel 24, AT&T U-verse channel 99, or live stream at www.antiochca.gov. Anyone wishing to make a public comment, may do so any of the following ways: (1) by filling out an online speaker card, located at <https://www.antiochca.gov/government/city-council-meetings/live/>, (2) by emailing the City Clerk prior to or during the meeting at cityclerk@ci.antioch.ca.us or (3) by dialing (925) 776-3057 during the meeting.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS - None

A. VIRTUAL ROUNDTABLE DISCUSSION TO BETTER UNDERSTAND AND ADDRESS RACIAL INJUSTICE AND POLICE-COMMUNITY RELATIONS

1) MAYOR AND COUNCIL MEMBERS OPENING COMMENTS

Councilmember Ogorchock stated she was present this evening to listen to residents to hear the changes they feel Antioch needed to make and she looked forward to the conversation.

Mayor Wright thanked everyone for participating in the meeting this evening. He noted this meeting was an opportunity for more participation from the public, and for Council to listen to the community and determine goals and topics for future meetings. He stated he was excited to drive the conversation forward in a positive direction to improve the City.

Councilmember Wilson stated she was looking forward to hearing from the community and determine next steps and desired outcomes for continued conversations.

Councilmember Motts explained that she chose to move forward as a Council because she wanted to work with the community to find solutions to an issue that was impacting the entire city. She stated she was a supporter of Antioch Police Department and Chief Brooks; however, that support did not mean that she did not recognize there was room for improvement. She commented that she was seeking to find opportunities where the City could improve and reach their full potential. She stated she looked forward to hearing the recommendations from the community and utilizing the information to drive actions and discussions for future meetings.

Councilmember Thorpe stated he wanted to understand what needed improvement and what the issue was that was impacting the community. He noted for him it was only about police reform. He further noted he was interested in hearing what the community's interests were going forward.

2) PUBLIC COMMENTS

The following public comments were made by individuals utilizing Zoom Audio/Video Technology

Sharon Johnson spoke in support of the Antioch Police Department, Chief Brooks as well as the formation of a Police/Citizen Board and an improved complaint process.

Brendan spoke in support of civilian oversight, use of force guidelines, improved hiring practices and adoption of the *8 Can't Wait* campaign policies.

Colleen spoke in support of oversight for the Antioch Police Department. (The remainder of her comments were inaudible)

The following public comments were read into the record by Administrative Services Director Mastay. In instances where a proper name was not given, pseudonyms used identified the commenter.

Deborah Vickery, Antioch resident and Teacher, provided written comment in opposition to creation of an Ad Hoc Committee on Police Reform.

Edin Cantareno, Antioch resident, provided written comment in support of adopting the *8 Can't Wait* campaign policies and the formation of an Ad Hoc Committee on Police Reform. She also called for the resignation of Officer Mellone.

lourdes35, Antioch resident, provided written comment in opposition to the creation of an Ad Hoc Committee on Police Reform and suggesting Council consider other options of hearing the community that would not lead to defunding the Antioch Police Department.

Nelda Hills provided written comment questioning how the City would empower neighborhoods on each police beat to work with officers to curtail crime and get involved in Neighborhood Watch. She also questioned how the City could assure residents that officers serving their community were not a racist.

Kenny Turnage II, Antioch resident, provided written comment suggesting people get past self-segregation, just become Americans, and show people we are inherently the same.

Mayor Wright reported that he had been told the television feed was not working.

City Manager Bernal responded that they were working on the television feed now and suggested taking a break so that they could resolve the issue.

Mayor Wright declared a recess at 7:19 P.M. The meeting reconvened at 7:26 P.M. with all Councilmembers present.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology

Lori Freeman, Antioch resident, suggested the City fund emergency response mental health therapists and provide crisis support. She called for humane and nonviolent police interaction, positive community engagement and a commitment to do no harm with the understanding that disregard for policy would result in termination.

The following public comment was read into the record by Administrative Services Director Mastay.

Sandra White, Chair of the Antioch Crime Prevention, provided written comment questioning who would bridge the gap to keep citizens safe if the police department lost some of their resources due to police reform.

The following public comments were made by individuals utilizing Zoom Audio/Video Technology.

Malik Poole spoke in support of social reform, formation of an Ad Hoc Committee on Police Reform and adopting the *8 Can't Wait* campaign policies. He also called for the resignation of Officer Mellone.

Velma Wilson, Antioch resident, thanked Council for hosting the discussion this evening and spoke in support of the community having a voice in this issue. She also spoke in support of Chief Brooks and the Antioch Police Department. She encouraged residents to participate in Neighborhood Watch.

Greg Enholm, Elected Contra Costa Community College District Board Member, reported that their Board had approved a Resolution entitled "Endorse Community and Public Safety Engagement in Social Justice Reform" and he offered whatever assistance that was needed to the City of Antioch and residents.

The following public comments were read into the record by Administrative Services Director Mastay.

Tony Tiscareno, Antioch Resident, provided written comment in which he questioned if the purchase of body cameras for the Antioch Police Department would help provide transparency and accountability for all concerned.

Gil Murillo provided written comment recommending the City of Antioch adopt a comprehensive Code of Conduct program in which all individuals associated with the City participated.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology.

Lucille Meinhardt, Antioch resident, encouraged people of color to share their experiences with the public.

The following public comment was read into the record by Administrative Services Director Mastay.

Joe Davis, Antioch resident, provided written comment suggesting the Police Crime Prevention Commission hold open discussions with the citizens and bring their findings to be addressed by the Antioch Police Department in a report out to the City Council.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology

Marilyn McAlister questioned why Officer Mellone was hired with his background.

Mayor Wright encouraged anyone on the Zoom call that wished to speak to utilize the “raise your hand” feature so they could be called upon to make their public comments.

The following public comments were read into the record by Administrative Services Director Mastay.

Harry Thurston, Antioch resident, provided written comment requesting the City Council consider creating a Citizen Police Commission that would have direct oversight of policies, hiring, funding and administration of grievances.

Victoria Adams, President of the East County Branch of the National Association for the Advancement of Colored People (NAACP), provided written comment suggesting city officials ask whether systemic racism existed in their community. She discussed police mistrust in Antioch and their support for a police oversight committee. In addition, they supported the approval of funding for body worn cameras.

Sal Sbranti, Antioch resident, provided written comment in support of the Antioch Police Department and Police Crime Prevention Commission community interaction programs. He suggested putting the City’s effort into further developing citizen outreach programs to specifically target areas needing improvement.

Laura Ornelas provided written comment in support of defunding the Antioch Police Department and allocating funds to schools. She called for the removal of Officer Mellone and Corporal Aiello from the Antioch Police Department.

Bella Keefe provided written comment calling for the removal of Officer Mellone from the Antioch Police Department.

Elizabeth Leon provided written comment requesting an update on the investigation into the hiring of Officer Mellone.

Mike Barbanica, Antioch resident, retired Police Lieutenant and Antioch Business owner, provided written comment requesting input from individuals in various segments of the City who experienced social injustices. He suggested a roundtable of police officers, Chief Brooks, and Police Crime Prevention Commission members to determine if modifications needed to be made. Lastly, he recommended an approach to action steps, that would unite the community and he offered to be part of the discussion help move the City forward.

Gale Sbranti, Antioch resident, provided written comment suggesting that the City utilize programs that the Antioch Police Department had initiated to improve relations with the citizens. She also suggested the Police Crime Prevention Commission holding meetings to determine if additional steps were needed to further improve police/community relations.

Kristina Gutilla provided written comment suggesting the City update the police department's website. She also suggested complaints against the city be handled by a third party. She requested an update regarding Officer Mellone's investigation. She questioned how to find out how much the City had expended for lawsuits and legal representation in matters involving the Antioch Police Department. She requested a regular report on police complaints, legal spending and lawsuits be available on the city's website. She questioned how the Antioch Police Officers Union was addressing comments made by Corporal Aiello on social media. She suggested the City create proactive policy changes to create and maintain an anti-racist culture.

Irie Serran, provided written comment calling for the removal of Officers Mellone and Corporal Aiello from the Antioch Police Department. He also supported defunding the Antioch Police Department.

Katrina Allam, Brentwood resident, provided written comment in support of reallocating funding and resources from Antioch Police Department to youth education services, housing and services for the homeless. She called for the removal of Officers Malone and Corporal Aiello from the Antioch Police Department.

Mariah Williams and Maile Sandoval, Antioch residents, provided written comment calling for the removal of Officer Mellone and Corporal Aiello from the Antioch Police Department.

Jasmine Allam, provided written comment questioning why the City Council was failing to prosecute murderers in the Antioch Police Department.

Rachel Brown, Brentwood resident and Tianah Dawson, Pittsburg resident provided written comment calling for the removal of Officer Mellone from the Antioch Police Department.

William Davis-Watkins, Antioch resident, provided written comment in support of reallocating a portion of the police department's budget to other organizations and departments such as mental health services, homeless services, drug rehabilitation services, job training, and after school enrichment for teens. He called for the removal of Officer Mellone from the Antioch Police Department.

Lauren Nelson, Antioch resident, provided written comment in support of defunding the police and utilizing those funds to assist people in meeting their needs for basic human survival, including food, shelter, mental and medical health services, and education.

Blaine Nelson, Fountain Valley resident, provided written comment in support of defunding murderers and injustice departments.

Kimberly Grandi, Antioch resident, provided written comment calling for the resignation or termination of Officers Mellone and Corporal Aiello. She supported defunding the Antioch Police Department to invest in resources that will serve the wellbeing of the community.

Susana Williams, Antioch resident, provided written comment in support of an oversight/ad hoc committee for the Antioch Police Department. She called for the removal of Officer Mellone and Corporal Aiello from the Antioch Police Department.

Mark Smith, Antioch resident, provided written comment expressing concern regarding comments made on social media by Corporal Aiello. He noted that the Antioch Police Officers Association needed to stay out of politics as they were interfering with police reform.

Brenda Manalac provided written comment in support of defunding the Antioch Police Department and putting the money towards improving schools. She also called for the removal of Officer Mellone.

Gregory Marine, Antioch resident, provided written comment suggesting everyone listen to the podcast 'Stay Tuned With Preet' with former U.S. Attorney Preet Bharara on the topic of building a new policing system. He noted there were solutions that could be a win-win-win for the police, community, and politicians.

Mayor Wright declared a recess at 8:10 P.M. The meeting reconvened at 8:15 P.M. with all Councilmembers present.

The following public comments were read into the record by Director of Parks and Recreation Kaiser. In instances where a proper name was not given, pseudonyms used identified the commenter.

Vivian Kuang, Oakley resident, provided written comment expressing concern regarding the hiring of Officer Mellone. She supported defunding the Antioch Police Department and allocating those funds to education and affordable housing.

Megan Morton, Brentwood resident, provided written comment expressing concern that officers with a prior history of misconduct were in the Antioch Police Department. She supported defunding Antioch Police Department and allocating those funds to education.

Gretchen Tofflemire, Antioch resident, provided written comment calling for the resignation or removal of Corporal Aiello and Mellone from the Antioch Police Department. She supported re-allocating Antioch Police Department funds toward the hiring of specialized case workers, separating Animal Control from the Antioch Police Department, hiring counselors for schools, restorative justice, and working towards no police at schools. She also supported working with County, State & Federal level leaders to secure funding for schools, afterschool programs, drug treatment/harm reduction programs, homeless shelters, and services.

Jared Fialho, Antioch resident, provided written comment calling for the removal of Officer Mellone from the Antioch Police Department and in support of defunding the police, and investing in teachers and community services.

Sarah Locklin, Antioch resident, provided written comment in support of reinvesting in Antioch to help build the City that residents deserved and demanded.

James Florioli, Antioch resident, provided written comment requesting the City of Antioch commit to the City of San Jose's plan which included: 1) Changes to the City's contract with the Police Officers Association to improve transparency in the arbitration process for police accountability 2) Conduct external, independent investigations of police misconduct 3) Expand authority of the independent police auditor over use-of-force allegations 4) Expand opportunities for the City's children of color, including offering college scholarships to those who commit to serving as a police officer for several years 5) Explore options for separating the Police Department's responsibilities between criminal and non-criminal matters 6) Ban the use of rubber bullets and conduct a full review of the police department's use-of-force policy 7) Update the city charter to expand the Mayor's authority to oversee actions of the Police Chief and City Manager 8) Leverage data for better recruiting, training and early intervention 9) Conduct a public audit of the police department's budget and spending.

Sabrina Bento, Antioch resident, provided written comment questioning how the hiring of police officers would be vetted in the future. She suggested the City expend funds for community development such as building a youth and teen center.

Bartholomew Rockefeller provided written comment in which he discussed allocating funds to the Antioch Police Department.

Connie Lynn Wilwin provided written comment discussing the hiring of Officer Mellone and requesting the services of code enforcement in her neighborhood.

Audrey Davis, Antioch resident, provided written comment in which she cited the last words of Elijah McClain who died following an encounter with the Aurora Police Department.

Lacey Brown provided written comment in support of the removal of Officers Mellone and Corporal Aiello from the Antioch Police Department. She suggested the formation of a permanent civilian oversight agency.

Adriana Urrutia, Antioch resident, provided written comment in support of defunding the Antioch Police Department and called for the removal of police officers like Officer Mellone.

Isaiah Taylor, Antioch resident, provided written comment in support of Antioch adopting the *8 To Abolition* campaign policies and reallocating 50% of Antioch Police Department budget to community-based services. He also supported the establishment of a city-wide committee to dictate how to utilize resources. He called for the resignation of Officer Mellone and any other police officer who had excessive force claims against them.

Shagoofa Khan, Antioch resident, provided written comment in support of Police Reform and demilitarizing the police. She suggested directing the City's budget to fund trained, unarmed professionals to respond to calls on noncriminal matters involving mental health, homeless, school discipline, and neighbor disputes. She called for the removal of Officer Mellone and Corporal Aiello from the Antioch Police Department.

Jose, Antioch resident, provided written comment expressing disappointment that Council had not approved the formation of an Ad Hoc Committee on Police Reform. He called for the Antioch Police Department to reevaluate their hiring practices and requested the City Council allocate funds for a "Black Lives Matter" art piece.

Kevin McManimen, Antioch resident, provided written comment expressing concern for comments made by Corporal Aiello on social media and questioning the hiring process for the Antioch Police Department. He requested an update regarding the investigation of the hiring of Officer Mellone. He asked why the Mayor was not addressing various news platforms or the public.

Mike Burkholder, Antioch Business Owner, provided written comment encouraging the City Council to begin discussions with Chief Brooks to provide data including complaints and a summary of what had transpired over the past several years. He urged Council to have a data driven plan.

MA, provided written comment calling for the resignation of Officers Mellone and Corporal Aiello. They suggested the City make officers financially responsible for their misconduct and encouraged Council to invest in the community.

Leshia West, Antioch resident, provided written comment reporting that she sat on the *Let Freedom Ring A Juneteenth Celebration* committee and reported that it was a wonderful community event. She thanked Claryssa Wilson for her vision and City officials who supported their efforts. She stated she was excited to start planning next year's event and they were looking for additional support, and participation from the community in 2021.

Kathleen Colima, Antioch resident, provided written comment encouraging Council to listen to the people who were suffering and demanding justice. She called for the removal of Officers Mellone and Corporal Aiello from the Antioch Police Department and requested reallocating police funding to education and community resources.

Frank Sterling, Antioch resident, provided written comment discussing police misconduct in Antioch and spoke in support of the formation of an Ad Hoc Committee on Police Reform. He called for the removal of Officers Mellone and Corporal Aiello as well as others who had been involved in police misconduct.

Michele Canny, Antioch resident, provided written comment in support of abolishing the police and removing police officers from campuses. She called for the resignation of Councilmembers Ogorchock, Motts and Mayor Wright.

(name not provided) provided written comment requesting a presentation from Chief Brooks addressing complaint and use of force stats, hiring etc.

Tracey Davis-Watkins, Antioch resident, provided written comment calling for the removal of Officer Mellone from the Antioch Police Department. She requested decreasing militarized law enforcement spending, investing in mental health, social work and homeless services. She asked for the City to address the Antioch Police Department's grade on the policescorecard.org by working to improve practices.

Melissa Case, Antioch resident, provided written comment in support of retaining Corporal Aiello and Officer Mellone in the Antioch Police Department. She suggested requiring mental checkups when appropriate, pressuring the District Attorney to hold criminals accountable, utilizing body cameras and additional domestic violence training for officers.

Wendell Watkins, Antioch resident, provided written comment suggesting the City invest in how to effectively deal with those afflicted with mental health and/or drug problems and the homeless. He expressed concern regarding the hiring of Office Mellone.

Tanner Lutz, Antioch resident, provided written comment calling for the removal of Officer Mellone from the Antioch Police Department and expressing concern that Council had not approved the formation of an Ad Hoc Committee on Police Reform.

Warren Lutz, Antioch resident provided written comment in support of Police Reforms including demilitarizing police, creation of a citizen oversight panel and requiring body cameras.

(name not provided) Antioch resident, provided written comment in support of eliminating section 8 residents and requiring homeowners and renters pay for garbage service.

Michael E Ken, Bay Point resident, provided written comment in support of the formation of an Ad Hoc Committee on Police Reform consisting of representatives from the community. He called for the removal of Officer Mellone from the Antioch Police Department and publicly reprimanding Corporal Aiello for statements he made on social media. He requested Council implement the *8 Can't Wait* campaign policies.

Tim McCall, Antioch resident, provided written comment in support of Chief Brooks and the Antioch Police Department. He suggested Chief Brooks lead the discussions and policies.

Daniel, Antioch resident, provided written comment calling for the removal of Officers Mellone and Corporal Aiello as well as any other officers with similar records, from the Antioch Police Department. He also supported defunding the Antioch Police Department and redistributing the funds to schools, and other social programs.

Nichole Gardner, Antioch resident, provided written comment expressing concern that Councilmember Motts had not approved the formation of an Ad Hoc Committee on Police Reform or addressed homelessness in Antioch.

Megan Watson, Antioch resident, provided written comment calling for the removal of Officers Mellone and Corporal Aiello from the Antioch Police Department. She supported defunding and demilitarizing the Antioch Police Department.

Alliyah Thomas, Antioch resident, provided written comment in support of demilitarizing and defunding the Antioch Police Department and improving police accountability. She called for the removal of Officers Mellone and Corporal Aiello from the Antioch Police Department. She suggested reallocating a portion of the police budget back to the community for housing, youth services, mental health programs, and more.

Angelica Tripp, Antioch resident, provided written comment in support of Council holding discussions to address racial inequality.

Karen A., Antioch resident, provided written comment in support of reallocating at least half of the police budget to mental health, youth and housing issues.

Patricia Granados, Antioch resident, provided written comment in support of continuing the conversation and implementing changes in hiring practices for the Antioch Police Department. She encouraged Council to address the issues and take preventative measures.

Mayor Wright declared a recess at 9:03 P.M. The meeting reconvened at 9:10 with all Councilmembers present with the exception of Councilmember Thorpe who arrived at 9:11 P.M.

The following public comments were read into the record by Director of Parks and Recreation Kaiser.

Shay Davis, Antioch resident, provided written comment requesting Council work together to make a difference in the community and find solutions. She asked everyone involved in this continued conversation to do what was right for the community.

Jasmine Allam provided written comment requesting a reduction in the Antioch Police Department budget and prioritizing community over police.

Martha Granados, Antioch resident, provided written comment requesting the City improve their hiring practices for the Police Department.

Jose Granados, Antioch resident, provided written comment requesting the City Council set strict policies for hiring Antioch Police Officers and protect black lives.

Alexis Mur-Ame provided written comment in support of defunding the Antioch Police Department and reallocating the funds to Antioch schools, and creating community mutual aid networks. She called for the removal of Officer Mellone.

Michael Pohl, Antioch resident, provided written comment in support of additional funding for officer training, mental health professionals, and resources to help the police department.

The following public comments were read into the record by Administrative Services Director Mastay.

Tamisha Walker, Antioch resident, provided written comment in support of establishing a taskforce on race equity and police reform.

Manny Soliz, Antioch resident, provided written comment in support of developing an agenda to guide to the conversation. He also supported addressing personnel matters in private.

Lindsey A, Antioch resident, provided written comment in opposition to defunding the Antioch Police Department and suggested the community improve relations, and make necessary changes.

Charles Kuslits, Antioch resident, wished the City Council good luck in coming up with solutions that would be beneficial to all citizens.

Debra Vinson, Antioch resident, provided written comment in support of an oversight committee for the Antioch Police Department. She encouraged Council to consider the following; mental health professionals, restorative justice solutions, economic development, building and construction trades internships for youth, solutions for homelessness, addressing racial inequality, reducing violence, reducing the number of registered sex offenders in the city, focusing on building a safe community for children and listening to constituents. She encouraged Council to read the 2015 City of Antioch report from Youth Intervention Network/Emerald Consulting and offered to provide them with a copy of the report, if needed.

Michele Kuslits, Antioch resident, provided written comment in support of the City of Antioch along with Antioch PD, Antioch Unified School District and various State/County Social Services hosting free parental and teen workshops. She opposed defunding the Antioch Police Department.

Matthew Winslow provided written comment calling for the removal of Officers Mellone and Corporal Aiello. He also supported reallocating funds homeless housing, education and improving the City.

Mayor Wright thanked Director of Parks and Recreation Kaiser and Administrative Services Director Mastay for reading the comments this evening.

3) DISCUSS AND CONSIDER COMMENTS FROM THE COMMUNITY

Mayor Wright thanked City Manager Bernal for pushing the meeting to take this form this evening.

Council stated that they had heard the following input from residents for topics of discussion:

- Police reform
- Police/Community Relations
- Community Policing
- Officer Beats
- Police Citizens' Board
- Crime Prevention Commission is not enough
- Community Oversight Committee
- Mental health and police interactions
- 8 Can't Wait policies
- Demilitarizing police
- Removal of Officer Mellone
- Review of hiring practices
- Removal of Officer Aiello
- Neighborhood Watch
- Body cameras
- Code of Conduct Program including social media
- Listen and learn from both sides
- Trust and mistrust
- Outreach of community of community police programs
- Website updates
- How to complain about Antioch Police Department without complaining directly to Antioch Police Department
- Police Expenses/Budget
- Police Department Hiring Practices
- Programs for Youth
- Reinvesting in other areas
- Use of Force policy/stats
- Data from Chief Brooks
- Black Lives Matter
- 2015 Youth Intervention Network Study about Antioch
- Community programs
- Parks
- Homelessness
- Funding schools
- Unity
- Possible presentation from the Superintendent of AUSD

- Systemic racism in Antioch
- Police Crime Prevention Commission public outreach
- Status quo was not right
- Public hearings
- Parental workshops
- Working together with open minds to move forward
- Accountability
- Civilian oversight
- Illicit bias training for Antioch Police Department and Council
- Mental health checkup ups for law enforcement

Mayor Wright stated that there were most likely things missed; however, the idea was to hear from the community and hold meetings to address specific issues. He stated he looked forward to going into more detail with the City Council and figuring out what policy changes and improvements could be made.

Councilmember Thorpe stated that he had a concern regarding overstretching the Antioch Police Department by asking them to do things that were not police work. He stated he believed items listed could be populated into the five broad areas which included demilitarization, hiring practices, increased accountability, excessive use of force and budget appropriations.

Councilmember Ogorchock voiced her appreciation to everyone who participated this evening noting this issue was a priority of the City Council.

Councilmember Wilson stated she appreciated all the comments received and noted they owed it to the community to have an outcome. She further noted that Chief Brooks was doing a wonderful job; however, they wanted to continue to improve. She stated not everyone would agree; however, they needed to respect the differences and work with the community to address their concerns.

Councilmember Motts stated she was pleased that the Council had taken this opportunity to listen the community. She suggested Chief Brooks speak to ongoing investigations and reformations working with the community.

4) DISCUSS AND MAKE RECOMMENDATIONS ON FUTURE AGENDA ITEMS AND MEETINGS

Mayor Wright suggested the topics identified this evening be categorized for discussion at a future meeting.

Councilmember Thorpe suggested a presentation from Chief Brooks. He also suggested that a historical perspective regarding policing in America and the unique relationship with the African American community could lead into some of the discussions.

Councilmember Motts supported a conversation regarding the history of racial injustice.

Following discussion, Council supported hiring an outside facilitator to assist Council through the process and suggested the facilitator:

- Have a background in social justice
- Have experience in Police reform
- Be a neutral party/well-rounded person
- Be respected by Antioch Police Department
- Be respected by those creating reform
- Have a willingness to create reform
- Understand Antioch

Mayor Wright clarified next steps would be to hire a facilitator to work with a few members of Council and Chief Brooks to categorize and move forward with future meetings.

Councilmember Thorpe, Mayor Wright and Councilmember Ogorchok offered to participate in those discussions.

Mayor Wright stated that as they went through the process, he believed that the community would find that there were many things that the City was doing well, and he was looking forward to Chief Brooks being able to share those things. He reported he had been doing a lot of research which indicated that people of color were being killed at a higher rate, so that issue needed to be addressed.

City Manager Bernal stated he would work with Mayor Wright and Councilmember Thorpe regarding hiring a person or firm with experience in Police Reform and who was familiar with Police Departments, to facilitate the discussion going forward.

Mayor Wright stated that the date of the next meeting would be determined once a facilitator was hired.

ADJOURNMENT

On motion by Councilmember Thorpe, seconded by Councilmember Motts the City Council unanimously adjourned the meeting at 9:50 P.M.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

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 July 28, 2020

RECOMMENDED ACTION

It is recommended that the City Council continue the Meeting Minutes of July 28, 2020.

FISCAL IMPACT

None

DISCUSSION

N/A

ATTACHMENT

None.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

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 Adjourned Regular Meeting Minutes of July 31, 2020

RECOMMENDED ACTION

It is recommended that the City Council continue the Adjourned Regular Meeting Minutes of July 31, 2020.

FISCAL IMPACT

None

DISCUSSION

N/A

ATTACHMENT

None.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

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 August 11, 2020

RECOMMENDED ACTION

It is recommended that the City Council continue the Meeting Minutes of August 11, 2020.

FISCAL IMPACT

None

DISCUSSION

N/A

ATTACHMENT

None.

CITY OF
ANTIOCH
CALIFORNIA

CLAIMS BY FUND REPORT
FOR THE PERIOD OF
JULY 31 - AUGUST 13, 2020
FUND/CHECK#

100 General Fund

Non Departmental

00389545	COLONIAL LIFE	PAYROLL DEDUCTIONS	407.06
00389549	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
00389550	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
00389577	LINA	PAYROLL DEDUCTIONS	3,824.03
00389588	MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	2,152.15
00389594	PARS	PAYROLL DEDUCTIONS	4,533.51
00389607	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	100.00
00389608	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
00389614	WONG, SHIANGLING L	STATE MANDATED FEE REFUND	4.00
00937592	NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	39,686.17
00937595	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	6,742.53
00937596	NATIONWIDE RETIREMENT SOLUTION	PAYROLL DEDUCTIONS	25,756.59

City Manager

00389584	MOORE, ROSANNA BAYON	TRAVEL REIMBURSEMENT	645.42
00389610	TERI BLACK AND COMPANY LLC	PROFESSIONAL SERVICES	8,822.51
00389613	VAUPEL, LAWRENCE	MILEAGE REIMBURSEMENT	358.45

City Clerk

00389580	MAR CAL	REGISTRATION FORMS	1,118.01
----------	---------	--------------------	----------

Economic Development

00389537	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	47.45
----------	-----------------	---------------------------	-------

Finance Administration

00389535	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	294.64
----------	-----------------	---------------------------	--------

Finance Accounting

00389535	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	819.24
00389575	KOA HILLS CONSULTING LLC	PROFESSIONAL SERVICES	393.75

Finance Operations

Non Departmental

00389530	ARAMARK UNIFORM AND CAREER APPAREL	OVERPAYMENT REFUND	510.44
00389531	ASSOCIATION OF BAY AREA GOVERNMENTS	ANNUAL DUES	25,089.00
00389535	BANK OF AMERICA	WATER SERVICES	78.47
00389560	ELC CONSULTING INC	OVERPAYMENT REFUND	433.55
00389593	PACIFIC CREDIT SERVICES	COLLECTIONS FEE - AR	1,669.50
00389614	WONG, SHIANGLING L	OVERPAYMENT REFUND	515.00
00389617	WRIGHT, SEAN K	EXPENSE REIMBURSEMENT	128.09

Public Works Street Maintenance

00389527	ANTIOCH ACE HARDWARE	SUPPLIES	23.57
00389571	INTERSTATE SALES	SUPPLIES	5,149.61
00389602	SEECCLICKFIX	ANNUAL LICENSE AGREEMENT	2,271.00

Public Works-Signal/Street Lights

00937589	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	8,089.78
----------	----------------------------	---------------------	----------

Public Works-Facilities Maintenance

00389527	ANTIOCH ACE HARDWARE	SUPPLIES	30.23
00937591	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	3,600.00

Public Works-Parks Maint

00389525	ALTA FENCE	PROFESSIONAL SERVICES	4,126.50
00937584	DEL CONTES LANDSCAPING INC	PARK MAINTENANCE	71,324.38

Public Works-Median/General Land

00389522	AL FRESCO LANDSCAPING INC	LANDSCAPE SERVICES	8,967.00
00389527	ANTIOCH ACE HARDWARE	IRRIGATION PARTS	41.45

Prepared by: Lauren Posada

Finance Accounting

8/20/2020

CITY OF
ANTIOCH
CALIFORNIA

CLAIMS BY FUND REPORT
FOR THE PERIOD OF
JULY 31 - AUGUST 13, 2020
FUND/CHECK#

00389604	SILVA LANDSCAPE	LANDSCAPE SERVICES	4,544.48
Police Administration			
00389529	ANTIOCH ROTARY CLUB	ANNUAL DUES	250.00
00389532	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	693.80
00389533	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	450.83
00389534	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	730.68
00389540	CANINE TACTICAL OPERATIONS	TRAINING - K SMITH	595.00
00389541	CANINE TACTICAL OPERATIONS	TRAINING - R MCDONALD	595.00
00389542	CANINE TACTICAL OPERATIONS	TRAINING - J EVANS	595.00
00389553	CRIME SCENE CLEANERS INC	BIOHAZARD RESPONSE	940.00
00389554	CRYSTAL CLEAR LOGOS INC	MOTOR UNIFORMS	141.59
00389563	GALLS LLC	EQUIPMENT	1,559.52
00389572	JEONG, JISEOK	TRAINING PER DIEM	330.00
00389581	MATIS, ZECHARIAH DANIEL	MEAL ALLOWANCE	46.00
00389591	OCCUPATIONAL HEALTH CENTERS OF CA	PRE-EMPLOYMENT MEDICAL	1,329.50
00389595	PEN LINK	TRAINING	495.00
00389596	PITNEY BOWES INC	SUPPLIES	132.83
00389599	REACH PROJECT INC	JULY SERVICES	17,083.00
Police Community Policing			
00389534	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	1,088.99
00389569	HUNT AND SONS INC	GAS	414.52
00389606	SP PLUS CORPORATION	PARKING ENFORCEMENT	14,068.85
Police Traffic Division			
00389598	PORTILLO, JAMES	PARKING FEE REFUND	50.00
Police Investigations			
00389532	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	4,736.27
00389534	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	2,299.59
00389611	TRANSUNION RISK AND ALTERNATIVE DATA	DATABASE SERVICES	183.90
Police Special Operations Unit			
00389557	EAN SERVICES LLC	VEHICLE LEASE	477.16
Police Communications			
00389539	BMS	SOFTWARE	83,100.00
00389546	COMCAST	CONNECTION SERVICES	3,259.52
00389559	ECS IMAGING INC	COMPUTER EQUIPMENT	13,010.86
00389586	MOTOROLA SOLUTIONS INC	RADIO EQUIPMENT	1,726.15
Office Of Emergency Management			
00389535	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	376.65
Police Facilities Maintenance			
00389534	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	557.83
00389567	HANSON AND FITCH TEMPORARY SITE SVCS	RESTROOM RENTAL	710.25
00937585	DELL COMPUTER CORP	COMPUTER EQUIPMENT	6,124.77
00937591	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	3,680.00
Community Development Land Planning Services			
00389543	CAVINESS, FELICIA RENEE	EXPENSE REIMBURSEMENT	56.30
CD Code Enforcement			
00389616	WORK WORLD	UNIFORMS	168.49
PW Engineer Land Development			
00389592	OFFICE DEPOT INC	OFFICE SUPPLIES	34.92
00937594	TESTING ENGINEERS INC	INSPECTION SERVICES	1,261.00
Community Development Building Inspection			
00389579	LOPEZ, TAYLOR M	EXPENSE REIMBURSEMENT	129.71

Prepared by: Lauren Posada

Finance Accounting

8/20/2020



CLAIMS BY FUND REPORT
FOR THE PERIOD OF
JULY 31 - AUGUST 13, 2020
FUND/CHECK#

205 CARES Act Grant Fund

Non Departmental

00389525	ALTA FENCE	FENCE INSTALLATION	35,164.00
----------	------------	--------------------	-----------

212 CDBG Fund

CDBG

00389574	KLEINFELDER INC	PROFESSIONAL SERVICES	4,626.25
----------	-----------------	-----------------------	----------

00937588	HOUSE, TERI	CONSULTING SERVICES	5,907.50
----------	-------------	---------------------	----------

213 Gas Tax Fund

Streets

00389521	AL FRESCO LANDSCAPING INC	LANDSCAPE ENHANCEMENT	6,144.00
----------	---------------------------	-----------------------	----------

214 Animal Control Fund

Animal Control

00389558	EAST BAY VETERINARY EMERGENCY	VETERINARY SERVICES	1,933.42
----------	-------------------------------	---------------------	----------

00389568	HILLS PET NUTRITION	SUPPLIES	213.58
----------	---------------------	----------	--------

00389589	MWI VETERINARY SUPPLY CO	SUPPLIES	757.07
----------	--------------------------	----------	--------

219 Recreation Fund

Nick Rodriguez Community Cent

00937591	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	500.00
----------	---------------------------	---------------------	--------

Senior Programs

00937591	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	2.00
----------	---------------------------	---------------------	------

Recreation Sports Programs

00389551	CRASE, ROBERT	SUMMER SOFTBALL REFUND	990.00
----------	---------------	------------------------	--------

00389561	FERRIS, STEVEN J	SUMMER SOFTBALL REFUND	990.00
----------	------------------	------------------------	--------

00389566	HANSEN, MICHAEL S	SUMMER SOFTBALL REFUND	990.00
----------	-------------------	------------------------	--------

00389582	MCCRANEY, STEVEN	SUMMER SOFTBALL REFUND	990.00
----------	------------------	------------------------	--------

00389590	NAMAULEG, JANICE	SUMMER SOFTBALL REFUND	940.00
----------	------------------	------------------------	--------

00389603	SEVEY, JEREMY	SUMMER SOFTBALL REFUND	990.00
----------	---------------	------------------------	--------

Recreation-Comm Center

00389546	COMCAST	CONNECTION SERVICES	50.01
----------	---------	---------------------	-------

00937584	DEL CONTES LANDSCAPING INC	PARK MAINTENANCE	2,630.00
----------	----------------------------	------------------	----------

Recreation Water Park

00389556	DRAPER, NAJAI RENEE	AQUATICS PROGRAM REFUND	235.00
----------	---------------------	-------------------------	--------

00389564	GONZALEZ, MARIA	AQUATICS PROGRAM REFUND	108.00
----------	-----------------	-------------------------	--------

00389578	LINCOLN EQUIPMENT INC	SUPPLIES	1,122.42
----------	-----------------------	----------	----------

00389585	MOSER, BREANNA	AQUATICS PROGRAM REFUND	235.00
----------	----------------	-------------------------	--------

00389601	RIVERS, MARY GRACE	AQUATICS PROGRAM REFUND	108.00
----------	--------------------	-------------------------	--------

00389612	UNIVAR SOLUTIONS USA INC	CHEMICALS	1,347.33
----------	--------------------------	-----------	----------

00937584	DEL CONTES LANDSCAPING INC	PARK MAINTENANCE	4,548.33
----------	----------------------------	------------------	----------

00937591	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	500.00
----------	---------------------------	---------------------	--------

226 Solid Waste Reduction Fund

Solid Waste Used Oil

00389600	REPUBLIC SERVICES INC	CURBSIDE OIL COLLECTION	1,668.25
----------	-----------------------	-------------------------	----------

229 Pollution Elimination Fund

Channel Maintenance Operation

00389527	ANTIOCH ACE HARDWARE	SUPPLIES	66.83
----------	----------------------	----------	-------

00389583	MJH EXCAVATING INC	EQUIPMENT RENTAL	8,760.00
----------	--------------------	------------------	----------

Storm Drain Administration

00389548	CONTRA COSTA CO PUBLIC WORKS	JEPA COST AGENCY SHARE	21,421.57
----------	------------------------------	------------------------	-----------

251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 2

00389522	AL FRESCO LANDSCAPING INC	LANDSCAPE SERVICES	3,247.68
----------	---------------------------	--------------------	----------

Prepared by: Lauren Posada

Finance Accounting

8/20/2020

CITY OF
ANTIOCH
CALIFORNIA

CLAIMS BY FUND REPORT
FOR THE PERIOD OF
JULY 31 - AUGUST 13, 2020
FUND/CHECK#

252	Downtown SLLMD Fund		
	Downtown Maintenance		
00389567	HANSON AND FITCH TEMPORARY SITE SVCS	RESTROOM RENTAL	2,071.44
254	Hillcrest SLLMD Fund		
	Hillcrest Maintenance Zone 1		
00389604	SILVA LANDSCAPE	LANDSCAPE SERVICES	5,260.64
	Hillcrest Maintenance Zone 4		
00389522	AL FRESCO LANDSCAPING INC	LANDSCAPE SERVICES	3,586.80
257	SLLMD Administration Fund		
	SLLMD Administration		
00389602	SECLICKFIX	ANNUAL LICENSE AGREEMENT	2,271.00
281	CFD 2018-01 Public Services Fund		
	CFD 2018-01 Maintenance		
00389555	DAVID TAUSSIG AND ASSOCIATES INC	SPECIAL TAX CONSULTING	2,193.75
569	Vehicle Replacement Fund		
	Equipment Maintenance		
00389524	ALL STAR FORD	REPLACEMENT VEHICLE	35,053.25
570	Equipment Maintenance Fund		
	Equipment Maintenance		
00389528	ANTIOCH AUTO PARTS	AUTO PARTS	697.57
00389544	CHUCKS BRAKE AND WHEEL SERVICE INC	AUTO PARTS	148.58
00389576	LES SCHWAB TIRES OF CALIFORNIA	TIRE REPAIR	2,863.28
00937590	KIMBALL MIDWEST	SUPPLIES	586.10
573	Information Services Fund		
	Non Departmental		
00389535	BANK OF AMERICA	VARIOUS BUSINESS EXPENSES	3,795.37
	Network Support & PCs		
00389526	AMS DOT NET INC	INSTALLATION SERVICES	2,254.50
00389536	BANK OF AMERICA	OFFICE EQUIPMENT	437.51
00389546	COMCAST	CONNECTION SERVICES	1,648.22
	Office Equipment Replacement		
00937585	DELL COMPUTER CORP	COMPUTER EQUIPMENT	1,323.44
578	Post Retirement Medical-Misc Fund		
	Non Departmental		
00937586	RETIREE	MEDICAL AFTER RETIREMENT	1,603.44
611	Water Fund		
	Non Departmental		
00389538	BISHOP CO	SUPPLIES	882.26
	Water Production		
00389527	ANTIOCH ACE HARDWARE	PARTS	80.59
00389547	CONNELLY, BRIAN K	EXPENSE REIMBURSEMENT	60.00
00389562	FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	558.18
00389565	HACH CO	LAB SUPPLIES	57.28
00389570	INDUSTRIAL SOLUTIONS SERVICES INC	CHEMICALS	5,702.28
00389573	KAPSCH TRAFFICOM USA INC	CONSULTING SERVICES	9,230.00
00389605	SOLVAY FLUORIDES LLC	CHEMICALS	8,383.09
00389609	SWRCB	CERTIFICATION RENEWAL FEE	4,310.00
00937583	CHEMTRADE CHEMICALS US LLC	CHEMICALS	7,966.30
00937587	EUROFINS EATON ANALYTICAL INC	WATER TESTING AND ANALYSIS	120.00
00937591	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	250.00
00937593	NTU TECHNOLOGIES INC	CHEMICALS	6,332.13

Prepared by: Lauren Posada
Finance Accounting
8/20/2020



CLAIMS BY FUND REPORT
FOR THE PERIOD OF
JULY 31 - AUGUST 13, 2020
FUND/CHECK#

Water Distribution

00389523	ALL PRO PRINTING SOLUTIONS	WATER ENVELOPES	4,189.88
00389527	ANTIOCH ACE HARDWARE	SUPPLIES	10.18
00389546	COMCAST	CONNECTION SERVICES	1,059.52
00389552	CRESCO EQUIPMENT RENTALS & AFFILIATES	EQUIPMENT RENTAL	3,786.52
00389587	MT DIABLO LANDSCAPE CENTERS INC	SUPPLIES	138.06
00389593	PACIFIC CREDIT SERVICES	COLLECTIONS FEE - WATER	262.70
00389597	POLLARDWATER	EQUIPMENT	2,085.41
00389602	SEECCLICKFIX	ANNUAL LICENSE AGREEMENT	6,549.00

Public Buildings & Facilities

00389615	WOODARD AND CURRAN	PROFESSIONAL SERVICES	14,079.45
----------	--------------------	-----------------------	-----------

621 Sewer Fund

Swr-Wastewater Administration

00389520	ADVANCED TRENCHLESS INC	SEWER REPAIR	11,125.00
00389523	ALL PRO PRINTING SOLUTIONS	WATER ENVELOPES	4,189.88
00389546	COMCAST	CONNECTION SERVICES	1,059.53
00389552	CRESCO EQUIPMENT RENTALS & AFFILIATES	EQUIPMENT RENTAL	3,786.53
00389583	MJH EXCAVATING INC	EQUIPMENT RENTAL	3,315.00
00389602	SEECCLICKFIX	ANNUAL LICENSE AGREEMENT	6,549.00
00937582	3T EQUIPMENT COMPANY	REPAIR PARTS	10,488.00

631 Marina Fund

Marina Administration

00937591	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	1,300.00
----------	---------------------------	---------------------	----------



AS HOUSING SUCCESSOR TO
THE ANTIOCH DEVELOPMENT AGENCY
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
JULY 17 - AUGUST 13, 2020
FUND/CHECK#

227 Housing Fund

Housing

00389319	CONTRA COSTA CRISIS CENTER	CDBG SERVICES	2,498.44
00389321	CONTRA COSTA HEALTH SERVICES	CDBG SERVICES	1,795.00
00389480	HABITAT FOR HUMANITY EAST BAY	CDBG SERVICES	2,677.75
00389485	INTERFAITH COUNCIL OF CCC	CDBG SERVICES	3,800.09
00389509	SHELTER INC	CDBG SERVICES	4,263.07
00389511	STAND FOR FAMILIES FREE OF VIOLENCE	CDBG SERVICES	3,793.70
00937588	HOUSE, TERI	CONSULTING SERVICES	5,950.00




STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Zoe Merideth, Associate Planner

APPROVED BY: Forrest Ebbs, Community Development Director 

SUBJECT: Density Bonus Ordinance Amendments (Z-20-02) – Second Reading

RECOMMENDED ACTION

It is recommended that the City Council adopt an ordinance amending Title 9 of Chapter 5 of the Antioch Municipal Code related to residential density bonuses.

DISCUSSION

The adoption of an ordinance requires two separate readings. The subject ordinance was introduced at the August 11, 2020 City Council meeting. This second reading will finalize the adoption of the ordinance.

ATTACHMENT

A. Ordinance

ATTACHMENT “A”

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING TITLE 9, CHAPTER 5 OF THE ANTIOCH MUNICIPAL CODE RELATED TO DENSITY BONUSES

WHEREAS, Government Code Section 65583 requires that the City’s Housing Element address governmental constraints to the development of housing, including providing for a variety of housing types for all income levels;

WHEREAS, the City Council of the City of Antioch adopted the City’s 2015-2023 Housing Element on April 14, 2015;

WHEREAS, Government Code Section 65915 requires cities to provide density bonuses and other incentives for qualifying affordable housing projects and requires that local governments adopt procedures for processing a density bonus application;

WHEREAS, the City’s Municipal Code already allows for density bonuses and development concessions, but Policy 5.1.3 of the City’s 2015-2023 Housing Element requires staff to monitor the Density Bonus Program for any changes that may be required;

WHEREAS, the Legislature amended Government Code Section 65915 in 2019, and the City wishes to update the Municipal Code to ensure consistency with State law and clarify how to implement the Density Bonus Program;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on July 15, 2020 at which time a resolution was approved to initiate and recommend to the City Council that this ordinance be adopted; and

WHEREAS, the City Council held a duly noticed public hearing on August 11, 2020 at which time all interested persons were allowed to address the City Council regarding adoption of this ordinance.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Antioch, California does hereby ordain as follows:

SECTION 1. Recitals.

The above recitals are incorporated by reference as though set forth in this section.

SECTION 2. Antioch Municipal Code § 9-5.203 DEFINITIONS.

Antioch Municipal Code § 9-5.203 is hereby amended, in part, by changing the definition of “Senior Citizen” to read as follows:

SENIOR CITIZEN. A person at least 62 years of age. A person 55 years of age may also be considered a “senior citizen” if, for the purposes of State Density Bonus Law, the senior housing project consists of at least 35 units.

SECTION 3. Antioch Municipal Code Title 9, Chapter 5, Article 3

Antioch Municipal Code Section 9-5.301(X) is hereby amended to read as follows:

(X) *SH Senior Housing Overlay District.*

- (1) This overlay district provides additional densities beyond the minimum required by state law for senior housing projects that include increased percentages for elderly and/or affordable units.
- (2) The Senior Housing Overlay District may be combined with any residential zoning district. The senior housing density bonus applies to housing developments consisting of five or more dwelling units.
- (3) The Senior Housing Overlay District applies only to projects zoned with the overlay district prior to the effective date of this section.

SECTION 4. Antioch Municipal Code Title 9, Chapter 5, Article 34.

Antioch Municipal Code Title 9, Chapter 5, Article 34 Senior Housing Overlay District is hereby repealed and replaced to read as follows:

The Senior Housing Overlay District applies to projects approved prior to the effective date of this section. Projects with the Senior Housing Overlay District will continue to be regulated by the terms of the Senior Housing Overlay District approval, but amendments to those approvals will be processed pursuant to the Municipal Code in place at the time the amendments are requested.

SECTION 5. Antioch Municipal Code Title 9, Chapter 5, Article 35.

Antioch Municipal Code Title 9, Chapter 5, Article 35 Density Bonus Program is hereby repealed and replaced to read as follows:

9-5.3501 Purpose

The Density Bonus Program is intended to implement the State Density Bonus Law in compliance with the requirements of California Government Code § 65915 and the adopted housing element of the Antioch General Plan by providing incentives which will encourage developers to construct affordable housing to benefit lower income households.

9-5.3502 Density Bonus Provisions

- (A) In addition to any other review required for a proposed housing development, applications for a density bonus shall be filed with the Community Development Director. The application for a density bonus shall be filed concurrently with an application for a development plan review, administrative approval, or other application necessary for the housing development. In addition to and in conjunction with the submittal requirements for the housing development application, the applicant shall

submit the following items:

- (1) The application form and submittal requirements approved by the Community Development Director.
- (2) The application fee, established by resolution of the City Council, at the time the application is filed.
- (3) Reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the Community Development Director.
 - (a) A request for concessions or incentives shall be accompanied by documentation demonstrating how the incentive or concession would result in identifiable and actual cost reductions necessary to meet affordability levels.
 - (b) A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating how the development standards physically preclude the construction of the qualified affordable housing development.
 - (c) A request for parking ratios pursuant to California Government Code Sections 65915(p)(2) and (3) shall be accompanied by documentation showing the proposal meets the criteria in those sections.
- (B) City staff shall process the application for a density bonus in the same manner as, and concurrently with, the application for a development plan review or administrative approval that is required by this Code.
- (C) When notifying an applicant that City staff has deemed the application complete, City staff shall include the information required by California Government Code Section 65915.
 - (1) Any determination required by California Government Code Section 65915 shall be based on the development project at the time the application is deemed complete. The City shall adjust the amount of density bonus and parking ratios awarded pursuant to California Government Code Section 65915 based on any changes to the project during the course of development.

- (D) The City shall grant the applicant the number of incentives and concessions required by Government Code Section 65915. The City shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the relevant written findings, based upon substantial evidence, stated in Government Code Section 65915(d).
- (E) The City shall approve a waiver or reduction of a development standard requested by the applicant, unless it makes written findings based upon the criteria in California Government Code Section 65915(e).
- (F) The applicant shall enter into an agreement with the City to ensure the continued affordability of all affordable units or the continued reservation of such units for qualifying senior citizens. Prior to receiving a building permit for any project that receives a density bonus or any incentive, concession, waiver, or reduction of development standards pursuant to this section, such agreement shall be recorded as a covenant against the property.
- (G) For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus, must be constructed concurrently with or prior to the construction of any market rate units. In addition, the affordable units must be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project.
- (H) The provisions of this subdivision shall be interpreted to fulfill the requirements of Government Code Section 65915. Any changes to that Government Code Section 65915 shall be deemed to supersede and govern any conflicting provisions contained herein.

SECTION 6. CEQA.

The City Council finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) as there is no possibility that this Ordinance would have a significant impact on the environment pursuant to State CEQA Guideline Section 15061(b)(3). This Ordinance merely incorporates State law, allowing applicants to seek a density bonus pursuant to Government Code Section 65915. This ordinance does not exempt any future project from CEQA. Applications for future projects would be subject to environmental review, as required by CEQA.

SECTION 7. 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 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.

SECTION 9. 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.

* * * * *

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 August, 2020 and passed and adopted at a regular meeting thereof held on the 25th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sean Wright, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, MMC
City Clerk of the City of Antioch

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Zoe Merideth, Associate Planner

APPROVED BY: Forrest Ebbs, Community Development Director 

SUBJECT: AB 2923 – BART Transit Oriented Development Update

RECOMMENDED ACTION

It is recommended that the City Council receive and file the update.

FISCAL IMPACT

This action will have no impact on the City budget.

DISCUSSION

AB 2923

AB 2923 was signed into law in 2018 by then-Governor Jerry Brown. AB 2923 requires that the San Francisco Bay Area Rapid Transit District (BART) establish zoning standards on some BART-owned land around BART stations in San Francisco, Alameda, and Contra Costa counties. The zoning standards are required to include four elements: building height, residential density, floor-area ratio (FAR), and parking ratios for vehicles and bicycles. These standards are meant to enable transit-oriented development (TOD) projects around BART stations. TOD is the development of walkable, mixed-use communities around transit stations, such as a BART station. BART was given an initial deadline of July 1, 2020 to establish the standards for each of the four zoning elements. By July 1, 2022, local jurisdictions must ensure that their local zoning meets these zoning standards otherwise BART's zoning standards become the zoning standards for affected parcels.

AB 2923 only applies to a subset of parcels that meet the following criteria:

- Located within one half of a mile of BART stations;
- Located in San Francisco, Alameda, and Contra Costa counties;
- At least one-quarter acre in size (either individual or contiguous parcels);
- Owned by BART on or before July 1, 2018; and

- An infill site (defined in section 21061.3 of the Public Resources Code as a site that had previous development or a site without development immediately adjacent to urban uses).

For Antioch, BART has determined AB 2923 applies to three parcels: the 13.59-acre parcel with the current BART parking lot, the 15.67-acre parcel with the under-construction parking lot, and an undeveloped 1.94-acre parcel directly to the east of the under-construction parking lot. Attachment A includes a map by BART of both the applicable and inapplicable BART owned parcels.

BART stations are in urban and suburban settings, and in 2017 BART established three different “TOD Place Types” with three different zoning standards to accommodate future development on BART owned parcels. AB 2923 then dictated that these zoning standards be used as the base zoning standards for AB 2923 applicable parcels. The three TOD Place Types are: Regional Center, Urban Neighborhood/City Center, and Neighborhood/Town Center. Antioch is classified as a Neighborhood/Town Center, the least dense of the three TOD Place Types.

The zoning standards for the TOD Place Types are summarized below:

Neighborhood/Town Center	Urban Neighborhood/City Center	Regional Center
Allowable Residential Density		
75 dwelling units per acre or higher		
Allowable Height		
5 stories or higher	7 stories or higher	12 stories or higher
Allowable Floor Area Ratio (FAR)		
3.0 FAR or higher	4.2 FAR or higher	7.2 FAR or higher
Minimum Vehicle Parking		
Zero (no minimum requirement allowed)		
Maximum Residential Vehicle Parking		
1.0 spaces per unit or lower	0.5 spaces per unit or lower	0.375 spaces per unit or lower
Maximum Office Vehicle Parking		
2.5 per 1,000 square feet or lower	1.6 per 1,000 square feet or lower	0 per 1,000 square feet or lower
Shared or Unbundled Vehicle Parking		
Allowed (neither prohibited nor required)		
Minimum Secure Bike Parking		
1 space per residential unit or higher		

Currently, Antioch’s zoning at the AB 2923 applicable BART parcels does not conform to the Neighborhood/Town Center zoning standards. As such, the above zoning standards will become the zoning for the parcels on July 1, 2022. BART will be working with cities to determine if a city’s zoning conforms to the zoning standards prior to the July 1, 2022 deadline.

BART released a draft technical guide to explain the requirements of AB 2923 and provide guidance to local jurisdictions on the zoning standards in June 2020. BART solicited comments on the draft until August 7, 2020 for consideration to be incorporated into the final draft of the technical guide. The final draft of the technical guide has not yet been released. The draft technical guide can be found here:

www.bart.gov/about/business/tod/ab2923

In addition to the zoning requirements, AB 2923 includes several other requirements for BART to meet:

- Travel demand management requirements to reduce automobile traffic generated by TOD projects on BART property.
- An anti-displacement strategy to address potential loss of affordable housing units and to prevent displacement of tenants.
- A parking replacement policy that specifically considers auto-dependent, end-of-the-line stations. This will be based on BART's existing station access policy, adopted in 2016. The policy is used to determine how TOD projects can best accommodate BART customers who walk, bike, take transit, and drive to the station to ensure a project that increases BART ridership.
- Biannual reporting to the State's Department of Housing and Community Development.
- Outreach to relevant local jurisdictions.
- Outreach to communities of concern around each station, as defined by MTC's regional transportation plan.

AB 2923 remains in effect until January 1, 2029.

TOD Work Plan

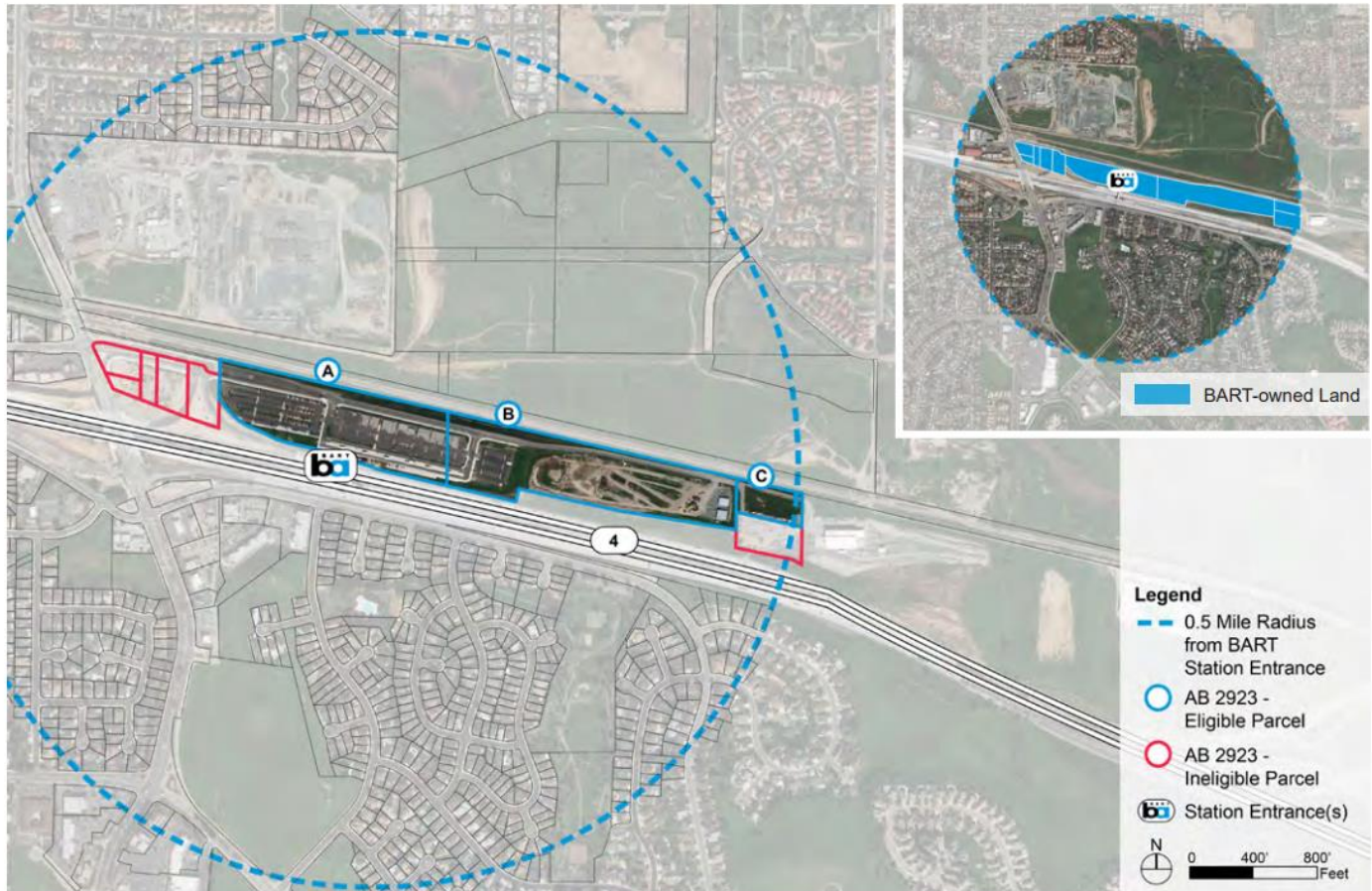
The TOD Work Plan document is being developed as a companion effort to AB 2923 and establishes how BART will prioritize development at all properties where TOD development is feasible, not just those parcels subject to AB 2923. Whereas the AB 2923 Technical Guide focuses on zoning of AB 2923 applicable parcels, the TOD Work Plan focuses on BART's process to prioritize development on properties at its stations. This Work Plan is currently forthcoming.

ATTACHMENT

A. Map of BART Owned Parcels

ATTACHMENT A

Figure 1. BART-owned Land Within 0.5 mile of Station Entrance(s)



Excerpted from BART's AB 2923 Draft Technical Guide Appendix II

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

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

SUBJECT: Public Safety Power Shutoff ("PSPS") Agreement

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution:

1. Approving an agreement between the City and Pacific Gas and Electric, in substantially the form of Attachment B, to provide an indoor community resource center at the Nick Rodriguez Community Center during public safety power shutoff events.
2. Authorizing the City Manager to execute the Agreement.

FISCAL IMPACT

There is no direct fiscal impact to the City Budget. PG&E funds all needed improvements to establish a CRC as well as pays a daily fee to the City in the event the community resource center is activated.

DISCUSSION

PG&E is currently identifying indoor community resource center ("CRC") sites for future Public Safety Power Shutoff ("PSPS") events, starting with the current 2020 fire season. PSPS events occur when PG&E proactively shuts off power due to heightened fire risk. The PSPS program began in 2019 and for the first year PG&E created outdoor CRCs in locations affected by the shutoffs. A CRC is available so local residents are able to maintain power to support critical health needs, and have the opportunity to charge phones and computers, find snacks and water, and get up-to-date information on outage restoration.

Beginning in 2020, the California Public Utilities Commission and PG&E are attempting to move CRC sites indoors in order to keep the spaces better temperature controlled. In Contra Costa County, PG&E desires to have three or four indoor CRC sites in place this fire season, in addition to outdoor tent locations. One site currently exists at the Lafayette Community Center and PG&E is working on sites in Walnut Creek and Richmond. Antioch will serve East Contra Costa County.

PG&E completed an analysis of the Antioch Community Center and the Nick Rodriguez Community Center, and the Nick Rodriguez Community Center best fits the needs of PG&E for preparing a site to use as a CRC, as well as providing access to residents more likely to be affected by a power shutoff. In addition to a daily use fee if PG&E were to actually use the site, PG&E will also complete electrical panel work necessary to place a generator at the Nick Rodriguez Community Center during shutoffs not related to fire season and planned shutoffs.

ATTACHMENTS

- A. Resolution
- B. License Agreement

RESOLUTION NO. 2020/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING AN AGREEMENT WITH PACIFIC GAS AND ELECTRIC TO PROVIDE AN
INDOOR COMMUNITY RESOURCE CENTER DURING PUBLIC SAFETY POWER
SHUTOFF EVENTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE
AGREEMENT**

WHEREAS, Pacific Gas and Electric ("PG&E") is establishing indoor community resource centers ("CRCs") to serve residents during public safety power shutoffs during fire season;

WHEREAS, the City of Antioch desires to partner with PG&E and provide critical health and safety services during fire season;

WHEREAS, the Nick Rodriguez Community Center provides feasible access for PG&E to activate power and operate a CRC; and

WHEREAS, PG&E will complete facility improvements as needed to open a CRC and pay a use fee upon activation.

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

1. Approves an agreement between the City and Pacific Gas and Electric ("Agreement"), in substantially the form of Attachment B, to provide an indoor CRC at the Nick Rodriguez Community Center during public safety power shutoff events.
2. Authorizes the City Manager to execute the Agreement subject to approval of form by the City Attorney.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 25th day of August, 2020, by the following vote:

AYES:

ABSENT:

NOES:

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

AGREEMENT
(PUBLIC SAFETY POWER SHUTOFF)

This License Agreement ("**License Agreement**") is made and entered into this _____ day of August, 2020 (the "**Effective Date**") by the CITY OF ANTIOCH, an incorporated city in the State of California, hereinafter called "**LICENSOR**," and PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called "**PG&E**."

R E C I T A L S:

A. LICENSOR owns that certain real property commonly known as the Nick Rodriguez Community Center, located at 213 F. Street, in the City of Antioch, State of California, Contra Costa County Assessor's Parcel Numbers 066-053-002-3, 066-053-011-4, and 066-054-004-8, hereinafter called the "**Property**." The Property includes a parking lot ("**Parking Lot**") containing approximately fifty (50) parking spaces.

B. PG&E desires to partner with LICENSOR in connection with a Public Safety Power Shutoff Event ("**PSPS Event**"). For purposes of this License Agreement, a "**PSPS Event**" means the existence of one or more environmental conditions creating extreme fire danger that results in the shutoff of power for public safety. Examples of PSPS Events include red flag warnings issued by the United States National Weather Service, low humidity levels, high winds, and dry vegetation.

C. The parties desire to memorialize this mutual understanding and agreement for making the Property available to PG&E in connection with a PSPS Event.

NOW, THEREFORE, for good and valuable consideration, LICENSOR and PG&E agree as follows:

1. Grant of License. Subject to the terms and conditions set forth in this License Agreement, LICENSOR grants PG&E, and its employees, contractors, agents, and representatives ("**PG&E's Representatives**") and PG&E's customers the right to use the License Area described in **EXHIBIT A** attached hereto (the "**License Area**") and certain interior areas of the Property in connection with a PSPS Event, together with rights of ingress and egress to and from the License Area, and the right to use certain exterior areas of the Property as set forth below. All of the activities of PG&E and PG&E's Representatives pursuant to this License Agreement are referred to herein as "**PG&E's Activities**."

2. Use of License Area and Interior Common Areas of the Property. During Use Days (as defined in Section 5 below), PG&E and PG&E's Representatives and customers shall have the exclusive right to use the License Area as a customer resource center. Services to be provided in the License Area may include, among other things, providing PG&E customers with water and snacks and the ability to charge phones and get up-to-date information on outages. PG&E and PG&E's Representatives shall have the right to set up tables and chairs in the License Area. In addition to the exclusive use of the License Area, PG&E and PG&E's Representatives and customers shall have the nonexclusive right, during Use Days, to use lobbies, hallways, stairways, elevators (if operational), restrooms, and other interior common areas of the Property.

PG&E and PG&E's Representatives shall also have the right to install temporary directional signage in the common areas of the Property.

3. Staging Area; Parking.

(a) Staging Area. During Use Days, PG&E and PG&E's Representatives shall have the exclusive right to use the exterior area of the Property shown on **EXHIBIT A** (the "**Staging Area**") to support the operation of an indoor customer resource center in the case of a PSPS Event. PG&E and PG&E's Representatives shall have the right to set up tents, install trailers, portable toilets, fencing, and temporary signage, park mobile vehicle units and other vehicles, and deliver and stage equipment, supplies and materials in the Staging Area.

(b) Parking. PG&E and PG&E's Representatives and customers shall have the non-exclusive right to park vehicles in portions of the Parking Lot shown on **EXHIBIT A** during Use Days.

(c) Personnel. PG&E, in its sole discretion, may elect to engage uniformed, unarmed personnel to be present in the Parking Lot and Staging Area during Use Days.

4. Generator. Subject to the terms and conditions of this Section 4, LICENSOR grants PG&E and PG&E's Representatives a license to install, maintain, operate, repair, and replace a generator and related equipment (collectively, the "**Generator**") in the exterior area of the Property shown on **EXHIBIT A** attached hereto (the "**Generator Site**"). At PG&E's option, PG&E or PG&E's Representatives may install fencing, bollards, or other barriers around the Generator Site. LICENSOR grants to PG&E and PG&E's Representatives exclusive use of the Generator Site. PG&E anticipates that the Generator may remain in place from approximately June 1 until December 31 of each year, and PG&E and PG&E's Representatives shall have the right, without prior notice to LICENSOR, to enter the Property at all times to access the Generator. PG&E, at its sole cost and expense, shall be responsible for obtaining all required permits for the Generator and complying with all laws relating to the Generator. Notwithstanding the definition of PG&E's Activities, the presence of the Generator on the Property and activities related to the Generator shall not be considered PG&E's Activities solely for purposes of determining Use Days, and PG&E shall not be required to pay any additional license fees or other sum in connection with the Generator. The Generator is solely for the benefit of PG&E and PG&E's customers. PG&E makes no representations or warranties to LICENSOR regarding the operation, capacity, or condition of the Generator, and PG&E shall have no liability to LICENSOR in connection with any failure or malfunction of the Generator. However, PG&E shall indemnify, defend and hold harmless LICENSOR from any and all Claims (as defined in Section 10 below) related to (i) injury to or death of persons or (ii) damage to property. Promptly after the expiration of the term of this License Agreement, PG&E or PG&E's Representatives shall remove the Generator and any barriers installed by PG&E or PG&E's Representatives.

5. Term. This License Agreement shall be for a term of ten (10) years, commencing on August 26, 2020 (the "**Commencement Date**"), and expiring on August 25, 2030 (the "**Termination Date**"). Notwithstanding the term of this License Agreement, PG&E anticipates that it will use the License Area and the Staging Area on an occasional basis, if at all, for periods

of approximately two (2) to ten (10) days at a time. The days (including any partial days) during which any of PG&E's Activities are occurring in or on the License Area or the Staging Area are referred to herein as "**Use Days**." During Use Days, PG&E shall have the exclusive right to use the License Area and the Staging Area twenty-four (24) hours per day.

6. License Fee. PG&E shall pay a license fee ("**License Fee**") of Five Hundred Dollars (\$500.00) per day for each Use Day.

7. Priority Scheduling. PG&E shall give LICENSOR at least twenty-four (24) hours' prior notice (the "**PSPS Notice**") of the dates and times that PG&E desires to access and use the Property in connection with a PSPS Event. Within four (4) hours after receipt of a PSPS Notice, LICENSOR shall confirm receipt of the PSPS Notice. PG&E's use of the Property in connection with a PSPS Event shall take priority over other uses and events. If another use or event is scheduled at the Property that would conflict with PG&E's use of the Property during the dates and times specified in the PSPS Notice, LICENSOR shall cancel such event and indemnify and defend PG&E from any and all Claims related to such cancellation. LICENSOR acknowledges that PG&E may give LICENSOR multiple PSPS Notices during any calendar year.

8. Use of License Area and Staging Area.

(a) As Is. PG&E accepts the License Area and the Staging Area "AS-IS," "WHERE-IS" and "WITH ALL-FAULTS," subject to all applicable zoning, municipal, county and state laws, ordinances, and regulations governing and regulating the use of the License Area and the Staging Area. PG&E may request LICENSOR to perform alterations, repairs, or improvements to the License Area and the Staging Area, but PG&E understands and agrees that LICENSOR shall not be obligated to make any such alterations, repairs or improvements at any time, and such alterations, repairs and/or improvement shall be made at PG&E's sole cost and expense and PG&E shall pay the full cost thereof within thirty (30) days of invoice therefor. Except in the event of an emergency, PG&E shall not make any alterations, repairs or improvements to the Property without the prior written consent of LICENSOR, which consent may be withheld in LICENSOR's sole discretion.

(b) Use. PG&E shall exercise due care in the conduct of PG&E's Activities in the License Area and the Staging Area. Without limiting the generality of the preceding sentence, PG&E shall maintain the License Area and the Staging Area in neat and orderly condition during Use Days; provided, however, that LICENSOR, as part of the License Fee and without additional compensation, shall provide all necessary janitorial services to the License Area and common areas during Use Days, including, but not limited to, removing trash and stocking restrooms with supplies. PG&E shall not use the License Area or the Staging Area or permit anything to be done in or about the License Area or the Staging Area during Use Days that will in any way conflict with any law, statute, zoning restriction, ordinance or governmental rule or regulation or requirement relating to the use or occupancy of the License Area or the Staging Area. During Use Days, PG&E shall not allow the License Area or the Staging Area to be used for any unlawful or objectionable purpose, nor shall PG&E cause, maintain or permit any nuisance in, on or about the License Area or the Staging Area.

(c) Mechanic's Liens. PG&E shall keep the Property free and clear of all mechanic's liens arising, or alleged to arise, in connection with any work performed, labor or materials supplied or delivered, or similar activities performed by PG&E or at PG&E's request or for PG&E's benefit. If any mechanic's liens are placed on the Property in connection with PG&E's use or PG&E's Activities, PG&E shall diligently pursue all necessary actions to remove such liens from title, either by payment or by recording a lien release bond in the manner specified in California Civil Code Section 8424 or any successor statute.

(d) Restoration. Upon PG&E's ceasing to use the License Area and the Staging Area in connection with a particular PSPS Event, PG&E shall remove all personal property of PG&E from the License Area, remove all vehicles, personal property, debris and waste material of PG&E and PG&E's Representatives from the Staging Area, and repair and restore the License Area and the Staging Area to the condition that existed prior to PG&E's entry hereunder.

9. Notices. All notices under this License Agreement shall be sent by email to the addresses set forth in **EXHIBIT B**. In addition, LICENSOR will provide PG&E with telephone or cellphone numbers of staff in calling order to contact in an emergency as set forth in **EXHIBIT B**. **EXHIBIT B** shall be updated as needed to reflect current names and contact information.

10. Indemnity. Except to the extent caused by the active negligence or intentional misconduct of LICENSOR, its officers, agents, or employees, PG&E shall indemnify, defend and hold harmless LICENSOR and its governing body, officers, agents, and employees from and against all claims, losses, actions, demands, damages, costs, expenses (including, but not limited to, reasonable attorneys' fees and court costs) (collectively, "**Claims**") arising from or relating to PG&E's Activities, or the entry on, occupancy or use of, the Property by PG&E or PG&E's Representatives under this License Agreement, including, but not limited to, Claims relating to (i) injury to or death of persons, including, but not limited to, employees of LICENSOR or PG&E; (ii) injury to the property of LICENSOR, and (iii) violation of any applicable federal, state, or local laws, statutes, regulations, or ordinances by PG&E or PG&E's Representatives. In no event, however, shall PG&E be liable for any indirect or consequential damages or for loss of profits or other revenue, loss of goodwill, or loss of use. The indemnification obligations of PG&E under this Section 10 shall survive the expiration or earlier termination of this License Agreement.

11. Insurance. PG&E shall at all times during the Term of this License Agreement, self-insure for PG&E's Activities pursuant to this License Agreement in accordance with **EXHIBIT C**.

12. Alterations to Property. LICENSOR hereby grants PG&E and PG&E's Representatives the right to perform, at PG&E's sole cost and expense, the alterations to the Property described in **EXHIBIT D** attached hereto. PG&E or PG&E's Representatives will coordinate the scheduling of the performance of such alterations with LICENSOR.

13. Miscellaneous.

(a) Governing Law. This License Agreement shall in all respects be interpreted, enforced, and governed by and under the laws of the State of California.

(b) Attorneys' Fees. Should either party bring an action against the other party, by reason of or alleging the failure of the other party with respect to any or all of its obligations hereunder, whether for declaratory or other relief, and including any appeal thereof, then the party which prevails in such action shall be entitled to its reasonable attorneys' fees and expenses related to such action, in addition to all other recovery or relief.

(c) No Waiver. Any waiver with respect to any provision of this License Agreement shall not be effective unless in writing and signed by the party against whom it is asserted. The waiver of any provision of this License Agreement by a party shall not be construed as a waiver of a subsequent breach or failure of the same term or condition or as a waiver of any other provision of this License Agreement.

(d) Counterparts. This License Agreement may be executed in identical counterpart copies, each of which shall be an original, but all of which taken together shall constitute one and the same agreement.

(e) Authority. Each party to this License Agreement warrants to the other that it has the right and authority to enter into and to perform its obligations under this License Agreement, without the consent of any third party, and that the person signing below is authorized to bind such party.

(f) Interpretation. This License Agreement shall be construed according to the fair meaning of its language. The rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement.

(g) Exhibits. The following exhibits are attached hereto and incorporated herein by this reference:

EXHIBIT A – License Area
– Staging Area
– Parking Lot
– Generator Site

EXHIBIT B – Notices

EXHIBIT C – Statement of Self-Insurance Program

EXHIBIT D – ADA and Electrical Alterations

(h) Electronic Signatures. This License Agreement may be executed by electronic signatures (*e.g.*, using DocuSign or e-SignLive) or signatures transmitted in portable document format ("pdf"), and copies of this License Agreement executed and delivered by means of electronic or pdf signatures shall have the same force and effect as copies hereof executed and delivered with original manually executed signatures. The parties may rely upon electronic and pdf signatures as if such signatures were manually executed originals and agree that an electronic or pdf signature page may be introduced into evidence in any proceeding

arising out of or related to this License Agreement as if it were an original manually executed signature page.

(i) Successors and Assigns. This License Agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, successors, and assigns of each party.

(j) Entire Agreement. This License Agreement supersedes all previous oral and written agreements between and representations by or on behalf of the parties and constitutes the entire agreement of the parties with respect to the subject matter hereof. This License Agreement may not be amended, except by a written agreement executed by both parties.

IN WITNESS WHEREOF, the parties have executed this License Agreement as of the date set forth below each signature, effective upon the Effective Date first written above.

"PG&E"

PACIFIC GAS AND ELECTRIC COMPANY,
a California corporation

"LICENSOR"

CITY OF ANTIOCH, an incorporated city in
the State of California

By: _____

Name: _____

Its: _____

Date: _____

By: _____

Name: Rowland E. Bernal, Jr. _____

Its: City Manager _____

Date: _____

ATTEST

By: _____

Arne Simonsen, MMC, City Clerk

APPROVED AS TO FORM

By: _____

Thomas Lloyd Smith, City Attorney

EXHIBIT A

Nick Rodriguez Community Center, 213 F. Street, Antioch, CA 94509

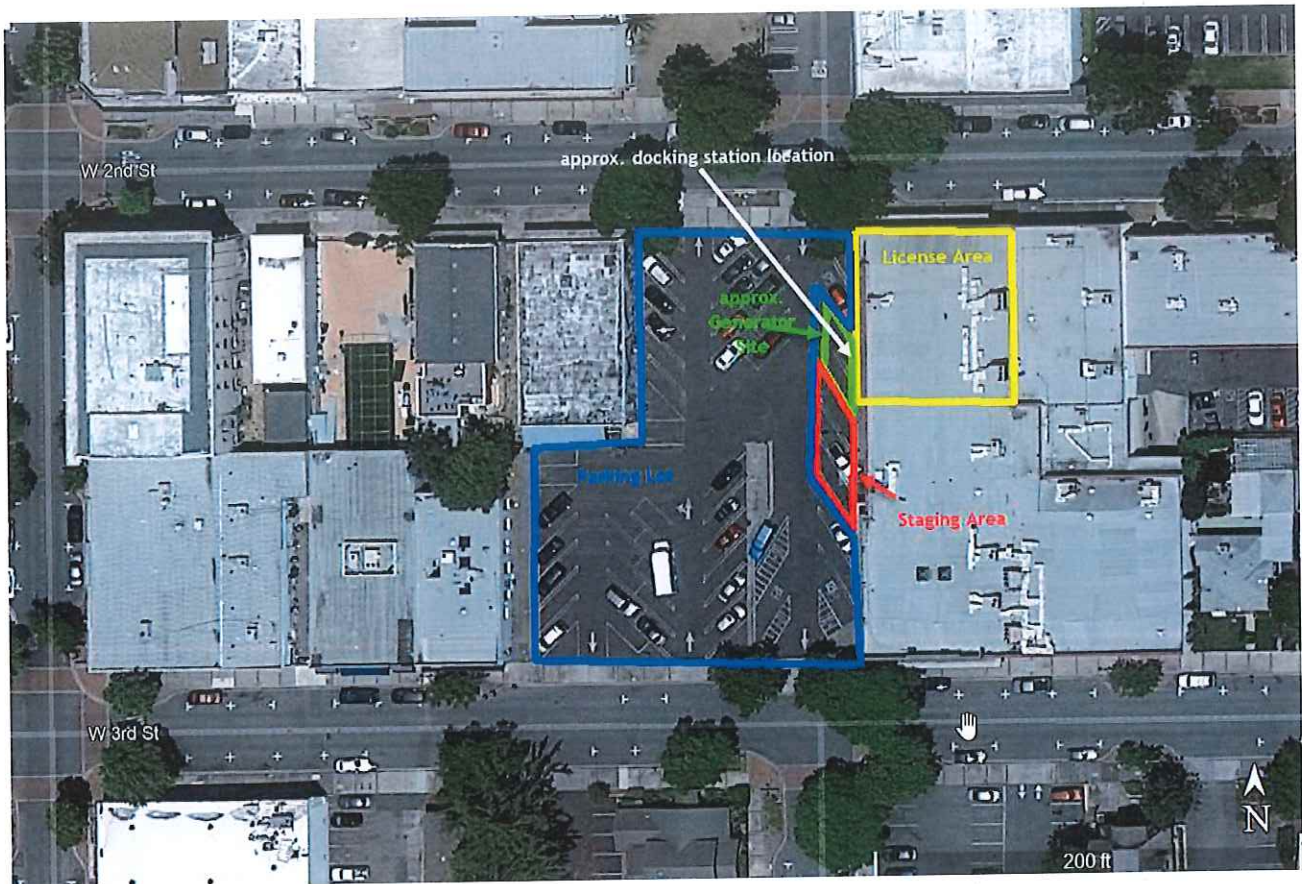


EXHIBIT B

NOTICES

TO LICENSOR:

Any notice to Licensor, including the notice to be given pursuant to Section 9 of the License Agreement, shall be sent to [REDACTED] at the following email address: [REDACTED].

In addition, in the event of an emergency, PG&E shall contact the following persons in the order set forth below:

[REDACTED]

[REDACTED]

[REDACTED]

TO PG&E:

Any notice to PG&E, including the notice pursuant to Section 9 of the License Agreement shall be sent to Lauren Ruby at the following email address: lauren.ruby@pge.com, cc'ing CRCHelp@pge.com.

EXHIBIT C



EORM & Insurance Department
245 Market Street / N4S
4th Floor
San Francisco, CA 94105

STATEMENT OF SELF-INSURANCE PROGRAM

May 1, 2019

Issued to: To Whom It May Concern

Re: Insurance requirements for Pacific Gas and Electric Company (PG&E) to use the location for a Community Resource Center in the event of a Public Safety Power Shutoff (PSPS) event.

This letter certifies PG&E is insured under a major risk management program with large self-insured retentions. The program provides coverage for the insurance types and limits reflected in the agreement which includes:

Commercial General Liability: \$5,000,000 each occurrence / \$5,000,000 aggregate
Employer's Liability: \$1,000,000 each accident
Business Auto Liability: \$1,000,000 each accident

Further, PG&E has qualified as a self-insurer under the laws of the State of California with respect to Workers' Compensation. Our identification number for this purpose is 2-0012-01-099.

This letter shall remain in effect until the termination of the agreement.

*Please note a certificate of insurance is not applicable when an entity is self-insured, such as PG&E, and note there is no expiration date.


JANAIZE MARKLAND
Director of EORM & Insurance
Pacific Gas & Electric Company

EXHIBIT D

ADA AND ELECTRICAL ALTERATIONS

Electrical Scope of Work to back up License Area only:

- Install a new 400A automatic transfer switch ("ATS") & 400A distribution panel mounted in adjacent meeting room near electric room
- Install new raceway between existing gear and out to ATS location
- Install (2) new 30A breakers in new dist. panel
- Provide 400A Generator docking station (to be mounted on top of landscaping area in front of generator site) and grounding
- Note: a temporary shutdown may be required during installation, testing and/or inspection of electric facilities

ADA Scope of Work:


- None


CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

PREPARED BY: Scott Buenting, Project Manager 

APPROVED BY: John Samuelson, Public Works Director/City Engineer 

SUBJECT: Acceptance of Work and Notice of Completion for the Curb, Gutter, and Sidewalk Repair Including Tree Removal and Stump Grinding and Installation of Concrete Curb Ramps at Miscellaneous Locations (2017-2018) (P.W. 507-16)

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution accepting work and authorizing the City Manager or designee to file a Notice of Completion for the Curb, Gutter, and Sidewalk Repair Including Tree Removal and Stump Grinding and Installation of Concrete Curb Ramps at Miscellaneous Locations (2017-2018) ("Project").

FISCAL IMPACT

The final project cost over the three-year period of the contract is \$1,130,599.52. During fiscal year 2019-2020 the contractor performed work totaling \$322,449.78 with funding through the Water and Sewer Enterprise Funds, General Fund and Gas Tax Fund.

DISCUSSION

On July 25, 2017, the City Council awarded a contract to Anchor Concrete Construction, Inc. ("ACCI") in the amount of \$258,900 to perform various repairs of concrete curb, gutter and sidewalk for a period of one year. The project Special Provisions allowed for the contract to be extended for a maximum of two additional one-year terms provided the original contract unit prices remain unchanged. On June 12, 2018, the City Council approved the first one-year extension of ACCI's contract in the amount of \$300,000.

On March 12, 2019, the City Council approved an increase to ACCI's contract by \$150,000 due to the increased amounts of concrete replacement work related to water and sewer utility repairs and numerous reported damaged sidewalk. In addition, on May 14, 2019, the City Council approved increasing ACCI's contract by \$272,744.60 from the Street Maintenance Fund for additional concrete work performed in conjunction with various roadway rehabilitation projects. On June 11, 2019 the second and last one-year extension was approved in the amount of \$360,000.

All work on this project was completed on June 30, 2020.

ATTACHMENTS

A: Resolution

B: Notice of Completion

ATTACHMENT "A"

RESOLUTION NO. 2020/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ACCEPTING WORK AND AUTHORIZING THE CITY MANAGER OR DESIGNEE
TO FILE A NOTICE OF COMPLETION FOR THE
CURB, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND
STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS AT
MISCELLANEOUS LOCATIONS (2017-2018)
P.W. 507-16**

WHEREAS, on June 27, 2017 the City Council adopted the 5 Year Capital Improvement Program 2017-2022, which included funding for the Curb, Gutter, and Sidewalk Repair Including Tree Removal and Stump Grinding and Installation of Concrete Curb Ramps at Miscellaneous Locations (2017-2018) ("Project");

WHEREAS, the Project was published and advertised in the East County Times on June 12, 2017 and June 13, 2017, and a Notice to Contractors was sent to the construction trade journals;

WHEREAS, the Project bids were publicly opened and read on July 11, 2017, and four (4) bids were received;

WHEREAS, the lowest responsive and responsible bidder was submitted by Anchor Concrete Construction, Inc. ("ACCI") of Antioch;

WHEREAS, on July 25, 2017, the City Council awarded a contract to ACCI in the amount of \$258,900 to perform various repairs of concrete curb, gutter and sidewalk;

WHEREAS, June 12, 2018, the City Council approved the first one-year extension of ACCI's contract in the amount of \$300,000;

WHEREAS, on March 12, 2019 the City Council approved increasing ACCI's contract by \$150,000 due to the increased amounts of concrete replacement work related to water and sewer utility repairs and numerous sidewalk damage being reported;

WHEREAS, on May 14, 2019, the City Council approved increasing ACCI's contract by \$272,744.60 from the Street Maintenance Fund for additional concrete work performed in conjunction with various roadway rehabilitation projects;

WHEREAS, on June 11, 2019 the second and last one-year extension was approved by the City Council in the amount of \$360,000;

WHEREAS, all work on the Project was completed on June 30, 2020 at a final contract price of \$1,341,644.60 in accordance with plans and specifications referred to therein.

A1

RESOLUTION NO. 2020/**

August 25, 2020

Page 2

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

1. The work on the Project is hereby completed and accepted.
2. The City Manager or designee is authorized to execute and file for record with the County Recorder, County of Contra Costa, a Notice of Completion thereof for the Project.

* * * * *

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 25th day of August, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN, MMC
CITY CLERK OF THE CITY OF ANTIOCH

A2

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, GUTTER, AND SIDEWALK REPAIR INCLUDING TREE REMOVAL AND
STUMP GRINDING AND INSTALLATION OF CONCRETE CURB RAMPS AT
MISCELLANEOUS LOCATIONS (2017-2018)
IN THE CITY OF ANTIOCH
(P.W. 507-16)**

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 June 30, 2020 the work and improvements hereinafter described, the contract for which was entered into by and between the City of Antioch and Anchor Concrete Construction, Inc. was completed.
5. The surety for said project was Western Surety Company.
6. This project consisted of removing and replacing existing uneven, damaged and/or deteriorated concrete curb, gutter, sidewalk, driveway and valley gutter sections and other miscellaneous concrete work at various locations (See Exhibit "A").

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

Date

John Samuelson, P.E.
Public Works Director/City Engineer
City of Antioch

B1

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

4316 Folsom Drive
4201 Delta Fair Blvd.
3001 Delta Fair Blvd.
3206 Delta Fair Blvd.
3104 Delta Fair Blvd.
3316 Longview Rd.
2515 Delta Fair Blvd.
2016 Alvarado Drive
3512 Meadowbrook Rd.
3005 Pear Street
302 6 th & D Street
2408 Lindberg Street
2323 Sequoia Drive
3012 Sunset Lane
2509 Jennifer Court
2024 Asilomar Drive
1112 Leggett Street
2109 Vaquero Way
1137 Klengel Street
4726 Fawn Hill Way
45 Park Lane
11 E. 19 th Street
1609 Marie Ave
1817 Biglow Drive
5037 Moccasin Way
5109 Pawnee Drive
1613 Bruce Street
299 W. Tregallas Road
113 Cataline Avenue
405 Boulder Drive
712 Greystone Drive
605 Twining Court
208 Brookside Drive
924 Halite Way
712 1st Street Alano Club
1709 Lipton Street
916 Coyote Court
512 8th Street
618 W. 14th Street
505 W. 2nd Street
40 Russell Drive
209 Tanganyika Court
4228 Wolf Way
2219 Navarro Court

B2

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

1110 Encina Court
2213 Navarro Court
4613 Oak Meadow Court
1221 C Street
2312 L Street
1512 G Street
4521 Montara Drive
3317 Kodiak Street
1192 Oak Haven Wy
4821 Lefebvre Wy
2327 Grimsby Court
2020 Cerro Court
620 Lynn Avenue
5593 Pumbridge Way
526 Black Oak Way
620 W. 11th Street
1208 Marie Avenue
405 Boulder Drive
5402 Cherokee Way
4856 Cushendall Way
2400 D Street
3418 Camby Drive
2010 Field Street
500 Kean Avenue
3201 Vista Hills Court
1605 Yellowstone Drive
2208 Lopez Drive
3705 Dimaggio Way
3317 Dimaggio Drive
107 Catalina Avenue
1101 L Street
1311 W. 8th Street
309 W. 6th Street
2324 Mark Twain Drive
3517 Hemingway Drive
3100 Milner Road
3338 Mountaire Drive
1836 Parsons Lane
38 E. 15th Street
5000 Brook Haven Way
5024 Wagon Wheel Way
132 Cambell Avenue
3113 Ashley Way
804 Madill Street

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

3606 Clayburn Road
109 Cambell Avenue
1005 E. 13th Street
4007 Sheffield Drive
1318 Louis Drive
1219 Marcus Court
137 Wilbur Avenue
1724 Linden Place
4160 South Royal Links
3201 E. 18th Street
36 Texas Street
2830 Buttercup Court
3130 Rio Grande Drive
2321 Meredith Way
1501 Monterey Drive
500 Lynn Avenue
2924 Elizabeth Lane
5520 Mcfarlan Ranch Drive
2707 Balboa Court
600 Drake Street
417 E. 18th Street
2704 Stamm Drive
4 Coventry Court
2737 Alcala Street
100 Cambell Avenue
5005 Wagon Wheel Way
5001 Wagon Wheel Way
920 W. Madill Street
103 Creed Avenue
5148 Cutler Court
4604 Goldcrest Way
321 Redrock Drive
807 9th Street
26 Bryan Avenue
3030 Beechnut Court
3124 Jackson Place
3145 Van Buren Place
2805 Wildflower Drive
2709 Wildflower Drive
11 Worrell Road
1111 Medanos Street
1130 Medanos Street
3328 Blythe Drive
201 Rossi Avenue

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

320 W. 20th Street
5 Belshaw Street
610 17th Street
114 Beede Way
2802 Alcala Street
3215 Kodiak Street
2637 Coffee Tree Way
5115 Prewett Ranch Drive
2111 Washington Way
2709 Alcala Street
514 W. 14th Street
1730 10th Street
2400 Sycamore Drive
1610 10th Street
1712 Sycamore Drive
2701 Violet Court
2924 Elizabeth Lane
807 W. 9th Street
3908 Caples Court
328 Granite Circle
3101 Ash Street
2585 W. 10th Street
414 8th Street
1619 San Jose Drive
1104 Caediff Court
2900 Harbor Drive
3500 Davi Court
2307 Mandarin Way
3612 Shaw Circle
22 Clearbrook Road
3329 Streamwood Court
4103 Mt. Isabel Road
1513 A Street
3700 Delta Fair Blvd.
3400 Delta Fair Blvd.
1921 Paradise Peak
3025 Elmo Road
347 Madill Street
5161 Homestead Way
5112 Roundup Court
2210 Nido Court
749 Wilbur Avenue
3031 Barmouth Drive
3205 Saint James Place

B5

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

1316 9th Street
3100 View Drive
3106 View Drive
4601 Canada Valley Road
4753 Vista Grande Valley
4921 Waterford Way
5157 Twin Creek Court
3317 Mountaire Drive
3101 Rio Grande Drive
Wildhorse & Folsom
Leggett Street
Williamson Ranch Park
Indian Hills & Morgan Way
Indian Hills & Longbranch
Indian Hills & Williamson Ranch
Prewett Ranch & Mokulumne
Village East Park
James Donlan Blvd. & Tabora Drive
Hillcrest Ave & So. Deerfield Drive
Roch Island & Rocky Point Drive
Elk Drive & Country Hills Drive
Pawnee Drive
D Street & 20 Hydrant
Marie Avenue
3rd Street Parking Lot
Conventry Court
Wildhorse & Folsom
Cushendall Way
Canada Valley Pathway
Antioch Community Park
Mira Vista Hills Park
Hillcrest Park
Somersville Road
L Street
Apollo Court
Tabora Ave & Timothy Place
James Donlon Blvd. & Gentry Courts
Belshaw & Chestnut
Rodeo Court
Laurel Road
Vista Grande Drive
Elmo Road
18th Street
D Street

B6

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

Chichibu Park
Country Hills Drive
Rodeo Court
Laurel Road
Vista Grande Drive
Deer Valley Road
Rocky Point Drive
Railroad & C Street
F Street & 2nd Street
Deer Valley @ Wildflower
Deer Valley Hydrant
A & 17th Street
Golf Course Road
Carmona Way
Putnam & Plumleigh
Elizabeth & Robert
Rocky Point & Deer Valley
Cushendall Way
Dallas Ranch Road
Black Diamond Drive
Canada Valley Road & Canada Hills
Canada Valley & Vista Grande
Via Dora Drive
Twin Creek Apartments
Geyser Court
SE Corner Deer Valley
W. 19th & C Street
Chickie & Belle
Hillcrest & Hidden Glen Drive
2761 Minta Lane
3305 Deer Valley Road
2300 Sycamore
917 Jacobsen Street
10th Street
3725 Lone Tree Way
815 Fulton Shipyard
Hillcrest Avenue
1901 Blue Mountain
Verne Roberts Circle
3185 Contra Loma Blvd.
615 Greystone
4825 Deer Valley Road
4015 Banbury Way
1614 F Street

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

3435 Lexington Way
Robles Drive
1101 Jacobsen Street
13 Felicia Court
4248 Merced Circle
Indian Hills Drive
2028 Reseda Way
2808 Almond Ridge
15 Worrell Road
4049 S. Royal Links
4001 S. Royal Links
Indian Hills & Williamson Ranch
3023 Filbert Street
Asilomar Drive Rock Island
3047 Barmouth Court
1004 Almond Street
1107 E Street
4465 Parkview Court
3101 Cedar Court
3113 Cedar Court
4575 Le Conte Circle
3444 Barmouth Drive
4320 Hillcrest Avenue
3713 Heritage Drive
1142 Leggett Street
2005 Asilomar Drive
4100 Lone Tree Way
5005 Wagon Wheel Way
500 E Street
4804 Wexler Peak Way
1002 4th Street
2513 Mammoth Way
105 Creed Avenue
1411 A Street
4035 Caldera Way
1744 Nandina Court
1754 Nandina Court
Country Hills Drive
522 14th Street
511 15th Street
3604 Justin Place
1968 Windy Peak Court
1613 Marie Avenue
1232 Botelho Street

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

2440 Crocker Way
2405 Covelite Way
2113 Lemontree Way
5671 Leitrim Way
211 20th Street
1207 Auto Center
1605 Auto Center
Gloucester Court
Pinenute Court
12 W. Madill
5648 Leitrim Way
Elk Court
1008 E Street
1715 C Street
3003 Longview Drive
5169 Lone Tree Way
5033 Carbonale Way
4504 Deer Vally Road
4009 St. Andrews Way
5325 Judsonville Drive
2910 Garrow Drive
2300 Robles Drive
4425 Wolverine Way
Vierra & 18th Street
42 Service Road
1300 Lipton Street
1842 Buck Mountain Court
1025 W. 8th Street
4850 Deer Valley Road
200 2nd St - City Hall
2817 Point Reyes Court
3424 Longview Road
3210 Whatley Court
Sycamore & Lemontree
2701 Lincoln Lane
4070 Royal Link Circle
2828 Bonita Avenue
2710 E. Tregallas Road
Golf Course Road
4854 Greencastle Way
In Shape @ Lone Tree
502 Parker Lane
Lone Tree by Walmart
Laurel Road

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

404 E. Street
2nd Street
409 W. 12th Street
324 Brookside Drive
212 Brookside Drive
Raley's Lonetree
Bank on Lone Tree
3835 Hummingbird Drive
1411 C Street
301 E Street
1618 Rosscommon Way
1213 Almond Way
911 Wainfleet Court
1004 Worthington Court
3608 Shaw Circle
3512 Shaw Circle
3204 Blythe Drive
1604 Wisner Drive
516 W. 12th Street
Hansen Park
1000 Claudia Court
Ashburton & Harbor Park
700 18th Street
Vineyard Drive
G & 13th Street
3201 Islewood Court
Sequoia Drive
2921 Plumleigh Avenue
421 Hillcrest Ave
Mark Twain & Mokulumne
2301 Mark Twain & Mokulumne
715 W. 14th Street
400 W. 4th Street
3117 San Juan Court
3144 Hemlock Street
3100 E. 18th Street
303 E. Street
512 Lynn Avenue
1000 Claudia Court
2757 D. Street
301 W. 9th Street
4437 Deermeadow Way
3710 Cascade Court
122 7th Street

B10

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

605 Eaker Way
105 Daphne Court
1134 Putnam Drive
2721 Filbert Street
917 W. 10th Street
1232 Botelho Street
3900 Gentrytown
507 W. 14th Street
2216 Nido Court
2440 Alderwood Drive
1525 Hillcrest Avenue
603 2nd Street
600 3rd Street
3524 Brookdale Court
Huntington Drive
106 7th & B Street
San Joaquin Avenue
3150 Mountaire Drive
7 7th Street
901 14th Street
517 5th Street
1504 Crestview Drive
4066 Folsom Drive
1431 St. Francis Drive
Morgan & Wagon Wheel
5006 Prairie Way
4801 Eisenhower Way
Sunset & Tregallas
1773 Vineyard Drive
2213 Brazil Drive
2710 Larkspur Drive
4620 Lone Tree Way
31 E. Madill
2301 Mohagany Way
1715 C Street
Longview @ Chichibu Park
908 C Street
517 W. 13th Street
3515 Gentrytown Drive
4539 Steed Way
2213 Navarro Court
1913 Biglow Drive
408 Brookside Drive
2216 Arbol Court

B11

EXHIBIT "A"
CURB, GUTTER AND SIDEWALK REPAIR
LIST OF LOCATIONS
P.W. 507-16

San Joaquin Drive
3845 Killdeer Drive
2425 Grimsby Drive
4140 So. Royal Links
104 Pleasant Place
624 W. 14th Street
4640 Country Hills Drive
5039 Comanche Way
328 Brookside Drive
2974 Honeysuckle Circle
509 W. 2nd Street
1530 W. 10th Street
1912 Yellowstone Court
1916 Yellowstone Court
4921 Parkgreen Circle
4640 Country Hills Drive
420 W. 6th Street
2313 Hilliard Circle
4864 Massive Peak Way
3105 Barmouth Drive
Contra Loma & Putnam
1500 Paul Court

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

PREPARED BY: Junming Li, Junior Engineer *VL*

REVIEWED BY: Scott Buenting, Project Manager *SB*

APPROVED BY: John Samuelson, Public Works Director/City Engineer *JS*

SUBJECT: Acceptance of Work and Notice of Completion for the Installation of Curb Ramps at Various Locations (P.W. 409-6)

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution accepting work and authorizing the City Manager or designee to file a Notice of Completion for Installation of Curb Ramps at Various Locations ("Project").

FISCAL IMPACT

The fiscal year 2019/2020 Capital Improvement Budget includes adequate funding for this work through the Measure "J" Fund, the Road Maintenance and Rehabilitation Account Fund, and the Marina Fund for the Project.

DISCUSSION

On June 11, 2019, the City Council awarded a contract to J.J.R. Construction, Inc. ("JJR") of San Mateo in the amount of \$1,155,070. The project consisted of constructing a total of 125 new curb ramps at various locations in preparation for future roadway resurfacing projects. In addition, the contractor constructed improvements at the Antioch Marina in the vicinity of the Veterans' Memorial.

All work on this project was completed on June 16, 2020 at a final contract price of \$1,138,947.94.

ATTACHMENTS

A: Resolution

B: Notice of Completion

ATTACHMENT "A"

RESOLUTION NO. 2020/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ACCEPTING WORK AND AUTHORIZING THE CITY MANAGER OR DESIGNEE
TO FILE A NOTICE OF COMPLETION FOR THE
INSTALLATION OF CURB RAMPS AT VARIOUS LOCATIONS
P.W. 409-6**

WHEREAS, on June 12, 2018 the City Council adopted the 5 Year Capital Improvement Program 2018-2023, which included funding for the Installation of Curb Ramps at Various Locations ("Project");

WHEREAS, the Project was published and advertised in the East County Times on April 23, 2019 and April 24, 2019, and a Notice to Contractors was sent to the construction trade journals;

WHEREAS, the Project bids were publicly opened and read on May 21, 2019, and eight (8) bids were received;

WHEREAS, the lowest responsive and responsible bidder was submitted by J.J.R. Construction, Inc. ("JJR") of San Mateo;

WHEREAS, on June 11, 2019, the City Council awarded a contract to JJR in the amount of \$1,155,070 for constructing 125 new curb ramps at various locations in preparation for future roadway resurfacing projects;

WHEREAS, JJR constructed additional improvements at the Antioch Marina in the vicinity of the Veterans' Memorial; and

WHEREAS, all work on the Project was completed on June 16, 2020 at a final contract price of \$1,138,947.94 in accordance with plans and specifications referred to therein.

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

1. The work on the Project is hereby completed and accepted.
2. The City Manager or designee is authorized to execute and file for record with the County Recorder, County of Contra Costa, a Notice of Completion thereof for the Project.

* * * * *

RESOLUTION NO. 2020/**

August 25, 2020

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 25th day of August 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN, MMC
CITY CLERK OF THE CITY OF ANTIOCH

A2

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
INSTALLATION OF CURB RAMPS AT VARIOUS LOCATIONS
IN THE CITY OF ANTIOCH
(P.W. 409-6)**

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 June 16, 2020 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 125 new curb ramps at various locations (See Exhibit "A") in preparation for future roadway resurfacing projects and constructed improvements at the Antioch Marina in the vicinity of the Veteran's Memorial.

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

Date

John Samuelson, P.E.
Public Works Director/City Engineer
City of Antioch

B1

EXHIBIT "A"
 INSTALLATION OF CURB RAMPS AT VARIOUS LOCATIONS
 LIST OF LOCATIONS
 P.W. 409-6

No.	LOCATION	No. of Ramps Installed
1	Madrone St. and Redwood Dr.	2
2	Pine St. and Redwood Dr.	2
3	Persimmon St. and Redwood Dr.	2
4	Ash St. and Redwood Dr.	2
5	Hemlock St. and Redwood Dr.	2
6	Redwood Dr. and Madrone St - West	2
7	Redwood Dr. and Muir Ct.	2
8	Redwood Dr. and Cedar St.	2
9	Redwood Dr. and Oak St.	2
10	Redwood Dr. and Cypress St.	2
11	Cypress St. and Pecan St.	2
12	Pecan St. and Cedar St.	2
13	Redwood Dr. and Sequoia Dr.	3
14	Sequoia Dr. and Cypress St.	3
15	Sequoia Dr. and Melon Ct.	2
16	Sequoia Dr. and Pear St.	4
17	Sequoia Dr. and Cherry St.	4
18	Sequoia Dr. and South Apple Ct.	2
19	Sequoia Dr. and North Apple Ct.	2
20	Garfield Pl. and Washington St.	3
21	Gentrytown Dr. and Lopez Dr.	2
22	Buchanan Rd. and Gentrytown Dr.	1
23	11th St. and Klengel St.	2
24	11th St. and Cook St.	2
25	11th St. and Medanos St.	2
26	11th St. and H St.	2
27	14th St. and Leggett St.	2
28	14th St. and Medanos St.	2
29	14th St. and Cook St.	3
30	14th St. and Macaulay St.	2
31	14th St. and Klengel St.	2
32	11th St. and Diamond St.	1
33	Medanos St. and Leggett St.	2
34	Macaulay St. and Cook St.	2
35	Milner Rd. and G St.	2
36	Milner Rd. and Acorn Rd.	2
37	Acorn Rd. and G St.	3
38	G St. and Meadowbrook Rd.	2
39	G St. and Alger Rd.	3
40	G St. and Fraser Rd.	2
41	G St. and Blythe Dr.	2
42	G St. and Gallagher Cir.	2
43	G St. and Mac Ct.	2
44	G St. and Dewitt Ct.	2
45	G St. and Gallagher Cir.	2
46	Medanos St. and 11th St.	1
47	2400 Sequoia Dr.	1
48	2401 Sequoia Dr.	1
49	2400 Cypress St.	1
50	2403 Cypress St.	1
51	Gentrytown Dr. and Lopez Dr.	1
52	Gentrytown Dr. and Johnson Dr.	2
53	Gentrytown Dr. and Sequoia Dr.	2
54	Gentrytown Dr. and Baker Ct.	2

B2

EXHIBIT "A"
INSTALLATION OF CURB RAMPS AT VARIOUS LOCATIONS
LIST OF LOCATIONS
P.W. 409-6

55	Gentrytown Dr. and Washington Wy.	2
56	Gentrytown Dr. and Dimaggio Wy.	2
57	Gentrytown Dr. and Tompkins Wy.	2
58	Gentrytown Dr. and Morton Wy.	2
59	Gentrytown Dr. and Dillard Wy.	2
60	Gentrytown Dr. and Meredith Wy.	4
61	Viera Ave.	1
TOTAL		125

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Vicky Lau, Junior Engineer VL

APPROVED BY: John Samuelson, Public Works Director/City Engineer JS

SUBJECT: Resolution Accepting Completed Improvements and the Release of Bonds for Quail Cove, Tract No. 7938, P.W. 696

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution accepting the completed improvements and release of bonds for Quail Cove, Tract No. 7938, P.W. 696.

FISCAL IMPACT

Upon satisfactory completion of the one-year warranty period, the City accepts responsibility for maintenance of the subdivision improvements.

DISCUSSION

On October 9, 2018 City Council adopted Resolution 2018/130 approving the vesting tentative map for the subdivision Quail Cove (P.W. 696), containing 30-single family homes and residing on 5.59 acres. The conditions of approval included the construction of various improvements. On June 11, 2019 City Council approved Resolution 2019/90 annexing the subdivision into Community Facilities District 2018-01 (Public Services) allocating funding for maintenance costs. On September 24, 2019, City Council approved Resolution 2019/149, entering into a Subdivision Improvement Agreement with the subdivision ensuring the construction of improvements.

Public Works Inspectors have inspected and approved the completion of the final punch-list items for improvements. The warranty period for improvements shall begin upon the date of recordation of a notice of completion. The City of Antioch shall assume responsibility for maintenance upon expiration of the one-year warranty period.

ATTACHMENTS

- A. Resolution
- B. Notice of Completion

ATTACHMENT "A"

RESOLUTION NO. 2020/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ACCEPTING COMPLETED IMPROVEMENTS AND THE RELEASE OF BONDS FOR
QUAIL COVE, TRACT NO. 7938, P.W. 696**

WHEREAS, on October 9, 2018, the City Council approved Resolution 2018/130 entering into a Subdivision Improvement Agreement with Quail Cove (West Coast Home Builders, Inc.) P.W. 696;

WHEREAS, on June 11, 2019, City Council approved Resolution 2019/90 annexing Quail Cove into Community Facilities District 2018-01 (Public Services) allocating funding for maintenance costs;

WHEREAS, on September 24, 2019, City Council approved Resolution 2019/149, entering into a Subdivision Improvement Agreement with the subdivision ensuring the construction of improvements;

WHEREAS, the City received a request from the Developer to accept completed improvements;

WHEREAS, the City has accepted and acquired all necessary Right-of-Ways required for the maintenance of improvements;

WHEREAS, improvements consisting of paving, curb, gutter, storm drain facilities, sanitary sewer, water mains, traffic signal and landscaping have been constructed and dedicated for public use; and

WHEREAS, the completed improvements have been constructed and inspected in accordance with the Standards Specifications and Subdivision Regulations of the City of Antioch, to the satisfaction of the City Engineer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby authorizes the City Manager or designee to accept improvements and approve the release of bonds under the Subdivision Improvement Agreement with Quail Cove (West Coast Home Builders, Inc.) P.W. 696; and

BE IT FURTHER RESOLVED that the accepted improvements shall be maintained by the City of Antioch in accordance with standard City maintenance policies upon satisfactory completion of the one-year warranty period.

* * * * *

RESOLUTION NO. 2020/**

August 25, 2020

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 25th day of August 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN, MMC
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
DEVELOPMENT ENGINEERING DIVISION
P.O. BOX 5007
ANTIOCH, CA 94531
(925) 779-7050

THIS SPACE FOR RECORDER'S USE ONLY

**NOTICE OF COMPLETION FOR
QUAIL COVE SUBDIVISION 7938 IMPROVEMENTS
IN THE CITY OF ANTIOCH
(P.W. 696)**

NOTICE IS HEREBY GIVEN that the work and improvements hereinafter described, was completed on August 25, 2020.

The surety for said project was Lexon Insurance Company.

The subject project consisted of all public improvements consisting of paving, curb, gutter, storm drain facilities, sewer mains, water mains, and landscaping have been installed and completed in the subdivision by the developer to the satisfaction of the City Engineer.

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

Date

John Samuelson, P.E.
Public Works Director/City Engineer


CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Powell Meads, Police Lieutenant

APPROVED BY: Tammany Brooks, Chief of Police 

SUBJECT: Police Crime Prevention Commission appointments for one vacancy expiring June 2023 and one vacancy expiring October 2021

RECOMMENDED ACTION

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

- 1) One member to the Police Crime Prevention Commission for a vacancy expiring June 2023; and
- 2) One member to the Police Crime Prevention Commission for the vacancy expiring October 2021.

FISCAL IMPACT

There is no fiscal impact as all positions are voluntary.

DISCUSSION

The Antioch Police Crime Prevention Commission makes recommendations to the City Council relative to crime prevention and reports on programs. Commissioners are involved in public presentations, coordination of various Neighborhood Watch groups, and special community events such as National Night Out. The Commission consists of 7 members, who each serve a 4-year term. **Applicants must not be a full-time police officer.** The Commission meets on the third Monday evening of the month barring holidays at which time the meeting will be held the following Wednesday.

Currently there are (2) vacancies on the Antioch Police Crime Prevention Commission. The term of one commissioner expired in June 2019 and one commissioner (already in a partial-term position) resigned in July 2019.

As a result of advertising, 2 applicants were interviewed by Mayor Sean Wright, Police Chief Tammany Brooks, Police Crime Prevention Commission Chair Sandra White, and Police Crime Prevention Coordinator Hans Ho for the vacancy:

Jack Bruckman
Robert Munton

The appointments will be seated at the regularly scheduled Antioch Police Crime Prevention Commission meeting on September 21, 2020.

ATTACHMENTS

- A. Resolution
- B. Applications of the listed applicants.

RESOLUTION NO. 2020/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPOINTING [INSERT NAMES OF APPOINTEES AFTER APPOINTMENT] TO THE
POLICE CRIME PREVENTION COMMISSION FOR THE (1) ONE FULL-TERM
VACANCY, ENDING IN JUNE 2023 AND (1) ONE PARTIAL-TERM VACANCY,
ENDING IN OCTOBER 2021**

WHEREAS, there is currently (1) one vacancy on the Police Crime Prevention Commission ending in June 2023 and (1) one vacancy on the Police Crime Prevention Commission ending in October 2021;

WHEREAS, the City Clerk's Office made announcement of the vacancies and solicited applications for both vacancies;

WHEREAS, Mayor Sean Wright considered two applications received and interviewed each of the interested applicants;

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(s) after appointment] to the Police Crime Prevention Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby approves the Mayor's nominations of [insert name of appointee(s) after appointment] and appoints them to serve on the Police Crime Prevention Commission, as Commissioners, with the term of [insert name of appointee] ending in June 2023 and the term of [insert name of appointee] ending in October of 2021.

* * * * *

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 25th day of August 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

Jack Bruckman

Live Oak Ct. Antioch CA 94509

American Israel Public Affairs Committee

Washington DC

Outreach Director

Years lived in Antioch = 4

1. I want to serve my community in an impactful way
2. I want to help support creating strong community ties and safe neighborhoods
3. I believe in a strong bond between police and community

Yes- been to meetings

No- haven't served before

I am experienced with committee work and have served on Boards and understand the process and rules. I have a strong management and marketing background and organizational structure experience. I am great at outreach and engaging people and finding common ground and building relationships.

I had applied in late 2018 and was contacted to interview in Feb. of 2019 but my time commitment had adjusted by Feb so that I couldn't commit to the meeting time. That has changed and I am able to fully commit to the regular meeting time and commission requirements now and would love to serve.

I can definitely attend meetings on the 3rd Mondays of the month.

JACK BRUCKMAN

Live Oak Ct., Antioch, CA 94509

SUMMARY

I am a results-driven leader with a successful track record of building brands, products, and teams. I am a strategic decision maker with a hands-on collaborative work ethic and high emotional intelligence. I am customer obsessed with a bias for action. I have expertise with SEO and Ecommerce, customer acquisition, brand loyalty, and creating a healthy pipeline, demand generation, and thought leadership. I can create content, national press, and go to market strategies. I have a background in CPGs, SaaS, B2B, and B2C at Fortune 500 Companies, Startups, Non-Profits, and multi-channel orgs. I can easily navigate between a Developer meeting and a Board meeting. Trusted with Integrity.

SKILLS

- Executive Management
- Page 1 Organic Search Results
- Creative Problem Solving
- Customer & User Experience
- Data Analytics & Analysis
- Product & Project Management
- Technical Competency
- Sales savvy & Financial Acumen
- Leadership
- Social Media & Content
- Strategic Planning and Vision
- Written & Verbal Communication

EXPERIENCE:

BRUCKMAN CONSULTING GROUP, LLC.

Antioch, CA

CEO | Founder | CMO

12/2017 to Current

Started my own consulting business for clients in the SaaS, Enterprise, B2B, B2C, Ecommerce, Startup, and Tech sector including SaaS providers based in the SF Bay Area, Los Angeles, Chicago, and NYC.

Providing C-Level expertise during major operational changes for clients. I created the roadmap for customer acquisition and thought leadership for national press. I created pitch decks for angel investors and VC funding and conducted strategic business analyst briefings during high level executive meetings. I also consulted on major operational growth strategies, content management, lead generation, staff acquisition, and product launches.

I have presented at the prestigious Gartner IT/Expo Symposium in Orlando Florida and at the RSA Security Conference in SF at the Moscone Center on behalf of my clients as well as garnered national press and operational efficiencies for them including profitability and growth over LYTD.

- Drove successful and press garnering product releases.
- Directed the development and implementation of business and product marketing campaigns.
- Cultivated and deepened partnerships with businesses, media firms and C-level executives.
- Devised and managed creative plans for company branding and product launches.
- Worked closely with Developers, Sales, and Executives
- Page 1 of google search organically

CMO | DAXIMA SOFTWARE

Orinda, CA Enterprise software solution development firm working on blockchain and AI

CMO | MYWORKDRIVE

San Francisco, CA SaaS provider with VPN alternative for secure remote file access

BARNABY LTD DBA GOOD VIBRATIONS

Concord, CA

Executive Vice President, COO, CMO

08/2009 to 12/2017

Executive VP, COO, and Chief Marketing Officer of Barnaby Ltd dba Good Vibrations including managing the merger and acquisition of three heritage brands in the CPG, ecommerce, and retail space including product releases.

Strategically managed brand integrity and market positioning during rapid growth period during and post mergers from \$10M in annual sales to \$24M in less than a year's time of privately held company awarded legacy heritage San Francisco status due to my petitioning. Locations based in SF, Seattle, Berkeley, Oakland, Palo Alto, Boston, and NYC. Managed and directed all department heads of three iconic brands including major e-commerce sites, wholesale and private label launches. Cultivated relationships with all local city officials, negotiated and intersected with planning commissions and contractors for build outs and approvals. Direct oversight of Brand Manager, Social Media Manager, Business Analyst, Web Producer, e-Commerce Director, Developers, Engineers, R&D staff, Advertising, IT Manager, Education Director, Retail Marketing, and Call Center as well as Retail Managers.

Successfully maintained page 1 of google organic search results for top products and categories. Industry awards and accolades awarded for several years running.

- Directed the development and implementation of business vision and product marketing campaigns.
- Cultivated and deepened partnerships with businesses, media firms and C-level executives.
- Drove improvements to market awareness and penetration with engaging and effective collateral.
- Led design and project teams with a big-picture view of business and client requirements.
- Devised and managed creative plans for company branding and product launches.
- Managed projects and served as primary liaison between client and multiple internal groups to ensure clarity of goals and quality and adherence to deadlines.
- Managed product launches, sprints, development cycles, go to market strategies

TIB, LLC

Oakland, CA

Senior Director of Operations and Web Marketing

04/2007 to 08/2009

Senior Director of Operations TIB LLC. DbA Babeland – Oakland, CALIFORNIA

Managed and Directed day to day operations of Multi-Channel Retail/ECOMMERCE business located in Oakland, Seattle, and NYC with fulfillment, launched ERP

software, Management of staff, shopping cart, hosting platform, and credit card processing integration. Worked directly with CEO and managed department heads.

Main brand oversight was all online marketing channels including web, email, social, affiliates, and campaign creations and launch. Directly involved with highest revenue season even during downturn economy in 2008. Surpassed revenue objective by revenue generation and efficiency expense monitoring. Verified data integrity and accuracy. Implemented marketing strategies which resulted in 12% growth of customer base. Produced ad hoc reports and documents for senior team members as needed and oversaw all analytics and report generating. Developed new process for employee evaluation which resulted in marked performance improvements.

- Directed the development and implementation of business and product marketing campaigns.
- Drove improvements to market awareness and penetration with engaging and effective collateral.
- Devised and managed creative plans for company branding and product launches.
- Managed projects and served as primary liaison between client and multiple internal groups to ensure clarity of goals and quality and adherence to deadlines.

CREATESPACE

Santa Cruz, CA

Director of Operations

04/2004 to 04/2007

Director of Operations of CreateSpace Formerly Known as CustomFlix – Santa Cruz and Scotts Valley, CA based Amazon owned subsidiary, DVD on demand publishing house, launched CD on demand, book publishing on demand and proprietary software platforms while running operations of duplication services before during and after Amazon acquisition. Managed staff and trained personnel.

Thanked personally by Jeff Bezos for first busy season accomplishment- shipped 5,000 pieces/day. Instituted production and company SOPs, Metrics KPIs, and operating handbooks working closely with Amazon VPs from Seattle during acquisition. Initiated two key partnerships which resulted in 54% revenue growth in one season. Worked directly with CEO and Co-Founders to achieve best in class service, business model, and customer success.

Researched and updated all required materials needed for firm and partners.

Produced ad hoc reports and documents for senior team members.

Designed, developed and tested embedded software applications for use in the media on demand industry. Verified data integrity and accuracy.

Supported Chief Operating Officer with daily operational functions. Developed new process for employee evaluation which resulted in marked performance improvements.

- Directed the development and implementation of business and product marketing campaigns.
- Cultivated and deepened partnerships with businesses, media firms and C-level executives.
- Led design and project teams with a big-picture view of business and client requirements.
- Devised and managed creative plans for company branding and product launches.

ASK JEEVES AKA ASK.COM

Emeryville, CA

Quality Assurance Director

01/1999 to 01/2001

Provided Beta and Gold product launch GTM product launch quality assurance prior, during, and post IPO.

Conducting performing regression and black box testing of product launches from Beta to Gold working directly with engineers and executive management. Performed solid copy editing and natural search skills building search engine by verifying data integrity and accuracy.

Produced reports and documents for senior team members. Developed new process for employee evaluation which resulted in marked performance improvements. Validated schematic designs working alongside software engineers and dev ops engineers. Worked directly with department heads and CEO to achieve best in class product offering for series investing and IPO stage

OPEN ENTERPRISES DBA GOOD VIBRATIONS

San Francisco, CA

Worker-Owner

02/1993 to 07/1998

Good Vibrations Aka Open Enterprises – San Francisco, CALIFORNIA

Good Vibrations Good Vibrations San Francisco and Berkeley CA.

Ran a Cooperative Worker-Owner company and heritage SF iconic brand from 1993-1998. Co-owner of legendary feminist sex toy retailer and book publisher, was part of phenomenal growth period with opening second store, launching web site, expanding mail order catalog business, training and managing personnel, branding, marketing. Oversaw opening of Berkeley location and fulfillment expansion during advent of internet and eCommerce sales. Commercial management and lease negotiations of locations including HQ and warehouse location.

- Directed the development and implementation of business and product marketing campaigns.
- Devised and managed creative plans for company branding and product launches.
- Drove improvements to market awareness and penetration with engaging and effective collateral.

EDUCATION AND TRAINING

MASTER OF POETICS PROGRAM

New College of California, San Francisco, CA, United States

COMMUNICATIONS AND MEDIA

San Francisco State University, San Francisco, CA, United States

PROFESSIONAL AFFILIATIONS

Vice President of the Board of Lambda Democratic Club of Contra Costa County

Executive Board Officer of Rainbow Community Center of Contra Costa County

Member of Economic Development Committee of Antioch CA

Member of StartOut- LGBTQ Tech networking and investment group in SF

Certified Resource Family/Foster Parent in Contra Costa County

Mission Leader of LGBTQ Israel/Palestine equality group A Wider Bridge



Deadline is 5:00 p.m. Friday, May 15, 2020
APPLICATION FOR COMMUNITY SERVICE

POLICE CRIME PREVENTION COMMISSION

Print your name: Robert E. Minton
Address: Crocker Way City: Antioch
ZIP Code 94531 Phone (H) _____ (W) N/A (C) _____
E-mail address: _____
Employer: N/A
Address: N/A City: N/A
Occupation: Retired
Years lived in the City of Antioch: 20 years

List the three (3) mail reasons for your interest on this appointment:

Interested in becoming involved with crime prevention
would like to work with Police Department in increasing security
Develop working knowledge on how local police department allocate resources

Have you attended any meetings of this commission? Yes

Have you had any previous city community service on this commission? (If yes, please explain) No

What skills/Knowledge do you have that would be beneficial in serving on the Police Crime Prevention Commission?

Ability to understand procedures and technical issues.
Ability to analyze complex subjects + situations
Able to listen to all sides and develop common ground solutions

Please indicate any addition information or comments you wish to make that would be helpful in reviewing your applications:

Interested in giving back to the community by performing
community service.

The Commission meets on the third Monday of the month in the Antioch Police Department's Community Room (300 "L" Street) at 7:00 p.m., barring holidays in which case meetings will be held the following Wednesday.

Can you attend the 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 mail or email to:

Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007
Email: cityclerk@ci.antioch.ca.us

Robert E. Munster

Signature

5/14/2020

Date

Robert E. Munton
Crocker Way
Antioch, CA 94531

Office:

Email:

CAREER SUMMARY

Held positions in technical sales and marketing functions with increasing responsibilities in the designing/organizing/implementing short and long-term marketing plans for manufacturers and independent sales agency networks. Skill set includes development of promotional literature, technical correspondence; technical presentations targeted toward the agency associates, architectural, electrical engineering, distribution, contracting, OEM and end user target markets. Have provided on site technical assistance, organized and implemented project management on the construction level by assisting in commissioning and start up tasks. Able to effectively analyze markets in order to attain corporate goals by developing and executing sales plans targeting corporate goals.

EXPERIENCE

Regional Management Group, Inc.

FOUNDER/PRESIDENT

2005 - 2018

Established business to provide Contract Regional Management services targeted at small to medium sized companies that need local sales support, but are not financially able to support salaried Region Manager. Primary purpose is to increase product presence, sales revenue, technical assistance and problem resolution of client's product line by localizing available expertise. Capable of taking full responsibility for revenue and expense optimization in sales territory.

- Ability to identify, select and create an agency network throughout the western portion of the US.
- Ability to evaluate the level of expertise needed to promote product line and develop training program to address gap.
- Increase effectiveness of Sales Agency network by using sales presentations as training modules to increase their expertise and confidence in promoting the client's product line.

PLC Multipoint, Inc.

WESTERN REGION MANAGER

2002 - 2004

Established an independent sales agency network throughout the western region of the United States. Developed training modules targeted at increasing sales representative's expertise, prepared marketing plans, sales forecast/budget and managed sales agency network.

- Identified, interviewed and appointed sales agents throughout the western sales region.
- Prepared and presented product demonstrations to specifying electrical engineers, architects, distributors and end users.
- Increase effectiveness of Independent Sales Agencies through detailed training overview of product line and then follow-up with modular based training of individual product line categories.

NOVITAS, INC

NORTHWEST/SOUTHWEST REGION MANAGER

1997 -2002

Responsible for increasing penetration of wiring device product line in southeast region, by increasing the number of independent representatives, making product presentations, motivating independent sales representatives and increasing distribution alliances.

- Increased YTD 1998 through 2000 sales revenue in the southeast by 300%.
- Prepared and presented product demonstrations to Electrical Consultants, Distribution and End User Community.
- Increased effectiveness of all sales channels through modular based product training.

SYLVANIA LIGHTING SERVICES

SALES REPRESENTATIVE

1996 - 1997

Sales Territory Manager for South Florida Market. Developed new business opportunities through extensive cold calling, prospect qualifying, lighting surveys, energy analysis, proposal preparation and presentations.

- Designed and executed strategy which increased customer awareness.
- Prepared and presented sales proposals that resulted in customer commitments.

FLORIDA POWER & LIGHT COMPANY

LIGHTING SALES MANAGER

1993 - 1996

Introduced new lighting rebate program to Commercial/Industrial market. Developed, trained and directed vendor network.

- Recruited, trained and managed over 150 independent vendor allies.
- Consistently exceeded quotas over the last three years.
- Insured compliance, which resulted in error free audits.

LIGHTING PROGRAM DEVELOPMENT TEAM MEMBER

1991 - 1993

Performed market research, developed strategies and designed marketing plan that addressed customer needs and attained corporate objectives.

- Gathered and interpreted research data which resulted in vendor driven approach.
- Teamed with focus groups to verify research conclusions.

COMMERCIAL/INDUSTRIAL ACCOUNT MANAGER

1985 - 1991

Responsible for all aspects of major account sales and service. Developed and executed long term objectives in conjunction with the executive management group. Managed system improvement projects, which affected quality of service.

- Promoted, marketed, demonstrated and designed energy reduction strategies to engineers & facility managers which reduced energy expenses by 5 to 20 percent.
- Reduced report preparation time by 40 percent through computer automation.
- Consistently exceeded sales quotas and increased satisfaction levels by 2 to 5 percent.

EDUCATION

Bachelor of Science in Business Administration/Marketing
Florida State University, Tallahassee, Florida.

CONTINUING EDUCATION

General Electric Lighting School, Sylvania Lighting School
Certified Energy Manager Course/Association of Energy Engineers
Commercial/Industrial Training/Florida Power & Light Company
The Art of Effect Negotiating/Dr. Chester L Karrass
Total Quality Management Training, (TQM)/Florida Power & Light Company

COMPUTER EXPERIENCE

Windows Based Experience: Microsoft Office, Excel, PowerPoint, Outlook.

INTERESTS

President, The Lions of Antioch California July 2016 thru 2018.
Public Speaking, automobiles, motorcycles and international travel.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Kwame P. Reed, Economic Development Director *KPR*

APPROVED BY: Ron Bernal, City Manager

SUBJECT: Resolution Amending the Fiscal Year 2020/21 Budget for the Allocation of \$300,000 in CARES Act Funding and Reprogramming of \$120,000 in the Economic Development Departments Budget Towards COVID-19 Small Business Relief Including \$15,000 for the Antioch Chamber of Commerce for the Purpose of Administering the Small Business Grant Program

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution to approve amending the fiscal year 2020/21 budget for the allocation of \$300,000 in CARES Act funding and reprogramming of \$120,000 in the Economic Development Department budget towards COVID-19 small business relief including \$15,000 for the Antioch Chamber of Commerce for the purpose of administering the small business grant program.

FISCAL IMPACT

The proposed allocation \$300,000 from the City's Federal CARES Act disbursement is an authorized reimbursable expenditure that can be used to assist businesses impacted by the COVID-19 pandemic through grants. The \$120,000 allocation of reprogrammable funding from the Council approved Economic Development Department's FY 2020/21 budget includes \$75,000 identified in the Programming line item and \$45,000 identified in the Contracts line item and will be used towards the Business License Tax Relief program and the Chamber of Commerce administration of the grant program. If the funding from the CARES Act does not materialize, the \$300,000 will need to be provided from the General Fund.

DISCUSSION

As result of the Economic Development Commission's ("EDC") presentation on the COVID-19 Recovery, Retention, and Thriving Plan on August 11, 2020, Council directed staff to continue to provide educational resources at the lowest cost possible, utilize our

business relationships with other organizations (i.e. Antioch Chamber of Commerce (“Chamber”)) whenever possible, and create funding opportunities for small businesses that includes business license tax relief, marketing, and grants focused on recovery and safety.

Business License Tax Relief will be allocated as a reduction or as a rebate (after the full cost of the renewal has been paid) of \$100 on the renewal of existing Antioch businesses. To be eligible for the relief the business must meet the qualifications below:

- Have a current/active business license as of March 17, 2020
- Have paid or will have paid for a renewal prior to March 16, 2021
- Have no more than 50 employees
- Do not have a national-brand affiliation

This is a one-time relief and only eligible to one owner per business.

Small Business Grants will be funded by the City’s CARES Act allocation. The CARES Act states that payments from the Fund may be used to cover costs associated with the provisions of grants to small businesses to reimburse the costs of business interruption caused by required closures. Businesses will be able to apply for \$5,000 grants. This amount will allow 60 grants to be provided to support eligible Antioch small businesses. To be eligible, business must:

- Have a physical location in the Antioch city limits
- Hold a current Antioch business license for one (1) year prior to January 1, 2020
- No more than 25 employees
- Demonstrate they were unable to operate due to the Shelter Orders or sales were down more than 25% from the previous quarter or the same quarter last year

Priority will be given to retail, personal service businesses, restaurants, and businesses that have not received federal assistance (PPP, EIDL, etc.). Eligible uses of the grant funding include safety expenses (protective equipment for employees and customers), operational improvement expenses (equipment or furnishings needed to operate outdoors/indoors to meet industry standard COVID-19 guidelines), and operating expenses (rent/mortgage payments for the business, utility bills, inventory, marketing). The businesses use of the grant funding will also be a factor in the process. The EDC recommended funds be used more towards safety and operational improvements.

The application cycle will be announced and provided to all companies meeting the above criteria as well other means of communication/outreach in English and Spanish. The Chamber will administer the program through a MOU with the City and will be coordinated through the Economic Development Department. The program will be made available to any Antioch business regardless of their status with the Chamber. If the number of applicants exceeds the available funding, a lottery will be conducted.

If complications arise with the issuance of CARES Act funding for the Small Business Grants, staff will return to Council for funding alternatives from the General Fund.

ATTACHMENTS

- A. Resolution
- B. Draft Small Business COVID-19 Grant Criteria

RESOLUTION NO. 2020/XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING THE FISCAL YEAR 2020/21 BUDGET FOR THE ALLOCATION OF \$300,000 IN CARES ACT FUNDING AND REPROGRAMMING OF FUNDS IN THE ECONOMIC DEVELOPMENT DEPARTMENT BUDGET TOWARDS COVID-19 SMALL BUSINESS RELIEF INCLUDING \$15,000 TO THE ANTIOCH CHAMBER OF COMMERCE FOR THE PURPOSE OF ADMINISTERING THE SMALL BUSINESS GRANT PROGRAM

WHEREAS, the City of Antioch's Economic Development Commission recommended COVID-19 Recovery, Retention, and Thriving Plan concepts to the City Council at their August 11, 2020 City Council meeting;

WHEREAS, the City Council directed staff to continue to provide educational resources at the lowest cost possible, utilize our business relationships with other organizations (e.g. Antioch Chamber of Commerce ("Chamber")) whenever possible, and create funding opportunities for small businesses that includes business license tax relief and grants focused on recovery and safety;

WHEREAS, the Business License Tax Relief program aims to provide a reduction or rebate (after the full cost of the renewal has been paid) of \$100 on the renewal of certain existing Antioch small businesses;

WHEREAS, the City aspires to provide \$105,000 towards the Business License Tax Relief program in an effort to support 1,050 Antioch businesses that meet the eligibility requirements;

WHEREAS, business must meet certain qualifications to be eligible for the Relief including the following: possess a current/active Antioch business license as of March 17, 2020, have paid or will have paid for a business license renewal by March 16, 2021, have no more than 50 employees, and not have a national-brand affiliation;

WHEREAS, the City has created a Small Business Grant Program using \$300,000 of the City's CARES Act allocation;

WHEREAS, a City's CARES Act funds may be used to cover costs associated with the provisions of grants to small businesses to reimburse the costs of business interruption caused by the required closures from COVID-19;

WHEREAS, the City intends to provide 60 Antioch business with \$5,000 grants;

WHEREAS, to be eligible for the grant, a business must: have a physical location in the Antioch city limits, hold a current business Antioch business license for one (1) year prior to January 1, 2020, have no more than 25 employees, demonstrate they were unable to operate due to the Shelter Orders or sales were down more than 25% from the previous quarter or the same quarter last year;

WHEREAS, funding priority will be provided to retail, personal service businesses, restaurants, and businesses that have not received federal assistance (PPP, EIDL, etc.);

WHEREAS, eligible uses of the grant funding include safety expenses (protective equipment for employees and customers), operational improvement expenses (equipment or furnishings needed to operate outdoors/indoors to meet industry standard COVID-19 guidelines), and operating expenses (rent/mortgage payments for the business, utility bills, inventory, marketing) and

WHEREAS, the actions proposed herein, including but not limited to the Business License Tax Relief Program and the Small Business Grant Program, achieve a public purpose for the City by preserving employment and business activity within the City during an economic and public health crisis, and provide resources for businesses to continue to operate safely and at less risk to public health.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby amends the City's fiscal year 2020/21 budget and authorizes the City Manager or designee to allocate \$300,000 of the City's CARES Act Funding to the creation of a COVID-19 Small Business Grant Program.

BE IT FURTHER RESOLVED that the City Council of the City of Antioch authorizes the reprogramming of \$120,000 in the Council approved Economic Development Department's FY 2020/21 budget to create an Antioch Grant Program. Use Tax Relief program in the amount of \$105,000 and to provide \$15,000 of funding to the Antioch Chamber of Commerce for the purpose of administering the Small Business

* * * * *

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 **25th** day of **August**, 2020 by the following vote:

AYES:

ABSENT:

NOES:

ARNE SIMONSEN, MMC
CITY CLERK OF THE CITY OF ANTIOCH

ATTACHMENT B

DRAFT - Small Business COVID-19 Relief and Grant Criteria - DRAFT

Business License Tax Relief -			
Eligible for:	Eligible if:	The following business types are ineligible:	Draft Timeline:
One-time reduction or rebate of \$100 on the renewal of existing Antioch business tax license. Only for one owner per business	<ul style="list-style-type: none"> • Have less than 50 employees • Do not have a national-brand affiliation • Antioch Businesses that hold an existing Business License • Have a current/active business license as of March 17, 2020 • Have paid or will have paid for a renewal prior to March 16, 2021 	<ul style="list-style-type: none"> • If you have more than 50 employees • Have a national-brand affiliation • New business licenses after March 17, 2020 	On-going


Small Business Grant Program			
Eligible for:	Eligible if:	The following business types are ineligible:	Draft Timeline:
<ul style="list-style-type: none"> • Safety Expenses - protective equipment for employees and customers that enhances safety and protection • Operational Improvement Expenses - equipment/furnishings needed to establish outdoor/indoor operations to meet industry standard COVID-19 guidelines • Operating Expenses - rent/mortgage payments for the business, utility bills for the business, inventory, marketing 	<ul style="list-style-type: none"> • Business is in good standing with the City of Antioch • Active business license as of January 1, 2020 • Between 1 and 25 employees as of March 1, 2020 • Sales down more than 25% from April to June 2020 compared to previous three months or same period in 2019 <p><u>Priority given to:</u></p> <ul style="list-style-type: none"> • Retail, personal service establishments, and restaurants • Businesses that did not receive federal assistance 	<ul style="list-style-type: none"> • Lending/investment institutions and insurance companies • Gambling facilities • Franchises with more than 3 locations within city limits • Businesses engaged in illegal activity • Subcontractors under a primary license, such as in a salon • Nonprofit organizations • Home-based businesses <p><u>Relief Amount:</u> \$5,000 per individual grant. If the number of applicants exceeds available funding, a lottery will be conducted</p>	<p>TBD</p> <p>Promote Program and Chamber of Commerce to host webinar</p> <p>TBD</p> <p>Application open</p> <p>TBD</p> <p>Recipients chosen and funding dispersed</p>

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Forrest Ebbs, Community Development Director 

SUBJECT: Sand Creek Focus Area Alternative Planning Process

RECOMMENDED ACTION

It is recommended that the City Council adopt a Resolution repealing Resolution 2005/41 and amending the Sand Creek Focus Area Alternative Planning Process.

FISCAL IMPACT

This action will have no impact on the City budget.

DISCUSSION

The 2003 General Plan includes specific policies governing development in the Sand Creek Focus Area, including Section 4.4.6.7.b which states the following:

Prior to or concurrent with approvals of any development applications other than major employment-generating uses (including, but not limited to a medical facility on the Kaiser property), a specific plan or alternative planning process as determined by the City Council, shall be prepared and approved for the Sand Creek Focus Area. Such specific plan or alternative planning process shall identify and provide for project for project-related land uses, financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements with the area proposed for development.

In response to this policy, the City Council adopted Resolution 2005/41, which describes the Alternative Planning Process and is included as "Attachment B". The adopted policy builds off the adopted zoning for all parcels in the Sand Creek Focus Area. Each of the parcels was initially assigned a zoning designation of Study Area (S). The Study Area zoning serves as a placeholder zoning designation that is to be replaced by the approved Planned Development (PD) zoning that accompanies a project entitlement. The approved PD will specify the exact development standards and land uses for the approved project. A project site must be rezoned from S to PD during the entitlement process.

Concurrent with this rezoning, the Alternative Planning Process requires a Master Development Plan that describes the project in general and serves as a conceptual plan. This Master Development Plan is intended to serve as a framework for all forthcoming development. The Alternative Planning Process requires that the Master Development

Plan be submitted concurrently with the PD rezone application and prior to submittal of a Final Development Plan or a Tentative Subdivision Map. In addition, a Resource Management Plan, as required by the General Plan, is submitted at this step.

The Alternative Planning Process also requires that sufficient environmental documentation and review be provided to support approval of the Master Development Plan. This is typically an Environmental Impact Report (EIR) as described in the California Environmental Quality Act (CEQA). The PD rezone application, EIR and Master Development Plan are both reviewed and approved together by the City Council following review and a recommendation of the Planning Commission. This represents the first phase of reviews and approvals under the Alternative Planning Process for the Sand Creek Focus Area.

The second phase of the Alternative Planning Process requires two distinct steps. The first is successful application under the Residential Development Allocation (RDA) process. The RDA process has been in place since 2002 and was last amended in late 2019. Recent state laws have prohibited the continued use of the RDA process and the City will be evaluating options to update the process concurrently with the upcoming comprehensive General Plan update. Regardless, the City has not met the unit construction thresholds over the past several years to trigger the RDA process.

After completion of the RDA process, a Final Development Plan and Tentative Subdivision Map is required. The Final Development Plan provides final details, architecture, parks design, and similar elements. The Tentative Subdivision Map is the first of two steps required for legal land subdivision as prescribed in the Subdivision Map Act, a state law, and the Antioch Subdivision Ordinance. The Final Development Plan and Tentative Subdivision Map Act are both reviewed and approved by the City Council following review and recommendation of the Planning Commission. The Final Subdivision Map is later submitted directly to the City Council for approval.

None of the above processes applies to the Kaiser Permanente property.

Since 2015, two notable projects have been approved under the current Alternative Planning Process or modified versions of it. The Vineyards at Sand Creek project includes 641 single-family homes and the Aviano project includes 533 units. Both are under construction.

The Planning Division of the Community Development Department currently has applications for the following projects in the Sand Creek Focus Area:

1. Creekside – Vineyards at Sand Creek
2. Olive Grove/Albers Ranch
3. The Ranch
4. Deer Valley Estates
5. Zeka Ranch

There are also several other notable parcels and project sites remaining in the Sand Creek Focus Area that may eventually be proposed for development and a formal application.

Planned Development (PD) Rezone

The Planned Development (PD) rezone process is prescribed in Title 9, Chapter 5, Article 23 of the Antioch Municipal Code. It is not used exclusively in the Sand Creek Focus Area but applies Citywide. The process contains two distinct phases. The first phase is the Preliminary Development Plan (PDP), which is a conceptual plan that is presented for feedback and direction to the Planning Commission and, at times, to the City Council. Once the PDP has been reviewed by the Planning Commission/City Council, a Final Development Plan is required. The Final Development Plan is reviewed and approved by the City Council following review and recommendation from the Planning Commission. For Sand Creek Focus Area projects, the PD Rezone process requires a Master Development Plan rather than a Final Development Plan.

In summary, the current Alternative Planning Process consists of the following steps:

CURRENT ALTERNATIVE PLANNING PROCESS

Phase	Approval	Process	Approved By
Phase One	Preliminary Development Plan Review	PD Rezone	PC / CC (advisory only)
Phase Two	Master Development Plan Resource Management Plan Rezone from S to PD Environmental Review/EIR	Alt Plan Process Antioch General Plan PD Rezone CEQA	PC / CC
Phase Three	Tentative Subdivision Map Final Development Plan RDA Process Environmental Review	Subdivision Ordinance Alt Plan Process PD Rezone RDA Process CEQA	PC / CC
Phase Four	Final Subdivision Map	Subdivision Ordinance	CC
Phase Five	Building/Grading Permits	Building/City Codes	Staff

Within the current five-phase process are other components including Development Agreements, Subdivision Improvement Agreements, Reimbursement Agreements, Community Finance Districts (CFD) annexation, and others. The public handout for this process is available at:

<https://www.antiochca.gov/fc/community-development/planning/Master-Development-Plan-Rezone-FUA1.pdf>

Proposal

Staff recommends a new and streamlined Alternative Planning Process. Through experience with the two approved and other current applications, staff has found that the current Alternative Planning Process is not accomplishing the goals envisioned in the General Plan and conflicts with the established process already in place. Specifically, the Growth Management Element discusses ways to meter growth commensurate with service standards. Recent legislative changes have brought into question our ability to restrict growth as envisioned by the General Plan. The Housing Accountability Act of 2020 (SB 330), for example, generally prohibits metering processes and limits the number of public hearings required for a housing project that is consistent with the General Plan.

The Alternative Planning Process adds complexity to and does not align well with the environmental review process established by the California Environment Quality Act (CEQA). CEQA requires that a project be considered in its whole and that project elements not be analyzed piece-meal; a project cannot be segmented into smaller less-impactful projects. A typical EIR is very complex and requires a high level of detail and a well-developed project description to sufficiently analyze potential environmental impacts. The limited information required for the Master Development Plan (Phase Two) can be inadequate for project-level CEQA analysis, which can mean subsequent CEQA analysis will need to be conducted on future, more detailed tentative map applications. The limited information also complicates the simultaneous permitting and mitigation processes with the State and Federal natural resource agencies.

The Alternative Planning Process prohibits the submission of a Tentative Subdivision Map concurrent with the Master Development Plan. A Tentative Subdivision Map is a technical document, governed by State law and City ordinance, that is signed by an engineer and provides the legal descriptions for land subdivisions. As described above, the applicant has typically planned their project beyond the minimum requirements for a Master Development Plan in Phase Two. In staff's experience, developers typically have their Tentative Subdivision Maps prepared at this point but are precluded from submitting them for approval. As a result, many Planning Commission comments and questions go unanswered. The requirement to process tentative maps after zoning approvals can greatly increase the time it takes to obtain project approvals compared to projects in other areas of the city and limits the information available to the City and the public for consideration.

It is important to note that the Alternative Planning Process was intentionally designed to accommodate the Residential Development Allocation program. In the early years of the RDA program, there was a waiting period for nearly all housing projects to receive allocations for development. The Alternative Planning Process creates a window for this anticipated waiting period. The RDA program's growth metering triggers have not been met for years, and, as such, this waiting period does not need to be accommodated. Staff does not anticipate that the RDA process will be enacted again soon for various reasons, including potential conflicts with recent State laws.

The PD rezone process is required for Sand Creek Focus Area projects as a function of their S (Study Area) zoning designation. The PD rezone process duplicates much of the effort and review required by the Alternative Planning Process. For example, each requires a two-step process with a preliminary and final development plan. As a result, the Master Development Plan process greatly resembles the prior Preliminary Development Plan Review step of the PD rezone process. These two conceptual reviews can be nearly identical in nature if substantive direction for redesign of the project is not given at the first conceptual review.

Because of the above difficulties and more, staff recommends a new and streamlined Alternative Planning Process, which is described below.

Revised Alternative Planning Process

Staff proposes the consolidation of the Alternative Planning Process and the PD Rezone Process to create an improved system for reviewing projects in the Sand Creek Focus Area. The proposed process is described in the following table:

REVISED ALTERNATIVE PLANNING PROCESS

Phase	Approval	Process	Approved By
Phase One	Preliminary Development Plan	Alt Plan Process PD Rezone	CC Required (advisory only)
Phase Two	Final Development Plan Resource Management Plan General Plan Amendments Rezone from S to PD Tentative Subdivision Map Environmental Review/EIR	PD Rezone Alt Plan Process Antioch General Plan Antioch General Plan PD Rezone Subdivision Ordinance CEQA	PC / CC
Phase Three	Final Subdivision Map	Subdivision Ordinance	CC
Phase Four	Building/Grading Permits	Building/City Codes	Staff

The proposed Alternative Planning Policy would allow for more consolidated review and would more closely align with the established PD rezone process. The Preliminary Development Plan (Phase One) would serve as the first round of review, concluding with direction given to the applicant for changes to the project, if appropriate. This step would be optional for projects requesting consideration under SB 330. This PDP would be required to receive City Council review in addition to the Planning Commission. The Final Development Plan / Planned Development Rezone (Phase Two) would be the primary discretionary action for the project and would be the focus of the CEQA process. It would include all environmental review under CEQA, as well as the Resource Management Plan

and Tentative Subdivision Map. This would allow for simplified and more effective public review and comment on EIRs. Phases Three and Four would remain unchanged.

Two current applications (Creekside and Olive Grove) are early in their review processes and would prefer to process their tentative maps concurrently with the required PD rezone. As such, these projects would benefit from this proposed process, as would future applications in the Sand Creek Focus Area. The Ranch, which was approved by City Council on July 28, intends to submit a tentative map application sometime in the future. Deer Valley Estates received approval of a PD rezone/Master Development Plan under the Alternate Planning Process in 2010 and are currently processing a tentative map application. The Zeka Ranch project has submitted an application and are pursuing the process dictated under SB 330.

In staff's opinion, the proposed Alternative Planning Process corrects the shortcomings of the current process and creates a more streamlined and transparent review process.

Public Notification

There is no required public noticing for this action. However, prior to the meeting, the Community Development Department contacted several affected property owners and applicants to advise them of this pending action.

Planning Commission

The Planning Commission considered this item at its August 5, 2020 meeting and recommended that the City Council adopt the resolution making the proposed changes to the Sand Creek Focus Area Alternative Planning Process.

ENVIRONMENTAL

This action is exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines (Article 5, Section 15061(b)(3) and Article 19, Section 15305) because there is no possibility that the project may have a significant effect on the environment and the project involves minor changes to land use regulations that will not result in physical changes to the environment.

ATTACHMENTS

- A. Resolution
- B. City Council Resolution No. 2005/41 – Alternative Planning Process
- C. General Plan Section 4.4.6.7 Sand Creek
- D. Draft Planning Commission Resolution dated 8/5/20
- E. Draft Planning Commission Minutes from 8/5/20 meeting

ATTACHMENT “A”

RESOLUTION NO. 2020/**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH REPEALING RESOLUTION NO. 2005/41 AND ADOPTING A NEW SAND CREEK FOCUS AREA ALTERNATIVE PLANNING PROCESS

WHEREAS, the Antioch General Plan requires that the City either adopt a Specific Plan or an Alternative Planning Process to govern the process for review of development projects within the Sand Creek Focus Area;

WHEREAS, the City Council City adopted a resolution on March 22, 2005 establishing an Alternative Planning Process thereby satisfying this requirement of the Antioch General Plan;

WHEREAS, the City has reviewed and approved two development projects in general accordance with the Alternative Planning Process and has learned of constraints and shortcomings of this process;

WHEREAS, in 2019 the City Council modified the Residential Growth Management Program Ordinance (§9-5.40) to simplify the program and revise the building permit thresholds;

WHEREAS, the building permit thresholds have not been reached and growth metering requirements have not been triggered;

WHEREAS, it is in the interest of the City of Antioch to have a transparent and streamlined development process that is consistent with state law and will facilitate public participation and facilitate thorough environmental review processes; and

WHEREAS, on August 5, 2020, the Planning Commission considered the matter, received and considered evidence, both oral and documentary, and recommended that the City Council repeal Resolution 2005/41 and approve the amended Sand Creek Focus Area Alternative Planning Process.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Antioch hereby repeals Resolution 2005/41 and approves a new Alternative Planning Process for the Sand Creek Focus Area as follows:

Subject to the exceptions listed below, any and all properties within Sand Creek Focus Area of the General Plan for which development entitlements are sought are required to satisfy the following procedural steps in the order listed:

RESOLUTION NO. 2020-**

August 25, 2020

Page 2

1. Phase One
 - a. Preliminary Development Plan: In accordance with the requirements of the Planned Development Process established in Antioch Municipal Code (AMC) § 9-5.23 Planned Development District. City Council review is required in addition to ordinary Planning Commission review. This step is optional for projects subject to consideration under SB 330 (Gov. Code § 65589.5 et. Seq).
2. Phase Two
 - a. Final Development Plan: In accordance with the requirements of the Planned Development Process established in the AMC § 9-5.23.
 - b. General Plan Amendments, if applicable.
 - c. Resource Management Plan per the Antioch General Plan.
 - d. Tentative Subdivision Map, if applicable, per Subdivision Ordinance
 - e. Environmental Review consistent with the requirements of CEQA
 - f. Design Review, if applicable.
 - g. Development Agreement, if applicable.
3. Phase Three
 - a. Final Subdivision Map per Subdivision Ordinance
 - b. Use Permit for each phase of the project consistent with the requirements of AMC § 9-5.23.
 - c. Design Review if applicable.
4. Phase Four
 - a. Building Permits, Grading Permits, etc.

The preceding requirements do not apply to the Kaiser Permanent property (APNs 057-022-010, 019, 020, and 021), which is regulated by an existing development agreement and separate exclusions in the General Plan.

These requirements are in addition to any applicable requirement of the Residential Growth Management Program Ordinance (AMC § 9-5.40).

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 25th day of August, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN, MMC
CITY CLERK OF THE CITY OF ANTIOCH

RESOLUTION NO. 2005/41

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ADOPTING AN ALTERNATE PLANNING PROCESS FOR PROJECT
APPLICATIONS WITHIN THE SAND CREEK FOCUS AREA (FUA#1)**

WHEREAS, the City of Antioch General Plan comprehensive update adopted in November 2003 ("General Plan") contemplates that the Sand Creek Focus Area will function as a large-scale planned community, providing the City both with housing, employment, open space and recreational opportunities; and

WHEREAS, Section 4.4.6.7.b of the General Plan sets forth certain policies that are to apply to development within the Sand Creek Focus Area, including the requirement for approval by the City Council of a specific plan or alternative planning process as determined by the City Council (other than major employment-generating uses such as the Kaiser Medical Center) within the Sand Creek Focus Area; and

WHEREAS, such specific plan or alternative planning process is to identify and provide for project-related land uses, financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements within the area proposed for development; and

WHEREAS, on July 13, 2004, the City Council adopted Resolution 2004/94, directing City staff to cease the processing of a specific plan for the Sand Creek Focus Area and to determine any necessary changes to the City's planning process to implement the guidance provided by City Council for the Sand Creek Focus Area; and

WHEREAS, on December 14, 2004 the City Council directed staff to prepare an alternate planning process for the Sand Creek Focus Area, and bring that process back to City Council in conjunction with an update to the City's Residential Development Allocation (RDA) Ordinance; and

WHEREAS, the City now desires to specify the alternate planning process that is to apply to the Sand Creek Focus Area in the absence of the adoption of a specific plan; and

WHEREAS, the adoption of an alternate planning process for the Sand Creek Focus Area will meet the goals and be consistent with the policies of the General Plan, and ensure that project planning within the Sand Creek Focus Area proceeds orderly from an area-wide perspective to a specific project level planning process, and

WHEREAS, an addendum to the General Plan EIR has been prepared to analyze the potential environmental impact of the alternate planning process.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby rescind City Council Resolution No. 2004/94, adopted by the City Council on July 13, 2004, which contained policy direction concerning the future development of the Sand Creek Focus Area. That policy direction is hereby replaced by the policy direction and procedures contained within this resolution,

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Antioch does hereby determine the following:

Subject to the exceptions listed below, any and all properties within Sand Creek Focus Area for which development entitlements are sought are required to satisfy the following procedural steps in the order listed:

1. Submittal of an application to rezone the property in question to a Planned Development (PD) Zone from the current "S" Study Zone.
 - a. This PD zoning will set the development standards for the property including the maximum density and maximum number of units, minimum lot size, landscape requirements etc., as provided for in the Antioch Municipal Code (Article 23).
2. The following documents shall be submitted concurrently with the PD Rezoning application in order for the rezoning application to be deemed complete:
 - a. A Master Development Plan shall be prepared for the entire project site, and shall be processed and acted on in conjunction with the PD Rezone. The Master Development Plan is more conceptual in nature than a Final Development Plan, and shall provide the framework for subsequent development entitlements for properties in the Sand Creek Focus Area. Neither a Final Development Plan nor a Tentative Map application may be submitted to the City prior to action by the City Council on the PD Rezone, the Master Development Plan, and the Residential Development Allocation (RDA). The Master Development Plan shall, at a minimum, include the following information:
 - i. A conceptual land use plan depicting in a "bubble diagram" format the areas of the site proposed to be developed. For residential uses, this conceptual land use plan would also include the maximum proposed density, the minimum proposed lot size, the overall acreages for each developed

area, and general description of parks and other open space areas. For commercial and other non residential uses the conceptual land use plan would include a schematic site plan, types of uses proposed, and the projected amount of development.

- ii A conceptual grading plan for the project, depicting the approximate amount of any proposed cuts and fills for the entire site.
 - iii A circulation/infrastructure plan showing the proposed location of arterial and collectors roadways, and any pedestrian/bicycle trails. Determination of the location of local streets is not appropriate at this stage in the process, and would be shown with the Final Development Plan/Tentative Map. The general location of major infrastructure facilities (sewer, water, storm drain etc.) should be depicted.
 - iv An open space plan showing the location and general layout of key open space features including parks, habitat areas, recreation facilities such as golf courses, and any other open space/recreation amenities proposed with the project.
- b. A Resource Management Plan ("RMP") shall be included with the Master Development Plan as called for in Section 10.3.2 (e) of the Antioch General Plan, and consistent with the "Framework for a Resource Management Plan for the Sand Creek Focus Area" contained in the General Plan.
- 3. Following acceptance of the PD rezone application by the City as complete, the applicant shall provide, as specified by the City, sufficient environmental documentation so that an environmental determination under CEQA can be made by the City, and the necessary environmental documents prepared as required by State law.
 - 4. The PD Rezone, Master Development Plan, and related environmental documentation are subject to the review and approval of the City Council, upon a recommendation by the Planning Commission.
 - 5. A Residential Development Allocation (RDA) application may be submitted concurrently with the PD Zoning/Master Development Plan application. However, the RDA application cannot be deemed complete for processing until after the PD Zoning and Master Development Plan applications are approved.

6. Once action is taken by the City Council on the Residential Development Allocation application, then a tentative map and Final Development Plan may be submitted to the City. A Tentative Map or Vesting Tentative Map may be processed concurrently with the Final Development Plan. All the procedural requirements for a Final Development Plan and Tentative Map, including the requirement for a use permit for each phase of development, are applicable as spelled out in Article 23 of the Antioch Municipal Code.
 - a) The Final Development Plan submitted shall include a Fiscal Analysis of the project, providing a cost/benefit analysis of the proposed development and addressing infrastructure financing for the project.
7. The preceding requirements do not apply to the Kaiser property, which is regulated by an existing development agreement and separate exclusions contained in the General Plan.
8. Any other project within the Sand Creek Focus Area for which an RDA application is being processed and/or has been granted an RDA allocation while this alternate planning processing is being considered, shall be subject to the alternate planning process set forth herein; provided, however, that any RDA allocations granted pursuant to a pending or previously approved application shall continue to be valid, and such project shall not be required to reapply for an RDA allocation following approval of the PD rezoning and Master Development Plan.

* * * * *

I HEREBY CERTIFY that the foregoing resolution as passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 22nd day of March, 2005, by the following vote:

AYES: Council Members Davis, Kalinowski, Conley, Simonsen and Mayor Freitas

NOES: None

ABSENT: None

ABSTAIN: None

L. JOLENE MARTIN, City Clerk

4.4.6.7 Sand Creek. The Sand Creek Focus Area encompasses approximately 2,712 acres in the southern portion of the City of Antioch (Figure 4.8).

This Focus Area is bounded by existing residential neighborhoods to the north, Black Diamond Mines Regional Preserve to the west, the city limits to the south, and the City of Brentwood to the east. Empire Mine Road and Deer Valley Road run in a general north-south direction through the Focus Area, dividing it roughly into thirds.

a. Purpose and Primary Issues. The Sand Creek Focus Area combines two existing policy and planning areas identified in the previous General Plan: the southern portion of “Focused Policy Area 18” and the entirety of Future Urban Area 1.” Previous General Plan policy tied the timing of development within this Focus Area to progressive build out of the land immediately to the north (the area generally known as Southeast Antioch), and to agreement on an alignment for the SR-4 bypass.

Through the 1990s, build out of Southeast Antioch was largely completed, an alignment for the SR-4 bypass was selected, and financing for construction of the bypass was developed. As a result, the City stepped up its planning efforts for the Sand Creek Focus Area with area landowners. Because of the multiple ownerships within the Sand Creek Focus Area, detailed coordination of access and infrastructure, along with the establishment of workable financing mechanisms was necessary in addition to land use planning.

Sand Creek, as well as natural hillsides and canyons within the Sand Creek Focus Area, contain habitats for sensitive plant and animal species, as well as habitat linkages and movement corridors. Overall, the western portion of the Focus Area is more environmentally sensitive than the eastern portion in terms of steep topography, biological habitats and linkages, the existence of abandoned coal mines, and proximity to public open space at Black Diamond Mines Regional Preserve. The west end of the Sand Creek Focus Area serves as a linkage between two regionally significant

blocks of grassland. Decades of urban and agricultural use have greatly reduced the width of this linkage, substantially increasing the ecological importance of the remaining linkage within the Sand Creek Focus Area. Land has been preserved in regional parks and permanent open space, primarily in extensive grassland to the immediate west and northwest, as well as south of the Sand Creek Focus Area. These preserves represent a significant investment of public resources, and are a valued public asset.

Stream and riparian communities occupy a small portion of the Focus Area, but are widely distributed. Because of their high biotic value, stream and riparian communities within the Focus Area are considered to be a sensitive resource. The Focus Area also includes an oak woodland and savanna community, which, because of its high wildlife value, is considered to be a sensitive resource.

b. Policy Direction. The environmental sensitivity of portions of the Sand Creek Focus Area was recognized in the City’s previous General Plan; however, policy direction was very general. As an example, the previous General Plan did not provide any indication of the maximum allowable development intensity for Future Urban Area 1. The previous General Plan also stated that while the area between Contra Loma Boulevard and Empire Mine Road was designated Estate Residential, “the actual density should be based on a development plan that ensures that the special characteristics of the area, including steep slopes, riparian habitat, and other environmental constraints, are accommodated.

The following policy discussion and policies for the Sand Creek Focus Area are intended to provide clear direction for the future development and environmental management of the area.

The Sand Creek Focus Area is intended to function as a large-scale planned community, providing needed housing and employment opportunities. This Focus Area is also intended to provide substantial employment opportunities. Up to approximately 280 acres are to be devoted to retail and employment-generating uses, which will result in the creation of

up to 6,500 jobs at build out. Residential development within the Sand Creek Focus Area will provide for a range of housing types, including upper income estate housing, golf course-oriented age-restricted housing for seniors, suburban single-family detached housing for families or for seniors, and multifamily development.

The following policies apply to development within the Sand Creek Focus Area.

- a. Prior to or concurrent with approvals of any development applications other than major employment-generating uses (including, but not limited to a medical facility on the Kaiser property), a specific plan or alternative planning process as determined by the City Council, shall be prepared and approved for the Sand Creek Focus Area. Such specific plan or alternative planning process shall identify and provide for project for project-related land uses, financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements within the area proposed for development.
- b. Sand Creek Focus Area development shall make a substantial commitment to employment-generating uses. Up to 280 180 acres are to be devoted to employment-generating uses within the areas shown for Business Park and Commercial/Open Space, in addition to the area shown as Mixed Use Medical Facility. Appropriate primary land uses within employment-generating areas include:
 - Administrative and Professional Offices
 - Research and Development
 - Light Manufacturing and Assembly
 - Hospital and related medical uses
- c. Secondary, support and ancillary uses within employment-generating areas include:
 - Banks and Financial Services
 - Business Support Services
- d. The maximum development intensity for employment-generating lands shall be an overall FAR of 0.5.
- e. A maximum of 95 acres of retail commercial uses designed to service the local community may be developed within the areas shown for Commercial/Open Space, with a maximum overall development intensity of a 0.3 FAR.
- f. Up to 1.24 million square feet of retail commercial uses may be constructed. Within areas designated for retail use (areas shown for Commercial/Open Space), office development may be developed at a maximum FAR of 0.5.
- g. Appropriate uses within the retail portions of this Focus Area include:
 - Eating and Drinking Establishments
 - Health Clubs and Spas
 - Lodging and Visitor Services
 - Storage and Distribution – Light
 - Civic Administration
 - Cultural Facilities
 - Day Care Centers
 - Administrative and Professional Offices
 - Automotive Uses
 - Banks and Financial Services
 - Business Support Services
 - Eating and Drinking Establishments
 - Food and Beverage Sales
 - General Merchandise
 - Health Clubs and Spas
 - Personal Services
 - Personal Instruction
 - Theaters
 - Civic Administration
 - Cultural Facilities
 - Day Care Centers
 - Residential development as part of a mixed-use medical facility

- h. Commercial areas shall be designed as cohesive centers, and not in narrow corridors or commercial strips.
- i. Each commercial center shall establish an identifiable architectural theme, including buildings, signage and landscaping.
- j. Commercial and employment-generating developments shall be designed to accommodate public transit and non-motorized forms of transportation.
- k. A maximum of 4,000 dwelling units may be constructed within the Sand Creek Focus Area. Appropriate density bonuses may be granted for development of age-restricted housing for seniors; however, such density bonuses may not exceed the total maximum of 4,000 dwelling units for the Sand Creek Focus Area.
- l. It is recognized that although the ultimate development yield for the Focus Area may be no higher than the 4,000 dwelling unit maximum, the actual development yield is not guaranteed by the General Plan, and could be substantially lower. The actual residential development yield of the Sand Creek Focus Area will depend on the nature and severity of biological, geologic, and other environmental constraints present within the Focus Area, including, but not limited to constraints posed by slopes and abandoned mines present within portions of the Focus Area; on appropriate design responses to such constraints, and on General Plan policies. Such policies include, and but are not limited to, identification of appropriate residential development types, public services and facilities performance standards, environmental policies aimed at protection of natural topography and environmental resources, policies intended to protect public health and safety, and implementation of the Resource Management Plan called for in Policy “u,” below.
- m. As a means of expanding the range of housing choices available within Antioch, three types of “upscale” housing are to be provided, including Hillside Estate Housing, Executive Estate Housing, and Golf Course-Oriented Housing.

Hillside Estate Housing consists of residential development within the hilly portions of the Focus Area that are designated for residential development. Appropriate land use types include Large Lot Residential. Within these areas, typical flat land roadway standards may be modified (e.g., narrower street sections, slower design speeds) to minimize required grading. Mass grading would not be permitted within this residential type. Rough grading would be limited to streets and building pad areas. Residential densities within Hillside Estate Areas are to be limited to one dwelling unit per gross developable acre (1 du/ac), with typical lot sizes ranging upward from 20,000 square feet. The anticipated population density for this land use type is up to four persons per developed acre. Included in this category is custom home development, wherein semi-improved lots are sold to individuals for construction of custom homes. Approximately 20 percent of Hillside Estate Housing should be devoted to custom home sites.

Executive Estate Housing consists of large lot suburban subdivisions within the flatter portions of the Focus Area. Appropriate land use types include Large Lot Residential. Densities of Executive Housing areas would typically be 2 du/ac, with lot sizes ranging upward from 12,000 square feet. The anticipated population density for this land use type is up to eight persons per developed acre.

Golf Course-Oriented Housing consists of residential dwelling units fronting on a golf course to be constructed within the portion of the Focus Area identified as Golf Course/Senior Housing/Open Space in Figure 4.8. Appropriate land use types include Single Family Detached and Small Lot Single Family detached for lots fronting on the golf course. Maximum densities for golf course-oriented housing would typically be 4 du/ac, with lot sizes as small as 5,000 square feet for lots actually fronting on the golf course. Given the significant environmental topographic constraints in the portion of the focus area west of Empire Mine Road, the minimum lot size for executive estate housing within

this area shall be a minimum of 10,000 square feet. This would allow additional development flexibility in situations where executive estate housing needs to be clustered in order to preserve existing natural features. In no case shall the 10,000 square foot minimum lot size constitute more than 20 percent of the total number of executive estate housing units in the area west of Empire Mine Road. The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses. Should the City determine as part of the development review process that development of a golf course within the area having this designation would be infeasible, provision of an alternative open space program may be permitted, provided, however, that the overall density of lands designated Golf Course/Senior Housing/Open Space not be greater than would have occurred with development of a golf course.

- n. Single-Family Detached housing within suburban-style subdivisions with lot sizes ranging from 7,000 square feet to 10,000 square feet may also be developed within the Sand Creek Focus Area within areas shown as Residential and Low Density Residential in Figure 4.8. The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses.
- o. Small Lot Single Family Detached housing at the Aviano planned development and at the Vineyards at Sand Creek planned development with lots smaller than 7,000 square feet may be developed in the Sand Creek Focus Area within areas shown as Medium Low Density Residential and Low Density Residential in Figure 4.8. The anticipated population density for this land use type is fourteen to eighteen persons per acre developed with residential uses.
- p. A total of 25 to 35 acres is to be reserved for multi-family housing to a maximum density of 20 du/ac. Areas devoted to multi-family housing should be located adjacent to the main transportation routes within the Focus Area, and in close proximity to retail commercial areas. The

anticipated population density for this land use type is up to forty persons per acre developed with residential uses.

- q. Age-restricted senior housing should be developed within the Focus Area as a means of expanding the range of housing choice within Antioch, while reducing the Focus Area's overall traffic and school impacts. Such senior housing may consist of Single Family Detached, Small Lot Single Family Detached, of Multi-Family Attached Housing, and may be developed in any of the residential areas of the Sand Creek Focus Area. Within areas identified in Figure 4.8 specifically for senior housing, limited areas of non-senior housing may be permitted where environmental or topographic constraints would limit development densities to a range more compatible with estate housing than with senior housing.
- r. Areas identified as Public/Quasi Public and School in Figure 4.8 are intended to identify locations for new public and institutional uses to serve the future development of the Sand Creek Focus Area. Development within these areas is to be consistent with the provisions of the Public/Institutional land use category described in Section 4.4.1.4 of the Land Use Element.
- s. Sand Creek, ridgelines, hilltops, stands of oak trees, and significant landforms shall be preserved in their natural condition. Overall, a minimum of 25 percent of the Sand Creek Focus Area shall be preserved in open space, exclusive of lands developed for golf course use.
- t. Adequate buffer areas adjacent to the top of banks along Sand Creek to protect sensitive plant and amphibian habitats and water quality shall be provided. Adequate buffer areas shall also be provided along the edge of existing areas of permanently preserved open space adjacent to the Sand Creek Focus Area, including but not limited to the Black Diamond Mines Regional Park. Buffers established adjacent to existing open space areas shall be of an adequate width to minimize light/glare, noise, fire safety, and public safety, habitat, and public access impacts within the existing open

space areas, consistent with the provisions of Section 10.5, Open Space Transitions and Buffers Policies of the General Plan.

- u. Because of the sensitivity of the habitat areas within the Sand Creek Focus Area, and to provide for mitigation of biological resources impacts on lands in natural open space, as well as for the long-term management of natural open space, a project-specific Resource Management Plan based on the Framework Resource Management Plan attached as Appendix A to this General Plan shall be prepared and approved prior to development of the Sand Creek Focus Area properties.
- v. A viable, continuous grassland corridor between Black Diamond Mines Regional Preserve and Cowell Ranch State Park shall be retained using linkages in the southwestern portion of the Lone Tree Valley (within the Sand Creek drainage area), Horse Valley, and the intervening ridge. The primary goal of preserving such a corridor is to allow for wildlife movement between Black Diamond Mines Regional Preserve and Cowell Ranch State Park. Completion of such a corridor is contingent upon the cooperation with the City of Brentwood and Contra Costa County, each of whom may have land use jurisdiction over portions of this corridor.
 - To preserve this corridor and in view of other significant development constraints, certain lands in the southwestern portion of the Focus Area shall be designated as "Open Space," as depicted in Figure 4.8. Limited future adjustments to the boundaries of this "Open Space" area may occur as part of the Specific Plan and/or project level environmental review processes, provided that such adjustments: (a) are consistent with the goals and policies outlined in the Framework for Resource Management set forth in Appendix A; (b) are based upon subsequently developed information and data relating to environmental conditions or public health and safety that is available at

the Specific Plan stage, the project-level development plan stage, or during the permitting processes with federal, state or regional regulatory agencies; and (c) would not cause the "Open Space" area west of Empire Mine Road to be less than 65 percent of the total lands west of Empire Mine Road. Any open space and otherwise undeveloped areas west of Empire Mine Road that are within the area designated as "Hillside and Estate Residential" shall not count towards meeting this 65 percent minimum "Open Space" requirement.

- All areas designated as "Open Space" within the Focus Area may be utilized for mitigation for loss of grassland and other project-level impacts by projects within the Focus Area.
- Due to the varied and complex topography west of Empire Mine Road the exact boundary between the "Hillside Estate" residential area and "Estate" residential area shall be determined as part of the project-level entitlement process.
- It is anticipated that there will be only minor adjustments to the boundary between the open space area and the hillside and estate residential area shown in Figure 4.8. Minor adjustments may be made to this boundary provided that such adjustments shall not create islands of residential development within the area designated open space in Figure 4.8.
- In order to ensure adequate buffering of the Black Diamond Mines Regional Park from development in the Sand Creek Focus Area, no residential development shall be allowed north of the Sand Creek channel between the area designated "Hillside and Estate Residential" in Figure 4.8 west of Empire Mine Road and the existing Black Diamond Mines Regional Park boundary.
- w. The construction of facilities necessary to ensure adequate public access across

- Sand Creek west of Empire Mine Road, including the bridging of Sand Creek, an appropriately sized parking lot and staging area, and any trails needed to ensure public access to Black Diamond Mines Regional Park shall be implemented as an infrastructure component of development in the Focus Area.
- x. To mitigate the impacts of habitat that will be lost to future development within the Focus Area, an appropriate amount of habitat shall be preserved on- or off-site per the compensatory provisions of the Framework Resource Management Plan prepared for the Sand Creek Focus Area (attached as Appendix A of the General Plan).
 - y. Ponds, wetlands, and alkali grassland associated with upper Horse Creek shall be retained in natural open space, along with an appropriate buffer area to protect sensitive plant and amphibian habitats and water quality. If impacts on the Horse Creek stream and riparian downstream are unavoidable to accommodate infrastructure, appropriate compensatory mitigation shall be required off-site per the provisions of the Resource Management Plan attached as Appendix A to this General Plan.
 - z. Chaparral, scrub, and rock outcrop community within the western portion of the Focus Area (west of Empire Mine Road), as well as adjacent grassland community that is suitable habitat for the Alameda whipsnake (*masticophis lateralis euryxanthus*) shall be retained in natural open space. Within other portions of the Focus Area, the chaparral, scrub, and rock outcrop shall be retained in natural open space contiguous to the required grassland linkage to function as a buffer and protect the grassland linkage south of the chaparral, scrub, and outcrop community.
 - aa. Within the western portion of the Focus Area (west of Empire Mine Road), the oak woodland and savanna community shall be preserved in natural open space. Within other portions of the Focus Area, the oak woodland and savanna community shall be preserved in natural open space where it overlaps the rock outcrop community.
 - bb. As appropriate and necessary to protect public health and safety, abandoned mines shall be included within required natural open space areas, along with appropriate buffer areas and measures to prevent unauthorized entry.
 - cc. Mass grading within the steeper portions or the Focus Area (generally exceeding 25 percent slopes) is to be avoided.
 - dd. Impacts of residential development on the Antioch Unified School District and Brentwood school districts will be mitigated pursuant to a developer agreement with the District.
 - ee. Project entry, streetscape, and landscape design elements are to be designed to create and maintain a strong identification of the Sand Creek Focus Area as an identifiable “community” distinct from Southeast Antioch.
 - ff. The Sand Creek Focus Area is intended to be “transit-friendly,” including appropriate provisions for public transit and non-motorized forms of transportation.
 - gg. subject to its financial feasibility (see Policy “m”), a golf course shall be provided within the Focus Area, designed in such a way as to maximize frontage for residential dwellings. The golf course may also be designed to serve as a buffer between development and open space areas set aside to mitigate the impacts of development.

The golf course shall be designed to retain the existing trail within Sand Creek.

The golf course and Sand Creek corridor shall function as a visual amenity from the primary access road within the Focus Area (Dallas Ranch Road/Sand Creek Road).

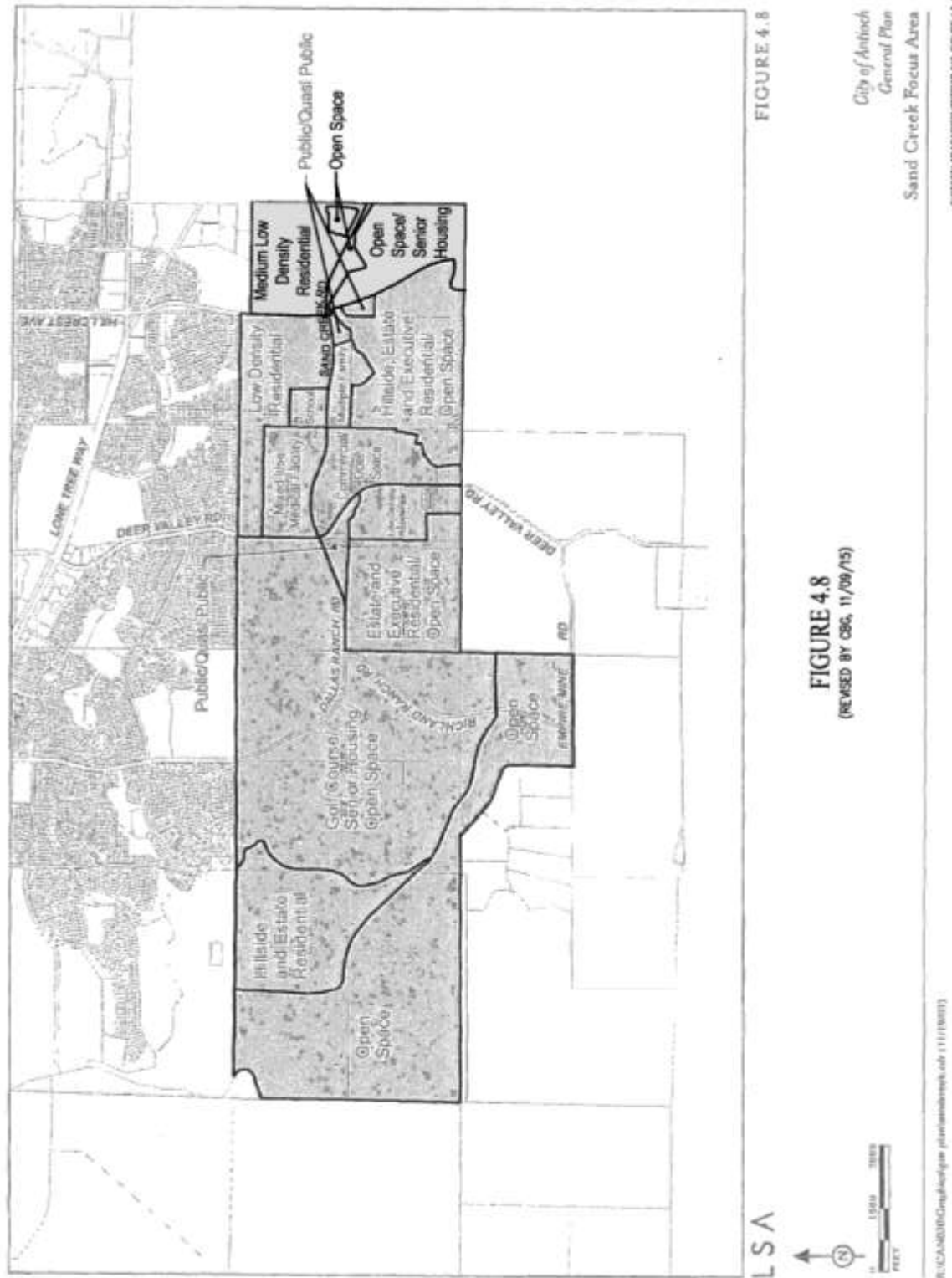
As part of the golf course clubhouse, banquet and conference facilities shall be provided.
 - hh. A park program, providing active and passive recreational opportunities is to be provided. In addition to a golf course and preservation of natural open space within Sand Creek and the steeper portions of

the Focus Area, the development shall meet the City's established park standards. A sports complex is to be developed.

A sports complex is to be developed. The sports complex is intended to be located within the Flood Control District's detention basin.

Neighborhood park facilities may be privately maintained for the exclusive use of project residents. The sports complex within the Sand Creek Detention Basin will be maintained by the City.

- ii. Development of an appropriate level of pedestrian and bicycle circulation throughout the community is to be provided, including pathways connecting the residential neighborhoods, as well as non-residential and recreational components of the community. Sand Creek Focus Area development should also provide recreational trail systems for jogging and bicycling, including areas for hiking and mountain biking. Trails along Sand Creek and Horse Valley Creek shall be designed so as to avoid impacting sensitive plant and amphibian habitats, as well as water quality.



ATTACHMENT D

**PLANNING COMMISSION
RESOLUTION NO. 2020-20**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THAT THE CITY COUNCIL REPEAL RESOLUTION NO. 2005/41
AND ADOPT A NEW SAND CREEK FOCUS AREA ALTERNATIVE PLANNING
PROCESS**

WHEREAS, the Antioch General Plan requires that the City either adopt a Specific Plan or an Alternative Planning Process to govern the process for review of development projects within the Sand Creek Focus Area;

WHEREAS, the City Council City adopted a resolution on March 22, 2005 establishing an Alternative Planning Process thereby satisfying this requirement of the Antioch General Plan;

WHEREAS, the City has reviewed and approved two development projects in general accordance with the Alternative Planning Process and has learned of constraints and shortcomings of this process;

WHEREAS, in 2019 the City Council modified the Residential Growth Management Program Ordinance (§9-5.40) to simplify the program and revise the building permit thresholds;

WHEREAS, the building permit thresholds have not been reached and growth metering requirements have not been triggered;

WHEREAS, it is in the interest of the City of Antioch to have a transparent and streamlined development process that is consistent with state law and will facilitate public participation and facilitate thorough environmental review processes; and

WHEREAS, on August 5, 2020, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission does hereby recommend that the City Council repeal City Council Resolution No. 2005/41 and adopt the resolution approving a new Alternative Planning Process for the Sand Creek Focus Area of the General Plan as follows:

Subject to the exceptions listed below, any and all properties within Sand Creek Focus Area of the General Plan for which development entitlements are sought are required to satisfy the following procedural steps in the order listed:

1. Phase One
 - a. Preliminary Development Plan: In accordance with the requirements of the Planned Development Process established in Antioch Municipal Code (AMC) § 9-5.23 Planned Development District. City Council review is required in addition to ordinary Planning Commission review. This step is optional for projects subject to consideration under SB 330 (Gov. Code § 65589.5 et. Seq).
2. Phase Two
 - a. Final Development Plan: In accordance with the requirements of the Planned Development Process established in the AMC § 9-5.23.
 - b. General Plan Amendments, if applicable.
 - c. Resource Management Plan per the Antioch General Plan.
 - d. Tentative Subdivision Map, if applicable, per Subdivision Ordinance
 - e. Environmental Review consistent with the requirements of CEQA
 - f. Design Review, if applicable.
 - g. Development Agreement, if applicable.
3. Phase Three
 - a. Final Subdivision Map per Subdivision Ordinance
 - b. Use Permit for each phase of the project consistent with the requirements of AMC § 9-5.23.
 - c. Design Review if applicable.
4. Phase Four
 - a. Building Permits, Grading Permits, etc.

The preceding requirements do not apply to the Kaiser Permanent property (APNs 057-022-010, 019, 020, and 021), which is regulated by an existing development agreement and separate exclusions in the General Plan.

These requirements are in addition to any applicable requirement of the Residential Growth Management Program Ordinance (AMC § 9-5.40).

* * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Antioch, at a regular meeting thereof, held on the 5th day of August by the following vote:

AYES: Motts, Parsons, Soliz, Barrow, Martin, Schneiderman
NOES: None
ABSTAIN: None
ABSENT: None

FORREST EBBS
Secretary to the Planning Commission

ATTACHMENT E

CITY OF ANTIOCH PLANNING COMMISSION

Regular Meeting
6:30 p.m.

August 5, 2020
Meeting Conducted Remotely

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Planning Commission meetings live stream (at <https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/>). The Planning Commission meeting was conducted utilizing Zoom Audio/Video Technology.

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, August 5, 2020 in the City Council Chambers. She announced that because of the shelter-in-place rules issued as a result of the coronavirus crisis, tonight's meeting was being held in accordance with the Brown Act as currently in effect under the Governor's Executive Order N-29-20, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by electronic conference. She stated anyone wishing to make a public comment, may do so by submitting their comments using the online public comment form at www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/. Public comments that were previously submitted by email have been provided to the Planning Commissioners. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, August 12, 2020.

ROLL CALL

Present: Commissioners Motts, Parsons, Soliz, Barrow, Vice Chair Martin and Chair Schneiderman
Staff: Director of Community Development, Forrest Ebbs
Associate Planner, Kevin Scudero
Director of Public Works/City Engineer, John Samuelson
City Attorney, Thomas Lloyd Smith
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

NEW PUBLIC HEARING

1. **Wildflower Station Commercial Minor Subdivision** – Denova Homes requests approval of a Tentative Minor Parcel Map of a 4-lot minor subdivision for approximately a 10.35 acre commercial parcel (APN 052-140-012) within a mixed use Planned Development District (PD-16-03).

Director of Community Development Ebbs introduced Director of Public Works/City Engineer Samuelson who presented the staff report dated July 5, 2020 recommending the Planning Commission approve the tentative parcel map subject to the conditions contained in the staff reports attached resolution.

Chair Schneiderman opened the Public Hearing.

Trent Sanson, representing DeNova Homes, gave an update on the status of the Wildflower Station project. He explained that their application was to address interest they had received from developers who wanted to proceed as owner/users with subsequent applications. He noted this action would allow for commercial development to move forward. He thanked the Planning Commission for their time this evening.

In response to Commissioner Motts, Mr. Sanson confirmed that this change would strictly subdivide a parcel and would not make any changes to the commercial area of their project.

Commissioner Martin stated that he was pleased with how this project was proceeding and noted it was an added attraction for the area near BART. He wished the developer good luck with the future tenants.

Commissioner Parsons stated she supported the parcel map and commended the applicant for bringing a first-rate project to the area.

Mr. Sanson recognized Lead Project Manager Pete Giles and Civil Engineer Angelo Obertello.

Commissioner Soliz stated he believed Transit Oriented Development would be a trend for the future. He commended the applicant on the quality of the project.

Commissioner Barrow commended the applicant and spoke in support of the tentative parcel map.

In response to Commissioner Barrow, Mr. Sanson confirmed that they were subdividing the property under its current allowed use and noted that market conditions were driving their request this evening.

Chair Schneiderman closed the public hearing.

Commissioner Motts spoke in support of Transit Oriented Development noting it was needed and a great use of an infill site. He also supported the tentative parcel map to respond to the variations in the market.

RESOLUTION NO. 2020-19

On motion by Commissioner Motts, seconded by Commissioner Parsons the Planning Commission unanimously approved the tentative parcel map subject to the conditions contained in the staff reports attached resolution. The motion carried the following vote:

AYES:	<i>Motts, Parsons, Soliz, Barrow, Martin and Schneiderman</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>None</i>

Chair Schneiderman thanked the Mr. Sanson for building his project in Antioch.

NEW ITEM

2. Sand Creek Focus Area - Alternate Planning Process

Director of Community Development Ebbs presented the staff report dated July 5, 2020 recommending the Planning Commission recommend the City Council adopt the Resolution amending the Alternative Planning Process for the Sand Creek Focus Area.

Director of Community Development Ebbs announced he had received a letter which he forwarded to the Commission today which referred to another active project. He stated that letter did not warrant any changes to the staff recommendations this evening.

Commissioner Parsons stated that the alternative planning process was long overdue, and she thanked Director of Community Development Ebbs for bringing it to the Commission this evening.

Commissioner Barrow stated he supported the Alternative Planning Process and agreed with the staff report this evening. He noted it was good strategic planning and the developers as well as staff will appreciate a clear understanding of the process.

In response to Commissioner Martin, Director of Community Development Ebbs confirmed that the table in the staff report should reflect the text for phase 1 and clarified that the intension was that it go to the Planning Commission and then the City Council.

Chair Schneiderman opened and closed the public comment with no speakers requesting to speak.

Commissioner Martin thanked Director of Community Development Ebbs for bringing the Alternative Planning Process forward noting it would shorten the process and add clarity for applicants.

Commissioner Motts stated that he believed this process would please developers and bring Antioch in line with the planning process for other cities.

In response to Commissioner Motts, Director of Community Development Ebbs responded that the Alternative Planning Process would streamline the process to make it more efficient, transparent, predictable and easily tracked.

RESOLUTION NO. 2020-20

On motion by Commissioner Barrow, seconded by Commissioner Parsons, the Planning Commission adopted the resolution recommending the City Council adopt the Resolution amending the Alternative Planning Process for the Sand Creek Focus Area. The motion carried the following vote:

AYES:	<i>Motts, Parsons, Soliz, Barrow, Martin and Schneiderman</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>None</i>

ORAL COMMUNICATIONS

Director of Community Development Ebbs announced that Planning Commissioners would be receiving city email addresses for work being done on behalf of their position on the Planning Commission AND should go through their City of Antioch email address.

Commissioner Motts announced he would not be available for the August 15, 2020 Planning Commission meeting.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts announced that TRANSPLAN meeting was scheduled for next week.

ADJOURNMENT

On motion by Commissioner Parsons, seconded by Commissioner Soliz, the Planning Commission unanimously adjourned the meeting at 7:07 P.M. The motion carried the following vote:

AYES:	<i>Motts, Parsons, Soliz, Barrow, Martin and Schneiderman</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>None</i>


Respectfully submitted:
KITTY EIDEN, Minutes Clerk


CITY OF
ANTIOCH
CALIFORNIA


STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Junming Li, Junior Engineer 

REVIEWED BY: Scott Buenting, Project Manager 

APPROVED BY: John Samuelson, Public Works Director/City Engineer 

SUBJECT: Traffic Calming Policy (P.W. 282-19)

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution approving an amendment of the City of Antioch's Traffic Calming Policy ("Policy").

FISCAL IMPACT

There is no fiscal impact to amend the Policy. The fiscal year 2020/2021 Capital Improvements Budget includes \$145,000 of Gas Tax funds for the traffic calming program.

DISCUSSION

On December 12, 2017, City Council adopted the current Policy to address vehicular speeding issues in residential neighborhoods throughout the City. The current Traffic Calming Policy states that the first phase of the process shall consist of conducting a speed study, establishing and posting appropriate signage and striping, placing a mobile radar trailer on the subject street and increased traffic enforcement. If this enforcement and engineering does not resolve the speeding issues, then placement of traffic calming devices will be considered. At this stage, staff mails ballots to all residents within the affected area. If 67 percent of the affected residents approve the installation, the City will proceed with the installation of the devices. In the event the City receives three requests within a 90-day period for removal of the devices, another ballot will be sent and will require 67 percent of the affected residents to approve the removal.

City staff have received and analyzed over 200 requests for speed humps. To date, no street has had enough ballots returned to qualify a street for implementation under the current Policy. As a result, staff re-evaluated the Policy with consideration of the ballot results and is recommending revisions be adopted by City Council. The following are the changes to the Policy:

- In order to be considered for installation of traffic calming devices, a minimum of 25 percent of all ballots must be returned with 67 percent of the returned ballots in favor of the proposed installation.
- Each ballot will include a prepaid mail back postcard.
- For removal of traffic calming devices, a minimum of 50 percent of all ballots must be returned with at least 75 percent of all returned ballots in favor of removal.
- The application for speed hump or speed cushions will include a petition for neighborhood support.

ATTACHMENTS

A. Resolution

B. Traffic Calming Policy Adopted December 12, 2017 with Tracked Changes

ATTACHMENT "A"

RESOLUTION NO. 2020/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING AMENDMENT OF THE CITY OF ANTIOCH
TRAFFIC CALMING POLICY
P.W. 282-19

WHEREAS, on December 12, 2017, City Council adopted the current Traffic Calming Policy ("Policy") to address vehicular speeding issues in residential neighborhoods throughout the City;

WHEREAS, staff have received and analyzed several requests for speed humps;

WHEREAS, to date, no street has had enough ballots returned to qualify for implementation under the current Policy; and

WHEREAS, staff has re-evaluated the Policy with consideration of the ballot results and is recommending the adoption of revisions by City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby approves and adopts the amended Traffic Calming Policy ("Exhibit A") consisting of the criteria for the installation of traffic calming devices.

* * * * *

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 25th day of August 2020, by the following vote:

AYES:

ABSENT:

ABSTAIN:

NOES:

ARNE SIMONSEN, MMC
CITY CLERK OF THE CITY OF ANTIOCH

AI

EXHIBIT "A"



City of Antioch Traffic Calming Policy Revision Adopted on July 28, 2020

PHASE I – ENFORCEMENT & ENGINEERING

- Conduct a Speed Study – The Traffic Engineering Division will conduct a speed study to determine the extent of the speed and traffic volume, and whether traffic enforcement can be applied effectively during specific time periods. This will be based on a reasonable number of violators exceeding the 85th percentile speed during those identified in peak volume time periods. The speed study will be conducted for a 24-hour period unless the concern is based on weekends or as recommended by the Public Works Engineering. The speed study will identify the total traffic volume as well as speeds and time of day when the speeds occur.
- Establish and Post Appropriate Signage & Striping – Public Works Engineering will ensure that appropriate traffic signage and roadway striping is in place and add either, if needed.
- Mobile radar trailer – The City will place its mobile radar trailer during daytime hours in order to inform drivers of their speeds.
- Traffic Enforcement – If identified time periods and a reasonable number of vehicles exceed the 85th percentile speed, as determined by the Police Department and/or Public Works Engineering then enforcement steps shall be taken. A follow-up speed survey will be conducted if the speeding continues to be a concern.

Staff will accept requests in the form of completed applications for speed humps/cushions and collect the appropriate data to verify and quantify the speeding problem on the particular roadway section. Staff will evaluate the results and prioritize the roadway sections based on number and severity of collisions, the critical speed, volumes, and other applicable criteria. Proceeding to Phase II will be prioritized based on the rankings of the roadway sections.

PHASE II – TRAFFIC CALMING DEVICES

If Phase I steps do not resolve the speeding issues, then placement of traffic calming devices will be considered.

Speed Humps/Cushions – The placement of elongated speed humps/cushions may be installed when the criteria set forth in this Policy have been met, and a minimum of 25 percent of all ballots must be returned with 67 percent in favor of the proposed installation.

Neighborhood Support

The amount of neighborhood support for the proposed plan will be in the form of mail-in ballots. City staff will mail out ballots along with information of the ballot process.

Distribute Ballots to Local Residents

Ballots will be distributed to all residents, property owners, apartment units, and businesses within the affected area to determine the level of support for the proposed plan. The ballots will include a description and map of the proposed plan indicating the location of devices. The ballot will also include a mail back postcard with two questions for residents to respond to. Those questions are:

1. Do you support the proposed plan?
2. Would you oppose a traffic calming device to be installed adjacent to your property?

The mail back postcard will also provide a space for residents to write comments regarding the proposed plan.

Determine Neighborhood Support

Once the ballots are received by the City, a minimum response rate and approval rate must be met. For implementation of traffic calming devices, a minimum of 25 percent of all ballots must be returned with 67 percent in favor of the plan. For example, if 100 ballots are mailed out, at least 25 must be returned with 17 in favor of the proposed plan.

Apartments present a unique situation because residents may be less likely to respond. For this reason, ballots from apartment units are not counted toward the minimum response rate, but will be counted in favor or against the proposed installation. Furthermore, if the minimum number of ballots is not received, the City staff can assist in reminding neighborhood residents to submit their return postcards in order to meet the minimum response rate.

If the minimum response rate is met but 67 percent of residents are not in favor of the proposed plan, then the City has one opportunity to revise the plan. This would require modifying the plan to address the aspects of the plan that were not favored by the neighborhood residents. Modifying the plan would also require consulting the affected agencies, holding a public meeting to present the revised plan, and redistributing ballots to the affected area.

Speed Humps/Cushion Placement Criteria

Enforcement is a potential method to address speeding concerns, but limitations on resources cannot guarantee constant presence. Speed humps/cushions are often requested as a possible solution to speeding concerns. Staff has evaluated speed hump/cushion policies from numerous jurisdictions and compiled the following information and criteria for the City of Antioch.

A. Research has indicated that speed humps/cushions have the following advantages:

- 1) Vehicle speeds are decreased at the speed hump/cushion and at locations between properly spaced speed humps/cushions
 - a. Once in place, speed and volume modifications tend to remain constant over time

B. Research has also indicated the following disadvantages:

A3

- 1) Speed humps/cushions will often divert traffic to other streets, especially where the traffic volume is comprised of "cut-thru or short-cut" traffic. Consequently, an additional traffic problem or speed hump/cushion request is created.
- 2) Emergency response time may increase
 - a. The Fire District will provide input on a case by case basis on whether or not fire truck wheel path breaks are needed (speed cushion as opposed to speed hump)
- C. Residents may object to the aesthetics regarding the speed humps/cushions, markings and signing required
 - 1) Possible increased noise levels
 - 2) In order to achieve the desired effect, a number of speed bumps are required. A single speed hump will act only as a point speed control
 - 3) Driving or riding over speed bumps can cause pain or discomfort for persons with certain physical disabilities
- D. Roadways that meet all of the following criteria will be considered for the placement of speed humps/cushions:
 - 1) Street width (40 feet maximum)
 - 2) Street includes curb and gutter
 - 3) Speed limit is 25 mph or less
 - 4) Maximum grade is 7%
 - 5) Minimum length of 1,000 feet
 - 6) Generally front-on residential development, a park or a school
- E. The factors included in the decision to place speed bumps shall include the following:
 - 1) 85th percentile speed exceeds the speed limit by 7 mph
 - 2) 50% of the vehicles exceed the speed limit
 - 3) Minimum of 25 percent of all ballots must be returned with a 67 percent approval of the proposed installation. (1 vote per residence)
 - 4) 75% of the residents and/or property owners adjacent to the hump/cushion approve the installation (1 vote per residence)
- F. Other factors to be considered by the City include:
 - 1) Speed related collision history
 - 2) Diversion and possible impacts to neighboring residential streets
 - 3) Acceptable to emergency service providers, transit agency, and school district
 - 4) Funding constraints
- G. If speed humps/cushions are approved they shall be placed in the following fashion:
 - 1) Spacing of 500 feet (+/- 50 feet)
 - 2) 200 feet from any intersection, significant horizontal or vertical curve
 - 3) Speed hump signs and markings will be included

PHASE III – REMOVAL OF TRAFFIC CALMING DEVICES

To initiate the removal process, an application for speed humps/cushions must be submitted by a resident who is living on the street in which the removal of a device(s) would occur. The application can only be accepted after one-year of construction for the plan. Similar to the process to initiate the plan implementation, signatures of ten supporting neighborhood residents must be included on the application. The application

A4

must also state the locations of devices for removal. Once City staff receives the application, the City will organize and distribute ballots for the removal process, and will be sent to the affected residences.

Determine Neighborhood Support

Once the ballots are received by the City, a minimum response rate and approval rate must be met at a higher level than the implementation process. For removal of traffic calming devices, a minimum of 50 percent of all ballots must be returned with at least 75 percent of all ballots in favor of removal. Apartment units do not count toward the minimum response rate. If the minimum response or approval rates are not met, the application cannot be resubmitted for the next three years.



APPLICATION FOR SPEED HUMPS OR SPEED CUSHIONS

To: City Traffic Engineer,

I am requesting installation ____ or removal ____ (choose one) of speed humps/speed cushions on the following street:

between the following two streets:

_____ and _____.

Below, I have provided the names, signatures, and contact information for at least 10 different residents and/or property owners (18 years or older) who are requesting speed humps or speed cushions.

Printed Name

Address

Phone No.

Signature

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

I have read the Traffic Calming Policy adopted by the Antioch City Council (<https://www.antiochca.gov/public-works-department/engineering/>), and understand the process for having speed humps or speed cushions installed on this street.

Ab

I understand that submitting an application does not guarantee the installation of speed humps or speed cushions.

Name: _____

Phone Number: _____

Address: _____

Signature: _____

Date: _____

Please complete the application and sign. The application can be faxed to 925-779-7062, scanned and emailed to trafficalming@antiochca.gov, mailed to Antioch Traffic Engineer, P.O. Box 5007, Antioch, CA 94531-5007, or hand delivered to the Capital Improvement Division in the basement of City Hall, 200 "H" Street.

ATTACHMENT "B"



City of Antioch Traffic Calming Policy Revision Adopted on August 25, 2020

Deleted: July 28

PHASE I – ENFORCEMENT & ENGINEERING

- Conduct a Speed Study – The Traffic Engineering Division will conduct a speed study to determine the extent of the speed and traffic volume, and whether traffic enforcement can be applied effectively during specific time periods. This will be based on a reasonable number of violators exceeding the 85th percentile speed during those identified in peak volume time periods. The speed study will be conducted for a 24-hour period unless the concern is based on weekends or as recommended by the Public Works Engineering. The speed study will identify the total traffic volume as well as speeds and time of day when the speeds occur.
- Establish and Post Appropriate Signage & Striping – Public Works Engineering will ensure that appropriate traffic signage and roadway striping is in place and add either, if needed.
- Mobile radar trailer – The City will place its mobile radar trailer during daytime hours in order to inform drivers of their speeds.
- Traffic Enforcement – If identified time periods and a reasonable number of vehicles exceed the 85th percentile speed, as determined by the Police Department and/or Public Works Engineering then enforcement steps shall be taken. A follow-up speed survey will be conducted if the speeding continues to be a concern.

Staff will accept requests in the form of completed applications for speed humps/cushions and collect the appropriate data to verify and quantify the speeding problem on the particular roadway section. Staff will evaluate the results and prioritize the roadway sections based on number and severity of collisions, the critical speed, volumes, and other applicable criteria. Proceeding to Phase II will be prioritized based on the rankings of the roadway sections.

Deleted: Until March 1, 2018, staff

Deleted: receive

PHASE II – TRAFFIC CALMING DEVICES

If Phase I steps do not resolve the speeding issues, then placement of traffic calming devices will be considered.

Deleted: ¶

Deleted: may

Speed Humps/Cushions – The placement of elongated speed humps/cushions may be installed when the criteria set forth in this Policy have been met, and a minimum of 25 percent of all ballots must be returned with 67 percent in favor of the proposed installation.

Deleted: a

Neighborhood Support

The amount of neighborhood support for the proposed plan will be in the form of mail-in ballots. City staff will mail out ballots along with information of the ballot process.

Distribute Ballots to Local Residents

Ballots will be distributed to all residents, property owners, apartment units, and businesses within the affected area to determine the level of support for the proposed plan. The ballots will include a description and map of the proposed plan indicating the location of devices. The ballot will also include a mail back postcard with two questions for residents to respond to. Those questions are:

1. Do you support the proposed plan?

2. Would you oppose a traffic calming device to be installed adjacent to your property?

The mail back postcard will also provide a space for residents to write comments regarding the proposed plan.

Determine Neighborhood Support

Once the ballots are received by the City, a minimum response rate and approval rate must be met before the plan is forwarded to the City Council. For implementation of traffic calming devices, a minimum of 25 percent of all ballots must be returned with 67 percent in favor of the plan. For example, if 100 ballots are mailed out, at least 25 must be returned with 17 in favor of the proposed plan.

Deleted: a

Apartments present a unique situation because residents may be less likely to respond. For this reason, ballots from apartment units are not counted toward the minimum response rate, but will be counted in favor or against the proposed installation. Furthermore, if the minimum number of ballots is not received, the City staff can assist in reminding neighborhood residents to submit their return postcards in order to meet the minimum response rate.

Deleted: mail back

On the other hand, if the minimum response rate is met but 67 percent of residents are not in favor of the proposed plan, then the City Council has one opportunity to revise the plan. This would require modifying the plan to address the aspects of the plan that were not favored by the neighborhood residents. Modifying the plan would also require consulting the affected agencies, holding a public meeting to present the revised plan, and redistributing ballots to the affected area.

City Council Approval and Implementation

City Council Intent to Approve and Allocate Funds

Upon confirmation of favorable support by the neighborhood residents, staff will present the proposed plan and result of the ballots to the City Council for consideration to approve and allocate funds. City Council can tentatively approve the proposed plan subject to completion of the following:

- Engineering drawings for traffic calming devices

If the City Council does not tentatively approve the proposed plan, then the City Council has one opportunity to refine the plan. This would require modifying the plan to address the aspects of the plan that were not favored, consulting with the affected agencies, holding a public meeting to present the revised plan, and redistributing ballots to the affected area.

Deleted: Speed Humps/Cushions – The placement of elongated speed humps/cushions may be considered provided the criteria set forth in this Policy have been met and 2/3rd

Design Review and Hearing

Upon completion of the engineering drawings, City Staff will present this information for City Council's approval of the plan.

Construction of Proposed Plan

Residents can fund aesthetic upgrades if desired. The traffic calming devices are then proceeded to construction.

Speed Humps/Cushion Placement Criteria

Enforcement is a potential method to address speeding concerns, but limitations on resources cannot guarantee constant presence. Speed humps/cushions are often requested as a possible solution to speeding concerns. Staff has evaluated speed hump/cushion policies from numerous jurisdictions and compiled the following information and criteria for the City of Antioch.

- A. Research has indicated that speed humps/cushions have the following advantages:
- 1) Vehicle speeds are decreased at the speed hump/cushion and at locations between properly spaced speed humps/cushions
 - a. Once in place, speed and volume modifications tend to remain constant over time
- B. Research has also indicated the following disadvantages:
- 1) Speed humps/cushions will often divert traffic to other streets, especially where the traffic volume is comprised of "cut-thru or short-cut" traffic. Consequently, an additional traffic problem or speed hump/cushion request is created.
 - 2) Emergency response time may increase
 - a. The Fire District will provide input on a case by case basis on whether or not fire truck wheel path breaks are needed (speed cushion as opposed to speed hump)
- C. Residents may object to the aesthetics regarding the speed humps/cushions, markings and signing required
- 1) Possible increased noise levels
 - 2) In order to achieve the desired effect, a number of speed bumps are required. A single speed hump will act only as a point speed control
 - 3) Driving or riding over speed bumps can cause pain or discomfort for persons with certain physical disabilities
- D. Roadways that meet all of the following criteria will be considered for the placement of speed humps/cushions:
- 1) Street width (40 feet maximum)
 - 2) Street includes curb and gutter
 - 3) Speed limit is 25 mph or less
 - 4) Maximum grade is 7%
 - 5) Minimum length of 1,000 feet
 - 6) Generally front-on residential development, a park or a school
- E. The factors included in the decision to place speed bumps shall include the following:
- 1) 85th percentile speed exceeds the speed limit by 7 mph
 - 2) 50% of the vehicles exceed the speed limit
 - 3) Minimum of 25 percent of all ballots must be returned with a 67 percent approval of the proposed installation. (1 vote per residence)

Deleted: of the affected residents have approved installation of speed humps/cushions via mail ballot.¶

Formatted: Font: (Default) Arial, 12 pt, Bold, Italic

Deleted: Speeding on residential streets is a concern that is often brought to the attention of the City.

Deleted: this

Deleted: b

Deleted: bump/

Deleted: C

Deleted: policy

Deleted: ¶
The City will mail ballots to residents on the proposed street. Informational letters will be sent to residents on neighboring streets.¶

Deleted: e

Deleted: 67% of the residents on the street approve of the installation...

Deleted: *

- 4) 75% of the residents and/or property owners adjacent to the hump/cushion approve the installation (1 vote per residence)

Deleted: of

F. Other factors to be considered by the City include:

Deleted: /

- 1) Speed related collision history
- 2) Diversion and possible impacts to neighboring residential streets
- 3) Acceptable to emergency service providers, transit agency, and school district
- 4) Funding constraints

G. If speed humps/cushions are approved they shall be placed in the following fashion:

- 1) Spacing of 500 feet (+/- 50 feet)
- 2) 200 feet from any intersection, significant horizontal or vertical curve
- 3) Speed hump signs and markings will be included

PHASE III – REMOVAL OF TRAFFIC CALMING DEVICES

To initiate the removal process, an application for speed humps/cushions must be submitted by a resident who is living on the street in which the removal of a device(s) would occur. The application can only be accepted after one-year of construction for the plan. Similar to the process to initiate the plan implementation, signatures of ten supporting neighborhood residents must be included on the application. The application must also state the locations of devices for removal. Once City staff receives the application, the City will organize and distribute ballots for the removal process, and will be sent to the affected residences.

Deleted: "The City Traffic Engineer mails "ballots" to the property owners. If 2/3^{ds} of the mailed ballots are returned in favor of elongated speed humps/cushions, the City will install the humps/cushions."

Determine Neighborhood Support

Once the ballots are received by the City, a minimum response rate and approval rate must be met at a higher level than the implementation process. For removal of traffic calming devices, a minimum of 50 percent of all ballots must be returned with at least 75 percent of all ballots in favor of removal. Apartment units do not count toward the minimum response rate. If the minimum response or approval rates are not met, the application cannot be resubmitted for the next three years.

City Council Selection

If the neighborhood support meets the minimum response and approval rates, the recommendation and estimated removal cost will be presented to the City Council. City staff will present this information in parallel with the application for removal. Due to limited funding, the removal of devices will contend for funds that would otherwise be allocated to the treatment of other areas.

Deleted: §

- 1) 67% of the residents on the street approve of the removal (1 vote per residence)*§
- 2) 75% of the property owners adjacent to the hump/cushion approve of the removal (1 vote/residence)*§

§
Upon receipt of 3 requests within a 90 day period, the City Traffic Engineer mails "ballots" to the property owners. If 2/3^{ds} of the mailed ballots are returned in favor of removal of the speed humps/cushions, the City will remove the humps/cushions.§



APPLICATION FOR SPEED HUMPS OR SPEED CUSHIONS

To: City Traffic Engineer,

I am requesting installation or removal (choose one) of speed humps/speed cushions on the following street:

between the following two streets:

_____ and _____

Below, I have provided the names, signatures, and contact information for at least 10 different residents and/or property owners (18 years or older) who are requesting speed humps or speed cushions.

Printed Name	Address	Phone No.	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

I have read the Traffic Calming Policy adopted by the Antioch City Council (<https://www.antiochca.gov/fc/community-development/engineering/traffic-calming-policy.pdf>), and understand the process for having speed humps or speed cushions installed on this street.



Deleted:

11

Deleted: or

Deleted: A

Deleted: on December 12, 2017

Deleted: available on line at:

Deleted: <http://www.ci.antioch.ca.us/CityGov/CommDev/Engineering/> or

Deleted: or by requesting a copy from the City Traffic Engineer at 925-779-7025

B5

I understand that submitting an application does not guarantee the installation of speed humps or speed cushions.

Name: _____

Phone Number: _____

Address: _____

Signature: _____

Date: _____

Please complete the application and sign. The application can be faxed to 925-779-7062, scanned and, emailed to trafficalming@ci.antioch.ca.us, mailed to Antioch Traffic Engineer, P.O. Box 5007, Antioch, CA 94531-5007, or hand delivered to the Capital Improvement Division in the basement of City Hall, 200 "H" Street.

Deleted: and


B6





STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Junming Li, Junior Engineer 

REVIEWED BY: Scott Buenting, Project Manager 

APPROVED BY: John Samuelson, Public Works Director/City Engineer 

SUBJECT: Creation of a Traffic Calming Ad Hoc

RECOMMENDED ACTION

It is recommended that the City Council provide direction to staff on the formation of a Traffic Calming Ad Hoc.

FISCAL IMPACT

Formation of a Traffic Calming Ad Hoc has no direct fiscal impact.

DISCUSSION

On May 26, 2020, the City Council requested that staff review the City's Traffic Calming Policy to address the low response rate on the facility installation ballot results. In addition, City Council has discussed the possibility of forming a Traffic Calming Ad Hoc to further explore traffic calming related issues. Staff is requesting direction on if the City Council desires to create a Traffic Calming Ad Hoc. If the Ad Hoc is created, staff requests direction on the scope of the ad hoc's jurisdiction, including whether it shall review existing policies, rules, and practices of the City of Antioch to make recommendations, including but not limited to revising the Traffic Calming policy. If directed, staff will bring back an agenda item to form the ad hoc.

ATTACHMENTS

None

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Scott Buenting, Project Manager *SB*

APPROVED BY: John Samuelson, Public Works Director/City Engineer *JS*

SUBJECT: Northeast Antioch Annexation Utility Connection Fees

RECOMMENDED ACTION

It is recommended that the City Council provide direction regarding providing financial assistance for utility connection fees to customers in the Northeast Antioch Annexation area.

FISCAL IMPACTS

It is currently estimated that typical residential water and sewer connection fees would be \$13,000 and \$8,000, respectively. Of these amounts, \$7,436.36 of the water connection fee and \$2,906.67 of the sewer connection fee are actual City fees. The remainder of the fees are collected by the City on behalf of the Contra Costa Water District and Delta Diablo. Depending on Council's direction, the total cost of connection fees for all 85 customers within the Northeast Antioch Annexation area is estimated to be \$1,785,000. In addition to the connection fees, a customer will likely be required to obtain an encroachment and building permit and be required to pay the cost to make the physical connection from the water and sewer services near the street right-of-way to the house or structure to receive utility service.

Funding for any financial assistance cannot come from the City's Water and Sewer Funds. Proposition 218 requires that revenues derived from a fee or charge shall not exceed the funds required to provide the property related service and shall not be used for any purpose other than that for which the fee or charge was imposed. Furthermore, Proposition 218 requires that the amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.

The City can generally provide financial assistance from an unrestricted revenue source, such as the general fund, late penalty revenue, lease revenues, 1% ad valorem property tax revenues, and fees charged for use of City property (e.g. park fees). Using unrestricted revenues to fund a financial assistance program does not violate Proposition 218 because no person is paying more than the proportional cost of providing the property related service in order to pay for the financial assistance.

That being said, a few caveats exist. First, if the unrestricted revenue comes from property belonging to a City enterprise, then the revenue should stay with that enterprise. Second, the City must adhere to equal protection requirements by ensuring that objective standards are established and applied for all similarly situated applicants to qualify for financial assistance. Finally, the City should have a finding on file, such as a recital in the resolution approving the financial assistance program, demonstrating that a public purpose is being accomplished through this program and that the financial assistance is not a gift of public funds.

DISCUSSION

Along with properties along Wilbur Avenue, residential properties adjacent to and east of Viera Avenue were annexed into the City of Antioch in 2014. The Annexation Agreement between the City and Contra Costa County (County) provided that the City and County each contribute property tax revenues in the amount of \$300,000 per year for a period of ten years intended to fund the installation of infrastructure (sewer, water, drainage, street lights, curb, gutter and sidewalk, etc.) to these newly annexed properties as they are served by wells and septic systems. Prior to annexation, there were also discussions about the possibility of the City funding the connection fees for the existing residential properties, but the Council never approved this idea.

The \$6,000,000 funding from the City and County mentioned above will not be adequate to provide sewer, water and storm drain improvements to the Viera area. Traditionally, these types of improvements are paid for by the developers of the property or via assessments to existing benefiting properties.

The City recently completed the construction of domestic water and sanitary sewer main infrastructure on Viera Avenue, Wilbur Avenue, Santa Fe Avenue, Walnut Avenue and Bown Lane and the private roadways of Santa Fe Avenue, Vine Lane and Stewart Lane. The work included installation of approximately 3,300 feet of domestic water mains, 9,400 feet of sanitary sewer mains and 85 water services and sanitary sewer laterals. This project did not include connections to existing residential and commercial buildings. Buildings in this area utilize well water and septic systems due to the previous lack of public facilities.

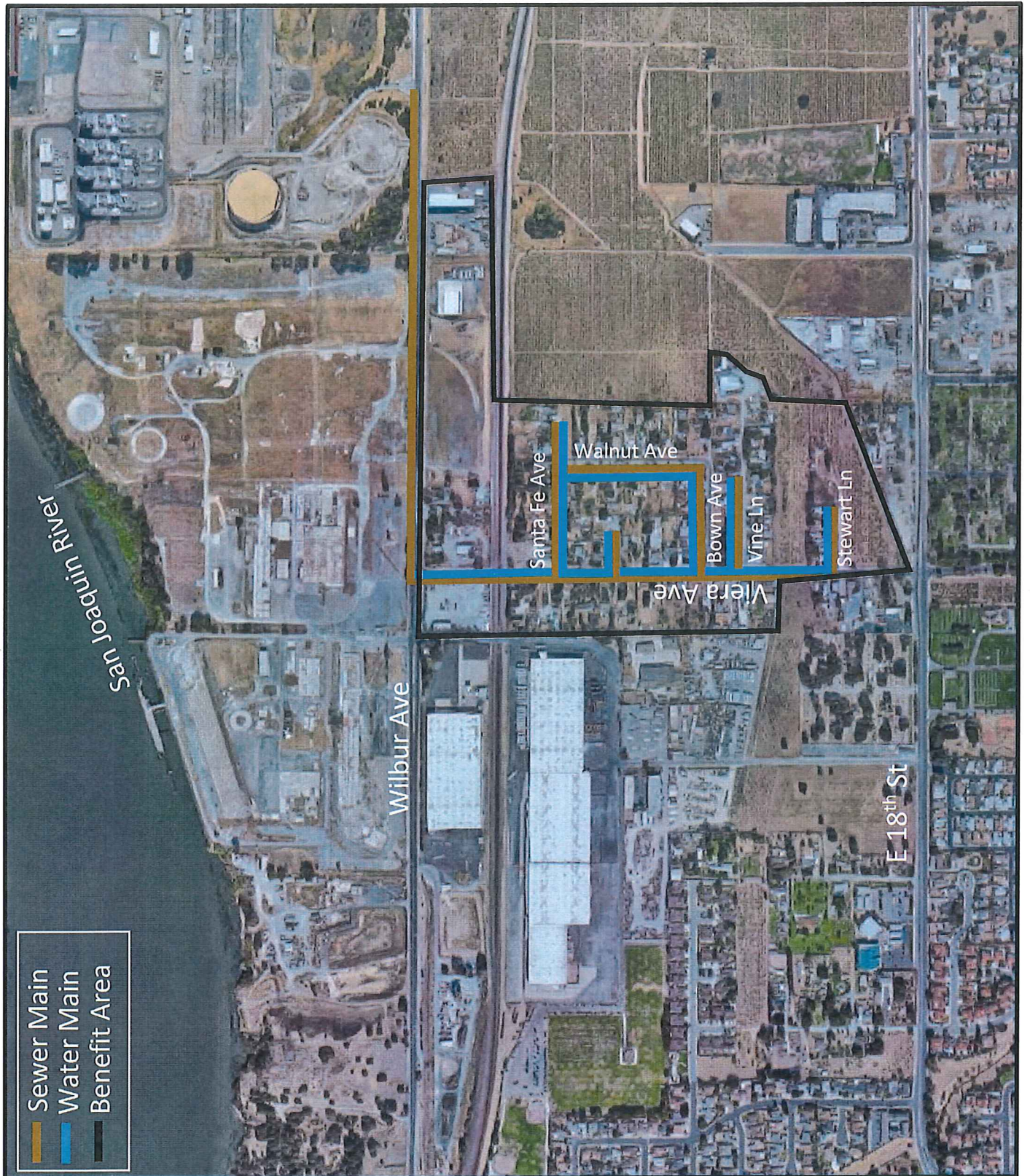
Currently, there is no mechanism for the City to provide financial assistance to customers for costs associated with connecting to the new water and sanitary sewer facilities. Staff attempted to secure grant funding to assist with the connection fees and the administering agency determined that connection fee assistance is not a qualifying project. Other funding options may be available to the property owners such as the Statewide Community Infrastructure Program (SCIP) which developers and builders have recently used in Antioch to fund infrastructure improvements.

Staff is requesting direction from the Council regarding the desire to pursue other funding opportunities or to fund a portion or all of the connection fees in the Northeast Antioch Annexation area understanding this cost would be paid by the General Fund.

ATTACHMENTS

A: Northeast Annexation Area Map

ATTACHMENT "A"
NORTHEAST ANNEXATION AREA MAP





CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Nickie Mastay, Administrative Services Director 

APPROVED BY: Ron Bernal, City Manager 

SUBJECT: Resolution Approving a New Class Specification of Unhoused Resident Coordinator, assigning a Salary Range, having this Salary Range placed on the Hourly Classifications Salary Schedule, and Authorizing the Appropriate Budget Adjustment

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution:

- 1) Approving the class specification of Unhoused Resident Coordinator;
- 2) Assigning the Unhoused Resident Coordinator classification to a salary range and having this salary range placed on the hourly classification salary schedule; and
- 3) Authorizing the appropriate budget adjustments.

FISCAL IMPACT

The salary range for the Unhoused Resident Coordinator is \$50.00/hr - \$60.00/hr. This is a part-time position with the cost of this position not to exceed \$100,000. This position will be funded by funds set aside by the City Council in FY 2020 for homeless services that are being carried forward and reallocated to the FY 2021 budget.

DISCUSSION

At the September 10, 2019 City Council meeting, the City Council decided to revise the resolution for the part-time class specification for the Unhoused Resident Coordinator. Resolution No. 2019/144 was adopted with the following changes:

- Inserting "Consultant" prior to "Unhoused Resident Coordinator"
- Authorizing the appropriate budget adjustments of up to \$100,000
- Amending section #2 inserting "Consultant" prior to "Unhoused Resident Coordinator"

- Striking section #3
- Renumbering section #4, section #3
- Authorizing Administrative Services Director Nickie Mastay to make the necessary changes to Exhibit A to reflect the previous changes to the resolution

A Request for Proposal was sent for Unhoused Resident Coordinator Services and Focus Strategies was awarded the contract on January 28, 2020 in the amount of \$73,500. One of the tasks assigned to Focus Strategies by the City Council was to work with staff on the Unhoused Resident Coordinator class specification. Attachment A contains the Unhoused Resident Coordinator class specification. The salary range and part-time cost of the position is similar to the salary range and part-time cost of the Youth Services Network Manager position. This position would be under the general direction of the City Manager or the City Managers designee.

ATTACHMENTS

A. Resolution

Exhibit A to Resolution – Unhoused Resident Coordinator Class Specification

RESOLUTION NO. 2020/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING A NEW CLASS SPECIFICATION FOR AN UNHOUSED RESIDENT
COORDINATOR POSITION, ASSIGNING A SALARY RANGE AND AUTHORIZING
THE APPROPRIATE BUDGET ADJUSTMENT**

WHEREAS, the City has an interest in the effective and efficient management of the classification plan;

WHEREAS, a new classification of Unhoused Resident Coordinator is needed; and

WHEREAS, the recommended salary range for the Unhoused Resident Coordinator classification is \$50.00 - \$60.00 per hour.

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

Section 1. The class specification for the classification of Unhoused Resident Coordinator, attached hereto as Exhibit "A"; is hereby approved;

Section 2. The Unhoused Resident Coordinator classification is hereby assigned an hourly salary range of \$50.00 - \$60.00;

Section 3. The hourly salary range is hereby placed on the hourly classification salary schedule; and

Section 4. The City Manager or designee is hereby authorized to make the appropriate budget adjustments to the fiscal year 2020-21 General Fund budget to carry out Sections 1, 2, 3, of this resolution in the amount of \$100,000 which represents funds carried forward from the fiscal year 2019-20 budget and re-appropriated into the fiscal year 2020-21 budget upon its adoption and passage.

* * * * *

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 25th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

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

UNHOUSED RESIDENT COORDINATOR

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

SUMMARY DESCRIPTION

Under general supervision of the City Manager or designee, assist the City in the development and implementation of core strategies to prevent and respond to homelessness within Antioch. Initiate and cultivate collaborative partnerships with agencies and groups that work with or provide services/support to people who are unhoused in the City, with a focus on improving coordination of available services and increasing resource capacity. Advocate for housing services to the community at large.

REPRESENTATIVE DUTIES

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

1. Develop and ongoing assessment of ongoing assessment of key strengths, priorities, and gaps in the City's ability to effectively address homelessness within its jurisdiction and develop strategies to improve the City's response. Work with the City Manager and City Council to develop and document the City's overall mission, goals and objectives relating to homelessness.
2. Maintain an up-to-date inventory of the resources available within the City of Antioch to prevent and respond to homelessness, including resources operating within the City, as well as regional resources and strategies that serve people within the City.
3. Facilitate meetings with service providers and community groups related to coordination of services within the jurisdiction, identification of needs and priorities for new or expanded services, and other items pertinent to assisting with management of the City's response to homelessness.
4. Participate in the identification, planning, development, and implementation of new and/or modified programs that would promote and enhance the mission, goals, and objectives of the City to serve people who are unhoused.
 - A. Research models of quality services and programs that address needs within the city and provide recommendations to the City Manager and City Council regarding strategies to best meet Antioch's needs within the context of available resources. This may include, but is not limited to, outreach, emergency shelter, transitional and permanent housing models.
 - B. Develop initial and ongoing operational cost estimates for proposed interventions.
 - C. Support the planning and development process for programs that receive funding from the City of Antioch to serve people who are unhoused. This includes drafting the scopes of work for procurement processes, assisting with interdepartmental coordination and/or site acquisition for new projects, and working with contracted providers to ensure implemented programs align with their scopes of work.

CITY OF ANTIOCH
UNHOUSED RESIDENT COORDINATOR (CONTINUED)

- D. In coordination with contract monitoring staff, serve as a liaison between City-funded providers of services for unhoused residents and City departments to facilitate coordination and delivery of services.
5. Provide strategic guidance to City Manager and periodic updates to the Homeless Encampment Task Force Committee and City Council on the City's services for people who are unhoused and the region's homelessness response efforts.
 6. Attend and represent the City of Antioch at relevant planning and coordination meetings for Contra Costa County's Continuum of Care and Coordinated Entry System.
 7. As needed, facilitate meetings between City and County departments (e.g., Contra Costa County Health Services, Public Works, Police Department, Community Development, etc.) to explore possible responses to immediate public health concerns and other emerging issues as it pertains to homelessness.
 8. Attend and present at community events to provide education on the City's services and response to homelessness.
 9. Research and identify prospective philanthropic opportunities in and outside of Antioch to support projects addressing homelessness within the City of Antioch.
 10. Conduct research; prepare, revise, and implement various administrative policies, procedures, rules, and regulations in accordance with sound organizational practices; develop and revise office forms and report formats.
 11. Prepare spreadsheets, reports and correspondence as required.
 12. Perform related duties as required.

QUALIFICATIONS

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

Knowledge of:

- The implementation of quality services and programs for people who are unhoused.
- Principles and practices of public administration.
- Principles and practices of program development and administration.
- Principles and applications of critical thinking and analysis.
- Recent developments, research methods, current literature, and sources of information related to services for people who are unhoused.
- Principles and practices of budget preparation.
- Principles of business letter writing.
- Modern office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
- Principles, trends, methods, and techniques used in customer service, public relations, public information, and program education and promotion.
- English usage, spelling, grammar, and punctuation.
- Pertinent federal, state, and local laws, codes, and regulations.

Ability to:

- Handle multiple activities or interruptions at once and prioritize work tasks prudently and independently or while working in a team environment.
- Develop and implement coordination strategies amongst different entities including related City departments (e.g., law enforcement, public works, etc.), County departments (H3), and non-profits to achieve strategic priorities
- Use strong written and verbal communication skills to deliver public presentations and staff reports to City Council.
- Plan and facilitate meetings of community based organizations, faith-based groups, community leaders, and volunteers of diverse backgrounds.
- Understand, interpret, and apply general and specific administrative and departmental policies and procedures as well as applicable federal, state, and local policies, laws, and regulations.
- Maintain confidentiality of information.
- Prepare clear and concise records, reports, correspondence and other written material.
- Use good judgment and common sense in handling difficult situations.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

Education and Experience Guidelines

Education/Training:

Bachelor's Degree from an accredited College or University, with major course work in Urban Planning, Public Policy, Public Administration, Business Administration, Urban Studies or closely related field, and

Experience:

Minimum of Three (3) years of full time (or the equivalent of full time) experience in services, planning, or policy for people experiencing homelessness.

License or Certificate:

Possession of an appropriate, valid driver's license. An out-of-state valid Motor Vehicle Operator's License will be accepted during the application process, but a valid California license must be obtained within six (6) months of appointment to the position.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

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

Environment: Work is performed primarily in a standard office setting with travel to different sites; incumbents may be required to work extended hours including evenings and weekends and may be required to travel outside City boundaries to attend meetings.

CITY OF ANTIOCH
UNHOUSED RESIDENT COORDINATOR (*CONTINUED*)

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

Full-Time, Hourly

Created: August 2020

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

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Thomas Lloyd Smith, City Attorney **TLS**

SUBJECT: Resolution for Approving a Partial Change in Ownership of Alluvium, Inc.

RECOMMENDED ACTION

It is recommended that the City Council adopt the resolution approving a partial change in ownership of Alluvium, Inc.

FISCAL IMPACT

Approval of the resolution will provide the financial support for Alluvium, Inc. to move forward in opening its cannabis business. Therefore, the anticipated fiscal impact will be to increase fee-based revenue to the City once Alluvium becomes operational.

DISCUSSION

On November 26, 2019, the Council approved the Alluvium operating agreement between the City and Alluvium, Inc. ("Alluvium" or "Operator"), to conduct a cannabis business within the City on the terms and conditions set forth in the operating agreement. A copy of the Alluvium operating agreement is attached as Exhibit B.

Section 13 of the Alluvium operating agreement requires the City Council approval for any change in ownership of the Operator. Alluvium has advised City staff that it seeks to partially transfer ownership of Alluvium and plans to use the name "Alluvium dba Lemmonade Antioch". Lemonnade is a sister company to Cookies, which is also cannabis business. Cookies Retail LLC will own a percentage of Alluvium, with at least one of the original owners of Alluvium retaining partial ownership.

Alluvium dba Lemonnade Antioch, when seeking its state cannabis license, will identify the following individuals with at least 20% ownership or management responsibility for the business: Daniel Firtel, Brandon Johnson, Ryan Johnson, Michael Kramer, and Bret Rosol.

Staff recommends approval of this change in that Alluvium will receive the funding necessary for its business to become operational, which will increase employment opportunities within the City and fee-based revenue accruing to the City. Alluvium has also committed to a social equity program to benefit the City and its residents. The program will to foster equitable participation in the cannabis industry, and to create business opportunities for those most negatively impacted by the enforcement of cannabis laws prior to the legalization of cannabis.

ATTACHMENTS

- A. Resolution
- B. Existing Operating Agreement between City of Antioch and Alluvium, Inc.

RESOLUTION NO. 2020/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING A PARTIAL CHANGE IN OWNERSHIP OF ALLUVIUM, INC.**

WHEREAS, on November 26, 2019, by Resolution No. 2019/180, the City Council of the City of Antioch (the "City") approved an operating agreement between the City and Alluvium, Inc.;

WHEREAS, Section 13 of the operating agreement requires City Council approval for any change in ownership of the Operator, defined as Alluvium, Inc.;

WHEREAS, Alluvium seeks to partially change ownership such that the business would be named Alluvium dba Lemonnade Antioch with partial ownership transferred to Cookies Retail LLC;

WHEREAS, the City Council finds that the proposed partial transfer will benefit the Antioch community by enabling Alluvium to develop and operate its business, therefore, producing employment and fee-based revenue for the City;

WHEREAS, the City Council finds that the proposed partial transfer will also benefit Antioch by providing funding for a social equity program to benefit the City and its residents, to foster equitable participation in the cannabis industry, and to create business opportunities for those most negatively impacted by the enforcement of cannabis laws prior to the legalization of cannabis; and

WHEREAS, all other provisions of the operating agreement remain unchanged.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby approves the partial change in ownership, including the related name modification to Alluvium dba Lemonnade Antioch, as specified herein and in the attached staff report.

* * * * *

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 25th day of August 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

RECORDING REQUESTED BY,
AND WHEN RECORDED, MAIL TO:

City of Antioch
200 H Street
Antioch, CA 94509
Attn: City Clerk

Exempt from recording fee per Government Code §6103

OPERATING AGREEMENT

This Operating Agreement ("**Agreement**") is entered into between the CITY OF ANTIOCH, a municipal corporation ("**City**") and ALLUVIUM Inc., a California corporation ("**Operator**"), located at 2625 Crow Street, Antioch, CA (the "**Site**"). City and Operator may be referenced herein as "Party" or collectively as "**Parties**". The effective date of this Agreement is November 26, 2019.

RECITALS

- A. Operator submitted an application for approval of use permit for a cannabis business consisting of a dispensary with delivery and a type N infusion license.
- B. On August 13, 2019, by Resolution No. 2019/115, the City Council approved Cannabis Business Use Permit # UP-18-21 relating to Operator's application ("**CBUP**"). A copy of the CBUP is attached hereto as **Exhibit A** and incorporated herein. The CBUP relates to the Site, as described in **Exhibit B**, attached hereto and incorporated herein.
- C. One condition of the CBUP is that the City and Operator execute a Development Agreement. Pursuant to Council Resolution No. 2019/143, the City has modified that condition to require an Operating Agreement, in place of a Development Agreement. Operator agrees with this modification of the CUP. This Agreement meets this requirement of the CBUP.
- D. On November 26, 2019, the City Council adopted Resolution No. 2019/180 approving this Agreement.

AGREEMENT

- 1. **Recitals.** The Recitals set forth above are incorporated herein as if fully set forth in this Agreement.
- 2. **Definitions.** The following terms, when capitalized herein, shall have the meanings specified below.
 - a. Agreement—This Agreement between the City and Operator.

b. Applicable Law—All applicable federal, state, regional, and local statutes, regulations, and rules including the Uniform Building Code and other Uniform Codes, the California Environmental Quality Act, the City’s ordinances, resolutions, rules, and regulations, as each statute, regulation, rule, Code, ordinance, and resolution may be amended from time to time, excluding such federal law which may conflict with state or local laws authorizing cannabis businesses or operations.

c. Business Operations—The commercial cannabis business operated at the Site by Operator, its officers, officials, employees, agents, and consultants, as approved by the City Council in the CBUP, and as subject to the terms and conditions of this Agreement.

d. Cannabis—Both medical and non-medical cannabis as defined by Health & Safety Code section 11362.5 and Business and Professions Code sections 26000 *et seq.*

e. Cannabis Business Use Permit —the Cannabis Business Use Permit, attached hereto as **Exhibit A**, as approved by City Council Resolution No. 2019/125

f. City—the City of Antioch, California.

g. City Attorney—the City Attorney of the City.

h. City Council—the City Council of the City.

i. City Manager—the City Manager of the City.

j. Operator—Alluvium, Inc.

k. Fees—All charges, expenses, costs, monetary exactions, and any other monetary obligations imposed on Operator by City, other than assessments or regular or special taxes, and not limited to fees paid pursuant to this Agreement.

l. Gross Receipts—The total of amounts actually received or receivables from sales and the total amounts actually received or receivable for the performance of any act or service at the Site for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, or merchandise. Gross receipts shall also include all receipts, cash, credits and property of any kind without deduction of the cost of the property sold, the costs of the materials used, labor or services costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from “gross receipts” are the following:

- Cash discounts allowed and taken on sales
- Credit allowed on property accepted as part of the purchase price and which property may later be sold
- Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser
- Such part of the sale price of property returned by a purchaser upon rescission of the contract of sale as is refunded whether in cash or by credit
- Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected, provided the agent or trustee furnishes to the City the names and addresses of the others and the amounts paid to them

- Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business are not excluded

The intent of this definition is to ensure that, in calculating payments to the City, all sales and revenue from the Business Operations are captured and, therefore, this definition shall be given the broadest possible definition consistent with this intent.

m. Major amendment—Any modification to this Agreement that makes a substantive change, modification, or deviation in the terms of this Agreement or any Exhibits hereto.

n. Minor amendment—Any modification to this Agreement that does not make a substantive change, modification, or deviation in the terms of this Agreement or any Exhibits hereto.

o. Police Chief—the Police Chief of the City.

p. Project—The Business Operations, Site Development, Odor and other Mitigation Plans, Security Plans, and all other terms and conditions applicable to Operator’s Business Operations.

q. Site—The physical location of the Operator’s Business Operations, as described in **Exhibit B**, attached hereto.

r. Square Footage under Cultivation—the actual amount of canopy (measured by the aggregate area of vegetative growth of live cannabis plants on the premises including the area occupied by vertically and horizontally stacked canopies) that is limited by the maximum amount a cannabis business is authorized to cultivate by this Agreement or the CBUP, without deducting for unutilized square footage.

s. State license(s)—the license(s) issued by the State, whether through the Bureau of Cannabis Control or other regulatory agency authorizing the Operator to conduct its Business Operations.

3. **Effective Date.** This Agreement shall be effective as of the date of the Resolution approving this Agreement, or such other date (if any) as specified in the Resolution approving this Agreement.

4. **Term of Agreement.** The initial term of this Agreement shall be ten years, with two possible extensions of five years each. This Agreement may be extended by mutual agreement of the Operator and the City Council on such additional terms and conditions as to which the Parties may agree. At the end of the term, Operator agrees to cease all Business Operations at the Site, notwithstanding the terms and conditions of the CBUP. The parties agree that, prior to the end of the initial ten-year term, they will meet and confer in good faith with the goal either of continuing this Agreement on the same terms and conditions or of modifying the Agreement so that the Business Operations may continue for the mutual benefit of the City and the Operator.

5. **Operating Conditions.** In addition to the terms and conditions set forth in the CBUP, Operator’s Business Operations shall be subject to the additional terms and conditions:

a. Hours of operation of retail sales on the Site shall not exceed 7 days per week, 8.00 a.m. to 8.00 p.m. There are no other hours restrictions on the Business Operations, including delivery.

b. Subsequent to the annual audit by the Police Department or a third party selected by the Police Department, the Police Chief shall have the discretion to require additional security measures or

modify existing security measures at the Operator's expense as may be required by law or reasonable for public safety. At Operator's expense, the Police Chief may also determine to require additional security measures at any time upon the Department's finding that existing security measures are insufficient for the Business Operations to comply with the terms of the CBUP or to adequately protect public health and safety. The Police Chief's determination is appealable to the City Manager.

c. The City Manager may impose additional mitigation measures, whether relating to odor or other factors affecting public health and safety, on the Project at Operator's expense, as may be required by law or reasonable to maintain public health and safety. The City Manager's determination is appealable pursuant to Title 1, Chapter 4 of the City's Municipal Code.

6. **Fees.**

a. Operator agrees to pay all fees, whether imposed by the City, state, or other regulatory agencies in a timely manner. Operator's failure to pay such fees in a timely manner may, at the City's sole discretion, constitute Evidence of Default. City may provide thirty (30) days' prior written notice to Operator as to any unpaid City fees. If Operator fails to pay such fees, plus any interest or penalties due for late payment, Operator agrees that the City may record on the property which is the subject of the CBUP one or more liens for the fees owed.

b. Operator agrees to pay City beginning with the fifteenth of the month immediately following the date the City issues the Certificate of Occupancy for the Site the amounts set forth in **Exhibit C**, attached hereto and incorporated herein. The fee for Gross Receipts is payable thereafter on the 15th of each month. The square footage fee is payable annually based on the square footage on the anniversary date of this Agreement's Effective Date, with adjustments made during the year as square footage is added or removed.

c. Late or deficient payments under this Section shall be subject to a penalty of a one-time penalty of one percent (1%) of the amount owed, plus monthly non-compounding interest at the maximum rate allowed by law, but not to exceed an annualized interest rate of ten percent (10%).

d. If the City Manager is not satisfied with the veracity of report(s) filed by Operator regarding the Business Operations' total gross receipts or square footage, the City Manager may compute and determine the amount of the fees to paid on the gross receipts or square footage and make a deficiency determination upon the basis of the facts contain in such report(s), or upon the basis of any information in City's possession, or that may come into City's possession within three years of the date the fees are paid. One or more deficiency determinations of the amount of fees owed for a period or periods may be made. The determination of the City Manager pursuant to this subsection is appealable pursuant to Title 1, Chapter 4 of the City's Municipal Code.

7. **Social Equity Programs.**

a. Operator agrees to implement and maintain for the entirety of the term of this Agreement a Social Equity Program ("**Equity Program**") to benefit the City and its residents, to foster equitable participation in the cannabis industry, and to create business opportunities for those most negatively impacted by the enforcement of cannabis laws prior to the legalization of cannabis in

California. Operator shall initiate its Equity Program within three months of this Agreement's Effective Date.

b. Operator shall prepare a written Social Equity Program Plan ("**Equity Plan**"), which includes an Equity Program description and an action plan with goals, tasks, responsible parties, timelines, and measurable outcomes. The Equity Plan shall be set forth in **Exhibit D**, attached hereto and incorporated herein. Operator shall provide an annual report to the City Manager and City Attorney on its progress in carrying-out the Equity Program's goals and measurable outcomes. Upon request of the City Manager or City Attorney, Operator shall also agree to provide a presentation to the City Council on the Equity Program's goals and measurable outcomes. The Equity Plan may be modified in writing by request of the Operator and approval of the City Manager or the City Attorney.

c. If the City Council, the City Manager, or the City Attorney determine that Operator's Equity Plan does not adequately achieve the City's goals as set forth herein, the City Council, the City Manager, or the City Attorney shall have the discretion to require the Operator to modify its Equity Plan subsequent to one or more meetings with the Operator.

8. Applicable Law. At all times, Operator shall conduct its Business Operations consistent with Applicable Law, including the City's ordinances, rules, and regulations; the CBUP; and this Agreement, as each may be amended or modified from time to time. Any violation thereof by Operator or its Business Operations may, at the City's discretion, be considered Evidence of Default.

9. Default.

a. If the City Manager finds Evidence of Default, the City Manager shall provide at least forty-five (45) days' written notice thereof to Operator, with the notice specifying the nature of the default, the facts supporting such Evidence of Default, and the manner in which the Default may be cured. Within that forty-five day period, Operator shall cure the Default to the City Manager's reasonable satisfaction, provide evidence with supporting facts as to why no Default exists, or provide alternatives satisfactory to the City Manager acting reasonably to address the Default.

b. If the City Manager is not satisfied with Operator's response and/or believes a Default continues to exist, then the City Manager may, at his/her sole discretion:

- Order the Operator to suspend all Business Operations at the Site until the Default is cured.
- Take such other action as may be authorized by the CBUP or this Agreement.
- Remedy the Default and charge the costs thereof to the Operator, who agrees to pay such sums.

c. The decision of the City Manager under this section are appealable pursuant to Title 1, Chapter 4 of the City's Municipal Code.

d. The remedies of this section, plus any other remedies set forth in this Agreement and remedies available in law or in equity are cumulative, and non-exclusive. Such remedies are distinct and separate whether or not exercised by the City. The City may, in its discretion, exercise any or all of its rights and remedies, at once or in succession, at such time or times as it considers to be appropriate.

10. Record Keeping. Operator shall keep, maintain, and preserve to the extent applicable all records that may be necessary to determine the amount of gross receipts, the number of retail delivery vehicles, the amount of cannabis manufactured, the amount of cannabis delivered, and any and all other records by which City may determine and verify the amount of fees due to the City pursuant to Section 6 hereof. At Operator's expense, City shall have the option of conducting, whether by City staff or by a City-selected consultant, an annual audit to verify the fees due to the City pursuant to Section 6 hereof and compliance with Exhibit D. City shall have the right to inspect such records at all reasonable times during normal business hours and upon not less than five (5) business days' prior notice. To the extent permitted by Applicable Law, City agrees to treat such records as confidential.

11. Annual Review. In addition to the right to conduct an audit pursuant to Section 10 hereof, the City Manager, at his/her discretion, may direct City staff or a third party to review, no more frequently than once per year, the Business Operations and compliance thereof with the CBUP and this Agreement. Operator shall be responsible for paying the costs of this annual review, which shall not exceed \$10,000 per review, adjusted annually by the CPI index for Bay area cities. In the event there is good cause for a review that would exceed \$10,000 (as adjusted annually), Operator and City shall negotiate a minor amendment to allow for such review. Based on this review, City may require additional mitigation measures or other changes to the Business Operations to assure compliance with the CBUP and this Agreement.

12. Amendments. This Agreement may be amended from time to time, if in writing and signed by both parties. The City Manager or the City Attorney shall have the discretion to approve a Minor Amendment to this Agreement or to refer such Minor Amendment to the Council for review and possible action. The City Council, at a duly noticed public meeting, shall have the discretion to approve a Major Amendment or a Minor Amendment, which has been referred to the Council.

13. Assignment. City has entered into the Agreement with Operator in reliance upon Operator's specialized knowledge, experience, and expertise relating to the Project and cannabis-related business. Therefore, this Agreement may not be assigned or otherwise transferred by Operator, whether to a third party or to another entity (even if Operator is a partner, owner, or otherwise a participant in such entity), without the prior written authorization of the City Council at a duly noticed meeting. Any such assignment or transfer, at City's sole discretion, may be considered Evidence of Default. Should Operator wish to assign or otherwise transfer the Agreement, Operator shall provide evidence to the reasonable satisfaction of the City Manager and the City Attorney of the specialized knowledge, experience, expertise, and financial stability of the proposed assignee or transferee prior to review and possible approval by the City Council.

14. Indemnification. Operator agrees to indemnify, defend, and hold harmless City, its officers, official, employees, agents, and consultants from any and all administrative, legal, or equitable actions, claims, or other proceedings instituted by any person or entity not a party to the Agreement challenging the validity of the Agreement or any action arising out of or relating to the Agreement. Operator shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorney's fees expended by the City in defense of the action or proceeding, plus staff and consultant time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel

but, if the parties cannot reach agreement, City may select its own legal counsel and Operator agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney's fees and time referenced herein.

Operator further agrees to indemnify, defend, and hold harmless City, its officers, officials, employees, agents, and consultants from any and all claims, costs, and liability for any damages, personal injury or death, or property damage which may arise directly or indirectly from Operator's Business Operations pursuant to this Agreement, except as caused by City's sole or gross negligence.

15. Insurance.

a. For the term of the Agreement, Operator shall be required to, and agrees to, maintain in full force and effect public liability and property damage insurance, including personal injury, and automobile insurance for owned and non-owned vehicles, with such coverage and limits as may be reasonably requested by City from time to time, but in no event for less than three million dollars (\$3,000,000) per occurrence and five million dollars (\$5,000,000) aggregate.

b. The insurance referenced herein shall include endorsements, naming as additional insureds the City, its officers, officials, employees, consultants, and agents. The endorsements shall also specify that the insurance is primary, with any policies held by the City to be non-contributing.

c. The insurance referenced herein shall be evidenced by certificate(s) of insurance, which shall be kept current during the term of this Agreement.

d. The certificate(s) and endorsement(s) shall be provided to, and approved by, the City Attorney prior to Operator beginning Business Operations.

e. Any insurance shall be placed with a company authorized to transact business in the State of California and with a rating of not less than A.M. Best-A, or such other rating as approved by the City Attorney.

f. Operator shall provide at least thirty (30) days' prior written notice of any cancellation, reduction in scope or amount, or material modification of the insurance referenced herein.

g. If Operator fail to maintain the insurance referenced herein, the City at its sole option may obtain such insurance at Operator's expense, with Operator obligated to promptly reimburse the City, or determine such failure to be Evidence of Default.

16. Notices. Any notice or communication required by the Agreement between the parties shall be in writing and may be delivered either personally or by registered mail, return receipt requested. Notice, whether given by personal delivery or by registered mail, shall be deemed to have been given and received on the day of actual receipt at any of the addresses designated below as to the party to whom the notice is sent. Any party hereto may at any time, upon written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. However, should a party's address no longer be valid such that delivery by registered mail, return receipt required, is not successful, then delivery by U.S. mail shall be effective five business days after mailing of notice. Such notices or communications shall be given to the parties at the addresses set forth below:

To the City of Antioch:

City of Antioch
200 H Street
Antioch, CA 94509
Attn: City Manager

With a copy to:

City of Antioch
200 H Street
Antioch, CA 94509
Attn: City Attorney

To Operator:

Alluvium Inc.
2625 Crow Street
Antioch, CA 94509-7916
Attn: CEO

With a copy to (which shall not constitute notice):

Rogoway Law Group
423 Washington St.
San Francisco, CA 94111

17. Miscellaneous

a. Each party has had an equal opportunity to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting party shall not apply to the Agreement.

b. If any term, provision, covenant, or condition of this Agreement is held by court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of the Agreement shall continue in full force and effect, unless enforcement of the Agreement as so invalidated would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purpose of the Agreement.

c. The Parties shall take all steps reasonable and necessary to effectuate the terms and intent of the Agreement. However, no provision of the Agreement shall limit, or be construed to limit, the right of the City, the City Manager, the City Attorney, or the City Council to exercise discretion as to the Agreement or other matters.

d. The Parties are not, and shall not be construed, to be partners or joint venturers.

e. The only parties to the Agreement are City and Operator. There are no third-party beneficiaries and the Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person whatsoever.

f. In the event that suit is brought by either Party to the Agreement, the Parties agree that venue shall be exclusively vested in the state court of Contra Costa County, or in the U.S. District Court for the Northern District of California.

g. This Agreement and the Exhibits attached hereto contain all the representations and the entire agreement between parties with respect to the subject matter hereof.

h. The Parties acknowledge that City would not have entered into this Agreement had it been exposed to damage claims from Operator for any breach hereof. As such, the Parties agree that in no event shall Operator be entitled to recover damages against City for breach of this Agreement.

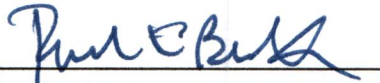
i. This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

j. All waivers must be in writing to be effective or binding upon the waiving party and no waiver shall be implied from any omission by a party to take or not take any action with respect to default or other matters. Failure by a party to insist upon the strict performance of any provisions of the Agreement by the other party shall not constitute waiver of such party's right to demand strict compliance by the other party in the future. Furthermore, no express written waiver of any default shall affect any other default or cover any other period of time specified in such express waiver.

k. Notwithstanding termination or expiration of this Agreement for any reason, Sections 6c, 6d, 10 and 14 shall be continuing obligations of Operator and shall survive this Agreement.

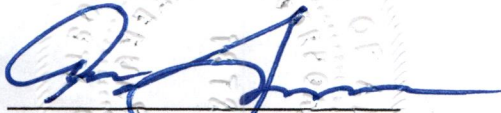
[SIGNATURES ON THE NEXT PAGE]

CITY OF ANTIOCH



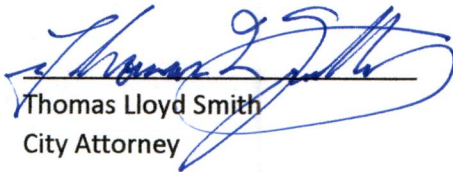
Rowland E. Bernal, Jr.
City Manager

Attest:



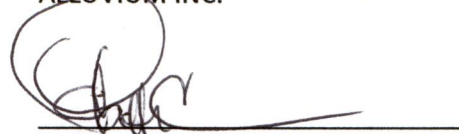
Arne Simonsen, CMC
City Clerk

Approved as to form:



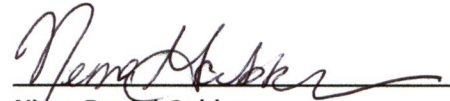
Thomas Lloyd Smith
City Attorney

ALLUVIUM INC.



Patti Coleman

Its: CEO - Owner



Nima Daniel Gabbay

Its: Co-owner

EXHIBIT A

EXHIBIT B

The Site is located at 2625 Crow Court, Antioch, CA 94509, and is APN 074-032-022.

EXHIBIT C

Business type	Yr 1	Yr 2	Yr 3	Yr 4
Retail (% of Gross Receipts)	2%	3%	4%	5%
Microbusiness (% of Gross Receipts) *	2%	4%	5%	6%
Cultivation (per square foot) *	\$2	\$4	\$5	\$6

*Eligible for local employment incentive, as follows:

The total amount payable to City by the Operator pursuant to this Exhibit shall be reduced by the following amount(s) if the Operator employs not fewer than the following numbers of Antioch residents on a full-time basis, providing healthcare benefits:

At least 20 City residents	1%, but not to exceed \$60,000
At least 50 City residents	3%, but not to exceed \$150,000
At least 100 City residents	6%, but not to exceed \$300,000
At least 150 City residents	9%, but not to exceed \$450,000
200 or more City residents	12%, but not to exceed \$600,000

Example: If the revenue due to the City from Operator, based on Gross Receipts, is \$500,000, and the Operator employs 51 City residents, then the \$500,000 would be reduced by 3% and the Operator would owe the City \$485,000.

For any Operator requesting the local employment incentive, the City reserves the right to verify the number of City residents employed on an annual basis.

EXHIBIT D

Alluvium will donate a percentage of gross receipts to programs whose purpose is to help underprivileged children or adults who have been adversely affected by drug abuse, with such programs serving Antioch residents. Alluvium will evaluate programs annually and choose where is best to send the funds to be donated. The amount to be donated will be 0.25% of gross receipts in year one, 0.37% of gross receipts in year two, and 0.5% of gross receipts in year three and thereafter.

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 25, 2020

TO: Honorable Mayor and Members of the City Council

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

APPROVED BY: Ron Bernal, City Manager *RB*

SUBJECT: Waterfront Revitalization Ad Hoc Committee Dissolution or Creation of a Standing Committee

RECOMMENDED ACTION RECOMMENDED ACTION

It is recommended that the City Council:

- 1) Receive an update from Committee members of the Waterfront Revitalization Ad Hoc Committee on their ad hoc committee activities.
- 2) Determine whether to extend the ad hoc committee, dissolve the ad hoc committee or create a standing committee. (Please note: Ad Hoc Committees may be dissolved, and another created with a different and specific purpose, in the same genre).

FISCAL IMPACT

This recommended action has no direct fiscal impact.

DISCUSSION

At the March 10, 2020 City Council meeting, the City Council formed the Waterfront Revitalization Ad Hoc Committee. This is an opportunity for the Waterfront Revitalization Ad Hoc Committee members to report about the activities of their ad hoc committee. The initial term and extension dates are listed below:

- Waterfront Revitalization Ad Hoc Committee Members – Mayor Pro Tem Motts and Council Member Wilson
- Initial Term: March 10, 2020 to September 10, 2020.

Ad hoc committees have limited duration and cease to exist automatically when a new City Council is elected, even if there is only a partial change in City Council membership. Staff strongly recommends that City Council dissolve ad hoc committee prior to one year

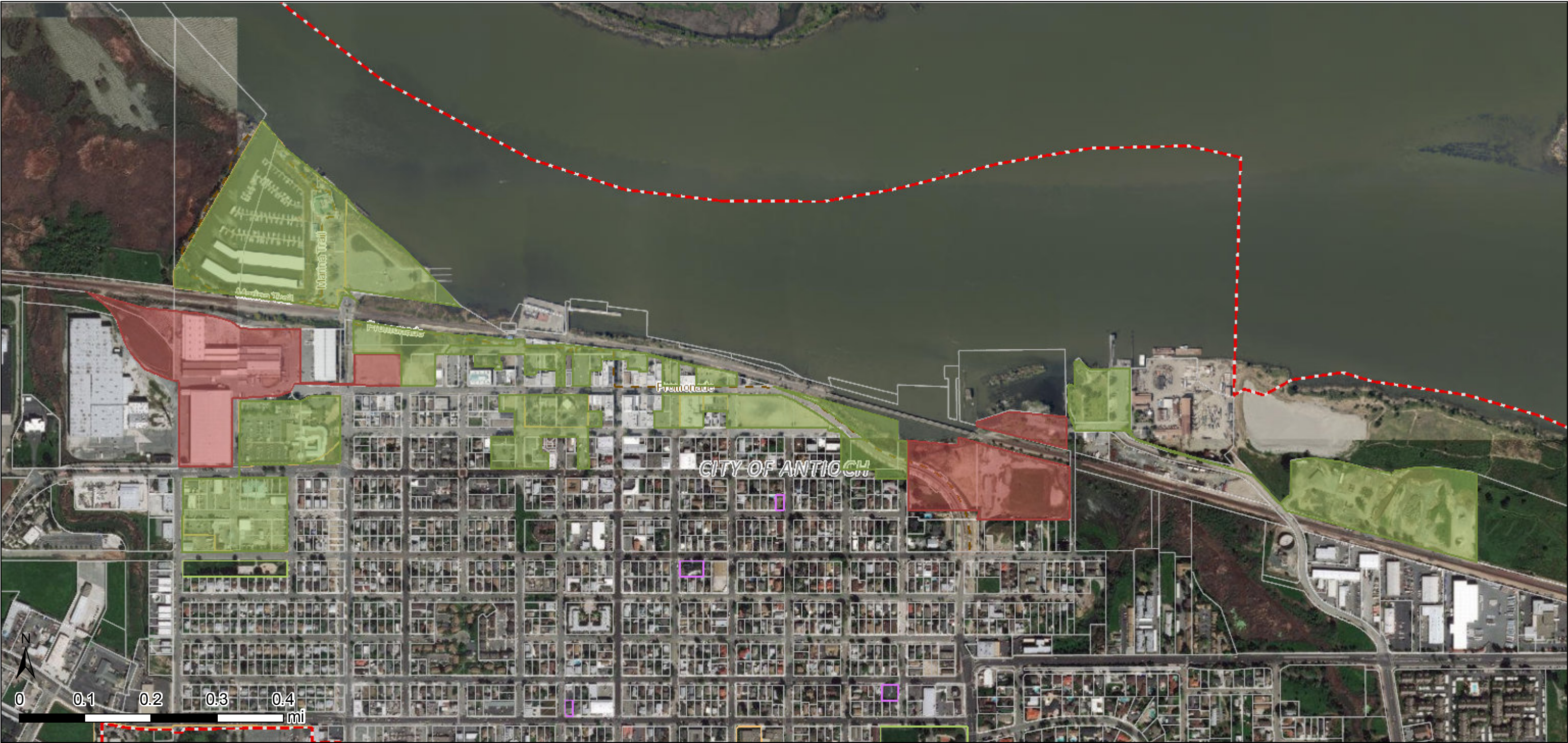
in duration and either form a new ad hoc committee with a different goal or create a standing committee.

At the July 31, 2020 continuation meeting of the City Council meeting on July 28, 2020, Mayor Pro Tem Motts mentioned a few of the topics the Waterfront Revitalization Ad Hoc Committee would like to report on. These include, but are not limited to: a pilot program to close 2nd St, between G St. and City Hall; establishment of parklets to allow for on-street outdoor dining or business; speed tables on 2nd St.; creating a restaurant district theme in the Downtown; and an unreinforced masonry building policy.

ATTACHMENTS

A. Waterfront/Downtown Properties Map

Waterfront/Downtown Properties



Areas in **GREEN** are City of Antioch-Owned Parcels

Areas in **RED** are Privately-Owned Parcels