



Council Chambers
200 H Street
Antioch, CA 94509

Closed Session - 6:00 P.M.
Regular Meeting - 7:00 P.M.

ANNOTATED AGENDA

for

NOVEMBER 26, 2013

Antioch City Council
Regular Meeting

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

Wade Harper, Mayor
Mary Helen Rocha, Mayor Pro Tem
Gary Agopian, Council Member
Monica E. Wilson, Council Member
Tony Tiscareno, Council Member
Arne Simonsen, City Clerk
Donna Conley, City Treasurer
Jim Jakel, City Manager
Lynn Tracy Nerland, City Attorney

Electronic Agenda Packet viewing at: <http://www.ci.antioch.ca.us/CityGov/agendas/FindAgenda.asp>

With Project Plans at: <http://ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/Project-Pipeline.pdf>

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

Online Viewing: <http://www.ci.antioch.ca.us/CityGov/citycouncilmeetings.asp>

Council meetings are televised live on Comcast Channel 24

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the City Clerk's Office, located on the 3rd Floor of City Hall, 200 H Street, Antioch, CA 94509, during normal business hours for inspection and (for a fee) copying. Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the City Clerk's Office, who will refer you to the appropriate person.

Notice of Opportunity to Address Council

The public has the opportunity to address the Council on each agenda item. To address the Council, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. See the Speakers' Rules on the inside cover of this Agenda. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section.

6:00 P.M. ROLL CALL for Closed Sessions – **All Present**

PUBLIC COMMENTS for Closed Sessions – **None**

CLOSED SESSIONS:

REVISED CLOSED SESSION TITLE #1

1) **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Government Code section 54957 and **LABOR NEGOTIATIONS** with prospective employee pursuant to Government Code section 54957.6: Title: City Manager; Negotiators: Mayor Harper, Council Member Wilson, City Manager, City Attorney and Recruiter Phil McKenney.

Direction given to Labor Negotiators

2) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(1): Janelle Walker v. Officer James Colley, United States District Northern California, Court Case 3:13-cv-010999-JCS

Vote 5/0 to settle

3) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(2): United States ex rel. John Hendrix et al v. J-M Manufacturing Co., Inc. d/b/a JM Eagle and Formosa Plastics Corp. USA, United States District Court, Central District of California Case No. ED CV 06-00055 (GW); State of Nevada et al v. J-M Manufacturing Company, Inc. et al., Superior Court, County of Los Angeles (Case No. BC459943)

No action taken

7:06 P.M. ROLL CALL for Council Members/City Council Members acting as Successor Agency to the Antioch Development Agency – **All Present**

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

(Deadline date to apply 01/30/2014)

➤ ***Parks and Recreation Commission: 4 Full-Term Vacancies***

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

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR’S COMMENTS

PRESENTATION – Police Statistics Third Quarter 2013, presented by Chief Allan Cantando

PRESENTATION

1. CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 12, 2013

Continued to 12/10/13, 5/0

Recommended Action: Motion to continue to December 10, 2013

MINUTES

B. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR NOVEMBER 15 AND NOVEMBER 19, 2013

Approved, 5/0

Recommended Action: Motion to approve the Special Meeting Minutes

MINUTES

MINUTES

C. APPROVAL OF COUNCIL WARRANTS

Approved, 5/0

Recommended Action: Motion to approve the warrants

STAFF REPORT

D. APPROVAL OF TREASURER’S REPORT FOR OCTOBER 2013

Approved, 5/0

Recommended Action: Motion to approve the report

STAFF REPORT

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH CONFIRMING CANVASS BY THE COUNTY CLERK OF CONTRA COSTA OF BALLOTS CAST AT THE CONSOLIDATED ELECTION HELD ON NOVEMBER 5, 2013

Reso No. 2013/66, 5/0

Recommended Action: Motion to adopt the resolution

STAFF REPORT

F. WATER TREATMENT PLANT – RIVER PUMP AND MOTOR REBUILD PURCHASE ORDER: P140272

Approved, 5/0

Recommended Action: Motion to increase the purchase order with Koffler Electrical and Mechanical to rebuild the river pump and motor by \$43,084.00; for a total amended contract price of \$84,756.00

STAFF REPORT

STAFF REPORT

CONSENT CALENDAR — Continued

- G.** ADOPTION OF THE 2013 CALIFORNIA BUILDING STANDARDS CODES AND AMENDMENTS TO THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING ORDINANCE (*Introduced on 11/12/13*)

Ord No. 2073-C-S, 5/0

- Recommended Action: 1) Motion to adopt the ordinance amending and adding specific Local Amendments to chapters of Title 8 of the Antioch Municipal Code, adopting by reference the California Code of Regulations Title 24, 2013 Edition of the California Building Standards Codes and related model codes and amending Chapters 1 through 19 of Title 8 of the Antioch Municipal Code with Appendices and Amendments
- 2) Motion to adopt the ordinance amending Article II, Chapter 3, of Title 6 of the Antioch Municipal Code, dealing with Construction and Demolition Debris Recycling

Ord No. 2074-C-S, 5/0

STAFF REPORT

- H.** ADOPTION OF AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR COMPUTER GAMING AND INTERNET ACCESS BUSINESSES (*Introduced on 11/12/13*)

Ord No. 2075-C-S, 5/0

- Recommended Action: 1) Motion to adopt the ordinance establishing zoning regulations for computer gaming and internet access businesses
- 2) Motion to adopt the ordinance amending Title 5, Chapter 11 regarding refinements to the licensing requirements for computer gaming and internet access businesses

Ord No. 2076-C-S, 5/0

STAFF REPORT

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

- I.** APPROVAL OF SUCCESSOR AGENCY WARRANTS

Approved, 5/0

- Recommended Action: Motion to approve the warrants

STAFF REPORT

END OF CONSENT CALENDAR

COUNCIL REGULAR AGENDA

2. NORTHEAST AREA ANNEXATION: ADOPT THE RESOLUTIONS APPROVING THE FOLLOWING AGREEMENTS WITH CONTRA COSTA COUNTY 1) AN UPDATED TAX EXCHANGE AGREEMENT, AND 2) AN UPDATED JOINT EXERCISE OF POWERS AGREEMENT FOR FUNDING INFRASTRUCTURE, PLANNING, AND BUILDING INSPECTION. THESE AGREEMENTS ARE APPLICABLE TO THE CITY'S ANNEXATION APPLICATIONS FOR AREAS 1, 2A, AND 2B, WHICH MAKE UP THE NORTHEAST ANTIOCH ANNEXATION. AREA 1 CONSISTS OF 470 ACRES AND IS GENERALLY LOCATED NORTH OF WILBUR AVENUE, SOUTH OF THE SAN JOAQUIN RIVER, AND WEST OF THE EXISTING PG&E GATEWAY POWER PLANT; AREA 2A CONSISTS OF APPROXIMATELY 94 ACRES AND IS LOCATED NORTH OF WILBUR AVENUE, SOUTH OF THE SAN JOAQUIN RIVER, AND WEST OF STATE HWY 160; AREA 2B CONSISTS OF 102 ACRES AND IS LOCATED NORTH OF EAST 18TH STREET, SOUTH OF WILBUR AVENUE, AND INCLUDES THE RESIDENTIAL NEIGHBORHOODS GENERALLY LOCATED IN CLOSE PROXIMITY TO VIERA AVENUE, ST. CLAIR DRIVE, AND TREMBATH LANE. A MITIGATED NEGATIVE DECLARATION WAS PREVIOUSLY PREPARED FOR THE PROPOSED ANNEXATIONS AND RELATED AGREEMENTS.

Reso No. 2013/67, 5/0

- Recommended Action:
- 1) Motion to adopt the resolution approving the updated Tax Exchange Agreement
 - 2) Motion to adopt the resolution approving the updated Joint Exercise of Powers Agreement for Funding Infrastructure, and Planning and Building Inspection Services

Reso No. 2013/68, 5/0

STAFF REPORT

PUBLIC HEARING

3. ADOPTION OF AN ORDINANCE AMENDING THE ZONING CODE TO ALLOW FORTUNE-TELLERS TO BE PERMITTED BY RIGHT IN CERTAIN COMMERCIAL ZONING DISTRICTS. THE PLANNING COMMISSION RECOMMENDED ADOPTION OF THIS ORDINANCE ON OCTOBER 16, 2013 BY A 5-0 VOTE WITH ONE COMMISSIONER ABSENT. THE PROJECT IS EXEMPT FROM CEQA.

To 12/10/13 for adoption, 4/1-A

- Recommended Action:
- 1) Motion to read the ordinance by title only;
 - 2) Motion to adopt the ordinance amending the Zoning Code to allow fortune-tellers to be permitted by right in certain commercial zoning districts.

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 8:26 p.m.

ANTIOCH

California



ALLAN CANTANDO
Chief of Police

CITY COUNCIL REPORT



JANUARY - SEPTEMBER 2013

PART 1 CRIME

PART 1 CRIME STATISTICS

January – September 2012 vs. 2013

	Jan-Sep 2012 Total	Jan-Sep 2013 Total	#Change 2012 - 2013	%Change 2012 - 2013
*HOMICIDE	5	9	4	80.0%
RAPE	24	16	-8	-33.3%
ROBBERY	257	270	13	5.1%
AGGRAVATED ASSAULT	498	449	-49	-9.8%
Total Violent Crime	784	744	-40	-5.1%
BURGLARY	1277	1031	-246	-19.3%
THEFT	1458	1376	-82	-5.6%
AUTO THEFT	844	753	-91	-10.8%
Total Property Crime	3579	3160	-419	-11.7%
TOTAL PART 1 Crime	4363	3904	-459	-10.5%
ARSON	32	48	16	50.0%
Adult Arrests	2171	2304	133	6.1%
Juvenile Arrests	679	566	-113	-16.6%
TOTAL ARRESTS	2850	2870	20	0.7%
*Murder & Nonnegligent Manslaughter as reported in FBI UCR tables				
Manslaughter by Negligence	1	0	-1	-100.0%

2012 PART 1 CRIME SELECT CITY COMPARISON

City	Population
Hayward	147,424
Concord	125,205
Vallejo	117,912
Fairfield	107,110
Richmond	106,357
Antioch	105,009

City	Authorized Sworn	Per Capita / 1000
Richmond	196	1.84
Hayward	191	1.30
Concord	149	1.19
Fairfield	119	1.11
Antioch	102	0.97
Vallejo	110	0.93

City	Violent crime	Per Capita / 1000
Richmond	1,162	10.93
Antioch	1,068	10.17
Vallejo	878	7.45
Fairfield	454	4.24
Hayward	613	4.16
Concord	402	3.21

City	Property crime	Per Capita / 1000
Vallejo	5,844	49.56
Richmond	5,018	47.18
Antioch	4,757	45.30
Concord	4,182	33.40
Hayward	4,792	32.50
Fairfield	3,317	30.97

UCR REPORTED PART 1 CRIME / CLEARANCES

2009 – 2013 9-Months

	2009	2010	2011	2012	2013 9mo	*2011 Nat'l Clearance Rate
HOMICIDE	5	13	5	10	9	
CLEARANCE	6	11	6	6	3	
Clearance Rate	120%	85%	120%	60%	33%	63.5%
RAPE	40	32	21	29	16	
CLEARANCE	23	24	11	12	8	
Clearance Rate	58%	75%	52%	41%	50%	39.4%
ROBBERY	315	313	290	372	270	
CLEARANCE	104	94	88	109	74	
Clearance Rate	33%	30%	30%	29%	27%	28.3%
AGR ASSAULT	537	506	502	657	449	
CLEARANCE	343	288	257	305	220	
Clearance Rate	64%	57%	51%	46%	49%	53.6%
BURGLARY	824	1,087	1,335	1,741	1031	
CLEARANCE	72	87	98	117	84	
Clearance Rate	9%	8%	7%	7%	8%	11.3%
THEFT	1,082	1,049	1,571	1,920	1376	
CLEARANCE	333	368	368	361	187	
Clearance Rate	31%	35%	23%	19%	14%	20.7%
MVTHEFT	747	960	967	1,094	753	
CLEARANCE	60	108	103	112	101	
Clearance Rate	8%	11%	11%	10%	13%	9.9%
ARSON	40	37	56	51	48	
CLEARANCE	12	7	7	4	5	
Clearance Rate	30%	19%	13%	8%	10%	15.7%

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

Homicide clearance rates

Below are the 14 Bay Area police jurisdictions that had the most homicides, and the percentage of those crimes that police solved.

	Homicides, 2006-12	Total cleared	Percent cleared
San Pablo	39	36	92.3%
Antioch	61	48	78.7
Fremont	22	17	77.3
Concord	24	17	70.8
Berkeley	37	25	67.6
San Jose	225	150	66.7
Pittsburg	39	25	64.1
Alameda County	30	16	53.3
San Francisco	496	219	44.2
Contra Costa County	85	35	41.2
Oakland	804	282	35.1
Hayward	52	17	32.7
East Palo Alto	45	14	31.1
Richmond	228	70	30.7

Source: Department of Justice, police and sheriff's departments

BAY AREA NEWS GROUP

BUREAU OF SUPPORT SERVICES

VOLUNTEER PROGRAM

January – September 2013

- APD Volunteers have worked a total of **8,228.70** hours

Field Services	6693.10
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Investigations	121.45
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Professional Standards	230.92
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Records	1183.23
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- The value of the work provided is: ***\$191,646.42**

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

* Based on \$23.29 an hour

ANIMAL SERVICES

KENNEL STATISTICS

INTAKES BETWEEN 01/01/13 AND 09/30/13

	CAT	DOG	OTHER	TOTAL
ADOPTRET	4	5	0	9
DOA	94	64	58	216
EUTH REQ	15	60	1	76
OWNER SUR	199	142	37	378
POSS.OWNER	29	337	3	369
PROTCT.HD	0	44	35	79
QUARANTINE	6	40	0	46
STRAY	886	727	42	1655
WILDLIFE	0	0	40	40
TOTAL	1233	1419	216	2868

OUTCOMES BETWEEN 01/01/13 AND 09/30/13

	CAT	DOG	OTHER	TOTAL
ADOPTION	225	265	12	502
DIED	93	23	8	124
DOA	115	64	58	237
ESCAPED	0	1	0	1
EUTH	548	454	56	1058
FOSTER	46	31	3	80
MISSING	1	0	1	2
RELEASE	0	0	14	14
RESCUE	141	259	54	454
RTO	18	297	2	317
TOTAL	1187	1394	208	2789

ANIMALS ADOPTED BETWEEN 01/01/13 AND 09/30/13

	CAT	DOG	OTHER	TOTAL
ADOPTED	225	265	12	502

January – September 2013

100 Volunteers worked **4,887 Hours**

*Value of work provided: **\$113,818.23**

* *Based on \$23.29 an hour*

Animal Control Calls for Service 1st 9-months 2013 - **2228**

Animals on hand on September 30, 2013 - **321**

CRIME SUPPRESSION DETAILS

January – September 2013

OPERATIONS 10

CASES 64

ARRESTED 76

Charges Included:

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

SPECIALIZED UNITS INVESTIGATION CALL-OUTS January – September 2013

#CALL-OUTS – 14

CHARGES/REASON

9 – Murder

2 – Justified Homicides

2 – O.I.S.

1 – Kidnapping/Sexual Assault

BUREAU OF FIELD SERVICES

CALLS FOR SERVICE

January – September 2012 vs. 2013

PRIORITY	2012-9mo	2013-9mo	%CHANGE
1	6,565	6,602	0.6%
2	28,682	30,287	5.6%
3	21,013	18,549	-11.7%
4	4,013	4,019	0.1%
5	1,561	1,579	1.2%
TOTALS	61,834	61,036	-1.3%

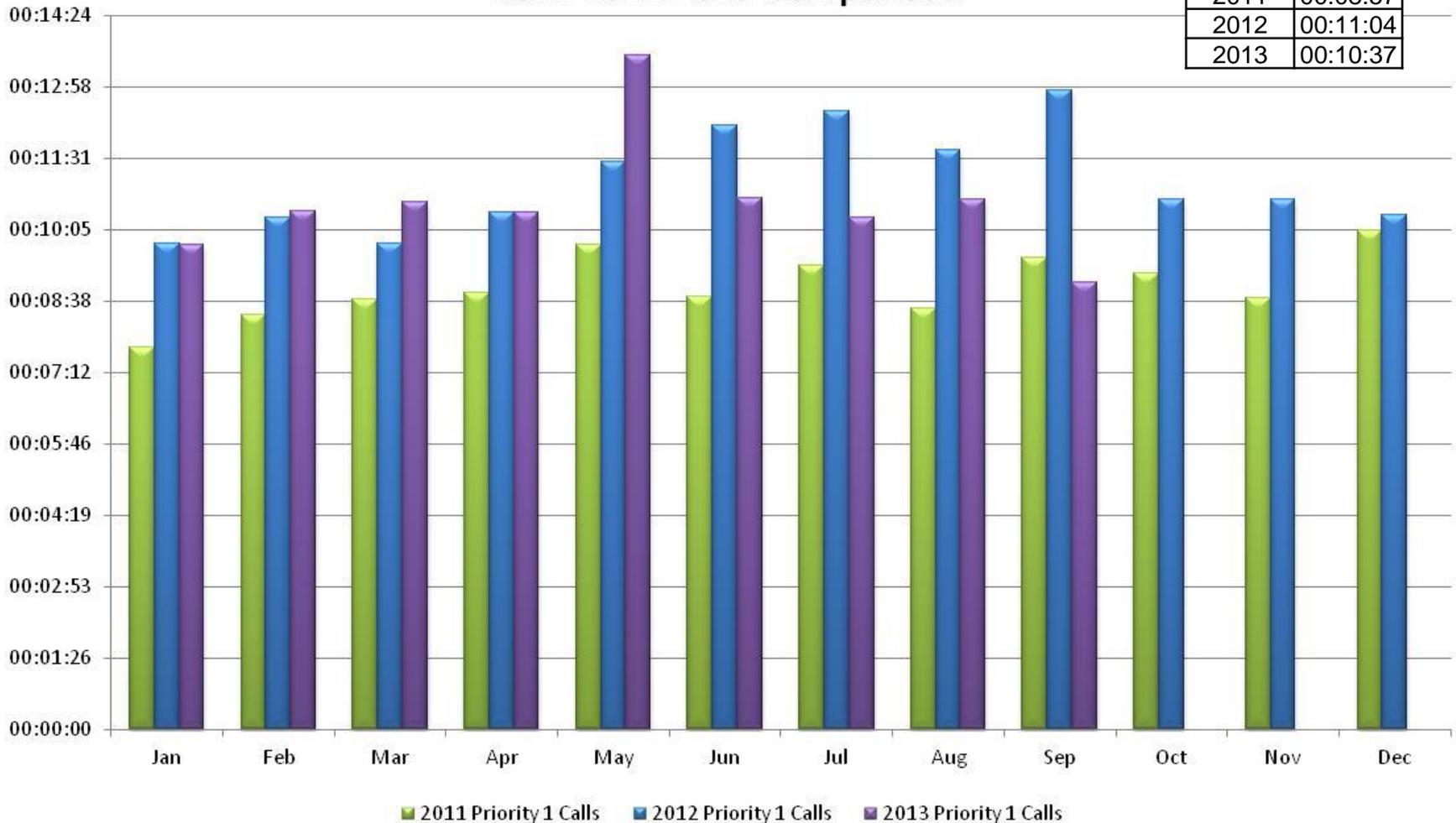
HOW REC'D	2012-9mo	2013-9mo	%CHANGE
OFFICER ON-VIEW	6,032	5,351	-11.3%
PHONE	55,606	55,492	-0.2%
*OTHER	196	193	-1.5%
TOTALS	61,834	61,036	-1.3%

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

CALL RECEIVED to OFFICER ARRIVED

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

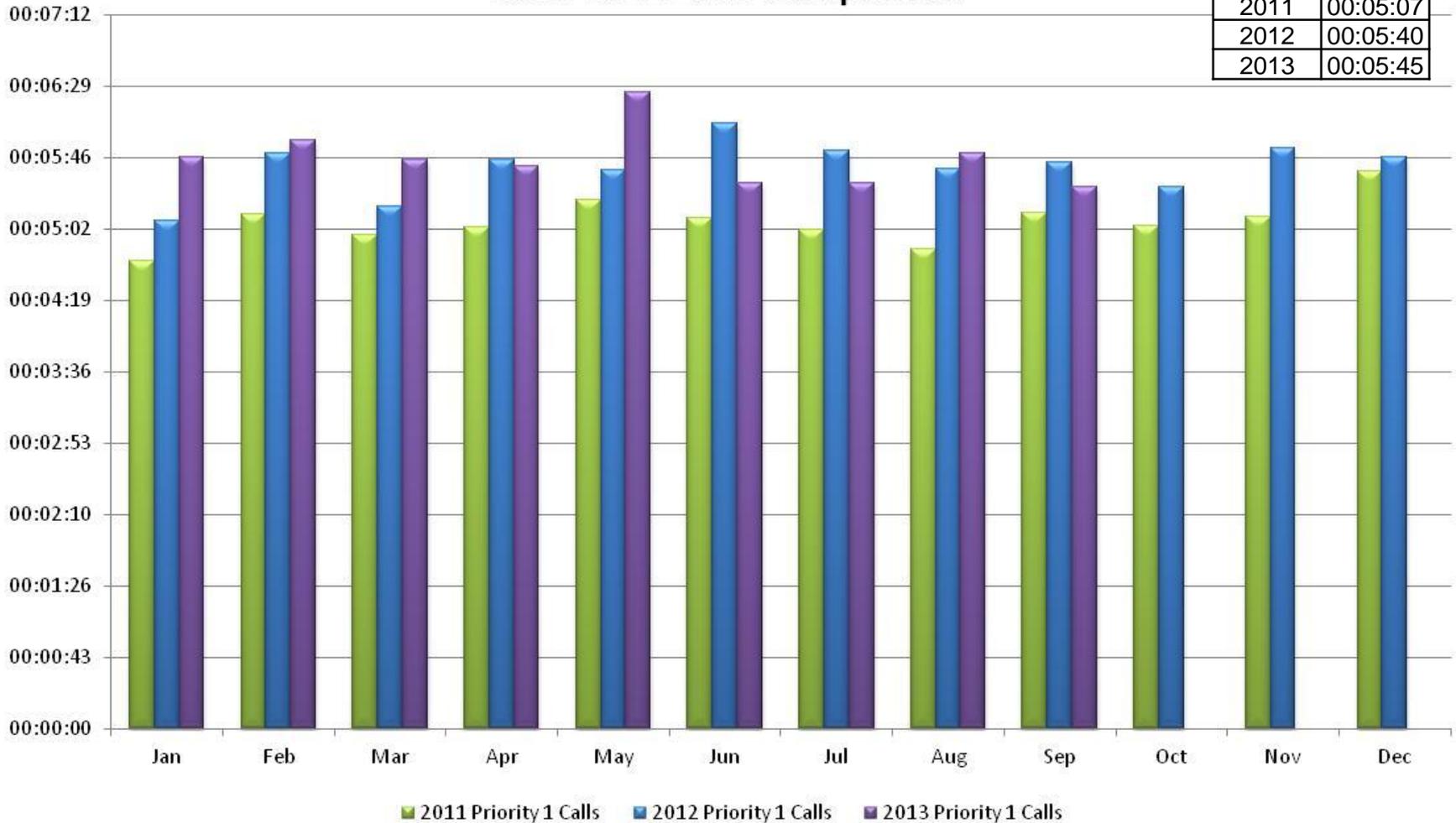
Year	AVG Rec'd to Arr
2011	00:08:57
2012	00:11:04
2013	00:10:37



CALL DISPATCHED to OFFICER ARRIVED

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

Year	AVG Dispatch to Arrive
2011	00:05:07
2012	00:05:40
2013	00:05:45



ARRESTS & CITATIONS

January – September 2012 vs. 2013

ARRESTS

	2012-9mo	2013-9mo	%CHANGE
Total	3,064	2,884	-5.9%

CITATIONS

CLASS	2012-9mo	2013-9mo	%CHANGE
ATMC	164	84	-48.8%
TRAFFIC	1,459	938	-35.7%
**PARK	1,105	1,075	-2.7%
TOTAL	2,728	2,097	-23.1%

**Includes Parking Citations Issued by VIPS

PARK by VIPS	468	819	
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TRAFFIC

January – September 2012 vs. 2013

<u>TRAFFIC COLLISIONS</u>			
<u>CLOSE CLASS</u>	2012-9mo	2013-9mo	%CHANGE
ACCN	1,332	1,328	-0.3%
DUIX/DUIF	207	176	-15.0%
ACCI	192	152	-20.8%
OTHERS	7	20	185.7%
Total	1,738	1,676	-3.6%

	2012	2013	%CHANGE
<u>TRAFFIC FATALITIES</u>	7	4	-42.9%

K-9 Program

- The Antioch Police Department currently has 6 certified K9 units.
- 2-K9 units were at certification school for the entire month of September.

2013	K9 DEPLOYMENTS	K9 APPREHENSIONS
JULY	24	5
AUGUST	30	7
SEPTEMBER	24	8

CURRENT STAFFING LEVELS

SWORN POSITIONS

- **102** Authorized Sworn positions
- **84** Full-time positions are filled
- **73** Full-Duty Officers
- **1** Cadet is in the Police Academy
- **5** Officers are in FTO

RECRUITMENTS AND HIRING

- **13** lateral officers are in the process, **1** of whom has been given a conditional offer
- **2** entry level candidates are in the process
- The CSO written test is Nov. 21st. (**44** invited)
- The Academy Graduate physical agility test is November 22, 2013. (**20** invited)
- The Entry Level physical agility test is December 13th. (**400** invited)
- We are still accepting applications for: Police Laterals; Academy Students & Graduates; Entry Level Candidates; Lateral Police Dispatchers

Reserves

- We are currently staffed with 4 reserves.
- Due to injury and work schedule conflicts, only two were available for much of the period.
- Duties included:
 - Delta Blues Festival
 - Battle of the Bands AHS
 - City-wide clean-ups
 - Parking and towing enforcement
- Hours worked:

● July	109.5 hours
● August	71.5 hours
● September	40.5 hours

NEW DEVELOPMENTS

WELCOME

ACADEMY GRADUATES



CSO



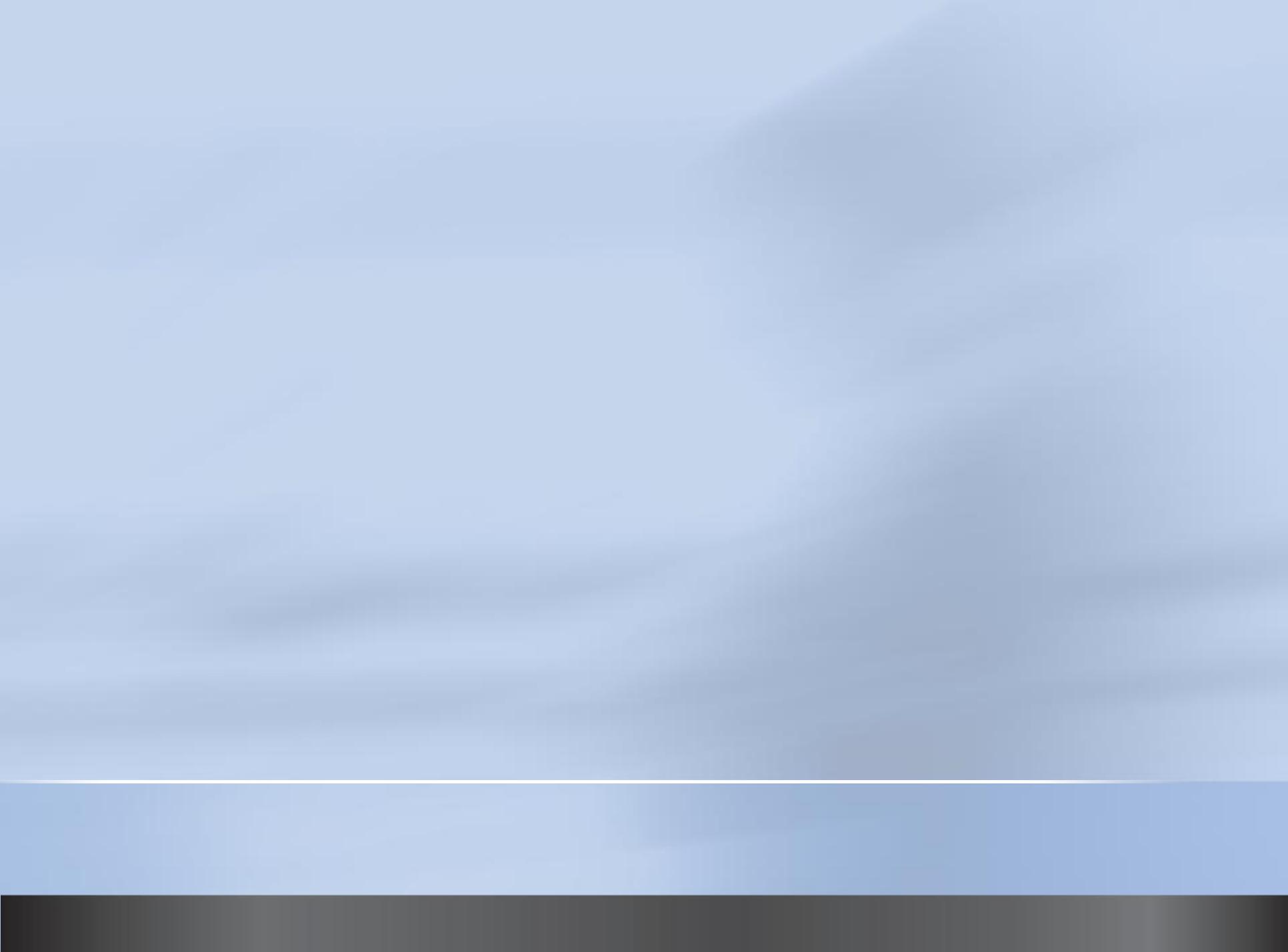
LATERAL DISPATCHERS



PROMOTIONS



Questions?



**REPORT FROM THE CITY CLERK'S OFFICE TO THE CITY COUNCIL FOR
CONSIDERATION AT THE COUNCIL MEETING OF NOVEMBER 26, 2013**

PREPARED BY: Christina Garcia, Deputy City Clerk

REVIEWED BY: Jim Jakel, City Manager

DATE: November 20, 2013

SUBJECT: APPROVAL OF COUNCIL MINUTES

The Minutes of November 12, 2013 are continued to the next meeting.

**SPECIAL MEETING/CLOSED SESSION
ANTIOCH CITY COUNCIL**

Special Meeting/Closed Session
4:00 P.M.

**November 15, 2013
Antioch City Hall
Third Floor Conference Room**

ROLL CALL *for Closed Session*

Mayor Harper called the meeting to order at 4:15 P.M., and roll was called.

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

PUBLIC COMMENTS *for Closed Session – None*

CLOSED SESSION:

- 1) **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Government Code section 54957:
Title: City Manager

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 6:40 P.M.

Respectfully submitted:

SHARON DANIELS
Executive Assistant/Legal Secretary

1B.01
11-26-13

**SPECIAL MEETING/CLOSED SESSION
ANTIOCH CITY COUNCIL**

Special Meeting/Closed Session
4:00 P.M.

**November 19, 2013
Antioch City Hall
Third Floor Conference Room**

ROLL CALL *for Closed Session*

Mayor Harper called the meeting to order at 4:03 P.M., and roll was called.

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

PLEDGE OF ALLEGIANCE

Mayor Harper led the Council in the Pledge of Allegiance.

PUBLIC COMMENTS *for Closed Session – None*

CLOSED SESSION:

- 1) **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Government Code section 54957:
Title: City Manager

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 7:35 P.M.

Respectfully submitted:

LYNN TRACY NERLAND
City Attorney

1B.02
11-26-13

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 NOVEMBER 7-20, 2013
 FUND/CHECK#

100 General Fund

Non Departmental

348224 BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	3,186.00
348322 BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	6,165.50

City Attorney

348289 ROBBINS, JUDITH A	LEGAL SERVICES	2,635.00
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City Manager

348216 BANK OF AMERICA	MEETING EXPENSES	257.84
348238 DANIELS, SHARON P	EXPENSE REIMBURSEMENT	156.02
348365 NATURES BOUNTY	MEETING EXPENSE	116.16
348374 PECKHAM AND MCKENNEY	RECRUITMENT SERVICES	1,092.42

City Clerk

348245 EIDEN, KITTY J	MINUTES CLERK	126.00
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Human Resources

348218 BANK OF AMERICA	TRAINING	25.00
348274 OFFICE MAX INC	OFFICE SUPPLIES	42.22

Economic Development

348221 BBR LLP	CONSULTING SERVICES	702.00
348364 MUNICIPAL RESOURCE GROUP LLC	CONSULTING SERVICES	9,408.00
920718 BERNICK, MICHAEL	PROFESSIONAL SERVICES	3,300.00

Finance Accounting

348395 SUNGARD PUBLIC SECTOR USERS GROUP	MEMBER DUES	195.00
920743 SUNGARD PUBLIC SECTOR INC	ANNUAL ASP SUPPORT	31,769.99

Finance Operations

348403 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	2.00
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Non Departmental

203179 GRAHAM CONTRACTORS INC	BUS LIC APP FEE REFUND	30.00
203180 SEARS	BUS LIC APP FEE REFUND	30.00

Public Works Maintenance Administration

348366 NEXTEL SPRINT	CELL PHONE	57.49
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Public Works Street Maintenance

348211 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	47,472.73
348236 COUNTY ASPHALT	ASPHALT	1,986.93
348264 LOWES COMPANIES INC	SUPPLIES	137.37
348366 NEXTEL SPRINT	CELL PHONE	57.49
348369 OMEGA INDUSTRIAL SUPPLY	ASPHALT RELEASE AGENT	2,179.97
920744 TELFER OIL COMPANY	PAVING	6,448.71

Public Works-Signal/Street Lights

348372 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	592.85
348406 WESCO RECEIVABLES CORP	SUPPLIES	1,920.15
920737 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	966.21

Public Works-Striping/Signing

348207 ACE HARDWARE, ANTIOCH	SIGN HARDWARE	27.56
348255 INTERSTATE SALES	PAINT	743.12
348264 LOWES COMPANIES INC	SUPPLIES	104.30
348363 MANERI SIGN COMPANY	SIGNS	595.07

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 NOVEMBER 7-20, 2013
 FUND/CHECK#

348366 NEXTEL SPRINT	CELL PHONE	57.49
348368 OFFICE MAX INC	OFFICE SUPPLIES	36.41
Public Works-Facilities Maintenance		
348220 BAY CITIES PYROTECTOR	FIRE SYSTEM CERTIFICATION	250.00
348231 CONTRA COSTA COUNTY	HEALTH PERMIT	4,435.00
348263 LENHART ALARM AND SECURITY	MONITORING SERVICE	450.00
348264 LOWES COMPANIES INC	SUPPLIES	317.02
348276 OMEGA INDUSTRIAL SUPPLY	SUPPLIES	296.57
348352 HOME DEPOT, THE	SUPPLIES	21.79
348360 LENHART ALARM AND SECURITY	ANNUAL ALARM SERVICE	900.00
348368 OFFICE MAX INC	OFFICE SUPPLIES	667.64
920724 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	1,100.00
Public Works-Parks Maint		
348223 BSN SPORTS	GOAL REPLACEMENTS	608.52
348309 AMERICAN PLUMBING INC	PLUMBING SERVICES	2,014.80
348372 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	150.20
348386 ROGERS ROOFING	ROOF REPLACEMENT	4,350.00
348389 SHIRLEY, THAD	BEEHIVE REMOVAL	200.00
348393 STEWARTS TREE SERVICE	TREE SERVICES	5,750.00
920738 JOHN DEERE LANDSCAPES PACHECO	CONTROLLER PARTS	399.86
Public Works-Median/General Land		
348207 ACE HARDWARE, ANTIOCH	PVC FITTINGS	42.13
348280 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	6,903.00
348367 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
348370 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	7,129.00
348372 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	60.21
348397 TARGET SPECIALTY PRODUCTS	CHEMICALS	4,121.13
Public Works-Work Alternative		
348366 NEXTEL SPRINT	CELL PHONE	137.39
Police Administration		
348213 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	42.50
348229 CONCORD UNIFORMS LLC	UNIFORMS	876.90
348230 CONTRA COSTA COUNTY	ACADEMY TRAINING	4,385.00
348250 GALLS INC	POLICE SAFETY EQUIPMENT	226.34
348273 NEXTEL SPRINT	CELL PHONE EQUIPMENT	325.95
348306 ACSO	TUITION-MCMANUS/BITTNER	1,012.00
348308 AGUINAGA, DIANE	EXPENSE REIMBURSEMENT	169.28
348314 BANK OF AMERICA	BUSINESS EXPENSE	44.46
348315 BARAKOS, DIMITRI A	PER DIEM	213.00
348319 BITTNER, DESMOND D	EXPENSE REIMBURSEMENT	27.00
348325 COMMERCIAL SUPPORT SERVICES	CAR WASHES	399.00
348326 CONTRA COSTA COUNTY	TRAINING	715.00
348327 CONTRA COSTA COUNTY	TUITION FEES	3,603.00
348330 CONTRA COSTA COUNTY	FELONY FILING SERVICES	9,563.00
348332 COSTCO	BUSINESS EXPENSE	8.08
348336 DOUBLETREE HOTEL SACRAMENTO	LODGING-BARAKOS	291.24

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348340	FACTUALDIAGRAMS.COM	TUITION-GONZALEZ	550.00
348349	HEAD, SHIRLEY	EXPENSE REIMBURSEMENT	52.07
348351	HOLIDAY INN	LODGING-PFEIFFER	175.38
348362	LOPEZ, KATHLEEN M	MEAL ALLOWANCE	37.50
348376	PFEIFFER, DEAN A	PER DIEM	142.00
348383	RGH GROUP, THE	RECRUITMENT	400.00
348398	THIRD DEGREE COMMUNICATIONS	TUITION-SCHWITTERS	425.00
348402	UNION BANK OF CALIF	RETIREMENT/PARS	82,942.98
348403	UNITED PARCEL SERVICE	SHIPPING	94.09
920723	KARSTE CONSULTING INC	CONSULTING SERVICES	960.00
920725	MOBILE MINI LLC	PORTABLE STORAGE CONTAINER	106.98
920740	MOBILE MINI LLC	PORTABLE STORAGE CONTAINER	106.98
Police Community Policing			
348268	MOORE K9 SERVICES	K9 TRAINING	500.00
348285	PERS	PAYROLL DEDUCTIONS	17.01
Police Investigations			
348237	COURT SERVICES INC	PRISONER TRANSPORTATION	1,025.00
348334	COURT SERVICES INC	PRISONER TRANSPORTATION	674.71
Police Communications			
348359	LANGUAGE LINE SERVICES	INTERPRETATION SERVICE	33.50
348382	RESPONSIVE COMMUNICATION SERVICES	SUPPLIES	171.91
Police Community Volunteers			
348247	FASTENAL CO	SUPPLIES	25.12
Police Facilities Maintenance			
348231	CONTRA COSTA COUNTY	HEALTH PERMIT	1,997.00
348264	LOWES COMPANIES INC	SUPPLIES	17.25
348273	NEXTEL SPRINT	CELL PHONE	2,810.08
348309	AMERICAN PLUMBING INC	PLUMBING SERVICES	299.78
348406	WESCO RECEIVABLES CORP	SUPPLIES	353.63
920724	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	3,000.00
Community Development Land Planning Services			
920745	TESTING ENGINEERS INC	ENGINEERING SERVICES	4,238.00
Community Development Neighborhood Improvement			
348217	BANK OF AMERICA	LODGING-GRAHAM	181.17
348346	GRAHAM, RYAN M	EXPENSE REIMBURSEMENT	125.35
348356	INTERWEST CONSULTING GROUP INC	PROFESSIONAL SERVICES	6,690.00
PW Engineer Land Development			
348259	KIMLEY HORN AND ASSOCIATES INC	PROFESSIONAL SERVICES	370.00
348366	NEXTEL SPRINT	CELL PHONE	169.25
Community Development Building Inspection			
348217	BANK OF AMERICA	CODE BOOKS	1,229.53
348218	BANK OF AMERICA	ADVERTISEMENT	75.00
348366	NEXTEL SPRINT	CELL PHONE	59.04
348368	OFFICE MAX INC	OFFICE SUPPLIES	45.00
Capital Imp. Administration			
348368	OFFICE MAX INC	OFFICE SUPPLIES	44.96

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Community Development Engineering Services

348366 NEXTEL SPRINT CELL PHONE 57.49

212 CDBG Fund

CDBG

348219 BAY AREA LEGAL AID CDBG SERVICES 11,051.00
 348234 CCC SENIOR LEGAL SERVICES CDBG SERVICES 1,351.98
 348275 OMBUDSMAN SERVICES OF CCC CDBG SERVICES 1,250.00
 348278 OPPORTUNITY JUNCTION CDBG SERVICES 12,499.89
 348291 SENIOR OUTREACH SERVICES CDBG SERVICES 2,511.25
 348292 SHELTER INC CDBG SERVICES 2,202.55
 348356 INTERWEST CONSULTING GROUP INC PROFESSIONAL SERVICES 13,730.00
 920721 HOUSE, TERI CONSULTING SERVICES 6,110.00

213 Gas Tax Fund

Streets

348214 BANK OF AMERICA TRAINING 436.00
 348266 MARK THOMAS AND CO INC PROFESSIONAL SERVICES 12,361.00
 348372 PACIFIC GAS AND ELECTRIC CO ELECTRIC 76.61

214 Animal Control Fund

Animal Control

348209 ANIMAL SUPPLY LOGISTICS SUPPLIES 788.78
 348241 EAST BAY VETERINARY EMERGENCY VETERINARY SERVICES 89.82
 348242 EAST HILLS VETERINARY HOSPITAL VETERINARY SERVICES 894.25
 348253 HILLS PET NUTRITION ANIMAL FOOD 347.88
 348256 INTERVET INC SUPPLIES 3,996.00
 348261 KOEFRAN SERVICES INC ANIMAL DISPOSAL SERVICES 1,850.00
 348272 MWI VETERINARY SUPPLY CO VETERINARY SUPPLIES 2,551.72
 348273 NEXTEL SPRINT CELL PHONE 449.52
 348297 TAYLOR HOUSEMAN EQUIPMENT REPAIR 100.00
 348305 ZOETIS LLC ANIMAL CARE SUPPLIES 490.40
 348338 EAST HILLS VETERINARY HOSPITAL VETERINARY SERVICES 620.03
 348350 HILLS PET NUTRITION ANIMAL FOOD 451.59
 348380 RCR GRAPHICS INC SIGNS 194.60
 920720 HAMMONS SUPPLY COMPANY SUPPLIES 673.35
 920736 HAMMONS SUPPLY COMPANY SUPPLIES 67.74

Maddie's Fund Grant

348212 APOLLO VETERINARY HOSPITAL VETERINARY SERVICES 210.00

216 Park-In-Lieu Fund

Parks & Open Space

348347 H AND H CONSTRUCTION EQUIPMENT REPLACEMENT 4,742.06
 348408 WESTERN WATER FEATURES INC FILTER PROJECT REPAIRS 23,981.45

219 Recreation Fund

Non Departmental

348281 PARAMEL, JOSEPHINE DEPOSIT REFUND 500.00
 348296 TAPIA, ROBERT A DEPOSIT REFUND 1,000.00
 348304 WENCE, IGNACIO DEPOSIT REFUND 465.00
 348353 HUB INTERNATIONAL OF CA INSURANCE LIABILITY INSURANCE 251.96

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348399 TONGA, ALISI	DEPOSIT REFUND	1,000.00
Recreation Admin		
348263 LENHART ALARM AND SECURITY	MONITORING SERVICE	150.00
348360 LENHART ALARM AND SECURITY	ANNUAL ALARM SERVICE	300.00
348406 WESCO RECEIVABLES CORP	SUPPLIES	120.04
Senior Programs		
348307 ACTIVE NETWORK INC, THE	COMPUTER SOFTWARE	1,689.34
920733 COMPUTERLAND	COMPUTER EQUIPMENT	455.69
Recreation Classes/Prog		
203161 JONES, DEBRA	CLASS REFUND	54.00
203162 ANTROBUS, MARSHA	CLASS REFUND	37.00
348235 COSTCO	SUPPLIES	41.19
348244 EDUCATION TO GO	CONTRACTOR PAYMENT	403.50
348300 UNITED STATES POSTAL SERVICE	POSTAGE	6,200.00
348339 EL CAMPANIL THEATRE PRESERVATION	THEATRE RENTAL	500.00
Recreation Sports Programs		
348217 BANK OF AMERICA	SCOREBOARD	75.10
348228 CONCORD SOFTBALL UMPIRES	UMPIRE FEES	2,028.00
348321 BSN SPORTS	EQUIPMENT	110.43
920723 KARSTE CONSULTING INC	SPORTS INSTRUCTOR	309.60
920730 A AND B CREATIVE TROPHIES	TROPHIES	345.97
Recreation Concessions		
348217 BANK OF AMERICA	REFRIGERATOR	3,397.94
348226 COLE SUPPLY CO INC	SUPPLIES	102.30
348235 COSTCO	SUPPLIES	1,828.46
348258 KELLY MOORE PAINT CO	SUPPLIES	298.35
348264 LOWES COMPANIES INC	SUPPLIES	247.45
348303 US FOODSERVICE INC	SUPPLIES	98.50
348307 ACTIVE NETWORK INC, THE	COMPUTER SOFTWARE	3,135.66
348377 PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	179.55
Recreation-New Comm Cntr		
348217 BANK OF AMERICA	COMPUTER EQUIPMENT	414.58
348226 COLE SUPPLY CO INC	SUPPLIES	86.58
348235 COSTCO	SUPPLIES	41.11
348246 FAST SIGNS	VINYL LETTERS	164.12
348264 LOWES COMPANIES INC	SUPPLIES	190.21
348279 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	2,818.34
348286 REAL PROTECTION INC	REPAIR SERVICE	1,808.60
348307 ACTIVE NETWORK INC, THE	COMPUTER SOFTWARE	891.87
348312 AT AND T MCI	PHONE	63.29
348358 KELLY MOORE PAINT CO	SUPPLIES	188.02
920733 COMPUTERLAND	COMPUTER EQUIPMENT	911.38
920737 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	74.53
222 Measure C Fund		
Streets		
348248 FEDERAL ADVOCATES INC	ADVOCACY SERVICES	5,000.00

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226 Solid Waste Reduction Fund

Solid Waste

348251 HAAS-WAJDOWICZ, JULIE A	EXPENSE REIMBURSEMENT	126.47
348328 CONTRA COSTA COUNTY	GREEN BUSINESS PROGRAM	570.00
348356 INTERWEST CONSULTING GROUP INC	PROFESSIONAL SERVICES	790.00

228 Abandoned Vehicles Fund

Abandoned Vehicles

348356 INTERWEST CONSULTING GROUP INC	PROFESSIONAL SERVICES	1,420.00
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229 Pollution Elimination Fund

Channel Maintenance Operation

348239 DEPT OF FISH AND GAME	QTR2 MAINTENANCE	336.00
348243 ECORP CONSULTING INC	PROFESSIONAL SERVICES	9,820.57
348267 MJH EXCAVATING INC	EQUIPMENT RENTAL	3,892.03
348288 RMC WATER AND ENVIRONMENT	CONSULTING SERVICES	28,198.86
348310 ANKA BEHAVIORAL HEALTH INC	LANDSCAPE SERVICES	15,709.00
348366 NEXTEL SPRINT	CELL PHONE	48.79
348371 PACIFIC COAST SEED INC	SEED	3,419.80
348397 TARGET SPECIALTY PRODUCTS	CHEMICALS	2,765.35

236 CDBG Revolving Loan Fund

CDBG

348302 US DEPT OF HOUSING AND URBAN DEV	FY2013 INTEREST	600.28
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238 PEG Franchise Fee Fund

Non Departmental

348403 UNITED PARCEL SERVICE	SHIPPING	351.65
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251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 1

348367 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	192.00
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252 Downtown SLLMD Fund

Downtown Maintenance

348367 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
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254 Hillcrest SLLMD Fund

Hillcrest Maintenance Zone 1

348367 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
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Hillcrest Maintenance Zone 2

348367 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	960.00
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Hillcrest Maintenance Zone 4

348367 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
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255 Park 1A Maintenance District Fund

Park 1A Maintenance District

348367 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
348372 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	39.31

256 Citywide 2A Maintenance District Fund

Citywide 2A Maintenance Zone 6

348367 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
348370 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	2,571.00

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Citywide 2A Maintenance Zone 9

348367 ODYSSEY LANDSCAPE CO INC LANDSCAPE SERVICES 307.20

Citywide 2A Maintenance Zone10

920738 JOHN DEERE LANDSCAPES PACHECO CONTROLLER PARTS 6,813.48

257 SLLMD Administration Fund

SLLMD Administration

348366 NEXTEL SPRINT CELL PHONE 163.77

259 East Lone Tree SLLMD Fund

Zone 1-District 10

348372 PACIFIC GAS AND ELECTRIC CO ELECTRIC 106.80

311 Capital Improvement Fund

Measure WW

920722 ICR ELECTRICAL CONTRACTORS ELECTRICAL SERVICES 9,946.02

920723 KARSTE CONSULTING INC CONSULTING SERVICES 2,280.00

920727 ODIN SYSTEMS INC SOFTWARE INSTALLATION 9,550.00

Public Buildings & Facilities

348321 BSN SPORTS EQUIPMENT 6,808.86

348345 GOODLAND LANDSCAPE CONSTRUCTION TURF FIELD PROJECT 13,539.31

348394 STRATEGIC THREAT MANAGEMENT INC SECURITY SERVICES 5,460.00

920723 KARSTE CONSULTING INC CONSULTING SERVICES 2,160.00

312 Prewett Family Park Fund

Parks & Open Space

376 Lone Diamond Fund

Assessment District

348243 ECORP CONSULTING INC PROFESSIONAL SERVICES 9,643.75

348288 RMC WATER AND ENVIRONMENT CONSULTING SERVICES 42,640.07

348295 STATE WATER RESOURCES BOARD INTERSECTION APP FEE 563.00

348317 BENCHMARK CONSULTANTS PROFESSIONAL SERVICES 815.00

569 Vehicle Replacement Fund

Equipment Maintenance

348392 STATEWIDE SAFETY AND SIGNS INC BITUMINOUS APPLICATOR 28,291.38

570 Equipment Maintenance Fund

Equipment Maintenance

348210 ANTIOCH AUTO PARTS BATTERIES 2,365.18

348215 BANK OF AMERICA JOB POSTING 75.00

348225 CHUCKS BRAKE AND WHEEL SERVICE SUPPLIES 1,636.32

348263 LENHART ALARM AND SECURITY MONITORING SERVICE 75.00

348311 ANTIOCH AUTO PARTS ALTERNATOR 594.82

348337 EAST BAY TIRE CO TIRE SERVICES 65.54

348341 FASTENAL CO SUPPLIES 4.81

348348 HARLEY DAVIDSON MAINTENANCE SERVICE 1,297.14

348360 LENHART ALARM AND SECURITY ANNUAL ALARM SERVICE 150.00

348368 OFFICE MAX INC OFFICE SUPPLIES 13.83

348375 PETERSON AC REPAIR 1,475.46

348378 PURSUIT NORTH PATROL VEHICLE BUILD 3,354.33

348396 SUPERIOR AUTO PARTS SUPPLIES 4.33

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348403 UNITED PARCEL SERVICE	SHIPPING	9.68
348407 WESTERN TRUCK FAB	SUPPLIES	241.83
920739 KIMBALL MIDWEST	SUPPLIES	1,000.71
573 Information Services Fund		
Non Departmental		
348215 BANK OF AMERICA	COMPUTER PURCHASE	1,388.54
Information Services		
348366 NEXTEL SPRINT	CELL PHONE	56.50
Network Support & PCs		
348227 COMCAST	INTERNET SERVICE	152.15
348240 DIGITAL SERVICES	WEBSITE MAINTENANCE	2,355.00
348366 NEXTEL SPRINT	CELL PHONE	120.86
920732 COMPUCOM SYSTEMS INC	COMPUTER SOFTWARE	12,291.00
Telephone System		
348312 AT AND T MCI	PHONE	187.48
GIS Support Services		
348214 BANK OF AMERICA	COMPUTER EQUIPMENT	173.60
580 Loss Control Fund		
Human Resources		
348270 MUNICIPAL POOLING AUTHORITY	WORKERS COMP PREMIUM	318,578.00
611 Water Fund		
Non Departmental		
348210 ANTIOCH AUTO PARTS	SUPPLIES	1,531.26
348226 COLE SUPPLY CO INC	SUPPLIES	2,105.52
348290 ROBERTS AND BRUNE CO	SUPPLIES	1,893.87
348316 BAY AREA BARRICADE	SUPPLIES	297.84
348318 BISHOP CO	SUPPLIES	1,331.99
348324 COLE SUPPLY CO INC	SUPPLIES	303.80
348341 FASTENAL CO	SUPPLIES	240.83
348385 ROBERTS AND BRUNE CO	SUPPLIES	3,850.39
348406 WESCO RECEIVABLES CORP	SUPPLIES	109.37
Water Supervision		
348366 NEXTEL SPRINT	CELL PHONE	110.27
Water Production		
202899 UNITED STATES POSTAL SERVICE	POSTAGE	9.47
348207 ACE HARDWARE, ANTIOCH	SUPPLIES	226.60
348208 ANIMAL DAMAGE MANAGEMENT	ANIMAL CONTROL	125.00
348231 CONTRA COSTA COUNTY	PERMIT FEES	4,748.00
348249 FLOW SCIENCE INCORPORATED	PROFESSIONAL SERVICES	378.00
348257 KARL NEEDHAM ENTERPRISES INC	RENTAL EQUIPMENT	32,988.48
348263 LENHART ALARM AND SECURITY	MONITORING SERVICE	150.00
348264 LOWES COMPANIES INC	SUPPLIES	245.89
348280 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	857.00
348287 RED VALVE COMPANY INC	VALVES	4,413.82
348290 ROBERTS AND BRUNE CO	SUPPLIES	127.63
348311 ANTIOCH AUTO PARTS	GREASE	65.53

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348312 AT AND T MCI	PHONE	126.60
348323 CLIPPER CONTROLS INC	CHLORINE SENSOR	792.69
348328 CONTRA COSTA COUNTY	PERMIT FEES	30,614.86
348343 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	69.35
348354 I KRUGER INC	SAND	1,444.00
348360 LENHART ALARM AND SECURITY	ANNUAL ALARM SERVICE	300.00
348366 NEXTEL SPRINT	CELL PHONE	62.74
348368 OFFICE MAX INC	OFFICE SUPPLIES	284.60
348372 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	19.06
348391 SPAULDING, ANN B	CONSULTING SERVICES	1,750.00
920716 AIRGAS SPECIALTY PRODUCTS	AMMONIA	1,826.10
920719 EUROFINS EATON ANALYTICAL INC	SAMPLE TESTING	1,750.00
920734 GENERAL CHEMICAL CORP	ALUM	3,039.29
920735 GRAINGER INC	SUPPLIES	92.05
920742 OLIN CHLOR ALKALI PRODUCTS	CAUSTIC	12,015.60

Water Distribution

348207 ACE HARDWARE, ANTIOCH	SUPPLIES	186.31
348214 BANK OF AMERICA	TRAINING	1,759.31
348236 COUNTY ASPHALT	ASPHALT	665.48
348247 FASTENAL CO	SUPPLIES	29.14
348254 INFOSEND INC	PRINT/MAIL SERVICES	847.73
348262 LEIGHTON STONE CORP	PRESSURE GAUGES	681.77
348264 LOWES COMPANIES INC	PIPE FITTINGS	399.64
348274 OFFICE MAX INC	OFFICE SUPPLIES	60.20
348290 ROBERTS AND BRUNE CO	PIPE & FITTINGS	10,421.73
348313 BACKFLOW APPARATUS AND VALVE CO	REPAIR PARTS	6,624.15
348333 COUNTY ASPHALT	ASPHALT	602.78
348335 DODSON, DARRYL	RENEWAL REIMBURSEMENT	70.00
348341 FASTENAL CO	SUPPLIES	31.88
348342 FASTLANE TEK INC	CONSULTING SERVICES	1,070.00
348344 FURBER SAW INC	SUPPLIES	368.29
348355 INFOSEND INC	PRINT/MAIL SERVICES	1,610.55
348361 LONE TREE TRUCKING INC	SAND	1,152.50
348366 NEXTEL SPRINT	CELL PHONE	331.56
348368 OFFICE MAX INC	OFFICE SUPPLIES	1,307.93
348381 RED WING SHOE STORE	SAFETY SHOES-OLSON	639.62
348385 ROBERTS AND BRUNE CO	PIPE & FITTINGS	16,654.97
348387 SABRE BACKFLOW INC	CALIBRATION	382.44
348401 TYLER TECHNOLOGIES	MONTHLY INSITE FEES	340.00
348403 UNITED PARCEL SERVICE	SHIPPING	35.05
920723 KARSTE CONSULTING INC	CONSULTING SERVICES	960.00

Water Meter Reading

348366 NEXTEL SPRINT	CELL PHONE	47.15
920717 BADGER METER INC	STRAINER	1,214.76
920731 BADGER METER INC	REGISTERS	17,679.76

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Public Buildings & Facilities

348222 BROWN AND CALDWELL INC	PROFESSIONAL SERVICES	3,730.99
348265 LOZANO SMITH LLP	LEGAL SERVICES	18,809.18
348320 BROWN AND CALDWELL INC	CONSULTING SERVICES	4,441.56
348373 PAKPOUR CONSULTING GROUP INC	CONSULTING SERVICES	5,329.50
920741 NICHOLS CONSULTING ENGINEERS CORP	PROFESSIONAL SERVICES	3,142.01

Warehouse & Central Stores

348263 LENHART ALARM AND SECURITY	MONITORING SERVICE	112.50
348360 LENHART ALARM AND SECURITY	ANNUAL ALARM SERVICE	187.50
348366 NEXTEL SPRINT	CELL PHONE	51.39
348403 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	2.00

621 Sewer Fund

Sewer-Wastewater Collection

348214 BANK OF AMERICA	TRAINING	190.00
348215 BANK OF AMERICA	JOB POSTING	350.00
348236 COUNTY ASPHALT	ASPHALT	665.47
348254 INFOSEND INC	PRINT/MAIL SERVICES	847.73
348263 LENHART ALARM AND SECURITY	MONITORING SERVICE	337.50
348264 LOWES COMPANIES INC	SOD	542.54
348329 CONTRA COSTA COUNTY	RADIO PROGRAMMING	480.00
348333 COUNTY ASPHALT	ASPHALT	602.77
348342 FASTLANE TEK INC	CONSULTING SERVICES	3,210.00
348355 INFOSEND INC	PRINT/MAIL SERVICES	1,610.55
348360 LENHART ALARM AND SECURITY	ANNUAL ALARM SERVICE	637.50
348361 LONE TREE TRUCKING INC	SAND	1,152.50
348366 NEXTEL SPRINT	CELL PHONE	162.78
348368 OFFICE MAX INC	OFFICE SUPPLIES	691.32
348379 QUESADA CHIROPRACTIC	DMV PHYSICAL	75.00
348401 TYLER TECHNOLOGIES	MONTHLY INSITE FEES	340.00
920729 3M AOSAFETY EYEWARE	SAFETY GLASSES-PORTER	340.02

Wastewater Collection

920741 NICHOLS CONSULTING ENGINEERS CORP	PROFESSIONAL SERVICES	3,142.00
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622 Sewer Facilities Expansion Fund

Wastewater Collection

348384 RMC WATER AND ENVIRONMENT	CONSULTANT SERVICES	6,367.25
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631 Marina Fund

Marina Administration

348218 BANK OF AMERICA	JOB POSTING	75.00
348231 CONTRA COSTA COUNTY	FUEL PERMIT	3,050.00
348263 LENHART ALARM AND SECURITY	ALARM SYSTEM REPAIRS	184.00
348271 MURRIETTA, CHARLENE L	EXPENSE REIMBURSEMENT	26.15
348331 CONTROLLED ENVIRONMENTAL SERVICES	EQUIPMENT REPAIR	808.25
348360 LENHART ALARM AND SECURITY	ANNUAL ALARM SERVICE	150.00
348400 TURMAN COMMERCIAL PAINTERS	PAINTING SERVICE	4,968.00
920722 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	101.07

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Marina Maintenance

348214 BANK OF AMERICA	DIESEL TREATMENT	360.96
348264 LOWES COMPANIES INC	SUPPLIES	38.99

Marina Boat Launch

348357 JAMES MIDDLETON & ASSOCIATES INC	SUPPLIES	140.20
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641 Prewett Water Park Fund

Non Departmental

348252 HEATHER LESTER	DEPOSIT REFUND	1,000.00
348353 HUB INTERNATIONAL OF CA INSURANCE	LIABILITY INSURANCE	251.96
348404 UWAECHIE, FERDINAND	DEPOSIT REFUND	340.00

Recreation Aquatics

348269 MUIR, ROXANNE	AEROBICS INSTRUCTOR	35.00
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Recreation Water Park

203212 STAPLES	SUPPLIES	46.09
203213 PRAXAIR DISTRIBUTION INC	TANK RENTAL	49.75
348217 BANK OF AMERICA	SUPPLIES	415.88
348226 COLE SUPPLY CO INC	SUPPLIES	910.73
348235 COSTCO	SUPPLIES	99.78
348258 KELLY MOORE PAINT CO	SUPPLIES	148.61
348260 KNORR SYSTEMS INC	SUPPLIES	1,031.00
348263 LENHART ALARM AND SECURITY	ALARM SYSTEM REPAIRS	754.02
348264 LOWES COMPANIES INC	SUPPLIES	476.69
348279 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	1,879.16
348284 PITCHER, JUSTIN WILLIAM	MILEAGE REIMBURSEMENT	20.00
348307 ACTIVE NETWORK INC, THE	COMPUTER SOFTWARE	5,733.14
348358 KELLY MOORE PAINT CO	SUPPLIES	152.82
348360 LENHART ALARM AND SECURITY	ANNUAL ALARM SERVICE	675.00
348388 SAFETY COMPLIANCE MANAGEMENT	TRAINING	112.50
348405 VORTEX INDUSTRIES INC	EMERGENCY REPAIRS	10,059.05
920733 COMPUTERLAND	COMPUTER EQUIPMENT	455.69
920737 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	74.54

Recreation Community Cnter

348217 BANK OF AMERICA	COMPUTER EQUIPMENT	414.58
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Rec Prewett Concessions

348263 LENHART ALARM AND SECURITY	MONITORING SERVICE	75.00
348307 ACTIVE NETWORK INC, THE	COMPUTER SOFTWARE	4,703.48
348360 LENHART ALARM AND SECURITY	ANNUAL ALARM SERVICE	150.00

721 Employee Benefits Fund

Non Departmental

348232 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
348233 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
348277 OPERATING ENGINEERS TRUST FUND	PAYROLL DEDUCTIONS	3,384.08
348282 PARS	PAYROLL DEDUCTIONS	3,204.92
348283 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	56.90
348285 PERS	PAYROLL DEDUCTIONS	288,911.96
348293 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 NOVEMBER 7-20, 2013
 FUND/CHECK#

348294 STATE OF FLORIDA DISBURSEMENT UNIT	PAYROLL DEDUCTIONS	150.00
348298 TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77
348299 RECIPIENT	PAYROLL DEDUCTIONS	112.15
348301 US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	329.64
348390 EMPLOYEE	PAYROLL DEDUCTIONS	100.00
920726 NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	45,276.02
920728 VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,934.13



STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF November 26, 2013

SUBMITTED BY: Donna Conley, City Treasurer *DC*

DATE: November 20, 2013

SUBJECT: Treasurer's Report – OCTOBER 2013

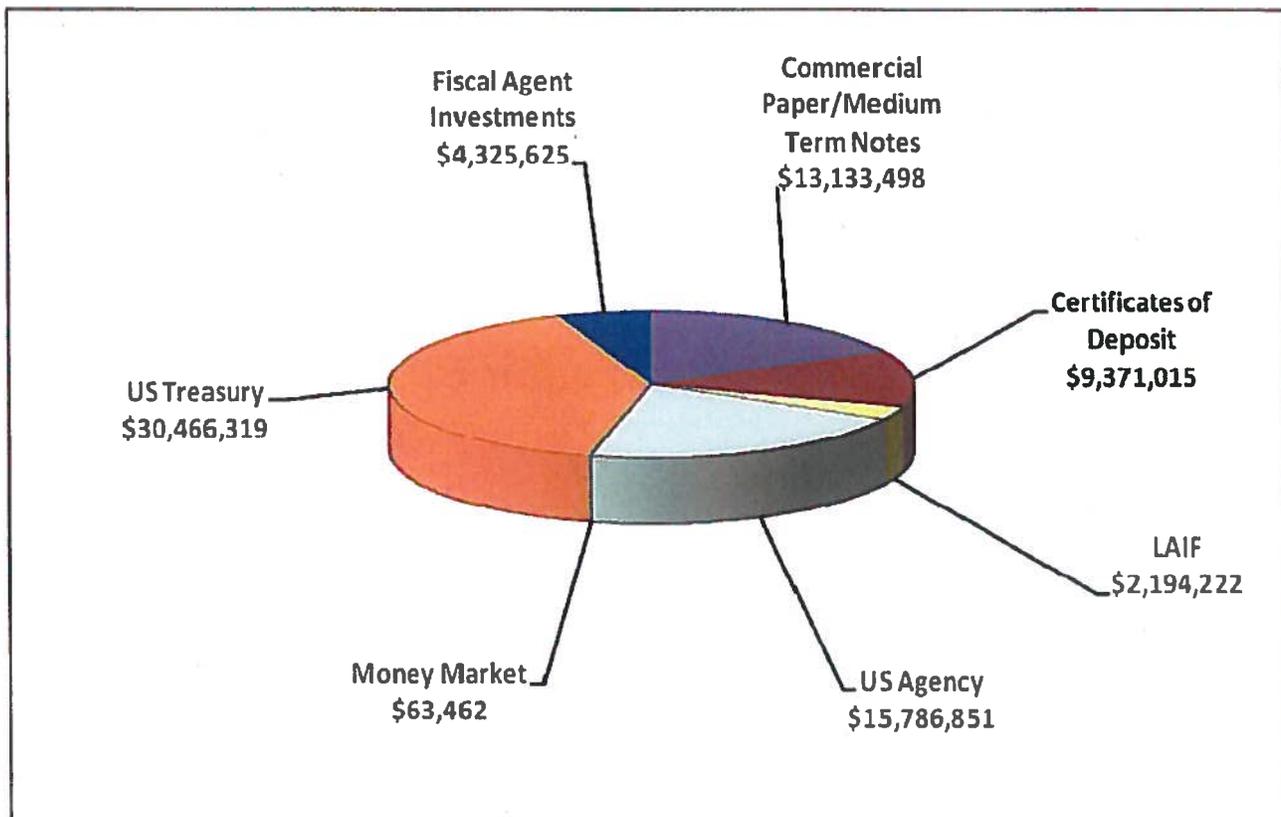
RECOMMENDATION: Review and file.

D

11-26-2013

CITY OF ANTIOCH
SUMMARY REPORT ON THE CITY'S INVESTMENTS

OCTOBER 31, 2013



Total of City and Fiscal Agent Investments = \$75,340,992

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


Donna Conley
Treasurer


Dawn Merchant
Finance Director

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

	<u>Amount</u>
Antioch Public Financing Authority 2002 Lease Revenue Bonds	285,536
Antioch Public Financing Authority 1998 Reassessment Revenue Bonds	3,378,416
Antioch Development Agency 2009 Tax Allocation Bonds	146,051
Antioch Development Agency 2000 Tax Allocation Bonds	83,031
ABAG Lease Revenue Bonds	<u>432,591</u>
	<u>\$4,325,625</u>



Managed Account Issuer Summary

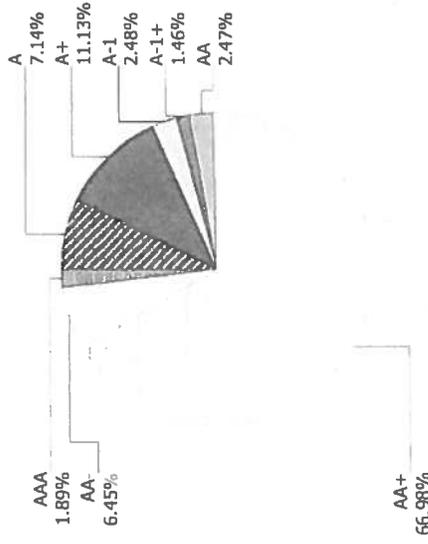
For the Month Ending **October 31, 2013**

CITY OF ANTIOCH, CA - 04380500

Issuer Summary

Issuer	Market Value of Holdings	Percent
AMERICAN HONDA FINANCE	588,175.38	0.86
APPLE INC	637,212.80	0.93
BANK OF NEW YORK	1,444,712.28	2.10
BANK OF NOVA SCOTIA	1,352,222.10	1.97
BERKSHIRE HATHAWAY INC	932,896.95	1.36
CA ST DEPT OF WATER REV BONDS	500,100.00	0.73
CATERPILLAR INC	252,153.00	0.37
CREDIT SUISSE GROUP	1,700,062.90	2.48
DEERE & COMPANY	453,343.95	0.66
FANNIE MAE	4,437,105.78	6.45
FEDERAL HOME LOAN BANKS	3,023,094.00	4.40
FREDDIE MAC	5,196,178.00	7.56
GENERAL ELECTRIC CO	2,219,322.80	3.23
IBM CORP	305,772.57	0.45
JP MORGAN CHASE & CO	2,689,640.24	3.92
MET WATER DISTRICT OF SOUTHERN CA	800,695.25	1.17
RABOBANK NEDERLAND	1,695,025.80	2.47
SKANDINAVISKA ENSKILDA BANKEN SA	1,704,420.00	2.48
STANDARD CHARTERED BANK	1,000,050.00	1.46
STATE OF CALIFORNIA	1,506,440.00	2.19
SVENSKA HANDELSBANKEN	1,702,422.50	2.48
TOYOTA MOTOR CORP	725,612.63	1.06
UNITED STATES TREASURY	30,497,259.32	44.39
UNIVERSITY OF CALIFORNIA	364,528.30	0.53
WAL-MART STORES INC	400,036.40	0.58
WELLS FARGO & COMPANY	2,551,887.48	3.72
Total	\$68,680,370.43	100.00%

Credit Quality (S&P Ratings)



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending October 31, 2013

CITY OF ANTIOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note												
US TREASURY NOTES	DTD 12/15/2011 0.250% 12/15/2014	912828RV4	1,200,000.00	AA+	Aaa	01/05/12	01/06/12	1,195,312.50	0.38	1,139.34	1,198,207.84	1,201,219.20
US TREASURY NOTES	DTD 02/15/2012 0.250% 02/15/2015	912828SE1	1,500,000.00	AA+	Aaa	02/22/12	02/27/12	1,492,207.03	0.43	794.84	1,496,605.23	1,500,937.50
US TREASURY NOTES	DTD 03/01/2010 2.375% 02/28/2015	912828MR8	1,500,000.00	AA+	Aaa	06/20/12	06/21/12	1,578,457.03	0.42	6,101.52	1,538,821.16	1,542,949.50
US TREASURY NOTES	DTD 03/01/2010 2.375% 02/28/2015	912828MR8	2,500,000.00	AA+	Aaa	04/30/12	05/01/12	2,639,453.13	0.39	10,169.20	2,565,630.45	2,571,582.50
US TREASURY NOTES	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	170,000.00	AA+	Aaa	03/13/12	03/15/12	169,428.91	0.49	82.77	169,738.16	170,385.22
US TREASURY NOTES	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	825,000.00	AA+	Aaa	06/27/12	06/28/12	824,355.47	0.40	401.67	824,674.03	826,869.45
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	325,000.00	AA+	Aaa	10/23/12	10/26/12	337,098.63	0.39	1,437.33	332,664.59	333,366.15
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	465,000.00	AA+	Aaa	08/22/12	08/23/12	483,418.36	0.39	2,056.49	475,980.65	476,970.03
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	3,625,000.00	AA+	Aaa	09/06/12	09/10/12	3,772,832.03	0.33	16,031.76	3,714,588.18	3,718,314.75
US TREASURY NOTES	DTD 11/30/2010 1.375% 11/30/2015	912828PJ3	885,000.00	AA+	Aaa	11/01/12	11/05/12	911,204.30	0.40	5,120.18	902,792.57	904,082.37
US TREASURY NOTES	DTD 11/30/2010 1.375% 11/30/2015	912828PJ3	2,550,000.00	AA+	Aaa	11/29/12	12/05/12	2,627,595.70	0.35	14,753.07	2,604,111.61	2,604,983.10
US TREASURY NOTES	DTD 05/02/2011 2.000% 04/30/2016	912828OF0	950,000.00	AA+	Aaa	03/27/13	03/28/13	997,277.34	0.38	52.49	988,237.61	986,812.50
US TREASURY NOTES	DTD 06/30/2009 3.250% 06/30/2016	912828KZZ	2,200,000.00	AA+	Aaa	05/10/13	05/15/13	2,394,218.75	0.41	24,092.39	2,365,552.86	2,361,389.80
US TREASURY NOTES	DTD 06/30/2009 3.250% 06/30/2016	912828KZZ	2,950,000.00	AA+	Aaa	05/22/13	05/24/13	3,204,783.20	0.44	32,305.71	3,168,924.57	3,166,409.05



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending **October 31, 2013**

CITY OF ANTIOCH, CA - 04380500

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note										
US TREASURY NOTES DTD 06/30/2009 3.250% 06/30/2016	912828KZZ	AA+	Aaa	05/24/13	05/31/13	3,574,570.31	0.53	36,138.59	3,537,435.43	3,542,084.70
US TREASURY NOTES DTD 08/31/2011 1.000% 08/31/2016	912828RF9	AA+	Aaa	08/29/13	08/30/13	1,106,015.63	0.82	1,883.98	1,105,670.65	1,113,835.80
US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	AA+	Aaa	10/31/13	11/01/13	3,476,683.59	0.62	12,701.84	3,476,683.59	3,475,067.70
Security Type Sub-Total						30,784,911.91	0.45	165,263.17	30,466,319.18	30,497,259.32

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Municipal Bond / Note										
METRO WTR DIST AUTH, CA TXBL REV BONDS DTD 06/28/2012 0.616% 07/01/2014	59266THP9	AAA	Aa1	06/21/12	06/28/12	575,000.00	0.62	1,180.67	575,000.00	575,621.00
UNIV OF CAL TXBL REV BONDS DTD 10/02/2013 0.528% 05/15/2015	91412G5W6	AA	Aa1	09/26/13	10/02/13	230,000.00	0.53	97.83	230,000.00	229,622.80
METRO WTR DIST AUTH, CA TXBL REV BONDS DTD 06/28/2012 0.943% 07/01/2015	59266THO7	AAA	Aa1	06/21/12	06/28/12	225,000.00	0.94	707.25	225,000.00	225,074.25
CA ST DEPT OF WATER TXBL REV BONDS DTD 09/27/2012 0.650% 12/01/2015	13066KX87	AAA	Aa1	09/19/12	09/27/12	500,000.00	0.65	1,354.17	500,000.00	500,100.00
CA ST TXBL GO BONDS DTD 03/27/2013 1.050% 02/01/2016	13063BN73	A	A1	03/13/13	03/27/13	551,859.00	0.93	1,443.75	551,473.22	551,699.50
UNIV OF CAL TXBL REV BONDS DTD 10/02/2013 0.907% 05/15/2016	91412GSX4	AA	Aa1	09/26/13	10/02/13	135,000.00	0.91	98.64	135,000.00	134,905.50
CA ST TAXABLE GO BONDS DTD 11/05/2013 1.250% 11/01/2016	13063CFD7	A	A1	10/22/13	11/05/13	954,455.50	1.09	0.00	954,455.50	954,740.50
Security Type Sub-Total						3,171,314.50	0.85	4,882.31	3,170,928.72	3,171,763.55

Security Type Sub-Total	3,165,000.00	3,171,314.50	0.85	4,882.31	3,170,928.72	3,171,763.55
Federal Agency Bond / Note						



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending **October 31, 2013**

CITY OF ANTIOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Federal Agency Bond / Note												
FREDDIE MAC GLOBAL NOTES	DTD 08/05/2011 0.750% 09/22/2014	3134G2WG3	910,000.00	AA+	Aaa	09/28/11	09/30/11	911,820.00	0.68	739.38	910,548.84	914,619.16
FREDDIE MAC GLOBAL NOTES	DTD 08/05/2011 0.750% 09/22/2014	3134G2WG3	2,200,000.00	AA+	Aaa	08/30/11	08/31/11	2,211,528.00	0.58	1,787.50	2,203,381.31	2,211,167.20
FHLB NOTES	DTD 11/08/2010 0.875% 12/12/2014	313371PC4	3,000,000.00	AA+	Aaa	01/19/12	01/19/12	3,028,170.00	0.55	10,135.42	3,010,883.28	3,023,094.00
FANNIE MAE GLOBAL NOTES	DTD 04/19/2012 0.500% 05/27/2015	3135G0KM4	1,030,000.00	AA+	Aaa	04/17/12	04/19/12	1,027,023.30	0.59	2,203.06	1,028,485.92	1,033,491.70
FREDDIE MAC GLOBAL NOTES	DTD 07/11/2012 0.500% 08/28/2015	3134G3ZA1	1,825,000.00	AA+	Aaa	07/30/12	07/31/12	1,827,129.78	0.46	1,596.88	1,826,267.28	1,830,495.08
FANNIE MAE GLOBAL NOTES	DTD 11/16/2012 0.375% 12/21/2015	3135G0S80	950,000.00	AA+	Aaa	11/14/12	11/16/12	947,786.50	0.45	1,286.46	948,467.96	949,262.80
FANNIE MAE GLOBAL NOTES	DTD 02/15/2013 0.500% 03/30/2016	3135G0VA8	800,000.00	AA+	Aaa	02/14/13	02/15/13	799,088.00	0.54	344.44	799,293.83	800,122.40
FREDDIE MAC GLOBAL NOTES	DTD 03/07/2013 0.500% 05/13/2016	3137EAD09	240,000.00	AA+	Aaa	03/06/13	03/07/13	239,985.60	0.50	560.00	239,988.38	239,896.56
FNMA NOTES	DTD 08/19/2011 1.250% 09/28/2016	3135G0CM3	655,000.00	AA+	Aaa	10/01/13	10/03/13	664,674.35	0.75	750.52	664,424.74	666,781.49
FNMA NOTES	DTD 08/19/2011 1.250% 09/28/2016	3135G0CM3	970,000.00	AA+	Aaa	10/01/13	10/03/13	984,555.92	0.74	1,111.46	984,180.32	987,447.39
Security Type Sub-Total			12,580,000.00					12,641,761.45	0.57	20,515.12	12,615,921.86	12,656,377.78
Corporate Note												
JP MORGAN CHASE & CO NOTES	DTD 05/18/2009 4.650% 06/01/2014	46625HHN3	1,010,000.00	A	A2	12/19/11	12/22/11	1,062,853.30	2.43	19,588.75	1,022,906.15	1,035,112.64
GENERAL ELEC CAP CORP GLOBAL NOTES	DTD 01/09/2012 2.150% 01/09/2015	36962G5M2	865,000.00	AA+	A1	05/23/12	05/29/12	874,419.85	1.72	5,785.89	869,342.71	882,178.04
IBM CORP GLOBAL NOTES	DTD 02/06/2012 0.550% 02/06/2015	459200HB0	305,000.00	AA-	Aa3	02/01/12	02/06/12	303,508.55	0.72	396.08	304,367.87	305,772.57



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending **October 31, 2013**

CITY OF ANTIOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value	
Corporate Note												
BANK OF NEW YORK MELLON (CALLABLE) NOTES	02/21/2012 1.200% 02/20/2015	06406HCC1	A+	Aa3	02/13/12	02/21/12	374,658.75	1.23	887.50	374,850.15	378,261.75	
CATERPILLAR FIN CORP NOTES	05/30/2012 1.100% 05/29/2015	14912L5D9	A	A2	05/22/12	05/30/12	249,920.00	1.11	1,161.11	249,957.55	252,153.00	
JOHN DEERE CAPITAL CORP GLOBAL NOTES	06/29/2012 0.950% 06/29/2015	24422ERS0	A	A2	06/26/12	06/29/12	449,878.50	0.96	1,448.75	449,932.31	453,343.95	
WELLS FARGO & COMPANY	07/01/2012 1.500% 07/01/2015	94974BFE5	A+	A2	03/26/13	03/28/13	762,978.08	0.73	3,750.00	759,599.15	760,389.75	
WELLS FARGO & COMPANY	07/01/2012 1.500% 07/01/2015	94974BFE5	A+	A2	03/27/13	03/28/13	762,757.50	0.74	3,750.00	759,436.41	760,389.75	
JPMORGAN CHASE & CO GLOBAL NOTES	10/15/2012 1.100% 10/15/2015	46623EJR1	A	A2	10/15/12	10/18/12	1,649,323.50	1.11	806.67	1,649,555.01	1,654,527.60	
BANK OF NEW YORK MELLON (CALLABLE) NOTES	10/23/2012 0.700% 10/23/2015	06406HCD9	A+	Aa3	10/18/12	10/25/12	424,562.25	0.73	66.11	424,709.78	425,578.85	
BANK OF NEW YORK MELLON (CALLABLE) NOTES	10/23/2012 0.700% 10/23/2015	06406HCD9	A+	Aa3	12/17/12	12/20/12	638,067.20	0.81	99.56	638,650.77	640,871.68	
WAL-MART STORES INC GLOBAL NOTES	04/11/2013 0.600% 04/11/2016	931142DE0	AA	Aa2	04/04/13	04/11/13	399,716.00	0.62	133.33	399,768.20	400,036.40	
APPLE INC GLOBAL NOTES	05/03/2013 0.450% 05/03/2016	037833AH3	AA+	Aa1	04/30/13	05/03/13	638,841.60	0.51	1,424.00	639,031.31	637,212.80	
TOYOTA MOTOR CREDIT CORP	05/17/2013 0.800% 05/17/2016	89236TAL9	AA-	Aa3	05/14/13	05/17/13	724,702.75	0.81	2,642.22	724,747.43	725,612.63	
GENERAL ELEC CAP CORP (FLOATING)	07/12/2013 0.894% 07/12/2016	36962G7A6	AA+	A1	07/09/13	07/12/13	1,330,000.00	0.93	629.14	1,330,000.00	1,337,144.76	
WELLS FARGO & COMPANY	07/20/2013 1.250% 07/20/2016	94974BFL9	A+	A2	07/22/13	07/29/13	1,024,016.00	1.28	3,274.31	1,024,098.74	1,031,107.98	
BERKSHIRE HATHAWAY FIN GLOBAL NOTES	08/15/2013 0.950% 08/15/2016	084664BX8	AA	Aa2	08/06/13	08/15/13	929,507.10	0.97	1,865.17	929,541.37	932,896.95	



PFM Asset Management LLC



For the Month Ending October 31, 2013

Managed Account Detail of Securities Held

CITY OF ANTIOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note											
AMERICAN HONDA FINANCE GLOBAL NOTES	02665WAB7		A+	A1	10/03/13	10/10/13	582,964.20	1.24	383.91	583,003.27	588,175.38
DTD 10/10/2013 1.125% 10/07/2016											
Security Type Sub-Total							13,182,675.13	1.11	48,072.50	13,133,498.18	13,200,766.48
Certificate of Deposit											
STANDARD CHARTERED BK NY LT CD (FLOAT)		85325BVS0	A-1+	P-1	03/18/13	03/18/13	1,000,000.00	0.37	130.47	1,000,000.00	1,000,050.00
DTD 03/18/2013 0.336% 03/18/2014											
SVENSKA HANDELSBANKEN NY FLOATING LT CD		86958CVF8	AA-	Aa3	04/03/13	04/05/13	1,699,741.11	0.48	520.49	1,699,790.56	1,702,422.50
DTD 04/05/2013 0.423% 10/06/2014											
CREDIT SUISSE NEW YORK CERT DEPOS (FLOAT)		22549TDK1	A-1	P-1	07/11/13	07/15/13	1,700,000.00	0.68	516.67	1,700,000.00	1,700,062.90
DTD 07/15/2013 0.644% 01/15/2015											
BANK OF NOVA SCOTIA HOUS CERT DEPOS (FLT)		06417FPLB	A+	Aa2	03/04/13	03/06/13	1,350,000.00	0.59	1,058.62	1,350,000.00	1,352,222.10
DTD 03/06/2013 0.490% 03/06/2015											
SKANDINAVISKA ENSKILDA NY CERT DEPOS(FLT)		83051HJH0	A+	A1	04/11/13	04/16/13	1,700,000.00	0.66	510.32	1,700,000.00	1,704,420.00
DTD 04/16/2013 0.621% 04/16/2015											
RABOBANK NEDERLAND NV NY CD		21684BEP5	AA-	Aa2	04/25/13	04/29/13	1,700,000.00	0.61	85.00	1,700,000.00	1,695,025.80
DTD 04/29/2013 0.600% 04/29/2015											
Security Type Sub-Total							9,149,741.11	0.58	2,821.57	9,149,790.56	9,154,203.30
Managed Account Sub-Total							68,930,404.10	0.63	241,554.67	68,536,458.50	68,680,370.43



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending **October 31, 2013**

CITY OF ANTIOCH, CA - 04380500

Securities Sub-Total	\$67,495,000.00	\$68,930,404.10	0.63%	\$241,554.67	\$68,536,458.50	\$68,680,370.43
Accrued Interest						\$241,554.67
Total Investments						\$68,921,925.10

Bolded items are forward settling trades.



PFM Asset Management LLC



Managed Account Security Transactions & Interest

For the Month Ending October 31, 2013

CITY OF ANTIPOCH, CA - 04380500

Transaction Type	Trade Date	Settle Date	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
BUY											
	09/26/13	10/02/13	UNIV OF CAL TXBL REV BONDS	91412GSX4	135,000.00	(135,000.00)	0.00	(135,000.00)			
			DTD 10/02/2013 0.907% 05/15/2016								
	09/26/13	10/02/13	UNIV OF CAL TXBL REV BONDS	91412GSW6	230,000.00	(230,000.00)	0.00	(230,000.00)			
			DTD 10/02/2013 0.528% 05/15/2015								
	10/01/13	10/03/13	FNMA NOTES	313560CM3	655,000.00	(664,674.35)	(113.72)	(664,788.07)			
			DTD 08/19/2011 1.250% 09/28/2016								
	10/01/13	10/03/13	FNMA NOTES	313560CM3	970,000.00	(984,555.92)	(168.40)	(984,724.32)			
			DTD 08/19/2011 1.250% 09/28/2016								
	10/03/13	10/10/13	AMERICAN HONDA FINANCE GLOBAL NOTES	02665WAB7	585,000.00	(582,964.20)	0.00	(582,964.20)			
			DTD 10/10/2013 1.125% 10/07/2016								
	10/22/13	11/05/13	CA ST TAXABLE GO BONDS	13063CFD7	950,000.00	(954,455.50)	0.00	(954,455.50)			
			DTD 11/05/2013 1.250%								
	10/31/13	11/01/13	US TREASURY NOTES	912828RU6	3,450,000.00	(3,476,683.59)	(12,701.84)	(3,489,385.43)			
			DTD 11/30/2011 0.875%								
			11/30/2016								
Transaction Type Sub-Total					6,975,000.00	(7,028,333.56)	(12,983.96)	(7,041,317.52)			
INTEREST											
	10/01/13	10/01/13	MONEY MARKET FUND	MONEY0002	0.00	0.00	0.94	0.94			
	10/07/13	10/07/13	SVENSKA HANDELSBANKEN NY FLOATING LT CD	86958CVF8	1,700,000.00	0.00	1,937.62	1,937.62			
	10/11/13	10/11/13	WAL-MART STORES INC GLOBAL NOTES	931142DE0	400,000.00	0.00	1,200.00	1,200.00			
	10/15/13	10/15/13	JPMORGAN CHASE & CO GLOBAL NOTES	46623EIR1	1,650,000.00	0.00	9,075.00	9,075.00			
	10/15/13	10/15/13	GENERAL ELEC CAP CORP (FLOATING)	36962G7A6	1,330,000.00	0.00	3,225.79	3,225.79			
			DTD 07/12/2013 0.894% 07/12/2016								



PFM Asset Management LLC



Managed Account Security Transactions & Interest

For the Month Ending **October 31, 2013**

CITY OF ANTIOCH, CA - 04380500

Transaction Type	Trade Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
SELL										
10/31/13	11/01/13	FNMA NOTES (CALLED, OMD 8/7/2015)	3135GONG4	3,400,000.00	3,400,238.00	3,966.67	3,404,204.67	578.00	239.90	SPEC LOT
		DTD 08/07/2012 0.500%								
		11/07/2013								
Transaction Type Sub-Total										
				6,900,000.00	6,924,678.86	7,243.59	6,931,922.45	18,386.52	17,632.96	
Managed Account Sub-Total										
				(103,654.70)	(103,654.70)	34,088.45	(69,566.25)	18,386.52	17,632.96	
Total Security Transactions										
				(\$103,654.70)	(\$103,654.70)	\$34,088.45	(\$69,566.25)	\$18,386.52	\$17,632.96	

Bokked items are forward settling trades.



**REPORT FROM THE CITY CLERK'S OFFICE TO THE CITY COUNCIL FOR
CONSIDERATION AT THE COUNCIL MEETING OF NOVEMBER 26, 2013**

PREPARED BY: Christina Garcia, Deputy City Clerk 

REVIEWED BY: Jim Jakel, City Manager 

DATE: November 20, 2013

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
CONFIRMING THE CANVASS BY THE COUNTY CLERK OF
CONTRA COSTA OF BALLOTS CAST AT THE CONSOLIDATED
ELECTION HELD ON NOVEMBER 5, 2013 FOR BALLOT MEASURE
C "RESTORING ANTIOCH SERVICES SALES TAX"

RECOMMENDATION:

Adopt the resolution confirming the results of the November 5, 2013 Consolidated Election.

BACKGROUND:

The County Clerk of the Contra Costa County Election Department has provided a certified copy of the canvass of the November 5, 2013 Consolidated Election for the following Local Ballot Measure:

"Restoring Antioch Services Sales Tax (Measure C)" was approved.

With the certification of the election results, staff will place on a future City Council agenda the next steps in implementing the increased sales tax measure:

1. Resolution approving agreements with the State Board of Equalization for administration of the sales tax;
2. Creation of the Sales Tax Oversight Committee; and
3. Procedures for reporting about the increased Sales Tax.

ATTACHMENTS:

Attachment A: Resolution

Exhibit 1: Certified copy of ballots cast on November 5, 2013 from the Contra Costa County Clerk's Office

Exhibit 2: Ordinance No. 2068-C-S Imposing a transactions and use tax to be administered by the State Board of Equalization

RESOLUTION NO. 2013/XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
CONFIRMING CANVASS BY THE COUNTY CLERK OF CONTRA COSTA
OF BALLOTS CAST AT THE CONSOLIDATED ELECTION HELD ON
NOVEMBER 5, 2013 FOR BALLOT MEASURE C
"RESTORING ANTIOCH SERVICES SALES TAX"**

WHEREAS, the County Clerk of Contra Costa County, pursuant to the request of the City Clerk for the City of Antioch, has duly canvassed the votes cast in the Consolidated Election held on November 5, 2013 as hereinafter set forth and has certified to this City Council the results of the votes cast, certification of which is now on file in the office of the Antioch City Clerk for the election of the Ballot Measure "Restoring Antioch Services Sales Tax (Measure C)" (Exhibit 1); and

WHEREAS, Ballot Measure C is to adopt a temporary one-half cent transaction and use (sales) tax to fund all essential City services as set forth in the attached Ordinance No. 2068-C-S (Exhibit 2).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Antioch that the canvass of votes by the County Clerk as shown by the certification and the results shown thereby are hereby ratified, confirmed and approved, and the votes cast for the measure as shown in "Exhibit 1".

IT IS THEREFORE, FURTHER RESOLVED as follows:

"Restoring Antioch Services Sales Tax (Measure C)" (Exhibit 2) was approved.

* * * * *

I HEREBY CERTIFY that the foregoing Resolution was duly passed and adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 26th day of November, 2013, by the following vote:

AYES:

NOES:

ABSENT:

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

Exhibit 1

Administration
925.335.7899
925.335.7893 fax

Elections Division
925.335.7800
925.335.7836 fax

**Contra Costa County
Clerk-Recorder-Elections Department**

555 Escobar Street
Martinez, CA 94553



Joseph E. Canciamilla
County Clerk-Recorder
and Registrar of Voters

Deborah Cooper
Deputy County Clerk-Recorder

Scott Konopasek
Assistant County Registrar

November 15, 2013

City of Antioch
PO Box 5007
Antioch, CA 94531

Attn: Arne Simonsen

Re: City of Antioch – Measure C / November 5, 2013 Consolidated Election

Dear Mr. Simonsen,

Please find enclosed the **Certificate of Results** for the above election held in your jurisdiction on Tuesday, November 5, 2013. Also enclosed for your information, is a copy of the Certified Statement of Votes and a Sample Ballot and Voter Information Pamphlet.

If you have any questions in this regard, please contact this office at (925) 335-7874.

Respectfully,

JOSEPH E. CANCIAMILLA, County Clerk

A handwritten signature in cursive script that reads "Rosa Mena".

Rosa M. Mena
Elections Processing Supervisor

Enclosures

RECEIVED

NOV 20 2013

CITY OF ANTIOCH
CITY CLERK

CERTIFICATE OF COUNTY CLERK
AS TO THE RESULT OF THE CANVASS OF THE
CITY OF ANTIOCH
MEASURE C
NOVEMBER 5, 2013 CONSOLIDATED ELECTION

State of California)
)
County of Contra Costa) ss.

I, JOSEPH E. CANCIAMILLA, County Clerk of Contra Costa County, State of California, do hereby certify that I did canvass the returns of the votes cast at the November 5, 2013, **City of Antioch, Measure C**, Consolidated Election. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said County, and the whole number of votes cast for and against the measure in said County and in each respective precinct therein, and that the totals of the respective columns and the totals as shown for and against the measure are full, true and correct.

WITNESS my hand and Official Seal this 15 day of November, 2013.



JOSEPH E. CANCIAMILLA, County Clerk

By Rosa Mena
Rosa M. Mena
Elections Processing Supervisor

RUN DATE:11/15/13 09:53 AM

	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL
PRECINCTS COUNTED (OF 65)	65	100.00		
REGISTERED VOTERS - TOTAL	87,882			
BALLOTS CAST - TOTAL	25,237		5,263	19,974
VOTER TURNOUT - TOTAL		28.72		

City of San Ramon, Mayor

Vote for 1
 (WITH 24 OF 24 PRECINCTS COUNTED)

BILL CLARKSON	6,883	94.11	1,372	5,511
WRITE-IN.	431	5.89	129	302
Total	7,314		1,501	5,813

City of San Ramon, Member, City Council

Vote for 2
 (WITH 24 OF 24 PRECINCTS COUNTED)

HARRY SACHS.	4,669	31.57	1,166	3,503
DAVID E. "DAVE" HUDSON	4,249	28.73	678	3,571
RENE MATSUMOTO.	4,009	27.11	868	3,141
THOMAS VON THURY	1,775	12.00	401	1,374
WRITE-IN.	86	.58	9	77
Total	14,788		3,122	11,666

Measure D - City of San Ramon
 Change Municipal Elec. Date - Majority

Vote for 1
 (WITH 24 OF 24 PRECINCTS COUNTED)

Yes	6,737	83.09	1,293	5,444
No.	1,371	16.91	369	1,002
Total	8,108		1,662	6,446

Measure E - City of San Ramon
 Charter Amendment - Majority

Vote for 1
 (WITH 24 OF 24 PRECINCTS COUNTED)

Yes	6,578	81.35	1,263	5,315
No.	1,508	18.65	398	1,110
Total	8,086		1,661	6,425

Measure B - Moraga School District
 Special Tax Measure - 2/3

Vote for 1
 (WITH 9 OF 9 PRECINCTS COUNTED)

Yes	3,969	68.36	936	3,033
No.	1,837	31.64	300	1,537
Total	5,806		1,236	4,570

RUN DATE:11/15/13 09:53 AM

TOTAL VOTES % ELECTION DAY VOTE BY MAIL

Measure C - City of Antioch
Transaction & Use Tax - Majority
Vote for 1

(WITH 32 OF 32 PRECINCTS COUNTED)

Yes	7,609	68.09	1,445	6,164
No.	3,566	31.91	894	2,672
Total	11,175		2,339	8,836

32 PRECINCTS		R V E O G T I E S R T S E R E D	B C A A L S L T O T S	T P U E R R N C O E U N T T A G E	Measure C - City of Antioch Transaction & Use Tax - Majority	
					Y e s (NON)	N o (NON)
Antioch101	A	1355	214	15.79	168	46
Antioch101	V	1355	59	4.35	35	24
Antioch102	A	1285	168	13.07	124	43
Antioch102	V	1285	28	2.18	19	9
Antioch103	A	1451	246	16.95	181	64
Antioch103	V	1451	80	5.51	53	27
Antioch104	A	1531	334	21.82	230	104
Antioch104	V	1531	111	7.25	74	37
Antioch105	A	1313	265	20.18	176	89
Antioch105	V	1313	82	6.25	50	32
Antioch106	A	1603	405	25.27	253	152
Antioch106	V	1603	90	5.61	41	49
Antioch107	A	1371	243	17.72	167	75
Antioch107	V	1371	52	3.79	26	26
Antioch108	A	1441	236	16.38	174	62
Antioch108	V	1441	48	3.33	31	17
Antioch109	A	1049	223	21.26	151	71
Antioch109	V	1049	77	7.34	40	37
Antioch110	A	1320	280	21.21	196	84
Antioch110	V	1320	87	6.59	58	29
Antioch111	A	1363	333	24.43	213	118
Antioch111	V	1363	118	8.66	62	56
Antioch112	A	930	235	25.27	135	100
Antioch112	V	930	54	5.81	35	19
Antioch113	A	1435	325	22.65	221	104
Antioch113	V	1435	112	7.80	68	44
Antioch114	A	1494	375	25.10	249	126
Antioch114	V	1494	103	6.89	55	48
Antioch115	A	1563	382	24.44	284	98
Antioch115	V	1563	97	6.21	68	29
Antioch116	A	1211	300	24.77	209	91
Antioch116	V	1211	76	6.28	41	35
Antioch117	A	1489	291	19.54	204	86
Antioch117	V	1489	76	5.10	55	21
Antioch118	A	891	162	18.18	112	50
Antioch118	V	891	42	4.71	26	16
Antioch119	A	1603	260	16.22	177	83
Antioch119	V	1603	56	3.49	41	15
Antioch120	A	1740	383	22.01	261	122
Antioch120	V	1740	75	4.31	41	34
Antioch121	A	1441	247	17.14	168	79
Antioch121	V	1441	75	5.20	48	27
Antioch122	A	1368	222	16.23	164	58
Antioch122	V	1368	82	5.99	49	33
Antioch123	A	1867	373	19.98	279	94
Antioch123	V	1867	65	3.48	41	24
Antioch124	A	818	152	18.58	101	51
Antioch124	V	818	23	2.81	19	4
Antioch125	A	1436	400	27.86	272	128
Antioch125	V	1436	88	6.13	51	37

PRINTED 11/15/13, 09:42 AM

		R V	B C	T P	Measure C - City of Antioch Transaction & Use Tax - Majority	
		E O	A A	U E		
		G T	L S	R R		
		I E	L T	N C		
		S R	O	O E	Y	N
		T S	T	U N	e	o
		E	S	T T	s	(NON)
		R		A	(NON)	(NON)
		E		G		
		D		E		
32 PRECINCTS						
Antioch126	A	1786	375	21.00	261	114
Antioch126	V	1786	98	5.49	58	40
Antioch127	A	1297	264	20.35	178	86
Antioch127	V	1297	83	6.40	57	26
Antioch128	A	1566	291	18.58	230	61
Antioch128	V	1566	81	5.17	56	25
Antioch129	A	1662	342	20.58	250	92
Antioch129	V	1662	77	4.63	52	25
Antioch130	A	1664	317	19.05	221	96
Antioch130	V	1664	94	5.65	67	27
Antioch131	A	1433	200	13.96	155	45
Antioch131	V	1433	50	3.49	28	22
Antioch801	A	0	0		0	0
Antioch801	V	0	0		0	0
GRAND TOTALS		43776	11182	25.54	7609	3566
ABSENTEES		43776	8843	20.20	6164	2672
VOTING PRECINCTS		43776	2339	5.34	1445	894

ORDINANCE NO. 2068-C-S

**AN ORDINANCE OF THE CITY OF ANTIOCH
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

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

SECTION 1. ADDITION TO THE MUNICIPAL CODE. Article 4 is added to Chapter 5 of Title 3 of the Antioch Municipal Code to read as follows:

ARTICLE 4: TRANSACTIONS AND USE TAX

Section 3-5.401. TITLE. This article shall be known as the "Antioch Transactions and Use Tax Ordinance." The city of Antioch hereinafter shall be called "City." This article shall be applicable in the incorporated territory of the City.

Section 3-5.402. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance.

Section 3-5.403. PURPOSE. This article is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this article.

Section 3-5.404. CONTRACT WITH STATE. Prior to the Operative Date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax article; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 3-5.405. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half of one percent (.50%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this article.

Section 3-5.406. PLACE OF SALE. For the purposes of this article, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 3-5.407. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this article for storage, use or other consumption in said territory at the rate of one-half of one percent (.50%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 3-5.408. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this article and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this article as though fully set forth herein.

Section 3-5.409. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this article.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 3-5.410. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this article.

Section 3-5.411. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee

at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this article.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this article.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this article, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this article.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this article.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this article may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 3-5.412. AMENDMENTS.

A. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this article, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this article.

B. Pursuant to California Elections Code section 9217 or any successor statute, the City Council of the City of Antioch may amend or repeal this article, but not increase or extend the rate of tax imposed by the article, without the approval of the voters of the City of Antioch voting on such question.

Section 3-5.413. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this article, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 3-5.414. USE OF TAX PROCEEDS. All proceeds of the tax levied and imposed under this article shall be paid into the General Fund for use by the City of Antioch.

Section 3-5.415. ANNUAL AUDIT. By no later than December 31st of each year, the City's independent auditors shall complete a financial audit report to include the revenue raised and expended by this tax to be reflected in the City's budget.

Section 3-5.416. CITIZENS' OVERSIGHT COMMITTEE. A Citizens' Oversight Committee shall be established to review the receipt and expenditure of the revenue from this transactions and use tax, including the annual auditor's report. The Committee's review shall be completed in conjunction with the City's budget process. The Committee's report on its review, whether oral or written, shall be considered by the City Council at a public meeting. Any written report shall be a matter of public record. The Committee shall consist of seven members who shall be Antioch residents. The terms of the Committee members may be staggered but no term shall be less than two years. The City Council may adopt a resolution regarding the appointment of the Committee members and more specific duties of the Committee.

Section 3-5.417. TERMINATION DATE. The authority to levy the tax imposed by this article shall expire seven (7) years from the Operative Date.

SECTION 2. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. CEQA. This transactions and use tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

SECTION 4. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City's transactions and use taxes and shall not take effect until approved by the majority of the voters voting at the general municipal election to be held on November 5, 2013.

SECTION 5. CERTIFICATION; PUBLICATION. Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law and transmitted to the Board of Equalization.

* * * * *

INTRODUCED by the City Council of the City of Antioch on May 28, 2013 and PASSED AND ADOPTED by the City Council of the City of Antioch on June 25, 2013, by the following vote:

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

NOES: None

ABSENT: None

/s/ Wade Harper

Wade Harper, Mayor

Attest: /s/ Arne Simonsen
Arne Simonsen, City Clerk

Ordinance No. 2068-C-S was submitted to the People of the City of Antioch at the November 5, 2013 special municipal election. It is hereby certified that this Ordinance was APPROVED by the following vote of the People of Antioch:

YES: **7,609**

NO: **3,566**

This Ordinance was thereby adopted by the voters at the November 5, 2013 election and took effect upon adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on November 26, 2013 by the following vote:

AYES:

NOES:

ABSENT:

I hereby certify that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Antioch, California.

Arne Simonsen, City Clerk

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF November 26, 2013**

Prepared by: Duane Anderson, Water Treatment Plant Superintendent *DA*
Approved by: Ron Bernal, Public Works Director/City Engineer *RB*
Date: November 7, 2013
Subject: Water Treatment Plant – River Pump and Motor Rebuild
PO: P140272

RECOMMENDATION

Staff recommends City Council increase the PO with Koffler Electrical and Mechanical to rebuild the river pump and motor by \$43,084.00 for a total amended contract price of \$84,756.00.

BACKGROUND

The Water Treatment Plant operates the river pump as a raw water source for the City of Antioch. The river pump draws water from the San Joaquin River to the Water Treatment Plant where it is treated and distributed throughout the City as potable water. The pump has been in operation since 1997 and the efficiency of the pump has diminished over the years.

The Department of Public Works sent out the informal bid to rebuild the river pump and motor on August 12, 2013. The bid closed on September 12, 2013. We received two qualified bids and awarded the contract to the lowest bidder, Koffler Electrical and Mechanical for \$41,672.00. Koffler began the job in October and after pulling the pump and performing a thorough assessment determined that a standard rebuild was not sufficient and additional parts and labor were necessary resulting in the need for a complete rebuild. Time is of the essence since the pump needs to be reinstalled and operable by January 2014 when water quality in the river is expected to allow pumping to resume.

FISCAL IMPACTS

Funds are allocated in FY13/14 Five Year Capital Improvements Plan from the Water fund.

OPTIONS

None. This purchase supports a critical function of the City's water production operations.

ATTACHMENTS

- A. Bid tabulation
- B. Estimate

Attachment A



BID TABULATION

RIVER PUMP AND MOTOR REBUILD

ORIGINAL BIDS

1	2	3
Koffler Electrical & Mechanical 527 Whitney St San Leandro Ca. 94577 510-567-0630	R F Mc Donald 25920 Eden Landing Road Hayward, Ca. 94545-3816 510-784-0110	Pump Repair Services P. O. Box 43327 San Francisco Ca. 94134- 0327 415-467-2150
\$41,672.00	\$61,019.16	No Bid

Attachment B



KOFFLER

ELECTRICAL MECHANICAL APPARATUS REPAIR, INC.

24 Hour Service
527 Whitney Street, San Leandro, CA 94577

Contractors License 722849
PHONE (510) 567-0630 FAX (510) 567-0638
www.koffler.com

November 11, 2013

City of Antioch
401 Putnam Street
Antioch, CA 94531
Attn.: Duane Anderson
Phone: 925-382-6264
E-mail: danderson@ci.antioch.ca.us

Subject: River Pump Station / Final Pricing

Koffler Electrical is pleased to offer this quote for the following:

Work Scope - Pricing Summary

- Field service labor to remove and reinstall motor & pump Labor \$ 5,472
- 205 Ton Hydro Crane two lifts Crane \$12,400
- Truck and lowboy trailer transportation round trip Trucking \$ 900
- Labor and material to recondition pump Pump repair \$ 13,220
- Labor and material to recondition motor Motor repair \$ 9,680
- Additional cost for motor work as stated in letter# 131874 \$ 4,690
- Additional cost for pump work as stated in letter# 131862 \$38,394

Total Labor	\$54,762
Total Material	\$19,694
Crane	\$12,400
Trucking	\$ 900

TOTAL REPAIR PRICE: \$84,756

PO# _____

Purchase Order required to initiate and proceed with this order, plus applicable sales tax.

Terms: Net 30. Payment terms for customers who do not have accounts are 1/3 with order and 2/3 at point of delivery. Quotes are valid for 30 days. Any equipment left at our facility more than 30 days will be disposed of at the Owner's expense. Inspection fee will be applied.

Please sign for approval: _____

Thank you for giving Koffler Electrical the opportunity to provide our services. If you have any questions regarding the information provided, please call me.

Sincerely,

Mike Bucedi

Mike Bucedi
Service Manager

MB/131893

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 26, 2013**

Prepared by: Mike Boccio, Acting Chief Building Official
Approved by: Tina Wehrmeister, Community Development Director *TW*
Date: November 21, 2013
Subject: Adoption of the 2013 California Building Standards Codes with Local Amendments and Amendments to the Construction and Demolition Debris Recycling Ordinance

RECOMMENDATION

It is recommended the City Council take the following actions:

1. Motion to adopt the attached ordinance amending and adding specific Local Amendments to chapters of Title 8 of the Antioch Municipal Code, adopting by reference the California Code of Regulations Title 24, 2013 Edition of the California Building Standards Codes and related model codes and amending Chapters 1 through 19 of Title 8 of the Antioch Municipal Code.
2. Motion to adopt the attached ordinance amending Section 6-3.202 of the Antioch Municipal Code, dealing with Thresholds for Covered Projects under the Construction and Demolition Debris Recycling Ordinance.

BACKGROUND INFORMATION

The attached ordinances were introduced by the Council on November 12, 2013. The Council made no changes to the ordinances at this meeting.

FINANCIAL IMPACT

None. This update will ensure that the City is in compliance with State building regulations and will not impact the Building Permit fee schedule adopted with the City-wide Master Fee Schedule.

OPTIONS

None, the recommended action is consistent with the City Council's introduction of the ordinance on November 12, 2013.

ATTACHMENTS

None.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING SPECIFIED CHAPTERS OF TITLE 8 "BUILDING REGULATIONS" OF THE ANTIOCH MUNICIPAL CODE, ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES AND RELATED MODEL CODES TO THE ANTIOCH MUNICIPAL CODE WITH APPENDICES AND AMENDMENTS THERETO

SECTION 1. Findings.

Pursuant to California Health and Safety Code sections 17958.7 and 18941.5(b), the City Council hereby finds that modifications are reasonably necessary to Municipal Code section 8-5.01, referencing the 2013 California Plumbing Code, to protect the health, safety and welfare of individuals in the City of Antioch because of the following local geological conditions in the City of Antioch:

The City of Antioch is located in the eastern portion of the San Francisco East Bay area, which is densely populated and located in an area of high seismic activity, as indicated by the United States Geological Survey and California Division of Mines and Geology. The City is located in Seismic Design Category D, one of the highest earthquake risk areas in the United States. Buildings and other structures in Seismic Design Category D can experience major ground shaking and significant seismic damage. The City is in close proximity to the Hayward, Calaveras, Concord, Antioch, and Mt. Diablo faults, as well as other lesser faults. The Concord and Antioch faults have a potential for a Magnitude 6 earthquake, while the Hayward and Calaveras faults have a potential for a Magnitude 7 earthquake.

In the event of earthquake, damage to structures can be expected, which could cause the collapse of buildings. Secondary impacts could include ruptured electric or gas lines and breaks in water and sewer lines. The potential for a major seismic event would create a City-wide demand for emergency response that would exceed staff resources.

The local amendment set forth in proposed Municipal Code section 8-5.01 addresses the importance of automatic gas shutoff in the event of a seismic event.

Furthermore, the City of Antioch adopts and incorporates by reference the findings adopted by the Contra Costa Fire Protection District (Contra Costa Board of Supervisors) for local amendments to the Fire Code. Those findings are included as Exhibit 1 to this ordinance.

SECTION 2. Section 8-1 of the Antioch Municipal Code is hereby amended to read in its entirety as follows:

Sec. 8-1.01. Adoption of the 2013 California Building Code.

The California Building Code, 2013 Edition, based on the 2012 International Building Code, published by the International Code Council (ICC), as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations, is hereby adopted by reference. Also adopted by reference are Appendix Chapter 1 Administrative; Appendix Chapter I; Patio Covers, and Appendix Chapters J; Grading. Copies are on file in the offices of the Building Official.

SECTION 3. Section 8-1.07 is deleted in its entirety from the Antioch Municipal Code.

SECTION 4. Section 8-3.01 of the Antioch Municipal Code is hereby amended in its entirety to read as follows:

Sec. 8-3.01. Adoption of the 2013 California Electrical Code.

The California Electrical Code, 2013 Edition, based on the 2011 Edition of the National Electrical Code published by the National Fire Protection Association, as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations, is hereby adopted by reference. Copies are on file in the offices of the Building Official.

SECTION 5. Section 8-4.01 of the Antioch Municipal Code is hereby amended in its entirety to read as follows:

Sec. 8-4.01. Adoption of the 2013 California Residential Building Code.

The California Residential Building Code, 2013 Edition, based on the 2012 International Residential Code, as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations is hereby adopted by reference. Copies are on file in the offices of the Building Official.

SECTION 6. Section 8-4.02 is deleted in its entirety from the Antioch Municipal Code.

SECTION 7. Section 8-5.01 of the Antioch Municipal Code is hereby amended to read in its entirety as follows:

Sec. 8-5.01. Adoption of the 2013 California Plumbing Code.

(A) The California Plumbing Code, 2013 Edition, based on the 2012 Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations, is hereby adopted by reference. Also adopted by reference are the "IAPMO Installation Standards", 2007 Edition, published by the International Association of Plumbing and Mechanical Officials. Copies are on file in the offices of the Building Official.

(B) In addition, The California Plumbing Code, 2013 Edition, Section 1210.18 shall include the following, "All new single and multiple family dwelling construction shall be equipped with an Earthquake-Actuated Gas Shutoff Valve".

SECTION 8. Section 8-7.01 of the Antioch Municipal Code is hereby amended in its entirety to read as follows:

Sec. 8-7.01. Adoption of the 2013 California Green Building Standards Code.

The 2013 California Green Building Standards Code, based on the 2008 California Green Building Standards Code published by the State of California, Department of Housing and Community Development, Division of Codes and Standards, as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations is hereby adopted by reference. Copies are on file in the offices of the Building Official.

SECTION 9. Section 8-8.01 of the Antioch Municipal Code is hereby amended in its entirety to read as follows:

Sec. 8-8.01. Adoption of the 2013 California Mechanical Code.

The California Mechanical Code, 2013, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations, is hereby adopted by reference. Also adopted by reference are Appendix Chapters A, B, C, and D. Copies are on file in the offices of the Building Official.

SECTION 10. Section 8-11.01 of the Antioch Municipal Code is hereby amended to read as follows:

Sec. 8-11.01. Adoption of the 2013 California Energy Code.

The 2013 California Energy Code, based on the 2008 California Energy Code published by the State of California, Department of Housing and Community Development, Division of Codes and Standards, as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations is hereby adopted by reference. Copies are on file in the offices of the Building Official.

SECTION 11. Section 8-15.01 of the Antioch Municipal Code is hereby amended in its entirety to read as follows:

Sec. 8-15.01. Adoption of the 2013 California Fire Code.

(A) The 2013 California Fire Code (California Code of Regulations, Title 24, Part, 9 based on the 2012 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K are adopted by reference and shall be controlling and enforceable within the Jurisdictional boundaries of the City.

(B) In addition, those amendments to the California Fire Code adopted by the Contra Costa County Fire Protection District pursuant to Ordinance Number 2013-22 (Exhibit 2) are adopted by reference and shall be controlling and enforceable within the jurisdictional boundaries of the City. Copies of the 2013 California Fire Code and Contra Costa Fire Protection District Ordinance 2013-22 are on file with the Community Development Department.

SECTION 12. Section 8-15.02 is deleted in its entirety from the Antioch Municipal Code.

SECTION 13. Section 8-16.01 of the Antioch Municipal Code is hereby amended in its entirety to read as follows:

Sec. 8-16.01. Adoption of the 2013 California Historical Building Code.

The 2013 California Historical Code published by the International Code Council, as adopted and amended by the California Building Standards Commission in the California Building Standards Code; Title 24 of the California Code of Regulations is hereby adopted by reference. Copies are on file in the offices of the Building Official.

SECTION 14. Section 8-17.01 of the Antioch Municipal Code is hereby amended in its entirety to read as follows:

Sec. 8-17.01. Adoption of the 2013 California Existing Buildings Code.

The 2013 California Existing Buildings Code based on the 2012 International Existing Buildings Code published by the International Code Council, as adopted and amended by the California Building Standards Commission in the California Building Standards Code; Title 24 of the California Code of Regulations is hereby adopted by reference. Copies are on file in the offices of the Building Official.

SECTION 15. Section 8-18.01 of the Antioch Municipal Code is hereby amended in its entirety to read as follows:

Sec. 8-18.01. Adoption of the 2013 California Referenced Standards Code.

The 2013 California Referenced Standards Code published by the International Code Council, as adopted and amended by the California Building Standards Commission in the California Building Standards Code; Title 24 of the California Code of Regulations is hereby adopted by reference. Copies are on file in the offices of the Building Official.

SECTION 16. Section 8-19.01 of the Antioch Municipal Code is hereby amended in its entirety to read as follows:

Sec. 8-19.01. Adoption of the 2013 California Administrative Code.

The 2013 California Administrative Code published by the International Code Council, as adopted and amended by the California Building Standards Commission in the California Building Standards Code; Title 24 of the California Code of Regulations is hereby adopted by reference. Copies are on file in the offices of the Building Official.

SECTION 17. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption. The ordinance or summary shall be posted and published in a newspaper of general circulation printed and published in the City of Antioch as set forth in State Law.

SECTION 18. The Building Official shall file a copy of this ordinance with the State Department of Housing and Community Development and the State of California Building Standards Commission.

* * * * *

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 12th day of November, 2013, and passed and adopted at a regular meeting thereof, held on the 26th day of November, 2013.

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

EXHIBIT 1

CONTRA COSTA COUNTY, CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT AND CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT FINDINGS OF NEED FOR CHANGES OR MODIFICATIONS IN THE 2013 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, PART 9, CALIFORNIA FIRE CODE, DUE TO LOCAL CONDITIONS

I. Changes or Modifications

Pursuant to Section 17958 of the State of California Health and Safety Code, the Contra Costa County Board of Supervisors, in its capacity as the Board of Supervisors and the Board of Directors of the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District (collectively "Fire District"), in its ordinance adopting and amending the 2013 California Building Standards Code, Title 24, Part 9, California Fire Code, changes, modifies, and amends Section 903.1 through Section 907.8.7.

II. Finding

Pursuant to Sections 17958.5 and 17958.7 of the State of California Health and Safety Code, the Contra Costa County Board of Supervisors, in its capacity as the Board of Supervisors and the Board of Directors of the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District, finds that the above referenced change, modification, and amendment is needed and is reasonably necessary because of certain local climatic, geological, and topographic conditions as described below.

A. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely.

Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks

and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 114⁰ F. Average summer highs are in the 90⁰ range, with average maximums of 105⁰ F.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building and wildland fires.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more Fire District resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire District.

3. Winds

(a) Conditions

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do cause fires, both interior and exterior, to burn and spread rapidly. Fires involving non-irrigated weeds, grass and brush can grow to a magnitude and be fanned to intensity beyond the control capabilities of the Fire District very quickly even by relatively moderate winds. When such fires are not controlled, they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building

exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

4. Summary

These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and can create a blow torch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

B. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area.

The fire environment of a community is primarily a combination of two factors: the area's physical **geologic** characteristics and a historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area's fire protection needs. The Fire District has 3 distinct areas. They are: the West, which includes the City of San Pablo and the communities of North Richmond, El Sobrante, and East Richmond Heights. The Central includes the Cities of Lafayette, Martinez, Pleasant Hill, Concord, Walnut Creek, Clayton and the communities of Clyde, Pacheco, Alhambra Valley and Alamo. The East includes the Cities of Antioch, Pittsburg and the community of Bay Point.

Because of the size of the Contra Costa County Fire Protection District (304 Square miles) the characteristics of the fire environment changes from one location to the next. Therefore the District has not one, but a number of fire

environments, each of which has its individual fire protection needs from two major oil refineries, to heavy industrial facilities, freeways, rail lines, waterways, port facilities, wildland areas, urban and suburban town settings and major downtown areas.

Interstates 80 and 680, State Highways 4, 24 and 242, Bay Area Rapid Transit District (BART) and major thoroughfares travel throughout the District. There are 2 major rail lines which run through the District. An overpass or underpass crossing collapse would alter the response route and time for responding emergency equipment. This is due to the limited crossings of the major highways and rail lines.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities, which, in turn, cause power failures while at the same time starting fires throughout the Fire District. The occurrence of multiple fires will quickly deplete existing fire district resources; thereby reducing and/or delaying their response to any given fire. Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems and other electrical equipment urgently needed for building evacuation and fire control in large buildings without emergency generator systems would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

(b) Impact

A major earthquake could severely restrict the response of the Fire District and its capability to control fires involving buildings of wood frame construction, with ordinary wood shake and shingle exteriors, or with large interior areas not provided with automatic smoke and fire control systems.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout the Fire District, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty- (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. Many of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as down trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be practically impassable.

3. Topographic

(a) Conditions

i. Vegetation

The service area of the Contra Costa County Fire Protection District has a varied topography and vegetative cover. A conglomeration of flat lands, hills, and ridges make up the terrain. Development has occurred on the flat lands in the District and in the past 15 years development has spread into the hills, valleys and ridge lands of the District.

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout the Fire District, especially in those fully developed areas and those areas marked for future development.

ii. Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets and roads, combine to limit efficient response routes for Fire District resources into and through many areas.

iii. Buildings, Landscaping and Terrain

Many of the "newer" large buildings and building complexes have access and landscaping features or designs which preclude, or greatly limit, efficient approach or operational access to them by Fire District vehicles. In addition, the presence of security gates, roads of inadequate width and grades which are too steep for Fire District vehicles create an adverse impact on fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires additional fire personnel and resources to successfully and safely mitigate the event. Access problems often result in severely delaying, misdirecting, or making fire and smoke control efforts unsuccessful.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Contra Costa County Fire Protection District. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public Safety resources would

have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires.

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extents of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic conditions (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingles coverings could result in conflagrations.

III. Summary

Local climatic, geologic, and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. This was the case in the October 17, 1989 Loma Prieta earthquake that measured 6.9 and occurred on the San Andreas fault, centered near Santa Cruz. This event caused several residential fires and numerous commercial buildings were damaged.

Therefore, based on the findings declared in this document, it is found reasonably necessary that the 2013 California Fire Code be changed or modified to mitigate the effects of the above conditions.

The changes and/or modifications to the 2013 California Fire Code, as expressed in Ordinance #2013-22 of Contra Costa County, the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District, are found to be necessary to mitigate the above described impacts which are caused by the above described local climatic, geological and topographic conditions.

Ordinance #2013-22 is attached in its entirety.

EXHIBIT 2

ORDINANCE NO. 2013-22

FIRE CODE

ORDINANCES OF THE COUNTY OF CONTRA COSTA, THE CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT, AND THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT ADOPTING THE 2013 CALIFORNIA FIRE CODE WITH AMENDMENTS.

The Contra Costa County Board of Supervisors, as the Board of Supervisors for Contra Costa County and as the Board of Directors of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District, ordains as follows:

SECTION 1. ADOPTION OF THE CALIFORNIA FIRE CODE.

Contra Costa County, the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District hereby adopt the 2013 California Fire Code (California Code of Regulations, Title 24, Part 9 [based on the 2012 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K, as amended by the changes, additions and deletions set forth in this ordinance. The 2013 California Fire Code, with the changes, additions, and deletions set forth this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of the fire code are controlling and enforceable within the limits of each jurisdiction.

SECTION 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.

The 2013 California Fire Code is amended by the changes, additions and deletions set forth in this Section 2. Chapter and Section numbers used below are those of the 2013 California Fire Code.

Chapter 1. Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, and is hereinafter referred to as "this code".

Section 102.1 is amended to add item 5, to read:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 105.6 is amended to read:

ORDINANCE NO. 2013-22

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.54.

Section 105.6 is amended by adding subsections 105.6.48 through 105.6.54, to read:

105.6.48 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 3318.

105.6.49 Battery systems. A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

105.6.50 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees.

105.6.51 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code.

105.6.52 Model rockets. A permit is required to sell model rockets equipped with model rocket motors or to launch model rockets more than three times from the same site on any day pursuant to California Code of Regulations, Title 19, Division 1, Article 17.

105.6.53 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3312.1.

105.6.54 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 34.

Section 105.7 is amended to read:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.21.

Section 105.7 is amended by adding sections 105.7.17 through 105.7.22 as follows:

105.7.17 Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

105.7.18 Construction, alteration, or renovation of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

105.7.19 Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

105.7.20 Refrigeration equipment. A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6.

105.7.21 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.7.22 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 105.8 is added to read:

105.8 Responsibility of permittee. Work performed under a construction permit shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval relieves or exonerates any person from the responsibility of complying with the provisions of this code, nor does any Fire District approval establish any vested rights with respect to any work performed that is performed or completed in violation of this code.

Section 108.1 is amended to read:

108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

Section 108.3 is deleted.

Section 109.4 is amended in its entirety to read:

109.4 Violation penalties. Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor, which will be determined by the Fire District, in accordance with Health and Safety Code Section 13871. Each infraction or misdemeanor will be punishable by an administrative fine, in accordance with Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions. This section is a declaration of Health and Safety Code section 13871 and is not intended to create a different or separate penalty.

Section 111.4 is amended to read:

111.4 Failure to comply. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

Chapter 2. Definitions.

Section 202 is amended by adding the following definitions to read:

Administrator. Fire Chief.

All-weather driving surface. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Code Official. In the Contra Costa County Fire Protection District, the Fire Code Official is the Fire Marshal. In the Crockett-Carquinez Fire Protection District, the Fire Code Official is the Fire Chief.

Firebreak. A continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

Firetrail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse, of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Response time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Running time. The calculated time difference between leaving the first-due station and arriving on the emergency scene.

Rural area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural residential area. An area generally designated for single family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Sky Lantern. An airborne lantern typically, but not necessarily, made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material, or other open flame that serves as a heat source, which heats the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons, and airborne paper lanterns are considered sky lanterns under this code.

Sprinkler Alarm and Supervisory System (SASS): A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area.

Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary fire department access road for construction of one (1) residential (R3) unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary water supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree litter. Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground.

Chapter 3. General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 319.

Section 304.1.4 is added to read:

304.1.4 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4 Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 308.1.6.3 is added to read:

308.1.6.3 Sky lanterns. No person shall release or cause to be released an untethered sky lantern. A sky lantern shall be tethered in a safe manner to prevent it from becoming airborne, and it must be constantly attended until extinguished.

Section 319 is added to Chapter 3, to read:

319 Exterior Fire Hazard Control.

319.1 General.

319.1.1 Jurisdictional Authority. The Board of Directors, as the supervising, legislative and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter or other flammable material where such flammable material endangers the public safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

319.1.2 Retention of Jurisdictional Authority. If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to said Part 5.

319.1.3 Contract for Services. The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

319.2 Definitions.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Rubbish. Waste matter, litter, trash, refuse, debris and dirt on streets, or private property in the jurisdiction which is, or when dry may become, a fire hazard.

Streets. Includes alleys, parkways, driveways, sidewalks, areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

Person. Includes individuals, firms, partnerships, and corporations.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes amount of vegetation (native and ornamental) and other conditions favorable to fast moving fires.

Reduced Fuel Zone. The area that extends from thirty (30) feet to one hundred (100) feet or more away from the structure or to the property line, whichever is closer to the structure.

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement undertaken and administrative costs pursuant to Section 319.5 of this Ordinance.

319.3 Weeds and Rubbish a Public Nuisance. The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

319.4 Abatement of Hazard.

319.4.1 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

319.4.2 Specific Requirements. The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

319.4.2.1 Clearance of Weeds from Streets. The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

319.5 Abatement Procedures.

319.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and 319.2. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Supervisors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Fire Commissioners of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

319.5.2 Hearing Date. A date for hearing on the notice will be sent at least fifteen (15) days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order should not be enforced. For good cause shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

319.5.3 Contract Award. If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

319.5.4 Abatement Report of Costs. The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

319.5.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

319.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 319.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 319.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

319.7 Subsurface Fires.

319.7.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire in or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

319.7.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code §13009.)

Section 320 is added to Chapter 3 to read:

320 Automobile Wrecking Yards.

320.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

320.2 Definitions.

Automobile Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Automobile Dismantling. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

320.3 Requirements.

320.3.1 Permits. An operation permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

320.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

320.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires and all other debris.

320.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

320.3.5 Fire Protection. Offices, storage buildings and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4A:40B:C rating. When required by the fire code official, additional fire extinguishers shall be provided.

320.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

320.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

320.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

320.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

320.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

320.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems and transmissions shall be kept available on site. Single-use plugs, diking and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state and local requirements.

320.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

320.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding or drilling of any kind, is prohibited.

320.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

Section 401.5 is amended by adding a new subsection 401.5.1 to read:

401.5.1 Nuisance Fire Alarm fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 403.2 is amended to read:

403.2 Public Safety Plan. In other than Group E occupancies, where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

Chapter 5. Fire Service Features.

Section 503.1 is amended to add subsection 503.1.4 to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A minimum 16 foot wide driveway is acceptable for access to one or two single-family dwellings.

Section 505 is amended by adding Section 505.3, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2 is amended by adding subsection 507.2.3, to read:

507.2.3 Suburban and rural water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

Chapter 6. Building Services and Systems.

Section 603.6 is amended by adding subsection 603.6.6, to read:

603.6.6 Sparks from chimneys. A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the California Mechanical Code.

Chapter 8. Interior Finish, Decorative Materials and Furnishings.

Section 806 is amended by adding subsections 806.1.4, 806.1.5 and 806.1.6, to read:

806.1.4 Flame retardants. Cut trees shall be treated by a California State Fire Marshal-licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

806.1.5 Tags. Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who applied the flame retardant, the name of the person affixing the tag, a permit expiration date and the name of the designated individual making daily tests.

806.1.6 Daily tests. Trees shall be tested daily by a designated individual. The test shall include a check for dryness and adequate watering.

Chapter 9. Fire Protection Systems.

Section 901.6.2.2 is added to read:

901.6.2.2 Inspection Records. Records of all Inspections, testing and maintenance for all water based fire suppression systems shall be completed on the forms found in Annex B of NFPA 25, California Edition.

Section 902 is amended to add:

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area.

Section 903.2 is adopted in its entirety except as amended below:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

903.2.1.6 Group B. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

903.2.3 Group E. Except as provided for in Section 903.2.19 for a new public school campus an automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5,000 square feet in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

3. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
4. Throughout any Group E structure greater than 10,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.
2. A Group M fire area is located more than three stories above grade plane.

3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group M occupancy is used for the display and sale of upholstered furniture.
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, *including manufactured and mobile homes, regardless of whether or not the manufactured or mobile home is located in a mobile home park.*

903.2.8.2 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs **and** the new total fire area of the structure exceeds 3,600 square feet.

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.
2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet
3. Buildings with repair garages servicing vehicles parked in basements.

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet; or
2. Where the enclosed parking garage is located beneath other occupancy groups.

Section 903.3.1.1.2 is added to read:

903.3.1.1.2 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.8 is amended to read:

903.3.8. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.
Exception: Group R-3 and R-3.1 Occupancies

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6 is amended by adding subsections 903.6.1 and 903.6.2 to read:

903.6.1 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs *and* the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.2.

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1012.4 of the 2012 edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). R-3.x occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.4.4 is added to read:

907.4.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored in compliance with Section 907.6.5.

Section 907.5.2.3.1 is amended to read:

907.5.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms and locker rooms.
2. Corridors, hallways, aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies.
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms.
16. Copy or work rooms.
17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

Section 907.6.5 is amended to read:

907.6.5 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed central station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL listed central station is not required for:

1. Single and multiple station smoke alarms required by section 907.2.11
2. Group I-3 occupancies shall be monitored in accordance with section 907.2.6.3.4
3. Residential Day Care Facilities (occupancy load of 14 or less)
4. One and two family dwellings
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.6 is added to read:

907.8.6 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.7 is added to read:

907.8.7 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10. Means of Egress.

Section 1027.5 is amended by adding a new subsection 1027.5.1, to read:

1027.5.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 33. Fire Safety During Construction and Demolition.

Section 3301.3 is added to read:

3301.3 Permits. Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 3318 is added to read:

Section 3318 Asbestos removal.

3318.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3318.

Exception: Section 3318 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.
2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

3318.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

3318.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

3318.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access doors, decontamination areas and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 50. Hazardous Materials – General Provisions.

Section 5001.5 is amended by adding subsection 5001.5.3 to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This

location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1 is amended by adding subsection 5003.9.1.2 to read:

5003.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 56 Explosives and Fireworks.

Section 5601 is amended to add Sections 5601.2, 5601.3, 5601.4 and 5601.5, to read:

5601.2 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited.

Exceptions:

1. Fireworks may be temporarily stored only if they are aerial or theatrical piece fireworks stored in conjunction with an approved and permitted aerial or set display.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

5601.2.1 Prohibited and Limited Acts. The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 3301.8.1 and 3301.8.1.1.

5601.3 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of the California Code of Regulations, Title 19, Chapter 6, Article 17 and, when applicable, NFPA 1122, NFPA 1125, and NFPA 1127.

5601.3.1 Ammonium nitrate. The storage and handling of ammonium nitrate shall comply with the requirements of Chapter 63 and NFPA 490.

Exception: The storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495.

5601.4 Residential uses. No person shall keep or store, nor shall any permit be issued to keep or store, any explosives, fireworks or pyrotechnic material at any place of habitation, or within 100 feet (30 480mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 5601.

5601.5 Sale and retail display. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials is prohibited.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5608 is amended by adding Sections 5608.2 and 5608.3 to read:

5608.2 Permit required. A permit is required to conduct an aerial display in accordance with California Code of Regulations, Title 19, Chapter 6. (See Chapter 1, Section 105.6.52.)

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

5608.3 Financial responsibility. Before a permit is issued pursuant to Section 5608.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Chapter 57. Flammable and Combustible Liquids.

Section 5704.2.9.6.1 is amended to read:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706 L) for Class I or II liquids, or 1,000 gallons (3785.412 L) for Class III liquids.

Section 5706.2.4.4 is amended to read:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 58. Flammable Gases and Flammable Cryogenic Fluids.

Section 5806.2 is amended to read:

5806.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with section 5806.3 or 5806.4.

Chapter 61. Liquefied Petroleum Gases.

Section 6103.2.1.7 is amended in its entirety to read:

6103.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A or Group B occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the International Fuel Gas Code, the International Mechanical Code, and NFPA 58.

Section 6104.2 is amended to read:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

ORDINANCE CONTINUES ON NEXT PAGE

Chapter 80. Referenced Standards

Chapter 80 is amended as follows:

The following referenced standard is added:

NFPA 850 (2010) Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations.

The following standard is added and includes the following amendment:

NFPA 13D (2013) Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes.

8.6.5.1 When fuel fired equipment is present, at least one quick response intermediate temperature sprinkler shall be installed above the equipment. *All sprinkler piping installed in attics rising above the insulation shall be limited to ferrous or copper piping.*

Appendix B. Fire-Flow Requirements for Buildings.

Section B105.2, exception 1, is amended to read:

Exception 1: A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.

Appendix C. Fire Hydrant Locations and Distribution.

Table C105.1 footnote f and g are added to read:

- f. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.
- g. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

ORDINANCE CONTINUES ON NEXT PAGE

Appendix D. Fire Apparatus Access Roads

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other approved *all-weather driving surface* capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33,566 kg) in accordance with CalTrans Design Standard HS-20-44.

Exception: *Driveways* serving one or two single-family *dwelling*s may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted in its entirety.

Section D103.2 is deleted in its entirety and replaced by the following, to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is deleted in its entirety and replaced by the following, to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

ORDINANCE CONTINUES ON NEXT PAGE

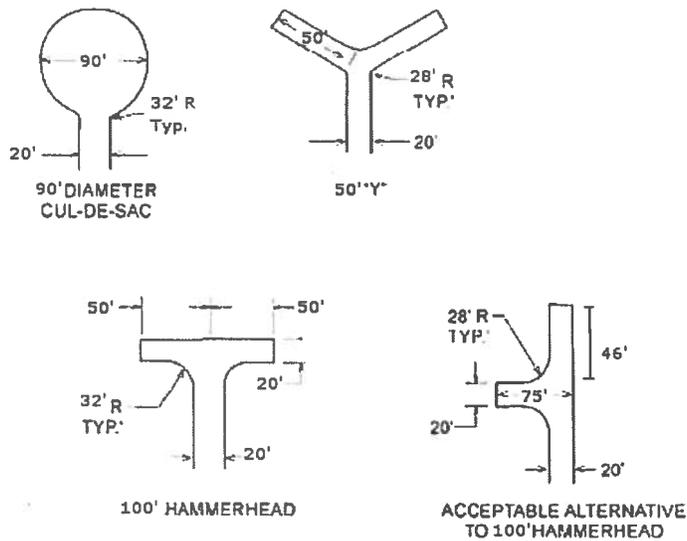
Table D103.4 is amended to read:

**Table D103.4
REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 – 150	20 ^a	None required
151 – 750	20 ^a	100-foot Hammerhead, 50-foot “Y”, 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750		Special approval required ^b

- a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family dwellings.
- b. Any fire apparatus access roadway or driveway that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8 foot wide turnout that extends at least 40 feet in length.

Figure D103.1 is amended to read:



**Figure D103.1
Dead-end Fire Apparatus Access Road Turnaround**

Section D103.5 is amended by amending criteria 1 and adding criteria 10, to read:

1. The minimum clear width shall be 20 feet (6096 mm)
Exception: For access to one or two single-family *dwelling*s, 16 feet clear width is acceptable.
10. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a *fire lane*.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a *fire lane*.

Section D106.1 is amended to delete the exception and read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D106.2 is deleted in its entirety.

SECTION 3. REPEAL OF FIRE CODE.

Ordinance No. 2010-15, adopting the 2010 California Fire Code with amendments, is hereby repealed.

SECTION 4. REFERENCES TO PRIOR CODE

Unless superseded and expressly repealed by this ordinance, references in Fire District forms, documents, and regulations to the chapters and sections of the 2010 Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District shall be construed to refer to the corresponding chapters and sections of the 2013 Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District.

SECTION 5. VALIDITY.

The Contra Costa County Board of Supervisors declares that if any section, paragraph, sentence or word of this ordinance or of the 2013 California Fire Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination here from any portion or provision as may be declared invalid.

SECTION 6. MORE RESTRICTIVE REQUIREMENTS.

SECTION 6. MORE RESTRICTIVE REQUIREMENTS.

If requirements more restrictive than those in this fire code are adopted by the city of Antioch, Clayton, Concord, Lafayette, Martinez, Pittsburg, Pleasant Hill, San Pablo, or Walnut Creek, or the County of Contra Costa, those requirements will apply only within the jurisdiction adopting those requirements.

SECTION 7. EFFECTIVE DATE.

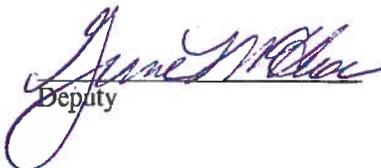
This ordinance becomes effective 30 days after passage, and within 15 days of passage shall be published once in the Contra Costa Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code section 25124, with the names of supervisors voting for and against it.

Passed on October 22 2013, by the following vote:

AYES: Groiz, Andersen, Piepho, Mitchoff, Glover
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST: David Twa,
Clerk of the Board of Supervisors
and County Administrator


Board Chair

By: 
Deputy

[SEAL]

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING
ANTIOCH MUNICIPAL CODE SECTION 6-3.202 DEALING WITH THRESHOLDS FOR
COVERED PROJECTS UNDER THE CONSTRUCTION AND DEMOLITION DEBRIS
RECYCLING ORDINANCE**

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

SECTION 1. Section 6-3.202 is hereby amended to read as follows:

6-3.202 Threshold for Covered Projects

- A. Covered Projects:** The following projects shall comply with this Article:
1. All new structures
 2. Additions and Alterations with total project costs equal to or greater than \$75,000
 3. Demolition of any structure or portion of a structure larger than 120 square feet

For the purposes of determining whether a project meets the foregoing thresholds, all phases of a project and all related projects taking place on a single or adjoining parcels, as determined by the WMP Compliance Official, shall be deemed a single project.

- B. Noncovered Projects:** Applicants for construction, demolition, and renovation projects within the City which are not Covered Projects (“Noncovered Projects”) shall be encouraged to divert as much project-related construction and demolition debris as possible.
- C. Building and Demolition Permits:** No building, site development or demolition permit shall be issued for a Covered Project unless and until the WMP Compliance Official has approved a WMP for the project. Compliance with the provisions of this Article shall be listed as a condition of approval on any building, site development or demolition permit issued for a Covered Project.
- D. Projects sponsored by the City:** All Construction, Demolition and Renovation projects sponsored by the City shall be considered Covered Projects for the purposes of this chapter. The Project sponsor shall submit a WMP to the official prior to beginning any activities and shall be subject to all applicable provisions of this chapter.

SECTION 2. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in the Contra Costa Times, a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

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 12th day of November, 2013, and passed and adopted at a regular meeting thereof, held on the 26th day of November, 2013.

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 26, 2013**

Prepared by: Tina Wehrmeister, Community Development Director *TW*
Date: November 21, 2013
Subject: Ordinance Establishing Zoning Regulations for Computer Gaming and Internet Access Businesses

RECOMMENDATION

It is recommended the City Council take the following actions:

1. Motion to adopt the attached ordinance establishing zoning regulations for computer gaming and internet access businesses.
2. Motion to adopt the attached ordinance amending Title 5, Chapter 11 regarding refinements to the licensing requirements for computer gaming and internet access businesses.

BACKGROUND INFORMATION

The attached ordinances were introduced by the Council on November 12, 2013. The Council made no changes to the ordinances at this meeting.

FINANCIAL IMPACT

None.

OPTIONS

None, the recommended action is consistent with the City Council's introduction of the ordinance on November 12, 2013.

ATTACHMENTS

None.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DEFINING AND ESTABLISHING ZONING REGULATIONS FOR COMPUTER GAMING AND INTERNET ACCESS BUSINESSES

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

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

B. On January 22, 2013, the City Council adopted Ordinance No. 2061-C-S extending a moratorium on Computer Gaming and Internet Access Businesses pursuant to findings regarding a current and immediate threat to the public health, safety and welfare from the effects and impacts of Computer Gaming and Internet Access Businesses, including but not limited to increase in crime (robbery, illegal drug use and sales, burglary, assaults, public intoxication, vandalism and property damage and loitering); increase in juvenile truancy; decreased parking availability due to the extended time that patrons of these uses stay at the businesses; and other similar effects on property values and the quality of life in Antioch. The findings in Ordinance No. 2061-C-S are incorporated into this ordinance.

C. The Planning Commission conducted a duly noticed public hearing on October 16, 2013 at which time a resolution was approved to initiate and recommend to the City Council that this ordinance be adopted to establish zoning regulation for computer gaming and internet access businesses. The City Council held a duly noticed public hearing on November 12, 2013 at which all interested persons were allowed to address the Council regarding adoption of this ordinance.

D. The City Council finds that public necessity requires the proposed zoning ordinance amendments to allow Computer Gaming and Internet Access Businesses only in the Commercial C-3 zoning district and to impose requirements regarding access, parking, over-concentration and distance from sensitive uses to avoid the detrimental impacts from the use described above; said amendments are not detrimental to properties within Antioch, and that the proposed zoning ordinance amendment is in conformance with the Antioch General Plan by limiting the location of such businesses to regional commercial zones to decrease the impact on neighborhoods and sensitive uses consistent with General Plan Policy 8.11.2c which provides direction to adopt requirements that reduce the potential for crime.

SECTION 2. Section 9-5.203 of the Antioch Municipal Code is hereby amended to add the following definitions, alphabetically listed, with no other amendments to this Section:

COMPUTER GAMING AND INTERNET ACCESS BUSINESS. An establishment that provides computers or other electronic devices for access to the world wide web, internet, e-mail, video games, or computer software programs which operate alone or are networked (via LAN, WAN or otherwise) or which function as a client/server program, and which seeks compensation, in any form, from users. **COMPUTER GAMING AND INTERNET ACCESS BUSINESS** is synonymous with a personal computer ("PC") café, internet café, cyber café, sweepstakes gaming facilities,

business center, internet sales business, and internet center, but does not include a Public Use or Internet Learning Center as defined herein.

PUBLIC USE OR INTERNET LEARNING BUSINESS. An establishment that provides computer access which is operated by the city, a school district, a library, a college district, or a private institution of learning which provides classes in computer instruction and does not receive compensation in any form other than school tuition or a non-profit organization that provides computer access as part of a free or low cost bona-fide training or educational program.

SECTION 3. Section 9-5.1703.1 Off Street Parking Requirements By Use is hereby amended to add the following to the Commercial/Retail/Office list, alphabetically, with no other amendments to this Section:

<i>Use Classification</i>	<i>Off-Street Parking Spaces</i>
Computer Gaming and Internet Access Business	As specified by use permit and required parking study (9-5.3835)

SECTION 4. Section 9-5.3803 Table of Land Use Regulations is hereby amended to add the following to require a Use Permit for Computer Gaming and Internet Access Businesses in the C-3 zone (Regional Commercial) and to not permit the use in other zoning districts, with no other amendments to this section:

	R-																	
	RE 4	R-																
	R	R- 1	R-	PB	C-	C-	C-	C-	MC	W	O	M-	M-	RT	RTR-	RTR-		
	R	6	0	20	C	0	1	2	3	R	F	S	1	2	H	C	10	20
Computer Gaming & Internet Access (§9-5.3835)	--	--	--	--	--	--	--	--	U	--	--	--	--	--	--	--	--	--

SECTION 5. Section 9-5.3835 is hereby rescinded and reenacted as follows:

9-5.3835 COMPUTER GAMING AND INTERNET ACCESS BUSINESSES

(A) In addition to requiring a Use Permit in the C-3 zone the following locational criteria shall apply:

- (1) The primary customer access point must be located on and front an arterial street as defined in the General Plan.
- (2) No Computer Gaming and Internet Access Business shall be operated within a radius of 500 feet from any other Computer Gaming and Internet Access Business; any school, public park, playground, recreational center, day care center, or other similar use; any tobacco retailer or smoke shop; any on- or off-sale liquor establishment excluding those exempted in 9-5.3831(B); or any card room.

(B) A parking study shall be required and considered with a Use Permit application for a Computer Gaming and Internet Access Business. The study shall be contracted by the Community Development Department at the applicant's expense and shall include but not be limited to an analysis of potential impacts to available parking and impacts of extended duration parking.

(C) A separate license is required to operate a Computer Gaming and Internet Access Business under Title 5, Chapter 11 of the Municipal Code and shall be a condition of the Use Permit.

SECTION 6. CEQA.

This Ordinance is subject to the CEQA exemption contained in CEQA Guideline section 15061 (b) (3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 7. Publication; Effective Date.

This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

SECTION 8. Severability.

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 12th day of November and passed and introduced at a regular meeting thereof, held on the 26th day of November by the following vote:

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING DEFINITIONS AND OPERATIONAL STANDARDS AND REGULATIONS IN TITLE 5, CHAPTER 11 REGARDING COMPUTER GAMING AND INTERNET ACCESS BUSINESSES

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

A. The City Council of the City of Antioch is concerned with reports of violent criminal behavior and related detrimental neighborhood effects associated with Computer Gaming and Internet Access Businesses.

B. The City of Antioch, as well as neighboring cities, has experienced criminal activity associated with Computer Gaming and Internet Access Businesses, including incidents involving robbery, illegal drug use and sales, burglary, assaults, public intoxication, vandalism and property damage and loitering. It is also known that other cities have experienced significant gang-related activities and prostitution occurring at these Computer Gaming and Internet Access Businesses. For example, the Antioch Police Department has documented a significant increase in service related calls involving a variety of crimes in these businesses and within the neighborhoods adjacent to Computer Gaming and Internet Access Businesses when they were operational in the City and include the representational incidents below as findings as follows:

1. On April 13, 2010, there was a call for service from T's Internet Café at 1836 A Street because of a fight over someone owing someone money and on July 23, 2010 a call for service regarding another fight.
2. At T's Internet Café at 1653 A Street on September 11, 2010, there was a call for service regarding possible assault, drug violations and carjacking. On November 18, 2010, a male robbed money from the business with a sawed-off shot gun and shot at one of the workers. On February 2, 2011, there was a call for service regarding drug selling. On July 21, 2011, there was a report of a car theft and then a fight broke out.
3. At the Internet Room at 2962 Delta Fair Boulevard, on January 28, 2012, there was a report of a stolen vehicle.
4. At T's Internet Café at 1908 A Street on August 20, 2011, someone was throwing things at the business and threatening to harm the employees.
5. While at Computer Gaming and Internet Access Businesses in Antioch, individuals have been arrested for robbery, narcotics violations, carjacking and other crimes, as well as on outstanding warrants. While some of these crimes may have occurred elsewhere, it does show a propensity for individuals who engage in criminal activity to patronize Computer Gaming and Internet Access Businesses.

6. At 2962 Delta Fair Boulevard, calls for service at that location and at neighboring businesses have increased from 109 to 259 over a twelve month period since the Internet Room started operating.
7. At 1836 A Street, before T's Internet Café opened there were 157 calls for service from that location and neighboring businesses over a 7-month period from February 1, 2009 through August 30, 2009. While T's Internet Café was operating at 1836 A Street, calls for service increased to 240 over a 7-month period from February 1, 2010 through August 30, 2010. When T's Internet Café closed at that location, calls for service from that location and neighboring businesses went back down to 158 calls for service over the 7-month period from February 1, 2011 through August 30, 2011, almost identical to the rates before T's Internet Café opened.

C. Computer Gaming and Internet Access Businesses often have local school students and minors as their target market, and thereby may encourage the assembly of significant numbers of minors without supervision by parents or guardians. Further, given concerns about attendance at the Antioch Unified School District such congregation of students should not be allowed during regular school hours.

D. The City Council of the City of Antioch finds that the activities of Computer Gaming and Internet Access Businesses have become frequently associated with detrimental impacts to the surrounding area.

E. The current Computer Gaming and Internet Access Business licensing ordinance is in need of updating in order to make the definitions internally consistent with the zoning code and to ensure that the Operational Standards and Regulations are consistent with requirements placed on other businesses which may typically have a high volume of calls for service such as liquor establishments, smoke shops, and card rooms.

F. The City Council further finds that this Ordinance constitutes a matter of City-wide importance and is not directed towards nor targeted at any particular parcel of property, any particular business or any proposed occupant.

SECTION 2. Section 5-11.02 of the Antioch Municipal Code is hereby amended to read as follows:

§ 5-11.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMPUTER GAMING AND INTERNET ACCESS BUSINESS. An establishment that provides computers or other electronic devices for access to the world wide web, internet, e-mail, video games, or computer software programs which operate alone or are networked (via LAN, WAN or otherwise) or which function as a client/server program, and which seeks compensation, in any form, from users. **COMPUTER GAMING AND INTERNET ACCESS BUSINESS** is synonymous with a personal computer ("PC") café, internet café, cyber café, sweepstakes gaming facilities, business center, internet sales business, and internet center, but does not include a Public Use or Internet Learning Center as defined herein.

PUBLIC USE OR INTERNET LEARNING BUSINESS. An establishment that provides computer access which is operated by the city, a school district, a library, a college district, or a private institution of learning which provides classes in computer instruction and does not receive compensation in any form other than school tuition or a non-profit organization that provides computer access as part of a free or low cost bona-fide training or educational program.

SECTION 3. Section 5-11.60 of the Antioch Municipal Code is hereby rescinded and reenacted in its entirety to read as follows:

§ 5-11.60 OPERATIONAL STANDARDS AND REGULATIONS.

(A) *Prohibitions regarding minors.*

(1) Minors (under 18 years of age), unless legally emancipated, shall not be permitted to enter or remain in a computer gaming and internet access business during any time that he or she is required to be in attendance at school unless accompanied by a parent or legal guardian.

(2) Minors (under 18 years of age), unless legally emancipated, shall not be permitted to enter or remain in a computer gaming and internet access business during the hours of the juvenile protection curfew of 11:01 p.m. through 5:00 a.m., seven nights a week, pursuant to Article 2 of Chapter 10 of Title 5 of the city municipal code.

(3) Signs shall be placed at the entrance of the business and inside the business setting forth these restrictions in lettering of at least two inches in size.

(B) *Hours of operation.* The computer gaming and internet access business shall not be open to customers, patrons, or any member of the public between the hours of 12:00 a.m. and 8:00 a.m. on Friday, Saturday, and Sunday or between the hours of 11:00 p.m. and 8:00 a.m. Monday through Thursday. The Chief of Police may restrict hours further if warranted to protect public health, safety and welfare.

(C) *Interior waiting area.* An interior waiting area with not less than five seats shall be provided for customers waiting to use a computer. The number of seats shall be increased by one for every five additional computers beyond 25 computers in the business. No outside waiting or seating area is permitted.

(D) *No smoking or consumption of alcoholic beverages.* No person shall be permitted to smoke or consume alcoholic beverages on the inside of the premises. The sale of cigarettes and alcohol on the premises is prohibited. No intoxicated or disorderly person shall be allowed to remain on the premises.

(E) *Staffing.* Employees shall be at least 18 years of age. There shall be a minimum of two employees staffing the computer gaming and internet access business during all working hours with at least one manager or supervisor. The ratio of employees to computers and/or other electronic devices that access the internet shall be 2:40. During each employee's working hours, the employee shall wear a badge identifying the business and the employee's name. Security personnel indicated in division (I) of this section below shall not be included in this minimum staffing number.

(F) *Occupancy.* Occupancy shall not exceed that required under the Uniform Building Code and Uniform Fire Code. The maximum occupancy load shall be posted at the main entrance.

(G) *Surveillance system.*

(1) Each computer gaming and internet access business operator shall install a digital camera/video surveillance system on the premises operational at all times. The system shall cover the entire interior of the premises and all entrances to and exits from the establishment. Tapes/disks shall be kept a minimum of 14 calendar days or longer if required by the Chief of Police. The owner shall permit a representative of the Police Department's office to inspect the tapes/disks during business hours.

(2) A sign shall be posted inside and at the entrances to the establishment indicating that the premises are under camera/video surveillance.

(H) *Windows and window coverings.* Store fronts (front façade of the tenant space) shall be primarily glass with glass occupying at least 45% of the entire store front and 60% of the horizontal length of the store front (see also Antioch Citywide Design Guidelines). Glass customer doors are required. Window and door areas shall not be covered, tinted, or made opaque in any way, or obscured in any way by landscaping, floor displays, equipment, or the like.

(I) *Security guards.*

(1) Security guard(s) are required on the premises during all business hours.

(2) Security guards shall be uniformed and be employed by a private patrol operator that is currently licensed with the California Department of Consumer Affairs. The name of the patrol operator with state license number and the guard registration numbers shall be provided to the Community Development Department. Any changes to the patrol operator shall be approved by the Police Chief at least two working days prior to patrol operator taking over security at the business.

(3) Security guards shall also patrol the exterior of the business and any parking lot areas.

(4) The Chief of Police may require more than one security guard if there are more than 15 computers or similar devices or continued repeated calls for service indicate that one security guard is not adequate.

(J) *No adult entertainment business or adult boutique.* Any access to adult entertainment oriented web sites, as defined in § 9-5.203 of this code, is prohibited unless specifically permitted under §§ 9-5.3808 or 9-5.3808.1 of this code.

(K) *No other amusement devices.* No pool tables or other amusement devices not directly related to the internet and similar computer devices shall be permitted in the business.

(L) *No tournaments.* No gaming tournaments for cash prizes deemed to be gambling under the provisions of state law shall be permitted.

(M) *Interior signs.* User rates and other fees must be conspicuously posted on the premises.

(N) *No illegal gambling.* Under no circumstances shall electronic game machines, which include computers and other amusement devices, be used for illegal gaming or gambling. The applicant shall be responsible for ensuring customers do not use any electronic game machine for illegal gaming or gambling.

(O) *No litter.* The applicant shall provide adequate trash receptacles both inside and outside of the building. The applicant shall keep the outside of the business, including the parking lot, free of litter, trash, and debris.

(P) *No private rooms.* Any individual computer use area within the business shall be visible from a public portion of the computer gaming and internet access business and shall not be obscured by any door, curtain, wall, two-way mirror, or other device which would prohibit a person from seeing the entire interior of the computer use area. Further, no one shall maintain any individual viewing area in any configuration unless the entire interior wherein the computer that is being used is visible to staff and customers. No doors are permitted on an individual viewing area. No partially or fully enclosed individual viewing areas or partially or fully concealed individual viewing areas shall be maintained.

(Q) *Alarm system.* An alarm system shall be installed that distinguishes between a burglary and a robbery. The system shall monitor 24 hours per day. All public entrance and exit doors to the business shall have electronic monitoring system that produce a sound when a person transverses the doorway. The Chief of Police may require the system to be electronically connected with the police department if activated.

(R) *Number of computers.* The number of computers or similar devices in a computer gaming and internet access business shall not exceed 30 square feet of floor area per computer of the floor area that is dedicated to the placement of computers for rent or charge.

SECTION 4. CEQA. This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guideline section 15061 (b) (3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and cause same to be posted and published in accordance with State law.

* * * * *

I HEREBY CERTIFY that the foregoing Ordinance was introduced on 12th day of November, 2013 and adopted at a regular meeting of the City Council of the City of Antioch on November 26, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

CITY OF ANTIOCH AS SUCCESSOR AGENCY TO
 THE ANTIOCH DEVELOPMENT AGENCY
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 OCTOBER 17 - NOVEMBER 20, 2013
 FUND/CHECK#

239 Redevelopment Obligation Retirement Fund			
347964	CONTRA COSTA COUNTY	DDR REMITTANCE	11,035.64
348136	GOLDFARB AND LIPMAN LLP	LEGAL FEES	130.00
332 Redevelopment Obligation Retirement Fund (for former Project Area #2)			
347964	CONTRA COSTA COUNTY	DDR REMITTANCE	133.86
333 Redevelopment Obligation Retirement Fund (for former Project Area #3)			
347964	CONTRA COSTA COUNTY	DDR REMITTANCE	0.02
334 Redevelopment Obligation Retirement Fund (for former Project Area #4)			
347964	CONTRA COSTA COUNTY	DDR REMITTANCE	0.01
335 Redevelopment Obligation Retirement Fund (for former Project Area #4.1)			
347964	CONTRA COSTA COUNTY	DDR REMITTANCE	1,755.47

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 26, 2013**

Prepared by: Victor Carniglia, City Consultant ✓
Dan Doporto, City Consulting Attorney

Reviewed by: Jim Jakel, City Manager ✓

Date: November 20, 2013

Subject: Adopt the Resolutions Approving 1) the Updated Tax Allocation Agreement between the City and the County, and 2) the Updated Infrastructure Funding Agreement between the City and the County, for the Northeast Antioch Annexation Consisting of Three Separate Annexation Applications for Areas 1, 2a, and 2b totaling approximately 678 acres located in the Northeast Antioch Area

RECOMMENDATION

Staff recommends that the City Council take the following actions:

1. Updated Annexation Tax Revenue Allocation Agreement: Adopt the attached Resolution (Attachment "A") approving the updated Tax Allocation Agreement for the Northeast Antioch Annexation (Exhibit 1 to Attachment "A"). This Agreement, which establishes how tax revenue will be shared between the City and County for the three annexation areas, along with other annexation related issues, is an update/revision to an earlier version of the Agreement which was previously approved by the City Council on August 13, 2013.
2. Updated Infrastructure Funding Agreement: Adopt the attached Resolution (Attachment "B") approving the updated Infrastructure Funding Agreement for the Northeast Antioch Annexation (Exhibit 1 to Attachment "B"). This Agreement, which primarily addresses how both parties will jointly fund and the City construct needed infrastructure to serve Area 2b, is also an update/revision to an earlier version of the Agreement approved by City Council on August 13, 2013.

BACKGROUND INFORMATION

At the August 13, 2013 City Council meeting, the Council, after taking testimony from the public, voted to give the City Manager the discretion to execute both the Tax Allocation and Infrastructure Funding Agreements in substantially the same form as they were presented to City Council. City Council also directed that if the City Manager felt significant changes were being proposed to the Agreements, that the Agreements would be brought back to City Council for consideration. Attached are minutes of the August 13, 2013 Council meeting (Attachment "C").

Subsequent to the August 13, 2013 Council meeting, City staff met/spoke with County staff on a number of occasions in late August and early September in an effort to resolve any differences prior to the Agreements being considered by the Board of Supervisors. At these staff level meetings it became apparent that it was going to take more than minor wording changes to resolve the remaining issues. The most challenging issue revolved around the County's interest in retaining entitlement authority on a portion of the annexation area. This was further complicated by the County's preference to use a three party development agreement as the

“tool” to implement the entitlement issue. It also became apparent that a number of other wording changes would be needed to both Agreements to satisfy each party, with many of the wording changes being minor or a matter of differing terminology.

In order to get closure on the entitlement question, the City's consulting attorney prepared an analysis of the legal questions raised by the County's interest in retaining limited entitlement authority “post annexation”. This analysis pointed to some significant potential legal problems with the City delegating to the County its entitlement authority. Given the legal issues, as well as other practical complications, the County made the decision not to pursue any further the issue of retaining post annexation entitlements.

On November 12, 2013 modified/updated versions of the Tax Allocation and Infrastructure Funding Agreements were approved by the Board of Supervisors by a 5-0 vote. Attached is a copy of the Board Staff Report (Attachment “D”) prepared by County staff, along with draft minutes of the Board meeting (Attachment “E”). The City Manager, in reviewing the scope of the changes to the Agreements approved by the Board of Supervisors, determined that the modifications were significant enough to warrant review and action by the City Council.

The following “ANALYSIS” section of this report discusses the various changes to the Agreements as approved by the Board of Supervisors, as compared to what the City Council approved on August 13, 2013. As noted in the previous “RECOMMENDATION” section, City staff supports the proposed changes as contained in the attached Agreements.

ANALYSIS

OVERVIEW

The Tax Allocation and Infrastructure Funding Agreements approved by the Board of Supervisors on November 12, 2013 contain numerous changes from the versions approved by the City Council on August 13, 2013. It is important to note that the copies of the Agreements attached to this staff report (see Exhibits 1 to Attachments “A” and “B”) reflect the changes to the Agreements as adopted by the Board of Supervisors on November 12.

Most of these wording changes between what City Council approved on August 13, 2013 and what the Board of Supervisors adopted on November 12, 2013 are not material to the terms of the two Agreements, but rather, they involve re-organizing the Agreements and making changes to reflect facts and circumstances arising after August 13. However, a few of the changes in the County's approved Agreements are substantive. The following summarizes the material changes in the Agreements that were approved by the Board of Supervisors:

TAX ALLOCATION AGREEMENT

Applicability and Effectiveness of Agreement: The Council-approved version of this Agreement contained language clarifying the City's and County's understandings that the effectiveness of the tax allocation provisions was contingent upon LAFCO's approving the annexations of Area 1 and Area 2b together. As a result, LAFCO could not approve the annexation of one area without the other, because there would be no effective tax allocation agreement to support the annexation of only one area. This language was considered necessary because the tax allocation provisions of the agreement do not become effective for either Area 1 or Area 2b unless and until both areas are annexed to the City. However, LAFCO's Executive Director advised the parties that LAFCO would not accept a Tax Allocation Agreement that was contingent in this manner. Consequently, the parties agreed to remove Section G of the Council-approved version (requiring concurrent annexation of Areas 1 and 2b)

and modify the language of Section A to re-state the parties' understanding and intentions in a manner that LAFCO would accept. The resulting language of Section A re-states the City's and County's understandings and mutual intent that Area 1 and Area 2b be annexed together, commits the parties to seek reconsideration of LAFCO action that does not conform to the parties' intent, and allows the City to decline to satisfy certain conditions of approval of both annexations such that the City can ensure that one area will not be annexed to the City without the other. As a result, the City retains the ability to effectively terminate the annexation process if LAFCO fails to approve the annexations of both Area 1 and Area 2b at the same time.

Locally Assessed Property Taxes: Section B of the Council-approved version did not explicitly state that City would receive 100% of tax revenue from County Service Areas L-100 and P-6, because it was assumed that these areas would be terminated and tax revenue would be directed to the City. In the version approved by the County Board, language was added to Section B to make this assumption explicit.

Economic Development Initiative: Section E of the Council-approved version provided for each party to set aside \$100,000 per year for five years to develop economic development initiatives applicable to the Annexation Areas. This provision was deemed by the parties to be more appropriately placed in the Infrastructure Agreement. As a result, it was removed from the Tax Allocation Agreement and added to the Infrastructure Agreement (see the discussion under Infrastructure Agreement in this report).

Forestar Property: The "Background" section of this staff report provides a brief summary of the events that occurred relative to this issue after the August 13 Council meeting. Like the Economic Development Initiative provision, this provision was deemed to be more appropriately placed in the Infrastructure Agreement, and so Section F was removed from the Tax Allocation Agreement and new language was added to the Infrastructure Agreement (see the discussion under Infrastructure Agreement).

Timing of Annexation: Section H of the August 13 Council-approved version explained that, if the annexations were not completed by December 1, 2013, then the annexed territory would remain on the County's property tax rolls for Calendar Year 2014 even though the territory would be annexed to the City, thereby resulting in a potential windfall for the County because it would continue to receive tax revenue from the annexed property. The City proposed, in Section H of the Council-approved version, that the City receive a "pro rata" share of the property tax revenues from the annexed territory, based on the date upon which the annexation actually occurred. While the County agreed to "postpone" the City's required \$300,000 infrastructure and \$100,000 economic development payments until the City began to receive property tax revenue in 2015, the County rejected the City's "pro rata" proposal based in part on the County's concerns about setting an adverse precedent. The County also noted that the City's existing Out of Agency Services Agreement with GenOn Marsh Landing, LLC (GenOn is now named NRG) stipulates that the City will receive by June 31, 2014 a \$500,000 post annexation "Representative Tax Payment" to offset the inherent delays between the completion of annexation and the City's receipt of property tax revenue.

Given the County's concurrence to allow the City to postpone making a total of \$400,000 in required infrastructure and economic development payments, combined with the reality that the City will be receiving a \$500,000 Representative Payment from NRG post annexation, staff considers the wording in the Agreements to be acceptable.

INFRASTRUCTURE FUNDING AGREEMENT

Title and Purpose of Agreement: At the County’s request, the City agreed to add a new Section “A” stating that this Agreement is being entered into by the City and County under the Joint Exercise of Powers Act (Government Code section 6500 et seq.). To incorporate the Economic Development Initiative and Forestar Property provisions being relocated from the Tax Allocation Agreement (see below); a new Section B was added to clarify the expanded purposes of this Agreement. Consistent with both of these new sections, the parties agreed to change the title of the agreement to “Joint Exercise of Powers Agreement for Funding Infrastructure Improvements and Planning and Building Inspection Services”.

Clarification of Limits on City’s Infrastructure Construction Obligation: Since the Council approved the August 13 version of this agreement, the County proposed language stating that the City would be “solely responsible” for construction of the infrastructure in Area 2b. To clarify the parties’ understanding of the limits on the City’s construction obligations, new language was added to Sections C.2 and E.1 making it clear that the construction of the infrastructure is contingent on the City receiving the amount of grant funding assumed (approximately \$9 million based on current infrastructure cost estimates), along with a number of other contingencies.

Section C.2 explains that certain of the proposed Area 2b Infrastructure Improvements involve improvements to private streets, and consequently, would require the acquisition of private property in the form of easements and/or rights-of-way. Language was added to Section C.2 to make clear that the City is under no obligation to pay for such private property rights (the infrastructure cost estimates assume they will be voluntarily dedicated by residents at no cost to the City), and to further clarify that if the City is not able to secure such private property rights, then the City will have no obligation to construct the proposed improvements on such private streets.

Section E.1 describes the permitted uses of the infrastructure improvement funds contributed by the City and County. In response to County requests to impose timing requirements on the infrastructure construction, and to address language that could have been construed to require the City to construct the proposed infrastructure even if sufficient funds were not secured, new language was added to Section E.1 specifically stating that “the City will decide, in its sole discretion, if and when to make the Area 2b Infrastructure Improvements,” and “the City does not have any obligation to build the Area 2b Infrastructure Improvements unless and until it obtains sufficient funding as determined by the City.”

Forestar Property Plan Review and Building Inspection Services: As explained previously, the Council-approved Tax Allocation Agreement contained language providing for the County to retain the authority to perform certain planning and permitting services for the Forestar Property. This language was removed from the Tax Allocation Agreement and a new Section F was added to the Infrastructure Agreement describing in greater detail the terms and conditions under which the County will provide plan review and building inspection services to the City for development applications on the Forestar Property. In summary, the County will conduct plan reviews, perform building inspections, and provide related services during the building process, but the City’s Planning Commission and City Council will retain the authority to review and approve any development proposals and issue all building permits. While the County will prepare environmental documents required for such development proposals, the City will retain the authority to approve such documents, determine the appropriate mitigation measures, and assess alternatives to such proposals under the California Environmental Quality Act (“CEQA”). The County will charge the applicant the County’s standard fees for the County-provided services, and the City will be able to collect fees to cover its costs.

Economic Development Initiative/Implementation Costs: As explained above, Section E of the Council-approved Tax Allocation Agreement provided for the City and County each to set aside \$100,000 per year for five years to fund economic development initiatives applicable to the Annexation Areas. This provision was removed from the Tax Allocation Agreement and a new Section G was added to the Infrastructure Agreement. This new Section G is titled "Implementation Costs," and while it provides for each party to set aside \$100,000 per year for five years, it does not mandate the creation of specific economic development initiatives. Instead, under this new Section G, these funds are intended by the parties "to pay their respective staff and consultant costs to implement this Agreement." In addition, under this new Section G, these funds are to be set aside from *ad valorem* property tax revenues generated in Area 1.

NEXT STEPS

Assuming City Council approves the Tax Allocations and Infrastructure Funding Agreements at the November 26, 2013 Council meeting, the annexation applications will be considered by LAFCO at their January 8, 2014 meeting. If approved by LAFCO on that date, the annexation would be recorded in late February or early March 2014. Once recorded the annexation areas will become part of the City of Antioch.

FISCAL ANALYSIS

Despite the fact that the City will not be receiving property tax revenue from the annexation area in calendar year 2014 due to the fact that annexation will not be able to be approved and recorded by LAFCO by December 1, 2013, the net fiscal impact in 2014 will remain positive for the City. Beginning in 2015 (assuming the annexation is approved and recorded by December 1, 2014) the City will be receiving an estimated \$970,000 to \$1,000,000 in property tax revenue in calendar year 2015. Given these circumstances, the fiscal impact of the proposed annexation and related Agreements is and will continue to be significantly positive.

OPTIONS

City Council could choose to deny one or both Agreements. Denial of the Tax Allocation Agreement by Council would prevent the annexation of the three areas from being considered by LAFCO, as a valid executed Tax Allocation Agreement is a requirement for filing a complete application at LAFCO. Such an action would in effect terminate the annexation process.

Denial of the Infrastructure Agreement would result in there being no joint City/County plan to fund needed improvements to Area 2b.

ATTACHMENTS

- A. Resolution Adopting Tax Allocation Agreement with Agreement attached
- B. Resolution Adopting Infrastructure Funding Agreement with Agreement attached
- C. Minutes from the August 13, 2013 City Council meeting
- D. County Staff report from the November 12, 2013 Board of Supervisors meeting
- E. Draft Minutes from the November 12, 2013 Board of Supervisors meeting.

ATTACHMENT "A"

RESOLUTION NO. 2013/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED REORGANIZATION AND TAX REVENUE ALLOCATION AGREEMENT BETWEEN THE CITY OF ANTIOCH AND COUNTY OF CONTRA COSTA FOR THE REORGANIZATION OF AREAS LOCATED NEAR NORTHEAST ANTIOCH BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA COUNTY FOR THE NORTHEAST ANTIOCH REORGANIZATION CONSISTING OF THREE SEPARATE REORGANIZATION APPLICATIONS FOR AREAS 1, 2A, AND 2B, THE COMPLETE REORGANIZATION AREA IS LOCATED GENERALLY SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH

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

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

WHEREAS, the City Council on June 12, 2012 authorized City staff to submit annexation applications for Area 2a and 2b of the Northeast Antioch Area. Area 2a consists of approximately 94 acres located north of Wilbur Avenue, and West of State Route 160 and the Antioch Bridge. Area 2b consists of approximately 103 acres located south of Wilbur Avenue and north of East Eighteenth Street, roughly centered on Viera Avenue; and

WHEREAS, the proposed annexations of Areas 1, 2a, and 2b include concurrent annexation to the Delta Diablo Sanitation District (DDSD). Given that the proposed annexations include two jurisdictions (the City and DDSD) LAFCO considers the proposal to be a "Reorganization", and

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

WHEREAS, a Mitigated Negative Declaration was prepared and circulated for a 30-day review period, with the public review period commencing on February 1, 2013 and ending on March 4, 2013, and all comments received were subsequently responded to and addressed in the final Mitigated Negative Declaration, and

WHEREAS, the City Council at the July 30, 2013 Council meeting approved and adopted the Final Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, determining that the Mitigated Negative Declaration ("IS/MND") adequately addressed the environmental impacts of the Project, including the tax allocation agreement, and

RESOLUTION NO. 2013/**

November 26, 2013

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WHEREAS, State Law and the policies and procedures of Contra Costa County LAFCO require that a tax allocation agreement be approved and executed by both the City and the County prior to the City's Reorganization applications being considered by LAFCO, and

WHEREAS, on December 16, 1980, City and County entered into the Master Property Tax Transfer Agreement for Allocation of Property Taxes. The Master Agreement is not applicable to the proposed reorganization applications as the assessed value of each of the reorganization areas exceeds the \$10,000,000 assessed value maximum in the Master Agreement, and the Parties have not elected to opt into the Master Agreement notwithstanding the same.

WHEREAS, the City and the County have worked together to negotiate in good faith the attached tax allocation agreement, titled "Reorganization and Tax Revenue Allocation Agreement Between the City of Antioch and County of Contra Costa for the Reorganization of Areas Located Near Northeast Antioch (hereafter, the "Tax Allocation Agreement"), that meets the needs and concerns of both parties, and

WHEREAS, the City Council on July 30, 2013 reviewed the draft of the Tax Allocation Agreement, and upon hearing testimony from the public, City Council provided direction to staff in relation to the contents of the Agreement, and

WHEREAS, at the August 13, 2013 City Council meeting, the Council voted to give the City Manager the discretion to execute both the Tax Allocation Agreement and an infrastructure funding agreement in substantially the same form as they were presented to City Council. City Council also directed that if the City Manager felt significant changes were being proposed to the Agreements, that the Agreements would be brought back to City Council for consideration. The attached Tax Allocation Agreement (Exhibit 1) takes precedence over the earlier Tax Allocation Agreement acted on by the City Council on August 13, 2013; and

WHEREAS, the Contra Costa County Board of Supervisors on November 12, 2013 approved the Tax Allocation Agreement. The text of the November 12, 2013 Agreement as approved by the County is consistent with the attached Tax Allocation Agreement (Exhibit 1), and

WHEREAS, the City Manager determined that the modifications to the earlier August 13, 2013 Tax Allocation Agreement were substantial enough to warrant bringing the Agreement back to the City Council for review and action, and

WHEREAS, on November 26, 2013, the City Council duly held a hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch hereby authorizes the City Manager to execute the attached Tax Allocation Agreement included herein as Exhibit 1, in the form as contained in Exhibit 1.

RESOLUTION NO. 2013/**

November 26, 2013

Page 2

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 26th day of November, 2013 by the following vote:

* * * * *

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

EXHIBIT 1 TO ATTACHMENT A

REORGANIZATION AND TAX REVENUE ALLOCATION AGREEMENT BETWEEN THE CITY OF ANTIOCH AND COUNTY OF CONTRA COSTA FOR THE REORGANIZATION OF AREAS LOCATED NEAR NORTHEAST ANTIOCH

This Reorganization and Tax Revenue Allocation Agreement between the City of Antioch and County of Contra Costa for the Reorganization of Areas Located Near Northeast Antioch (this "Agreement"), is entered into as of this ___ day of November, 2013, by and between the City of Antioch, a municipal corporation ("City"), and the County of Contra Costa, California ("County") (each a "Party" and together the "Parties"), pursuant to Resolution No. 2013/433, adopted by the Board of Supervisors of County and Resolution No. 2013/___, adopted by the City Council of City.

RECITALS

- I. On December 16, 1980, City and County entered into the Master Property Tax Transfer Agreement for Allocation of Property Tax Between the County of Contra Costa and City of Antioch Upon Jurisdictional Changes, pursuant to duly adopted resolutions (the "Master Agreement"). The Master Agreement is not applicable to the proposed reorganization areas because the assessed value of each of the areas exceeds the \$10,000,000 assessed value maximum in the Master Agreement, and the Parties have not elected to opt in to the Master Agreement.
- II. On August 16, 2007, City submitted to the Contra Costa Local Agency Formation Commission ("LAFCO") its application (LAFCO Proposal No. 07-17), for the reorganization of approximately 488 acres of unincorporated land located in close proximity to Wilbur Avenue, including the NRG Energy, Inc. ("NRG") power plant area to the City of Antioch and the Delta Diablo Sanitation District ("DDSD"), which area is referred to herein as "Area 1" and depicted on the map attached hereto as Exhibit A.
- III. On November 30, 2012, City submitted to LAFCO its application (LAFCO Proposal No. 12-07), for the reorganization of approximately 110 acres of unincorporated land located south of Wilbur Avenue and roughly centered on Viera Avenue in the northeast area of Antioch to the City of Antioch and DDSD, which area is referred to herein as "Area 2B" and depicted on the map attached hereto as Exhibit B and incorporated herein by this reference.
- IV. On July 30, 2013, City submitted to LAFCO its application (LAFCO Proposal No. 13-08), for the reorganization of approximately 116 acres of unincorporated land used primarily for commercial and marina use in the northeast area of Antioch to the City of Antioch and DDSD, which area is referred to herein as "Area 2A" and depicted on the map attached hereto as Exhibit C and incorporated herein by this reference.
- V. Collectively, Area 1, Area 2A and Area 2B are referred to herein as the "Northeast Antioch Study Area." The Northeast Antioch Study Area is depicted on the Northeast

Antioch Study Area Map attached hereto as Exhibit D and incorporated herein by this reference.

- VI. Government Code Section 56000, *et seq.* (the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) and California Revenue and Taxation Code Section 99 require County and City to negotiate an exchange of property tax revenues as a condition of LAFCO's approval of the reorganization of Area 1, Area 2A, and Area 2B.
- VII. The NRG Marsh Landing Power Generating Station, recently constructed in Area 1 (the "NRG Power Plant"), and other energy transportation customers located in the Northeast Antioch Study Area, generate surcharge revenue which is remitted to County.
- VIII. County has granted a franchise to Pacific Gas and Electric Company ("PG&E"), whereby PG&E pays County for the privilege of transmitting electricity and gas through lines and pipes located in the Northeast Antioch Study Area.
- IX. Concurrent with the execution of this Agreement, City and County intend to enter into an agreement for the funding by City and County of certain necessary infrastructure improvements in the Northeast Antioch Study Area.
- X. County and City desire to establish herein provisions for the respective allocation of property taxes, sales and use taxes, franchise fees, and surcharge revenues generated in the Northeast Antioch Study Area following the annexations of Area 1, Area 2A and Area 2B to the City as provided herein, in compliance with the applicable provisions of the California Revenue and Taxation Code.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which the Parties agree are true and correct and which are hereby incorporated into the terms, promises, condition, covenants and provisions of this Agreement, and of the promises, conditions, covenants and provisions set forth herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, City and County hereby agree as follows:

A. Applicability of Agreement; Reorganization Area. The term "Reorganization Area" as used in this Agreement, applies to Area 1, Area 2A and Area 2B only if and after each area annexes to the City. If Area 1 and Area 2B annex to the City before or without Area 2A, the term "Reorganization Area" will apply only to Area 1 and Area 2B. If Area 2A annexes to the City before or without Area 1 and Area 2B, the term "Reorganization Area" will apply only to Area 2A. If Area 1, Area 2A and Area 2B all annex to the City, then the term "Reorganization Area" will mean all three areas. The Parties agree that Sections B through D of this Agreement (the "Allocation Provisions") shall not apply to any part of the Northeast Antioch Study Area unless and until such part has been annexed to the City and a certificate of completion has been recorded for such annexation, as further and more specifically described in the following Sections A.1 and A.2.

- 1. Area 1 and Area 2B. The Parties intend and will ask LAFCO to condition the annexation of Area 1 on the annexation of Area 2B, and to condition the

annexation of Area 2B on the annexation of Area 1, and to specify that the certificates of completion (as defined in California Government Code Section 56020.5) for Area 1 and Area 2B be filed with and recorded by the Contra Costa County Recorder on the same date and on the earliest reasonable date authorized according to LAFCO's action on the City's reorganization applications. Neither Area 1 nor Area 2B will become part of the "Reorganization Area," as that term is used in the Allocation Provisions of this Agreement, unless and until certificates of completion for both Area 1 and Area 2B are filed with and recorded by the Contra Costa County Recorder. This Agreement will not affect the allocation of property taxes, sales and use taxes, surcharge revenues, or franchise fees for Area 1 or Area 2B unless and until both Area 1 and Area 2B are annexed to the City. At the meeting where LAFCO considers LAFCO Proposal Nos. 07-17 and 12-07, if LAFCO fails to approve the annexation of Area 1 and Area 2B concurrently, then both Parties will apply for and support a reconsideration of and withdrawal of LAFCO Proposal Nos. 07-17 and 12-07, and take all other actions they deem necessary to terminate the annexation, including the City's declining to satisfy the LAFCO condition requiring indemnification.

2. Area 2A. Area 2A will not become part of the Reorganization Area, as that term is used in the Allocation Provisions of this Agreement, unless and until a certificate of completion for Area 2A is filed with and recorded by the Contra Costa County Recorder.
3. Effect of Agreement. This Agreement is applicable solely to the Reorganization Area, as defined herein, and does not constitute either a master property tax exchange agreement, or an agreement on annexations or reorganizations outside of the Reorganization Area.

B. Property Taxes.

1. Locally Assessed Property.
 - a. Initial Year. Except as provided in subsections B(2) and B(3) below, for the first fiscal year that this Agreement is effective:
 - (i) City shall be allocated (x) thirty eight percent (38%) of the County's pre-Agreement base property tax for the Reorganization Area, and County shall be allocated sixty two percent (62%) of the County's pre-Agreement base property tax for the Reorganization Area, (y) one hundred percent (100%) of County Service Area L-100's pre-Agreement base property tax for the Reorganization Area, and (z) one hundred percent (100%) of County Service Area P-6's pre-Agreement base property tax for the Reorganization Area; and
 - (ii) City shall have a tax increment allocation factor for each tax rate area in the Reorganization Area equal to thirty eight percent (38%)

of County's tax increment allocation factor for the prior fiscal year for each tax rate area in the Reorganization Area, and County's new annual tax increment allocation factor for each tax rate area in the Reorganization Area shall be equal to sixty two percent (62%) of County's annual tax increment allocation factor for the prior fiscal year for each tax rate area in the Reorganization Area. City shall have a tax increment allocation factor for each tax rate area in the Reorganization Area equal to one hundred percent (100%) of County Service Area L-100's tax increment allocation for the prior fiscal year for each tax rate area in the Reorganization Area, and City shall have a tax increment allocation factor for each tax rate area in the Reorganization Area equal to one hundred percent (100%) of County Service Area P-6's tax increment allocation for the prior fiscal year for each tax rate area in the Reorganization Area.

- b. Subsequent Years. Except as provided in subsections B(2) and B(3) below, in each subsequent fiscal year, City's and County's respective allocation of property taxes from the Reorganization Area will be made as set forth in California Revenue and Taxation Code Sections 96.1 and 96.5. These Revenue and Taxation Code Sections currently provide that each year, each of City and County will be allocated its respective base tax (i.e., the tax allocated to City and County, respectively, in the preceding year including the previous year's annual tax increment), plus its share of the current year's annual tax increment for the Reorganization Area, such share being calculated by multiplying the tax resulting from growth in assessed valuation in the Reorganization Area from the prior year by the City's or County's respective annual tax increment allocation factor for the Reorganization Area as determined in subsection B(1)(a)(i) or subsection B(1)(a)(ii) above. The result (i.e., base tax plus tax increment amount) becomes the base tax for the Reorganization Area's next year's tax allocation calculations. Each of City's and County's base tax and annual tax increment allocation factors for the Reorganization Area may be subsequently modified only through negotiated exchanges in accordance with California Revenue and Taxation Code Sections 99 and/or 99.1 for subsequent jurisdictional changes.
- c. Property Tax Allocation Agreement. City and County agree that this Agreement shall apply to determine the allocation between the Parties of property tax revenue generated from the Reorganization Area in lieu of the negotiation process set forth in California Revenue and Taxation Code Section 99(e).

2. Allocation of State Board of Equalization Assessed Electric Generation Facilities - Merchant Power Plants (Rev. and Tax Code 100.9).

The amount of property tax revenues that would have, in the absence of this Agreement, been allocated to the County for electric generation facilities that are assessed by the State Board of Equalization pursuant to California Revenue and Taxation Code Section 100.9(a)(3), shall be allocated as follows: (i) sixty two percent (62%) to County, and (ii) thirty eight percent (38%) percent to City.

3. Allocation of Public Utility Owned Qualified Property - Qualified Power Plants (Rev. and Tax Code 100.95).

The “local jurisdiction” allocation of property tax revenues under California Revenue and Taxation Code Section 100.95(a)(3)(B)(i)(I) derived from public utility qualified property (as the term “qualified property” is defined in California Revenue and Taxation Code Section 100.95(c)(1), “Qualified Property”) in the Reorganization Area, including without limitation PG&E’s Gateway Generating Station located in Area 1, will be allocated as follows: forty percent (40%) to County, and sixty percent (60%) to City. For the purposes of clarity, County will retain 100% of the “County jurisdiction” allocation of property tax revenues under California Revenue and Taxation Code Section 100.95(a)(3)(A)(ii) for Qualified Property in the Reorganization Area.

C. Sales and Use Tax Revenues.

1. Apportionment. Pursuant to Government Code Section 55704.5, the governing bodies of City and County have duly adopted resolutions to apportion all sales and use tax revenue collected by City pursuant to California Revenue and Taxation Code Section 7200, *et seq.* (Bradley-Burns Local Sales and Use Tax Law) from the Reorganization Area as follows: fifty percent (50%) to City, and fifty percent (50%) to County (County’s fifty percent (50%), the “County’s Share”), provided, that all revenues generated in the Reorganization Areas pursuant to a City-only Sales and Use Tax ballot measure, whether approved before or after annexation of the Reorganization Area, shall explicitly be excluded from this sharing formula and shall be solely allocated to and collected by City.

2. Remittance; Accounting. Not later than November 1 of each year, City shall remit to County’s Auditor-Controller the County’s Share of the total amount of Sales and Use Tax Revenue received by City from the Reorganization Area during the preceding fiscal year. When City remits County’s Share of the Sales and Use Tax Revenue to County’s Auditor-Controller, it will provide the County Administrator’s office with a copy of the remittance. County has the right to audit City’s books to verify the amount remitted as the County’s Share.

D. Surcharge Revenues and Franchise Fees.

1. Surcharge Revenues. Pursuant to Public Utilities Code Sections 6350 through 6354.1, Transportation Customers located in the Reorganization Area, including without limitation the NRG Power Plant, are obligated to pay a surcharge to Energy Transporter PG&E, who then remits the surcharge to County (such amounts, the "Surcharge Revenues"). County will receive the Surcharge Revenues generated from Transportation Customers located in the Reorganization Area and distribute them pursuant to the provisions of subsection D(2) below.

2. Distribution of Surcharge Revenues. The Parties hereto agree that: (a) County is entitled to, and shall receive, the first Two Hundred Thousand (\$200,000) of Surcharge Revenues generated from Assessor Parcel Numbers 051-031-018 and 051-031-019 (the "NRG Parcels"); (b) any additional Surcharge Revenues generated from the NRG Parcels in excess of Two Hundred Thousand (\$200,000) will be divided fifty percent (50%) to City and fifty percent (50%) to County; and (c) one hundred percent (100%) of all Surcharge Revenues remitted on account of Transportation Customers located in the Reorganization Area but outside of the NRG Parcels shall be paid to County.

3. Remittance and Accounting of Surcharge Revenues. Not later than May 31 of each year, County shall remit to City all Surcharge Revenues received from PG&E for the preceding calendar year as required pursuant to subsection D(2) above. Along with each remittance, County shall provide City with supporting documentation, which will indicate the amount of Surcharge Revenues generated on the NRG Parcels during the preceding year and the documentation will include data provided to County by PG&E with respect to the NRG Parcels.

4. Franchise Fees. Pursuant to resolution and Public Utilities Code Section 6201, *et seq.*, County has granted a franchise to PG&E and its successors and assigns for the right to transmit electricity and gas, respectively, through lines and pipes located in the unincorporated area of County, including lines and pipes located in the Reorganization Area. PG&E pays county franchise fees (the "Franchise Fees") for such rights. County shall receive any and all Franchise Fees in the Reorganization Area.

5. Remittance and Accounting of Franchise Fees. If for any reason City receives Franchise Fees from PG&E for the Reorganization Area, City shall, not later than May 31 of each year, remit to County any and all Franchise Fees it receives from PG&E for the preceding calendar year that were generated from the Reorganization Area. Along with each remittance, City shall include supporting documentation indicating the number or miles of gas transmission pipes and electricity transmission lines in the Reorganization Area and the respective per mile fee for gas transmission pipes and electricity transmission lines, such documentation to include reports provided to City by PG&E.

6. Defined Terms. Capitalized terms used in this Section D that are not otherwise defined in this Agreement shall have the meanings ascribed thereto in California Public Utilities Code Section 6351.

E. Other Agencies. This Agreement does not change the property tax revenues accruing to other agencies currently serving the Reorganization Area, or such agencies' rights to collect taxes for existing bonded indebtedness.

F. Exhibits; Complete Agreement. This Agreement and the attached exhibits constitute the entire agreement between the Parties relating to the subject matter of this Agreement. All exhibits attached to this Agreement and referenced herein constitute a part of this Agreement. The following exhibits are attached to this Agreement and constitute a part of this Agreement:

Exhibit A – Map of Area 1

Exhibit B – Map of Area 2B

Exhibit C – Map of Area 2A

Exhibit D – Map of Northeast Antioch Study Area

To the extent that any provision of this Agreement conflicts with any provision set forth in the Master Agreement, this Agreement shall control.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the date first set forth above.

COUNTY OF CONTRA COSTA,
a political subdivision of the State
of California

CITY OF ANTIOCH, a municipal
corporation

By: _____
Federal Glover, Chairperson
of the Board of Supervisors

By: _____
Wade Harper, Mayor
of the City of Antioch

Attest:

Attest:

By: _____
David J. Twa, Clerk
of the Board of Supervisors

By: _____
Arne Simonsen, Clerk
of the City of Antioch

Approved as to Form:

Approved as to Form:

Sharon L. Anderson, County Counsel

By: _____
Name: _____
Title: Deputy County Counsel

By: _____
Daniel P. Doporto, Special Counsel
to the City of Antioch

EXHIBIT A
MAP OF AREA 1

See attached.



Northwest Antioch Annexation Study Area 1

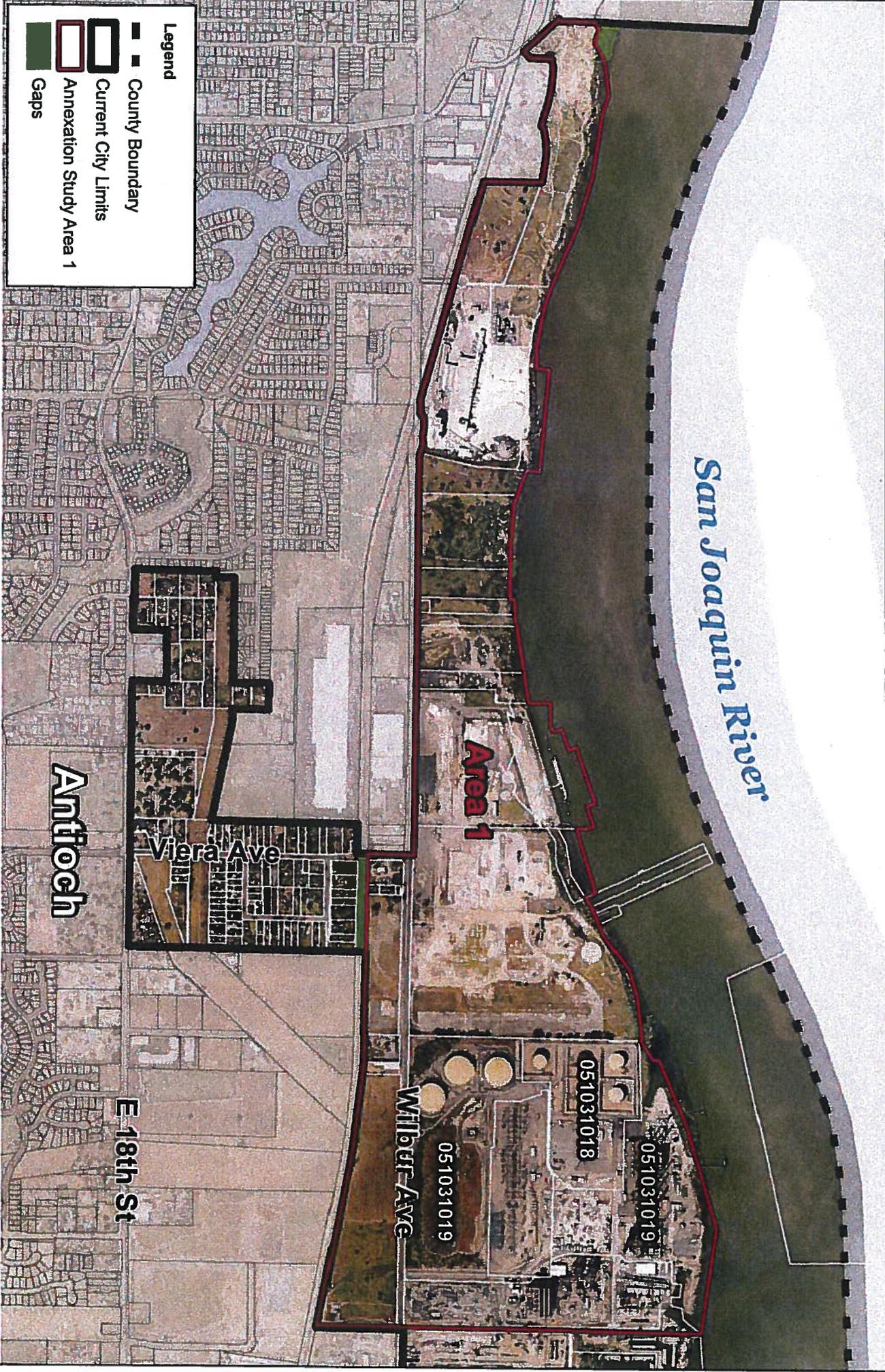
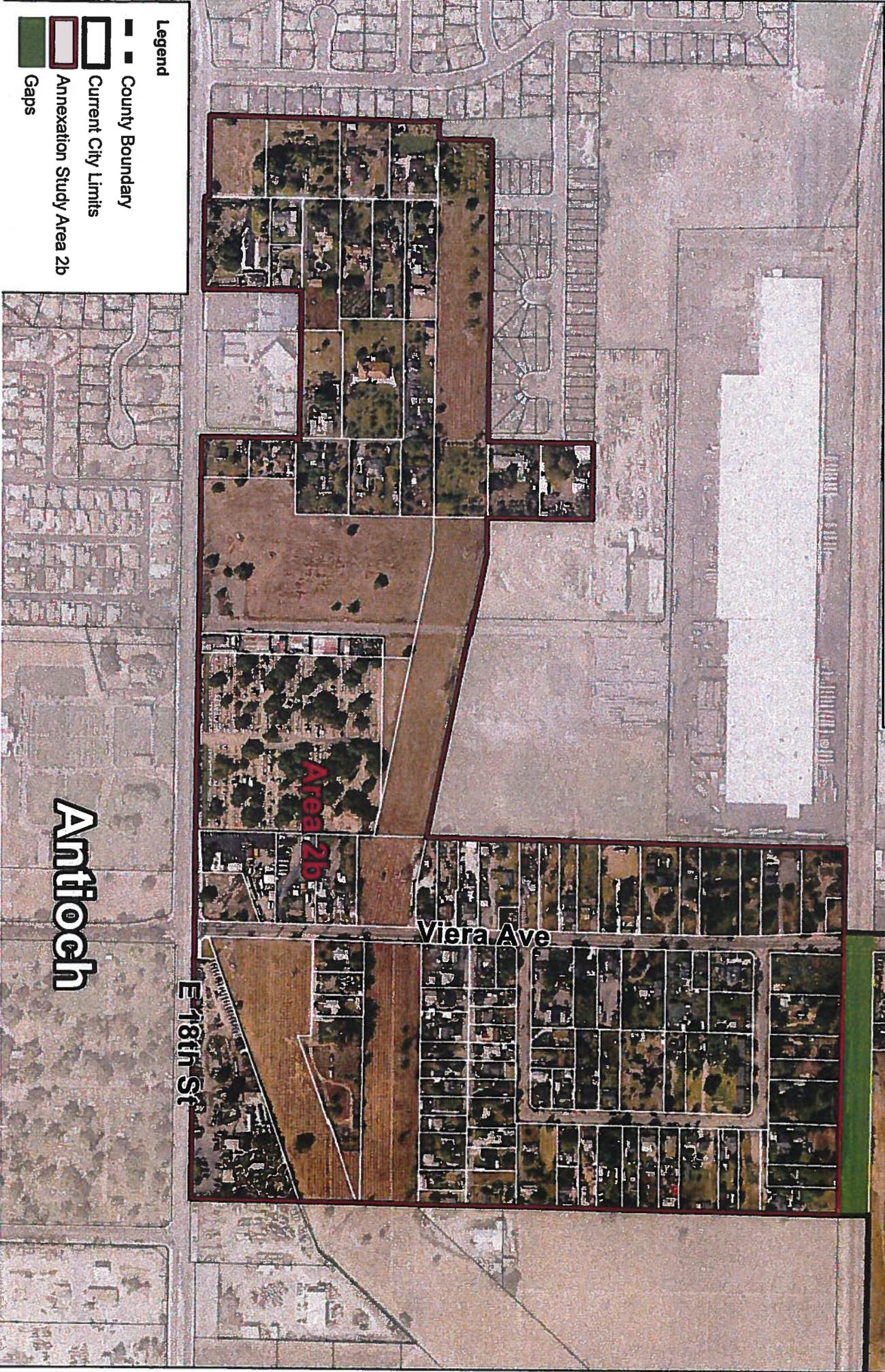


EXHIBIT B
MAP OF AREA 2B

See attached.



Northwest Antioch Annexation Study Area 2b



Legend

-  County Boundary
-  Current City Limits
-  Annexation Study Area 2b
-  Gaps

Antioch

Wilbur Ave

Viera Ave

E 18th St

Area 2b

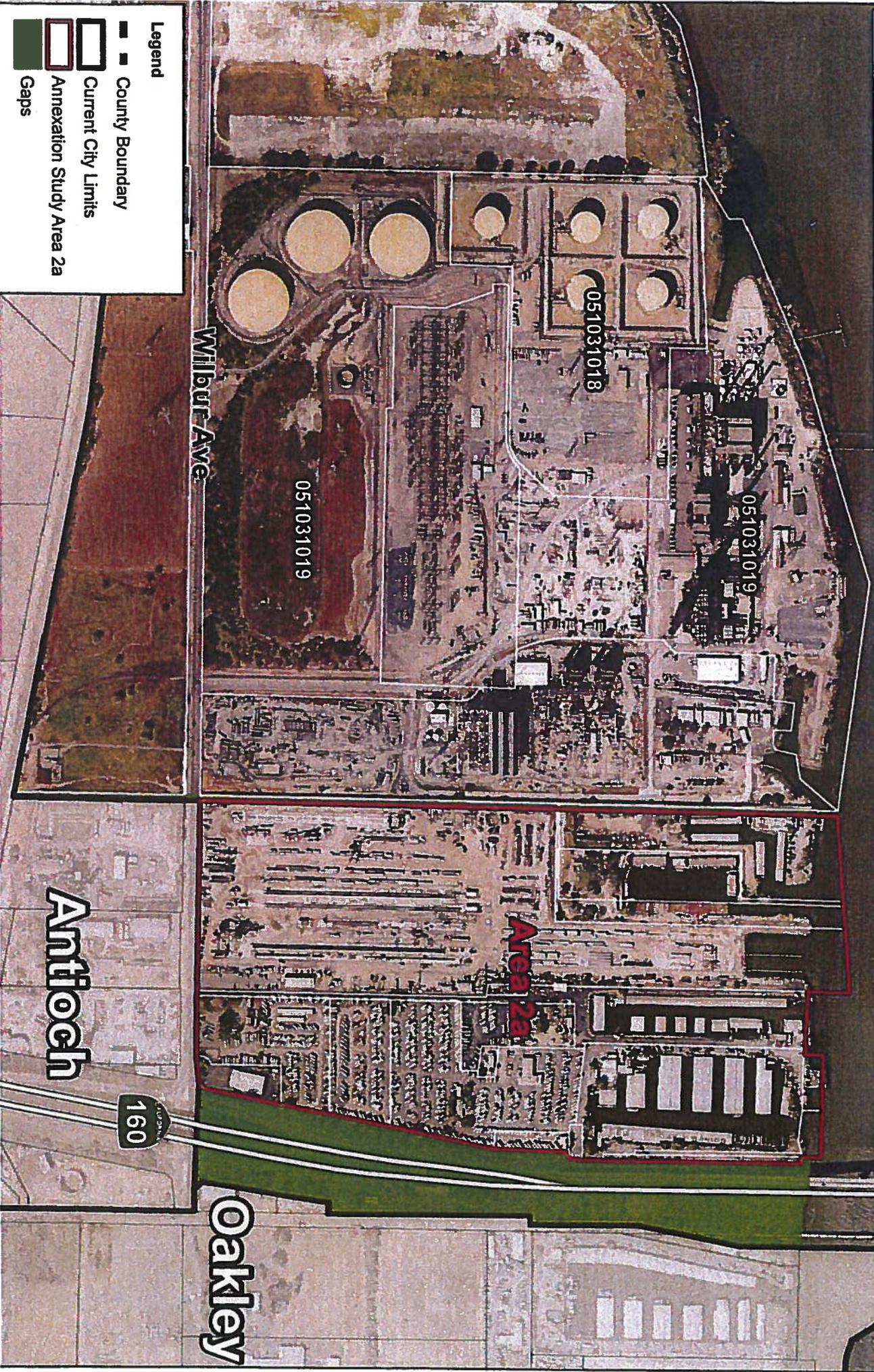
EXHIBIT C
MAP OF AREA 2A

See attached.



Northwest Antioch Annexation Study Area 2a

San Joaquin River



Legend

- County Boundary
- Current City Limits
- Annexation Study Area 2a
- Gaps

Antioch

Oakley



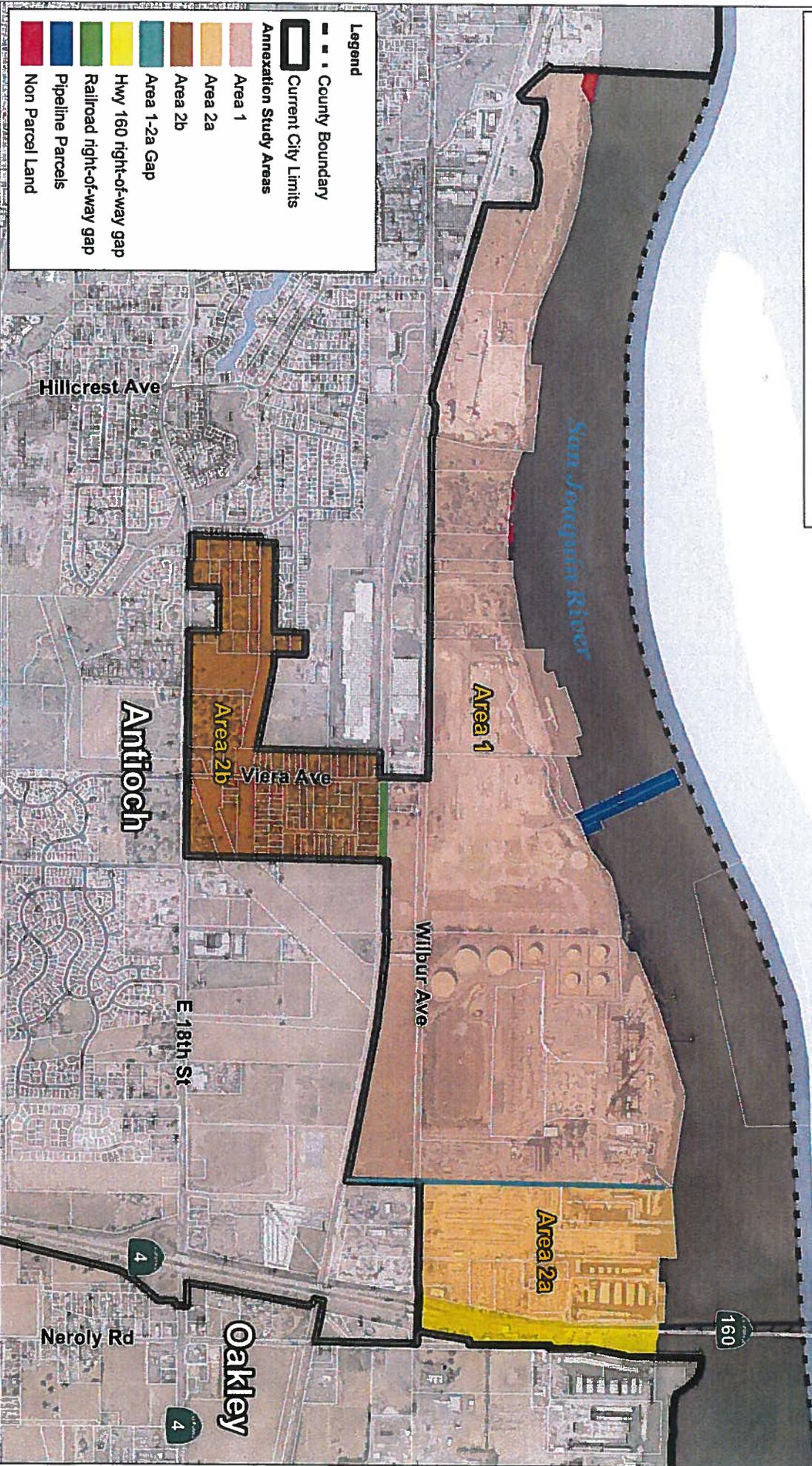
EXHIBIT D

NORTHEAST ANTIOCH STUDY AREA MAP

See attached.



Northeast Antioch Annexation Study Area



Legend

- - - County Boundary
- ▭ Current City Limits
- ▭ Annexation Study Areas
 - Area 1
 - Area 2a
 - Area 2b
 - Area 1-2a Gap
 - Hwy 160 right-of-way gap
 - Railroad right-of-way gap
 - Pipeline Parcels
 - Non Parcel Land

Scale: 0, 750, 1,500 Feet

North Arrow

Map prepared by: City of Antioch, Planning and Development Department
 Date: 10/20/2011
 Project: Northeast Antioch Annexation Study Area

This map is for informational purposes only and does not constitute a contract. The City of Antioch is not responsible for any errors or omissions on this map. The City of Antioch is not responsible for any damages or liabilities arising from the use of this map.

Attachment A

A19

ATTACHMENT "B"

RESOLUTION NO. 2013/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED JOINT EXERCISE OF POWERS AGREEMENT FOR FUNDING INFRASTRUCTURE IMPROVEMENTS, AND PLANNING AND BUILDING INSPECTION SERVICES BETWEEN THE CITY OF ANTIOCH AND CONTRA COSTA COUNTY

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

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

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

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

WHEREAS, a Mitigated Negative Declaration was prepared and circulated for a 30-day review period, with the public review period commencing on February 1, 2013 and ending on March 4, 2013, and all comments received were subsequently responded to and addressed in the final Mitigated Negative Declaration, and

WHEREAS, the City Council at the July 30, 2013 Council meeting approved and adopted the Final Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, determining that the Mitigated Negative Declaration ("IS/MND") adequately addressed the environmental impacts of the Project, including the infrastructure funding agreement, and

WHEREAS, The City and the County have negotiated the Reorganization and Tax Revenue Allocation Agreement Between the City of Antioch and County of Contra Costa for the Reorganization of Areas Located Near Northeast Antioch, dated November 12, 2013 (the "Tax Allocation Agreement"), between the City and the County, as required by Government Code Section 56000, *et seq.* (the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) and California Revenue and Taxation Code Section 99, and the Parties intend to have

RESOLUTION NO. 2013/**

November 26, 2013

Page 2

their respective governing bodies consider and act on this Joint Exercise of Powers Agreement for Funding Infrastructure Improvements, and Planning and Building Inspection Services, dated November 12, 2013 (hereafter, the "Joint Exercise of Powers Agreement"), at the same time they consider and act on the Property Tax Allocation Agreement, and

WHEREAS, there are approximately 110 parcels of residential property located in Area 2b that were built in the 1940's-1960's that have individual wells and septic systems. The size of many of these parcels does not meet the minimum lot size requirement for onsite potable water and septic systems, and

WHEREAS, the City and the County agree that sewer, water, and storm drain infrastructure improvements in Area 2b will greatly enhance the infrastructure in the area, and will address significant potential public health safety issues. The City and the County desire to cooperate to improve the infrastructure in Area 2b by entering into this Joint Exercise of Powers Agreement.

WHEREAS, at the August 13, 2013 City Council meeting, the Council voted to give the City Manager the discretion to execute earlier versions of both the Tax Allocation Agreement and Infrastructure Funding Agreement in substantially the same form as they were presented to City Council. City Council also directed that if the City Manager felt significant changes were being proposed to the Agreements, that the Agreements would be brought back to City Council for consideration. The attached Joint Exercise of Powers Agreement for Infrastructure (Exhibit 1) takes precedence over the earlier Infrastructure Funding Agreement acted on by the City Council on August 13, 2013; and

WHEREAS, the Contra Costa County Board of Supervisors on November 12, 2013 approved the Joint Exercise of Powers Agreement for Infrastructure. The text of the November 12, 2013 Joint Exercise of Powers Agreement for Infrastructure as approved by the County is consistent with the attached Joint Exercise of Powers Agreement for Infrastructure (Exhibit 1), and

WHEREAS, the City Manager determined that the modifications to the earlier August 13, 2013 Agreement for Infrastructure were substantial enough to warrant bringing the Agreement back to the City Council for review and action, and

WHEREAS, on November 26, 2013, the City Council duly held a hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch hereby authorizes the City Manager to execute the attached Joint Exercise of Powers Agreement included herein as Exhibit 1 in the form as contained in Exhibit 1, which determines how funding the infrastructure to serve Area 2b will be shared between the City and the County, and how certain planning and building inspection services will be provided by the County to the City.

RESOLUTION NO. 2013/**

November 26, 2013

Page 3

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 26th day of November, 2013 by the following vote:

* * * * *

AYES:

NOES:

ABSENT:

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

EXHIBIT 1 TO ATTACHMENT B**JOINT EXERCISE OF POWERS AGREEMENT FOR FUNDING INFRASTRUCTURE IMPROVEMENTS, AND PLANNING AND BUILDING INSPECTION SERVICES**

This Joint Exercise of Powers Agreement for Funding Infrastructure Improvements, and Planning and Building Inspection Services (this "Agreement") is entered into as of this ____ day of November, 2013, by and between the City of Antioch, a municipal corporation (the "City"), and the County of Contra Costa (the "County") (each a "Party" and together the "Parties").

RECITALS

- I. The City has submitted three separate applications to the Contra Costa Local Agency Formation Commission to reorganize approximately 678 acres of unincorporated Contra Costa County adjacent to the City into the City and the Delta Diablo Sanitation District. The three proposed reorganization areas are commonly referred to, and are referred to herein, as: "Area 1," consisting of approximately 470 acres and occupied primarily by industrial uses; "Area 2A," consisting of approximately 94 acres and occupied primarily by commercial and marina uses; and "Area 2B," consisting of approximately 102 acres and occupied primarily by residential uses. If Area 1 and Area 2B are annexed to the City, but area 2A does not annex to the City, Area 1 and Area 2B shall comprise and be defined as the "Reorganization Area" for purposes of this Agreement. If Area 1, Area 2A, and Area 2B are annexed to the City, all three areas shall comprise and be defined as the "Reorganization Area" for purposes of this Agreement. The three subareas are described generally on Exhibit A (the "Northeast Antioch Study Area Map"), attached hereto and incorporated herein.
- II. The City and the County have negotiated the Reorganization and Tax Revenue Allocation Agreement Between the City of Antioch and County of Contra Costa for the Reorganization of Areas Located Near Northeast Antioch, dated November ____ 2013 (the "Property Tax Allocation Agreement"), between the City and the County, as required by Government Code Section 56000, *et seq.* (the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) and California Revenue and Taxation Code Section 99.
- III. There are approximately 110 parcels of residential property located in Area 2B that were built in the 1940's-1960's and have individual wells and septic systems. The sizes of these parcels do not satisfy current City code requirements for the replacement of individual wells and septic systems.
- IV. The City and the County agree that sewer, water, and storm drain infrastructure improvements in Area 2B will improve the infrastructure in the area. The City and the County desire to cooperate to improve the infrastructure in Area 2B by entering into this Agreement to provide for the funding of certain infrastructure improvements and other funding to be implemented as set forth herein.

- V. In recognition of County's greater staffing resources and experience in industrial plan review and building inspections, the Parties intend that County will provide plan review and building inspection services for a designated commercial parcel located in Area 1, as provided in this Agreement, if and when Area 1 is annexed to the City and is located in the City's jurisdiction.
- VI. In compliance with the requirements of the California Environmental Quality Act, the City has adopted a mitigated negative declaration to address the potential environmental effects of the reorganization of Area 1, Area 2A and Area 2B, and the implementation of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which the Parties agree are true and correct, and of the promises, conditions, covenants and provisions set forth herein, and other good and valuable consideration, the City and the County hereby agree as follows:

- A. **Authority for Agreement.** This Agreement is entered into pursuant to Government Code Section 6500, *et seq.*, (the Joint Exercise of Powers Act) authorizing two or more public agencies to jointly exercise any power common to them. Both the City and the County have the power to (i) expend funds to install sewer, potable water, lighting, storm water drainage and other infrastructure improvements within their respective jurisdictions, and (ii) perform plan reviews and building inspections within their respective jurisdictions.
- B. **Purpose.** The purposes of this Agreement are to provide for: (i) the contribution of City and County funds towards the construction of the Area 2B Infrastructure Improvements as described in Sections C, D, and E below; (ii) the County to perform the plan review and building inspection services described in Section F below; and (iii) the City and County to each budget, set aside and reserve certain funds to implement this Agreement as described in Section G below.
- C. **Infrastructure Improvements.**
 - 1. **Description of Planned Infrastructure Improvements.** The types of infrastructure improvements, approximate location, size, depth, material type, and other relevant physical characteristics of the infrastructure improvements to be constructed to serve Area 2B are listed in Exhibit B attached hereto and incorporated herein, and are depicted graphically on Exhibit B-1 attached hereto and incorporated herein (collectively, the "Area 2B Infrastructure Improvements").
 - 2. **Private Streets.** The Parties acknowledge that the City will need to obtain easements and/or rights-of-way from the owners and/or occupants of the privately owned streets identified on Exhibit B-1 (the "Private Streets") in order to install the Area 2B Infrastructure Improvements on the Private Streets. The installation of the Area 2B Infrastructure Improvements is contingent on the owners of the Private Streets granting the City the necessary easements and/or rights-of-way to install the Area 2B Infrastructure Improvements. For one year beginning on the Operative Date (as defined

in Section H below), the City will make every reasonable effort to acquire, at no cost, the property rights necessary to install the Area 2B Infrastructure Improvements (excluding the use of eminent domain). If at the end of the one year period the City has not secured the property rights necessary to install the Area 2B Infrastructure Improvements on any or all of the Private Streets, the City and the County will amend Exhibit B and Exhibit B-1 attached hereto to remove those Private Streets from Exhibit B and Exhibit B-1, and the City shall have no further responsibility under this Agreement to install the Area 2B Infrastructure Improvements on those Private Streets.

D. Infrastructure Improvement Funding.

1. **Infrastructure Improvement Funding.** Each Party will contribute a total of Three Million Dollars (\$3,000,000) to fund the Area 2B Infrastructure Improvements, for a total contribution from both Parties of Six Million Dollars (\$6,000,000) (the "Area 2B Infrastructure Contributions"). Each Party will contribute its Three Million Dollar (\$3,000,000) contribution incrementally over a ten year period with annual payments of \$300,000 per year.

3. **City Infrastructure Funding Contributions.** Beginning on the second July 1 following the Operative Date (as defined in Section H below) and, subject to Section E(1) below, on January 1 of each of the nine succeeding years, the City will contribute Three Hundred Thousand Dollars (\$300,000) of City funds (the "City Area 2B Infrastructure Contribution") into a special purpose fund (the "Special Purpose Fund") that can only be used for Permitted Uses (as that term is defined in Section E(1) below). No later than 30 days after the City's receipt of a written request from the County, the City will provide the County evidence satisfactory to the County, as reasonably determined by the County Administrator or designee, that the City has contributed the City Area 2B Infrastructure Contribution for that fiscal year as required by this Agreement.

4. **County Infrastructure Funding Contribution.** Except as otherwise provided herein, beginning on the first July 1 following the Operative Date (as defined in Section H below), and on January 1 of each of the nine succeeding years, the County will pay into the Special Purpose Fund established by the City the sum of Three Hundred Thousand Dollars (\$300,000) (the "County Area 2B Infrastructure Contribution"), which payment shall be used by the City solely for the Permitted Uses (as that term is defined in Section E(1) below). Under no circumstances shall the total County Area 2B Infrastructure Contribution exceed Three Million Dollars (\$3,000,000). The County's County Area 2B Infrastructure Contributions shall be sent to the City Manager at the address set forth in Section K(7) below. The City will immediately place the County Area 2B Infrastructure Contribution funds into the Special Purpose Fund and use them in accordance with the terms of this Agreement.

E. Use of Infrastructure Improvement Funds.

1. Use of Infrastructure Improvement Contributions. The City may use the Area 2B Infrastructure Contributions only for the following purposes: (a) to pay City employees for performing work reasonably determined by the City to be necessary to construct the Area 2B Infrastructure Improvements; and (b) to pay contractors and consultants for designing and constructing the Area 2B Infrastructure Improvements (the “Permitted Uses”). The County’s only obligation regarding the Area 2B Infrastructure Improvements is to provide the County Area 2B Infrastructure Contribution. The County is not responsible for the construction of any Area 2B Infrastructure Improvements. The City will decide, at its sole discretion, if and when to make the Area 2B Infrastructure Improvements and will handle all construction-related activities. The City does not have any obligation to build the Area 2B Infrastructure Improvements unless and until it obtains sufficient funding as determined by the City. The City Area 2B Infrastructure Contribution and the County Area 2B Infrastructure Contribution may only be expended for Permitted Uses. If the City does construct any Area 2B Infrastructure Improvements, then equal shares of the City Area 2B Infrastructure Contribution and the County Area 2B Infrastructure Contribution must be expended for this purpose. The County may withhold future County Area 2B Infrastructure Contributions if the City does not provide satisfactory evidence to the County that equal shares of the City Area 2B Infrastructure Contribution and the County Area 2B Infrastructure Contribution were expended on Permitted Uses. If after five years the City has not committed funding to a Permitted Use, then the County may withhold future Area 2B Infrastructure Contributions until such time as funding has been committed to a Permitted Use. If the City elects to cancel the Area 2B Infrastructure Improvements project, all uncommitted County Area 2B Infrastructure Contributions will be returned to the County. At the end of the 10-year period following the Operative Date, if the amount of County Area 2B Infrastructure Contribution spent on Permitted Uses has exceeded the amount of City Area 2B Infrastructure Contribution spent on Permitted Uses, the City shall reimburse to the County an amount necessary to equalize both parties’ contributions.

2. County Cooperation in Securing Funding. County will reasonably cooperate with the City in the City’s efforts to secure additional funding for the purpose of constructing the Area 2B Infrastructure Improvements.

F. Forestar Property Plan Review and Building Inspection Services.

1. Application Processing. If and when the annexation of the Reorganization Area is complete, Area 1 will be located in the City’s jurisdiction. Area 1 includes approximately 114 acres of land, identified as APNs 051-031-005, 051-020-006, 051-020-012 and 051-031-013, currently owned by Forestar (USA) Real Estate Group Inc. (the “Forestar Property”). The County has experience in industrial permitting and building inspections, and greater staffing capability than does the City. Applications for development of the Forestar Property will be submitted to County’s Department of Conservation and Development for processing on behalf of the City. The County will

provide the services set forth in this Section F for a period of five (5) years from the Operative Date (as defined in Section H), or until certificates of occupancy are issued, whichever comes first. The County will endeavor to notify the City of its receipt of an application for the development of the Forestar Property no later than the business day following the submission of the application, and in no event later than three (3) days following the submission of the application. Not later than five (5) business days following its receipt of the application, the County will provide the City with at least three (3) complete copies, two (2) in paper form and one (1) in electronic form, of all application materials, and shall provide the City with three (3) complete copies, two (2) in paper form and one (1) in electronic form, of all subsequently received application materials within five (5) business days of its receipt. The County will provide the City with bi-weekly updates on the status of any such application, and the County shall copy the City on all correspondence relating to the application, including but not limited to email correspondence. The County will also provide to the City, for the City's review and approval, and in a timely manner sufficient to allow for revisions deemed necessary by the City, all staff reports relating to the application. The City retains the authority to act on all entitlements and permits sought by the application.

2. Planning Review and CEQA.

a. Planning Review. The environmental review of the project, plan review and building inspection services for development applications filed for the Forestar Property will be provided by the County through its Department of Conservation and Development. In processing applications for the development of the Forestar Property, the County will follow the City's General Plan, planning, zoning and building requirements, and all applicable state laws, regulations and procedures, including but not limited to the Permit Streamlining Act (California Government Code Section 65920), and the California Environmental Quality Act (California Public Resources Code section 21000 *et seq.*, "CEQA"), but applicants will be charged fees in accordance with the County's usual practice as generally described in Section F(3) below. Once the County has determined that an applicant's plans meet the adopted building codes in the City's municipal code, it will advise the applicant and the City, and the City will use County's plan review materials as the basis for the City's issuance of building permits. The County will not issue any grading or building permits. The County will prepare, for the City's review and approval, staff reports and staff presentations for all discretionary hearings to be held before any City entity, including its Planning Commission and City Council.

b. CEQA. At the sole cost and expense of the applicant, the County will evaluate projects proposed for the Forestar Property pursuant to CEQA, and will prepare any environmental documents required, including environmental impact reports for review and adoption by the City, as the lead agency for all projects on the Forestar Property, and the City shall retain the authority to certify, adopt or approve environmental documents prepared by the County on the City's behalf.

3. **Building Inspection Services.** The building inspection services that the County will provide include but are not limited to the following:

- a. Review submitted building plans and specifications for grading and building, and related construction involving installation, repair, replacement, and alteration for compliance with applicable codes;
- b. Check plans and specifications for compliance with the requirements of the City's current adopted building codes and with the City's Municipal Code;
- c. Prepare a written list of items in the submittal plans that are not in compliance with applicable codes and therefore require revisions;
- d. When necessary, County staff will meet with involved architects or engineers to make a determination of compliance;
- e. Perform inspections during construction for compliance with building standards codes, as adopted by the City of Antioch Municipal Code;
- f. Explain required inspections and construction requirements to owners, architects, engineers, contractors and the public;
- g. Maintain records and files of inspections made and actions taken;
- h. Inspect construction or alterations being performed without proper building permits; and
- i. Inspect the quality of materials and methods of construction for footings and foundations, excavations, wood framing, concrete work, steel erection, lathing and plastering, tile work, masonry, electrical, plumbing and other construction work for compliance with applicable codes and regulations.

The City shall retain the authority and obligation to review and approve plans for any work or improvements within the public rights-of-way in the City, to perform inspections for such work or improvements, and to receive applications for and issue encroachment permits for such work and improvements.

4. **County Plan Review and Building Inspection Fees and Rates.** The County will charge applicants for development of the Forestar Property according to the County's usual practice, as illustrated by the fee schedule attached hereto as Exhibit C, and as may be modified or amended from time to time. To confirm that payment of the County's fees is a necessary part of developing the Forestar Property and to authorize the County to charge these fees on a City project, in connection with approving this Agreement, the City will take all necessary action to ensure that County planning and inspection fees, as shown on Exhibit C and as may be amended, will apply to the development of the Forestar Property for the five (5) years period referenced in Section F(1) of this Agreement. The City has no obligation or responsibility for the amount or collection of costs that the County charges the applicant for services. All other fees to be charged to any applicant for development of the Forestar Property will be charged by the City according to its master fee schedule. The City will not issue any grading or building permits until it has confirmed with the County that the applicant has paid the County for its planning and building inspection services.

5. **Inspection of Work.** It is understood that City's periodic review and approval of the County's work under this Agreement may be necessary and the City reserves the right to do so. The City will have access to any records and materials of the County that are directly pertinent to the planning and inspection services work performed by the County under this Agreement.
- G. **Implementation Costs.** In addition to the Area 2B Infrastructure Contributions specified in Sections D(2) and D(3) above, City and County will each budget, set aside and reserve \$100,000 a year for five years (total of \$1,000,000) in *ad valorem* property tax revenues generated in Area 1 to pay their respective staff and consultant costs to implement this Agreement. The County shall set aside and reserve the initial \$100,000 not later than thirty (30) days following the first July 1 following the Operative Date (as defined in Section H below). The City shall set aside and reserve the initial \$100,000 not later than thirty (30) days following the second July 1 following the Operative Date (as defined in Section H below). Thereafter, each agency will budget, set aside and reserve \$100,000 on each subsequent January for four years to pay their respective staff and consultant costs to implement this Agreement.
- H. **Operative Date.** Neither the City nor the County will have any obligations under this Agreement unless and until the date that the annexations of both Area 1 and Area 2B are completed, as evidenced by the filing of a certificate of completion (as defined in California Government Code Section 56020.5) for each of Area 1 and Area 2B with the Recorder of County (such date, the "Operative Date").
- I. **CEQA.** The City represents and warrants that: (i) it has fully complied with the CEQA as it relates to the Reorganization Area and the Area 2B Infrastructure Improvements, including without limitation, the adoption of a mitigated negative declaration for the Area 2B Infrastructure Improvements; and (ii) it will continue to comply with CEQA as it relates to the Area 2B Infrastructure Improvements, and the development of the Forestar Property
- J. **Indemnification.**
1. **City Indemnification.** The City shall defend, indemnify, save and hold harmless the County and its officers, employees and agents from any and all claims, costs and liability, including reasonable attorneys' fees, for any damages, death or injury to persons or property arising out of the City's performance of this Agreement, to the extent the liability is caused by the willful misconduct or negligent acts, errors or omissions of the City, its officers, employees or agents.
2. **County Indemnification.** The County shall defend, indemnify, save and hold harmless the City and its officers, employees and agents from any and all claims, costs and liability, including reasonable attorneys' fees, for any damages, death or injury to persons or property arising out of the County's performance of this Agreement, to the extent the liability is caused by the willful misconduct or negligent acts, errors or omissions of the County, its officers, employees or agents.

K. Miscellaneous Provisions.

1. **Restriction on Powers.** As required by Government Code section 6509, the Parties hereby designate that: (a) the powers to be exercised by the County pursuant to this Agreement shall be subject to the restrictions upon the manner of exercising such powers applicable to the County; and (b) the powers to be exercised by the City pursuant to this Agreement shall be subject to the restrictions upon the manner of exercising such power applicable to the City.

2. **Disposition of Property.** Any property acquired as the result of the joint exercise of powers under this Agreement shall be distributed based on jurisdictional boundaries.

3. **Return of Surplus Money.** Any surplus money on hand at the completion of the purpose of this Agreement shall be returned in proportion to the contributions made by each Party in furtherance of this Agreement.

4. **Privileges and Immunities.** In accordance with Government Code section 6513, all of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of City, County, or both, when performing their respective functions within the territorial limits of their respective agencies, apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this Agreement.

5. **No Third Party Beneficiaries.** Nothing contained in this Agreement is intended, nor shall it be construed, to create rights inuring to the benefit of third parties.

6. **Remedies.** The sole remedy for violation of this Agreement is specific performance of this Agreement. The County and the City hereby waive their respective rights to trial by jury of any claim or cause of action arising out of this Agreement. The County and the City shall have no liability for damages to one another or to any other person or entity resulting from any violation of this Agreement. This Agreement is entirely separate from the Property Tax Allocation Agreement and shall not be used to interpret it or as grounds to terminate or amend the Property Tax Allocation Agreement, with the sole exception being that if the Property Tax Allocation Agreement terminates for any reason, this Agreement shall also terminate.

7. **Notices / County Contributions.** All notices, requests, demands, and other communications required or permitted to be given hereunder must be in writing and must be addressed to the Parties at their respective addresses set forth below and shall be deemed to have been duly given when: (a) delivered in person; (b) sent by facsimile transmission indicating receipt at the facsimile number where sent; (c) one (1) business day after being deposited with a reputable overnight air courier service; and (d) three (3)

business days after being deposited with the United States Postal Service, for delivery by certified or registered mail, postage pre-paid and return receipt requested. Either Party may from time to time change the notice address set forth below by delivering notice to the other Party in accordance with this section setting forth the new address and the date on which it will become effective.

If to the City:

City of Antioch
Attn: City Manager
Third & "H" Streets
Antioch, CA 94509
P.O. Box 5007
Antioch, CA 94531-5007
Fax: (925) 779-7003

If to the County:

Contra Costa County
Attn: County Administrator
651 Pine Street,
Martinez, CA 94553
Fax: (925) 335-1098

and

Attn: Chief, Annexations and Economic Stimulus
Dept. of Conservation and Development
30 Muir Road
Martinez, CA 94553
Fax: (925) 674-7257

8. **Exhibits; Complete Agreement.** This Agreement, including the recitals, the terms used herein and defined in the recitals, and the attached exhibits constitute the entire agreement between the Parties relating to the subject matter of this Agreement. The following exhibits are attached to this Agreement and constitute a part of this Agreement:

<u>Exhibit A</u>	Northeast Antioch Study Area Map
<u>Exhibit B</u>	Area 2B Infrastructure Improvements (Text)
<u>Exhibit B-1</u>	Area 2B Infrastructure Improvements (Figure)
<u>Exhibit C</u>	County Planning and Inspection Fees for Forestar Property

9. **Interpretation; Amendments.** This Agreement shall not be construed for or against any Party based on its level of participation in drafting the Agreement. This Agreement may only be amended by written mutual agreement of each of the Parties hereto.

10. **Governing Law.** This Agreement is made and will be performed in the State of California, and is governed by California laws.

11. **Severability.** If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement were, to any extent, adjudged invalid, unenforceable, void, or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and

conditions of this Agreement shall not be affected and shall be valid and enforceable to the fullest extent permitted by law.

12. **Assignment.** No Party shall assign any of its right, title or interest under this Agreement without the prior written consent of the other Party. Any purported assignment of any Party's rights under this Agreement is void and without effect.

13. **Dispute Resolution.** If a dispute arises out of the performance of this Agreement, the Parties will first attempt to resolve the dispute through informal discussions. If the Parties are unable to resolve the matter informally within 30 days after first meeting, either Party may submit the matter to a non-binding, structured mediation procedure fashioned by persons or organizations experienced in alternative dispute resolution. The mediation must be initiated within 30 days after the date of the request, unless extended by both Parties. The alternative dispute resolution procedures used for the mediation will include the exchange of written claims and responses, with supporting information, at least seven days before the mediation. The positions expressed and the mediator's recommendations are not admissible as evidence in any subsequent legal proceeding. If the matter is submitted to mediation and the matter is not resolved within thirty (30) days of the first mediation session, an affected Party may pursue any legal remedy available. If an applicable statute of limitations would run during the pendency of the dispute resolution process described above, the Parties may agree in writing to toll the statute of limitations period to complete the dispute resolution process, but no statute of limitations may be tolled for more than 90 calendar days.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the date first set forth above.

COUNTY OF CONTRA COSTA,
a political subdivision of the State
of California

CITY OF ANTIOCH, a municipal
corporation

By: _____
Federal Glover, Chairman
of the Board of Supervisors

By: _____
Wade Harper, Mayor
of the City of Antioch

Attest:

Attest:

By: _____
David J. Twa, Clerk
of the Board of Supervisors

By: _____
Arne Simonsen, Clerk
of the City of Antioch

Approved as to Form:

Approved as to Form:

Sharon L. Anderson, County Counsel

By: _____
Name: _____
Title: Deputy County Counsel

By: _____
Daniel P. Doporto, Special Counsel
to the City of Antioch

EXHIBIT A

NORTHEAST ANTIOCH STUDY AREA MAP

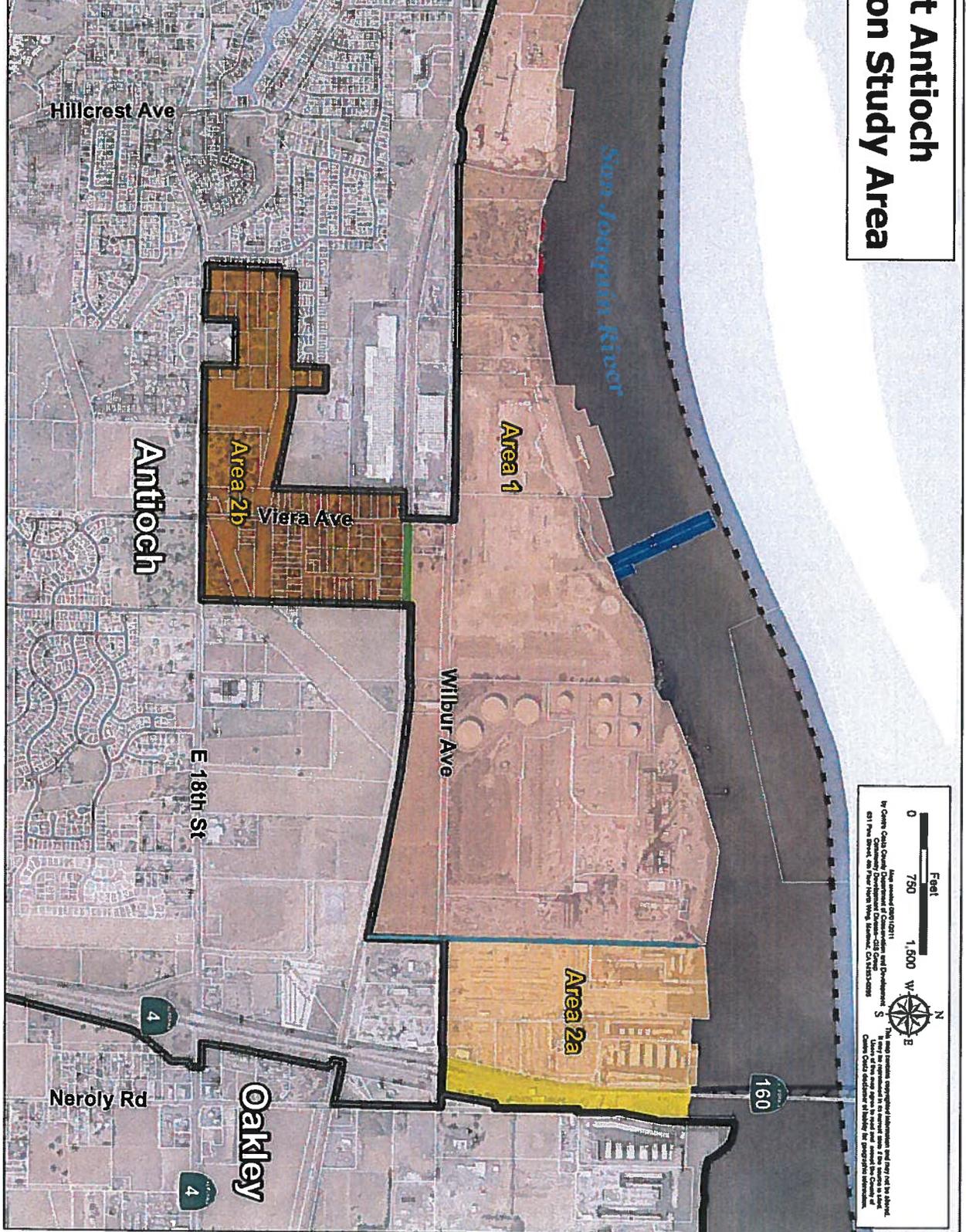
See attached.



Northeast Antioch Annexation Study Area

Legend

- County Boundary
- Current City Limits
- Annexation Study Areas
- Area 1
- Area 2a
- Area 2b
- Area 1-2a Gap
- Hwy 160 right-of-way gap
- Railroad right-of-way gap
- Pipeline Parcels
- Non Parcel Land



0 750 1,500 Feet

Map issued 08/01/2011
 by County Civil Service Department of Construction and Development
 631 First Street, 4th Floor, Suite 400, Stockton, CA 95210-2009

N
 W E S
 E

This map was prepared by the County of Stanislaus and is not to be used for any purpose other than that for which it was prepared. The County of Stanislaus is not responsible for any errors or omissions on this map.

B16

EXHIBIT B

AREA 2B INFRASTRUCTURE IMPROVEMENTS (TEXT)

See attached.



WILBUR AVE AND PORTION OF VIERA AVE (PUBLIC ROAD IMPROVEMENTS)
AREA 2B NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CBG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	2" AC OVERLAY (VIERA AVE FROM WILBUR TO TRACKS 32' x 370')	--	--	--	--	11840	SF	\$1.50	\$17,760.00
2	2" AC OVERLAY (WILBUR AVE, 20' x 3900')	--	--	--	--	78000	SF	\$1.50	\$117,000.00
3	REPLACE AC PAVEMENT SECTION (VIERA AVE FROM WILBUR TO TRACKS 32' x 370')	11840	SF	\$7.00	\$82,880.00	--	--	--	--
4	REPLACE AC PAVEMENT SECTION (WILBUR AVE, 32' x 2600')	83200	SF	\$7.00	\$582,400.00	--	--	--	--
5	REPLACE STRIPING	1	LS	\$10,000.00	\$10,000.00	1	LS	\$10,000.00	\$10,000.00
6	TRAFFIC CONTROL	2600	LF	\$50.00	\$130,000.00	3900	LF	\$50.00	\$195,000.00
				SUBTOTAL	\$805,280.00			SUBTOTAL	\$399,760.00
SANITARY SEWER									
7	15" VCP SEWER PIPE-15'-20' (CBG UNIT COST INCLUDES STREET REPLACEMENT)	2600	LF	\$400.00	\$1,040,000.00	3900	LF	\$275.00	\$1,072,500.00
8	MANHOLES (ASSUMED 400' SPACING)	7	EA	\$7,500.00	\$52,500.00	10	EA	\$7,500.00	\$75,000.00
9	CONNECT TO EXISTING SEWER PIPE	1	EA	\$1,500.00	\$1,500.00	1	EA	\$1,500.00	\$1,500.00
10	BORE UNDER RAILROAD	1	LS	\$94,000.00	\$94,000.00	1	LS	\$94,000.00	\$94,000.00
11	DIFFERENCE DUE TO USING PIPE FITTERS UNION LABOR	--	--	--	--	500	LF	\$60.00	\$30,000.00
12	OFFHAUL TRENCH SPOILS	2600	LF	\$60.00	\$156,000.00	3900	LF	\$60.00	\$234,000.00
13	DEWATERING	--	--	--	--	3900	LF	\$90.00	\$351,000.00
				SUBTOTAL	\$1,344,000.00			SUBTOTAL	\$1,858,000.00
SANITARY SEWER (VIERA AVE BETWEEN SANTA FE AND RAILROAD)									
14	8" SEWER PIPE-15'-20' (CBG UNIT COST INCLUDES STREET REPLACEMENT)	340	LF	\$122.00	\$41,480.00	340	LF	\$220.00	\$74,800.00
15	MANHOLES (ASSUMED 400' SPACING)	1	EA	\$7,500.00	\$7,500.00	1	EA	\$7,500.00	\$7,500.00
16	OFFHAUL TRENCH SPOILS	340	LF	\$60.00	\$20,400.00	340	LF	\$60.00	\$20,400.00
17	DEWATERING	--	--	--	--	340	LF	\$90.00	\$30,600.00
				SUBTOTAL	\$69,380.00			SUBTOTAL	\$133,300.00
ELECTRICAL IMPROVEMENTS									
18	STREETLIGHTS, FITTED TO EXISTING UTILITY POLE (BKF ASSUME 150' SPACING)	2	EA	\$4,000.00	\$8,000.00	3	EA	\$4,000.00	\$12,000.00
19	STREETLIGHTS, INCLUDING NEW POLE (BKF ASSUME 150' SPACING)	2	EA	\$5,582.00	\$11,164.00	--	--	--	--
				SUBTOTAL	\$19,164.00			SUBTOTAL	\$12,000.00
				SUBTOTAL	\$2,226,660.00			SUBTOTAL	\$2,331,060.00
				CONTINGENCY (15%/25%)	\$333,999.00			20% CONTINGENCY	\$466,212.00
				WILBUR AVE/ VIERA AVE IMPROVEMENT COST	\$2,560,659.00			WILBUR AVE IMPROVEMENT COST	\$2,797,272.00
					\$2,785,325.00				



PORTION OF VIERA AVE (PUBLIC ROAD IMPROVEMENTS)
AREA 2B NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CBG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	2" AC OVERLAY (VIERA AVE, 32' x 2200')								
2	REPLACE ASPHALT PAVEMENT SECTION (VIERA AVE, 32' x 2200')	70400	SF	\$7.00	\$492,800.00	84480	SF	\$1.50	\$126,720.00
3	REPLACE STRIPING	1	L5	\$2,500.00	\$2,500.00	1	L5	\$2,500.00	\$2,500.00
4	TRAFFIC CONTROL	2200	LF	\$5.00	\$11,000.00	2640	LF	\$5.00	\$13,200.00
				SUBTOTAL	\$506,300.00			SUBTOTAL	\$142,420.00
STORM DRAIN									
5	30" STORM DRAIN PIPE								
6	24" STORM DRAIN PIPE	2160	LF	\$144.00	\$311,040.00	200	LF	\$108.00	\$21,600.00
7	18" STORM DRAIN PIPE CROSSINGS (40 EACH @ 300')	290	LF	\$106.00	\$30,740.00	1960	LF	\$72.00	\$141,120.00
8	CATCH BASINS (ASSUMED 2 @ 300')	14	EA	\$3,436.00	\$48,104.00	280	LF	\$54.00	\$15,120.00
9	MANHOLES (ASSUMED @ 500')	5	EA	\$6,109.00	\$30,545.00	1	EA	\$3,000.00	\$3,000.00
10	TRENCHING/DEWATERING					1	EA	\$3,500.00	\$3,500.00
11	OFFHAUL TRENCH SPOILS	2450	LF	\$60.00	\$147,000.00	2440	LF	\$60.00	\$146,400.00
				SUBTOTAL	\$567,429.00			SUBTOTAL	\$390,740.00
SANITARY SEWER									
12	8" SEWER PIPE-10' MAX (CBG UNIT COST INCLUDES STREET REPLACEMENT)	2420	LF	\$84.00	\$203,280.00	1160	LF	\$190.00	\$220,400.00
13	8" SEWER PIPE-10-15' (CBG UNIT COST INCLUDES STREET REPLACEMENT)					100	LF	\$190.00	\$19,000.00
14	8" SEWER PIPE-15-20' (CBG UNIT COST INCLUDES STREET REPLACEMENT)					1000	LF	\$220.00	\$220,000.00
15	12" VCP SANITARY SEWER PIPE (10' MAX DEPTH)	180	LF	\$100.00	\$18,000.00				
16	MANHOLES	10	EA	\$5,000.00	\$50,000.00	6	EA	\$9,000.00	\$54,000.00
17	SEWER LATERALS	31	EA	\$2,500.00	\$77,500.00	31	EA	\$2,500.00	\$77,500.00
18	JACK & BORE UNDER THE RAILROAD RIGHT OF WAY	1	L5	\$94,000.00	\$94,000.00	1	L5	\$94,000.00	\$94,000.00
19	OFFHAUL TRENCH SPOILS	2600	LF	\$60.00	\$156,000.00	2260	LF	\$60.00	\$135,600.00
20	DEWATERING					2260	LF	\$90.00	\$203,400.00
21	CONNECT TO EXISTING SEWER PIPE	1	EA	\$1,500.00	\$1,500.00				
				SUBTOTAL	\$600,280.00			SUBTOTAL	\$999,900.00
WATER									
22	WATER LATERALS (HOT TAP EXISTING 16" MAIN)	31	EA	\$2,500.00	\$77,500.00	31	EA	\$2,500.00	\$77,500.00
23	FIRE HYDRANTS (ASSUMED @ 400')	7	EA	\$7,500.00	\$52,500.00	6	EA	\$7,500.00	\$45,000.00
				SUBTOTAL	\$130,000.00			SUBTOTAL	\$122,500.00
ELECTRICAL IMPROVEMENTS									
24	STREETLIGHTS, FITTED TO EXISTING UTILITY POLE (BKF ASSUME 150' SPACING)	4	EA	\$4,000.00	\$16,000.00	8	EA	\$4,000.00	\$32,000.00
25	BUDGET TO REPLACE EXISTING STREET LIGHT	6	EA	\$2,000.00	\$12,000.00	6	EA	\$2,000.00	\$12,000.00
26	STREETLIGHTS, INCLUDING NEW POLE (BKF ASSUME 150' SPACING)	6	EA	\$5,982.00	\$35,892.00				
				SUBTOTAL	\$64,492.00			SUBTOTAL	\$0.00
				SUBTOTAL	\$1,865,501.00			SUBTOTAL	\$1,595,560.00
				CONTINGENCY (15%/25%)	\$279,825.15			20% CONTINGENCY	\$319,112.00
				VIERA AVENUE IMPROVEMENT COST	\$2,145,326.15			VIERA AVE IMPROVEMENT COST	\$1,914,672.00

BA

SANTA FE AVE (PUBLIC ROAD IMPROVEMENTS)
AREA 2B NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CRG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	2" AC OVERLAY (20' x 900')	-	-	-	-	13800	SF	\$1.50	\$20,700.00
2	REPLACE ASPHALT PAVEMENT SECTION (20' x 900')	18000	SF	\$7.00	\$126,000.00	-	-	-	-
3	TRAFFIC CONTROL	900	LF	\$5.00	\$4,500.00	850	LF	\$5.00	\$4,250.00
				SUBTOTAL	\$130,500.00			SUBTOTAL	\$24,950.00
STORM DRAIN									
4	24" STORM DRAIN PIPE	600	LF	\$144.00	\$86,400.00	630	LF	\$72.00	\$45,360.00
5	27" STORM DRAIN PIPE	310	LF	\$200.00	\$62,000.00	-	-	-	-
6	18" STORM DRAIN PIPE CROSSINGS (40' EACH @ 300')	120	LF	\$106.00	\$12,720.00	80	LF	\$54.00	\$4,320.00
7	CATCH BASINS (ASSUMED 2 @ 300')	6	EA	\$3,436.00	\$20,616.00	5	EA	\$3,000.00	\$15,000.00
8	MANHOLES (ASSUMED @ 500')	2	EA	\$6,109.00	\$12,218.00	2	EA	\$3,500.00	\$7,000.00
9	OFFSITE 30" STORM DRAIN PIPE TO BASIN	265	LF	\$200.00	\$53,000.00	-	-	-	-
10	30" RCP TRENCHING (6' DEEP)	265	LF	\$73.00	\$19,345.00	-	-	-	-
11	OFFSITE 36" STORM DRAIN PIPE TO BASIN	935	LF	\$300.00	\$280,500.00	1360	LF	\$108.00	\$146,880.00
12	36" RCP TRENCHING (10.5' DEEP)	935	LF	\$180.00	\$168,300.00	3	EA	\$3,500.00	\$10,500.00
13	OFFSITE STORM DRAIN MANHOLES (ASSUMED @ 500')	2	EA	\$6,109.00	\$12,218.00	1	LS	\$10,000.00	\$10,000.00
14	BASIN OUTFALL	1	LS	\$10,000.00	\$10,000.00	-	-	-	-
15	VINE REMOVAL	0.61	ACRE	\$56,900.00	\$34,709.00	-	-	-	-
16	10' WIDE STORM DRAIN EASEMENT (4' PIPE COVER)	6100	SF	\$1.97	\$11,995.65	-	-	-	-
17	10' WIDE STORM DRAIN EASEMENT (4' PIPE COVER)	5900	SF	\$0.72	\$4,274.55	27200	SF	\$2.50	\$68,000.00
18	TEMPORARY CONSTRUCTION EASEMENT (6 MONTHS OF CONSTRUCTION)	38334	SF	\$1.03	\$39,674.10	-	-	-	-
19	OFFHAUL TRENCH SPOILS	2230	LF	\$60.00	\$133,800.00	-	-	-	-
20	TRENCHING/DEWATERING	-	-	-	-	2070	LF	\$60.00	\$124,200.00
21	SHORING FOR TRENCH EXCAVATION (8' MAX DEPTH)	2700	SF	\$7.95	\$21,465.00	-	-	-	-
				SUBTOTAL	\$983,235.30			SUBTOTAL	\$431,260.00
SANITARY SEWER									
22	8" VCP SANITARY SEWER PIPE (CRG UNIT COST INCLUDES STREET REPLACEMENT)	-	-	-	-	850	LF	\$220.00	\$187,000.00
23	12" VCP SANITARY SEWER PIPE (10' MAX DEPTH)	925	LF	\$100.00	\$92,500.00	-	-	-	-
24	MANHOLES	3	EA	\$5,000.00	\$15,000.00	2	EA	\$5,000.00	\$10,000.00
25	SEWER LATERALS (UNIT COST INCLUDES STREET REPLACEMENT)	12	EA	\$2,500.00	\$30,000.00	12	EA	\$2,500.00	\$30,000.00
26	OFFHAUL TRENCH SPOILS	925	LF	\$60.00	\$55,500.00	850	LF	\$60.00	\$51,000.00
27	DEWATERING	-	-	-	-	850	LF	\$90.00	\$76,500.00
				SUBTOTAL	\$193,000.00			SUBTOTAL	\$354,500.00
WATER									
26	8" PVC PIPE (CRG UNIT COST INCLUDES STREET REPLACEMENT)	890	LF	\$102.00	\$89,760.00	850	LF	\$80.00	\$68,000.00
27	WATER LATERAL (UNIT COST INCLUDES STREET REPLACEMENT)	12	EA	\$2,500.00	\$30,000.00	12	EA	\$2,500.00	\$30,000.00
28	FIRE HYDRANTS (ASSUMED @ 400')	3	EA	\$7,500.00	\$22,500.00	1	EA	\$7,500.00	\$7,500.00
29	CUT-IN TEE WITH VALVE	1	EA	\$12,500.00	\$12,500.00	1	EA	\$12,500.00	\$12,500.00
				SUBTOTAL	\$154,760.00			SUBTOTAL	\$118,000.00
ELECTRICAL IMPROVEMENTS									
30	STREETLIGHTS, FITTED TO EXISTING UTILITY POLE (BRF ASSUME 150' SPACING)	3	EA	\$4,000.00	\$12,000.00	1	EA	\$4,000.00	\$4,000.00
31	BUDGET TO REPLACE EXISTING STREET LIGHT	1	EA	\$2,000.00	\$2,000.00	3	EA	\$2,000.00	\$6,000.00
32	STREETLIGHTS, INCLUDING NEW POLE (BRF ASSUME 150' SPACING)	3	EA	\$5,582.00	\$16,746.00	-	-	-	-
				SUBTOTAL	\$30,746.00			SUBTOTAL	\$0.00
	SUBTOTAL			\$1,492,241.30				\$928,710.00	
	CONTINGENCY (15%/25%)			\$223,836.20	\$373,060.33			20% CONTINGENCY	\$185,742.00
	SANTA FE AVENUE IMPROVEMENT COST			\$1,716,077.50	\$1,965,301.63			SANTA FE AVE IMPROVEMENT COST	\$1,114,452.00

B20



WALNUT AVE (PUBLIC ROAD IMPROVEMENTS)
AREA 2B NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CRG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	2" AC OVERLAY (20' x 800')	-	-	-	-	19200	SF	\$1.50	\$28,800.00
2	REPLACE ASPHALT PAVEMENT SECTION (20' x 800')	16000	SF	\$7.00	\$112,000.00	-	-	-	-
3	TRAFFIC CONTROL	800	LF	\$5.00	\$4,000.00	800	LF	\$5.00	\$4,000.00
				SUBTOTAL	\$116,000.00			SUBTOTAL	\$32,800.00
STORM DRAIN									
4	24" STORM DRAIN PIPE (100-15' DEEP)	510	LF	\$144.00	\$73,440.00	800	LF	\$72.00	\$57,600.00
5	24" STORM DRAIN PIPE (100-15' DEEP)	290	LF	\$173.00	\$50,170.00	-	-	-	-
6	18" STORM DRAIN PIPE CROSSINGS (36' EACH @ 300')	96	LF	\$106.00	\$10,176.00	100	LF	\$54.00	\$5,400.00
7	CATCH BASINS (ASSUMED 2 @ 300')	6	EA	\$3,436.00	\$20,616.00	6	EA	\$3,000.00	\$18,000.00
8	MANHOLES (ASSUMED @ 500')	2	EA	\$6,109.00	\$12,218.00	2	EA	\$3,500.00	\$7,000.00
9	OFFHAUL TRENCH SPOILS	896	LF	\$60.00	\$53,760.00	-	-	-	-
10	TRENCHING/DEWATERING	-	-	-	-	900	LF	\$60.00	\$54,000.00
				SUBTOTAL	\$220,380.00			SUBTOTAL	\$142,000.00
SANITARY SEWER									
9	8" VCP SANITARY SEWER PIPE (CRG UNIT COST INCLUDES STREET REPLACEMENT)	-	-	-	-	800	LF	\$190.00	\$152,000.00
10	12" VCP SANITARY SEWER PIPE (10' MAX DEPTH)	800	LF	\$100.00	\$80,000.00	-	-	-	-
11	MANHOLES	2	EA	\$5,000.00	\$10,000.00	2	EA	\$5,000.00	\$10,000.00
12	SEWER LATERALS (UNIT COST INCLUDES STREET REPLACEMENT)	18	EA	\$2,500.00	\$45,000.00	18	EA	\$2,500.00	\$45,000.00
13	OFFHAUL TRENCH SPOILS	800	LF	\$60.00	\$48,000.00	800	LF	\$90.00	\$72,000.00
14	DEWATERING	-	-	-	-	800	LF	\$90.00	\$72,000.00
				SUBTOTAL	\$183,000.00			SUBTOTAL	\$327,000.00
WATER									
13	8" PVC PIPE (CRG UNIT COST INCLUDES STREET REPLACEMENT)	800	LF	\$102.00	\$81,600.00	800	LF	\$80.00	\$64,000.00
14	WATER LATERALS (UNIT COST INCLUDES STREET REPLACEMENT)	18	EA	\$2,500.00	\$45,000.00	18	EA	\$2,500.00	\$45,000.00
15	FIRE HYDRANTS (ASSUMED @ 400')	2	EA	\$7,500.00	\$15,000.00	2	EA	\$7,500.00	\$15,000.00
				SUBTOTAL	\$141,600.00			SUBTOTAL	\$124,000.00
ELECTRICAL IMPROVEMENTS									
16	STREETLIGHTS, FITTED TO EXISTING UTILITY POLE (BKF ASSUME 150' SPACING)	2	EA	\$4,000.00	\$8,000.00	6	EA	\$4,000.00	\$24,000.00
17	BUDGET TO REPLACE EXISTING STREET LIGHT	1	EA	\$2,000.00	\$2,000.00	1	EA	\$2,000.00	\$2,000.00
18	STREETLIGHTS, INCLUDING NEW POLE (BKF ASSUME 150' SPACING)	3	EA	\$5,582.00	\$16,746.00	-	-	-	-
				SUBTOTAL	\$26,746.00			SUBTOTAL	\$0.00
				SUBTOTAL	\$687,726.00			SUBTOTAL	\$625,800.00
				CONTINGENCY (15%/25%)	\$103,158.90			20% CONTINGENCY	\$125,160.00
				WALNUT AVENUE IMPROVEMENT COST	\$790,884.90			WALNUT AVE IMPROVEMENT COST	\$750,960.00

B21



**BOWEN LANE (PUBLIC ROAD IMPROVEMENTS)
AREA 2B NORTHEAST ANNEXATION
ANTIOCH, CA**

BKF ESTIMATE

CBG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	2" AC OVERLAY (BOWEN AVE. 20' X 600')					14400	SF	\$1.50	\$21,600.00
2	REPLACE ASPHALT PAVEMENT SECTION (BOWEN AVE. 20' X 600')	12000	SF	\$7.00	\$84,000.00				
3	TRAFFIC CONTROL	600	LF	\$5.00	\$3,000.00	600	LF	\$5.00	\$3,000.00
				SUBTOTAL	\$87,000.00			SUBTOTAL	\$24,600.00
STORM DRAIN									
4	24" STORM DRAIN PIPE	610	LF	\$144.00	\$87,840.00				
5	18" STORM DRAIN PIPE CROSSINGS (36' EACH @ 300')	73	LF	\$106.00	\$7,738.00	70	LF	\$54.00	\$3,780.00
6	CATCH BASINS (ASSUMED 2 @ 300')	4	EA	\$3,436.00	\$13,744.00	4	EA	\$3,000.00	\$12,000.00
7	MANHOLES (ASSUMED @ 500')	1	EA	\$6,109.00	\$6,109.00	2	EA	\$3,500.00	\$7,000.00
8	OFFHAUL TRENCH SPOILS	683	LF	\$60.00	\$40,980.00				
9	TRENCHING/DEWATERING					645	LF	\$60.00	\$38,700.00
				SUBTOTAL	\$156,411.00			SUBTOTAL	\$102,880.00
SANITARY SEWER									
8	8" VCP SANITARY SEWER PIPE (CBG UNIT COST INCLUDES STREET REPLACEMENT)					600	LF	\$190.00	\$114,000.00
9	12" VCP SANITARY SEWER PIPE (10' MAX DEPTH)	360	LF	\$100.00	\$36,000.00				
10	12" VCP SANITARY SEWER PIPE (10'-15' DEEP)	240	LF	\$120.00	\$28,800.00				
11	MANHOLES (ASSUMED @ 400')	1	EA	\$5,000.00	\$5,000.00	1	EA	\$5,000.00	\$5,000.00
12	SANITARY SEWER LIFT STATION	1	EA	\$50,000.00	\$50,000.00				
13	SEWER LATERALS (UNIT COST INCLUDES STREET REPLACEMENT)	3	EA	\$2,500.00	\$7,500.00	3	EA	\$2,500.00	\$7,500.00
14	OFFHAUL TRENCH SPOILS	600	LF	\$60.00	\$36,000.00	600	LF	\$60.00	\$36,000.00
15	DEWATERING					600	LF	\$90.00	\$54,000.00
				SUBTOTAL	\$163,300.00			SUBTOTAL	\$216,500.00
WATER									
14	8" PVC PIPE (CBG UNIT COST INCLUDES STREET REPLACEMENT)	570	LF	\$102.00	\$58,140.00				
15	WATER LATERALS (UNIT COST INCLUDES STREET REPLACEMENT)	3	EA	\$2,500.00	\$7,500.00	3	EA	\$2,500.00	\$7,500.00
16	FIRE HYDRANTS (ASSUMED @ 400')	2	EA	\$7,500.00	\$15,000.00	1	EA	\$7,500.00	\$7,500.00
17	CUT-IN TEE WITH VALVE	1	EA	\$12,500.00	\$12,500.00	1	EA	\$12,500.00	\$12,500.00
				SUBTOTAL	\$93,140.00			SUBTOTAL	\$75,500.00
ELECTRICAL IMPROVEMENTS									
18	STREETLIGHTS, FITTED TO EXISTING UTILITY POLE (BKF ASSUME 150' SPACING)	2	EA	\$4,000.00	\$8,000.00				
19	BUDGET TO REPLACE EXISTING STREET LIGHT	1	EA	\$2,000.00	\$2,000.00				
20	STREETLIGHTS, INCLUDING NEW POLE (BKF ASSUME 150' SPACING)	2	EA	\$5,592.00	\$11,184.00				
				SUBTOTAL	\$21,184.00			SUBTOTAL	\$0.00
	SUBTOTAL			\$521,015.00	\$130,253.75			\$419,480.00	\$3,896.00
	CONTINGENCY (15%/25%)			\$78,152.25	\$63,268.75			\$503,376.00	
	BOWEN LANE IMPROVEMENT COST			\$599,167.25	\$651,268.75				
	20% CONTINGENCY								
	BOWEN LANE IMPROVEMENT COST								

STEWART LANE (PRIVATE ROAD IMPROVEMENTS)
AREA 28 NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CRG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	STREET FINE GRADING (ASSUMED 20' WIDE SECTION)	7600	SF	\$1.15	\$8,740.00	7000	SF	\$0.40	\$2,800.00
2	TRAFFIC CONTROL	380	LF	\$2.00	\$760.00	350	LF	\$2.00	\$700.00
	SUBTOTAL				\$9,500.00				\$3,500.00
STORM DRAIN									
3	24" STORM DRAIN PIPE	380	LF	\$144.00	\$54,720.00	350	LF	\$72.00	\$25,200.00
4	18" STORM DRAIN PIPE CROSSINGS (36' EACH @ 300')	46	EA	\$106.00	\$4,876.00	40	EA	\$54.00	\$2,160.00
5	CATCH BASINS (ASSUMED 2 @ 300')	3	EA	\$3,436.00	\$10,308.00	3	EA	\$3,000.00	\$9,000.00
6	MANHOLES (ASSUMED @ 500')	1	EA	\$6,109.00	\$6,109.00	1	EA	\$3,500.00	\$3,500.00
7	OFFHAUL TRENCH SPOILS	426	LF	\$60.00	\$25,560.00	-	-	-	-
8	TRENCHING/DEWATERING	-	-	-	-	390	LF	\$60.00	\$23,400.00
	SUBTOTAL				\$101,573.00				\$53,260.00
SANITARY SEWER									
7	8" VCP SANITARY SEWER PIPE	380	LF	\$94.00	\$31,920.00	350	LF	\$150.00	\$52,500.00
8	MANHOLES	1	EA	\$5,000.00	\$5,000.00	1	EA	\$3,500.00	\$3,500.00
9	SEWER LATERALS	4	EA	\$750.00	\$3,000.00	4	EA	\$750.00	\$3,000.00
10	OFFHAUL TRENCH SPOILS	380	LF	\$60.00	\$22,800.00	350	LF	\$60.00	\$21,000.00
11	DEWATERING	-	-	-	-	350	LF	\$90.00	\$31,500.00
	SUBTOTAL				\$62,720.00				\$111,500.00
WATER									
10	8" PVC PIPE	365	LF	\$102.00	\$37,230.00	350	LF	\$60.00	\$21,000.00
11	WATER LATERALS	4	EA	\$750.00	\$3,000.00	4	EA	\$750.00	\$3,000.00
12	FIRE HYDRANTS (ASSUMED @ 400')	1	EA	\$7,500.00	\$7,500.00	1	EA	\$5,000.00	\$5,000.00
13	CUT-IN TEE WITH VALVE	1	EA	\$12,500.00	\$12,500.00	1	EA	\$12,500.00	\$12,500.00
	SUBTOTAL				\$60,230.00				\$41,500.00
ELECTRICAL IMPROVEMENTS									
14	STREET LIGHTS (FITTED TO EXISTING UTILITY POLE)	1	EA	\$4,000.00	\$4,000.00	2	EA	\$4,000.00	\$8,000.00
15	BUDGET TO REPLACE EXISTING STREET LIGHT	1	EA	\$2,000.00	\$2,000.00	-	-	-	-
16	STREET LIGHTS, INCLUDING NEW POLE (BKF ASSUME 150' SPACING)	1	EA	\$5,582.00	\$5,582.00	-	-	-	-
	SUBTOTAL				\$11,582.00				\$8,000.00
	SUBTOTAL				\$245,605.00				\$219,760.00
	CONTINGENCY (15%/25%)			\$36,840.75	\$61,401.25			20% CONTINGENCY	\$43,952.00
	STEWART LANE IMPROVEMENT COST			\$282,445.75	\$97,006.25			STEWART LANE IMPROVEMENT COST	\$263,712.00

B24

EAST 18TH STREET (PUBLIC ROAD IMPROVEMENTS)
AREA 2B NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CBG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STORM DRAIN									
1	18" STORM DRAIN PIPE	315	LF	\$106.00	\$33,390.00	-	-	-	-
2	18" STORM DRAIN PIPE CROSSINGS (40' EACH @ 300')	42	LF	\$106.00	\$4,452.00	-	-	-	-
3	CATCH BASINS (ASSUMED 2 @ 300')	2	EA	\$3,436.00	\$6,872.00	-	-	-	-
4	MANHOLES (ASSUMED @ 500')	1	EA	\$6,109.00	\$6,109.00	-	-	-	-
5	OFFHAUL TRENCH SPOILS	357	LF	\$60.00	\$21,420.00	-	-	-	-
				SUBTOTAL	\$72,243.00			SUBTOTAL	\$0.00
SANITARY SEWER									
6	6" SANITARY SEWER PIPE (CBG UNIT COST INCLUDES STREET REPLACEMENT)	910	LF	\$82.00	\$74,620.00	300	LF	\$190.00	\$57,000.00
7	8" SANITARY SEWER PIPE (CBG UNIT COST INCLUDES STREET REPLACEMENT)	50	LF	\$84.00	\$4,200.00	50	LF	\$190.00	\$9,500.00
8	MANHOLES	4	EA	\$5,000.00	\$20,000.00	2	EA	\$5,000.00	\$10,000.00
9	CONNECT TO EXISTING SANITARY SEWER	1	EA	\$1,500.00	\$1,500.00	1	EA	\$1,500.00	\$1,500.00
10	OFFHAUL TRENCH SPOILS	960	LF	\$60.00	\$57,600.00	350	LF	\$60.00	\$21,000.00
11	DEWATERING	-	-	-	-	350	LF	\$90.00	\$31,500.00
				SUBTOTAL	\$157,920.00			SUBTOTAL	\$130,500.00
				SUBTOTAL	\$230,463.00			SUBTOTAL	\$130,500.00
				CONTINGENCY (15%/25%)	\$34,524.45			20% CONTINGENCY	\$26,100.00
				EAST 18TH STREET IMPROVEMENT COST	\$264,987.45			EAST 18TH ST IMPROVEMENT COST	\$156,600.00

B25



ST. CLAIRE DR (PRIVATE ROAD IMPROVEMENTS)
AREA 28 NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CBG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	STREET FINE GRADING (ASSUMED 18" GRAVEL ROAD)	21600	SF	\$1.15	\$24,840.00	24000	SF	\$0.40	\$9,600.00
2	TRAFFIC CONTROL	1200	LF	\$2.00	\$2,400.00	1200	LF	\$2.00	\$2,400.00
				SUBTOTAL	\$27,240.00			SUBTOTAL	\$12,000.00
STORM DRAIN									
3	18" STORM DRAIN PIPE	770	LF	\$106.00	\$81,620.00	1100	LF	\$72.00	\$79,200.00
4	18" STORM DRAIN PIPE CROSSINGS (40' EACH @ 300')	130	LF	\$106.00	\$13,780.00	130	LF	\$54.00	\$7,020.00
5	CATCH BASINS (ASSUMED 2 @ 300')	6	EA	\$3,436.00	\$20,616.00	8	EA	\$3,000.00	\$24,000.00
6	MANHOLES (ASSUMED @ 500')	2	EA	\$6,109.00	\$12,218.00	3	EA	\$3,500.00	\$10,500.00
7	OFFHAUL TRENCH SPOILS	900	LF	\$60.00	\$54,000.00	1230	LF	\$60.00	\$73,800.00
8	TRENCHING/DEWATERING	-	-	-	-	-	-	-	-
9	SHORING FOR TRENCH EXCAVATION (8' MAX DEPTH)	2800	SF	\$7.95	\$22,260.00	-	-	-	-
				SUBTOTAL	\$204,494.00			SUBTOTAL	\$194,520.00
SANITARY SEWER									
10	6" SANITARY SEWER PIPE	810	LF	\$82.00	\$66,420.00	1200	LF	\$150.00	\$180,000.00
11	MANHOLES	5	EA	\$5,000.00	\$25,000.00	3	EA	\$3,500.00	\$10,500.00
12	SEWER LATERALS	10	EA	\$750.00	\$7,500.00	10	EA	\$750.00	\$7,500.00
13	OFFHAUL TRENCH SPOILS	810	LF	\$60.00	\$48,600.00	1200	LF	\$60.00	\$72,000.00
14	DEWATERING	-	-	-	-	1200	LF	\$90.00	\$108,000.00
				SUBTOTAL	\$147,520.00			SUBTOTAL	\$378,000.00
WATER									
15	8" PVC PIPE	790	LF	\$102.00	\$80,580.00	1200	LF	\$60.00	\$72,000.00
16	WATER LATERAL	10	EA	\$750.00	\$7,500.00	10	EA	\$750.00	\$7,500.00
17	FIRE HYDRANTS (ASSUMED @ 400')	3	EA	\$7,500.00	\$22,500.00	3	EA	\$5,000.00	\$15,000.00
18	CUT-IN THE WITH VALVE	2	EA	\$12,500.00	\$25,000.00	1	EA	\$12,500.00	\$12,500.00
19	SHORING FOR TRENCH EXCAVATION (8' MAX DEPTH)	4000	SF	\$7.95	\$31,800.00	-	-	-	-
				SUBTOTAL	\$167,380.00			SUBTOTAL	\$107,000.00
ELECTRICAL IMPROVEMENTS									
20	STREETLIGHTS (FITTED TO EXISTING UTILITY POLE)	4	EA	\$4,000.00	\$16,000.00	6	EA	\$4,000.00	\$24,000.00
21	STREETLIGHTS, INCLUDING NEW POLE (BKF ASSUME 150' SPACING)	4	EA	\$5,582.00	\$22,328.00	-	-	-	-
				SUBTOTAL	\$38,328.00			SUBTOTAL	\$24,000.00
				SUBTOTAL	\$594,962.00			SUBTOTAL	\$691,520.00
	CONTINGENCY (15%/25%)			\$87,744.30	\$146,240.50			20% CONTINGENCY	\$138,304.00
	ST. CLAIRE DRIVE IMPROVEMENT COST			\$672,706.30	\$731,202.50			ST. CLAIRE DRIVE IMPROVEMENT COST	\$829,824.00

B26

TREMBATH LANE (PRIVATE ROAD IMPROVEMENTS)
AREA 2B NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CBG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	STREET FINE GRADING (ASSUMED 18' WIDE GRAVEL ROAD)	17640	SF	\$1.15	\$20,286.00	19600	SF	\$0.40	\$7,840.00
2	TRAFFIC CONTROL	980	LF	\$2.00	\$1,960.00	980	LF	\$2.00	\$1,960.00
				SUBTOTAL	\$22,246.00			SUBTOTAL	\$9,800.00
STORM DRAIN									
3	18" STORM DRAIN PIPE CROSSINGS (40' EACH @ 300')	107	LF	\$106.00	\$11,342.00	120	LF	\$54.00	\$6,480.00
4	CATCH BASINS (ASSUMED 2 @ 300')	6	EA	\$3,436.00	\$20,616.00	7	EA	\$3,000.00	\$21,000.00
5	MANHOLES (ASSUMED @ 500')	1	EA	\$6,109.00	\$6,109.00	2	EA	\$3,500.00	\$7,000.00
6	OFFHAUL TRENCH SPOILS	107	LF	\$60.00	\$6,420.00				
7	TRENCHING/DEWATERING	-	-	-	-	120	LF	\$60.00	\$7,200.00
				SUBTOTAL	\$44,487.00			SUBTOTAL	\$41,680.00
SANITARY SEWER									
6	8" SANITARY SEWER PIPE	800	LF	\$84.00	\$67,200.00	750	LF	\$150.00	\$112,500.00
7	MANHOLES	2	EA	\$5,000.00	\$10,000.00	2	EA	\$3,500.00	\$7,000.00
8	SEWER LATERALS	8	EA	\$750.00	\$6,000.00	8	EA	\$750.00	\$6,000.00
9	CONNECT TO EXISTING SEWER PIPE	1	EA	\$1,500.00	\$1,500.00				
10	OFFHAUL TRENCH SPOILS	800	LF	\$60.00	\$48,000.00	750	LF	\$60.00	\$45,000.00
11	DEWATERING	-	-	-	-	750	LF	\$90.00	\$67,500.00
				SUBTOTAL	\$132,700.00			SUBTOTAL	\$238,000.00
WATER									
10	8" PVC PIPE	980	LF	\$102.00	\$99,960.00	980	LF	\$60.00	\$58,800.00
11	WATER LATERALS	8	EA	\$750.00	\$6,000.00	8	EA	\$750.00	\$6,000.00
12	FIRE HYDRANTS (ASSUMED @ 400')	3	EA	\$7,500.00	\$22,500.00	2	EA	\$5,000.00	\$10,000.00
13	CUT-IN TEE WITH VALVE	2	EA	\$12,500.00	\$25,000.00	1	EA	\$12,500.00	\$12,500.00
14	SHORING FOR TRENCH EXCAVATION (8' MAX DEPTH)	4850	SF	\$7.95	\$38,557.50				
				SUBTOTAL	\$192,017.50			SUBTOTAL	\$87,300.00
ELECTRICAL IMPROVEMENTS									
15	STREETLIGHTS (FITTED TO EXISTING UTILITY POLE)	4	EA	\$4,000.00	\$16,000.00	6	EA	\$4,000.00	\$24,000.00
16	STREETLIGHTS, INCLUDING NEW POLE (BKF ASSUME 150' SPACING)	3	EA	\$5,582.00	\$16,746.00				
				SUBTOTAL	\$32,746.00			SUBTOTAL	\$0.00
				SUBTOTAL	\$424,196.50			SUBTOTAL	\$376,780.00
				CONTINGENCY (15%/25%)	\$63,629.48			20% CONTINGENCY	\$75,356.00
				TREMBATH LANE IMPROVEMENT COST	\$487,825.98			TREMBATH LANE IMPROVEMENT COST	\$452,136.00

B27

MIKE YORBA WAY (PRIVATE ROAD IMPROVEMENTS)
AREA 2B NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CRG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	STREET FINE GRADING (ASSUMED 20' WIDE GRAVEL ROAD)	5000	SF	\$1.15	\$5,750.00	5000	SF	\$0.40	\$2,000.00
2	TRAFFIC CONTROL	250	LF	\$2.00	\$500.00	250	LF	\$2.00	\$500.00
				SUBTOTAL	\$6,250.00			SUBTOTAL	\$2,500.00
STORM DRAIN									
3	18" STORM DRAIN PIPE	175	LF	\$106.00	\$18,550.00	100	LF	\$64.00	\$6,400.00
4	18" STORM DRAIN PIPE CROSSINGS (40' EACH @ 300')	23	LF	\$106.00	\$2,438.00	-	-	-	-
5	CATCH BASINS (ASSUMED 2 @ 300')	2	EA	\$3,436.00	\$6,872.00	2	EA	\$3,000.00	\$6,000.00
6	CONNECT TO EXISTING SD PIPE	1	EA	\$3,000.00	\$3,000.00	-	-	-	-
7	MANHOLES (ASSUMED @ 500')	1	EA	\$6,109.00	\$6,109.00	1	EA	\$3,500.00	\$3,500.00
8	OFFHAUL TRENCH SPOILS	198	LF	\$60.00	\$11,880.00	-	-	-	-
9	TRENCHING/DEWATERING	-	-	-	-	100	LF	\$60.00	\$6,000.00
				SUBTOTAL	\$49,849.00			SUBTOTAL	\$21,900.00
SANITARY SEWER									
10	8" SANITARY SEWER PIPE	160	LF	\$84.00	\$13,440.00	250	LF	\$150.00	\$37,500.00
11	MANHOLES	1	EA	\$5,000.00	\$5,000.00	1	EA	\$3,500.00	\$3,500.00
12	SEWER LATERALS	4	EA	\$750.00	\$3,000.00	4	EA	\$750.00	\$3,000.00
13	OFFHAUL TRENCH SPOILS	160	LF	\$60.00	\$9,600.00	250	LF	\$60.00	\$15,000.00
14	DEWATERING	-	-	-	-	250	LF	\$90.00	\$22,500.00
				SUBTOTAL	\$31,040.00			SUBTOTAL	\$81,500.00
WATER									
15	8" PVC PIPE	150	LF	\$102.00	\$15,300.00	250	LF	\$60.00	\$15,000.00
16	WATER LATERALS	4	EA	\$750.00	\$3,000.00	4	EA	\$750.00	\$3,000.00
17	FIRE HYDRANTS (ASSUMED @ 400')	1	EA	\$7,500.00	\$7,500.00	1	EA	\$5,000.00	\$5,000.00
				SUBTOTAL	\$25,800.00			SUBTOTAL	\$23,000.00
ELECTRICAL IMPROVEMENTS									
18	STREETLIGHTS, INCLUDING NEW POLE (BKF ASSUME 150' SPACING)	1	EA	\$5,582.00	\$5,582.00	-	-	-	-
				SUBTOTAL	\$5,582.00			SUBTOTAL	\$0.00
				SUBTOTAL	\$117,521.00			SUBTOTAL	\$128,900.00
				CONTINGENCY (15%/25%)	\$17,628.15			20% CONTINGENCY	\$25,780.00
				MIKE YORBA WAY IMPROVEMENT COST	\$135,149.15			MIKE YORBA WAY IMPROVEMENT COST	\$154,680.00

1328



WYMORE WAY (PRIVATE ROAD IMPROVEMENTS)
AREA 2B NORTHEAST ANNEXATION
ANTIOCH, CA

BKF ESTIMATE

CBG ESTIMATE (November 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST	QTY	UNIT	UNIT COST	TOTAL COST
STREET IMPROVEMENTS									
1	2" AC OVERLAY (VIERA AVE 32' x 900')	-	-	-	-	21600	SF	\$0.40	\$8,640.00
2	REPLACE ASPHALT PAVEMENT SECTION (24' x 900')	21600	SF	\$7.00	\$151,200.00	-	-	-	-
3	TRAFFIC CONTROL	900	LF	\$2.00	\$1,800.00	900	LF	\$2.00	\$1,800.00
				SUBTOTAL	\$153,000.00			SUBTOTAL	\$10,440.00
SANITARY SEWER									
4	8" SANITARY SEWER PIPE	1000	LF	\$84.00	\$84,000.00	900	LF	\$150.00	\$135,000.00
5	MANHOLES	4	EA	\$5,000.00	\$20,000.00	3	EA	\$3,500.00	\$10,500.00
6	8" SANITARY SEWER PIPE (WYMORE WAY TO ST. CLAIRE DR)	-	-	-	-	600	LF	\$150.00	\$90,000.00
7	MANHOLES	-	-	-	-	2	EA	\$3,500.00	\$7,000.00
8	20" WIDE PUBLIC UTILITY EASEMENT	20000	SF	\$2.50	\$50,000.00	12000	SF	\$7.50	\$90,000.00
9	OFFHAUL TRENCH SPOOLS	1000	LF	\$60.00	\$60,000.00	1500	LF	\$60.00	\$90,000.00
10	DEWATERING	-	-	-	-	1500	LF	\$90.00	\$135,000.00
11	SHORING FOR TRENCH EXCAVATION (8' MAX DEPTH)	3720	SF	\$7.95	\$29,574.00	-	-	-	-
				SUBTOTAL	\$243,574.00			SUBTOTAL	\$497,500.00
WATER									
12	8" PVC PIPE	925	LF	\$102.00	\$94,350.00	900	LF	\$60.00	\$54,000.00
13	FIRE HYDRANTS (ASSUMED @ 400')	3	EA	\$7,500.00	\$22,500.00	3	EA	\$5,000.00	\$15,000.00
14	CUT-IN TEE WITH VALVE	1	EA	\$12,500.00	\$12,500.00	-	-	-	-
15	SHORING FOR TRENCH EXCAVATION (8' MAX DEPTH)	4650	SF	\$7.95	\$36,967.50	-	-	-	-
				SUBTOTAL	\$166,317.50			SUBTOTAL	\$69,000.00
	SUBTOTAL			\$562,891.50				\$576,940.00	
	CONTINGENCY (15%/25%)			\$84,483.73	\$140,722.88			20% CONTINGENCY	\$115,388.00
	WYMORE WAY IMPROVEMENT COST			\$647,325.23	\$705,614.38			WYMORE WAY IMPROVEMENT COST	\$692,328.00
	SUBTOTAL OFF-SITE IMPROVEMENT COST			\$12,287,962.49	\$13,355,502.71			SUBTOTAL OFF-SITE IMPROVEMENT COST	\$10,880,340.00

B29

ESTIMATE OF PROFESSIONAL SERVICES
AS A PERCENTAGE OF CONSTRUCTION COST

BKF ESTIMATE

CBG ESTIMATE (Nov 2011)

ITEM	DESCRIPTION	LOW %	HIGH %	LOW COST	HIGH COST
1	ENVIRONMENTAL/BIOLOGICAL MITIGATION	1.5%	2.0%	\$184,305.94	\$267,110.05
2	ARCHAEOLOGICAL MITIGATION	0.5%	0.5%	\$61,443.31	\$66,777.51
3	DESIGN SERVICES	6.0%	9.0%	\$737,223.75	\$1,201,995.24
4	CONSTRUCTION SERVICES	5.0%	6.0%	\$614,353.12	\$901,330.16
5	CITY PLAN CHECK & INSPECTION	6.5%	6.5%	\$739,659.06	\$868,107.68
6	BONDING & INSURANCE	2.0%	3.0%	\$245,741.25	\$400,665.08
7	CONTRACT ADMINISTRATION	2.0%	2.0%	\$245,741.25	\$267,110.05
8	CONSTRUCTION MANAGEMENT	4.0%	4.0%	\$491,482.50	\$534,220.11
9	CPD ADMINISTRATION	4.0%	4.0%	\$491,482.50	\$534,220.11
10	ESCALATION	4.5%	4.5%	\$553,592.17	\$601,665.40
	SUBTOTAL			\$4,423,956.85	\$5,543,201.40

PERCENTAGE	TOTAL COST
2.0%	\$217,606.40
0.5%	\$54,401.70
9.0%	\$979,230.60
6.0%	\$652,820.40
6.5%	\$707,222.10
2.5%	\$272,008.50
2.0%	\$217,606.40
4.0%	\$435,213.60
4.0%	\$435,213.60
	SUBTOTAL
	\$3,971,324.10

ESTIMATE OF FEES & SWPPP

BKF ESTIMATE

CBG ESTIMATE (July 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	STORM DRAINAGE AREA FEE	-	LS	-	-
2	POTABLE WATER AN SEWER CONNECTION FEE	112	EA	\$6,283.00	\$703,696.00
3	SWPPP	1	LS	\$50,000.00	\$50,000.00
	SUBTOTAL				\$753,696.00

QTY	UNIT	UNIT COST	TOTAL COST
-	LS	-	-
112	EA	\$6,283.00	\$703,696.00
-	-	-	-
	SUBTOTAL		\$703,696.00

ESTIMATE OF PRIVATE IMPROVEMENTS

BKF ESTIMATE

CBG ESTIMATE (July 2011)

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	ABANDON EXISTING SEPTIC SYSTEMS	112	EA	\$2,500.00	\$280,000.00
2	ABANDON EXISTING WELL SYSTEMS	112	EA	\$1,000.00	\$112,000.00
3	COUNTY PERMIT FEES FOR ABANDONING EXISTING SEPTIC SYSTEMS/WELLS	112	EA	\$0.00	\$0.00
4	DELTA DIABLO SANITARY DISTRICT SIDE SEWER INSPECTION FEE	112	EA	\$250.00	\$28,000.00
5	DELTA DIABLO SANITARY DISTRICT ANNEXATION CHARGE	112	EA	\$156.00	\$17,472.00
6	DELTA DIABLO SANITARY DISTRICT CAPACITY CHARGE	1	EA	TBD	TBD
7	HOUSE CONNECTION TO NEW SEWER	112	EA	\$2,000.00	\$224,000.00
8	HOUSE CONNECTION TO NEW WATER METER	112	EA	\$2,000.00	\$224,000.00
9	ENCROACHMENT PERMIT FROM CITY	112	EA	\$0.00	\$0.00
	SUBTOTAL				\$885,472.00

QTY	UNIT	UNIT COST	TOTAL COST
112	EA	\$2,500.00	\$280,000.00
112	EA	\$1,000.00	\$112,000.00
112	EA	\$0.00	\$0.00
112	EA	\$250.00	\$28,000.00
112	EA	\$156.00	\$17,472.00
1	EA	TBD	TBD
112	EA	\$2,000.00	\$224,000.00
112	EA	\$2,000.00	\$224,000.00
112	EA	\$0.00	\$0.00
	SUBTOTAL		\$885,472.00

TOTAL IMPROVEMENT COST	\$16,711,019.94	\$30,597,872.11
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TOTAL IMPROVEMENT COST	\$16,440,832.10
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B30



OFFSITE STORM (FROM VINE LANE):
BORE & JACK VS OPEN TRENCH

BORE & JACK

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	BORE & JACK 36" STORM DRAIN	1,130	LF	\$600.00	\$678,000.00
2	VINE REMOVAL	0.11	ACRE	\$56,900.00	\$6,531.22
3	PERMANENT EASEMENT (PIPE COVER > 4')	11,300	SF	\$0.72	\$8,136.00
4	T.C.E. (6 MONTH CONSTRUCTION)	5,000	SF	\$1.03	\$5,150.00
				SUBTOTAL	\$697,817.22

OPEN TRENCH

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	36" RCP STORM DRAIN LINE	1,130	LF	\$372.00	\$420,360.00
2	TRENCH EXCAVATION	1,130	LF	\$355.00	\$401,150.00
3	VINE REMOVAL	1.86	ACRE	\$56,900.00	\$105,834.00
4	PERMANENT EASEMENT (PIPE COVER > 4')	11,300	SF	\$0.72	\$8,136.00
5	T.C.E. (6 MONTH CONSTRUCTION)	69,700	SF	\$1.03	\$71,791.00
				SUBTOTAL	\$1,007,271.00



OFFSITE STORM (FROM SANTA FE AVE):
BORE & JACK VS OPEN TRENCH

BORE & JACK

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	BORE & JACK 36" STORM DRAIN	760	LF	\$600.00	\$456,000.00
2	VINE REMOVAL	0.06	ACRE	\$56,900.00	\$3,265.61
3	PERMANENT EASEMENT (PIPE COVER < 4')	3,200	SF	\$1.97	\$6,304.00
4	PERMANENT EASEMENT (PIPE COVER > 4')	4,400	SF	\$0.72	\$3,168.00
5	T.C.E. (6 MONTH CONSTRUCTION)	2,500	SF	\$1.03	\$2,575.00
	SUBTOTAL				\$471,312.61

OPEN TRENCH

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	36" RCP STORM DRAIN LINE	760	LF	\$300.00	\$228,000.00
2	TRENCH EXCAVATION	760	LF	\$180.00	\$136,800.00
3	VINE REMOVAL	0.40	ACRE	\$56,900.00	\$22,932.42
4	PERMANENT EASEMENT (PIPE COVER < 4')	3,200	SF	\$1.97	\$6,304.00
5	PERMANENT EASEMENT (PIPE COVER > 4')	4,400	SF	\$0.72	\$3,168.00
5	T.C.E. (6 MONTH CONSTRUCTION)	31,950	SF	\$1.03	\$32,908.50
	SUBTOTAL				\$430,112.92



B33

OFFSITE SEWER:
BORE & JACK VS OPEN TRENCH

BORE & JACK

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	BORE & JACK 12" VCP SEWER	920	LF	\$600.00	\$552,000.00
2	VINE REMOVAL	0.06	ACRE	\$56,900.00	\$3,265.61
3	PERMANENT EASEMENT (PIPE COVER < 4')	2,200	SF	\$1.97	\$4,334.00
4	PERMANENT EASEMENT (PIPE COVER > 4')	7,000	SF	\$0.72	\$5,040.00
5	T.C.E. (6 MONTH CONSTRUCTION)	2,500	SF	\$1.03	\$2,575.00
	SUBTOTAL				\$567,214.61

OPEN TRENCH

ITEM	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
1	12" VCP SEWER	920	LF	\$120.00	\$110,400.00
2	TRENCH EXCAVATION	920	LF	\$90.00	\$82,800.00
3	VINE REMOVAL	1.52	ACRE	\$56,900.00	\$86,597.46
4	PERMANENT EASEMENT (PIPE COVER < 4')	2,200	SF	\$1.97	\$4,334.00
5	PERMANENT EASEMENT (PIPE COVER > 4')	7,000	SF	\$0.72	\$5,040.00
6	T.C.E. (6 MONTH CONSTRUCTION)	57,095	SF	\$1.03	\$58,807.85
	SUBTOTAL				\$347,979.31

EXHIBIT B-1

AREA 2B INFRASTRUCTURE IMPROVEMENTS (FIGURE)

See attached.

EXHIBIT B.1

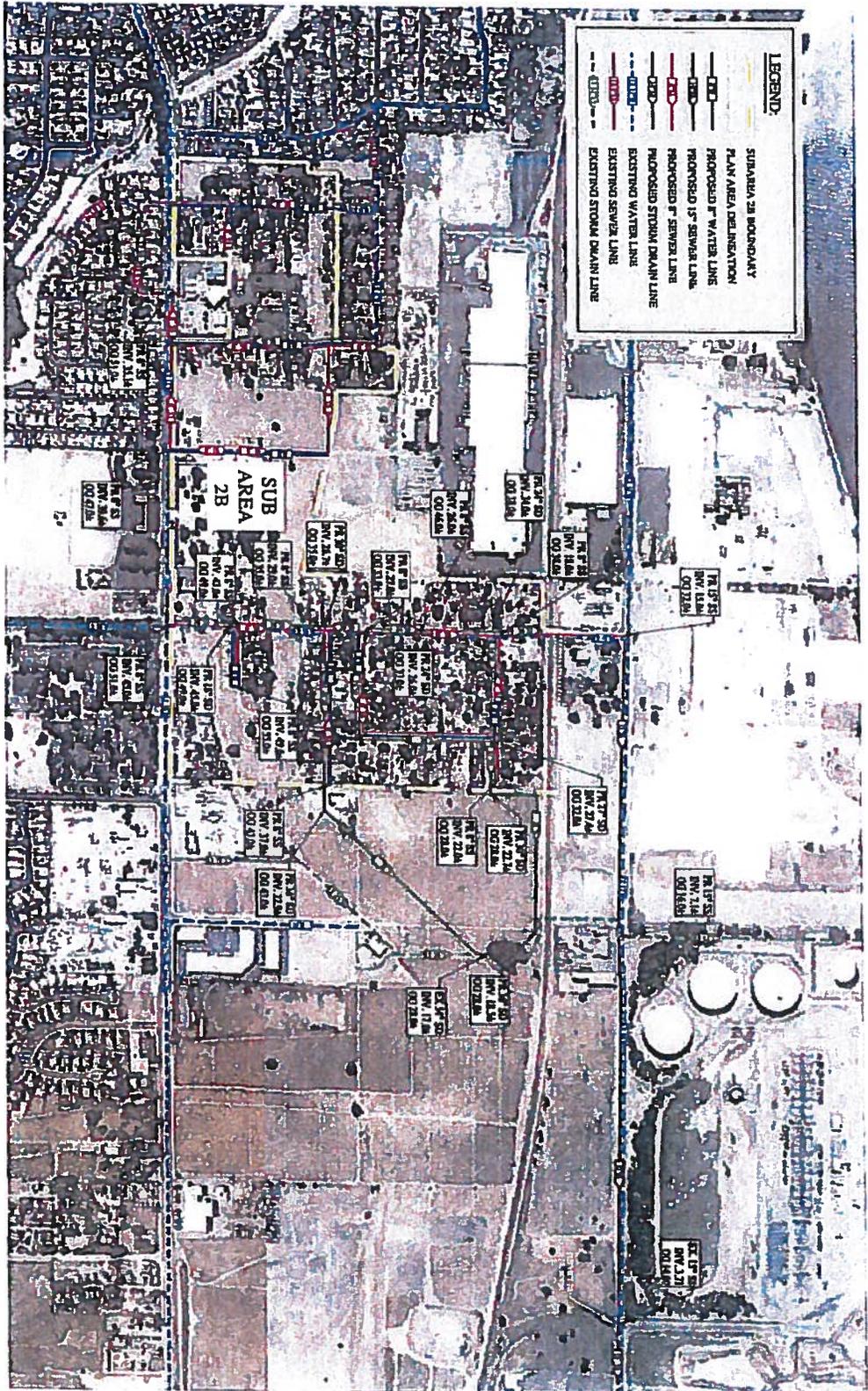


EXHIBIT C
COUNTY CONSERVATION AND DEVELOPMENT PLANNING AND INSPECTION
FEEES FOR FORESTAR PROPERTY

See attached.

LAND DEVELOPMENT FEE SCHEDULE

APPROVED AUGUST 13, 2013

EFFECTIVE OCTOBER 12, 2013

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S-001

Permit Processing and Issuance Program

- A. Plan Review 65% of Building Permit Fee. Applicable when plans are required beyond a plot or site plan.
- B. Permit Review and Processing 25% of Building Permit Fee. Applicable when review for compliance can be determined through a plot or site plan, or references to a master plan previously reviewed and approved by the department.
- C. Additional Processing Applicable when additional plan review is required due to: 1) incomplete or unacceptable follow-through by applicant on deficiencies found in the initial plan review; 2) significant revisions submitted after plan review is well underway; or 3) revisions submitted during construction to reflect field changes. Fees for such reviews shall be at the hourly rates in effect at the time of plan review.
- D. Refinery and Chemical Plant Fee
1. Yearly Building/
Grading Permit 10% of the actual annual valuation of building construction and grading activity. Excluded from this category are all expenditures for which individual building or grading permits are applicable.
2. Individual Building/
Grading Permit For new construction, additions, or major alterations of buildings, the fees charged will be consistent with other sections of this fee schedule. For all other construction work the valuation will be based upon the actual cost of materials and labor associated with the installation of foundations and other structural items only. The permit will be calculated as per Table No. 1-A.
3. Yearly Electrical Permit 1% of the actual valuation of electrical construction activity.

S-002

Construction Inspection Program

- A. Building Inspection
1. Building Permit The Building Permit fee shall be as set forth in the Fee Schedule (Table No. 1-A) or \$75.00 whichever is greater.
2. Energy Compliance 25% of Building Permit and Plan Review or processing fees. Applicable on all structures with heated or air-conditioned space.

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3. Access Compliance

25% of Building Permit and Plan Review or processing fees. Applicable on all buildings except residential use buildings with fewer than 4 dwelling units. Additions and alterations to an exempt building, and accessory structures on the same parcel with an exempt building, also are exempt from this fee.

B. Earthquake Fee

Residential: \$10 per each \$100,000 of building valuation.

Commercial: \$20 per each \$100,000 of building valuation.

Valuation. The determination of value or valuation under any provisions of the County Building Code shall be made by the Director of Conservation and Development. The total valuation to be used with the Fee Schedule shall be determined using the Building Valuation Data contained in the Building Safety Journal, published by the International Code Council (ICC) or in the Successor magazine published by the ICC or its Successor organization. The data in the March-April issue of each year shall be used for the ensuing fiscal year. Work not listed in the Building Valuation Data shall be valued per the Building Valuation Data Supplement below, which may be modified administratively by the Director of Conservation and Development to clarify or cover additional types of work and situations.

The valuation to be used in computing the building permit fee shall be the total valuation of all construction work for which the permit is issued, as well as all finish work, painting, roofing, mechanical, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanently installed equipment. For industrial facilities, the value of process equipment and heavy machinery supported by the structure or by its own foundation shall be included. Contractor overhead and profit shall be included.

The valuation of grading, retaining walls, paving and other site work, and any demolition work, shall be included unless such work was included in other permits issued by the Department of Conservation and Development.

The valuation data is used to establish consistent criteria for calculating permit fees, and the calculated total valuation does not necessarily reflect actual costs. The County Assessor does not rely on this cost, but performs independent assessments of the permitted work.

BUILDING VALUATION DATA SUPPLEMENT

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The work listed in this supplement shall be valued based on the gross square footage of the work, or where noted, as a lump sum. Where actual costs are higher, those costs shall be used for the valuation.

	\$/Sq.Ft.
1. Residential addition	
-Good Quality	94.80
-Average Quality	69.04
2. Residential remodel (to existing floor areas)	47.40
If bathrooms are added or remodeled, for each one, add lump sum of:	5,000.00
If kitchen is remodeled, add lump sum of:	15,000.00
3. Residential use conversion from garage, basement or unfinished area	
-Good Quality	56.50
-Average Quality	33.90
If bathrooms or kitchen added, include lump sum(s) as for residential remodel.	
4. Sun room with >60% glazing, cabanas, other similar structures	37.10
If conditioned space and integrated with main structure, add:	58.30
5. Patio cover (includes pre-fab types, usually with ICBO research listing)	16.27
If enclosed with walls or glazing, add:	31.80
6. Deck	15.90
7. Retaining wall (projected sq.ft. areas of wall and footing)	
-concrete or CMU	10.60
-wood	5.30
8. Freestanding fence (projected area)	
-concrete or CMU	5.30
-wood, chainlink	3.18
9. Swimming pool, lump sum of:	25,000.00
10. Remodel or tenant improvement work in commercial buildings	
Type I and II Construction	31.80
Type III, IV and V Construction	26.50
If restrooms are added or relocated - add lump sum for each:	10,000.00
If commercial kitchen is added - add lump sum of:	30,000.00
11. Reroofing	
-Built up, composition shingles, foam	3.18
-Treated wood, metal and proprietary products	3.71
-Tile - masonry, clay, concrete	4.77
12. Mobile home on permanent foundation (based on square footage of mobile home)	10.60
13. Moved building (for existing s.f. any added s.f. shall be at "average quality" valuation)	31.80

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14.	Agricultural/husbandary buildings	
	-Pole construction	9.00
	-Wood construction	14.00
	-Steel construction	16.00

B. Electrical Inspection Fees

1.	New dwelling	15% of the Building Permit Fee.
2.	Addition or alteration to dwelling unit	20% of the Building Permit Fee, \$75.00 minimum.
3.	New commercial building	25% of the Building Permit Fee, \$75.00 minimum.
4.	Shell building	5% of the Building Permit Fee, \$75.00 minimum.
5.	Commercial alterations & tenant improvements	20% of the Building Permit Fee, \$75.00 minimum.
6.	Electrical Permit	\$75.00 minimum. *See note below.

* An electrical permit is required for all electrical work regulated by the Electrical Code. Fees for work not included in Items 1 - 5 above shall be calculated using Table 1-A and based on the contract amount of the electrical work. Where such electrical work is performed in conjunction with a building permit, the fee may be added to that permit, and a separate electrical permit is not required.

C. Mechanical Inspection Fees

1.	New dwelling	10% of the Building Permit Fee.
2.	Addition or alteration to dwelling unit.	15% of the Building Permit Fee, \$75.00 minimum.
3.	New commercial building	15% of the Building Permit Fee, \$75.00 minimum.
4.	Shell building	5% of the Building Permit Fee, \$75.00 minimum.
5.	Commercial alterations & tenant improvements	10% of the Building Permit Fee, \$75.00 minimum.
6.	Mechanical Permit	\$75.00 minimum.*See note below.

* A mechanical permit is required for all mechanical work regulated by the Mechanical Code. Fees for work not included in Items 1 - 5 above shall be calculated using Table 1-A and based on the contract amount of the mechanical work. Where such mechanical work is performed in conjunction with a building permit, the fee may be added to that permit, and a separate mechanical permit is not required.

D. Plumbing Inspection Fees

1.	New dwelling	15% of the Building Permit Fee.
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| 2. | Addition or alteration to dwelling unit | 20% of the Building Permit Fee, \$75.00 minimum. |
| 3. | New commercial building | 20% of the Building Permit Fee, \$75.00 minimum. |
| 4. | Shell building | 5% of the Building Permit Fee, \$75.00 minimum. |
| 5. | Commercial alterations & tenant improvements | 15% of the Building Permit Fee, \$75.00 minimum. |
| 6. | Plumbing Permit | \$75.00 minimum. *See note below. |

* A plumbing permit is required for all plumbing work regulated by the Plumbing Code. Fees for work not included in Items 1 - 5 above shall be calculated using Table 1-A and based on the contract amount of the work. Where such plumbing work is performed in conjunction with a building permit, the fee may be added to that permit, and a separate plumbing permit is not required.

E. Miscellaneous Fees

1. Reinspections. When return trips to the site by an inspector are necessary as specified below, a reinspection fee shall be charged as follows:
 - a. For building permits with total valuations not exceeding \$5,000, \$50 per trip.
 - b. For building permits with total valuations of more than \$5,000, \$100 per trip.
 - c. For electrical, mechanical and plumbing permits on residential buildings, \$50 per trip.
 - d. For electrical, mechanical and plumbing permits on non-residential buildings, \$100 per trip.

Situations where reinspection fees shall be applicable include the following:

- a. When the work for a called inspection is not ready or not accessible to the inspector.
 - b. When extra inspections are necessary due to deficient or defective work through fault or error of the owner or contractor. One such extra inspection will be made for each phase of work that requires inspection (i.e. foundation, rough electric, etc.) under the regular fees prescribed in this section. A reinspection fee shall be charged for each additional visit or inspection thereafter.
 - c. When more than one inspection is made on a phase of work (i.e., "partial inspections") that normally is inspected in one trip. The fee may be waived when partial inspections are necessary due to the large size of the project, or when the inspections do not adversely affect the efficiency of the inspector.
2. Owner-requested inspection of an existing building. The fee shall be based on an hourly rate @ \$90 per hour, with 1 hour minimum. If overtime is required the rate shall be \$180 per hour with a 1-hour minimum.

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3. Inspection for Change of Occupancy. The fee shall be based on an hourly rate @ \$90 per hour, with 1-hour minimum.
4. Investigation of work without permit. When a Stop Work Notice is issued for work being performed without permits or performed beyond the scope of existing permits, a special investigation and inspection shall be made before permits may be issued for such work. An investigation fee shall be charged equal to two times the amount of all permit fees required by this ordinance, with a minimum of \$250. The fee is additive to the permit fees. This provision shall not apply to emergency work when it can be proven to the satisfaction of the Director of Building Inspection that such work was urgently necessary, that it was not practical to obtain a permit before the work was commenced, and that a permit was applied for as soon as practical.
5. Abatement of Code Violations.

Building: Abatement costs: When an RF (Report Form) is issued as a result of an inspection of a property, and compliance is required to correct violations found, or permits are required to legalize work previously performed without building permits, a code enforcement cost shall be charged equal to two times the amount of all permit fees required by this ordinance, with a minimum of \$250. Where repeat visits are required before the owner complies or obtains the required permits, a reinspection cost of \$100 per trip shall be charged after the second trip. Where repeat visits are necessary after compliance or permit issuance to enforce the abatement work, a reinspection cost of \$100 per trip shall be charged after the second trip. The costs in this section are additive to the permit fees.

Zoning: When Code Enforcement activities are required as a result of an inspection of a property and compliance is required to correct violations found, or permits are required for compliance, a code enforcement cost shall be charged equal to the amount of all permit fees required by this ordinance, with a minimum of \$250. Where repeat visits are required before the owner complies or obtains the required permits, a reinspection cost of \$100 per trip shall be charged. Where repeat visits are necessary after compliance or permit issuance to enforce the abatement work, a reinspection cost of \$100 per trip shall be charged. The costs in this section are additive to the permit fees.
6. Renewal fee for an expired permit:
 - For Final Inspection: 10% of the current building valuation will be used as the basis for the calculation of the building permit fee.
 - For permits that have expired within one year after issuance date: the permit fee will be 50% of the sum of the original building, electrical, mechanical and plumbing fees.
 - For permits that have expired more than 180 days after the last inspection occurred: full fee is applicable.

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S-003	Grading Plan Check/Inspection	
	<u>Improvement Value:</u>	<u>Fee:</u>
	\$100,000 or less	The greater of 5% or \$100.
	\$100,001 to \$1,000,000	\$5,000 plus 4% of amount in excess of: \$100,000.
	Over \$1,000,000	\$41,000 plus 3% of amount in excess of: 1,000,000.
	<u>Additional fee if:</u>	
	Work goes over 1 year	1% of uncompleted work + \$100.
	Work goes over 2 years	2% of uncompleted work + \$100.
S-004	Building Demolition Review	\$100 permit.
S-005	Mobile Home Park Annual Inspection	\$25 plus \$2 per lot for licensing, plus \$4 per mobile home lot for annual inspection.
S-006	Mobile Home Permit Inspection	<u>Application:</u> \$20. <u>Inspection:</u> \$100 plus \$30 for each half hour over one hour. <u>Reinspection:</u> \$60 plus \$30 for each half hour over one hour.
S-007	Permanent Mobile Home Inspection	Same as construction inspection. (S-002)
S-008	R-Form Complaint Investigation	Costs are offset by a portion of the 40% surcharge collected on building permit fees. To the extent surcharge revenues are insufficient, costs are absorbed by the operations reserve.
S-009	R-Form Site Investigation	\$200 per investigation plus County's fully burdened hourly rates for travel time outside the County.
S-010	County Code Compliance	\$200 per report.
S-011	Records Information Research	<u>Retrieval/research fee:</u> \$60 per hour, \$15 minimum. Photocopy charges at published rates. <u>Documents requested to be certified have an additional charge:</u> <u>First page:</u> \$4.50 <u>Add'l pages:</u> \$1.00 each
S-012	Subpoena Services	Evidence reproduction: \$60 per hour, \$15 minimum Witness summons: Time and materials plus mileage, \$150 deposit.
S-013	Certificate of Compliance Review/ Determination of Legal Lot	\$1,000 minimum deposit, time and materials.

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S-014	Development Plan Review (Multiple-family/Commercial/ Office/ Industrial)	\$6,000 minimum deposit plus Multiple-family: \$195 per unit. Commercial, Office, Industrial: \$.20 sq.ft. Time and materials.
S-015	Development Plan Review (Exterior Change)	\$2,900 minimum deposit. Time and materials.
S-016	Development Plan Review (No Exterior Change)	\$2,000 minimum deposit. Time and materials.
S-017	Time Extension (Administrative)	\$200 fee.
S-018	Time Extension (Public Hearing)	\$600 fee.
S-019	General Plan Amendment Review	\$5,000 plus \$100 per acre minimum deposit. Time and materials. \$3,500 nonrefundable fee for General Plan Maintenance.
S-019A	Specific Plan Amendment	\$5,000 minimum deposit. Time and materials.
S-019B	General Plan Amendment Feasibility Request	\$750 fee credited towards subsequent General Plan Amendment application.
S-020	General Plan Maintenance	Costs are offset by the 40% surcharge on building permit fees. To the extent such fees are insufficient, costs will be absorbed by the operations reserve.
S-021	Land Use Permit (Quarry)	\$5,600 minimum deposit plus \$75 per acre. Time and materials.
S-022	Land Use Permit (Quarry Reclamation Plan)	\$1,780 minimum deposit plus \$75 per acre. Time and materials.
S-023	Land Use Permit (Caretaker Mobile Home)	\$2,000 minimum deposit. Time and materials.
S-024	Land Use Permit (Family Member Mobile Home)	\$750 minimum deposit. Time and materials. \$150 with proof of financial hardship of property owner.
S-025	Land Use Permit (Residential Care Facility)	\$3,000 minimum deposit. Time and materials.
S-026	Land Use Permit (Home Occupation)	\$500 minimum deposit. Time and materials.
S-027	Land Use Permit (Take Out Food)	\$2,700 minimum deposit. Time and materials.
S-027A	Land Use Permit (Second Unit)	\$1,000 minimum deposit. Time and materials.

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S-027B	Land Use Permit (Additional Residence)	\$2,000 minimum deposit. Time and materials.	
S-028A	Land Use Permit (Development Plan Combination)	\$2,000 minimum deposit plus Development Plan deposit. Time and materials.	
S-028B	Land Use Permit (Development Plan Combo, Minor Revisions/Amendments)	\$500 minimum deposit. Time and materials.	
S-029	Land Use Permit (Other)	\$2,700 minimum deposit plus ½ % of value of project over \$100,000. Time and materials.	
S-029A	Land Use Permit (Solid Waste Disposal Review)	\$10,000 minimum deposit. Time and materials.	
S-030	Land Use Permit (Administrative Permit - Gas Well)	\$570 minimum deposit. Time and materials.	
S-031	Land Use Permit (Gas Well Ordinance)	\$2,060 minimum deposit. Time and materials.	
S-032	Lot Line Adjustment Review	\$50 per adjusted parcel. \$500 minimum.	
S-033	Tentative Subdivision Map Review - Major	<u>5-30 lots/units</u> \$5,490 minimum deposit plus \$185 per lot/unit 5-30. Time and materials.	
		<u>31-100 lots/units</u> \$11,500 minimum deposit plus \$96 per lot/unit 31-100. Time and materials.	
		<u>101 or more lots/units</u> \$18,200 minimum deposit plus \$64 per lot/unit 101 and up. Time and materials.	
S-033A	Development Agreement	\$1,000 minimum deposit. Time and materials.	
S-033B	Development Impact Fee Deferral	\$500 – Agreement must be executed and recorded as lien on property for deferral of Area of Benefit, Child Care, Inclusionary Housing, Park Impact, Police Services, and Traffic Impact Fees. Sunsets December 31, 2011.	
S-034	Tentative Subdivision Map Review - Minor	\$4,800 minimum deposit plus \$300 per lot/unit. Time and materials.	
S-034A	Reversion to Acreage	\$1,500 minimum deposit. Time and materials.	
S-035	Condo Conversion Tentative Map		
		<u>1 - 30 lots/units</u>	\$1,910 minimum deposit plus \$140 per lot/unit 1 - 30.
		<u>31 - 100 lots/units</u>	\$6,104 minimum deposit plus \$105 per lot/unit 31 - 100.

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	<u>101/or more lots/units</u>	\$13,454 minimum deposit plus \$70 per lot/unit 101 and up. Time and materials.
S-036	Lot Split	\$2,000 minimum deposit. Time and materials.
S-036A	Undersized Lot Review	\$150 fee. If public hearing is requested, \$500 minimum deposit in addition to review fee. Time and materials.
S-037	Planned Unit Development Rezoning Review - Residential	
	<u>1-30 units</u>	\$4,185 minimum deposit plus \$128 per unit.
	<u>1-100 units</u>	\$8,025 minimum deposit plus \$96 per unit 31 - 100.
	<u>1-101/up</u>	\$14,745 minimum deposit plus \$64 per unit 101 and up. Time and materials.
S-038	Planned Unit Development Rezoning Review - Commercial/Industrial	\$6,200 minimum deposit plus \$.15 per sq.ft. of floor area over 25,000 sq. ft. Time and materials.
S-039A	Planned Unit Development Final Development Plan Review/New	\$3,500 minimum deposit. Time and materials.
S-039B	Planned Unit Development Final Development Plan Review/Non-Substantial Modification	\$1,000 minimum deposit. Time and materials.
S-039C	Planned Unit Development Final Development Plan Review/ Substantial Modification	\$3,000 minimum deposit. Time and materials.
S-040	Planned Unit Development Tentative Subdivision Map Review	\$2,850 minimum deposit. Time and materials.
S-041	Rezoning Review - Commercial/Industrial	\$6,500 minimum deposit. Time and materials.
S-042	Rezoning Review - Other	\$2,500 minimum deposit. Time and materials.
S-043	Police Services District Formation	\$800 fee.
S-044	Zone Variance	\$1,000 minimum deposit. Time and materials.
S-045	Sign Review	<u>Minor modification:</u> \$550 fee. <u>Public hearing:</u> Additional \$800 deposit towards time and materials.

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S-045A	Address Change/Private Road Name Change	\$500 fee plus \$100 per address over 10.
S-046	Request for Determination	\$200 fee.
S-046A	Accelerated Review	Non-refundable deposit equal to 30% of amount of consultant contract plus time and materials.
S-047A	Zoning Administrator Appeal - Land Use Permit	\$125 filing fee. Time and materials charged to applicant.
S-047B	Zoning Administrator Appeal - Minor Subdivision	\$125 filing fee. Time and materials charged to applicant.
S-047C	Zoning Administrator Appeal - Major Subdivision	\$125 filing fee. Time and materials charged to applicant.
S-047D	Zoning Administrator Appeal - Other	\$125 filing fee. Time and materials charged to applicant.
S-047E	Planning Commission Agenda Mailing Service	\$25 per year plus \$5 per year for each additional agenda.
S-048	Fish and Game - Posting Fee Administrative Fee	\$50 fee. \$25 fee.
S-048A	Appeal to the Board - Land Use Permit	\$125 filing fee. Time and materials charged to applicant.
S-048B	Appeal to the Board - Minor Subdivision	\$125 filing fee. Time and materials charged to applicant.
S-048C	Appeal to the Board - Major Subdivision	\$125 filing fee. Time and materials charged to applicant.
S-048D	Appeal to the Board - Other	\$125 filing fee. Time and materials charged to applicant.
S-049	Reconsideration Review	\$125 filing fee. Time and materials.
S-049A	Condition of Approval Modification Review	\$500 fee. Time and materials with \$1,000 deposit if modification goes to public hearing.
S-049B	Modification of Official Document	\$250 fee.
S-050	Agricultural Preserve Rezoning Review	\$1,000 minimum deposit. Time and materials.
S-050A	Agricultural Preserve Contract	\$500 deposit. Time and materials.
S-051	Agricultural Preserve Cancellation Review	\$5,400 minimum deposit. Time and materials.

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S-051A	Preapplication Review	
	<u>Minor Subdivision, Minor Land Use Permit, Development Permit</u> (not more than one building)	\$500 fee. All additional costs charged to future application, credit given for fee paid.
	<u>Major Subdivision</u> up to 100 lots	\$750 fee. All additional costs charged to future application, credit given for fee paid.
	101 - 250 lots	\$950 fee. All additional costs charged to future application, credit given for fee paid.
	<u>Major Residential, Commercial or Industrial Development</u> (more than one building)	\$1,000 fee. All additional costs charged to future application, credit given for fee paid.
S-051B	Agricultural Preserve Non-Renewal Notice	\$300 minimum deposit. Time and materials.
S-051C	Annual Review of Quarry Reclamation	\$1,000 fee plus \$2 per acre.
S-051D	Permit for Alteration of Protected Trees	\$500 minimum deposit. Time and materials.
S-051F	Heritage Tree (appeal)	\$50 minimum deposit plus time and materials.
S-051G	Heritage Tree (nomination)	\$100 fee per tree.
S-051H	Heritage Tree (removal permit)	\$1,000 minimum deposit plus time and materials.
S-051J	Heritage Tree (encroachment permit)	\$500 minimum deposit plus time and materials.
S-052	Planning Surcharge	40% surcharge on building permits.
S-052A	Fee Services Clerical	Costs to be offset by a portion of the Planning Surcharge. To the extent such revenues are insufficient, costs will be absorbed by the operations reserve.
S-052B	Notification List Services	\$1.50 per address plus \$30.
S-053	Mitigation/ Condition of Approval Compliance Monitoring	\$1,500 minimum deposit plus time and materials.
S-056	Hazardous Waste Application Review	
	<u>Determination</u>	\$2,440 minimum deposit plus time and materials.
	<u>Monitoring 86/100</u>	\$2,900/year minimum deposit plus time and materials.
	<u>Mitigation Monitoring</u> (non 86/100)	Time and materials.

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S-057	Environmental Impact Review	Contract amount plus 30% administrative surcharge. Time and materials.
S-059	County Water Agency Wetland Review	\$500 minimum deposit. Time and materials.
S-060	Records Information Research	<u>Retrieval/research fee:</u> \$60 per hour, \$15 minimum. Photocopy charges at published rates. <u>Documents requested to be certified have an additional charge:</u> <u>First page:</u> \$4.50 <u>Additional pages:</u> \$1.00 each
S-060A	Geologic Review	Contract amount. Time and materials. <u>Major Subdivision:</u> Deposit of \$750 <u>Minor Subdivision:</u> Deposit of \$1,500 <u>Others:</u> Deposit based on estimated contract amount. Deposit to be paid at submittal application or submittal of soil report whichever is earlier.
S-060B	Landscaping and Tree Protection Agreement	Time and materials charged against \$100 minimum initial deposit.
S-060C	COA Compliance Check for Building Permit Issuance	<u>Minor Developments</u> - \$500 minimum deposit. Time and materials. <u>Major Developments</u> - \$1,000 minimum deposit. Time and materials.
S-060D	Liquor License Site Determination	\$525 fee
S-060E	Gun Ordinance Annual License	\$250 fee.
S-060F	Deemed Approved Annual Fee	\$400 yearly fee per ABC license
S-060G	Subpoena Services	Evidence reproduction: \$60 per hour, \$15 minimum. Witness summons: Time and materials plus mileage, \$150 deposit.
S-060H	Temporary Events	\$150 deposit – Time and materials - \$2,500 cap.
S-060I	Home Occupation Permit (Admin.)	\$50 fee.
S-060J	Meteorological Tower Permit (Admin.)	\$1,000 minimum deposit plus time and materials.

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S-061	Growth Management Task Force Review	Costs offset by portion of 40% surcharge on Building Review Permit fees. To the extent such revenues are insufficient, costs will be absorbed by the operations reserve.
S-062	Growth Management Plan	CCTA funds program annually, as long as County was in compliance in prior year. Allocation of funding internally is determined by the Board of Supervisors. Excess costs over annual funding determined by Board of Supervisors is offset by 40% surcharge on building permit fees and the operations reserve.
S-063	California Environmental Quality Act Review County Projects - Non EIR	Time and materials excluding general overhead.
S-064	California Environmental Quality Act Review County Projects -EIR	Time and materials excluding general overhead.
S-065	Child Care Application Review	\$1,000 minimum deposit. Time and materials.
S-066	Code Enforcement	Costs are offset by 40% surcharge on building permit fees. To the extent such revenues are insufficient, costs will be absorbed by the operations reserve.
S-066A	Late Filing of Development Permit Application	Nonrefundable penalty equal to 50% of application fee or deposit amount.
S-067	Counter Information	Costs are offset by 40% surcharge on building permit fees. To the extent such revenues are insufficient, costs will be absorbed by the operations reserve.

FEES FOR NORTH RICHMOND PLANNED UNIT DISTRICT AREA

S-NR01	Administrative Permits	\$300 deposit, plus time and materials.
S-NR02	Land Use Permit – Automotive Uses	\$1,000 deposit, plus time and materials.
S-NR03	Land Use Permit	\$500 deposit, plus time and materials.
S-NR04	Development Permit	\$1,000 deposit, plus time and materials.
S-NR05	Lot Line Adjustment	\$150 fee per parcel, plus time and materials.
S-NR06	Annual Monitoring Fee	\$50 fee, plus time and materials.
S-NR07	Home Occupation	\$50 fee, plus time and materials.

FEES FOR RODEO PLANNED UNIT DISTRICT AREA

S-RD01	Administrative Permits	\$300 deposit, plus time and materials.
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S-RD02	Land Use Permit – Automotive Uses	\$1,000 deposit, plus time and materials.
S-RD03	Land Use Permit	\$500 deposit, plus time and materials.
S-RD04	Development Permit	\$1,000 deposit, plus time and materials.
S-RD05	Lot Line Adjustment	\$150 fee per parcel, plus time and materials.
S-RD06	Annual Monitoring Fee	\$50 fee, plus time and materials.
S-RD07	Home Occupation	\$50 fee, plus time and materials.

FEES FOR BAY POINT PLANNED UNIT DISTRICT AREA

S-BP01	Administrative Permits	\$300 deposit, plus time and materials.
S-BP02	Land Use Permit - Automotive Uses	\$1,000 deposit, plus time and materials.
S-BP03	Land Use Permit	\$500 deposit, plus time and materials.
S-BP04	Development Permit	\$1,000 deposit, plus time and materials.
S-BP05	Lot Line Adjustment	\$150 fee per parcel, plus time and materials.
S-BP06	Annual Monitoring Fee	\$50 fee, plus time and materials.
S-BP07	Home Occupation	\$50 fee, plus time and materials.

FEES FOR MONTALVIN MANOR PLANNED UNIT DISTRICT AREA

S-MM01	Administrative Permits	\$300 deposit, plus time and materials.
S-MM02	Land Use Permit – Automotive Uses	\$1,000 deposit, plus time and materials.
S-MM03	Land Use Permit	\$500 deposit, plus time and materials.
S-MM04	Development Permit	\$1,000 deposit, plus time and materials.
S-MM05	Lot Line Adjustment	\$150 fee per parcel, plus time and materials.
S-MM06	Annual Monitoring Fee	\$50 fee, plus time and materials.
S-MM07	Home Occupation	\$50 fee, plus time and materials.

FEES FOR EL SOBRANTE PLANNED UNIT DISTRICT AREA

S-ES01	Administrative Permits	\$300 deposit, plus time and materials.
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LAND DEVELOPMENT FEE SCHEDULE

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AFFORDABLE HOUSING REFINANCING PROCESS FEES

S-HM01	Multi-Family Affordable Housing Refinancing Fee	\$1,000 deposit plus time and materials.
S-HS01	Single-Family Affordable Housing Refinancing Fee	\$350 deposit plus time and materials.
S-MCC01	Mortgage Credit Certificate Insurance	\$300 deposit plus time and materials.
S-RMCC1	Reissued Mortgage Credit Certificate	\$300 deposit plus time and materials.
S-MCC02	Replacement lost mortgage credit and reissued mortgage credit certificate	\$100 deposit plus time and materials.
S-MCC03	MCC Lender Participation	\$400 deposit plus time and materials.
S-MCC04	MCC Lender Participation Annual Renewal	\$200 deposit plus time and materials.

IN-LIEU FEES FOR INCLUSIONARY HOUSING ORDINANCE – APPLIES TO PROJECTS WITH 5 THROUGH 125 UNITS ONLY. FEES ARE NOT ALLOWED ON PROJECTS WITH MORE THAN 125 UNITS EXCEPT FOR FRACTIONAL UNITS

Fees are one option for compliance. See Ordinance for requirements and options for any project of five or more units. Fees may be paid on a fraction of a unit if the calculation of the required number of inclusionary units in a project results in a fraction of a unit.

Developments of 5 or more units must provide 15% of the units as affordable.

For-sale developments must have 80% of the inclusionary units (12% of total units) as affordable to moderate income households and 20% of the inclusionary units (3% of total units) as affordable to lower income households.

Rental developments must have 80% of the inclusionary units (12% of total units) as affordable to lower income households and 20% of the inclusionary units (3% of total units) as affordable to very-low income households.

Refer to Ordinance for income definitions.

Fee amounts are based on the formula in Section 822.4404(b) of the ordinance.

S-IH1	FOR SALE HOUSING	Fee equals 12% of total number of units in the development times \$0 plus 3% of total number of units in the development times \$129,163; i.e., $[(0.12 \times \text{total units})(\$0) + (0.03 \times \text{total units})(\$129,163)]$ or \$3,874.89 per market rate unit.]
S-IH2	RENTAL HOUSING	<i>*Rental Housing in-lieu fees are suspended effective December 15, 2009</i>

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S-068	Final Map Check (Major)	Deposit of \$1,500 plus \$25 per lot. 50% surcharge for accelerated review if available. Lot line revisions after the first check \$25 per affected lot. Time and materials.
S-069	Parcel Map Check	Deposit of \$1,500 plus \$25 per lot. 50% surcharge for accelerated review if available. Lot line revisions after the first check are \$25 per affected lot. Time and materials.
S-070	Record of Survey Check	The fee is actual time at the County's fully burdened hourly rates charged against an initial deposit of \$500, and additional deposits as necessary. The minimum fee is \$200.
S-072	Public Improvement Plan Check (Major) Based on Improvement Value: <u>\$25,000 or less</u> <u>\$25,001-\$50,000</u> <u>More than \$50,000</u>	Deposit of: \$1,500 + 8% of improvement value. \$3,500 + 6% of amount over \$25,000. \$5,000 + 2% of amount over \$50,000. Time and materials. 50% surcharge for accelerated review if available.
S-073	Public Improvement Plan Check (Minor) Based on Improvement Value: <u>\$25,000 or less</u> <u>\$25,001-\$50,000</u> <u>More than \$50,000</u>	Deposit of: \$1,500 + 8% of improvement value. \$3,500 + 6% of amount over \$25,000. \$5,000 + 2% of amount over \$50,000. Time and materials. 50% surcharge for accelerated review if available.
S-074A	Public Improvement Plan Check (LUP) Based on Improvement Value: <u>\$25,000 or less</u> <u>\$25,001-\$50,000</u> <u>More than \$50,000</u>	Deposit of: \$1,500 + 8% of improvement value. \$3,500 + 6% of amount over \$25,000. \$5,000 + 2% of amount over \$50,000. Time and materials. 50% surcharge for accelerated review if available.

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S-075	Public Improvement Plan Check (Development Plan) Based on Improvement Value: <u>\$25,000 or less</u> <u>\$25,001-\$50,000</u> <u>More than \$50,000</u>	Deposit of: \$1,500 + 8% of improvement value. \$3,500 + 6% of amount over \$25,000. \$5,000 + 2% of amount over \$50,000. Time and materials. 50% surcharge for accelerated review if available.
S-076	Drainage Review (No Improvement Plan)	\$700 deposit. Time and materials.
S-076A	Condition of Approval Compliance Check (No Improvement Plan)	\$1,000 deposit. Time and materials.
S-076B	Improvement Agreement Extension	\$250 if documents signed and submitted 21 days before agreement expires, \$400 thereafter.
S-076C	Public Improvement Plan -Bridge/Major Structure	\$2,000 + 6% of improvement value. Time and materials.
S-077	Public Improvement Inspection (Major) Based on Improvement Value: <u>\$100,000 or less</u> <u>\$100,001 or more</u>	Deposit of: \$1,500 + 6.5% of improvement value. \$3,500 + 4.5% of amount over \$101,000. Time and materials. M & T Lab retests at scheduled test prices.
S-077A	Public Improvement Inspection - Bridge/Major Structure	Deposit of: \$1,500 + 7% of improvement value. Time and materials. M & T Lab retests at scheduled test prices.
S-078	Public Improvement Inspection (Minor) Based on Improvement Value: <u>\$100,000 or less</u> <u>\$100,001 or more</u>	Deposit of: \$1,500 + 6.5% of improvement value. \$8,000 + 4.5% of amount over \$100,000. Time and materials. M & T Lab retests at scheduled test prices.
S-079	Public Improvement Inspection (Land Use Permit) Based on Improvement Value: <u>\$100,000 or less</u> <u>\$100,001 or more</u>	Deposit of: \$1,500 + 6.5% of improvement value. \$8,000 + 4.5% of amount over \$100,000. Time and materials. M & T Lab retests at scheduled test prices.

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S-080A	Public Improvement Inspection (Development Plan) Based on Improvement Value: <u>\$100,000 or less</u> <u>\$100,001 or more</u>	Deposit of: \$1,500 + 6.5% of improvement value. \$8,000 + 4.5% of amount over \$100,000. Time and materials. M & T Lab retests at scheduled test prices.
S-081C	Public Improvement Plan Review - Landscaping	\$500 deposit plus 2% of improvement value. Time and materials.
S-081D	Subdivision Monument Check	1 -2 monuments \$500.00 3 -5 monuments \$750.00 6-9 monuments (per monument) \$125.00 10 or more monuments (per monument) \$120.00 Time and materials.
S-081E	Application Review - Encroachment Permit (small) (driveway, sidewalk repairs, small retaining walls, sewer laterals or water service by property owner, etc.)	\$35.00 fee plus \$500 cash bond required for work in the street.
S-081F	Application Review - Encroachment Permit (large)	Deposit determined by staff based on valuation with a \$300 initial deposit. One hour minimum. Time and materials at fully burdened hourly rates. Bond may be required.
S-081G	Application Review - Encroachment Permit (utilities)	Time and materials using fully burdened hourly rates. One hour minimum. "Blanket" permit style services are available upon request for routine utility work within the right of way.
S-082B	Public Improvement Inspection - Landscaping	\$500 plus 8% of improvement value. Time and materials.
S-082C	Encroachment Permit Inspection (small) (driveways, sidewalk repairs, small retaining walls, etc.)	\$100 fee. Unpermitted inspection fee is double inspection and permit fee. Non-notification for inspection: \$100 plus time and materials.

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S-082D	Encroachment Permit Inspection (large) (If engineering plans required for street excavation)	Time and materials. One hour minimum. \$300 + \$1,000 initial deposit charged at time and materials. Non-notification for inspection: \$100 plus time and materials.
S-082E	Encroachment Permit Inspection (utilities)	Time and materials. One hour minimum. \$300 + \$1,000 initial deposit charged at time and materials. Non-notification for inspection: \$100 plus time and materials.
S-083	Flood Control District Encroachment	<u>Construction Permit Review</u> - Time and materials. \$400 initial deposit. <u>Inspections</u> - Time and materials. Initial deposit is the larger of \$1,000 or 10% of project valuation. <u>Temporary Right of Entry</u> - Time and materials. \$400 initial deposit. <u>Non-inspection Notification for Permitted Work</u> - \$100 plus actual cost of inspection.
S-084A	Drainage Permit Application	Time and materials against initial deposit determined by staff. \$100 minimum.
S-084B	Drainage Permit Inspection	Time and materials against initial deposit determined by staff. \$100 minimum.
S-085A	Miscellaneous Road Permit Application (house move)	Time and materials. \$500 initial deposit.
S-085B	Miscellaneous Road Permit Application (house move inspection)	Time and materials. \$500 initial deposit.
S-085C	Miscellaneous Road Permit Application (extra-legal load)	Permit fee set by State. Premium billing service \$100 per year plus \$100 security deposit.
S-085D	Miscellaneous Road Permit Application (temporary road closure - construction)	For-profit applicant \$300.00 Not-for-profit applicant \$35.00
S-085E	Miscellaneous Road Permit Application (temporary road closure - special events)	For-profit applicant \$300.00 Not-for-profit applicant \$35.00

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S-085F	Miscellaneous Road Permit Application (extension/modification)	\$125 per extension/modification.
S-085G	Road Acceptance Plan Review	Same as S-072, S-073, S-074A, S-075 as applicable. Time and materials.
S-085H	Road Acceptance Inspection	Same as S-077, S-078, or S-080A as applicable. Time and materials.
S-086	Street Vacation Review	<u>If an in-use area:</u> Actual time spent at County's fully burdened hourly rates charged against a \$1,700 deposit. <u>If an unused area:</u> Actual time spent at County's fully burdened hourly rates charged against a \$900 deposit. Additional mapping fee if map is required, as follows: <u>If map exists:</u> Actual time spent at County's fully burdened hourly rates charged against a \$1,000 deposit. <u>If no map exists:</u> Time and materials against a \$2,700 deposit.
S-086A	Floodplain Management Compliance	\$30 per parcel.
S-086B	Flood Zone/Base Flood Elevation Determination	<u>Flood Zone Determination:</u> \$50 per lot, \$300 maximum for a group of adjacent lots. If site visit required: \$250 plus \$50 per lot; \$550 maximum for a group of adjacent lots. <u>Base Flood Elevation:</u> Time and materials, initial deposit determined by staff based upon complexity of project.
S-086C	Floodplain Management Permit Application	\$325 per application. Time and materials.
S-086D	Floodplain Elevation Certification	\$200 per lot.
S-086E	Floodplain Map Revision/Amendment	Floodplain Map Amendment: \$500. Base map revision, \$35 per lot. Time and materials.

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S-087	Assessment District Bond Segregation	Segregation initiated by owner or County: \$1,000 + \$30 per lot. Segregation initiated by developer's engineer: time and materials. \$200 initial deposit. \$100 minimum.
S-088	Certificate of Correction	Time and materials. \$500.00 initial deposit.
S-088A	Adopt-a-Road	\$500 per application.
S-088B	Adopt-a-Park	\$250 per application.
S-088C	Road Name Change (public road)	\$200 plus \$200 installation charge for first intersection, \$50 per intersection thereafter.
S-088D	Corner Record Check	Fee same as fee for recording a document at the Recorder's Office.
S-088F	Base Map Revision	\$25 per lot. This fee is waived if the parcel maps or final maps are submitted on computer disk.
S-088H	Amended Map Revision	Time and materials plus base map revision fee of \$25 per lot for altered lots. \$1,000 initial deposit.
S-088I	Records Information Research/ Survey Assistance	<u>Retrieval/Research fee:</u> \$60 per hour, \$15 minimum. Photocopy charges at published rates. <u>Documents requested to be certified have an additional charge:</u> <u>First page:</u> \$4.50 <u>Add'l pages:</u> \$1.00 each
S-088J	Subpoena Services	Evidence reproduction: \$60 per hour, \$15 minimum. Witness summons: Time and materials plus mileage, \$150 deposit.
S-088L	Computer Map and Data Requests	Prices to be set using time and materials, including the cost of data development.

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ATTACHMENT "C"

ANTIOCH CITY COUNCIL
Regular Meeting
August 13, 2013

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Mayor Harper thanked Mr. Burden for his service and encouraged him to give his contact information to the Antioch Unified School District.

Karl Dietzel, Antioch resident, reviewed Councilmembers compensation and requested that they disclose where money, beyond standard pay, was expended. He suggested the Council cut their salary by 50% to fund an additional Code Enforcement Officer.

Mayor Harper reported the information Mr. Dietzel had requested could be provided through the City Manager's office.

Ralph Burns, Antioch resident, acknowledged Chief Cantando for assisting him to address concerns related to speeding traffic in his neighborhood. He provided Council with a map of his neighborhood and requested they consider traffic calming measures for the area. He reported he had rescued and spayed several feral cats and suggested the public do their part to address the situation.

Kay Power, Antioch resident, expressed concern regarding rate increases for Delta Diablo Sanitation and Water and Sewer fees.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Tiscareno reported on his attendance at the Lone Tree Golf Course subcommittee meeting.

MAYOR'S COMMENTS – None

COUNCIL CONSENT CALENDAR

- A. APPROVAL OF SPECIAL MEETING/WORKSHOP MINUTES FOR JULY 26, 2013
- B. APPROVAL OF ADJOURNED REGULAR COUNCIL MEETING MINUTES FOR JULY 30, 2013
- C. APPROVAL OF COUNCIL WARRANTS
- D. ORDINANCE NO. 2071-C-S Z-13-03 - SECOND READING OF THE PREZONING FOR THE NORTHEAST ANTIOCH AREA. THERE ARE THREE SUBAREAS CONSIDERED FOR PREZONING, WHICH ARE ALL LOCATED WITHIN UNINCORPORATED CONTRA COSTA COUNTY, CONSISTING OF APPROXIMATELY 678 ACRES. THE ZONING FOR AREA 1 (470 ACRES) IS BEING PROPOSED AS HEAVY INDUSTRIAL AND OPEN SPACE, AREA 2A AS URBAN WATERFRONT (94 ACRES), AND AREA 2B (103 ACRES) AS A STUDY ZONE. THE THREE SUBAREAS ARE LOCATED GENERALLY SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH. A MITIGATED NEGATIVE DECLARATION WAS PREVIOUSLY ADOPTED. (*Introduced on 07/30/13*)

- E. APPROVAL OF PURCHASE ORDER WITH OFFICE MAX FOR PURCHASE OF OFFICE SUPPLY PRODUCTS FOR FISCAL YEAR 2013/14
- F. RESOLUTION NO. 2013/44 AMENDING THE LATERAL POLICE OFFICER HIRING POLICY FOR THE PERIOD OF JANUARY 1, 2013 – JUNE 30, 2014
- G. AMENDMENT TO THE FISCAL YEAR 2014 CIVIC ARTS BUDGET
- H. REQUEST TO WAIVE RENTAL FEES FOR THE ANNUAL BLACK HISTORY ART AND ARTIFACTS EXHIBIT IN 2014
- I. ANNUAL PURCHASE ORDER FOR ELECTRICAL SUPPLIES
- J. ANNUAL PURCHASE ORDER FOR GENERAL PARTS, SUPPLIES AND MATERIALS
- K. CONSIDERATION OF BIDS FOR THE DEER VALLEY ROAD/DAVISON DRIVE/SUNSET LANE PAVEMENT REHABILITATION PROJECT (P.W. 392-28)
- L. RESOLUTION NO. 2013/45 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE 2013 PAVEMENT MAINTENANCE, RUBBERIZED CAPE SEAL PROJECT (P.W. 328-6)

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

Item D – Kay Power, Antioch resident, expressed concern the industrial area would not be paying their fair share for the annexation of Northeast Antioch. She encouraged the City to engage the industrial properties to assist the residents in the area with their fees.

City Consultant Carniglia reported staff would be participating in discussions with Kiewit regarding this matter. He reported Council direction to staff at the July 30, 2013 Council meeting was to work with the property owners in Area 1, to determine how they could assist in defraying costs for connection and annexation fees.

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

Item F – Fred Hoskins, Antioch resident, stated he felt the City should focus on hiring rookie police officers and reducing criminal activity by developing activities in neighborhoods.

Captain Orman stated amending the Lateral Police Officer Hiring Policy would assist in recruitment efforts and noted the lowest percentage of successful hires were academy recruits.

ATTACHMENT "D"



To: Board of Supervisors
From: Catherine Kutsuris
Date: November 12, 2013

Contra
Costa
County

Subject: PROPOSED NORTHEAST ANTIOCH ANNEXATION; CONSIDERATION OF TAX ALLOCATION AGREEMENT, INFRASTRUCTURE FUNDING AGREEMENT AND RELATED ACTIONS

RECOMMENDATION(S):

1. AUTHORIZE and APPROVE the Chair of the Board of Supervisors, or designee to execute the attached Reorganization and Tax Revenue Allocation Agreement ("Tax Allocation Agreement") between the City of Antioch and County of Contra Costa;
2. AUTHORIZE and APPROVE the Chair of the Board of Supervisors, or designee, to execute the attached Joint Exercise of Powers Agreement between the City and the County for funding infrastructure improvements, and planning and building inspection services ("JPA"); and
3. ADOPT attached Resolution 2013/433, determining the allocation of tax revenue for the proposed Northeast Antioch reorganization areas: Area 1 (LAFCO 07-17); Area 2B (LAFCO 12-07); and Area 2A (LAFCO 13-08), as shown on the attached Reorganization Area Map.

FISCAL IMPACT:

If annexation occurs, the City will begin providing municipal services in the newly annexed areas. The purpose of the Tax Allocation Agreement is to apportion between the City and the County, revenues generated in the Northeast Antioch area that are needed to provide public services. The revenues that will be apportioned include property taxes, sales and use taxes, and other revenues identified in the attached Tax Allocation Agreement. The Tax Allocation Agreement will not be used to apportion revenues in Area 1, Area 2A or Area 2B until those areas are annexed into

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 11/12/2013 APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES 5 NOES _____

ABSENT _____ ABSTAIN _____

RECUSE _____

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 12, 2013

, County Administrator and Clerk of the Board of Supervisors

Contact: RICHARD SEITHEL
925-674-7869

By: June McHuen, Deputy

FISCAL IMPACT: (CONT'D)

the City. The Tax Allocation Agreement will not be used to apportion revenues in Area 1 or Area 2B unless and until both areas are annexed into the City. (100% General Fund)

Various infrastructure improvements will be required in Area 2B following annexation. The JPA provides for the contribution of City and County funds toward the construction of Area 2B infrastructure improvements. If the improvements are constructed, the JPA requires that the County and the City each contribute \$300,000 per year for 10 years (i.e., \$3 million each) toward Area 2B infrastructure improvements. (100% General Fund)

The JPA requires that the County and the City each budget and set aside \$100,000 per year for five years (i.e. \$500,000 each) from property tax revenues generated in Area 1 to pay their respective staff and consultant costs to implement the JPA. (100% General Fund)

It has been determined that, if Area 1 annexes to the City, County planning and building inspection services will be necessary to assist with the development of a portion of Area 1 (the "Forestar Property"). Under terms specified in the JPA, the County will provide certain planning and building inspection services to the City. Costs of these services will be paid by applicants for development of the Forestar Property.

BACKGROUND:

Between 2007 and 2013, the City of Antioch submitted three applications to the Contra Costa Local Agency Formation Commission ("LAFCO") to annex approximately 714 acres in Northeast Antioch. The three proposed annexation areas are shown on the attached Reorganization Area Map and designated as Area 1, Area 2B and Area 2A.

I. Description of the Areas to be Annexed

• **Area 1 (LAFCO 07-17)**

The City filed an application with LAFCO to annex Area 1 on August 16, 2007. Area 1 includes about 488 acres. Approximately 234 acres are developed for industrial use. Protected habitat areas comprise 77 acres. About 170 acres are underdeveloped or vacant. Approximately 18 acres are under the San Joaquin River. Area 1 is located both north and south of Wilbur Avenue and is bounded by the San Joaquin River to the north, Highway 160 to the east, and the City of Antioch to the west and south. The area is located in the City of Antioch's Sphere of Influence. Land uses in the area are generally heavy industry, with the primary uses being electrical generating facilities and other industrial uses.

The City is pursuing this reorganization because annexation of this area is a logical extension of the City's boundary, within the City's Sphere of Influence, and identified in the City's General Plan as a potential source of employment opportunities. The City would also like to move forward to extend utilities and service to the area, including sewer, water, and police services. Sewer and water are essential for this area to achieve its economic potential.

• **Area 2B (LAFCO 12-07)**

The City filed an application with LAFCO to annex Area 2B on November 30, 2012. Area 2B is approximately 110 acres in size. It is located south of Wilbur Avenue and roughly centered on Viera Avenue. Area 2B contains an estimated 110 existing residential units that were mostly built in the 1940's and 1950's, nearly all of which obtain water from individual domestic wells and dispose of wastewater in individual domestic septic systems. The area also includes limited commercial and industrial areas, a cemetery, and some lands in agricultural use (grapes).

The well and septic systems for these residential lots are regulated under County codes by the Environmental Health Division. The majority of the residential lots in Area 2B cannot meet the current minimum setback requirements for septic systems. Many of the homeowners in the area would likely experience difficulty in securing permits to replace these aging septic systems.

- Area 2A (LAFCO 13-08)

The City filed an application with LAFCO to annex Area 2A on July 30, 2013. Area 2A includes about 116 acres and is located east of Area 1, north of Wilbur Avenue, and west of State Route 160 and the Antioch Bridge. Area 2A is predominately occupied by marina, commercial, and storage uses.

II. Apportionment of Revenues under Tax Allocation Agreement

The Tax Allocation Agreement will not be used to apportion revenues in Area 1, Area 2A or Area 2B until those areas are annexed into the City. *Both* Area 1 and Area 2B must be annexed into the City before the Tax Allocation Agreement will apply to either area. If Area 2A annexes to the City before or without Area 1 and Area 2B, the provisions of the Tax Allocation Agreement will only apply to Area 2A. If Area 1, Area 2A and Area 2B all annex to the City, then the Tax Allocation Agreement will apply to all three areas.

In general, the Tax Allocation Agreement apportions 62% of ad-valorem property taxes to the County and 38% to the City. This includes property taxes for state assessed merchant power plants subject to assessment under Revenue and Taxation Code section 100.9. The City and the County will each receive 50% of all existing and future sales and use taxes with the exception that sales taxes derived from locally voter approved ballot measures will go to the City.

The Tax Allocation Agreement also apportions other kinds of revenues, such as gas surcharge and utility revenues. The County will receive the first \$200,000 of gas surcharge revenue generated under the Public Utilities Code for the parcels where the NRG facility is located. The County will receive 50% of gas surcharge revenue in excess of the first \$200,000. The City will receive the remainder. The County will receive 100% of gas surcharge revenue generated from areas outside of the NRG parcels, but within the annexation area. The County will receive 40% of the local jurisdiction (City's) portion of property tax revenues for state assessed property subject to R&T Code Section 100.95 (qualified power plants).

The Tax Allocation Agreement will not be in effect for the 2014/15 fiscal year. For purposes of illustration, if the Agreement had been effective in FY 2014/2015, the approximate, estimated revenue split would have been as follows:

Area 1 - \$1,960,981 to the County, and \$842,916 to the City.
Area 2B - \$15,805 to the County, and \$9,687 to the City.
Area2A - \$20,792 to the County, and \$12,744 to the City

III. Key Provisions of the Joint Exercise of Powers Agreement for Funding Infrastructure Improvements and Providing Planning and Building Inspection Services ("JPA")

The attached JPA includes the following key terms.

- Area 2B Infrastructure Improvements – Joint \$6 Million City/County Contribution

Area 2B, also known as the Viera Avenue residential area, is lacking certain services (e.g. sewer and water). The cost of providing this infrastructure is substantial, with estimates up to \$21 million. A primary purpose of the JPA is to develop a funding mechanism to attempt to address these issues. If the JPA is approved, the County and the City will each contribute \$3 million (\$300,000 per year for a ten year period) towards the infrastructure improvements. Assuming this area is annexed in calendar year 2014, the City's payments will begin on July 1, 2015. The County's payments will begin the first July following the annexation of Area 2B to the City (potentially July 1, 2014).

The County's only obligation regarding the Area 2B infrastructure improvements is to make these payments towards construction costs. The City will decide if and when to make the infrastructure improvements and will handle all construction-related activities. If the City constructs any Area 2B infrastructure improvements, equal amounts of the

City and County contributions must be expended for this purpose. If the City elects not to construct the infrastructure improvements or construction costs are less than \$6 million, the City is required to return to the County all unspent

County contributions. If, at the end of the 10-year period, it turns out that more County funds than City funds were used for the infrastructure improvements, the City is required to reimburse the County an amount necessary to equalize both parties' contributions.

- Costs of Implementing the JPA to be Paid From Area 1 Property Tax Revenues

The JPA will require ongoing monitoring by City and County staff and consultants. The JPA requires the City and the County to each budget, set aside and reserve \$100,000 per year for five years (\$500,000 apiece for a total of \$1,000,000) in property tax revenues generated in Area 1 for this purpose.

- Application of JPA to Development of Forestar Property in Area 1

Area 1 includes approximately 114 acres of waterfront property known as the "Forestar Property." Under the JPA, the County will provide planning and building inspection services to this site after annexation to the City. These services will be provided for five years from the date of annexation, or until certificates of occupancy are issued, whichever comes first. The County Conservation and Development Department will collect fees for these services directly from developers according to the County's fee schedule. Antioch will retain authority to issue permits and charge related fees, and adopt necessary environmental findings. This arrangement is based on County's experience in industrial permitting and building inspections, and greater staffing capability than Antioch.

CONSEQUENCE OF NEGATIVE ACTION:

Northeast Antioch Reorganization will not proceed without a Tax Revenue Allocation Agreement pursuant to California Revenue Taxation Code Section 99.

CHILDREN'S IMPACT STATEMENT:

Not Applicable

Attachments:

Itemized costs

Before and after photos

SD.3 CONSIDER accepting actuarial valuation of future annual costs of proposed changes to Retirement Benefits, changing the COLA for unrepresented employees, elected officials, and those non-sworn employees represented by the Contra Costa County Deputy Sheriffs' Association who become members of the CCCERA on or after January 1, 2014, as provided by Buck Consultants in letters dated November 5, 2013 and November 6, 2013. (Lisa Driscoll, County Administrator's Office)

Aye: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff, District V Supervisor Federal D. Glover

Attachments:

7507 Report for Unrepresented Employees and Elected Officials dated November 5, 2013

7507 Report for non-sworn DSA dated November 6, 2013

SD.4 CONSIDER accepting actuarial valuation of future annual costs of proposed changes to Retirement Benefits, changing the COLA for those employees represented by the Physicians' and Dentists' Organization of Contra Costa who become members of the CCCERA on or after January 1, 2014, as provided by Buck Consultants in a letter of November 4, 2013. (Lisa Driscoll, County Administrator's Office)

Aye: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff, District V Supervisor Federal D. Glover

Attachments:

7507 Report for PDOCC dated November 4, 2013

SD.5 CONSIDER approving and authorizing the Chair of the Board of Supervisors to execute the Reorganization and Tax Revenue Allocation Agreement between the City of Antioch and County of Contra Costa, and the Joint Exercise of Powers Agreement between the City and the County for funding infrastructure improvements, and planning and building inspection services; and adopting Resolution No. 2013/433, determining the allocation of tax revenue for the proposed Northeast Antioch reorganization areas. (Catherine Kutsuris, Conservation and Development Director)

Speakers: Ron Bernal, City of Antioch.

County and City of Antioch staff continued negotiations through to this morning, November 12, 2013, and were able to come to an agreement. The red-

E1

line and final versions of the agreements are attached.

ACCEPTED the revised agreements;

AUTHORIZED and APPROVED the Chair of the Board of Supervisors, or designee to execute the attached Reorganization and Tax Revenue Allocation Agreement (“Tax Allocation Agreement”) between the City of Antioch and County of Contra Costa;

AUTHORIZED and APPROVED the Chair of the Board of Supervisors, or designee, to execute the attached Joint Exercise of Powers Agreement between the City and the County for funding infrastructure improvements, and planning and building inspection services (“JPA”);

and ADOPTED Resolution 2013/433, determining the allocation of tax revenue for the proposed Northeast Antioch reorganization areas: Area 1 (LAFCO 07-17); Area 2B (LAFCO 12-07); and Area 2A (LAFCO 13-08).

Aye: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff, District V Supervisor Federal D. Glover

Attachments:

[Resolution No. 2013/433](#)

[Attachment 2 - Reorganization Area Map](#)

[Attachment 3 - Reorganization and Tax Allocation Agreement](#)

[Attachment 4 - JPA for Funding Infrastructure Improvements & Inspection Svcs](#)

[Reorganization and Tax Allocation Agreement - Final Redline](#)

[Reorganization and Tax Allocation Agreement - Final](#)

[Joint Powers Agreement - Final Redline](#)

[Joint Powers Agreement - Final](#)

[Signed Resolution No. 2013/433](#)

SD.6 CONSIDER approving and authorizing the Health Services Director to amend three contracts with Mental Health Consumer Concerns and providing staff direction regarding recoupment of the balance of funds owing to the County at the expiration of the contracts. (Cynthia Belon, Behavioral Health Director)

Speakers: John Beavers, resident of Richmond; Jack Feldman, resident of Martinez; Jesse Hart, resident of Richmond; Adela Venegas, MHCC Richmond; Kenneth Melvin, MHCC; Mary Long, MHCC (handout attached); Stan Baraghin, resident of Concord; Tom Scott, MHCC; Connie Steers, resident of Concord; Robyn Gutshall, resident of Concord; Chelsey Holzer, resident of Bay Point; Jay Mahler, MHCC; Mary Hogden, MHCC; Bernadette Banks, MHCC; Sally Zimmerman, resident of Berkeley; Dorio Hill, MHCC; Marianna Moore, Human Services Alliance of Contra Costa; Ben Barr,

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**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 26, 2013**

Prepared by: Mindy Gentry, Senior Planner *MG*
Approved by: Tina Wehrmeister, Community Development Director *TW*
Date: November 21, 2013
Subject: Fortune Telling Ordinance – Z-13-06

RECOMMENDATION

It is recommended that the City Council:

1. Motion to read the ordinance by title only.
2. Motion to introduce the attached ordinance amending the zoning ordinance to allow fortune-tellers to be permitted by right in certain commercial zoning districts.

The Planning Commission recommended approval of the attached ordinance by a 5-0 vote with one Commissioner absent on October 16, 2013 (Attachment "B").

BACKGROUND INFORMATION

In July of 2007, the City received a letter from the law firm of Fleishman & Fisher threatening litigation on behalf of Ms. Debbie Merino in order to pursue fortunetelling activities without requiring a conditional use permit (Attachment "C"). The letter asserts fortunetelling is an activity that is fully protected under the free speech clauses of the Federal and State constitutions, particularly as practiced by the members of the Roma ethnic group commonly known as gypsies. The letter continues with the argument that the California Supreme Court has determined that a law that grants official discretion whether or not to permit this speech must meet the strict scrutiny test and is considered unconstitutional in this case. Lastly, the letter also asserts that the license fee, per Antioch Municipal Code Section 3-1.208, is invalid based on the lack of a link between the fee and costs of the licensing process.

The City Attorney's office responded to Fleishman & Fisher's letter by allowing Ms. Merino to temporarily locate her fortunetelling business without a use permit for a period of one year with an option to extend her business license on a yearly basis if the City did not consider a new or amended ordinance. Under this temporary approval, Ms. Merino would also be subject to the generally-required business license tax without being subject to a special fee or permit to engage in fortunetelling (Attachment "D"). During this one year period, City staff was to address the issues brought forth in the

Fleishman & Fisher letter by bringing forward for City Council consideration a new ordinance or an amendment to the existing ordinance pertaining to fortunetelling. Since that time, Ms. Merino's interest in opening her fortunetelling business waned and the City experienced budgetary and staff cutbacks, which delayed the City in addressing the letter from Fleishman & Fisher in a timely manner.

ENVIRONMENTAL

The proposed ordinance would merely be bringing the City's Zoning Code in compliance with State and Federal law as it pertains to freedom of speech. Further, the fortuneteller use has similar impacts as those uses already permitted by right, such as business and professional offices and general retail. For these reasons, adoption of the proposed ordinance is exempt from CEQA subject to the exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

PROPOSED ORDINANCE

Staff believes that fortunetelling has similar land use impacts as office and general retail, which are uses that are permitted by right within the Municipal Code's Table of Land Use. Office uses are defined in the municipal code as an interior space used by a tenant such as an accountant, architect, attorney, chiropractor, civil engineer, surveyor, draftsman, collection agency, dentist, doctor, insurance agent, private detective, real estate agent, social worker, or similar individual or group. General retail is defined as establishments selling good or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Currently, the City allows fortunetellers to operate in Neighborhood Commercial (C-2), Regional Commercial (C-3), Mixed Commercial-Residential (MCR), and Rivertown Commercial (RTC) with the issuance of a use permit. Given the legal issues surrounding the fortunetelling use and the constitutional protection, staff is recommending, via the attached ordinance, to change the Table of Land Use regulations to permit fortunetellers by right in the aforementioned zoning districts, but also adding the following districts: Planned Business Center (PBC), Commercial Office (C-O), and Convenience Commercial (C-1). The amendment to the zoning ordinance would address the current threat of litigation as well as any future threat in regards to the constitutional protections afforded fortunetelling and is consistent with actions that other cities have taken in the same situation.

As stated above, the letter from Fleishman & Fisher asserts the business license fee is invalid based on the lack of a link between the fee and the licensing process. A tax has the primary purpose of raising revenue, while a fee recoups the City's costs of providing a service from a beneficiary. Fortunetellers are not subject to any special fee or permit. Revisions to the City's business license ordinance regarding fortunetelling will be addressed with the update of that ordinance that is currently occurring.

OPTIONS

The City Council can motion to deny the request to introduce the ordinance amending the zoning ordinance to allow fortune-tellers to be permitted by right in certain commercial zoning districts.

FISCAL IMPACTS

There are no fiscal impacts to the City.

ATTACHMENTS

- A: Ordinance
- B: Staff Report and Minutes from the October 16, 2013 Planning Commission Hearing
- B: July 16, 2007 letter from Fleishman & Fisher
- C: July 25, 2007 letter from the City Attorney

ATTACHMENT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING MUNICIPAL CODE TITLE 9 TO PERMIT FORTUNETELLING BY RIGHT IN CERTAIN COMMERCIAL AND OFFICE ZONING DISTRICTS

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

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

B. The Planning Commission conducted a duly noticed public hearing on October 16, 2013 at which it adopted a resolution to initiate and recommend to the City Council that this ordinance regarding fortunetelling be adopted. The City Council held a duly noticed public hearing on November 26, 2013 at which all interested persons were allowed to address the Council regarding adoption of this ordinance.

C. The California Supreme Court has determined that the practice of "fortunetelling" for fee or compensation constitutes constitutionally protected speech that cannot be completely prohibited, and municipal regulation of such activity is subject to heightened judicial scrutiny.

D. Fortunetelling has similar land use impacts as professional and medical office uses as well as general retail.

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

SECTION 2. Section 9-5.3803 Table of Land Use Regulations is hereby amended to permit fortunetelling by right in PBC, C-O, C-1, C-2, C-3, MCR, and RTC:

	RE	R-4	R-	R-		C-													
	RR	R-6	10	20	PBC	0	C-1	C-2	C-3	MCR	WF	OS	M-1	M-2	H	RTC	RTR-10	RTR-20	
Fortuneteller's	--	--	--	--	P	P	P	P	P	P	--	--	--	--	--	P	--	--	--

SECTION 3. CEQA.

This Ordinance is subject to the CEQA exemption contained in CEQA Guideline section 15061 because it can be seen with certainty to have no possibility of a significant effect on the environment. The ordinance is merely bringing the City of Antioch Municipal Code in compliance with Federal and State law as it pertains to free speech.

SECTION 4. Publication; Effective Date.

This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

SECTION 5. Severability.

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 26th day of November and passed and introduced at a regular meeting thereof, held on the _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT "B"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF OCTOBER 16, 2013

Prepared by: Mindy Gentry, Senior Planner
Date: October 10, 2013
Subject: Fortune Telling Ordinance – Z-13-06

RECOMMENDATION

The City of Antioch requests that the Planning Commission adopt the attached resolution initiating an amendment to Title 9 of the Municipal Code, "Planning and Zoning" and recommending that the City Council adopt an ordinance amending the zoning ordinance to allow fortune-tellers to be permitted by right in certain commercial zoning districts.

BACKGROUND

In July of 2007, the City received a letter from the law firm of Fleishman & Fisher threatening litigation on behalf of Ms. Debbie Merino in order to pursue fortunetelling activities without requiring a conditional use permit (Attachment "A"). The letter asserts fortunetelling is an activity that is fully protected under the free speech clauses of the Federal and State constitutions, particularly as practiced by the members of the Roma ethnic group commonly known as gypsies. The letter continues with the argument that the California Supreme Court has determined that a law that grants official discretion whether or not to permit this speech must meet the strict scrutiny test and is considered unconstitutional in this case. Lastly, the letter also asserts that the license fee, per Antioch Municipal Code Section 3-1.208, is invalid based on the lack of a link between the fee and costs of the licensing process.

The City Attorney's office responded to Fleishman & Fisher's letter by allowing Ms. Merino to temporarily locate her fortunetelling business without a use permit for a period of one year with an option to extend her business license on a yearly basis if the City did not consider a new or amended ordinance. Under this temporary approval, Ms. Merino would also be subject to the generally-required business license tax without being subject to a special fee or permit to engage in fortunetelling (Attachment "B"). During this one year period, City staff was to address the issues brought forth in the Fleishman & Fisher letter by bringing forward for City Council consideration a new ordinance or an amendment to the existing ordinance pertaining to fortunetelling. Since that time, Ms. Merino's interest in opening her fortunetelling business waned and the City experienced budgetary and staff cutbacks in order to address the letter from Fleishman & Fisher in a timely manner.

ENVIRONMENTAL

The proposed ordinance would merely be bringing the City's Zoning Code in compliance with State and Federal law as it pertains to freedom of speech. Further, the fortuneteller use has similar impacts as those uses already permitted by right, such as business and professional offices and general retail. For these reasons, adoption of the proposed ordinance is exempt from CEQA subject to the exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

PROJECT OVERVIEW

Staff believes that fortunetelling has similar land use impacts as office and general retail, which are uses that are permitted by right within the Municipal Code's Table of Land Use. Office uses are defined in the municipal code as an interior space used by a tenant such as an accountant, architect, attorney, chiropractor, civil engineer, surveyor, draftsman, collection agency, dentist, doctor, insurance agent, private detective, real estate agent, social worker, or similar individual or group. General retail is defined as establishments selling good or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Currently, the City allows fortunetellers to operate in Neighborhood Commercial (C-2), Regional Commercial (C-3), Mixed Commercial-Residential (MCR), and Rivertown Commercial (RTC) with the issuance of a use permit. Given the legal issues surrounding the fortunetelling use and the constitutional protection, staff is recommending, via the attached ordinance, to change the Table to Land Use regulations to permit fortunetellers by right in the aforementioned zoning districts, but also adding the following districts: Planned Business Center (PBC), Commercial Office (C-O), and Convenience Commercial (C-1). The amendment to the zoning ordinance would address the current threat of litigation as well as any future threat in regards to the constitutional protections afforded fortunetelling and is consistent with actions that other cities have taken in the same situation.

As stated above, the letter from Fleishman & Fisher asserts the business license fee is invalid based on the lack of a link between the fee and the licensing process. A tax has the primary purpose of raising revenue, while a fee recoups the City's costs of providing a service from a beneficiary. Fortunetellers are not subject to any special fee or permit. Revisions to the City's business license ordinance regarding fortunetelling will be addressed with the update of that ordinance that is currently occurring.

ATTACHMENTS

- A July 16, 2007 letter from Fleishman & Fisher
- B July 25, 2007 letter from the City Attorney

RESOLUTION NO. 2013-15

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
INITIATING AND RECOMMENDING AN AMENDMENT TO TITLE 9, "ZONING AND
PLANNING" OF THE ANTIOCH MUNICIPAL CODE RELATED TO
FORTUNETELLERS**

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the **City of Antioch** requesting initiation and approval of an amendment to the Zoning Ordinance of the Antioch Municipal Code to permit fortunetellers by right in certain zoning districts (Z-13-06); and

WHEREAS, pursuant to CEQA Statutes Section 15061(b) (3), the proposed amendments to the Antioch Municipal Code are exempt from CEQA because it can be seen with certainty to have no possibility of a significant effect on the environment; and

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

WHEREAS, on October 16, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby initiate and recommend that the City Council **ADOPT** the attached ordinance amending the Antioch Municipal Code to permit fortunetellers by right in certain zoning districts (Z-13-06).

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 16th day of October, 2013, by the following vote:

AYES: Hinojosa, Motts, Baatrup, Miller and Pinto
NOES: None
ABSENT: Westerman
ABSTAIN: None

Tina Wehrmeister, Secretary to the
Planning Commission

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING MUNICIPAL CODE TITLE 9 TO PERMIT FORTUNETELLING BY RIGHT IN CERTAIN COMMERCIAL AND OFFICE ZONING DISTRICTS

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

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

B. The Planning Commission conducted a duly noticed public hearing on October 16, 2013 at which it adopted a resolution to initiate and recommend to the City Council that this ordinance regarding fortunetelling be adopted. The City Council held a duly noticed public hearing on _____ at which all interested persons were allowed to address the Council regarding adoption of this ordinance.

C. The California Supreme Court has determined that the practice of "fortunetelling" for fee or compensation constitutes constitutionally protected speech that cannot be completely prohibited, and municipal regulation of such activity is subject to heightened judicial scrutiny.

D. Fortunetelling has similar land use impacts as professional and medical office uses as well as general retail.

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

SECTION 2. Section 9-5.3803 Table of Land Use Regulations is hereby amended to permit fortunetelling by right in PBC, C-O, C-1, C-2, C-3, MCR, and RTC:

	RE	R-4	R-	R-		C-												
	RR	R-6	10	20	PBC	0	C-1	C-2	C-3	MCR	WF	OS	M-1	M-2	H	RTC	RTR-10	RTR-20
Fortuneteller's	--	--	--	--	P	P	P	P	P	P	--	--	--	--	--	P	--	--

SECTION 3. CEQA.

This Ordinance is subject to the CEQA exemption contained in CEQA Guideline section 15061 because it can be seen with certainty to have no possibility of a significant effect on the environment. The ordinance is merely bringing the City of Antioch Municipal Code in compliance with Federal and State law as it pertains to free speech.

SECTION 4. Publication; Effective Date.

This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

B4

SECTION 5. Severability.

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the ___ day of ___ and passed and introduced at a regular meeting thereof, held on the ___ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

Commissioner Pinto clarified with applicant that the 35 foot gap on the Delta Fair side would not have advertising.

CLOSED PUBLIC HEARING

Vice Chair Hinojosa asked staff if under the City's code proposing a maximum of 50 feet would a variance be required to which SP Gentry responded that the code allows for 25 feet above the highway, but staff is recommending a little lower similar to Pittsburg.

Vice Chair Hinojosa said that while the location of the sign on the parcel is odd, she understands the constraints, does not have any major problems with it and is inclined to support staff's recommendation of the 50 foot height.

CA Nerland clarified that this motion is pursuant to staff's conditions including the 50 foot height.

RESOLUTION NO. 2013-14

On motion by Commissioner Pinto and seconded by Commissioner Motts, the Planning Commission approves UP-13-07 approving a freeway billboard on the northwest corner of Delta Fair Boulevard and Century Way, subject to all conditions.

AYES: Hinojosa, Motts, Baatrup, Miller and Pinto
NOES: None
ABSTAIN: None
ABSENT: Westerman

- 4. Z-13-06 – The City of Antioch** requests that the Planning Commission recommend adoption of an ordinance amending the zoning code to allow fortunetellers to be permitted by right in certain commercial zoning districts. This ordinance is exempt from the California Environmental Quality Act.

SP Gentry provided a summary of the staff report dated October 10, 2013.

Commissioner Motts confirmed with staff that this is needed for compliance and to reduce the City's legal exposure.

Commissioner Pinto asked how many fortunetelling businesses were in town and if this could be operated from a residence to which SP Gentry said that she is aware of one wanting to locate on Lone Tree Way but no others currently in town, and the use would have to fit into the recommended zoning districts and part of the Home Occupation Use Permit regulations prohibit clients from coming to the residence.

OPENED PUBLIC HEARING

No comments.

B6

CLOSED PUBLIC HEARING

No discussion.

RESOLUTION NO. 2013-15

On motion by Commissioner Baatrup and seconded by Commissioner Miller, the Planning Commission recommends that the City Council adopt the ordinance amending the Antioch Municipal Code to permit fortunetellers by right in certain zoning districts (Z-13-06).

AYES: *Hinojosa, Motts, Baatrup, Miller and Pinto*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman*

5. **Z-12-02 – The City of Antioch** requests that the Planning Commission recommend adoption of an ordinance establishing zoning regulations for computer gaming and internet access businesses. This ordinance is exempt from the California Environmental Quality Act.

SP Gentry provided a summary of the staff report dated October 10, 2013.

Commissioner Motts asked staff if the Commission was just changing zoning and asked if it is known how other cities are handling this situation.

CA Nerland said that these have been a use that has caused a significant impact on the police and while many cities have been influx on how to deal with these issues and have taken different approaches, Antioch is looking at the middle road.

Commissioner Motts clarified with staff that the proposed usage in C3 zoning is in some of the highest crime areas. Staff clarified C3 zoning is on major arterials in regional retail areas, which draw consumers from beyond Antioch and are also located near freeways, and the desire is not to locate these uses in neighborhood commercial areas.

Commissioner Pinto discussed with the City Attorney incorporating language from the State to be sure applicants know the consequences and what is prohibited. CA Nerland said that there are two places in the Municipal Code that would address this and that the City wants to keep the definition broad.

Commissioner Pinto then asked if as a City can there be a policy for the total number that will be issued to which CA Nerland said that while this is a possibility, zoning is restrictive enough.

Commissioner Pinto asked staff about the 500 foot buffer zone to which CA Nerland said that the 500 foot buffer zone is used with other challenging uses and trying to walk that fine line between respecting first amendment rights and addressing impacts with the businesses in the City.

ATTACHMENT "C"

FLEISHMAN & FISHER LAWYERS

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STANLEY FLEISHMAN (1920-1999)
BARRY A. FISHER*
DAVID GROSZ
MICHAEL B. WEISZ
HENRY W. MCGEE, JR. J
WILLIAM M. KRAMER (1920-2004)

*PROFESSIONAL CORPORATIONS
OF COUNSEL
CABLE ADDRESS: ARJUNA

July 16, 2007

Via Federal Express and fax (925) 779-7003

Lynn Tracy Nerland
City Attorney
City of Antioch
City Hall, 3d and H Streets
Antioch, CA 94509

Re: City of Antioch-Fortunetelling

Dear Ms. Nerland:

This office represents Debbie Merino. Ms. Merino wishes to engage in the activity commonly known as "fortunetelling" at her premises at 2220 A Street, Antioch, which I understand is in the C-2 zone. Pursuant to section 9-5.3803 of the Antioch Municipal Code, fortunetelling is not a permitted use anywhere in the City. Instead, it is prohibited everywhere in the city, except with a use permit (UP) in certain zones, including C-2. In addition, fortunetelling is subject to "a license fee based on the entire gross receipts as provided in § 3-1.201." Antioch, Cal., Mun. Code § 3-1.208.

As set out below, this scheme is unconstitutional. Fortunetelling is a fully protected activity under the free speech clauses of the federal and California constitutions. Discretionary permits like a UP cannot validly be applied in this instance. In addition, the financial exaction mentioned above does not survive First Amendment scrutiny.

I therefore request that the City agree to allow Ms. Merino to engage in fortunetelling at her premises, or at least, refrain from enforcing the scheme mentioned above while the City studies the issues raised in this letter. Please let me know by July 26, 2007, whether there is any chance this matter can be resolved without litigation.

In a case that I handled, the California Supreme Court held that fortunetelling constitutes protected speech. Spiritual . Psychic Sci. Church of Truth v. City of Azusa, 39 Cal. 3d 501,

Lynn Tracy Nerland
City Attorney
City of Antioch
July 16, 2007
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703 P.2d 1119, 217 Cal. Rptr. 225 (1985).¹ The federal courts have reached the same result. E.g., Argello v. City of Lincoln, 143 F.3d 1152, 1152-53 (8th Cir. 1998); Trimble v. City of New Iberia, 73 F. Supp. 2d 659, 667 (W.D. La. 1999); Rushman v. City of Milwaukee, 959 F. Supp. 1040, 1043-44 (E.D. Wis. 1997); Howell v. City of New Orleans, 844 F. Supp. 292, 294 (E.D. La. 1994). The Supreme Court in Azusa made clear that "any prohibition or regulation of fortune-telling must be given full scrutiny under the Constitution." 39 Cal. 3d at 512, 703 P.2d at 1125, 217 Cal. Rptr. at 231.

The law is clear, as emphasized in several federal and state cases in California, that expressive activities may not be made subject to discretionary permits like that imposed under the Antioch UP procedure. Accordingly, numerous California cities have agreed that UP's may not be validly applied to fortunetelling. I enclose with this letter materials from the cities of La Mirada, Rancho Cordova, Diamond Bar, Temecula and Ceres as exemplary of the actions cities have taken when these matters have been brought to their attention.

1. Background.

a. Historical background.

Ms. Merino is member of the religious and ethnic group called the Roma, popularly but incorrectly known as Gypsies.²

¹This firm has, in addition to Spiritual Psychic, litigated numerous other fortunetelling cases. Stevens v. Fountain Valley, No. SA CA 88-376 JSL (RWRx) (C.D. Cal. filed June 20, 1988) (challenging CUP and restrictive zoning); Merino v. City of Huntington Beach, No. CA 84-9646 R (C.D. Cal. filed Mar. 6, 1984); Adams v. City of Lakewood, No. 84-6404 AWT (Bx) (C.D. Cal. Oct. 1, 1984); Merino v. City of Hermosa Beach, No. CA 84-9646 AHS (Bx) (C.D. Cal. Dec. 19, 1984); Adams v. City of Downey, No. 85-2840 AWT (Bx) (C.D. Cal. Apr. 30, 1985). In all these cases, plaintiffs received attorney's fees, damages, or both from the defendant municipality.

²The term "Gypsies" is a widely used misnomer for members of a distinct ethnic group, derived from the erroneous notion that their ancestors came from Egypt. Linguistic research has traced the origins of this group to northern India. Their Indo-Aryan language, called Romani, is similar to Sanskrit, and their group's name in that language is Rom ("men" or "people"), derived

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City Attorney
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The enactment of anti-fortunetelling laws historically follows the westward migration of the Roma. In accordance with the traditions of the Roma, Ms. Merino practices the ritual of drabarimos, often referred to in English-speaking countries as "fortunetelling."

The beliefs of the Roma posit that women have unique spiritual powers and precise religious responsibilities which include fortunetelling. The Romani people subscribe to a complex belief system in which fortunetelling is central to women's traditional roles. The practices--rooted in religious philosophies of India--are handed down from generation to generation. As with other family traditions, the ability to follow these practices is a way to reaffirm and reinforce ties to parents, grandparents and countless generations of ancestors--as well as a means of support.³ Among the Roma, only women practice

from the Sanskrit word for "man" or "husband." Ian Hancock, Gypsies, in Harvard Encyclopedia of American Ethnic Groups 440, 441 (Stephan Thernstrom ed., 1980). The Roma began a long, usually involuntary migration from India (possibly as refugees from war or famine) about 500 C.E. Id. at 440, 441. They have long been the victims of prejudice and repression. Their dark skin, strange language, and unfamiliar customs set them apart from the residents of the European countries through which they traveled; at best they have always been economic and social outcasts, and frequently their fate has been much worse. Ian Hancock, The Pariah Syndrome 13 (1987). The relatively few years that have passed since the Nazis exterminated some half a million Roma as part of the Final Solution have not significantly diminished their thousand-year-old tradition of remaining separate from the host society, rarely allowing outsiders insight into their culture, and prohibiting their own people from interacting with outsiders to any significant degree. Id. at 58-85.

³Fortunetelling has been identified by modern scholars as a form of folk healing which the Roma call drabarimos (or drabaripe in some dialects)--terms originating from the Romani word drab, meaning "medicine." Ruth Andersen, A Subtle Craft in Several Worlds: Performance and Participation in Romani Fortune-Telling 334 (1987) (unpublished dissertation, University of Pennsylvania) [hereinafter A Subtle Craft]. When the Roma left India at the beginning of their westward trek, their enforced nomadism prevented them from engaging in agriculture or other stable means of economic survival. The Romani art of fortunetelling was a

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contrary, it is fully protected.

First, it is impossible to say that fortune-tellers impart no political message in their communications. In their vision of the future there may be a view of society as they perceive it may one day be. Such a communication conceivably could contain the spark of a political flame. Second, fortunetelling may fire the imagination and stimulate discussion of the future. That some--even a majority--may find this mode of communication distasteful, ridiculous or even corrupt is irrelevant to constitutional concerns.

Id. at 512, 703 P.2d at 1125, 217 Cal. Rptr. at 231.

Accordingly, "any prohibition or regulation of fortune-telling must be given full scrutiny under the Constitution." Id. (emphasis added). The prohibition at issue there could not survive that scrutiny, and it was therefore "unconstitutional under article I, § 2, of the California Constitution." Id. at 519, 703 P.2d at 1129, 217 Cal. Rptr. at 235.

The Eighth Circuit and other federal courts have applied a similar analysis to invalidate like ordinances under the First Amendment. In Argello, for example, because the ordinance was "a content-based regulation of speech," it could "be upheld only if it supported by a compelling state interest," and "[n]o such interest appears here." 143 F.3d at 1152-53.

2. The use-permit law cannot constitutionally be applied to protected activities, which include fortunetelling.

a. Standardless Licensing.

As noted above, fortunetelling is not permitted anywhere in the City except with a use permit. As a permit ordinance applicable to activities that constitute fully protected speech, the standards for issuance or denial of UP's fail constitutional muster.

For more than sixty years, the Supreme Court has remained steadfast to the principle that a law that grants a governmental official discretion to decide whether or not to permit speech protected by the First Amendment is unconstitutional on its face.

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In the earliest of these cases, Chief Justice Hughes declared for a unanimous Court that ordinances of this kind "would restore the system of license and censorship in its baldest form." Lovell v. City of Griffin, 303 U.S. 444, 452 (1938). Much more recently, the Court repeated that, "[i]f the permit scheme 'involves appraisal of facts, the exercise of judgment, and the formation of an opinion,' Cantwell v. Connecticut, 310 U.S. 296, 305 (1940), by the licensing authority, 'the danger of censorship and abridgment of our precious First Amendment freedoms is too great' to be permitted. Southeastern Promotions, Ltd. v. Conrad, 420 U.S. 546, 553 (1975)." Forsyth County v. Nationalist Movement, 505 U.S. 123, 131 (1992). Where the statute imposes more than a "mere ministerial duty," Cantwell, 310 U.S. at 306, it is invalid. See also, e.g., City of Lakewood v. Plain Dealer Publ'g Co., 486 U.S. 750, 757 (1988); Hynes v. Mayor of Oradell, 425 U.S. 610, 613 (1976) (invalidating law that required canvasser "only to 'notify the Police Department, in writing, for identification only'"); Shuttlesworth v. City of Birmingham, 394 U.S. 147, 153 (1969); Gospel Missions of Am. v. Bennett, 951 F. Supp. 1429, 1440 (C.D. Cal. 1997).

The UP process is governed by article 27 of the Municipal Code. The Code vests officials with vast discretion in deciding whether or not to issue a UP. This is constitutionally intolerable in the First Amendment context.

The Code provides:

On the basis of the application, plans, materials, and testimony submitted, the Planning Commission or the Zoning Administrator shall find all of the following:

. . .

(a) That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;

(b) That the use applied for at the location indicated is properly one for which a use permit is authorized;

(c) That the site for the proposed use is adequate in size and shape to accommodate such

etc

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use, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood;

(d) That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use; and

(e) That the granting of such use permit will not adversely affect the comprehensive General Plan.

§ 9-5.2703(B)(1).

It provides further:

In approving a design review, use permit, administrative use permit or variance, the Planning Commission, Design Review Board, or the Zoning Administrator may impose reasonable conditions necessary to:

(A) Achieve the general purposes of this chapter and/or the specific purposes of the zoning district in which the site is located, and/or to make it consistent with the General Plan;

(B) Protect the public health, safety, and general welfare; and/or

(C) Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties and/or in the surrounding area.

§ 9-5.2704.

The federal courts in California, following earlier cases applying discretionary licensing doctrine to UP-type processes affecting speech, have regularly invalidated such ordinances. For example, in a case in which an Anaheim ordinance was challenged by a provider of "adult entertainment," the court held:

The Anaheim CUP ordinance vests the Planning Commission with the power to

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decide who may or may not obtain a CUP. Because the Commission's decision-making is not guided by definite and objective standards, the CUP ordinance infringes the First Amendment rights of the permittee. The Commission's ability to make decisions based on ambiguous criteria such as the "general welfare" of the community effectively gives the Commission the power to make decisions on any basis at all, including an impermissible basis, such as content-based regulation of speech.

Dease v. City of Anaheim, 826 F. Supp. 336, 344 (C.D. Cal.),
attorney's fees awarded, 838 F. Supp. 1381 (C.D. Cal. 1993).
Accord, e.g., Mga Susa, Inc. v. County of Benton, 853 F. Supp.
1147, 1151-52 (D. Minn. 1994).

The principles stated in Dease are well established. Indeed, Dease has been repeatedly followed by other California federal courts. CR of Rialto, Inc. v. City of Rialto, 975 F. Supp. 1254, 1263-65 (C.D. Cal. 1997); 3570 E. Foothill Blvd., Inc. v. City of Pasadena, 912 F. Supp. 1268 (C.D. Cal. 1996); Santa Fe Springs Realty Corp. v. City of Westminster, 906 F. Supp. 1341 (C.D. Cal. 1995).

The same vices identified in Dease, East Foothill, and Santa Fe Springs inhere in the Antioch ordinance. It is plainly unconstitutional in the context, as here, of fully protected activity.

In the City of Westminster case, for instance, the court stated the general principle: "A CUP scheme qualifies as a prior restraint because it essentially requires the permittee to obtain the government's permission or approval before engaging in an act of First Amendment protected speech." 906 F. Supp. at 1363-64. It held that the Westminster CUP ordinance before it contained criteria that were "vague and ambiguous," and that, therefore, "the ordinance fails to effectively limit the discretion vested in the licensing official." Id. at 1365.

The Court specifically held that several provisions of section 17.57.160 of the Municipal Code failed this test and were thus invalid. These included:

- (1) that the proposed site it "adequate in size and

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shape" to accommodate the yards, walls, fences . . . ;

(2) that the requested use at the proposed location will not "adversely affect" the use of a church, temple . . . ;

(3) that the requested use at the proposed location is "sufficiently buffered" in relation to residentially zoned areas . . . ; and

(4) that the exterior appearance of the structure will not be "inconsistent with" the external appearance of commercial structures. . . .

906 F. Supp. at 1365 (ellipses in the original). The court also invalidated the following additional or amended criteria: (a) that the proposed use is "consistent with the Westminster General Plan, any other applicable adopted plan of the City, or any applicable adopted or any applicable adopted plan of any other governmental agency"; (b) that the proposed use is "adequately served by highways or streets of sufficient width and improved as necessary to carry the kind or quality of traffic that such use would generate"; and (c) that the proposed site is "adequately served by other public and private service facilities as are required." Id. at 1366

Antioch's section 9-5.2703(B)(1) contains criteria that are substantively indistinguishable from those struck down in the cited cases. It equally "contain(s) ambiguous criteria that fail to effectively limit the discretion vested in the licensing officials," 906 F. Supp. at 1366. Each of the Antioch criteria "involves the appraisal of facts, the exercise of judgment, and the formation of an opinion," Cantwell, 310 U.S. at 305, and therefore cannot constitutionally be used to license speech-protected activity.

Over the years a number of cities in California have been contacted regarding issues such as that presented here. Cities have either agreed not to enforce CUP ordinances against fortunetelling or have amended them so as not to impinge on fortunetelling. One such instance is that of the City of Temecula, the relevant materials for which are enclosed.

Following advice from the City Attorney, Peter M. Thorson, who also represented Azusa in the Spiritual Psychic case, Temecula stated its intention to amend its code "to treat fortune telling businesses as permitted uses in Commercial, Office and

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Business Park Zoning Districts," eliminating the former requirement of a CUP. The staff pointed out that "fortune telling and similar uses do not have any special uniqueness or impacts, other than those generally caused by any other office or professional service uses on the surrounding areas." Temecula also stated its intention to repeal a code section requiring fortunetellers to obtain a "special permit" from the City Manager. The Community Development Director stated:

According to the City Attorney, the courts have ruled that fortune telling, and related activities, are protected free speech activities under the First Amendment and that broad requirements affecting First Amendment activities without specific procedures and detailed criteria for issuing the permit have been held invalid.

The two ordinances would repeal the special provisions affecting persons engaged in fortune telling.

Moreover, Mr. Thorson's letter to us dated December 13, 1996, states:

Pending the effective date of the new ordinance, the Council has also instructed staff not to enforce the conditional use permit requirements for fortunetelling and to consider it a permitted use under Title 17, Zoning, of the Temecula Municipal Code.

Similarly, the City of Ceres "determined that the City's current constitutional use permit requirements and regulatory permitting process regarding fortunetelling activities do not meet Federal or State free speech constitutional standards." (Letter of 8/4/97 from Michael L. Lyons, City Attorney, City of Ceres, to Barry A. Fisher (attached).) The City said that, "[e]ffective immediately," it "will not be enforcing its conditional use permit requirements for fortunetelling activities, nor will it enforce the regulatory provisions contained in Chapter 9.32 of the Ceres Municipal Code." (Id.) Further, the City stated that it would "commence proceedings to repeal the existing regulatory provisions" and "to delete the constitutional use permit requirement for fortunetelling and allow fortunetelling or a permitted use in its Commercial, Administrative, Professional,

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and Highway commercial zoning districts." (Id.)

I am also including more recent letters from the City Attorneys of La Mirada (D. Craig Fox), Diamond Bar (Michael Jenkins), and Rancho Cordova (Meyers, Nave, Riback, Silver & Wilson) by which those cities also agreed not to apply CUP requirements to fortunetelling. Mr. Fox's letter notes: "[W]e agree that the City's current Conditional Use Permit ('CUP') requirement for fortunetelling activities do [sic] not meet federal or state constitutional standards."

b. Lack of Procedural Safeguards.

When protected activities are subjected to a license requirement, the statutory provisions must also incorporate the procedural safeguards delineated in Freedman v. Md., 380 U.S. 51 (1965). See, e.g., Riley v. Nat'l Fed'n of the Blind, 487 U.S. 781, 802 (1988) (Such a "regulation must provide that the licensor 'will, within a specified brief period, either issue a license or go to court.'" (quoting Freedman, 380 U.S. at 59). If the law does not include these safeguards, it is "void on its face." Leflore v. Robinson, 434 F.2d 933, 948 (5th Cir. 1970), vacated on other grounds, 446 F.2d 715 (5th Cir. 1971).⁵ See

⁵A licensing law must satisfy seven criteria: (1) The burden of proof must rest on the government both to justify particular facts necessary to sustain the restraint. See Freedman, 380 U.S. at 38. (2) The license must be granted or denied within a specified, brief period of time. See id. at 59. (3) The licensing administrator must either issue a license or go to court to restrain unlicensed speech; mere denial cannot create a legal bar to expression. See, e.g., Blount v. Rizzi, 402 U.S. 419, 421 (1971). (4) No ex parte court order is valid if an adversary hearing on the question of interim relief is practicable. See Carroll v. President of Princess Anne, 393 U.S. 175, 181-83 (1968). (5) "Any restraint imposed in advance of a final judicial determination on the merits must be . . . limited to preservation of the status quo for the shortest fixed period compatible with sound judicial resolution." Freedman, 380 U.S. at 59. (6) There must be a "prompt final judicial decision" reviewing any "interim and possibly erroneous denial of a license." Freedman, 380 U.S. at 59. (7) If a prior restraint is ordered by a court, the state must either stay the order pending its appeal or provide immediate appellate review. See National Socialist Party of Am. v. Village of Skokie, 432 U.S. 43, 44 (1977) (per curiam).

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Gospel Missions, 951 F. Supp. at 1447.

The Freedman safeguards apply to CUP's in the First Amendment area. E.g., Mga Susa, 853 F. Supp. at 1153. As in that case, the CUP ordinance here fails to meet these exacting constitutional criteria.

3. The license fee is invalid.

Fortunetelling is subject to "a license fee based on the entire gross receipts as provided in § 3-1.201." Antioch, Cal., Mun. Code § 3-1.208. This exaction is invalid.

Like the license tax invalidated in Murdock v. Pennsylvania, 319 U.S. 105 (1943), Antioch's license fee requirement, imposed

as a condition to the pursuit of activities whose enjoyment is guaranteed by the First Amendment . . . restrains in advance those constitutional liberties . . . and inevitably tends to suppress their exercise . . . On [its] face [it is] a restriction of the free exercise of those freedoms which are protected by the First Amendment.

Id. at 114. "Freedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way." Id. at 111.

Here, it has not been demonstrated that the fees are strictly necessary for the reimbursement of the actual expenses of any licensing scheme, and certainly not for any lawful portions of it. They are accordingly invalid.

For example, then-District Judge Wardlaw (now of the Ninth Circuit) held unconstitutional a Los Angeles ordinance that required professional fundraisers to pay a \$55 fee and post a \$5,000 bond. Gospel Missions of Am. v. Bennett, 951 F. Supp. 1429 (C.D. Cal. 1997). The court held that these requirements "directly restrain protected speech and are not narrowly tailored to meet the substantial interest asserted by the City." Id. at 1447. The city, the court said, and "not demonstrated a link between the fee and the bond and the costs of the licensing process." Id. The ordinance was therefore "unconstitutional on its face." Id.

Other courts have reached similar results. See e.g. S.

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Conn. Newspapers v. Town of Greenwich, 11 Media L. Rep. (BNA) 1051 (D. Conn. 1984); E. Conn. Citizens Action Group v. Powers, 723 F.2d 1050, 1056 (2d Cir. 1983) (invalidating requirement that demonstrators obtain insurance policy to indemnify state against injuries and property damage).

For the reasons expressed in Murdock and reaffirmed recently in this district by Judge Wardlaw in Gospel Missions, the Antioch license fee is also invalid.

Conclusion.

Ms. Merino requests that the City agree that she may pursue fortunetelling activities at her site, without the CUP requirements mentioned above, or, alternatively, that such permit be granted. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, 373 (1976); accord, e.g., Foti v. City of Menlo Park, 146 F.3d 629, 643 (9th Cir. 1998); Collins v. Jordan, 110 F.3d 1363, 1372 (9th Cir. 1996).

If the City does not do so, we have been instructed to pursue all available steps, including litigation if necessary, to secure my client's rights. Should litigation ensue, the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988(b), provides that prevailing plaintiffs who vindicate First Amendment rights are routinely entitled to an award of attorney's fees. See, e.g., Carreras v. City of Anaheim, 768 F.2d 1039, 1050 (9th Cir. 1985) (\$100,000 in fees to this office after plaintiffs prevailed on state constitutional grounds). In one of this firm's recent fee proceedings, my late partner Stanley Fleishman was awarded fees by U.S. District Judge Hauk at the rate of \$428 per hour. Grogan v. United States Postal Serv., No. 97-5312-AAH

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(C.D. Cal. Apr. 13, 1999).

Please let me know by July 26, 2007, whether there is any
chance this matter can be resolved without litigation.

Sincerely yours,



Barry A. Fisher

Enclosures (sent via e-mail only)

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ATTACHMENT "D"

FLEISHMAN & FISHER LAWYERS

STANLEY FLEISHMAN (1920-1999)
BARRY A. FISHER*
DAVID GROSZ△
MICHAEL B. WEISZ△
HENRY W. MCGEE, JR.△
WILLIAM M. KRAMER△

1875 CENTURY PARK EAST, SUITE 2130
LOS ANGELES, CALIFORNIA 90067
(310) 557-1077 TELECOPIER (310) 557-0770

*PROFESSIONAL CORPORATIONS
△OF COUNSEL
CABLE ADDRESS: ARJUNA

RECEIVED

August 16, 2007

AUG 20 2007

CITY OF ANTIOCH
CITY ATTORNEY

Lynn Tracy Nerland
City Attorney
City of Antioch
P.O.Box 5007
Antioch, CA 94531-5007

Re: Debbie Merino Fortunetelling

Dear Ms. Nerland:

Enclosed please find your July 25, 2007 letter agreement bearing my signature and that of Debbie Merino. Thank you for your courtesy and cooperation.

Sincerely yours,



Barry A. Fisher



AUG 16 2007

July 25, 2007

By regular mail and fax (310)557-0770

Barry A. Fisher
Fleishman & Fisher
1875 Century Park East, Suite 2130
Los Angeles, CA 90067

Re: **Debbie Merino's Request for a Fortunetelling Business at 2220 A Street**

Dear Mr. Fisher:

As we discussed, the City of Antioch (the "City") has received your letter of July 16, 2007 regarding constitutional issues related to your client's desire to locate her fortunetelling business at a site located at 2220 A Street, Antioch without obtaining a conditional use permit. The City is willing to permit your client to operate such a business without complying with the City's zoning requirements, on the following terms:

1. The City will allow Ms. Merino to locate her fortunetelling business at 2220 A Street, Antioch, California on a temporary basis for a period of one year.
2. Ms. Merino shall obtain a business license, pay the generally-required business license tax pursuant to the formula in Section 3-1.201 of the Antioch Municipal Code, and otherwise comply with the general requirements of the Municipal Code (e.g. maintain the use and property free of nuisances, etc.). Ms. Merino will not be subject to any special fee or permit to engage in fortunetelling.
3. At such time as the City adopts a new ordinance or amends the existing ordinance regarding fortunetelling businesses, Ms. Merino shall comply with the new ordinance. If at that time, Ms. Merino feels the new ordinance is invalid, she may pursue any legal remedies.
4. If the City does not change the zoning at the 2220 A Street location by adopting a new zoning ordinance or amending the existing zoning ordinance within the specified one year period, this authorization to operate at this site shall be extended for a period of one year upon obtaining a valid renewal of the business license pursuant to the provisions under Chapter 1 of Title 3 of the Antioch Municipal Code, and shall continue to be extended from year to year on

the same basis until such time that the City decides to adopt a new zoning ordinance or modifies the existing zoning ordinance affecting the fortunetelling use at 2220 A Street.

If these terms meet with your approval, please sign this letter and have your client sign this letter below where indicated, and return it to me.

Sincerely,

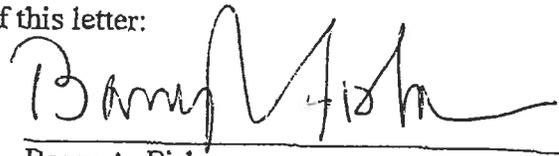


Lynn Tracy Nerland
City Attorney

We have read, understand and agree to the terms of this letter:

Dated: _____

8/16/07



Barry A. Fisher
Fleishman & Fisher

Dated: _____

8/16/07



Debbie Merino

cc: Jim Jakel, City Manager
Joe Brandt, Director of Community Development
Tina Wehrmeister, Deputy Director of Community Development
Jim Hyde, Chief of Police
Dawn Merchant, Finance Director

SUPPLEMENTAL STAFF REPORT

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 26, 2013**

Prepared by: Duane Anderson, Water Treatment Plant Superintendent
Approved by: Ron Bernal, Public Works Director/City Engineer *REB*
Date: November 25, 2013
Subject: Approval to Increase Funds for the River Pump and Motor Rebuild Project, (P.W. 565-5)

RECOMMENDATION

It is recommended City Council authorize the Director of Finance to amend the 2013-2014 Capital Improvement Budget to increase Water Enterprise Funding for the River Pump and Motor Rebuild project in the amount of \$24,756 and increase the existing contract with Koffler Electrical and Mechanical by \$43,084 for additional work on this project.

BACKGROUND

The Water Treatment Plant operates the river pump as a raw water source for the City of Antioch. The river pump draws water from the San Joaquin River to the Water Treatment Plant where it is treated and distributed throughout the City as potable water. The pump has been in operation since 1997 and the efficiency of the pump has diminished over the years.

The Department of Public Works sent out the informal bid to rebuild the river pump and motor on August 12, 2013. The bid closed on September 12, 2013. We received two qualified bids and awarded the contract to the lowest bidder, Koffler Electrical and Mechanical for \$41,672.00. Koffler began the job in October and after pulling the pump and performing a thorough assessment determined that a standard rebuild was not sufficient and additional parts and labor were necessary resulting in the need for a complete rebuild. Time is of the essence since the pump needs to be reinstalled and operable by January 2014 when water quality in the river is expected to allow pumping to resume.

FISCAL IMPACTS

The approval of this amendment will increase the total contract price and amend the 2013-2014 Capital Improvement Budget to \$84,756.

OPTIONS

None. This purchase supports a critical function of the City's water production operations.

ATTACHMENTS

- A. Bid tabulation
- B. Estimate

Attachment A



BID TABULATION

RIVER PUMP AND MOTOR REBUILD

ORIGINAL BIDS

1	2	3
Koffler Electrical & Mechanical 527 Whitney St San Leandro Ca. 94577 510-567-0630	R F Mc Donald 25920 Eden Landing Road Hayward, Ca. 94545-3816 510-784-0110	Pump Repair Services P. O. Box 43327 San Francisco Ca. 94134- 0327 415-467-2150
\$41,672.00	\$61,019.16	No Bid

Attachment B



KOFFLER

ELECTRICAL MECHANICAL APPARATUS REPAIR, INC.

24 Hour Service
527 Whitney Street, San Leandro, CA 94577

Contractors License 722649
PHONE (510) 567-0630 FAX (510) 567-0638
www.koffler.com

November 11, 2013

City of Antioch
401 Putnam Street
Antioch, CA 94531
Attn.: Duana Anderson
Phone: 925-382-6264
E-mail: danderson@ci.antioch.ca.us

Subject: River Pump Station / Final Pricing

Koffler Electrical is pleased to offer this quote for the following:

Work Scope - Pricing Summary

- Field service labor to remove and reinstall motor & pumpLabor \$ 5,472
- 205 Ton Hydro Crane two lifts.....Crane \$12,400
- Truck and lowboy trailer transportation round trip..... Trucking \$ 900
- Labor and material to recondition pump..... Pump repair \$ 13,220
- Labor and material to recondition motor..... Motor repair \$ 9,680
- Additional cost for motor work as stated in letter# 131874..... \$ 4,690
- Additional cost for pump work as stated in letter# 131882..... \$38,394

Total Labor	\$54,762
Total Material	\$18,994
Crane	\$12,400
Trucking	\$ 900

TOTAL REPAIR PRICE: \$84,766

PO# _____

Purchase Order required to initiate and proceed with this order, plus applicable sales tax.
Terms: Net 30. Payment terms for customers who do not have accounts are 1/3 with order and 2/3 at point of delivery. Quotes are valid for 30 days. Any equipment left at our facility more than 30 days will be disposed of at the Owner's expense. Inspection fee will be applied.

Please sign for approval: _____

Thank you for giving Koffler Electrical the opportunity to provide our services. If you have any questions regarding the information provided, please call me.

Sincerely,

Mike Bucodi

Mike Bucodi
Service Manager

MB/11/31893

