



AGENDA

Antioch City Council Regular Meeting

Date: Tuesday, January 14, 2014

Time: 6:30 P.M. – Closed Session
7:00 P.M. – Regular Meeting

Place: Council Chambers, 200 H Street

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
Steven Duran, City Manager
Lynn Tracy Nerland, City Attorney

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Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the City Clerk's Office, 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.

6:30 P.M. ROLL CALL for Closed Session

PUBLIC COMMENTS for Closed Session

CLOSED SESSION:

- 1) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(2): *City of Brentwood v. Campbell*, California Court of Appeal, First District, Case Number A138268

7:00 P.M. ROLL CALL for Council Members

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS:

- *SALES TAX CITIZENS' OVERSIGHT COMMITTEE (Deadline date to apply: 01/16/14)*
- *BOARD OF ADMINISTRATIVE APPEALS (Deadline date to apply: 01/30/14)*
- *PARKS AND RECREATION COMMISSION (Deadline date to apply: 01/30/14)*
- *CONTRA COSTA COUNTY MOSQUITO & VECTOR CONTROL DISTRICT BOARD (Reopened; Deadline date to apply: 01/30/14)*
- *CONTRA COSTA COUNTY LIBRARY COMMISSION (Reopened; Deadline date to apply: 01/30/14)*

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

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR'S COMMENTS

PRESENTATION – Donations for APD's K-9 Vests, presented by Lonnie Karste

1. CONSENT CALENDAR

A. MINUTES FOR NOVEMBER 12, 2013: KELLY'S CARD ROOM

Action: Motion to approve the minutes for the November 12, 2013 City Council meeting with corrections to Exhibit A to Resolution 2013/65 regarding conditions of approval for a local Card Room License to Applicant Anthony Keslinke for a card room as ancillary to a full-service restaurant at 408 O Street with no more than 6 card tables and direct staff to make the same corrections to Resolution 2013/65

MINUTES

B. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 26, 2013 AND DECEMBER 10, 2013

Recommended Action: Motion to approve the minutes

MINUTES

MINUTES

C. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR JANUARY 7, 2014

Recommended Action: Motion to approve the Special Meeting minutes

STAFF REPORT

D. APPROVAL OF COUNCIL WARRANTS

Recommended Action: Motion to approve the warrants

STAFF REPORT

E. APPROVAL OF TREASURER'S REPORT FOR NOVEMBER 2013

Recommended Action: Motion to approve the report

STAFF REPORT

F. ADOPTION OF A REVISED ORDINANCE TITLE 6, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE REGARDING ANIMALS (*Introduced on 12/10/13*)

Recommended Action: Motion to adopt the ordinance

STAFF REPORT

G. APPROVAL OF EAST CONTRA COSTA COUNTY INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) PLAN AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE PLAN

Recommended Action: Motion to adopt the Integrated Regional Water Management (IRWN) Plan and authorize the Director of Public Works to sign the plan

STAFF REPORT

H. RESOLUTION APPROVING THE THIRD AMENDMENT TO THE STORMWATER UTILITY AGREEMENT BETWEEN CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF ANTIOCH FOR COMMERCIAL/INDUSTRIAL STORMWATER INSPECTION SERVICES

Recommended Action: Motion to adopt the resolution

STAFF REPORT

CONSENT CALENDAR — Continued

- I. APPROVE AMENDMENT NO. 4 TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH MARK THOMAS AND COMPANY, INC. FOR CONSTRUCTION SUPPORT SERVICES FOR THE WILBUR AVENUE OVERHEAD WIDENING PROJECT (P.W. 259-B)

Recommended Action: Motion to authorize the City Manager to execute Amendment No. 4 to the Agreement for Professional Consultant Services with Mark Thomas and Company in the amount of \$50,000 for a total contract amount of \$1,354,733 for the Wilbur Avenue Overhead Widening project

STAFF REPORT

- J. RESOLUTION OF LOCAL SUPPORT AND AUTHORIZING THE FILING OF A GRANT APPLICATION TO METROPOLITAN TRANSPORTATION COMMISSION (MTC) REQUESTING AN ALLOCATION OF THE TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDS FOR NEW HANDICAP RAMPS AND PEDESTRIAN IMPROVEMENTS ALONG EAST TREGALLAS ROAD FROM LONE TREE WAY TO HILLCREST AVENUE (P.W. 409-3)

Recommended Action: Motion to adopt the Resolution of Local Support and authorizing the filing of a grant application to MTC requesting an allocation of the Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle project funds in the amount of \$50,000 for New Handicap Ramps and Pedestrian Improvements along East Tregallas Road from Lone Tree Way to Hillcrest Avenue

STAFF REPORT

- K. EXTENDED ABSENCE BY AN ELECTED OFFICIAL

Action Item: Given the elected City Clerk's absence from Antioch since October 28, 2013, the City Council asked about its options. The draft resolution provides that if an elected official is absent for more than one month unrelated to his or her own medical condition, then the official is encouraged to return the salary, car allowance, and communication allowance (if received) to the City for the absent period

STAFF REPORT

END OF CONSENT CALENDAR

COUNCIL REGULAR AGENDA

- 2. NORTHEAST ANTIOCH ANNEXATION AREA UPDATE

Recommended Action: Motion to receive and file oral report

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF JANUARY 14, 2014**

FROM: Lynn Tracy Nerland, City Attorney 
DATE: January 8, 2014
SUBJECT: Minutes for November 12, 2013: Kelly's Card Room

ACTION:

Approve the minutes for the November 12, 2013 City Council meeting with the following corrections to Exhibit A to Resolution 2013/65 (Attachment A) regarding conditions of approval for a local Card Room License to Applicant Anthony Keslinke for a card room as ancillary to a full-service restaurant at 408 O Street with no more than 6 card tables and direct staff to make the same corrections to Resolution 2013/65:

1. Condition 1.a: "The State has issued a temporary or permanent Card Room License to Applicant Anthony Keslinke and Applicant has purchased Kelly's from the prior owner, both within ~~42~~ 36 months from the City Council's approval of this License."
2. Condition 2.c: "For ~~at least~~ the first 12 months of operation of the Card Room, Applicant Anthony Keslinke shall be required to be physically present at the card room site no less than one (1) day per week, for no less than five (5) hours per day during regular operating hours for a minimum of 45 weeks per year. ~~He shall provide time logs under penalty of perjury to the Police Chief monthly.~~ Applicant must have at least one Key Employee present at the Card Room at all times when it is open who has permanent or interim Key Employee license status.
3. Condition 4.d: "In addition to the requirements above, Applicant shall make available to patrons of the card room and the restaurant and bar valet parking starting at 6:00 p.m. until closing ~~and~~ on Friday and Saturday, every day preceding a federal holiday, and every day when Applicant has a special event or tournament. The required licensed, armed security guard may also act as a valet, unless prohibited by the Police Chief in his absolute discretion. Vehicles parked by the valet service attendants may be parked on site at the Property or in the City's parking lot; at no time shall vehicles be parked or stored in the public right of way. Signs shall be posted to notify customers about the valet parking.

OPTION:

If the City Council does not believe that these revisions reflect the action of the City Council on November 12, 2013, then the City Council should direct staff accordingly.

01/14/14

BACKGROUND

At the November 12, 2013 City Council meeting, the City Council approved a local Card Room License to Applicant Anthony Keslinke for a card room as ancillary to a full-service restaurant at 408 O Street with no more than 6 card tables, subject to the conditions set forth in Exhibit A to the draft resolution, "Kelly's Card Room 2013 Local Card Room License and Conditions," which were amended further during the Council meeting.

On November 26, 2013, a certified copy of the resolution was sent to Mr. Keslinke with the conditions in Exhibit A that the Police Chief and City Attorney understood that the City Council had approved. Staff heard nothing from Mr. Keslinke in response.

At the December 10, 2013, Council Member Rocha pulled the minutes for the November 12, 2013 Council meeting, indicating that there were errors with the conditions of approval for Mr. Keslinke's Card Room License (Attachment B). The minutes were continued to obtain clarification of the issues. The Police Chief and City Attorney met with Mr. Keslinke, who subsequently sent the attached letter (Attachment C).

The Police Chief and City Attorney believed that the City Council action on November 12, 2013 included the condition that Mr. Keslinke obtain a temporary Card Room License from the State and purchase Kelly's from the prior owner, both within one year from the City Council's approval of the License. Mr. Keslinke would then have an additional 2 years (or 3 years total) to obtain a permanent license from the State. In addition, Mr. Keslinke would provide documentation of his presence at the Card Room during the first year of its operation.

Mr. Keslinke has indicated that the tape of the meeting shows that the City Council's action does not include these conditions. He is not willing to comply with a one-year deadline to obtain a temporary license from the State and to purchase the property. To date, Mr. Keslinke has not submitted his application to the State for a card room license.

A review of the tape indicates that those conditions in question were not repeated with the motion. The third correction is a typographical error.

ATTACHMENTS:

- A. Draft Minutes for the November 12, 2013 City Council meeting with corrections to Exhibit A to Resolution 2013/65
- B. Exhibit A to Resolution 2013/65 provided by Council Member Rocha with handwritten comments/revisions
- C. January 7, 2014 Letter from Anthony Keslinke

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

November 12, 2013
Council Chambers

6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Section is authorized by California Government Code Section 54957.6. City designated representatives: Michelle Fitzer, Denise Haskett, and Glenn Berkheimer; Employee organizations: Management and Confidential Units

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATORS**, Direction given to the Labor Negotiator.

Mayor Harper called the meeting to order at 7:03 P.M., and Minutes Clerk Eiden called the roll.

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

PLEDGE OF ALLEGIANCE

Black Diamond Middle School Students, Veronica and Anna Maria Bytlak, led the Council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Donald Freitas, Antioch resident, announced a benefit barbeque would be held on November 21, 2013 at Roddy Ranch with all proceeds to help the Agopian family to defray out-of-pocket medical expenses and support the National Brain Tumor Society's research to find a cure. Contact information was provided for anyone wishing to purchase tickets or make donations.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

Mayor Harper announced the following Board and Commission openings:

- *Board of Administrative Appeals: Two (2) vacancies – One (1) Board Member (partial term expiring March 2016) and One (1) Alternative Board Member (2-year term); deadline date is November 21, 2013*
- *Contra Costa Mosquito & Vector Control Board of Trustees: One (1) Antioch Representative vacancy; deadline date is November 21, 2013*
- *Contra Costa County Library Commission: One (1) Antioch Representative vacancy; deadline date is November 21, 2013*

PUBLIC COMMENTS

Fred Hoskins, Antioch resident, expressed concern non-citizens of Antioch influenced the outcome of Measure C.

Mark Jordan, Antioch resident, expressed concern regarding a book he read *Confronting Suburban Poverty in America* and suggested the City consider implementing a livable minimum wage for Antioch.

Mark Mokski, Executive Director for the Kids' Club Preschool, gave a brief update on the services they provide and announced they were awarded High Scope accreditation. He reported they had a contract expansion that could not be activated because they had been unable to secure a building. He noted their current funding was also in jeopardy and requested the City, School District, and business community participate in discussions to determine if they would be able to maintain a program in Antioch.

Mayor Harper stated he would like to keep services in Antioch and urged Mr. Mokski to schedule an appointment with the City to discuss this issue.

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

Greg Enholm, Contra Costa Community College District, invited everyone to attend the College District's 65th anniversary celebration from 12:00 P.M. – 4:00 P.M. on December 7, 2013 at the Universal Sports Academy in Martinez.

COUNCIL SUBCOMMITTEE REPORTS - None

MAYOR'S COMMENTS

Veronica and Anna Maria Bytlak read their leadership essays.

Mayor Harper thanked Veronica and Anna Maria Bytlak for their presentations and on behalf of the City, presented them gifts of appreciation.

COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR OCTOBER 22, 2013**
- B. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR NOVEMBER 4, 2013**
- C. APPROVAL OF COUNCIL WARRANTS**

- D. **FOUR PERSON TREE TRIMMING CREW BID AWARD (BID NO. 988-1016-13A)**
- E. **RESOLUTION NO. 2013/62 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE ANTIOCH COMMUNITY PARK SYNTHETIC TURF FIELDS (P.W. 394-7F)**
- F. **RESOLUTION NO. 2013/63 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE PREWETT FAMILY WATER PARK FILTER REPLACEMENT AND RESURFACING (P.W. 567-5)**
- G. **AMEND THE FISCAL YEAR 2014 BUDGET FOR CONSULTANT SERVICES CONTRACTS**

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

COUNCIL REGULAR AGENDA

2. KELLY'S CARD ROOM

Chief Cantando presented the staff report dated November 6, 2013. He reported since the publishing of the staff report, the City had received a faxed letter from Remcho, Johansen & Purcell, LLP Attorneys at Law, regarding this matter. He stated after review of the letter, if the City Council was considering approving Mr. Keslinke's request, he recommended they consider adding some of the license conditions provided in that letter in addition to the ones already suggested by staff.

City Attorney Nerland announced copies of the faxed letter had been placed on the dais and were also available in Council Chambers and on the City's website. She explained the procedures for how the staff report, public comments and deliberation would be conducted given the number of people in the audience.

APPLICANT

Tony Keslinke, applicant, stated he was excited for the opportunity to become the future owner of Kelly's Restaurant. He stated he had worked extensively with staff to bring a recommendation to the City Council for approval of his project. He noted they had also received a recommendation for approval from the Planning Commission [use permit application] as well as a unanimous vote from the California Gambling Control Commission to allow time to determine if Antioch could support his application for a card room license moving forward. He thanked staff. He stated he understood the concerns of staff and he will continue to work to address all the issues. He expressed concern if the Council does not act to indicate to the California Gambling Control Commission that there may be a license at a future date, the makeup of the Council could change and he may not be able to move forward with the project. He requested the Council vote to

approve a license at the local level subject to the conditions of approval and conditioned upon State approval from the California Gambling Control Commission. He stated they would be restoring the building, creating jobs, and making an investment in downtown Antioch. He presented a petition in support of the project, signed by residents and businesses in the area. He stated their application does not violate State law and the Council was within their rights to allow a license to go forward contingent upon State action. He introduced his compliance officer and advisor and spoke to their qualifications. He noted the majority of the Rivertown Preservation Society supported the project. He stated he had proposed changes to the conditions of approval.

PROPONENTS

Mayor Harper read written comment from Cecile Hermida in support of the project and Mr. Keslinke.

Ade Adeyemi, Antioch resident, spoke in support of Mr. Keslinke and his safe business practices in Antioch.

Diane Gibson – Gray and Ken Gray, Antioch residents, spoke in support of reopening Kelly's Restaurant and Card Room and the applicant, Tony Keslinke. They encouraged the City to impose realistic and fair conditions with periodic review to determine if they were feasible.

Joy Motts, Rivertown Preservation Group and Phil Robinson, Antioch resident, spoke in support of reopening Kelly's Restaurant and Card Room and the applicant Tony Keslinke's efforts to invest in Antioch's economic recovery efforts. She encouraged the Council to be equitable with rules and regulations and support development and job creation in downtown Antioch.

Kimberly Kittell, Sandra Padilla, Edna Esposito, Angelina Sandoval, Jason Gonzalez, Keith Pace, Rajnil V. Lal, Antioch residents, and Juan Chen-Olsen and Ruthie Riley-Evans, Antioch business owners, spoke in support of reopening Kelly's Restaurant and Card Room and the applicant, Tony Keslinke.

Ms. Chen-Olsen read a letter from Antioch resident, Hans Ho, in support of reopening Kelly's Card Room and the applicant, Tony Keslinke.

Brian Bellante, member of the Antioch Chamber of Commerce, Antioch resident, and business owner, spoke in support of reissuing of the license for Kelly's Restaurant and Card Room and the applicant Tony Keslinke. He encouraged Council to facilitate the revitalization of downtown Antioch.

Martha Parsons, Antioch resident, read written comment from Antioch resident Nancy Kelly, in support of the reopening of Kelly's Restaurant and Card Room and the applicant Tony Keslinke.

Dr. Sean Wright, Antioch Chamber of Commerce, spoke in support of the applicant Tony Keslinke and the importance of the project for Antioch's future economic development.

Charles Davis, Antioch resident, spoke in support of the applicant Tony Keslinke.

Richard Asadourian, President of the Contra Costa County Board of Education, Neighborhood Watch Captain, Economic Development Commissioner, speaking as an Antioch resident, urged the City Council to support the reopening of Kelly's Restaurant and Card Room. He commended Mayor Harper for the manner in which he conducted the meeting.

City Attorney Nerland reported there were two (2) actions before the City Council; staff recommended the City Council adopt the resolution memorializing the expiration of the City's Card Room License associated with Kelly's Card Room at 408 O Street held by Albert Cianfichi. With regards to the second action, she noted staff was not making a recommendation for or against Mr. Keslinke's application to operate a Card Room as ancillary to a full-service restaurant at 408 O Street.

RESOLUTION NO. 2013/64

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously adopted the resolution memorializing the expiration of the City's Card Room License associated with Kelly's Card Room at 408 O Street held by Albert Cianfichi.

Chief Cantando stated if Council was prepared to approve the Card Room application, he recommended they consider adding license conditions number 1-5, contained on pages 12 and 13 of the faxed letter from Remcho, Johansen & Purcell, LLP Attorneys at Law.

In response to an inquiry, City Attorney Nerland presented staff's recommended revision to the conditions of approval. She clarified that the City could not grant a Card Room license that was not contingent upon a State license being granted. She stated if the Council wanted to approve a license prior to the State, the question was whether the applicant needed to have a temporary or permanent license from the State, prior to operating.

In response to Mayor Harper, Chief Cantando responded that the City's initial background check was cursory and the State's background check would be much more comprehensive.

In response to the State license issue, City Attorney Nerland suggested Council consider adding a condition that should Mr. Keslinke not obtain a permanent State license within 24 months, after operations had commenced, he would agree the temporary license be automatically revoked. She clarified it continued to be staff's recommendation that the business not operate until the State had completed a full vetting and issued a permanent license.

Mr. Keslinke commented that many jurisdictions had Card Rooms that operated on a temporary license. He suggested Council consider extending the timeline for the issuance of the permanent State license to 36 months.

In response to a Council question, City Attorney Nerland reported that the Acting Chief Counsel for Gambling Control Commission had informed her that he was not aware of a prior example of a City granting an applicant a gambling control license prior to the State. She added that he had indicated it was not a legal requirement for the City to issue a license first and if the City did, he indicated that there was a question as to whether it was legal. The City Attorney noted that the

risk to the City of Antioch would be that a lawsuit could be filed however; there was a condition of approval indicating that the applicant indemnified the City, should that occur.

Councilmember Agopian voiced his support for Kelly's Restaurant and Card Room. He suggested the Council to address the issues, come to an agreement on the conditions of approval and then vote on whether to approve the project subject to those conditions.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously supported preliminarily granting a local Card Room License for Kelly's Card Room **contingent upon** the following:

- The State issuing a temporary Card Room license
- The State issuing a permanent Card Room license within 36 months of the City Council's approval
- Further action by the City Council on all other conditions of approval

Mayor Harper declared a recess at 9:30 P.M. The meeting reconvened at 9:43 P.M. with all Councilmembers present. Speaking to the Kelly's Card Room item, he stated he had requested staff discuss the conditions of approval with the applicant, and bring back a recommendation for Council consideration. With Council's consensus, Public Hearing Item 5 was heard as the next item of business.

PUBLIC HEARING

5. FY 2012-13 REVIEW OF CDBG-FUNDED ACCOMPLISHMENTS

CDBG Consultant House presented the staff report dated November 12, 2013 recommending the City Council: 1) Motion to receive and file accomplishment data presented in the FY 2012-13 Consolidated Annual Performance and Evaluation Report. 2) Motion to receive public comment on the needs of lower income Antioch residents for public services, infrastructure, economic development, housing and other categories for use in developing the 2014-15 Action Plan and the 2015-19 Consolidated Plan.

Mayor Harper opened the Public Hearing.

Laura Bloxom, Antioch Senior Center Recreation Coordinator, Laine Lawrence, Contra Costa Senior Legal Services, Alissa Friedman, Opportunity Junction, Quincy Hardin, Antioch Chamber Community Foundation, Jennifer Baha, SHELTER Inc. – Emergency Housing Services, Arturo Castillo, Contra Costa Health Services – Homeless Shelter, Adam Poe, Bay Area Legal Aid – Fair Housing Services and Bay Area Legal Aid – Tenant/Landlord Counseling, gave a brief overview of the programs and services offered to the community and updated the Council on their achievements for the last fiscal year. They thanked the City for supporting and funding their organizations.

Mayor Harper read written comments from the Providers of Youth Services – City of Antioch Youth Scholarships, and Community Violence Solutions – Child Sexual Assault Intervention.

Councilmember Wilson stated she had the opportunity of speaking at an Opportunity Junctions Commencement Ceremony and she thanked Ms. Friedman for providing services in Antioch.

Mayor Harper closed the Public Hearing.

The Council thanked CDBG Consultant House for the comprehensive report and working with the non-profit and governmental agencies that provided programs and services to Antioch residents.

On motion by Councilmember Tiscareno, seconded by Councilmember Agopian, the Council unanimously 1) Received and filed the report, and 2) Received public comments.

COUNCIL REGULAR AGENDA

3. PROPOSED LEASE OF CITY-OWNED PROPERTY LOCATED AT THE NORTHEAST CORNER OF CENTURY AND DELTA FAIR BOULEVARDS (APN 074-080-029) BY MESA OUTDOOR

Economic Development Analyst Nunnally presented the staff report dated November 6, 2013 recommending the City Council motion to approve the lease of City-owned property.

Mike McCoy, Mesa Outdoor, thanked staff for working constructively on the lease terms and design elements of the project. He announced they had California Department of Transportation (CALTRANS) and Planning Commission approval of the lease agreement. He stated they look forward to doing business in Antioch.

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously approved the lease of City-owned property.

Mayor Harper stated the City was excited for the economic development opportunity and encouraged staff to continue working to bring in these type of ideas forward.

4. ADOPTION OF THE CALIFORNIA BUILDING STANDARDS CODES AND AMENDMENTS TO THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING ORDINANCE

Community Development Director Wehrmeister presented the staff report dated November 7, 2013 recommending the City Council: 1) Motion to read the ordinances by title only; 2) Motion to introduce an 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. 3) Motion to introduce an ordinance amending Article II, Chapter 3, of Title 6 of the Antioch Municipal Code, dealing with Construction and Demolition Debris Recycling.

In response to Mayor Harper, Community Development Director Wehrmeister clarified staff would be sending a letter out, pending Council's decision this evening, to developers notifying them of the changes.

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously 1) Read the ordinances by title only; 2) Introduced an 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. 3) Introduced an ordinance amending Article II, Chapter 3, of Title 6 of the Antioch Municipal Code, dealing with Construction and Demolition Debris Recycling.

PUBLIC HEARING

6. ORDINANCE ESTABLISHING ZONING REGULATIONS FOR COMPUTER GAMING AND INTERNET ACCESS BUSINESSES

Director of Community Development Wehrmeister presented the staff report dated November 7, 2013 recommending the City Council: 1) Motion to read the ordinances by title only; 2) Motion to introduce an ordinance establishing zoning regulations for computer gaming and internet access businesses. The Planning Commission recommended adoption of the proposed ordinance on October 16, 2013 by a 5-0 vote with one absence. 3) Motion to introduce an ordinance amending Title 5, Chapter 11 regarding refinements to the licensing requirements for computer gaming and internet access businesses.

Mayor Harper opened and closed the public hearing, with no speakers requesting to speak.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously 1) Read the ordinances by title only; 2) Introduced an ordinance establishing zoning regulations for computer gaming and internet access businesses. 3) Introduced an ordinance amending Title 5, Chapter 11 regarding refinements to the licensing requirements for computer gaming and internet access businesses.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the next City Council meeting would be held on November 26, 2013. He reported on his attendance at the Board of Supervisors meeting noting the Northeast Antioch Annexation was discussed and he believed an agreement had been reached on the outstanding issues. He noted that matter would be coming back to the City Council on November 26, 2013, for action. He announced BART had officially determined the station in Antioch would be called the Antioch BART station. He reported the Mesa agreement approved this evening would yield in excess of \$1.5M, which was highly beneficial to the City.

COUNCIL REGULAR AGENDA - Continued

2. KELLY'S CARD ROOM

City Attorney Nerland stated she had consulted with the applicant and Chief Cantando and they had come to an agreement on the conditions of approval. She reviewed and recommended the City Council approve the conditions with amendments (revised exhibit A to attachment B of the staff report) attached to these November 12, 2013 minutes.

Mayor Harper thanked staff and the applicant for working cooperative to bring a project that would improve economic development and provide jobs in the City.

RESOLUTION NO. 2013/65

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously adopted a resolution approving Anthony Keslinke's application to operate a Card Room as ancillary to a full-service restaurant at 408 O Street with no more than 6 card tables subject to conditions of approval and approving a Parking Lot Lease between Anthony Keslinke and the City of Antioch for APN 066-124-002, with the conditions of approval (revised exhibit A to attachment B of the staff report) attached to these November 12, 2013 minutes and read into the record.

COUNCIL COMMUNICATIONS

Mayor Harper thanked the community for their support of Measure C and requested staff bring back for Council consideration, the composition of the Advisory Committee and the establishment of a policy for the use of the funds.

Councilmember Tiscareno concurred with Mayor Harper's comments.

With the consensus of the City Council, City Manager Jakel stated he would agendize the implementation of Measure C, for a future meeting.

Mayor Harper suggested revenue generated as a result of Measure C be placed in a separate account with a report out regarding the use of all of the funds.

City Attorney Nerland responded that Finance Director Merchant would be bringing back that information for Council consideration.

Mayor Harper stated he was proud of the City Council for their community outreach.

The City Council wished Director of Community Development Wehrmeister and City Manager Jakel a happy birthday.

Councilmember Agopian thanked Mayor Harper for his vision regarding a safe Antioch and stated Measure C had been a group effort of the City.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 11:05 P.M. to the next regular Council meeting on November 26, 2013.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

Revised Exhibit A

**Kelly's
2013 Local Card Room License and Conditions**

The following operational requirements and conditions have been established by the City Council of the City of Antioch in accordance with the authority granted in Title 5, Chapter 4 of the Antioch Municipal Code (the "Code") and the California Gambling Control Act (Business and Professions Code Division 8, Chapter 5, the "State Law"). The Applicant, Anthony Keslinke, agrees that each and every one of the provisions and conditions set forth in this Resolution and this Exhibit A and is done so specifically pursuant to the authority cited above and generally pursuant to the City's police power as conferred by Article XI, Section 7 of the California Constitution.

These operational requirements and conditions apply to the business known as "Kelly's" located at 408 "O" Street, Antioch, California. The license shall not apply to any other location without the approval of the City Council.

Conditions of Approval

1. Conditions to Card Room License becoming Effective. Local Card Room License for Kelly's at 408 O Street, Antioch is not and shall not become effective until all of the following conditions are met:
 - a. The State has issued a temporary or permanent Card Room License to Applicant Anthony Keslinke and Applicant has purchased Kelly's -from the prior owner, both within ~~one~~ year/36 months from the City Council's approval of this License.
 - b. Applicant submits the list of ~~Key personnel~~ Employees (as that term is defined in the California Gambling Control Act) of the Card Room, including the key personnel for the other operations at Kelly's as applicable, and they each obtain a license from the State.
 - c. Applicant enters into the Parking Lot Lease with the City of Antioch for APN 066-124-002 at O and Fifth Streets, Antioch, with such agreement recorded.
 - d. The restaurant at Kelly's is operating fully under the conditions below for at least 30 days.
 - ~~e. The Local Card Room License will cease to be effective, and will automatically be revoked and null and void, if Anthony Keslinke does not acquire a permanent State Card Room License within 36 months from the City Council's approval of -this Local Card Room License-~~

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2. Operational Standards

- a. Card room must be incidental to the restaurant and bar use, as reasonably determined by the Community Development Director based on documentary evidence and/or physical observation, and in accordance with Antioch Municipal Code Section 5-4.05, which provides: "In addition to the other requirements contained in this chapter, no license shall be issued for a card room other than in an established place of business of sufficient size and volume that the already established business is the major business of the place rather than the business of operating such card room."
 - i. At all times there shall be restaurant seating capacity for no less than 50, exclusive of seating at the bar or card room.
 - ii. Kitchen, restaurant dining room and bar shall occupy at least 55% of the square footage of the building.
 - iii. Hot food service, which does not include just microwaved food or meals, shall be available to patrons at all times that the bar or card room is open;
 - iv. The restaurant must offer sit-down, table served meal service at least twice a day, seven days a week with full menu options as approved by the Director of Community Development.

- b. The card room shall be responsible and liable for its patrons' safety and security in and around the card room. The card room shall adopt and implement an "Operations, Security and Surveillance Plan" (the "Plan") as set forth in the Planning Commission's approval of UP-13-02 to provide for the safety and security of patrons, after the plan has been approved by the Chief of Police, in the Chief's sole and reasonable discretion. The Chief shall review the Plan no less than once every year, upon written application by the Applicant for such review, which application must be submitted by the Applicant no later than the anniversary date of this License approval. Applicant shall comply at all times with every provision of the adopted Operations, Security and Surveillance Plan, which at a minimum shall include:
 - i. ~~Two~~One (2) State-licensed, uniformed and armed guards, ~~one inside the card room and one patrolling the parking areas,~~ shall be present at all times that the card room is in operation and will patrol the inside of the card room and the parking areas. An additional State-licensed, uniformed and armed guard shall be present from 6:00 p.m. to 6:00 a.m. or until close of business, whichever occurs earlier, and whenever there are three (3) or more active table games in operation, or a tournament or special event with more than 30 players.
 - ii. -The name of the Security Company, proof of liability insurance including a copy of all exceptions, their State license number, the guard registration numbers and training records for the employed guards.-
 - iii. Digital security cameras shall be installed inside, covering all areas of the business, the rear, front and leased parking areas. Said cameras shall record

onsite activities. Recordings shall be kept on hand for no less than 30 days and be made available to the City of Antioch upon demand.

- iv. ~~Metal detectors/wanding will be available at all times to the security personnel and as required by the~~ of patrons after 10:00 p.m. unless deemed unnecessary by the Police Chief for wanding patrons. given history of calls for service after operation for one year. The Police Chief may require additional hours of metal detectors/wanding at any time.
 - v. A dress code for patrons.
 - vi. An identified security station located at the entrance to the card room.
 - vii. Prior to commencing operations, Applicant shall submit and obtain approval from the Chief of Police and City Engineer for an outdoor lighting plan to ensure that all areas of the parking lot, leased parking lot and building are illuminated.
 - viii. Notwithstanding the yearly review set forth in condition of approval above, the Chief of Police may at any time upon a showing of need require revisions to the Plan to protect the safety of the card room's patron and the general public.
- c. For ~~at least~~ the first 12 months of operation of the Card Room, Applicant Anthony Keslinke shall be required to be physically present at the card room site no less than ~~three~~ one (31) days per week, for no less than five (5) hours per day during regular operating hours, ~~including at least 2 hours on a weekend night each week~~, for a minimum of ~~485~~ weeks per year. ~~He shall provide time logs under penalty of perjury to the Police Chief monthly. In addition, for at least the first 12 months of operation, Applicant must have at least one Key Employee as defined in the Gambling Control Act (Business and Professions Code) present at the Card Room at all times when it is open who has permanent, or not interim, Key Employee license status.~~
- d. No live entertainment and no amplified music, unless a special event permit is obtained in advance from the City.
 - e. No one under the age of 21 shall be allowed in the card room or bar at any time and no one under the age of 21 shall be allowed in the restaurant after 10:00 p.m.
 - e. After ~~109:00~~ 10:00 p.m. and until closing, all patrons of the business shall be verified using a license scanner/reader to ensure patrons are of lawful age and not using altered or false identification. The scanner database shall be retained for no less than 30 days and shall be made available to the Antioch Police Department upon demand. Applicant shall provide a procedure, approved by the Police Chief, from checking the identification of those already in the business at 10:00 p.m.

- f. No adult entertainment as defined in section 9-5.203 of the Antioch Municipal Code. This is to include, but not limited to, “go-go” dancers, exotic dancers, strippers, lingerie shows, etc.
- g. All activities shall be conducted entirely inside the building. Loitering is prohibited. Business shall post conspicuous signs stating “No loitering, no open containers, no drinking, no littering” on the building, parking lot and City’s parking lot.
- h. No intoxicated person shall be permitted in the card room. All alcohol beverage servers must attend and successfully complete a Responsible Beverage Server Course which is sponsored by ABC within 6 months of employment.

3. Gambling Standards

- a. The Applicant, every Key Employee and every person financially interested in the card room and every Card Room Employee as defined in Sections 5-4.01 and 5-4.03(B)(1) of the Antioch Municipal Code shall obtain the required State License and Work Permit and comply at all times with all applicable provisions of Title 5, Chapter 4 of the Code.
- b. Card room- shall only be open when the restaurant is open. The Police Chief retains the absolute discretion to limit the hours of the card room.
- c. The number of card tables allowed under this License is 6.
- d. The number of players permitted at one card table shall be as prescribed by State law.
- e. The card room shall be open to police inspection during all hours of operation.
- f. Each card table, during the time of play at such table, shall have assigned to it a person holding a valid work permit. Such person shall be in charge of, supervise, and conduct the game strictly in accordance with the laws of the State and the provisions of Title 5, Chapter 4 of the Antioch Municipal Code.
- g. Only games authorized by State law to be played shall be permitted to be played in any card room.
- h. No player ~~is~~ shall be permitted to wager or raise a wager by more than the following amounts:
 - i. \$200 for individual bets in Blackjack or California games that feature a rotating player-dealer position, except for games described in division (c) which shall have higher limits;
 - ii. \$200 for individual bets in Limit Poker games;
 - iii. \$500 for individual bets in No Limit and Double Hand Poker games; and

- iv. \$50 for individual bets in any other card room game permitted by California law.
- i. Only table stakes shall be permitted.
- j. No person under the age of 21 shall be permitted at any card table, or participate in any game, or enter the card room.
- k. The Applicant shall post in every card room, in letters plainly visible throughout the room, signs stating the hourly rate or cost per hand charged for the use of the tables in such card room and each other of the regulations set forth in this section as the Chief of Police may require.
- l. During hours of operation, the card room shall clearly post the wagering limit rules at the tables where the games are offered, to provide patrons adequate notice of those rules.
- m. No computer gaming or internet access business, as defined in the Antioch Municipal Code as it may be amended, shall operate at the business (not in the card room, restaurant or bar).

~~n.n.~~ All Agreements with third-party bankers and any person receiving payments directly or indirectly-related to revenues or profits of the Card Room (e.g. proposition players) shall be approved in advance by the State Gambling Control Commission with the agreement and approval letter sent promptly to the Police eChief.

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4. Site Standards

- a. Applicant shall comply with all applicable provisions of the Antioch Municipal Code, including but not limited to stormwater management and discharge control (Title 6, Chapter 9) building, electrical and plumbing code requirements and fire code regulations (Title 8).
- b. Unless otherwise approved by the Police Chief. All windows providing a line of sight into any area where card tables are located shall be clear glass so as to allow viewing of gaming activities by Public Safety personnel from outside of the building housing the card room; and ~~the~~ outside doors shall also be clear glass with ~~an~~ unobstructed to allow Public Safety personnel to view inside.
- c. Parking Requirements: Applicant shall comply at all times with parking requirements and regulations imposed pursuant to UP-13-02, including but not limited to the requirement to enter into a Parking Lot Lease Agreement with the City of Antioch for the use of the City's lot at APN 066-124-002. Prior to commencing operations, Applicant shall submit a modified parking plan that includes striping, signage and landscaping for the Applicant's on-site parking and the City's parking lot to be approved by the Community Development Director and City Engineer. Actions shall be taken and signs

posted to allow the Police Department to enforce the Antioch Municipal Code and other laws in the parking lots.

- d. In addition to the requirements above, Applicant shall make available to patrons of the card room and the restaurant and bar valet parking starting at 6:00 p.m. until closing ~~and on~~ Friday and Saturday, every day preceding a federal holiday, and every day when Applicant has a special event or tournament. The required licensed, armed security guard may also act as a valet, unless prohibited by the Police Chief in his absolute discretion. Vehicles parked by the valet service attendants may be parked on site at the Property or in the City's parking lot; at no time shall vehicles be parked or stored in the public right of way. Signs shall be posted to notify customers about the valet parking.
- e. Applicant shall identify and cordon off according to plans and with materials approved by the Community Development Director a designated and suitable location outside the building for smokers to engage in legal smoking activities. Such area shall be taken into consideration in the Security and Surveillance Plan.
- f. Applicant shall remove or caused to be removed any and all graffiti found on the Property within 48 hours of discovery or report of such graffiti.
- g. Applicant shall maintain the perimeter fencing and shall include an additional deterrent to prevent people from climbing over it such as razor wire.
- h. The site shall be kept clean of all debris (boxes, junk, garbage, etc) at all times.
- i. All requirements of the Contra Costa County Fire Protection District shall be satisfied. At no time shall the posted occupancy limit be exceeded.
- j. All other codes and regulations of the City of Antioch Municipal Code shall be complied with.
- k. Prior to commencing operations, Applicant shall submit and obtain approval from the Chief of Police and City Engineer for an outdoor lighting plan ensure that all areas of the parking lot, leased parking lot and building are illuminated.

5. Miscellaneous Provisions

- a. In accordance with Section 5-4.09 of the Code, the City Council may suspend or revoke a card room license on any of the grounds set forth in Section 5-4.04 of the Code, on the ground that the card room business has become the main business of the establishment, or on the ground that the Applicant has violated a provision of Chapter 5-4. For purposes of this License, any of the following occurrences is deemed evidence that (i) the applicant or any person financially interested in the business is not of good moral character, or (ii) the proposed location for the card room is incompatible with the uses being made of the property in the immediate vicinity and injurious to the health, safety, or morals of the people of the city:

- i. The Applicant's State license is suspended or revoked for any reason by the Commission or other regulatory agency with jurisdiction over the card room;
 - ii. Any law enforcement or regulatory agency for any reason closes the card room for any period of time except a building code violation that is resolved within 90 days;
 - iii. The card room is operating as a public nuisance;
 - iv. The card room is operating in violation to any condition of approval, including but not limited to any requirement of the Operations, Security and Surveillance Plan, or any local, state or federal ordinance or statute or law;
 - v. The Applicant is no longer the sole owner of the business, including being the sole owner of the Card Room, restaurant and bar or fails to submit evidence annually of his continuing ownership interest to the City.
 - vi. The Applicant or any Key Employee or anyone having an ownership interest in the card room, restaurant or bar is arrested for any felony, or a misdemeanor relating to loan sharking, drugs, embezzlement, extortion, theft, prostitution, money laundering, robbery or weapons violations.
- b. Applicant must pay a business license tax based on gross receipts pursuant to Chapter 1 of Title 3 of the Code, as it may be amended from time-to-time, as well as any regulatory fee established by the Police Department in the City's Master Fee Schedule.
- c. Applicant acknowledges the provisions of Section 5-4.08 of the Code with respect to the non-transferability of this License. The License is personal to Anthony Keslinke and he will annually submit to the Police Chief a statement under penalty of perjury indicating his sole ownership of the business, including being the sole owner of the Card Room, restaurant and bar. Should anyone else become financially interested in the business (Card Room, restaurant or bar) including any corporate or limited liability company, then a new Card Room application must be submitted and the City retains the discretion to grant or deny it.
- d. If the Antioch Police Department determines that the conditions of approval of the license or use permit are not met or the use has become a public nuisance or otherwise a threat to the public health, safety or welfare, the Police Chief may shut down the business and it will not be reopened until the Police Chief determines that all issues have been resolved. The Applicant shall be responsible for the costs of such Police response. Failure to pay such costs shall be grounds for immediate revocation of the Card Room license.
- e. The Applicant releases the City of Antioch from any claims related to this card room license or use permit and shall defend, indemnify and hold harmless the City, its agents, officers and employees from any claim, action or proceeding to challenge, set aside or void the license or any approval granted by the City. Applicant shall enter into an agreement to effectuate this condition of approval as required by the City Attorney, which shall include advance deposit for reasonably anticipated staff, legal and other costs for two months that may be incurred by the City. For 18 months following the

commencement of the operations at the Card Room, Applicant shall also be responsible for election costs, including staff costs, if a referendum (if applicable) or initiative petition is presented related to this card room license or use permit.

If a referendum or initiative is filed, then the City Council will consider placing it on a consolidated ballot in accordance with the California Elections Code provisions, but the Applicant acknowledges the City Council's sole and absolute discretion to determine the timing of the election and whether to place the referendum or initiative on a consolidated ballot.

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f. Applicant and Key Employees must report to the Police Chief any reasonably known violation of the conditions of approval for this license and/or the use permit to the Chief of Police within 5 business days.

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g. Applicant and Key Employees must report to the Police Chief within 5 business days any notices, advisories, notices of violation, warning letters, accusations, gaming activity approvals or denials or any other action directed to them or Kelly's Card Room by the Attorney General, California Gambling Control Commission, any other state or federal agency or the District Attorney's Office.

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h. Upon the Police Chief's request, ~~W~~within 5 days of submitting financial reports or statements to the Attorney General or Gambling Control Commission, Applicant shall provide copies to the Police Chief.

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Exhibit B
Parking Lot Lease
(attach next page)

Exhibit A

Kelly's
2013 Local Card Room License and Conditions

The following operational requirements and conditions have been established by the City Council of the City of Antioch in accordance with the authority granted in Title 5, Chapter 4 of the Antioch Municipal Code (the "Code") and the California Gambling Control Act (Business and Professions Code Division 8, Chapter 5, the "State Law"). The Applicant, Anthony Keslinke, agrees that each and every one of the provisions and conditions set forth in this Resolution and this Exhibit A and is done so specifically pursuant to the authority cited above and generally pursuant to the City's police power as conferred by Article XI, Section 7 of the California Constitution.

These operational requirements and conditions apply to the business known as "Kelly's" located at 408 "O" Street, Antioch, California. The license shall not apply to any other location without the approval of the City Council.

Conditions of Approval

1. Conditions to Card Room License becoming Effective. Local Card Room License for Kelly's at 408 O Street, Antioch is not and shall not become effective until all of the following conditions are met:
 - a. The State has issued a temporary or permanent Card Room License to Applicant Anthony Keslinke and Applicant has purchased Kelly's -from the prior owner, both within one year from the City Council's approval of this License.
 - b. Applicant submits the list of ~~Key personnel~~ Employees (as that term is defined in the California Gambling Control Act) of the Card Room, including the key personnel for the other operations at Kelly's as applicable, and they each obtain a license from the State.
 - c. Applicant enters into the Parking Lot Lease with the City of Antioch for APN 066-124-002 at O and Fifth Streets, Antioch, with such agreement recorded.
 - d. The restaurant at Kelly's is operating fully under the conditions below for at least 30 days.
 - ~~e. The Local Card Room License will cease to be effective, and will automatically be revoked and null and void, if Anthony Keslinke does not acquire a permanent State Card Room License within 36 months from the City Council's approval of this Local Card Room License.~~

Both should be 36 months

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Both should be 36 months

2. Operational Standards

- a. Card room must be incidental to the restaurant and bar use, as reasonably determined by the Community Development Director based on documentary evidence and/or physical observation, and in accordance with Antioch Municipal Code Section 5-4.05, which provides: "In addition to the other requirements contained in this chapter, no license shall be issued for a card room other than in an established place of business of sufficient size and volume that the already established business is the major business of the place rather than the business of operating such card room."
 - i. At all times there shall be restaurant seating capacity for no less than 50, exclusive of seating at the bar or card room.
 - ii. Kitchen, restaurant dining room and bar shall occupy at least 55% of the square footage of the building.
 - iii. Hot food service, which does not include just microwaved food or meals, shall be available to patrons at all times that the bar or card room is open;
 - iv. The restaurant must offer sit-down, table served meal service at least twice a day, seven days a week with full menu options as approved by the Director of Community Development.

- b. The card room shall be responsible and liable for its patrons' safety and security in and around the card room. The card room shall adopt and implement an "Operations, Security and Surveillance Plan" (the "Plan") as set forth in the Planning Commission's approval of UP-13-02 to provide for the safety and security of patrons, after the plan has been approved by the Chief of Police, in the Chief's sole and reasonable discretion. The Chief shall review the Plan no less than once every year, upon written application by the Applicant for such review, which application must be submitted by the Applicant no later than the anniversary date of this License approval. Applicant shall comply at all times with every provision of the adopted Operations, Security and Surveillance Plan, which at a minimum -shall include:
 - i. Two~~One~~ (2) State-licensed, uniformed and armed guards, ~~one inside the card room and one patrolling the parking areas~~, shall be present at all times that the card room is in operation and will patrol the inside of the card room and the parking areas. An additional State-licensed, uniformed and armed guard shall be present from 6:00 p.m. to 6:00 a.m. or until close of business, whichever occurs earlier, and whenever there are three (3) or more active table games in operation, or a tournament or special event with more than 30 players.
 - ii. -The name of the Security Company, proof of liability insurance including a copy of all exceptions, their State license number, the guard registration numbers and training records for the employed guards.;
 - iii. Digital security cameras shall be installed inside, covering all areas of the business, the rear, front and leased parking areas. Said cameras shall record

onsite activities. Recordings shall be kept on hand for no less than 30 days and be made available to the City of Antioch upon demand.

- iv. Metal detectors/wanding will be available at all times to the security personnel and as required by the ~~of patrons after 10:00 p.m. unless deemed unnecessary by the Police Chief for wanding patrons. given history of calls for service after operation for one year. The Police Chief may require additional hours of metal detectors/wanding at any time.~~
- v. A dress code for patrons.
- vi. An identified security station located at the entrance to the card room.
- vii. Prior to commencing operations, Applicant shall submit and obtain approval from the Chief of Police and City Engineer for an outdoor lighting plan to ensure that all areas of the parking lot, leased parking lot and building are illuminated.
- viii. Notwithstanding the yearly review set forth in condition of approval above, the Chief of Police may at any time upon a showing of need require revisions to the Plan to protect the safety of the card room's patron and the general public.
- c. ~~For at least the first 12 months of operation of the Card Room, Applicant Anthony Keslinke shall be required to be physically present at the card room site no less than ~~three~~ ~~one~~ ~~(31)~~ days per week, for no less than five (5) hours per day during regular operating hours, including at least 2 hours on a weekend night each week, for a minimum of 485 weeks per year. He shall provide time logs under penalty of perjury to the Police Chief monthly, in addition, for at least the first 12 months of operation, Applicant must have at least one Key Employee as defined in the Gambling Control Act (Business and Professions Code) present at the Card Room at all times when it is open who has permanent, or not interim, Key Employee license status.~~
- d. No live entertainment and no amplified music, unless a special event permit is obtained in advance from the City.
- e. No one under the age of 21 shall be allowed in the card room or bar at any time and no one under the age of 21 shall be allowed in the restaurant after 10:00 p.m.
- e. After 10:00 p.m. and until closing, all patrons of the business shall be verified using a license scanner/reader to ensure patrons are of lawful age and not using altered or false identification. The scanner database shall be retained for no less than 30 days and shall be made available to the Antioch Police Department upon demand. Applicant shall provide a procedure, approved by the Police Chief, from checking the identification of those already in the business at 10:00 p.m.

remove

"at least" should be removed - only first 12 months

provide time cards to Police Chief should be removed - Allen said he didn't

- f. No adult entertainment as defined in section 9-5.203 of the Antioch Municipal Code. This is to include, but not limited to, “go-go” dancers, exotic dancers, strippers, lingerie shows, etc.
- g. All activities shall be conducted entirely inside the building. Loitering is prohibited. Business shall post conspicuous signs stating “No loitering, no open containers, no drinking, no littering” on the building, parking lot and City’s parking lot.
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- a. The Applicant, every Key Employee and every person financially interested in the card room and every Card Room Employee as defined in Sections 5-4.01 and 5-4.03(B)(1) of the Antioch Municipal Code shall obtain the required State License and Work Permit and comply at all times with all applicable provisions of Title 5, Chapter 4 of the Code.
- b. Card room- shall only be open when the restaurant is open. The Police Chief retains the absolute discretion to limit the hours of the card room.
- c. The number of card tables allowed under this License is 6.
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- k. The Applicant shall post in every card room, in letters plainly visible throughout the room, signs stating the hourly rate or cost per hand charged for the use of the tables in such card room and each other of the regulations set forth in this section as the Chief of Police may require.
- l. During hours of operation, the card room shall clearly post the wagering limit rules at the tables where the games are offered, to provide patrons adequate notice of those rules.
- m. No computer gaming or internet access business, as defined in the Antioch Municipal Code as it may be amended, shall operate at the business (not in the card room, restaurant or bar).

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- a. Applicant shall comply with all applicable provisions of the Antioch Municipal Code, including but not limited to stormwater management and discharge control (Title 6, Chapter 9) building, electrical and plumbing code requirements and fire code regulations (Title 8).
- b. Unless otherwise approved by the Police Chief, All windows providing a line of sight into any area where card tables are located shall be clear glass so as to allow viewing of gaming activities by Public Safety personnel from outside of the building housing the card room; ~~and,~~ the outside doors shall also be clear glass with -an unobstructed to allow Public Safety personnel to view inside.
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posted to allow the Police Department to enforce the Antioch Municipal Code and other laws in the parking lots.

d. In addition to the requirements above, Applicant shall make available to patrons of the card room and the restaurant and bar valet parking starting at 6:00 p.m. until closing and Friday and Saturday, every day preceding a federal holiday, and every day when Applicant has a special event or tournament. The required licensed, armed security guard may also act as a valet, unless prohibited by the Police Chief in his absolute discretion. Vehicles parked by the valet service attendants may be parked on in the City's parking lot; at no time shall vehicles be parked or st of way. Signs shall be posted to notify customers about the valet

← on
← and should be on

e. Applicant shall identify and cordon off according to plans and wi by the Community Development Director a designated and suitab building for smokers to engage in legal smoking activities. Such consideration in the Security and Surveillance Plan.

f. Applicant shall remove or caused to be removed any and all graffi Property within 48 hours of discovery or report of such graffiti.

g. Applicant shall maintain the perimeter fencing and shall include a prevent people from climbing over it such as razor wire.

h. The site shall be kept clean of all debris (boxes, junk, garbage, etc) at all times.

i. All requirements of the Contra Costa County Fire Protection District shall be satisfied. At no time shall the posted occupancy limit be exceeded.

j. All other codes and regulations of the City of Antioch Municipal Code shall be complied with.

k. Prior to commencing operations, Applicant shall submit and obtain approval from the Chief of Police and City Engineer for an outdoor lighting plan ensure that all areas of the parking lot, leased parking lot and building are illuminated.

5. Miscellaneous Provisions

a. In accordance with Section 5-4.09 of the Code, the City Council may suspend or revoke a card room license on any of the grounds set forth in Section 5-4.04 of the Code, on the ground that the card room business has become the main business of the establishment, or on the ground that the Applicant has violated a provision of Chapter 5-4. For purposes of this License, any of the following occurrences is deemed evidence that (i) the applicant or any person financially interested in the business is not of good moral character, or (ii) the proposed location for the card room is incompatible with the uses being made of the property in the immediate vicinity and injurious to the health, safety, or morals of the people of the city:

- i. The Applicant's State license is suspended or revoked for any reason by the Commission or other regulatory agency with jurisdiction over the card room;
 - ii. Any law enforcement or regulatory agency for any reason closes the card room for any period of time except a building code violation that is resolved within 90 days;
 - iii. The card room is operating as a public nuisance;
 - iv. The card room is operating in violation to any condition of approval, including but not limited to any requirement of the Operations, Security and Surveillance Plan, or any local, state or federal ordinance or statute or law;
 - v. The Applicant is no longer the sole owner of the business, including being the sole owner of the Card Room, restaurant and bar or fails to submit evidence annually of his continuing ownership interest to the City.
 - vi. The Applicant or any Key Employee or anyone having an ownership interest in the card room, restaurant or bar is arrested for any felony, or a misdemeanor relating to loan sharking, drugs, embezzlement, extortion, theft, prostitution, money laundering, robbery or weapons violations.
- b. Applicant must pay a business license tax based on gross receipts pursuant to Chapter 1 of Title 3 of the Code, as it may be amended from time-to-time, as well as any regulatory fee established by the Police Department in the City's Master Fee Schedule.
- c. Applicant acknowledges the provisions of Section 5-4.08 of the Code with respect to the non-transferability of this License. The License is personal to Anthony Keslinke and he will annually submit to the Police Chief a statement under penalty of perjury indicating his sole ownership of the business, including being the sole owner of the Card Room, restaurant and bar. Should anyone else become financially interested in the business (Card Room, restaurant or bar) including any corporate or limited liability company, then a new Card Room application must be submitted and the City retains the discretion to grant or deny it.
- d. If the Antioch Police Department determines that the conditions of approval of the license or use permit are not met or the use has become a public nuisance or otherwise a threat to the public health, safety or welfare, the Police Chief may shut down the business and it will not be reopened until the Police Chief determines that all issues have been resolved. The Applicant shall be responsible for the costs of such Police response. Failure to pay such costs shall be grounds for immediate revocation of the Card Room license.
- e. The Applicant releases the City of Antioch from any claims related to this card room license or use permit and shall defend, indemnify and hold harmless the City, its agents, officers and employees from any claim, action or proceeding to challenge, set aside or void the license or any approval granted by the City. Applicant shall enter into an agreement to effectuate this condition of approval as required by the City Attorney, which shall include advance deposit for reasonably anticipated staff, legal and other costs for two months that may be incurred by the City. For 18 months following the

commencement of the operations at the Card Room, Applicant shall also be responsible for election costs, including staff costs, if a referendum (if applicable) or initiative petition is presented related to this card room license or use permit.

If a referendum or initiative is filed, then the City Council will consider placing it on a consolidated ballot in accordance with the California Elections Code provisions, but the Applicant acknowledges the City Council's sole and absolute discretion to determine the timing of the election and whether to place the referendum or initiative on a consolidated ballot.

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f. Applicant and Key Employees must report to the Police Chief any reasonably known violation of the conditions of approval for this license and/or the use permit to the Chief of Police within 5 business days.

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g. Applicant and Key Employees must report to the Police Chief within 5 business days any notices, advisories, notices of violation, warning letters, accusations, gaming activity approvals or denials or any other action directed to them or Kelly's Card Room by the Attorney General, California Gambling Control Commission, any other state or federal agency or the District Attorney's Office.

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h. Upon the Police Chief's request, ~~W~~within 5 days of submitting financial reports or statements to the Attorney General or Gambling Control Commission, Applicant shall provide copies to the Police Chief.

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Nerland, Lynn Tracy

From: Tony Keslinke [tkeslinke@hotmail.com]
Sent: Tuesday, January 07, 2014 1:01 PM
To: Nerland, Lynn Tracy
Cc: Duran, Steve; Harper, Wade; Rocha, Mary
Subject: Resolution 2013/65
Attachments: Resolution 2013.65 Letter 010714.doc

Lynn,

Please read the attached letter that covers the topic of the error in the resolution as it was originally drafted that we previously discussed. I assume that the other typographical errors have already been corrected.

Please let me know if you have any further questions.

Thank you,

Tony Keslinke

Resolution No. 2013/65 from November 12, 2013

Antioch City Council Meeting On Kelly's

Lynn Tracy Nerland

City Attorney

City of Antioch

Antioch, CA 94509

Dear Ms. Nerland,

As we have previously discussed, after reading the resolution that you sent me from the Nov. 12, 2013 Antioch City Council meeting it appears as though a mistake was made in its drafting. After extensive reviews of the actual video from the meeting it is clear that the action taken by the City Council was to grant a conditional card room license to the applicant conditioned upon the applicant receiving a temporary and permanent license from the State and purchasing Kelly's within 36 months from the date of the City Council's approval of the Local Card Room License.

The Resolution as written has two items under Conditions of Approval that read as follows:

- a. The State has issued a temporary or permanent Card Room License to Applicant Anthony Keslinke and Applicant has purchased Kelly's from the prior owner, both within one year from the City Council's approval of the License.

- e. The Local Card Room License will cease to be effective, and will automatically be revoked and null and void, if Anthony Keslinke does not acquire a permanent State Card Room License within 36 months from the City Council's approval of this Local Card Room License.

At no time during the meeting was any action involving a 12 month time frame acted or voted upon. I therefore request that the resolution be corrected to read as follows:

- a. The Local Card Room License will cease to be effective, and will automatically be revoked and null and void, if Anthony Keslinke does not purchased Kelly's from the prior owner and has not acquired a temporary and permanent State Card Room License within 36 months from the City Council's approval of this Local Card Room License.

In support of this position I note the following. The motion as read by the city attorney is included verbatim below.

Motion as read by City Attorney: "The motion that has been made and seconded is to preliminary determined, subject to further conditions of approval that still need to be resolved that the City Council will entertain issuing a local card room .. at 408 0 st but that it would not become effective until the state has issued a temporary card room license to the applicant, and that the applicant has purchased Kelly's from a prior owner, and that the state has issued a permanent card room license within 36 months from the city council's approval of this license."

City Councilmember Rocha then restates the motion which is also quoted below.

Mary Rocha then restates the motion " I think I heard the same thing, grant temporary license on conditions of state approval for 36 months as we take the conditions of approval on our own."

I have included the time when each of these statements were made on the video which is included on the City's website below for your information in case you desire further clarification of these points. I have also included the preceding statements leading up to the formal motion and their associated times which further support that only the 36 month time frame was formally voted on that evening.

2:05:45Mary Rocha Makes Motion – Motion to Grant A Temporary

License on Condition of Approval from the State for 36 Months

2:06:40Tony Tiscareno Seconds the Motion to Grant A Temporary

License on Condition of Approval from the State for 36 Months

2:24:15City Attorney restates Motion Preliminarily Determine Subject

to further conditions of approval the City Council would
entertain the issuance to grant the

2:25:20Mary Rocha again restates the Motion

And finally, at 3:34:50 the City Attorney summarizes and memorializes the earlier action that the Council took before proceeding to work out the final condition of approvals. Also, at this time only the 36 month time frame was stated and never was a 12 month time frame discussed or acted upon.

I therefore request that Resolution No. 2013/65 be corrected to accurately reflect what was voted upon Nov. 12, 2013.

Thank you in advance for your help with this matter.

Sincerely,

Anthony Keslinke

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

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

**November 26, 2013
Council Chambers**

6:00 P.M. - CLOSED SESSION

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, Councilmember Wilson, City Manager, City Attorney and Recruiter Phil McKenney.
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
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)

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 PUBLIC EMPLOYEE APPOINTMENT AND LABOR NEGOTIATIONS**, Direction was given to the Labor Negotiators; **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Council voted 5/0 to settle the matter; and, **#3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, No action was taken.

Mayor Harper called the meeting to order at 7:06 P.M., and Minutes Clerk Eiden called the roll.

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

PLEDGE OF ALLEGIANCE

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

Mayor Harper opened the meeting in the memory of former Mayor Barney Parsons and thanked him for his service. In honor of Mr. Parsons, he led the Council and audience in a moment of silence.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS – None

ANNOUNCEMENTS OF BOARDS AND COMMISSION OPENINGS

1B.01

01/14/14

Mayor Harper announced the following Commission opening:

- Parks and Recreation Commission – Four (4) full terms – Deadline for applications is 5:00 P.M. on January 30, 2013

PUBLIC COMMENTS

Ileana Bello, Dozier Libbey Medical High School student, discussed the negative impact of bullying and requested the City Council consider adopting an anti-bullying resolution.

Imani Clark, Dozier Libbey Medical High School student, discussed the importance of having a full-time counselor on campus to provide services to students.

Ed Williams, Dozier Libbey Medical High School student, stated he was a victim of bullying and now he was working to assist other victims. He announced he had created a program called FAITH that helps children become active in the community and expressed interest in attending other schools to conduct peer to peer seminars on bullying. He requested the assistance of the community with donations and advice on how to build their program.

Mayor Harper thanked the students who spoke and suggested they consider making a presentation to the Antioch Unified School Board.

In response to Mayor Harper, City Manager Jakel stated he would ask staff to research past action regarding a bullying resolution.

Councilmember Rocha requested this item be discussed at the City Council/School District subcommittee meeting and noted there are opportunities for the students to connect with other programs.

Councilmember Tiscareno reported the students had contacted him and he had suggested they contact the School Board. He thanked the students for coming forward to discuss the issue.

Mayor Harper reported Superintendent Gill was looking at the issue of bullying and formed a committee with the Youth Intervention Network. He commended the students for coming before the Council to discuss the issues and for starting the organization.

Sofia Bello discussed the negative impact of bullying and stated she wanted to be the voice of the victims who were afraid to speak.

Mayor Harper thanked Sofia for having the courage to speak and stated Council cares about the youth in the community.

Edgar Osorio, Dozier Libbey Medical High School PTSA President, commended the students for speaking this evening and discussed their efforts to prevent bullying. He stated that their school was a good example and should be emulated in the community.

Robin Agopian thanked the students for speaking this evening. She recognized and thanked everyone who participated in the benefit barbeque held on November 21, 2013. She stated the love and generosity from the community was extraordinary.

Douglas Dunn, Contra Costa County Assisted Outpatient Treatment Workgroup and the Contra Costa Chapter of the National Alliance on Mental Illness, discussed the benefits of the County implementing Laura's Law, an assisted outpatient treatment program for the seriously mentally ill. He invited the Council to attend a Laura's Law presentation at 7:00 P.M. on December 19, 2013 at John Muir Medical Center, in Concord.

COUNCIL SUBCOMMITTEE REPORTS

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

Councilmember Tiscareno reported on his attendance at the Lone Tree Golf Course subcommittee meeting. He stated the Board would be coming to the City Council to give a full report.

Councilmember Agopian thanked the community for their love and support. He stated Antioch was a great community and the benefit event should be the beginning of the community pulling together to change lives.

MAYOR'S COMMENTS

Mayor Harper thanked the City Council and staff for working as a team and representing the City in a positive way. He thanked City Manager Jakel for his leadership. He stated he wanted to continue to listen and become a better Mayor, father and husband. He thanked the community for their support of Measure C, and reiterated that Council would make certain the funds were utilized and monitored correctly.

PRESENTATION

Police Statistics Third Quarter 2013, presented by Chief Allan Cantando

Chief Cantando gave a presentation of the 3rd Quarter 2013 crime statistics including the following information:

- Part 1 Crime Statistics
- Bureau of Support Services
- Bureau of Field Services
- Current Staffing Levels
- New Developments

He thanked the Council for supporting the Antioch Police Department and City Manager Jakel for hiring him to be the Chief of Police.

In response to Mayor Harper, Chief Cantando explained that traffic citations are not a money maker for the Police Department and noted that they see more money from municipal code citations; however, those fines are much lower.

Mayor Harper thanked Chief Cantando for the report and the information on new hires. He suggested Chief Cantando continue to demonstrate his plan for adding more Police Officers.

In response to Councilmember Rocha, Chief Cantando discussed the challenges of dealing with panhandlers.

Councilmember Wilson thanked Chief Cantando for the report.

Councilmember Tiscareno thanked Chief Cantando for the report and congratulated him on the clearance rate.

Councilmember Agopian thanked Chief Cantando for the report and spoke to the value of focused policing to eradicate panhandling. He stated the City was in a good position to begin reducing low level criminal activity.

Councilmember Rocha suggested the City form a committee to begin focusing on the homeless issue.

Mayor Harper stated the City wants to address the panhandling and homeless issues with compassion by providing individuals with contact information for the resources available in the community.

COUNCIL CONSENT CALENDAR

- A. COUNCIL MINUTES FOR NOVEMBER 12, 2013 *Motioned to continue to December 10, 2013***
- B. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR NOVEMBER 15 AND NOVEMBER 19, 2013**
- C. APPROVAL OF COUNCIL WARRANTS**
- D. APPROVAL OF TREASURER'S REPORT FOR OCTOBER 2013**
- E. RESOLUTION NO. 2013/66 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**
- F. WATER TREATMENT PLANT – RIVER PUMP AND MOTOR REBUILD PURCHASE ORDER: P140272**

- G. **ORDINANCE NO. 2073-C-S and ORDINANCE NO. 2074-C-S** ADOPTION OF THE 2013 CALIFORNIA BUILDING STANDARDS CODES AND AMENDMENTS TO THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING ORDINANCE
- H. **ORDINANCE NO. 2075-C-S and ORDINANCE NO. 2076-C-S** ADOPTION OF AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR COMPUTER GAMING AND INTERNET ACCESS BUSINESSES

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

I. APPROVAL OF SUCCESSOR AGENCY WARRANTS

On motion by Councilmember Wilson, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council 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.**

City Manager Jakel presented the staff report dated November 20, 2013 recommending the City Council: 1) Motion to adopt the resolution approving the updated Tax Exchange Agreement, and 2) Motion to adopt the resolution approving the updated Joint Exercise of Powers Agreement for Funding Infrastructure, and Planning and Building Inspection Services.

Mayor Harper recognized the efforts of Councilmember Agopian and Councilmember Rocha for working on the agreements with the stakeholders.

Councilmember Agopian stated it was a pleasure serving on the committee with Councilmember Rocha. He spoke to the benefits of the Southeast Antioch Annexation and endorsed the funding agreement. He thanked staff for their hard work and the Board of Supervisors for their support.

Mayor Harper recognized the efforts of staff in bringing the annexation to fruition. He requested the City hold one vacant position on the Planning Commission open until the annexation was recorded, to give new residents from the annexation area the opportunity to apply for the position.

With Council consensus, City Attorney Nerland stated staff would report back with regards to the status of the Planning Commission vacancies.

Councilmember Wilson acknowledged Councilmember Agopian and Rocha as well as staff's and the consultant's hard work.

RESOLUTION NO. 2013/67
RESOLUTION NO. 2013/68

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the Council unanimously 1) Adopted the resolution approving the updated Tax Exchange Agreement, and 2) Adopted the resolution approving the updated Joint Exercise of Powers Agreement for Funding Infrastructure, and Planning and Building Inspection Services.

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.

Senior Planner Gentry presented the staff report dated November 21, 2013 recommending the City Council: 1) Motion to read the ordinance by title only; and 2) Motion to adopt the ordinance amending the Zoning Code to allow fortune-tellers to be permitted by right in certain commercial zoning districts.

Mayor Harper opened and closed the Public Hearing with no speakers requesting to speak. In response to Councilmember Agopian, Director of Community Development Wehrmeister clarified assembly use of any kind requires a use permit anywhere within the City.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council 1) Read the ordinance by title only; and 2) Adopted the ordinance amending the Zoning Code to allow fortune-tellers to be permitted by right in certain commercial zoning districts. The motion carried the following vote:

Ayes: Harper, Rocha, Wilson, Tiscareno

Noes: Agopian

PUBLIC COMMENTS – None

STAFF COMMUNICATIONS

City Attorney Nerland announced the Mayor's conference would be held on December 5, 2013 in Pittsburg and the next City Council meeting would be held on December 10, 2013. She noted, with Council consensus, the December 24, 2013 Council meeting would be cancelled and announced City offices would be closed the remainder of that week. On behalf of the City Manager and staff, she wished everyone a Happy Thanksgiving.

COUNCIL COMMUNICATIONS

Councilmember Rocha questioned if the Christmas tree lighting would be held at City Hall and announced the Antioch Lighted Boat Parade would be held on December 7, 2013.

In response to Councilmember Rocha, City Attorney Nerland stated staff would report back to Council on the issue of an elected official continuing to receive their stipend when they are on an extended vacation.

Councilmember Tiscareno reported on his attendance at Boy Scout Troop #153 promotion to Eagle Scout and congratulated Michael Correra, Ryley Palmer, Jarrod Aghily and Kevin Cudney.

Councilmember Agopian thanked Councilmember Tiscareno for representing the Council at the Eagle Scout promotion ceremony and wished everyone a Happy Thanksgiving.

In response to Mayor Harper, City Manager Jakel stated he would report back to Council on the feasibility of the City undertaking a General Plan update.

Councilmember Rocha suggested the possibility of adding safety and health issues to a General Plan update.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 8:26 P.M. to the next regular Council meeting on December 10, 2013.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

December 10, 2013
Council Chambers

6:15 P.M. - CLOSED SESSION

- 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.
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(2): *City of Brentwood v. Campbell*, California Court of Appeal, First District, Case Number A138268.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report:

#1 PUBLIC EMPLOYEE APPOINTMENT AND LABOR NEGOTIATIONS, No action taken; and **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Direction given to City Attorney Nerland to continue this item to January 2014.

Mayor Harper called the meeting to order at 7:04 P.M. and Minutes Clerk Eiden called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

In Honor of City Manager Jim Jakel's Retirement

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously approved the Proclamation.

The City Council thanked City Manager Jakel for his dedication, support and positive influence in Antioch. They thanked him for his service and noted he would be greatly missed.

Supervisor Mary Piepho, on behalf of the Contra Costa County Board of Supervisors, presented City Manager Jakel with a resolution thanking and recognizing him for his service and leadership.

Satinder Malhi, on behalf of Senator Mark DeSaulnier and residents of the 7th Senate District, thanked Jim Jakel for years of dedicated service to the community of Antioch.

Mayor Harper announced he would be presenting a proclamation to City Manager Jakel from Assemblyman Jim Frazier's office.

The City Council presented City Manager Jakel with the proclamation from the City of Antioch.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS - None

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

Mayor Harper announced the following Commission opening.

- *Parks and Recreation Commission: Four (4) vacancies (full terms expiring April 2014); deadline date is January 30, 2014*

PUBLIC COMMENTS

Jim Boccio, representing the Bedford Center, presented the City Council with photos and expressed concern regarding the homeless camp on their property. He reported calls to the Antioch Police Department had not resulted in their removal and he requested the City's assistance in the matter.

Mayor Harper encouraged Mr. Boccio to contact Chief Cantando with his concerns.

Councilmember Rocha announced that there would be a meeting at 9:00 A.M. on December 12, 2013 at the Chamber of Commerce office to discuss the homeless issue.

Ronald Jones, California State Association of Letter Carriers, requested the City Council support a resolution in support of a bill to maintain postal service.

Mayor Harper suggested Mr. Jones leave a copy of the resolution for the City Council's review.

Julie Young, Antioch resident, expressed concern regarding Common Core Standards being implemented in Antioch schools and encouraged residents to attend the School Board meeting on December 18, 2013 to voice their concerns on the matter.

Bailey Neff, Antioch resident, expressed concern for the quality of service he received from Republic Services. He requested the City Council place this item on the agenda at the next Council meeting.

Mayor Harper encouraged Mr. Neff to send his questions and concerns to the City Manager's office.

With Council consensus, Item #3 was moved to the next agenda item.

COUNCIL REGULAR AGENDA

3. NEW CITY MANAGER RECRUITMENT

City Attorney Nerland presented the staff report dated December 2, 2013 recommending the City Council: appoint Steven Duran as City Manager; approve the Agreement with Steven Duran for City Manager Services and authorize the Mayor to sign it; and appoint Ron Bernal as Acting City Manager from December 31, 2013 until Mr. Duran begins.

Steve Duran introduced himself and stated he looked forward to serving as Antioch's City Manager.

On motion by Councilmember Wilson, seconded by Councilmember Tiscareno, the Council unanimously appointed Steven Duran as City Manager; approved the Agreement with Steven Duran for City Manager Services and authorized the Mayor to sign it; and appointed Ron Bernal as Acting City Manager from December 31, 2013 until Mr. Duran begins.

COUNCIL SUBCOMMITTEE REPORTS - None

MAYOR'S COMMENTS - None

COUNCIL CONSENT CALENDAR

- A. **COUNCIL MINUTES FOR NOVEMBER 12, 2013 AND NOVEMBER 26, 2013** *Motioned to continue Council Minutes of November 12 and 26, 2013 to January 14, 2014*
- B. **APPROVAL OF COUNCIL WARRANTS**
- C. **ORDINANCE NO. 2077-C-S ADOPTION OF AN ORDINANCE AMENDING THE ZONING CODE TO ALLOW FORTUNE-TELLERS TO BE PERMITTED BY RIGHT IN CERTAIN COMMERCIAL ZONING DISTRICTS** *(Introduced on 11/26/13)*
- D. **RESOLUTION NO. 2013/69 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE DEER VALLEY ROAD/DAVISON DRIVE/SUNSET LANE PAVEMENT REHABILITATION PROJECT (P.W. 392-28)**
- E. **RESOLUTION NO. 2013/70 APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ANTIOCH AND THE ANTIOCH POLICE SWORN MANAGEMENT ASSOCIATION (AP SMA)**
- F. **RESOLUTION NO. 2013/71 APPROVAL OF THE FIRST AMENDED OUT OF AGENCY SERVICE AGREEMENT TO EXTEND THE PREVIOUSLY APPROVED OUT OF AGENCY SERVICE AGREEMENT WITH PG&E FOR THE PG&E POWER PLANT CURRENTLY IN OPERATION LOCATED AT 3225 WILBUR AVE**

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

Item A – Councilmember Rocha requested the approval of minutes be continued to seek clarifications on the attachment containing the conditions of approval for Kelly’s Card Room.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously continued Item A.

Item C – Councilmember Agopian pulled Item C for a separate vote.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council approved Item C. The motion carried the following vote:

Ayes: Wilson, Rocha, Tiscareno, Harper

Noes: Agopian

PUBLIC HEARING

2. **GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01: THE POINTE – DISCOVERY BUILDERS REQUESTS THE APPROVAL OF A GENERAL PLAN AMENDMENT (GPA) FROM LOW DENSITY RESIDENTIAL TO INCLUSION IN THE SOMERSVILLE ROAD CORRIDOR FOCUS AREA AND TO ADD LANGUAGE TO THE GENERAL PLAN WAIVING THE REQUIREMENTS OF CERTAIN APPLICABLE SECTIONS OF THE GENERAL PLAN RELATED TO HILLSIDE DEVELOPMENT; A REZONE FROM HILLSIDE PLANNED DEVELOPMENT (HPD) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT; AN AMENDMENT TO THE ZONING ORDINANCE TO PROVIDE THE CITY COUNCIL WITH THE DISCRETION TO DETERMINE IF THE HILLSIDE PLANNED DEVELOPMENT POLICIES APPLY TO A PROJECT; A VESTING TENTATIVE MAP; A FINAL PLAN DEVELOPMENT; AND A USE PERMIT IN ORDER TO CREATE 60 LOTS INTENDED FOR SINGLE FAMILY HOMES. THE PROJECT IS GENERALLY LOCATED WEST OF THE INTERSECTION OF SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD (APN: 089-160-010). AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION ARE ALSO BEING CONSIDERED FOR ADOPTION. THE PLANNING COMMISSION DID NOT ACT ON THE IS/MND AND BY WAY OF A 5-0 VOTE, WITH ONE VACANCY AND ONE COMMISSIONER ABSENT, RECOMMENDED THE CITY COUNCIL DENY THE GENERAL PLAN AMENDMENT, REZONE, FINAL DEVELOPMENT PLAN, VESTING TENTATIVE MAP, AND USE PERMIT.**

Director of Community Development Wehrmeister provided the regulatory context background for land use and the California Environmental Quality Act (CEQA).

Senior Planner Gentry presented the staff report dated December 5, 2013 recommending the City Council: 1) Motion to adopt the resolution denying the General Plan amendments. 2) Motion to adopt the resolution denying the rezone of the subject property from Hillside Planned

Development (HPD) to Planned Development (PD). 3) Motion to adopt the resolution denying the Final Planned Development, Tentative Map, and Use Permit.

Mayor Harper opened the public hearing.

City Attorney Nerland reviewed the manner in which the Public Hearing would be conducted.

APPLICANT

Louis Parsons, Discovery Builders Inc./Seeno, gave a brief PowerPoint presentation showing the proposed project. He showed the site and grading plan and the design constraints of the project. He stated they believed a project within the Urban Limit Line should be encouraged. Speaking in regards to Save Mount Diablo's opposition to the project, he noted it would not impact any of their land. He provided the Council with copies of the Conditions Covenants & Restrictions which indicated the project was disclosed to existing homebuyers in the area.

OPPONENTS

Mayor Harper read written comment from Antioch resident, Darryl Parker, who indicated he opposed the project and urged the City Council to uphold the Planning Commission recommendation to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

Robert Williams, Antioch resident, voiced his opposition to the project and expressed concern regarding the project generating increased traffic in the area. He questioned if there were sufficient emergency services for the area. He expressed concern that he had paid a supplemental tax bill for road improvements that had not been completed for the area.

Roy Norwood, Antioch resident, spoke in opposition to the project and urged the City Council to uphold the Planning Commission's decision to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

Radiah Mikel spoke in opposition to the project. She stated she was told when they purchased their home, the property would remain open space and they had paid a premium for their lot based on that information. She expressed concern that fencing was not built to meet the current environmental conditions and the removal of the hills would further impact those conditions. She expressed concern that a gated community would create an artificial separation in the midst of their homes.

Michael Mikel spoke in opposition to the project. He stated when they purchased their home, they were told the property would remain open space and they paid a premium on their lot based on that information. He stated ethically the developer had a responsibility to disclose that there were plans for it to be developed. He expressed concern that the developer does not want to keep the project within the guidelines of the General Plan and the Hillside Planned Development policy.

Rosa Jaureque, Antioch resident, expressed concern for the negative impact the project would have on traffic and habitat for the wildlife in the area.

Rocky Neal, Antioch resident, expressed concern that the current street design in the area does not allow for emergency vehicle access to cul-de-sacs. He reported several residents had grading issues with their properties and expressed concern that significant grading proposed, would create erosion issues to nearby properties. He reported that they were not allowed sufficient time to review the Conditions Covenants & Restrictions and they were misled as to what was in the document.

Larry Tong, East Bay Regional Park District, stated they believe the City can not make the findings needed to approve the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit. He noted the General Plan provisions for community image and design are critical components of quality of life and should be followed.

Kurt Woodland, Antioch resident, stated he was in agreement with Mr. Tong and the Planning Commission's recommendation to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit. He commented that the noise study was outdated and not sufficient for current conditions in the area.

Hans Ho, Antioch resident, stated he felt the developer was ignoring the quality of life of residents in the neighborhood and urged the City Council to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

Mayor Harper read written comments from Antioch residents, Darcy Johnson, John Koontz, Margaret Ellen Vertin, and Charity and Jake Meiranda, in opposition to the project.

Paul Hyams, Pittsburg resident, spoke in opposition to the project and urged the City Council to uphold the Planning Commission's recommendation to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

Seth Adams, Save Mount Diablo, reviewed written comments submitted and attached to the staff report which indicated their support for staff's recommendation to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

REBUTTAL

Albert Seeno, Discovery Homes, commented that a Mitigated Negative Declaration was consistent with what was being used for other projects and the amendment requested was discretionary approval, consistent with other cities. He reiterated that the possibility of developing the property had been disclosed to the homebuyers in the Black Diamond Ranch project and development in the area was created to allow access to the hillside for future development. He noted this remainder parcel went through the proper process, was converted from open space, and now they are seeking the City's final approval. In response to concerns from residents, he commented that there would be no hillslides or mudslides, as a result of grading the hillside.

In response to Council, Director of Community Development Wehrmeister stated she was not aware of any other projects in which the hillside zoning ordinance was amended or a variance was granted. She commented that the zoning ordinance was adopted in 1994 and was intended to address development throughout the City. She stated that by not requiring the dedication of open space, the City Council, at the time, left an option open for an applicant to request future development for the area.

In response to Councilmember Wilson, Mr. Parsons clarified ConFIRE had approved a rolled curb for their turnaround access and they would have sign off on their improvement plans.

In response to Mayor Harper, Mr. Seeno clarified the only difference between the Mitigated Negative Declaration and an Environmental Impact Report (EIR) was the EIR would require a significant increase in time, costs and noticing requirements.

In response to Mayor Harper, Director of Community Development Wehrmeister agreed that much of the work had been completed with the Mitigated Negative Declaration and the only issue would be analyzing any changes since the original Mitigated Negative Declaration was prepared.

Councilmember Agopian expressed concern regarding access for emergency vehicles and the pocket park area proposed for the development.

In response to Councilmember Agopian, Director of Community Development Wehrmeister responded that doing an EIR would not have substantial benefit in terms of new information. Senior Planner Gentry responded that there were no significant impacts identified in the traffic study done for the project. Director of Community Development Wehrmeister explained that the intersection at James Donlon Blvd. and Somersville Road was required to be improved prior to the end of 2014.

Mayor Harper closed the public hearing.

Mayor Harper stated he had reviewed the information, listened to the residents, and felt that the disclosure agreement was sufficient in notifying the residents of potential future development. He spoke to the need for development in Antioch.

Councilmember Tiscareno stated he felt the residents had legitimate concerns. He stated he was not opposed to the project and felt it needed to be done properly to satisfy all parties.

A motion was made by Councilmember Tiscareno to direct staff to respond to comments received on the CEQA documents and prepare resolutions for approval. Mayor Harper seconded the motion.

Speaking to the motion, Councilmember Agopian stated he felt it was important for Council to hear the testimony given and render a decision on the project. He noted the hillside ordinance was the key issue and the Council was unaware of how it was adhered to since the time it was adopted. He questioned if there were park-in-lieu fees or a park benefit district proposed. He voiced his opposition to placing a gated community on a graded hill. He stated he would be

willing to work with all interested parties on amending the plan so that there was no mass grading and it complies with the City's hillside policies.

Councilmember Rocha stated she agreed with Councilmember Agopian.

Councilmember Wilson agreed with Councilmember Agopian and Councilmember Rocha and noted amending City Policy would set precedent.

Following discussion, Councilmember Tiscareno stated his intent in the motion was to make sure all outstanding issues were addressed prior to Council considering approval of the project. He withdrew his motion.

Councilmember Agopian requested the developer attempt to resolve the issues with the existing homeowners. He stated he would like the public to see a plan that adhered to the City's Hillside Ordinance and based on that information, he would be prepared to make a decision.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously continued the matter and:

- Directed staff to respond to comments on Mitigated Negative Declaration
- Directed staff to provide information regarding prior application of hillside ordinance in considering development projects
- Encouraged developer to meet with stakeholders and determine if changes to project can be made to better conform with hillside ordinance and General Plan
- When the matter comes back to Council, directed to staff to bring resolutions to approve and deny project

Mayor Harper declared a recess at 10:06 P.M. The meeting reconvened at 10:17 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

4. IMPLEMENTATION OF THE SALES TAX ORDINANCE (MEASURE C)

City Attorney Nerland presented the staff report dated December 3, 2013 recommending the Council approve the following implementation steps recommended: 1) Motion to adopt a Resolution Authorizing the City Manager to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax: a. Agreement for Preparation to Administer and Operate City's Transactions and Use Tax Ordinance; b. Agreement for State Administration of City Transactions and Use Taxes. 2) Motion to adopt a Resolution Establishing Procedures for the Sales Tax Citizens' Oversight Committee. 3) Motion to direct Staff to Solicit Applications for the Sales Tax Citizens' Oversight Committee.

Following discussion, the City Council provided feedback on the structure of the Budget subcommittee and requested the Board and Commission vacancy announcement contain

language indicating that the Council's stated priority for expenditures of the funds was for Public Safety and Code Enforcement.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously 1) Adopted a Resolution Authorizing the City Manager to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax: a. Agreement for Preparation to Administer and Operate City's Transactions and Use Tax Ordinance; b. Agreement for State Administration of City Transactions and Use Taxes. 2) Adopted a Resolution Establishing Procedures for the Sales Tax Citizens' Oversight Committee including the following:

- Staggered terms: Four (4) members to be appointed to four (4) year terms and three (3) members to two (2) year terms with no automatic term limit
- Service on other Boards and Commissions and Committees: Not a disqualification for applicants
- Qualifications: At least one (1) member of the Committee shall have a financial, accounting or auditing background
- Role: The first year, the Oversight Committee shall meet at least three (3) times, with the first meeting being an organizational meeting and subsequent years, at least twice a year.
- Staff Liaison: Finance Director shall be the staff liaison to the Oversight Committee.
- Applications: Direction to staff to solicit applications for the Sales Tax Citizen's Oversight Committee with applications due in the City Clerk's Office by January 16, 2014 at 5:00 P.M.
- Interviews: The Mayor and another Councilmember (Budget Committee member, if available) would participate in the interviews for candidates for the Oversight Committee

5. ADOPTION OF A REVISED ORDINANCE TITLE 6, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE REGARDING ANIMALS

Supervisor of Animal Services Helgemo and Lieutenant Aguinaga presented the staff report dated December 4, 2013 recommending the City Council: 1) Motion to read the ordinance by title only; and 2) Motion to introduce an ordinance amending in its entirety Title 6, Chapter 1, Animals, of the Antioch Municipal Code.

Following discussion, the City Council voiced their support for updating the ordinance.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously 1) Read the ordinance by title only; and 2) Introduced an ordinance amending in its entirety Title 6, Chapter 1, Animals, of the Antioch Municipal Code.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel reminded Council and the community that there would be no City Council Meeting on December 24, 2013 and City Hall would be closed December 24 and 25, 2013, and

January 1, 2014. He stated it had been a privilege to serve the Council and citizens of the community and the community is in fantastic hands with the City Council and staff.

COUNCIL COMMUNICATIONS

Councilmember Rocha reported that she had been approached regarding issues with the timing of the traffic signal in the area of Delta Fair near the County building. She requested City Attorney Nerland bring back an agenda item regarding elected officials receiving compensation while on extended vacations.

Council consensus supported the City Attorney bringing back a resolution for Council consideration on the matter for the January 14, 2014 meeting.

Councilmember Tiscareno wished everyone a Happy Holiday.

Councilmember Agopian wished everyone a Safe and Happy New Year.

Councilmember Wilson wished everyone a Happy Holiday.

Mayor Harper expressed concern regarding safety issues associated with panhandling and stated services should be offered for those needing help. He stated he would like Council to consider updating the ordinance to address current quality of life issues.

With Council consensus, City Attorney Nerland stated she would provide them with a copy of the ordinance regarding solicitation from medians, for their review.

Mayor Harper stated he wanted Council to promote more of a can-do attitude citywide and noted it had been a very good year.

PUBLIC COMMENTS

John Nagy and Paul Hyams, Laramar Property Management, requested the City Council's assistance in receiving a response from the Antioch Police Department regarding incidents his clients have had at the Mira Vista Hills Apartment Complex in Antioch.

Mayor Harper requested contact information be left with City Manager Jakel for follow up on the matter. Mayor Harper then wished everyone a Merry Christmas.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 11:08 P.M. to the next regular Council meeting on January 14, 2014.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

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

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

January 7, 2014
Antioch City Hall
City Council Chambers

ROLL CALL *for Closed Session*

Mayor Harper called the meeting to order at 4:00 P.M., and roll was called.

Present: Council Members Wilson, Rocha and Mayor Harper (Council Member Tiscareno arrived at 4:03 P.M.)

Absent: Council Member Agopian

PUBLIC COMMENTS *for Closed Session* – None

The City Council then adjourned to closed session in the third floor conference of City Hall.

CLOSED SESSIONS:

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to California Government Code §54956.9 (d)(1):

1. Shanie Hansen v. John B. McDonald et al.
Contra Costa Superior Court Case No. C11-00986;
Anthony Soldano Jr. v. John Bryan McDonald et al.
Contra Costa Superior Court Case No. C11-01176
2. Sean and Kelley O’Toole et al v. City of Antioch et al.
U.S. District Court (Northern District) Case No. CV11-1502
3. Virgile Cunningham v. City of Antioch, Antioch Police Department
Contra Costa Superior Court Case No. MSC1102190 and
Contra Costa Superior Court Case No. MSC12-00174
4. Barry White, Jr. and Demetrius Anderson v. City of Antioch et al.
U.S. District Court (Northern District) Case No. C 11-04221
5. Edrick Harvey et al. v. City of Antioch; City of Pittsburg
U.S. District Court (Northern District) Case No. C11-04986
6. Novena Tucker v. Don Gill, Marsha Brown, Robin Schmitt, Officer Martin Hynes, Officer Nicholas Ward
U.S. District Court (Northern District) Case C12-02678

7. McKnelly, Dutro et al. v. City of Antioch, et al.
U.S. District Court (Northern District) Case No. CV12-2972
8. Luis Alvarez-Orellana v. City of Antioch, et al.
U.S. District Court (Northern District) Case No. C 12-4693
9. Eddie Tillman v. Officers Bostick and Harger
U.S. District Court (Northern District) Case C12-2807
10. Forrest Blocker v. Contra Costa County et al.
U.S. District Court (Northern District) Case CV 12-05597
11. Janelle Walker v. Officer J. Colley
U.S. District Court (Northern District) Case CV-01099JCS
12. Vitus Nnanna and Joy Chika Nnanna v. City of Antioch
Contra Costa Superior Court Case No. MSC12-03015
13. Colleen Fisk v. City of Antioch
Contra Costa Superior Court Case No. MSC 12-02931
14. Richard Lopez Sr. v. Officers Koch and Vincelet
Kathryn Harvey v. City of Antioch, Officers Koch and Vincelet, Chief
Cantando
U.S. District Court (Northern District) Cases C13-1639 NC and C13-1610 DMR
15. Dupreval v. City of Antioch
Contra Costa Superior Court Case No. MSC13-00307
16. Kebron Daniel, Lilay, Inc., Pearl Moya v. City of Antioch et al.
U.S. District Court (Northern District) Case CV 13-01084MNC
17. Andrea Gonzales v. City of Antioch
Contra Costa Superior Court Case No. 13-01600
18. Robert Benyamini v. Antioch Police Dept. et al.
Contra Costa Superior Court Case No. 13-01810
19. U.S. ex rel. Hendrix et al. v. J-M Manufacturing
U.S. District Court (Central District) Case NO. EDCV 06-0055
Los Angeles County Superior Court Case No. BC 459943
20. City of Brentwood et al. v. Robert Campbell, Auditor-Controller
Contra Costa Superior Court Case No. N11-1029

21. In re Municipal Derivatives Antitrust Litigation
United States District Court (Southern District of NY) Case MDL No. 1950 (East Bay Delta Housing Finance Agency/Bay Area HomeBuyer Agency)
22. In re Eva Romero and Gilbert Romero
U.S. Bankruptcy Court (Northern District) Case No. 12-44668 (Humphrey's Restaurant)
23. City of Antioch vs. Black & Veatch Corporation, F.D. Deskins Company, Inc., TW Associates dba MISCOWater
Contra Costa Superior Court Case No. C13-00227

The Cincinnati Specialty Underwriters Insurance Company v. F.D. Deskins Company Inc. and City of Antioch
Hamilton Circuit Court, Indiana, Cause No. 29C01 1306 CT511.
24. City of Brentwood et al. v. Robert Campbell, Auditor-Controller
Contra Costa Superior Court Case No. N11-1029
25. Frank Sterling, Robert Barr and Timothy Vierra
US District Court (Northern District) Case C13-812

**CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code §54956.9 (d)(2):

1. Claim filed on October 29, 2012 by David Lanferman representing Discovery Builders and Albert D. Seeno Construction regarding water storage fees
2. Letters dated July 21, 2012 and October 24, 2012 from Paul B. Justi representing Kelly's Cardroom
3. Construction claims from Bay Cities Contractor related to the Marina Boat Launch Facility
4. Letter dated November 27, 2013 from Julia Hunting of Berding Weil representing the Lake Alhambra Property Owners' Association regarding dredging of the Lake

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION – Initiation of Litigation pursuant to California Government Code §54956.9 (d)(4):

1. Claim against Contra Costa County for overcharge of Property Tax Administration Fee
2. City as Successor Agency to the Antioch Development Agency: 2 matters

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL LIABILITY CLAIMS – pursuant to California Government Code §54956(d)(2) and 5§4956.95: 44 claims

CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION – pursuant to California Government Code §54957: City Attorney

The City Council returned to open session outside of the City Council Chambers. No public was present. The City Attorney reported out that the City Council had provided direction in closed session on the items on the agenda.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 6:46 P.M.

Respectfully submitted:

LYNN TRACY NERLAND
City Attorney

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

100 General Fund

Non Departmental

348649 BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	678.50
348747 ARTS AND CULTURAL FOUNDATION	2014 MLK	1,014.00
348764 CONTRA COSTA WATER DISTRICT	FACILITY RESERVE FEE	78,144.00
348765 CONTRA COSTA WATER DISTRICT	TREATED WATER CAPACITY FEE	17,942.08
348776 ECC REG FEE AND FIN AUTH	ECCRFFA-RTDIM	151,776.00
348811 NATURES BOUNTY	CHECK REPLACEMENT	31.23
348878 CONTRA COSTA COUNTY	MND-FISH & GAME FILING FEE	2,156.25
348913 JPMORGAN CHASE	OVERPAYMENT REFUND	235.00

City Council

203243 NATURES BOUNTY	MEETING EXPENSE	17.50
348762 CCC MAYORS CONFERENCE	ANNUAL ASSESSMENT	5,008.20
349013 LOWES COMPANIES INC	WATER	4.78

City Attorney

203244 CITY OF CUPERTINO	ATTORNEYS MEETING	44.00
348757 COLANTUONO AND LEVIN PC	LEGAL SERVICES	948.00
348826 ROBBINS, JUDITH A	LEGAL SERVICES	1,085.00
348834 STATE BAR OF CALIFORNIA	ANNUAL DUES	420.00
348844 WENDEL ROSEN BLACK AND DEAN	LEGAL SERVICES	95.70
348845 WOODS, MICHAEL R	LEGAL SERVICES	644.02
349033 SHRED IT INC	SHRED SERVICES	50.50
349083 JARVIS FAY AND DOPORTO LLP	LEGAL SERVICES	8,985.77
349084 LEXISNEXIS	ONLINE LEGAL RESEARCH	76.50

City Manager

203245 BAY AREA NEWS GROUP	SUBSCRIPTION	32.80
203246 DS WATERS OF AMERICA	SUPPLIES	38.84
348636 AMS	LIABILITY INSURANCE	2,000.00
348650 CALNONPROFITS INSURANCE SVCS	INSURANCE SERVICE FEE	275.00
348750 BANK OF AMERICA	MEETING EXPENSE	153.68
348818 PECKHAM AND MCKENNEY	RECRUITMENT SERVICES	6,166.68
349062 CA SHOPPING CART RETRIEVAL CORP	SHOPPING CART RETRIEVAL	177.00
921100 KARSTE CONSULTING INC	CONSULTING SERVICES	1,560.00

City Clerk

348777 EIDEN, KITTY J	MINUTES CLERK	848.00
348863 BAY AREA NEWS GROUP	LEGAL AD	250.80
348897 EIDEN, KITTY J	MINUTES CLERK	225.00
348940 OFFICE MAX INC	OFFICE SUPPLIES	27.07

City Treasurer

348785 GARDA CL WEST INC	ARMORED CAR PICK UP	210.12
349099 PFM ASSET MGMT LLC	ADVISORY SERVICES	7,038.70

Human Resources

203231 LIEBERT CASSIDY WHITMORE	TRAINING	55.00
348657 CPS HUMAN RESOURCE SERVICES	CONSULTING SERVICES	960.25
348687 IEDA INC	PROFESSIONAL SERVICES	3,217.74
348695 LIEBERT CASSIDY WHITMORE	PROFESSIONAL SERVICES	4,200.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

348700 MUNICIPAL POOLING AUTHORITY	PROFESSIONAL SERVICES	520.02
348705 OCCUPATIONAL HEALTH CENTERS	TESTING SERVICES	801.60
348710 PARS	ADMIN FEE	1,084.50
348857 BANK OF AMERICA	ANNUAL FEE	25.00
348900 EMPLOYEE	EMPLOYEE RECOGNITION	350.00
348906 IEDA INC	PROFESSIONAL SERVICES	3,217.74
348911 EMPLOYEE	EMPLOYEE RECOGNITION	200.00
348912 JOHNSEN, SONIA ZENELIA	EDUCATION INCENTIVE	800.00
348919 LIEBERT CASSIDY WHITMORE	PROFESSIONAL SERVICES	7,410.00
348938 OCCUPATIONAL HEALTH CENTERS	PROFESSIONAL SERVICES	769.50
349033 SHRED IT INC	SHRED SERVICE	30.53
Economic Development		
348646 BAY ALARM COMPANY	MONITORING FEE	390.00
348809 MUNICIPAL RESOURCE GROUP LLC	CONSULTANT SERVICES	7,200.00
348872 CARLSON BARBEE AND GIBSON INC	CONSULTANT SERVICES	730.00
348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	461.43
920935 BERNICK, MICHAEL	PROFESSIONAL SERVICES	3,300.00
Finance Administration		
203230 CSMFO	WEBINAR-PERS	25.00
348940 OFFICE MAX INC	OFFICE SUPPLIES	221.38
Finance Accounting		
348640 AT AND T MCI	BITECH PHONE LINE	479.75
348940 OFFICE MAX INC	OFFICE SUPPLIES	83.02
349023 RAYMUNDO, CHRISTOPHER R	LODGING REIMBURSEMENT	222.14
349033 SHRED IT INC	SHRED SERVICE	50.51
349054 AT AND T MCI	BITECH PHONE LINE	479.75
921107 SUNGARD PUBLIC SECTOR INC	ASP SERVICE	12,732.85
Finance Operations		
348729 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	2.00
348840 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	15.00
348940 OFFICE MAX INC	OFFICE SUPPLIES	215.71
349041 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	26.00
349114 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	15.00
Non Departmental		
203228 PRAVINJI, PANDIT	BUS LIC FEE REFUND	7.81
348653 CONTRA COSTA COUNTY	LIBRARY MAINTENANCE	5,881.47
348808 MUNICIPAL POOLING AUTHORITY	UNMET LIABILITY DEDUCTIBLE	40,578.41
349021 PERS	NON ELIGIBLE ADMIN FEE	1,443.55
349068 DELTA DIABLO SANITATION DISTRICT	GOLF COURSE WATER	2,739.81
920950 RETIREE	PPPA	1,654.43
Public Works Maintenance Administration		
348643 BANK OF AMERICA	ANNUAL FEE	25.00
348936 NEXTEL SPRINT	CELL PHONE	57.49
349017 NEXTEL SPRINT	CELL PHONE	57.49
349117 VERIZON WIRELESS	DATA PLAN SUPPORT	38.01

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
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Public Works Street Maintenance

203296 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	15.00
348633 ACE HARDWARE, ANTIOCH	TARP	72.71
348638 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	19,102.03
348736 ACE HARDWARE, ANTIOCH	SUPPLIES	16.59
348862 BAY AREA BARRICADE	SUPPLIES	56.42
348936 NEXTEL SPRINT	CELL PHONE	57.49
348984 ANTIOCH BUILDING MATERIALS	ASPHALT	21,152.39
349013 LOWES COMPANIES INC	SUPPLIES	24.65
349017 NEXTEL SPRINT	CELL PHONE	57.49
349102 RED WING SHOE STORE	SAFETY SHOES-DOSSEY	215.93
349117 VERIZON WIRELESS	DATA PLAN SUPPORT	38.01

Public Works-Signal/Street Lights

348737 AMERICAN GREENPOWER USA INC	LIGHTING MATERIALS	1,289.61
348749 AT AND T MCI	PHONE	569.85
348816 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	758.90
348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	4,795.45
349050 AMERICAN GREENPOWER USA INC	LIGHTING MATERIALS	4,130.28
349094 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	452.04
920926 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	481.46
920941 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	4,552.69
920951 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	2,059.03
921018 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	4,381.57

Public Works-Striping/Signing

203293 TCSA	TRAINING	60.00
203294 TCSA	MEMBER DUES 2014	35.00
348643 BANK OF AMERICA	TOOLS	814.33
348673 FASTENAL CO	BOLTS	15.28
348736 ACE HARDWARE, ANTIOCH	SUPPLIES	28.86
348895 EAST BAY WELDING SUPPLY	WELDING SUPPLIES	66.96
348909 INTERSTATE SALES	SUPPLIES	470.67
348927 MANERI SIGN COMPANY	SIGNS	1,502.73
348936 NEXTEL SPRINT	CELL PHONE	57.49
349013 LOWES COMPANIES INC	SUPPLIES	289.98
349014 MANERI SIGN COMPANY	SIGNS	1,301.79
349017 NEXTEL SPRINT	CELL PHONE	57.49
349073 EAST BAY WELDING SUPPLY	SUPPLIES	51.04
349075 FASTENAL CO	SUPPLIES	25.90
349102 RED WING SHOE STORE	SAFETY SHOES-ZEPEDA	212.86
349105 SHERWIN WILLIAMS CO	PAINT SUPPLIES	187.92
349117 VERIZON WIRELESS	DATA PLAN SUPPORT	38.01

Public Works-Facilities Maintenance

348635 AMERICAN PLUMBING INC	PLUMBING SERVICES	469.96
348704 OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	100.00
348716 REAL PROTECTION INC	FIRE ALARM SYSTEM TEST	360.23
348735 WESCO RECEIVABLES CORP	SUPPLIES	835.71

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

348749 AT AND T MCI	PHONE	46.88
348771 DREAM RIDE ELEVATOR	ELEVATOR SERVICE	1,000.00
348791 HONEYWELL INTERNATIONAL INC	HVAC SERVICE	13,075.50
348824 REAL PROTECTION INC	REPAIR SERVICE	716.00
348945 PACIFIC GAS AND ELECTRIC CO	GAS	10,178.92
349013 LOWES COMPANIES INC	SUPPLIES	210.78
349117 VERIZON WIRELESS	DATA PLAN SUPPORT	38.01
920923 GRAINGER INC	SUPPLIES	176.22
920954 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	2,494.82
921098 HAMMONS SUPPLY COMPANY	SUPPLIES	75.82
Public Works-Parks Maint		
348633 ACE HARDWARE, ANTIOCH	SUPPLIES	29.25
348635 AMERICAN PLUMBING INC	PLUMBING SERVICES	2,207.97
348749 AT AND T MCI	PHONE	81.66
348816 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	147.63
348867 BELUS CONSTRUCTION	RESTROOM REPAIRS	3,980.00
348943 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	45,117.17
348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	737.52
920928 JOHN DEERE LANDSCAPES PACHECO	SPRINKLER REPAIR	527.46
Public Works-Median/General Land		
348633 ACE HARDWARE, ANTIOCH	SUPPLIES	29.40
348683 HORIZON	SUPPLIES	1,909.51
348706 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
348749 AT AND T MCI	PHONE	155.47
348815 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	599.00
348816 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	62.99
348944 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	968.00
348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,570.85
349035 TARGET SPECIALTY PRODUCTS	CHEMICALS	3,735.27
349093 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,198.00
349105 SHERWIN WILLIAMS CO	SUPPLIES	177.78
920926 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	133.45
920928 JOHN DEERE LANDSCAPES PACHECO	IRRIGATION SUPPLIES	1,377.16
920952 JOHN DEERE LANDSCAPES PACHECO	IRRIGATION VALVES	775.43
Public Works-Work Alternative		
348936 NEXTEL SPRINT	CELL PHONE	225.59
349017 NEXTEL SPRINT	CELL PHONE	315.59
Police Administration		
203099 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	19.40
203103 STATE OF CALIFORNIA	PERMIT FEE	52.00
203104 STATE OF CALIFORNIA	PERMIT FEE	52.00
203105 STATE OF CALIFORNIA	PERMIT FEE	52.00
348639 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	90.00
348644 BARAKOS, DIMITRI A	PER DIEM WK1	198.00
348645 BARAKOS, DIMITRI A	PER DIEM WK2	198.00
348648 BITTNER, DESMOND D	LODGING REIMBURSEMENT	445.86

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

348659	CROWNE PLAZA	LODGING-BARAKOS WK1	305.28
348660	CROWNE PLAZA	LODGING-BARAKOS WK2	305.28
348666	DOUBLETREE HOTEL	LODGING-ORMAN 1/6-1/10	619.03
348672	EIDEN, KITTY J	MINUTES CLERK	65.00
348677	FUHRMANN, THOMAS J	PER DIEM	610.00
348679	HILTON	LODGING-FUHRMANN WK1	453.00
348680	HILTON	LODGING-FUHRMANN WK2	453.00
348681	HILTON	LODGING-KRENZ WK1	453.00
348682	HILTON	LODGING-KRENZ WK2	453.00
348693	KRENZ, RONALD L	PER DIEM	610.00
348696	LOPEZ, KATHLEEN M	MEALS ALLOWANCE	75.00
348698	MCMURRY, JAMES P	EXPENSE REIMBURSEMENT	10.00
348703	NEXTEL SPRINT	CELL PHONE EQUIPMENT	92.49
348720	STATE OF CALIFORNIA	FINGERPRINTING	66.00
348746	ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	137.50
348754	BITTNER, DESMOND D	FUEL REIMBURSEMENT	152.64
348760	CONCORD UNIFORMS LLC	UNIFORMS	713.41
348768	CRIME SCENE CLEANERS INC	CRIME SCENE CLEANUP	70.00
348793	JACKSON LEWIS LLP	PROFESSIONAL SERVICES	13,803.54
348806	MOREFIELD, ANTHONY W	FUEL REIMBURSEMENT	118.03
348814	OFFICE MAX INC	OFFICE SUPPLIES	1,984.80
348820	PFEIFFER, DEAN A	FUEL REIMBURSEMENT	52.34
348822	PUBLIC SAFETY TRAINING CONSULTANTS	TUITION-MOORE/MEADS	220.00
348829	SCHWITTERS, MITCHELL E	EXPENSE REIMBURSEMENT	185.21
348859	BANK OF AMERICA	AIRFARE/TRAINING	1,249.74
348860	BARAKOS, DIMITRI A	EXPENSE REIMBURSEMENT	148.26
348903	HILTON	LODGING-LOPEZ	479.50
348904	HILTON	LODGING-LOPEZ WK1	453.00
348905	HILTON	LODGING-LOPEZ WK2	453.00
348922	LOPEZ, KATHLEEN M	PER DIEM	305.00
348923	LOPEZ, KATHLEEN M	PER DIEM	610.00
348952	PORAC LAW ENFORCEMENT NEWS	RECRUITING PROMOTION	1,550.00
348959	ROBERTS AND BRUNE CO	SUPPLIES	32.55
348978	VERIZON WIRELESS	AIR CARDS	76.02
348985	ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	90.00
348993	COMMERCIAL SUPPORT SERVICES	CAR WASHES	399.00
348994	CONCORD UNIFORMS LLC	UNIFORMS	265.80
349010	LC ACTION POLICE SUPPLY	SWAT UNIFORMS	252.60
349018	OFFICE MAX INC	OFFICE SUPPLIES	1,860.57
349070	DOUBLETREE HOTEL	LODGING-ORMAN 1/26-1/31	619.03
349091	ORMAN, LEONARD A	PER DIEM	551.21
349115	UNITED STATES POSTAL SERVICE	POSTAGE	2,000.00
349118	ALAMEDA COUNTY SHERIFFS OFFICE	TRAINING-DEE	557.00
349119	ALAMEDA COUNTY SHERIFFS OFFICE	TRAINING-FORTNER	557.00
920927	IMAGE SALES INC	BADGES	43.54
920940	HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	1,297.70

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

920942	KARSTE CONSULTING INC	CONSULTING SERVICES	1,080.00
920943	MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	106.98
920955	MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	208.96
921016	HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	2,364.88
921039	MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	142.86
921095	COMPUTERLAND	COMPUTER SUPPLIES	92.66
921097	GRAINGER INC	SUPPLIES	196.94
921101	MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	106.98
Police Community Policing			
203095	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	86.60
203098	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	50.10
203099	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	38.90
348756	CARTER, WARDELL L	EXPENSE REIMBURSEMENT	199.17
348758	COLLEY, JAMES M	EXPENSE REIMBURSEMENT	110.49
348778	EVANS, JOSHUA FIELD	MILEAGE REIMBURSEMENT	124.30
348786	GREEN, ROBERT A	EXPENSE REIMBURSEMENT	104.41
348788	HARGER, MATTHEW J	EXPENSE REIMBURSEMENT	55.41
348790	HOFFMAN, RICK D	EXPENSE REIMBURSEMENT	39.45
348792	HUNT AND SONS INC	FUEL	95.36
348795	JOHNSEN, ERIC Y	EXPENSE REIMBURSEMENT	75.30
348797	KIDD, CHRISTOPHER C	EXPENSE REIMBURSEMENT	37.60
348798	KINT, KRISTOPHER	EXPENSE REIMBURSEMENT	127.52
348800	KOLLO, KEVIN P	MILEAGE REIMBURSEMENT	39.55
348812	NEXTEL SPRINT	CELL PHONE EQUIPMENT	153.00
348899	EMPLOYEE	PENSION PAYMENT	3,999.00
348980	EMPLOYEE	PENSION PAYMENT	3,999.00
349021	PERS	PAYROLL DEDUCTIONS	1,665.59
Police Investigations			
203095	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	7.50
203096	STATE OF HAWAII	CERTIFICATE FEE	10.00
203097	CONTRA COSTA COUNTY	APPLICATION FEE	16.00
203098	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	12.50
348733	VINCELET, JOSHUA P	EXPENSE REIMBURSEMENT	147.83
348767	COURT SERVICES INC	PRISONER TRANSPORTATION	687.50
348786	GREEN, ROBERT A	EXPENSE REIMBURSEMENT	6.51
348805	MC MANUS, ERIC A	EXPENSE REIMBURSEMENT	95.20
348807	MORTIMER, MICHAEL P	EXPENSE REIMBURSEMENT	58.86
348812	NEXTEL SPRINT	CELL PHONE EQUIPMENT	38.25
348859	BANK OF AMERICA	AIRFARE-VINCELET	429.80
Police Special Operations Unit			
348838	TOYOTA FINANCIAL SERVICES	VEHICLE LEASE	1,543.90
349037	TOYOTA FINANCIAL SERVICES	VEHICLE LEASE	1,543.90
Police Communications			
348641	AT AND T MOBILITY	HIGH SPEED WIRELESS	435.12
348739	AMERICAN TOWER CORPORATION	TOWER RENTAL	219.17
348748	AT AND T MCI	PHONE	2,634.28

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

348749 AT AND T MCI	PHONE	809.37
348761 CONTRA COSTA COUNTY	RADIO REPAIR	1,140.00
348814 OFFICE MAX INC	OFFICE SUPPLIES	489.41
348817 PACIFIC TELEMAGEMENT SERVICES	LOBBY PAYPHONE	78.00
348831 SEN COMMUNICATIONS INC	REMOTES & BATTERIES	477.70
348856 AT AND T MOBILITY	HIGH SPEED WIRELESS	2,065.16
348986 AT AND T MOBILITY	HIGH SPEED WIRELESS	2,711.96
349053 AT AND T MCI	PHONE	2,673.79
349054 AT AND T MCI	PHONE	372.05
349080 GLOBALSTAR	SATELLITE PHONE	86.26
920918 CDW GOVERNMENT INC	COMPUTER SOFTWARE	3,256.36
Office Of Emergency Management		
348749 AT AND T MCI	PHONE	315.39
921100 KARSTE CONSULTING INC	CONSULTING SERVICES	1,200.00
Police Facilities Maintenance		
348703 NEXTEL SPRINT	CELL PHONE	2,749.16
348704 OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	165.00
348716 REAL PROTECTION INC	FIRE ALARM SYSTEM TEST	311.38
348728 TURMAN COMMERCIAL PAINTERS	PAINTING SERVICES	4,594.00
348730 UNITED SITE SERVICES OF CALIFORNIA	REPAIR SERVICE	520.79
348735 WESCO RECEIVABLES CORP	SUPPLIES	492.16
348749 AT AND T MCI	PHONE	295.75
348771 DREAM RIDE ELEVATOR	ELEVATOR SERVICES	222.50
348791 HONEYWELL INTERNATIONAL INC	HVAC SERVICES	7,233.00
348812 NEXTEL SPRINT	CELL PHONE	2,618.90
348823 RANGE MAINTENANCE SERVICES LLC	RANGE FEES	2,380.00
348850 ACME SECURITY SYSTEMS	REPAIR SERVICE	301.49
348871 CAMALI CORP	MAINTENANCE SERVICES	345.00
348926 M AND L OVERHEAD DOORS	REPAIR SERVICE	341.15
348945 PACIFIC GAS AND ELECTRIC CO	GAS	16,665.72
920926 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	427.94
920954 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	4,411.17
Community Development Land Planning Services		
203189 CONTRA COSTA COUNTY	NOD FILING FEE	50.00
348672 EIDEN, KITTY J	MINUTES CLERK	90.00
348751 BAY AREA NEWS GROUP	LEGAL AD	320.40
348777 EIDEN, KITTY J	MINUTES CLERK	364.00
348849 ACEC CA	BOOKS/PUBLICATION	83.15
348987 BAY AREA NEWS GROUP	LEGAL AD	498.00
349020 PMC	PROFESSIONAL SERVICES	14,779.40
920958 TESTING ENGINEERS INC	TESTING SERVICES	600.00
Community Development Neighborhood Improvement		
203190 CONTRA COSTA COUNTY	LIEN RELEASE FEES	45.00
203191 CONTRA COSTA COUNTY	LIEN RELEASE FEES	30.00
348664 DIABLO LIVE SCAN	FINGERPRINTING	20.00
348720 STATE OF CALIFORNIA	FINGERPRINTING	32.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

348732	VERIZON WIRELESS	NETWORK SERVICE	154.68
348858	BANK OF AMERICA	LODGING-GRAHAM	543.51
348888	DELTA FENCE CO	FENCE RENTAL	1,107.78
348910	INTERWEST CONSULTING GROUP INC	CODE ENFORCEMENT SERVICES	8,720.00
348974	TURNAGE II, KEN	ABATEMENT SERVICES	2,251.16
348977	VERIZON WIRELESS	NETWORK SERVICE	114.03
PW Engineer Land Development			
348749	AT AND T MCI	PHONE	30.82
348849	ACEC CA	BOOKS/PUBLICATION	83.15
348855	ARC IMAGING RESOURCES	PAPER	302.05
348936	NEXTEL SPRINT	CELL PHONE	169.25
349017	NEXTEL SPRINT	CELL PHONE	169.25
Community Development Building Inspection			
348814	OFFICE MAX INC	OFFICE SUPPLIES	245.94
348858	BANK OF AMERICA	RENEWAL-BOCCIO	80.00
348936	NEXTEL SPRINT	CELL PHONE	57.84
349017	NEXTEL SPRINT	CELL PHONE	56.64
Capital Imp. Administration			
203047	DS WATERS OF AMERICA	WATER	34.35
Community Development Engineering Services			
348707	OFFICE MAX INC	OFFICE SUPPLIES	204.59
348814	OFFICE MAX INC	OFFICE SUPPLIES	68.29
348936	NEXTEL SPRINT	CELL PHONE	57.49
349017	NEXTEL SPRINT	CELL PHONE	57.49
212 CDBG Fund			
CDBG			
348651	CITY DATA SERVICES	CDBG SERVICES	675.00
348744	ANTIOCH CHAMBER OF COMMERCE	CDBG SERVICES	6,758.90
348910	INTERWEST CONSULTING GROUP INC	CODE ENFORCEMENT SERVICES	9,370.00
920925	HOUSE, TERI	CONSULTING SERVICES	5,135.00
213 Gas Tax Fund			
Streets			
348755	BNSF RAILWAY COMPANY INC	ENGINEERING INSPECTION	99,652.11
348772	DSS COMPANY DBA KNIFE RIVER	PAVEMENT REHAB PROJECT	624,678.49
348804	MARK THOMAS AND CO INC	PROFESSIONAL SERVICES	2,445.00
348816	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	130.18
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	22,927.93
349094	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	41.85
921050	PROVEN MANAGEMENT INC	WILBUR AVE PROJECT	790,322.88
214 Animal Control Fund			
Animal Control			
348703	NEXTEL SPRINT	CELL PHONE	320.32
348741	ANIMAL SUPPLY LOGISTICS	SUPPLIES	783.26
348774	EAST BAY VETERINARY EMERGENCY	VETERINARY SERVICES	214.28
348775	EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	519.42
348789	HILLS PET NUTRITION	ANIMAL FOOD	1,966.33

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

348799	KOEFRAN SERVICES INC	ANIMAL DISPOSAL SERVICES	3,700.00
348810	MWI VETERINARY SUPPLY CO	VETERINARY PHARMACEUTICALS	289.45
348812	NEXTEL SPRINT	CELL PHONE	283.08
348814	OFFICE MAX INC	OFFICE SUPPLIES	233.46
348894	EAST BAY VETERINARY EMERGENCY	VETERINARY SERVICES	1,489.23
348896	EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	2,994.05
348917	KOEFRAN SERVICES INC	ANIMAL DISPOSAL SERVICES	1,850.00
348935	MWI VETERINARY SUPPLY CO	VETERINARY SUPPLIES	755.74
348945	PACIFIC GAS AND ELECTRIC CO	GAS	877.14
348967	STATE HUMANE ASSOC OF CA	HANDBOOK	320.00
348982	ZOETIS LLC	ANIMAL CARE SUPPLIES	490.40
349074	EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	635.50
349087	MWI VETERINARY SUPPLY CO	VETERINARY SUPPLIES	698.68
920939	HAMMONS SUPPLY COMPANY	SUPPLIES	342.73
920949	HLP INC	SUPPORT MAINTENANCE	1,345.40
920954	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	435.75
Maddie's Fund Grant			
348775	EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	2,484.95
348865	BAYER HEALTH CARE	VETERINARY SUPPLIES	95.15
348896	EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	2,043.65
215 Civic Arts Fund			
Civic Arts			
348716	REAL PROTECTION INC	FIRE ALARM SYSTEM TEST	67.60
216 Park-In-Lieu Fund			
Parks & Open Space			
349045	WESTERN WATER FEATURES INC	WATER PARK PROJECT	34,886.97
219 Recreation Fund			
Non Departmental			
348656	CCC FIRE PROTECTION DISTRICT	PUBLIC ASSEMBLY PERMIT	107.16
348661	CRUZ, MARICELA	DEPOSIT REFUND	1,000.00
348684	HUB INTERNATIONAL OF CA INSURANCE	INSURANCE PREMIUM	629.90
348685	HUERTA, MARTHA	DEPOSIT REFUND	500.00
348717	REYES, GUILLERMINA	DEPOSIT REFUND	1,000.00
348796	JUAREZ, ALEJANDRA	DEPOSIT REFUND	1,000.00
348836	TAPIA, SHERYL	DEPOSIT REFUND	500.00
348851	AMERICAN MEDICAL SYSTEMS	DEPOSIT REFUND	500.00
348902	HERSHEY, LYDEE	DEPOSIT REFUND	340.00
348924	LORETO, BETSABE MONTERROSSA	DEPOSIT REFUND	500.00
Recreation Admin			
348656	CCC FIRE PROTECTION DISTRICT	PUBLIC ASSEMBLY PERMIT	216.59
348707	OFFICE MAX INC	OFFICE SUPPLIES	124.88
348716	REAL PROTECTION INC	FIRE ALARM SYSTEM TEST	499.62
348745	ANTIOCH GLASS	GLASS REPLACEMENT	918.35
348791	HONEYWELL INTERNATIONAL INC	HVAC SERVICES	5,406.25
348837	TOUTJIAN, LAWRENCE	PIANO TUNING	120.00
920926	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	642.86

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

Senior Programs

348749 AT AND T MCI	PHONE	95.31
348879 CCC FIRE PROTECTION DISTRICT	PUBLIC ASSEMBLY PERMIT	427.50
348945 PACIFIC GAS AND ELECTRIC CO	GAS	778.43

Recreation Classes/Prog

203169 GARNER, JOANNA	CLASS REFUND	46.00
203170 TOYS R US	SUPPLIES	99.11
203271 BROWN-SCOTT, BERNARDINE	CLASS REFUND	24.00
348664 DIABLO LIVE SCAN	FINGERPRINTING	20.00
348671 EDUCATION TO GO	CONTRACTOR PAYMENT	67.25
348692 KOVALICK, LUANNE	CONTRACTOR PAYMENT	711.36
348697 MADSEN, MELISSA	CONTRACTOR PAYMENT	700.00
348707 OFFICE MAX INC	OFFICE SUPPLIES	86.16
348720 STATE OF CALIFORNIA	FINGERPRINTING	32.00
348734 WE ARE ONE PRODUCTIONS	CONTRACTOR PAYMENT	1,631.80
348880 COSTCO	SUPPLIES	271.00
348940 OFFICE MAX INC	OFFICE SUPPLIES	70.56
348957 REDWOOD RESEARCH INC	CONTRACTOR PAYMENT	1,111.44

Recreation Sports Programs

203168 NEOPOST	EQUIPMENT RENTAL	29.24
348647 BIG SKY LOGOS AND EMBROIDERY	SUPPLIES	731.77
348707 OFFICE MAX INC	OFFICE SUPPLIES	309.35
348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	3,574.79

Recreation Concessions

348749 AT AND T MCI	PHONE	16.16
348880 COSTCO	CONCESSION SUPPLIES	265.81
349013 LOWES COMPANIES INC	SUPPLIES	41.16

Recreation Snr Nutrition

348632 AAA FIRE PROTECTION SVCS	CLEANING SERVICES	817.32
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Recreation-New Comm Cntr

348634 ACTIVE NETWORK INC, THE	HARDWARE	3,158.98
348658 CRESCO EQUIPMENT RENTALS	OIL	10.90
348704 OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	200.00
348709 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	4,250.00
348748 AT AND T MCI	PHONE	63.29
348749 AT AND T MCI	PHONE	18.69
348759 COMCAST	CONNECTION SERVICES	1,591.76
348791 HONEYWELL INTERNATIONAL INC	HVAC SERVICE	9,930.25
348858 BANK OF AMERICA	BANNER	75.34
348880 COSTCO	JACKETS	99.78
348881 CRESCO EQUIPMENT RENTALS	EQUIPMENT RENTALS	75.00
348886 DELTA DIABLO SANITATION DISTRICT	WASTE DISPOSAL	39.79
348928 MARLIES CLEANING SERVICE	CLEANING SERVICES	270.00
348943 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	2,818.34
348945 PACIFIC GAS AND ELECTRIC CO	GAS	1,167.65
348951 PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	229.70

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

349013	LOWES COMPANIES INC	SUPPLIES	12.27
349055	ATCO INTERNATIONAL	MARKING PAINT	67.75
349094	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	6,151.84
222 Measure C Fund			
Streets			
348763	CCC TRANSPORTATION AUTHORITY	CONG MGMT COSTS	7,288.00
348780	FEDERAL ADVOCATES INC	ADVOCACY SERVICES	5,000.00
226 Solid Waste Reduction Fund			
Solid Waste Used Oil			
348662	DELTA DIABLO SANITATION DISTRICT	HOUSEHOLD HAZARDOUS WASTE	3,462.13
Solid Waste			
348662	DELTA DIABLO SANITATION DISTRICT	HOUSEHOLD HAZARDOUS WASTE	9,179.29
348910	INTERWEST CONSULTING GROUP INC	CONSULTING SERVICES	910.00
228 Abandoned Vehicles Fund			
Abandoned Vehicles			
348910	INTERWEST CONSULTING GROUP INC	CONSULTING SERVICES	980.00
229 Pollution Elimination Fund			
Channel Maintenance Operation			
348664	DIABLO LIVE SCAN	FINGERPRINTING	40.00
348670	ECORP CONSULTING INC	PROFESSIONAL SERVICES	20,040.95
348720	STATE OF CALIFORNIA	FINGERPRINTING	64.00
348736	ACE HARDWARE, ANTIOCH	SUPPLIES	31.24
348825	RMC WATER AND ENVIRONMENT	PROFESSIONAL SERVICES	11,318.47
348853	ANKA BEHAVIORAL HEALTH INC	LANDSCAPE SERVICES	9,602.50
348936	NEXTEL SPRINT	CELL PHONE	48.79
349017	NEXTEL SPRINT	CELL PHONE	48.79
349035	TARGET SPECIALTY PRODUCTS	CHEMICALS	1,494.11
349069	DELTA FENCE CO	FENCE REPAIR	864.00
349079	FURBER SAW INC	TOOLS	1,616.36
Storm Drain Administration			
348725	STATE WATER RESOURCES BOARD	PERMIT FEE	34,041.00
238 PEG Franchise Fee Fund			
Non Departmental			
348861	BARTON, T ALAN	EXPENSE REIMBURSEMENT	11.38
251 Lone Tree SLLMD Fund			
Lonetree Maintenance Zone 1			
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	192.00
348749	AT AND T MCI	PHONE	64.24
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	742.02
Lonetree Maintenance Zone 2			
348749	AT AND T MCI	PHONE	124.37
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	678.22
Lonetree Maintenance Zone 3			
348749	AT AND T MCI	PHONE	47.56
348816	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	45.64
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,095.20

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

349094	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	83.30
Lonetree Maintenance Zone 4			
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	873.00
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	302.46
252 Downtown SLLMD Fund			
Downtown Maintenance			
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	342.14
253 Almondridge SLLMD Fund			
Almondridge Maintenance			
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	1,223.00
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	196.50
254 Hillcrest SLLMD Fund			
Hillcrest Maintenance Zone 1			
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
348749	AT AND T MCI	PHONE	32.12
348815	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,198.00
348944	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	4,193.00
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	815.59
349093	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,797.00
Hillcrest Maintenance Zone 2			
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	960.00
348749	AT AND T MCI	PHONE	111.18
348944	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	5,507.67
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	690.51
Hillcrest Maintenance Zone 4			
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
348749	AT AND T MCI	PHONE	97.25
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	574.63
255 Park 1A Maintenance District Fund			
Park 1A Maintenance District			
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
348816	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	46.46
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	130.08
349054	AT AND T MCI	PHONE	16.16
349094	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	43.66
256 Citywide 2A Maintenance District Fund			
Citywide 2A Maintenance Zone 3			
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	71.48
Citywide 2A Maintenance Zone 4			
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	275.68
Citywide 2A Maintenance Zone 5			
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	412.08
Citywide 2A Maintenance Zone 6			
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
348815	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	968.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	203.47
Citywide 2A Maintenance Zone 8		
348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	290.53
Citywide 2A Maintenance Zone 9		
348706 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
348749 AT AND T MCI	PHONE	64.24
348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	446.68
Citywide 2A Maintenance Zone10		
348706 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	793.00
348939 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	1,350.00
348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	126.58
257 SLLMD Administration Fund		
SLLMD Administration		
348683 HORIZON	VALVE SETS	271.10
348936 NEXTEL SPRINT	CELL PHONE	163.77
349017 NEXTEL SPRINT	CELL PHONE	164.97
349035 TARGET SPECIALTY PRODUCTS	CHEMICALS	1,756.01
349117 VERIZON WIRELESS	DATA PLAN SUPPORT	76.02
259 East Lone Tree SLLMD Fund		
Zone 1-District 10		
348706 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	1,248.00
348816 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	112.18
348945 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	24.15
349094 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	49.16
311 Capital Improvement Fund		
Measure WW		
920942 KARSTE CONSULTING INC	CONSULTING SERVICES	960.00
921100 KARSTE CONSULTING INC	CONSULTING SERVICES	360.00
Streets		
348709 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	2,900.00
348794 JD PARTNERS CONCRETE	SIDEWALK REPAIR PROJECT	30,215.37
349008 JD PARTNERS CONCRETE	SIDEWALK REPAIR PROJECT	16,296.18
Public Buildings & Facilities		
348930 MODESTO EXECUTIVE ELECTRIC INC	ELECTRICAL SERVICES	4,217.00
349002 GOODLAND LANDSCAPE	TURF FIELD PROJECT	68,631.98
920942 KARSTE CONSULTING INC	CONSULTING SERVICES	1,440.00
921100 KARSTE CONSULTING INC	CONSULTING SERVICES	840.00
312 Prewett Family Park Fund		
Parks & Open Space		
348858 BANK OF AMERICA	SUPPLIES	3,154.77
319 Residential Dev Alloc Fund		
Non Departmental		
348653 CONTRA COSTA COUNTY	LIBRARY MAINTENANCE	14,970.00
348669 ECONOMIC AND PLANNING SYSTEMS	PROFESSIONAL SERVICES	2,492.50

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

376 Lone Diamond Fund

Assessment District

348670	ECORP CONSULTING INC	PROFESSIONAL SERVICES	18,132.30
348825	RMC WATER AND ENVIRONMENT	PROFESSIONAL SERVICES	11,712.22
348864	BAY CITIES PAVING AND GRADING	LONE TREE PROJECT	111,925.30
348868	BENCHMARK CONSULTANTS	CONSULTING SERVICES	890.00
348948	PARSONS BRINCKERHOFF INC	PROFESSIONAL SERVICES	8,718.66

416 Honeywell Capital Lease Fund

Non Departmental

348642	BANK OF AMERICA	LOAN PAYMENT	43,050.08
349057	BANK OF AMERICA	LOAN PAYMENT	43,050.08

570 Equipment Maintenance Fund

Non Departmental

348686	HUNT AND SONS INC	FUEL	29,228.11
348792	HUNT AND SONS INC	FUEL	17,545.92
349005	HUNT AND SONS INC	FUEL	6,763.78

Equipment Maintenance

203292	BIG SKY ENTERPRISES INC	TIRE DISPOSAL	88.90
203295	WINTER CHEVROLET CO	AUTO REPAIR PARTS	29.50
203296	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	4.32
348637	ANTIOCH AUTO PARTS	AUTO PARTS STOCK	610.08
348643	BANK OF AMERICA	AIR CLEANER COVER	348.85
348673	FASTENAL CO	SUPPLIES	394.31
348694	LEHR AUTO ELECTRIC	AUTO REPAIR PARTS	168.08
348715	PURSUIT NORTH	EQUIPMENT INSTALLATION	3,158.06
348742	ANTIOCH AUTO PARTS	AIR FILTER	154.72
348773	EAST BAY TIRE CO	TIRE REPAIR	45.54
348781	FERRIS HOIST AND REPAIR INC	REPAIR SERVICE	1,209.80
348783	FURBER SAW INC	PULL STARTED	104.44
348808	MUNICIPAL POOLING AUTHORITY	SUPPLEMENTAL INSURANCE	78.75
348819	PETERSON	REPAIR SERVICE	142.50
348843	WALNUT CREEK FORD	AC CONDENSOR	451.65
348854	ANTIOCH AUTO PARTS	AUTO PARTS STOCK	473.84
348873	CHUCKS BRAKE AND WHEEL SERVICE	WIPER BLADES/BATTERIES	1,711.01
348893	EAST BAY TRUCK CENTER	AUTO REPAIR PARTS	11.42
348932	MUNICIPAL MAINT EQUIPMENT INC	SUPPLIES	409.74
348945	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	484.64
348960	ROYAL BRASS INC	FITTINGS	82.19
348961	SCOTTOS AUTO BODY INC	AUTO BODY REPAIR	3,485.17
349013	LOWES COMPANIES INC	SUPPLIES	138.84
349038	TRED SHED, THE	TIRES	3,018.86
349043	WALNUT CREEK FORD	AUTO PARTS STOCK	1,199.92
349051	ANTIOCH AUTO PARTS	AUTO PARTS STOCK	205.73
349060	BILL BRANDT FORD	AUTO REPAIR PARTS	54.75
349072	EAST BAY TIRE CO	TIRE REPLACEMENT	583.38
349086	MUNICIPAL MAINT EQUIPMENT INC	SUPPLIES	312.42

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

349097 PETERSON	ANITFREEZE	97.26
349098 PETERSON	BATTERIES	541.77
349101 PURSUIT NORTH	SUPPLIES	1,199.41
349110 SUPERIOR AUTO PARTS	BRAKE DRUMS	50.64
349117 VERIZON WIRELESS	DATA PLAN SUPPORT	38.01
920953 KIMBALL MIDWEST	SUPPLIES	141.26

573 Information Services Fund

Information Services

348729 UNITED PARCEL SERVICE	SHIPPING	35.22
348749 AT AND T MCI	PHONE	59.14
348842 VERIZON WIRELESS	AIR CARD	73.12
348936 NEXTEL SPRINT	CELL PHONE	56.50
349017 NEXTEL SPRINT	CELL PHONE	56.50

Network Support & PCs

348665 DIGITAL SERVICES	WEBSITE MAINTENANCE	2,525.00
348749 AT AND T MCI	PHONE	461.80
348750 BANK OF AMERICA	TRAINING	1,250.00
348759 COMCAST	CONNECTION SERVICES	1,026.55
348875 COMCAST	INTERNET SERVICE	122.44
348936 NEXTEL SPRINT	CELL PHONE	120.86
349017 NEXTEL SPRINT	CELL PHONE	120.86

Telephone System

203074 AMERICAN MESSAGING	PAGER	66.53
348748 AT AND T MCI	PHONE	187.54
348749 AT AND T MCI	PHONE	0.62
349052 AT AND T MCI	PHONE	16.55
349054 AT AND T MCI	PHONE	2,323.83
920934 ALTURA COMMUNICATION SOLUTIONS	PHONE/NETWORK SYSTEMS	40,845.00

GIS Support Services

348643 BANK OF AMERICA	PLOTTER CARTRIDGE	448.26
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Office Equipment Replacement

349004 HEWLETT PACKARD COMPANY	COMPUTER EQUIPMENT	1,632.24
920918 CDW GOVERNMENT INC	COMPUTER SOFTWARE	1,302.54
920919 COMPUTERLAND	COMPUTER EQUIPMENT	36.87
920936 COMPUTERLAND	COMPUTER EQUIPMENT	933.10

577 Post Retirement Medical-Police Fund

Non Departmental

348989 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
348991 RETIREE	MEDICAL AFTER RETIREMENT	500.50
349001 RETIREE	MEDICAL AFTER RETIREMENT	1,163.16
349011 RETIREE	MEDICAL AFTER RETIREMENT	918.69
349021 PERS	MEDICAL AFTER RETIREMENT	4,433.08
349030 RETIREE	MEDICAL AFTER RETIREMENT	252.36
349039 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
349046 RETIREE	MEDICAL AFTER RETIREMENT	470.94
349059 BICKMORE	VALUATION SERVICES	3,179.00

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 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

920960	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
920964	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
920966	RETIREE	MEDICAL AFTER RETIREMENT	1,244.18
920969	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
920970	RETIREE	MEDICAL AFTER RETIREMENT	1,244.18
920978	RETIREE	MEDICAL AFTER RETIREMENT	1,217.90
920979	RETIREE	MEDICAL AFTER RETIREMENT	830.00
920981	RETIREE	MEDICAL AFTER RETIREMENT	495.46
920983	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
920992	RETIREE	MEDICAL AFTER RETIREMENT	1,225.13
920997	RETIREE	MEDICAL AFTER RETIREMENT	830.00
920998	RETIREE	MEDICAL AFTER RETIREMENT	252.36
921010	RETIREE	MEDICAL AFTER RETIREMENT	175.97
921014	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921015	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921024	RETIREE	MEDICAL AFTER RETIREMENT	175.97
921040	RETIREE	MEDICAL AFTER RETIREMENT	623.72
921051	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921052	RETIREE	MEDICAL AFTER RETIREMENT	804.48
921053	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921055	RETIREE	MEDICAL AFTER RETIREMENT	995.08
921064	RETIREE	MEDICAL AFTER RETIREMENT	623.72
921075	RETIREE	MEDICAL AFTER RETIREMENT	173.32
921078	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921083	RETIREE	MEDICAL AFTER RETIREMENT	623.72
921092	RETIREE	MEDICAL AFTER RETIREMENT	623.72
921093	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44

578 Post Retirement Medical-Misc Fund

Non Departmental

348988	RETIREE	MEDICAL AFTER RETIREMENT	235.69
348996	RETIREE	MEDICAL AFTER RETIREMENT	235.69
348997	RETIREE	MEDICAL AFTER RETIREMENT	117.69
348998	RETIREE	MEDICAL AFTER RETIREMENT	590.38
349009	RETIREE	MEDICAL AFTER RETIREMENT	235.69
349015	RETIREE	MEDICAL AFTER RETIREMENT	235.69
349021	PERS	MEDICAL AFTER RETIREMENT	6,190.39
349022	RETIREE	MEDICAL AFTER RETIREMENT	117.69
349025	RETIREE	MEDICAL AFTER RETIREMENT	590.38
349029	RETIREE	MEDICAL AFTER RETIREMENT	117.69
349032	RETIREE	MEDICAL AFTER RETIREMENT	235.69
349042	RETIREE	MEDICAL AFTER RETIREMENT	238.42
349059	BICKMORE	VALUATION SERVICES	3,085.50
920961	RETIREE	MEDICAL AFTER RETIREMENT	208.36
920962	RETIREE	MEDICAL AFTER RETIREMENT	590.38
920963	RETIREE	MEDICAL AFTER RETIREMENT	179.21
920965	RETIREE	MEDICAL AFTER RETIREMENT	435.44

Prepared by: Georgina Meek
 Finance Accounting

1/9/2014

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

920968	RETIREE	MEDICAL AFTER RETIREMENT	117.69
920972	RETIREE	MEDICAL AFTER RETIREMENT	235.69
920974	RETIREE	MEDICAL AFTER RETIREMENT	235.69
920976	RETIREE	MEDICAL AFTER RETIREMENT	590.38
920982	RETIREE	MEDICAL AFTER RETIREMENT	117.69
920986	RETIREE	MEDICAL AFTER RETIREMENT	117.69
920988	RETIREE	MEDICAL AFTER RETIREMENT	235.69
920991	RETIREE	MEDICAL AFTER RETIREMENT	117.69
920994	RETIREE	MEDICAL AFTER RETIREMENT	175.97
920996	RETIREE	MEDICAL AFTER RETIREMENT	250.00
921000	RETIREE	MEDICAL AFTER RETIREMENT	175.97
921004	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921005	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921007	RETIREE	MEDICAL AFTER RETIREMENT	531.64
921008	RETIREE	MEDICAL AFTER RETIREMENT	166.85
921012	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921013	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921019	RETIREE	MEDICAL AFTER RETIREMENT	235.69
921020	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921023	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921025	RETIREE	MEDICAL AFTER RETIREMENT	235.69
921027	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921030	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921033	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921035	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921038	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921046	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921047	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921057	RETIREE	MEDICAL AFTER RETIREMENT	235.69
921060	RETIREE	MEDICAL AFTER RETIREMENT	235.69
921068	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921077	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921079	RETIREE	MEDICAL AFTER RETIREMENT	208.36
921081	RETIREE	MEDICAL AFTER RETIREMENT	23.64
921082	RETIREE	MEDICAL AFTER RETIREMENT	175.97
921091	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921094	RETIREE	MEDICAL AFTER RETIREMENT	117.69

579 Post Retirement Medical-Mgmt Fund

Non Departmental

348992	RETIREE	MEDICAL AFTER RETIREMENT	894.90
348995	RETIREE	MEDICAL AFTER RETIREMENT	175.69
349000	RETIREE	MEDICAL AFTER RETIREMENT	117.69
349003	RETIREE	MEDICAL AFTER RETIREMENT	235.69
349006	RETIREE	MEDICAL AFTER RETIREMENT	400.00
349012	RETIREE	MEDICAL AFTER RETIREMENT	354.38
349016	RETIREE	MEDICAL AFTER RETIREMENT	755.38

Prepared by: Georgina Meek
 Finance Accounting

1/9/2014

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

349019	RETIREE	MEDICAL AFTER RETIREMENT	117.69
349021	PERS	MEDICAL AFTER RETIREMENT	9,364.05
349024	RETIREE	MEDICAL AFTER RETIREMENT	208.36
349036	RETIREE	MEDICAL AFTER RETIREMENT	590.38
349059	BICKMORE	VALUATION SERVICES	3,085.50
920945	RETIREE	MEDICAL AFTER RETIREMENT	4,147.94
920967	RETIREE	MEDICAL AFTER RETIREMENT	354.38
920971	RETIREE	MEDICAL AFTER RETIREMENT	354.38
920973	RETIREE	MEDICAL AFTER RETIREMENT	175.70
920975	RETIREE	MEDICAL AFTER RETIREMENT	117.69
920977	RETIREE	MEDICAL AFTER RETIREMENT	894.90
920980	RETIREE	MEDICAL AFTER RETIREMENT	590.38
920984	RETIREE	MEDICAL AFTER RETIREMENT	535.72
920985	RETIREE	MEDICAL AFTER RETIREMENT	117.69
920987	RETIREE	MEDICAL AFTER RETIREMENT	590.38
920989	RETIREE	MEDICAL AFTER RETIREMENT	470.38
920990	RETIREE	MEDICAL AFTER RETIREMENT	354.38
920993	RETIREE	MEDICAL AFTER RETIREMENT	208.36
920999	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921001	RETIREE	MEDICAL AFTER RETIREMENT	894.90
921003	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921006	RETIREE	MEDICAL AFTER RETIREMENT	829.31
921009	RETIREE	MEDICAL AFTER RETIREMENT	358.38
921011	RETIREE	MEDICAL AFTER RETIREMENT	470.94
921017	RETIREE	MEDICAL AFTER RETIREMENT	293.13
921021	RETIREE	MEDICAL AFTER RETIREMENT	720.38
921022	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921026	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921028	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921029	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921031	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921032	RETIREE	MEDICAL AFTER RETIREMENT	235.69
921034	RETIREE	MEDICAL AFTER RETIREMENT	235.69
921036	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921037	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921041	RETIREE	MEDICAL AFTER RETIREMENT	175.97
921042	RETIREE	MEDICAL AFTER RETIREMENT	208.36
921044	RETIREE	MEDICAL AFTER RETIREMENT	179.21
921045	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921048	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921049	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921054	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921056	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921058	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921059	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921061	RETIREE	MEDICAL AFTER RETIREMENT	235.69

Prepared by: Georgina Meek
 Finance Accounting

1/9/2014

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

921062	RETIREE	MEDICAL AFTER RETIREMENT	179.21
921063	RETIREE	MEDICAL AFTER RETIREMENT	375.69
921065	RETIREE	MEDICAL AFTER RETIREMENT	894.90
921066	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921067	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921069	RETIREE	MEDICAL AFTER RETIREMENT	208.36
921070	RETIREE	MEDICAL AFTER RETIREMENT	535.72
921072	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921073	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921074	RETIREE	MEDICAL AFTER RETIREMENT	755.38
921076	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921080	RETIREE	MEDICAL AFTER RETIREMENT	208.36
921084	RETIREE	MEDICAL AFTER RETIREMENT	1,321.08
921085	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921086	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921087	RETIREE	MEDICAL AFTER RETIREMENT	1,653.13
921088	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921089	RETIREE	MEDICAL AFTER RETIREMENT	1,812.07
921090	RETIREE	MEDICAL AFTER RETIREMENT	208.36

611 Water Fund

Non Departmental

348667	E M HUNDLEY HARDWARE CO	PADLOCKS	2,759.49
348718	ROBERTS AND BRUNE CO	SUPPLIES	2,768.37
348769	DELTA DIABLO SANITATION DISTRICT	SRF LOAN PAYMENT	252,026.18
348779	FASTENAL CO	SUPPLIES	116.69
348959	ROBERTS AND BRUNE CO	SUPPLIES	2,594.40
348999	FASTENAL CO	SUPPLIES	425.68
349027	ROBERTS AND BRUNE CO	SUPPLIES	1,871.63
349028	ROBERTS AND BRUNE CO	SUPPLIES	1,171.80
349034	STATEWIDE SAFETY AND SIGNS INC	SUPPLIES	525.68
349058	BAY AREA BARRICADE	SUPPLIES	3,988.46
349075	FASTENAL CO	SUPPLIES	756.25
349092	PACE SUPPLY CORP	SUPPLIES	1,708.28
349103	ROBERTS AND BRUNE CO	SUPPLIES	6,141.76
920920	CRYSTAL CLEAR LOGOS INC	SUPPLIES	188.99
920923	GRAINGER INC	SUPPLIES	731.48
920924	HAMMONS SUPPLY COMPANY	SUPPLIES	1,134.13
921097	GRAINGER INC	SUPPLIES	520.61
921098	HAMMONS SUPPLY COMPANY	SUPPLIES	1,551.07

Water Supervision

203229	NWOSU, PRINCE	WATER REFUND	86.00
203296	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	26.65
348898	FLOWCASH MGMT	DISPUTE RESOLUTION REFUND	424.48
348936	NEXTEL SPRINT	CELL PHONE	104.96
349017	NEXTEL SPRINT	CELL PHONE	84.94
349031	RT LAWRENCE CORP	LOCKBOX PROCESSING FEE	651.88

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

349117 VERIZON WIRELESS	DATA PLAN SUPPORT	76.02
Water Production		
203281 CDPH OCP	RENEWAL-ANDERSON	60.00
203282 CDPH OCP	RENEWAL-BENNETT	90.00
203283 ARAMARK UNIFORM SERVICES	SUPPLIES	34.14
203284 ALFA	THERMOMETER	85.56
348633 ACE HARDWARE, ANTIOCH	SUPPLIES	79.36
348674 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	1,477.53
348675 FLOW SCIENCE INCORPORATED	PROFESSIONAL SERVICES	504.00
348676 FORCE FLOW	CHLORINE SCALE	4,434.58
348678 HACH CO	LAB SUPPLIES	1,304.89
348689 KARL NEEDHAM ENTERPRISES INC	EQUIPMENT RENTAL	22,715.84
348691 KOFFLER ELECTRICAL MECH	EQUIPMENT REPAIR	4,054.20
348735 WESCO RECEIVABLES CORP	SUPPLIES	1,977.78
348740 ANIMAL DAMAGE MANAGEMENT	PEST CONTROL SERVICE	125.00
348748 AT AND T MCI	PHONE	126.60
348749 AT AND T MCI	PHONE	755.70
348753 BHS MARKETING LLC	CHEMICALS	13,220.58
348782 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	279.81
348816 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	21.68
348830 SECO CONTROLS LLC	CHART RECORDER	1,879.74
348832 SHUTE MIHALY AND WEINBERGER LLP	LEGAL SERVICES	94.50
348841 VAULT ACCESS AND SOLUTIONS	VAULT COVER	3,000.00
348846 XEROX CORPORATION	COPIER LEASE	69.50
348901 HASA INC	MULTI CHLOR	556.46
348918 LAW OFFICE OF MATTHEW EMRICK	LEGAL SERVICES	1,930.50
348929 MCCAMPBELL ANALYTICAL INC	TESTING SERVICES	479.70
348936 NEXTEL SPRINT	CELL PHONE	63.43
348940 OFFICE MAX INC	OFFICE SUPPLIES	324.60
348945 PACIFIC GAS AND ELECTRIC CO	GAS	120,173.05
348955 PUMP REPAIR SERVICE CO	PUMP REPAIR	16,127.99
348956 RED WING SHOE STORE	SAFETY SHOES-JOHNSON	190.00
348959 ROBERTS AND BRUNE CO	SUPPLIES	802.90
348962 SIEMENS INDUSTRY INC	SERVICE DI H2O SYSTEM	431.00
348965 SPAULDING, ANN B	CONSULTING SERVICES	1,156.25
349013 LOWES COMPANIES INC	SUPPLIES	78.41
349017 NEXTEL SPRINT	CELL PHONE	61.74
349041 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	13.00
349044 WALTER BISHOP CONSULTING	PROFESSIONAL SERVICES	2,041.96
349054 AT AND T MCI	PHONE	66.66
349056 AUTOMATED VALVE SERVICES	VALVE SERVICES	2,200.30
349076 FLOW SCIENCE INCORPORATED	PROFESSIONAL SERVICES	1,340.00
349077 FRANK A OLSEN COMPANY INC	PLUG VALVES	1,263.04
349081 HACH CO	LAB SUPPLIES	478.52
349106 SHUTE MIHALY AND WEINBERGER LLP	LEGAL SERVICES	31.50
349117 VERIZON WIRELESS	DATA PLAN SUPPORT	38.01

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

920917	AIRGAS SPECIALTY PRODUCTS	AMMONIA	1,710.00
920921	EUROFINS EATON ANALYTICAL INC	MONITORING SERVICE	260.00
920922	GENERAL CHEMICAL CORP	ALUM	12,194.53
920923	GRAINGER INC	SUPPLIES	98.68
920930	NTU TECHNOLOGIES INC	POLYMER	2,700.00
920931	OLIN CHLOR ALKALI PRODUCTS	CAUSTIC	5,986.25
920933	AIRGAS SPECIALTY PRODUCTS	AMMONIA	2,943.00
920937	CRYSTAL CLEAR LOGOS INC	SHIRTS	536.28
920942	KARSTE CONSULTING INC	CONSULTING SERVICES	840.00
920944	OLIN CHLOR ALKALI PRODUCTS	CAUSTIC	11,972.50
920948	GENERAL CHEMICAL CORP	ALUM	3,031.08
920954	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	658.60
920995	EUROFINS EATON ANALYTICAL INC	MONITORING	175.00
921002	GENERAL CHEMICAL CORP	ALUM	3,016.39
921043	OLIN CHLOR ALKALI PRODUCTS	CAUSTIC	5,928.78
921071	SIERRA CHEMICAL CO	CHLORINE	8,147.58
921096	GENERAL CHEMICAL CORP	ALUM	6,008.62
921099	IDEXX LABORATORIES INC	SUPPLIES	4,123.60
921100	KARSTE CONSULTING INC	CONSULTING SERVICES	2,640.00
921104	OLIN CHLOR ALKALI PRODUCTS	CAUSTIC	11,953.34
921106	SIERRA CHEMICAL CO	CHLORINE	4,073.79

Water Distribution

203296	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	5.00
348643	BANK OF AMERICA	BINDERS	116.16
348662	DELTA DIABLO SANITATION DISTRICT	HOUSEHOLD HAZARDOUS WASTE	9,179.29
348664	DIABLO LIVE SCAN	FINGERPRINTING	20.00
348668	EAST BAY WELDING SUPPLY	SUPPLIES	53.51
348673	FASTENAL CO	SUPPLIES	117.77
348688	INFOSEND INC	PRINT/MAIL SERVICES	1,517.86
348699	MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	573.45
348718	ROBERTS AND BRUNE CO	SUPPLIES	4,361.39
348720	STATE OF CALIFORNIA	FINGERPRINTING	32.00
348736	ACE HARDWARE, ANTIOCH	SUPPLIES	5.90
348743	ANTIOCH BUILDING MATERIALS	ASPHALT	274.68
348749	AT AND T MCI	PHONE	16.06
348766	COUNTY ASPHALT	ASPHALT	514.91
348779	FASTENAL CO	SUPPLIES	1,020.90
348803	LONE TREE TRUCKING INC	SAND	1,152.50
348827	ROBERTS AND BRUNE CO	PIPE & FITTINGS	47.77
348839	TYLER TECHNOLOGIES	LASERFICHE COSTS	31.25
348840	UNITED PARCEL SERVICE	SHIPPING	62.51
348848	ACE HARDWARE, ANTIOCH	SUPPLIES	13.66
348866	BEAR ENGINEERING GROUP INC	GEOTECHNICAL STUDY	2,500.00
348887	DELTA DIABLO SANITATION DISTRICT	RECYCLED WATER	7,456.66
348908	INFOSEND INC	PRINT/MAIL SERVICES	3,150.21
348936	NEXTEL SPRINT	CELL PHONE	320.52

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 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

348949	PCS MOBILE	COMPUTER SUPPLIES	389.53
348956	RED WING SHOE STORE	SAFETY SHOES-CORDAWAY	215.93
348959	ROBERTS AND BRUNE CO	SUPPLIES	4,718.67
349007	INFOSEND INC	PRINT/MAIL SERVICES	303.09
349013	LOWES COMPANIES INC	LUMBER	469.37
349017	NEXTEL SPRINT	CELL PHONE	320.32
349027	ROBERTS AND BRUNE CO	PIPE & FITTINGS	1,066.34
349028	ROBERTS AND BRUNE CO	PIPE & FITTINGS	1,233.65
349040	TYLER TECHNOLOGIES	MONTHLY INSITE FEES	340.00
349058	BAY AREA BARRICADE	SUPPLIES	146.48
349067	COUNTY ASPHALT	ASPHALT	671.89
349078	FTG CONSTRUCTION MATERIALS INC	DUMP FEES	150.00
349082	INFOSEND INC	PRINT/MAIL SERVICES	3,436.44
349089	OFFICE MAX INC	OFFICE SUPPLIES	83.81
349102	RED WING SHOE STORE	SAFETY SHOES-ARROYO	215.93
349103	ROBERTS AND BRUNE CO	PIPE & FITTINGS	4,136.24
349104	ROYAL BRASS INC	SUPPLIES	238.02
349114	UNITED PARCEL SERVICE	SHIPPING	66.83
349117	VERIZON WIRELESS	DATA PLAN SUPPORT	266.07
920923	GRAINGER INC	SUPPLIES	107.69
920937	CRYSTAL CLEAR LOGOS INC	SHIRTS	536.28
920942	KARSTE CONSULTING INC	CONSULTING SERVICES	1,080.00
920957	QUENVOLDS	SAFETY SHOES-SCHATZ	151.90
921097	GRAINGER INC	SUPPLIES	403.55
921100	KARSTE CONSULTING INC	CONSULTING SERVICES	1,200.00
921105	QUENVOLDS	SAFETY SHOES-LUJAN	185.54
Water Meter Reading			
348936	NEXTEL SPRINT	CELL PHONE	47.15
349017	NEXTEL SPRINT	CELL PHONE	47.15
349113	TYLER TECHNOLOGIES	LASERFICHE INTERFACE	156.25
349117	VERIZON WIRELESS	DATA PLAN SUPPORT	38.01
Public Buildings & Facilities			
348690	KOCH AND KOCH INC	PUMPING STATION UPGRADES	152,390.92
348821	PLEWS SHADLEY RACHER & BRAUN LLP	LEGAL SERVICES	281.40
348869	BROWN AND CALDWELL INC	CONSULTING SERVICES	6,194.32
348946	PAKPOUR CONSULTING GROUP INC	PROFESSIONAL SERVICES	17,179.09
348958	RMC WATER AND ENVIRONMENT	CONSULTING SERVICES	173.44
348990	BROWN AND CALDWELL INC	PROFESSIONAL SERVICES	5,389.64
349061	BLACK AND VEATCH CORP	IMAGE PROCESSING	2,794.57
349085	LOZANO SMITH LLP	LEGAL SERVICES	20,179.56
921103	NICHOLS CONSULTING ENGINEERS CORP	PROFESSIONAL SERVICES	2,870.32
Warehouse & Central Stores			
348729	UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	2.00
348840	UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	15.00
348936	NEXTEL SPRINT	CELL PHONE	51.19
349017	NEXTEL SPRINT	CELL PHONE	51.19

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 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

349041 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	13.00
349114 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	15.00
920923 GRAINGER INC	SUPPLIES	8.79

612 Water Line Expansion Fund

Water Systems

348751 BAY AREA NEWS GROUP	LEGAL AD	338.00
349071 DSS COMPANY DBA KNIFE RIVER	WATER MAIN PROJECT	275,505.70

621 Sewer Fund

Sewer-Wastewater Supervision

348752 BENNETT, TONY LEE	LIABILITY CLAIM	300.00
349047 HERNANDEZ, JESUS	CLAIM EXP REIMBURSEMENT	500.00
349048 HERNANDEZ, JESUS	SEWER CLAIM ADVANCE	700.00
349117 VERIZON WIRELESS	DATA PLAN SUPPORT	76.02

Sewer-Wastewater Collection

203296 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	12.62
348638 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	314.31
348643 BANK OF AMERICA	KEYBOARD	186.25
348662 DELTA DIABLO SANITATION DISTRICT	HOUSEHOLD HAZARDOUS WASTE	9,179.29
348688 INFOSEND INC	PRINT/MAIL SERVICES	1,517.86
348742 ANTIOCH AUTO PARTS	WATER NOZZLE	14.83
348743 ANTIOCH BUILDING MATERIALS	ASPHALT	642.56
348749 AT AND T MCI	PHONE	63.60
348766 COUNTY ASPHALT	ASPHALT	514.90
348770 DKF SOLUTIONS GROUP LLC	RESPONSE PLAN	1,200.00
348803 LONE TREE TRUCKING INC	SAND	1,152.50
348813 NOR CAL PIPELINE SERVICES	MANHOLE SANTITATION	21,316.00
348839 TYLER TECHNOLOGIES	LASERFICHE COSTS	31.25
348866 BEAR ENGINEERING GROUP INC	GEOTECHNICAL STUDY	2,500.00
348883 CWEA SFBS	RENEWAL-HUGHES	77.00
348885 DAVID, MARIA E	EXPENSE REIMBURSEMENT	65.08
348908 INFOSEND INC	PRINT/MAIL SERVICES	3,150.21
348936 NEXTEL SPRINT	CELL PHONE	162.78
348937 NOR CAL PIPELINE SERVICES	CONNECTION INSTALLATION	1,356.14
348971 STEWARTS TREE SERVICE	TREE SERVICES	850.00
348985 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	119.25
349007 INFOSEND INC	PRINT/MAIL SERVICES	303.08
349013 LOWES COMPANIES INC	SUPPLIES	72.12
349017 NEXTEL SPRINT	CELL PHONE	162.78
349021 PERS	PAYROLL DEDUCTIONS	1,192.27
349031 RT LAWRENCE CORP	LOCKBOX PROCESSING FEE	651.88
349040 TYLER TECHNOLOGIES	MONTHLY INSITE FEES	340.00
349064 CHALK, BRANDON S	EXPENSE REIMBURSEMENT	148.00
349067 COUNTY ASPHALT	ASPHALT	671.89
349082 INFOSEND INC	PRINT/MAIL SERVICES	3,436.44
349089 OFFICE MAX INC	OFFICE SUPPLIES	83.81
349100 PUMP REPAIR SERVICE CO	PUMP STATION REPAIRS	46,166.95

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 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

349103	ROBERTS AND BRUNE CO	PIPE & FITTINGS	458.74
349113	TYLER TECHNOLOGIES	LASERFICHE INTERFACE	156.25
349117	VERIZON WIRELESS	DATA PLAN SUPPORT	228.06
920926	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	7,625.31
920937	CRYSTAL CLEAR LOGOS INC	SHIRTS	536.28
Wastewater Collection			
921103	NICHOLS CONSULTING ENGINEERS CORP	PROFESSIONAL SERVICES	2,870.32
622 Sewer Facilities Expansion Fund			
Wastewater Collection			
349026	RMC WATER AND ENVIRONMENT	CONSULTANT SERVICES	14,444.50
631 Marina Fund			
Non Departmental			
348719	SMITH, CHARON	BERTH DEPOSIT REFUND	268.25
348870	BROWN, DWAYNE	BERTH DEPOSIT REFUND	159.28
348891	DIAL, JOSEPH	BERTH DEPOSIT REFUND	161.00
348915	KERR, DAVE	BERTH DEPOSIT REFUND	543.64
348934	MURPHY DVM, SUSAN	BERTH DEPOSIT REFUND	149.50
348963	SOBALVARRO, CAMILLE	BERTH DEPOSIT REFUND	230.77
348979	WAHLBERG, ALFRED	BERTH DEPOSIT REFUND	218.50
348983	STATE BOARD OF EQUALIZATION	SALES TAX	223.79
Marina Administration			
202906	DEPARTMENT OF MOTOR VEHICLES	FILING FEES	8.00
202909	UNITED STATES POSTAL SERVICE	POSTAGE	12.22
203296	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	14.10
348716	REAL PROTECTION INC	FIRE ALARM SYSTEM TEST	65.63
348749	AT AND T MCI	PHONE	79.81
348835	STEWART MOLANDER APPLIANCES INC	LOCK REPLACEMENT	181.55
348846	XEROX CORPORATION	COPIER LEASE	69.50
348945	PACIFIC GAS AND ELECTRIC CO	GAS	3,019.55
349063	CALIF ASSOC OF HARBOR MASTERS	MEMBER DUES	275.00
Marina Maintenance			
203291	OFFICE DEPOT	LABELS	17.35
348706	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	938.00
348738	AMERICAN PLUMBING INC	PLUMBING SERVICES	187.50
348850	ACME SECURITY SYSTEMS	KEY FOBS	142.99
348852	AMERICAN PLUMBING INC	HEATER REPLACEMENT	3,650.00
920954	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	1,355.14
641 Prewett Water Park Fund			
Non Departmental			
348684	HUB INTERNATIONAL OF CA INSURANCE	INSURANCE PREMIUM	251.96
348685	HUERTA, MARTHA	DEPOSIT REFUND	500.00
348784	GALANG,RHODESSA	DEPOSIT REFUND	500.00
348975	UNITED PENTECOSTAL CHURCH	DEPOSIT REFUND	500.00
Recreation Aquatics			
348664	DIABLO LIVE SCAN	FINGERPRINTING	20.00
348720	STATE OF CALIFORNIA	FINGERPRINTING	32.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

Recreation Water Park

203216	ROYAL WHOLESALE ELECTRIC	SUPPLIES	69.02
203217	PRAXAIR DISTRIBUTION INC	TANK RENTAL	20.95
203218	GARDA CL WEST INC	ARMORED CAR PICK UP	95.40
203219	COMCAST	DMX SERVICE	48.50
348634	ACTIVE NETWORK INC, THE	HARDWARE	2,575.95
348652	COLE SUPPLY CO INC	SUPPLIES	177.92
348663	DEPARTMENT OF INDUSTRIAL RELATIONS	INSPECTION FEE	365.00
348664	DIABLO LIVE SCAN	FINGERPRINTING	20.00
348713	PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	308.98
348716	REAL PROTECTION INC	FIRE ALARM SYSTEM TEST	196.88
348720	STATE OF CALIFORNIA	FINGERPRINTING	32.00
348749	AT AND T MCI	PHONE	47.24
348791	HONEYWELL INTERNATIONAL INC	HVAC SERVICE	2,389.00
348802	LINCOLN EQUIPMENT INC	REPAIR PARTS	227.54
348828	SAFETY COMPLIANCE MANAGEMENT	RESPIRATOR TRAINING	295.00
348852	AMERICAN PLUMBING INC	PLUMBING SERVICE	174.86
348858	BANK OF AMERICA	STEAM CLEANER	17.84
348881	CRESCO EQUIPMENT RENTALS	EQUIPMENT RENTALS	75.00
348886	DELTA DIABLO SANITATION DISTRICT	WASTE DISPOSAL	119.37
348914	KELLY MOORE PAINT CO	SUPPLIES	218.94
348916	KNORR SYSTEMS INC	CHEMICALS	139.60
348921	LINCOLN EQUIPMENT INC	SUPPLIES	756.48
348931	MUIR DIABLO OCCUPATIONAL MEDICINE	RESPIRATOR EXAM	220.00
348943	PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	1,879.16
348945	PACIFIC GAS AND ELECTRIC CO	GAS	6,385.55
348951	PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	32.53
349013	LOWES COMPANIES INC	SUPPLIES	174.99
349055	ATCO INTERNATIONAL	MARKING PAINT	67.75
920938	GRAINGER INC	SUPPLIES	9.74

Rec Prewett Concessions

348749	AT AND T MCI	PHONE	46.57
348874	COLE SUPPLY CO INC	SUPPLIES	125.43

721 Employee Benefits Fund

Non Departmental

348654	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
348655	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
348708	OPERATING ENGINEERS TRUST FUND	PAYROLL DEDUCTIONS	3,252.16
348711	PARS	PAYROLL DEDUCTIONS	2,778.86
348712	PERS LONG TERM CARE	PAYROLL DEDUCTIONS	72.02
348714	PERS	PAYROLL DEDUCTIONS	319,289.14
348721	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	199.00
348722	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
348723	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
348724	STATE OF FLORIDA DISBURSE UNIT	PAYROLL DEDUCTIONS	150.00
348726	TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77

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 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

348727	RECIPIENT	PAYROLL DEDUCTIONS	112.15
348731	US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	325.23
348787	EMPLOYEE	CHECK REPLACEMENT	50.00
348847	24 HOUR FITNESS SPORT	PAYROLL DEDUCTIONS	29.99
348876	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
348877	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
348882	CSAC EXCESS INSURANCE AUTHORITY	PAYROLL DEDUCTIONS	2,632.00
348884	EMPLOYEE	CHECK REPLACEMENT	69.26
348889	DELTA PARK ATHLETIC CLUB	PAYROLL DEDUCTIONS	37.00
348890	DELTA VALLEY ATHLETIC CLUB	PAYROLL DEDUCTIONS	54.00
348892	DIAMOND HILLS SPORT CLUB	PAYROLL DEDUCTIONS	59.00
348907	IN SHAPE HEALTH CLUBS	PAYROLL DEDUCTIONS	844.00
348920	LINA	PAYROLL DEDUCTIONS	4,489.14
348933	MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	2,283.01
348941	OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	2,723.00
348942	OPERATING ENGINEERS TRUST FUND	PAYROLL DEDUCTIONS	3,273.85
348947	PARS	PAYROLL DEDUCTIONS	3,342.84
348950	PERS LONG TERM CARE	PAYROLL DEDUCTIONS	72.02
348953	PERS	PAYROLL DEDUCTIONS	290,047.23
348954	PUBLIC EMPLOYEES UNION LOCAL 1	PAYROLL DEDUCTIONS	2,017.05
348964	SOLAR SWIM AND GYM	PAYROLL DEDUCTIONS	27.00
348966	STANDARD LIFE INSURANCE	PAYROLL DEDUCTIONS	1,001.10
348968	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
348969	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
348970	STATE OF FLORIDA DISBURSE UNIT	PAYROLL DEDUCTIONS	150.00
348972	TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77
348973	RECIPIENT	PAYROLL DEDUCTIONS	112.15
348976	US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	360.01
348981	XTREME FITNESS	PAYROLL DEDUCTIONS	104.00
349021	PERS	PAYROLL DEDUCTIONS	285,214.33
349049	AFLAC	PAYROLL DEDUCTIONS	7,459.04
349065	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
349066	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
349090	OPERATING ENGINEERS TRUST FUND	PAYROLL DEDUCTIONS	3,458.37
349095	PARS	PAYROLL DEDUCTIONS	2,233.57
349096	PERS LONG TERM CARE	PAYROLL DEDUCTIONS	72.02
349107	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
349108	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
349109	STATE OF FLORIDA DISBURSE UNIT	PAYROLL DEDUCTIONS	150.00
349111	TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77
349112	RECIPIENT	PAYROLL DEDUCTIONS	112.15
349116	US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	325.90
920929	NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	22,476.02
920932	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,934.13
920946	ANTIOCH PD SWORN MGMT ASSOC	PAYROLL DEDUCTIONS	536.75
920947	APOA	PAYROLL DEDUCTIONS	11,610.67

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 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 DECEMBER 5, 2013 - JANUARY 8, 2014
 FUND/CHECK#

920956	NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	42,794.10
920959	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	5,017.13
921102	NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	21,896.51
921108	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	24,484.13

736 APFA Lone Diamond Reassessment 1998 Fund

Non Departmental

348702	NBS LOCAL GOVERNMENT SOLUTIONS	ANNUAL REPORT	525.00
349088	NBS LOCAL GOVERNMENT SOLUTIONS	PARCEL FEE AD 27/31	8,764.83



STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF JANUARY 14, 2014

SUBMITTED BY: Donna Conley, City Treasurer

DC

DATE: January 8, 2014

SUBJECT: Treasurer's Report – NOVEMBER 2013

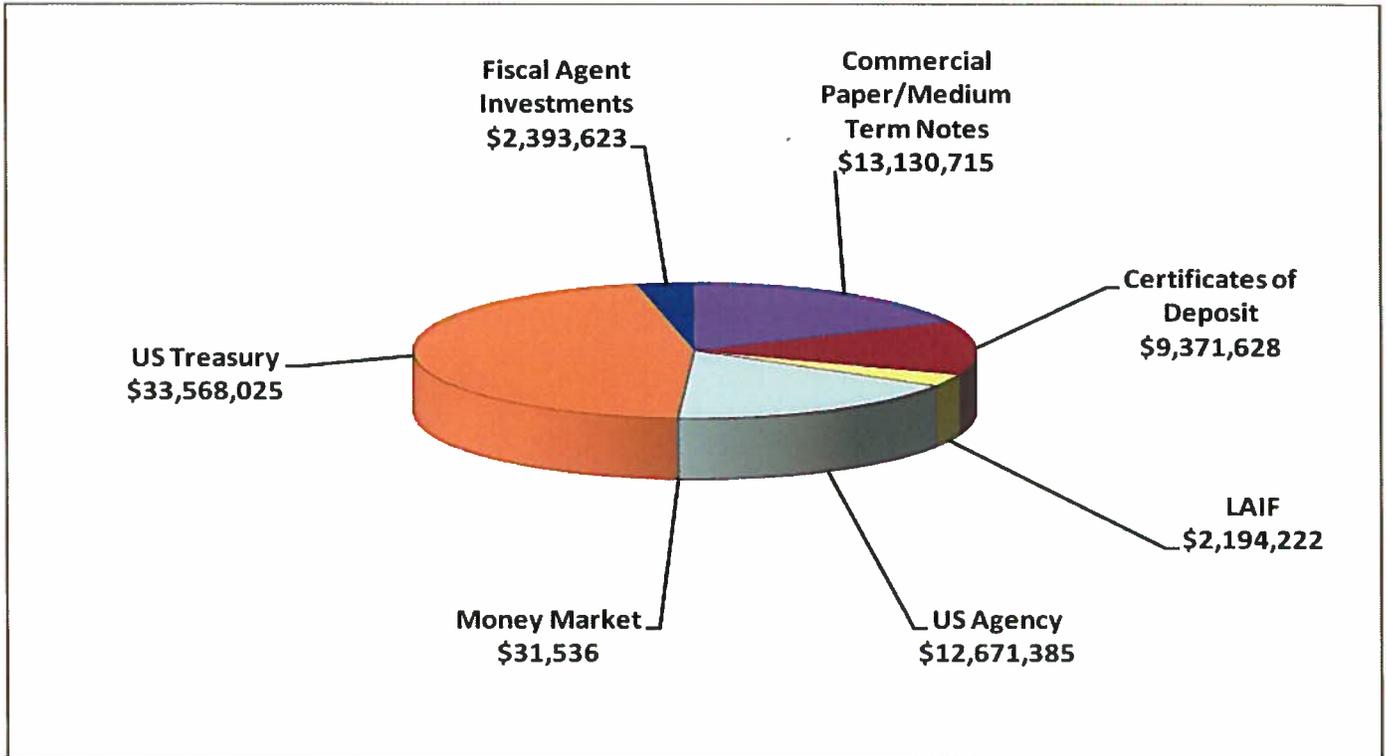
RECOMMENDATION: Review and file.

E

1-14-2014

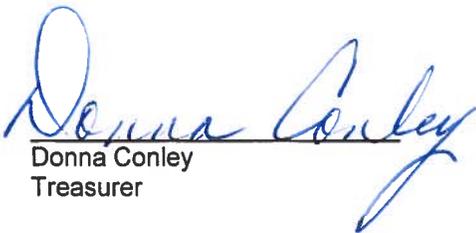
CITY OF ANTIOCH
SUMMARY REPORT ON THE CITY'S INVESTMENTS

NOVEMBER 30, 2013



Total of City and Fiscal Agent Investments = \$73,361,134

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	285,538
Antioch Public Financing Authority 1998 Reassessment Revenue Bonds	1,446,409
Antioch Development Agency 2009 Tax Allocation Bonds	146,053
Antioch Development Agency 2000 Tax Allocation Bonds	83,032
ABAG Lease Revenue Bonds	<u>432,591</u>
	<u><u>\$2,393,623</u></u>



Managed Account Issuer Summary

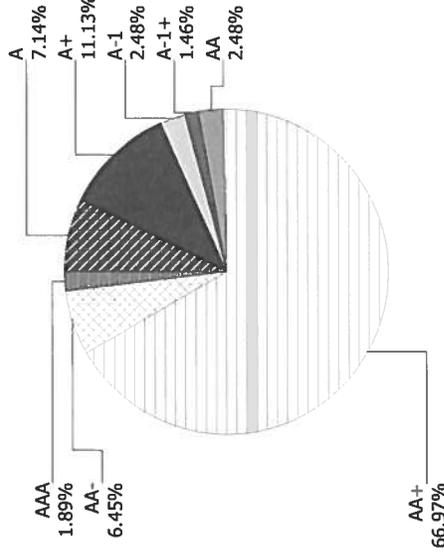
For the Month Ending November 30, 2013

CITY OF ANTIOCH, CA - 04380500

Issuer Summary

Credit Quality (S&P Ratings)

Issuer	Market Value of Holdings	Percent
AMERICAN HONDA FINANCE	588,646.89	0.86
APPLE INC	638,127.36	0.93
BANK OF NEW YORK	1,445,442.64	2.10
BANK OF NOVA SCOTIA	1,352,866.05	1.97
BERKSHIRE HATHAWAY INC	934,900.17	1.36
CA ST DEPT OF WATER REV BONDS	500,690.00	0.73
CATERPILLAR INC	252,559.00	0.37
CREDIT SUISSE GROUP	1,702,497.30	2.48
DEERE & COMPANY	453,667.05	0.66
FANNIE MAE	4,440,606.14	6.46
FEDERAL HOME LOAN BANKS	3,021,537.00	4.40
FREDDIE MAC	2,071,376.23	3.01
GENERAL ELECTRIC CO	2,220,200.31	3.23
IBM CORP	305,825.64	0.45
JP MORGAN CHASE & CO	2,687,463.84	3.91
MET WATER DISTRICT OF SOUTHERN CA	800,793.00	1.17
RABOBANK NEDERLAND	1,695,668.40	2.47
SKANDINAVISKA ENSKILDA BANKEN SA	1,704,233.00	2.48
STANDARD CHARTERED BANK	1,000,040.00	1.46
STATE OF CALIFORNIA	1,511,792.00	2.20
SVENSKA HANDELSBANKEN	1,702,184.50	2.48
TOYOTA MOTOR CORP	726,368.08	1.06
UNITED STATES TREASURY	33,627,480.92	48.93
UNIVERSITY OF CALIFORNIA	364,880.45	0.53
WAL-MART STORES INC	400,726.40	0.58
WELLS FARGO & COMPANY	2,554,391.20	3.72
Total	\$68,704,963.57	100.00%



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending **November 30, 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	1,385.25	1,198,338.64	1,201,266.00
US TREASURY NOTES	DTD 02/15/2012 0.250% 02/15/2015	912828SE1	1,500,000.00	AA+	Aaa	02/22/12	02/27/12	1,492,207.03	0.43	1,100.54	1,496,819.55	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	9,053.87	1,536,405.60	1,540,488.00
US TREASURY NOTES	DTD 03/01/2010 2.375% 02/28/2015	912828MR8	2,500,000.00	AA+	Aaa	04/30/12	05/01/12	2,639,453.13	0.39	15,089.78	2,561,546.13	2,567,480.00
US TREASURY NOTES	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	170,000.00	AA+	Aaa	03/13/12	03/15/12	169,428.91	0.49	135.60	169,753.95	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	658.06	824,693.69	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	1,900.99	332,308.19	333,137.68
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	2,719.87	475,470.06	476,643.14
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	21,203.29	3,710,420.15	3,715,766.38
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	33.43	902,094.37	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	96.33	2,601,986.88	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	1,627.07	986,973.48	986,886.60
US TREASURY NOTES	DTD 06/30/2009 3.250% 06/30/2016	912828KZ2	2,200,000.00	AA+	Aaa	05/10/13	05/15/13	2,394,218.75	0.41	29,921.20	2,360,513.80	2,360,186.40
US TREASURY NOTES	DTD 06/30/2009 3.250% 06/30/2016	912828KZ2	2,950,000.00	AA+	Aaa	05/22/13	05/24/13	3,204,783.20	0.44	40,121.60	3,162,264.51	3,164,795.40



PFM Asset Management LLC



For the Month Ending November 30, 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
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	44,881.79	3,530,220.61	3,540,279.60
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	2,795.58	1,105,506.31	1,115,382.40
US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	AA+	Aaa	11/27/13	12/03/13	3,136,726.56	0.58	224.28	3,136,726.56	3,137,455.08
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	82.93	3,475,982.74	3,480,456.60
Security Type Sub-Total						33,921,638.47	0.46	173,031.46	33,568,025.22	33,627,480.92
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	1,475.83	575,000.00	575,511.75
UNIV OF CAL TXBL REV BONDS DTD 10/02/2013 0.528% 05/15/2015	91412GSW6	AA	Aa1	09/26/13	10/02/13	230,000.00	0.53	199.03	230,000.00	229,841.30
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	884.06	225,000.00	225,281.25
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	1,625.00	500,000.00	500,690.00
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	1,925.00	551,419.21	553,641.00
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	200.67	135,000.00	135,039.15
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	857.64	954,349.25	958,151.00
Security Type Sub-Total						3,171,314.50	0.85	7,167.23	3,170,768.46	3,178,155.45



PFM Asset Management LLC



For the Month Ending November 30, 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
Federal Agency Bond / Note										
FHLB NOTES DTD 11/08/2010 0.875% 12/12/2014	313371PC4	AA+	Aaa	01/19/12	01/19/12	3,028,170.00	0.55	12,322.92	3,010,072.08	3,021,537.00
FANNIE MAE GLOBAL NOTES DTD 04/19/2012 0.500% 05/27/2015	3135G0KM4	AA+	Aaa	04/17/12	04/19/12	1,027,023.30	0.59	57.22	1,028,565.76	1,033,690.49
FREDDIE MAC GLOBAL NOTES DTD 07/11/2012 0.500% 08/28/2015	3134G3ZA1	AA+	Aaa	07/30/12	07/31/12	1,827,129.78	0.46	2,357.29	1,826,209.63	1,831,055.35
FANNIE MAE GLOBAL NOTES DTD 11/16/2012 0.375% 12/21/2015	3135G0S80	AA+	Aaa	11/14/12	11/16/12	947,786.50	0.45	1,583.33	948,527.34	950,313.50
FANNIE MAE GLOBAL NOTES DTD 02/15/2013 0.500% 03/30/2016	3135G0VA8	AA+	Aaa	02/14/13	02/15/13	799,088.00	0.54	677.78	799,318.07	800,990.40
FREDDIE MAC GLOBAL NOTES DTD 03/07/2013 0.500% 05/13/2016	3137EAD09	AA+	Aaa	03/06/13	03/07/13	239,985.60	0.50	60.00	239,988.76	240,320.88
FNMA NOTES DTD 08/19/2011 1.250% 09/28/2016	3135G0CM3	AA+	Aaa	10/01/13	10/03/13	664,674.35	0.75	1,432.81	664,157.31	667,338.89
FNMA NOTES DTD 08/19/2011 1.250% 09/28/2016	3135G0CM3	AA+	Aaa	10/01/13	10/03/13	984,555.92	0.74	2,121.88	983,777.91	988,272.86
Security Type Sub-Total		9,470,000.00				9,518,413.45	0.56	20,613.23	9,500,616.86	9,533,519.37
Corporate Note										
JP MORGAN CHASE & CO NOTES DTD 05/18/2009 4.650% 06/01/2014	46625HHN3	A	A3	12/19/11	12/22/11	1,062,853.30	2.43	23,482.50	1,021,081.41	1,030,860.54
GENERAL ELEC CAP CORP GLOBAL NOTES DTD 01/09/2012 2.150% 01/09/2015	36962G5M2	AA+	A1	05/23/12	05/29/12	874,419.85	1.72	7,335.68	869,041.59	881,569.94
IBM CORP GLOBAL NOTES DTD 02/06/2012 0.550% 02/06/2015	459200HB0	AA-	Aa3	02/01/12	02/06/12	303,508.55	0.72	535.87	304,409.38	305,825.64
BANK OF NEW YORK MELLON (CALLABLE) NOTES DTD 02/21/2012 1.200% 02/20/2015	06406HCC1	A+	A1	02/13/12	02/21/12	374,658.75	1.23	1,262.50	374,859.67	378,124.13



PFM Asset Management LLC



For the Month Ending November 30, 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												
CATERPILLAR FIN CORP NOTES	14912L5D9	14912L5D9	A	A2	05/22/12	05/30/12	249,920.00	1.11	15.28	249,959.77	252,559.00	
DTD 05/30/2012 1.100% 05/29/2015												
JOHN DEERE CAPITAL CORP GLOBAL NOTES	24422ERS0	24422ERS0	A	A2	06/26/12	06/29/12	449,878.50	0.96	1,805.00	449,935.67	453,667.05	
DTD 06/29/2012 0.950% 06/29/2015												
WELLS FARGO & COMPANY	94974BFE5	94974BFE5	A+	A2	03/26/13	03/28/13	762,978.08	0.73	4,687.50	759,122.32	760,345.50	
DTD 06/27/2012 1.500% 07/01/2015												
WELLS FARGO & COMPANY	94974BFE5	94974BFE5	A+	A2	03/27/13	03/28/13	762,757.50	0.74	4,687.50	758,967.71	760,345.50	
DTD 06/27/2012 1.500% 07/01/2015												
JPMORGAN CHASE & CO GLOBAL NOTES	46623EIR1	46623EIR1	A	A3	10/15/12	10/18/12	1,649,323.50	1.11	2,319.17	1,649,573.81	1,656,603.30	
DTD 10/18/2012 1.100% 10/15/2015												
BANK OF NEW YORK MELLON (CALLABLE)	06406HCD9	06406HCD9	A+	A1	10/18/12	10/25/12	424,562.25	0.73	314.03	424,721.94	425,925.23	
DTD 10/25/2012 0.700% 10/23/2015												
BANK OF NEW YORK MELLON (CALLABLE)	06406HCD9	06406HCD9	A+	A1	12/17/12	12/20/12	638,067.20	0.81	472.89	638,707.28	641,393.28	
DTD 10/25/2012 0.700% 10/23/2015												
WAL-MART STORES INC GLOBAL NOTES	931142DE0	931142DE0	AA	Aa2	04/04/13	04/11/13	399,716.00	0.62	333.33	399,776.05	400,726.40	
DTD 04/11/2013 0.600% 04/11/2016												
APPLE INC GLOBAL NOTES	037833AH3	037833AH3	AA+	Aa1	04/30/13	05/03/13	638,841.60	0.51	224.00	639,063.35	638,127.36	
DTD 05/03/2013 0.450% 05/03/2016												
TOYOTA MOTOR CREDIT CORP	89236TAL9	89236TAL9	AA-	Aa3	05/14/13	05/17/13	724,702.75	0.81	225.56	724,755.62	726,368.08	
DTD 05/17/2013 0.800% 05/17/2016												
GENERAL ELEC CAP CORP (FLOATING)	36962G7A6	36962G7A6	AA+	A1	07/09/13	07/12/13	1,330,000.00	0.93	1,619.55	1,330,000.00	1,338,630.37	
DTD 07/12/2013 0.894% 07/12/2016												
WELLS FARGO & COMPANY	94974BFL9	94974BFL9	A+	A2	07/22/13	07/29/13	1,024,016.00	1.28	4,342.01	1,024,125.73	1,033,700.20	
DTD 07/29/2013 1.250% 07/20/2016												
BERKSHIRE HATHAWAY FIN GLOBAL NOTES	084664BX8	084664BX8	AA	Aa2	08/06/13	08/15/13	929,507.10	0.97	2,601.42	929,554.89	934,900.17	
DTD 08/15/2013 0.950% 08/15/2016												
AMERICAN HONDA FINANCE GLOBAL NOTES	02665WAB7	02665WAB7	A+	A1	10/03/13	10/10/13	582,964.20	1.24	932.34	583,059.08	588,646.89	
DTD 10/10/2013 1.125% 10/07/2016												



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending November 30, 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
Security Type Sub-Total			13,105,000.00					13,182,675.13	1.10	57,196.13	13,130,715.27	13,208,318.58
Certificate of Deposit												
STANDARD CHARTERED BK NY LT CD (FLOAT)		85325BV50	1,000,000.00	A-1+	P-1	03/18/13	03/18/13	1,000,000.00	0.37	118.26	1,000,000.00	1,000,040.00
DTD 03/18/2013 0.328% 03/18/2014												
SVENSKA HANDELSBANKEN NY FLOATING LT CD		86958CVF8	1,700,000.00	AA-	Aa3	04/03/13	04/05/13	1,699,741.11	0.48	1,119.53	1,699,803.29	1,702,184.50
DTD 04/05/2013 0.423% 10/06/2014												
CREDIT SUISSE NEW YORK CERT DEPOS (FLOAT)		22549TDK1	1,700,000.00	A-1	P-1	07/11/13	07/15/13	1,700,000.00	0.68	1,428.43	1,700,000.00	1,702,497.30
DTD 07/15/2013 0.644% 01/15/2015												
BANK OF NOVA SCOTIA HOUS CERT DEPOS (FLT)		06417FPL8	1,350,000.00	A+	Aa2	03/04/13	03/06/13	1,350,000.00	0.59	1,626.00	1,350,000.00	1,352,866.05
DTD 03/06/2013 0.490% 03/06/2015												
SKANDINAVISKA ENSKILDA NY CERT DEPOS (FLT)		83051HJH0	1,700,000.00	A+	A1	04/11/13	04/16/13	1,700,000.00	0.66	1,389.79	1,700,000.00	1,704,233.00
DTD 04/16/2013 0.621% 04/16/2015												
RABOBANK NEDERLAND NV NY CD		21684BEP5	1,700,000.00	AA-	Aa2	04/25/13	04/29/13	1,700,000.00	0.61	935.00	1,700,000.00	1,695,668.40
DTD 04/29/2013 0.600% 04/29/2015												
Security Type Sub-Total			9,150,000.00					9,149,741.11	0.58	6,617.01	9,149,803.29	9,157,489.25
Managed Account Sub-Total			67,495,000.00					68,943,782.66	0.63	264,625.06	68,519,929.10	68,704,963.57
Securities Sub-Total			\$67,495,000.00					\$68,943,782.66	0.63%	\$264,625.06	\$68,519,929.10	\$68,704,963.57
Accrued Interest												\$264,625.06
Total Investments												\$68,969,588.63

Bolded items are forward settling trades.



PFM Asset Management LLC



Managed Account Security Transactions & Interest

For the Month Ending November 30, 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
BUY											
	10/22/13	11/05/13	CA ST TAXABLE GO BONDS DTD 11/05/2013 1.250% 11/01/2016	13063CFD7	950,000.00	(954,455.50)	0.00	(954,455.50)			
	10/31/13	11/01/13	US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	3,450,000.00	(3,476,683.59)	(12,701.84)	(3,489,385.43)			
	11/27/13	12/03/13	US TREASURY NOTES DTD 11/30/2011 0.875%	912828RU6	3,110,000.00	(3,136,726.56)	(224.28)	(3,136,950.84)			
			11/30/2016								
Transaction Type Sub-Total					7,510,000.00	(7,567,865.65)	(12,926.12)	(7,580,791.77)			
INTEREST											
	11/01/13	11/01/13	MONEY MARKET FUND	MONEY0002	0.00	0.00	0.99	0.99			
	11/03/13	11/03/13	APPLE INC GLOBAL NOTES DTD 05/03/2013 0.450% 05/03/2016	037833AH3	640,000.00	0.00	1,440.00	1,440.00			
	11/13/13	11/13/13	FREDDIE MAC GLOBAL NOTES DTD 03/07/2013 0.500% 05/13/2016	3137EADO9	240,000.00	0.00	600.00	600.00			
	11/17/13	11/17/13	TOYOTA MOTOR CREDIT CORP DTD 05/17/2013 0.800% 05/17/2016	89236TAL9	725,000.00	0.00	2,900.00	2,900.00			
	11/18/13	11/18/13	STANDARD CHARTERED BK NY LT CD (FLOAT)	85325BV50	1,000,000.00	0.00	288.90	288.90			
	11/27/13	11/27/13	FANNIE MAE GLOBAL NOTES DTD 03/18/2013 0.328% 03/18/2014	3135G0KM4	1,030,000.00	0.00	2,575.00	2,575.00			
	11/29/13	11/29/13	CATERPILLAR FIN CORP NOTES DTD 05/30/2012 1.100% 05/29/2015	14912L5D9	250,000.00	0.00	1,375.00	1,375.00			
	11/30/13	11/30/13	US TREASURY NOTES DTD 11/30/2010 1.375% 11/30/2015	912828P13	2,550,000.00	0.00	17,531.25	17,531.25			
	11/30/13	11/30/13	US TREASURY NOTES DTD 11/30/2010 1.375% 11/30/2015	912828P13	885,000.00	0.00	6,084.38	6,084.38			
	11/30/13	11/30/13	US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	3,450,000.00	0.00	15,093.75	15,093.75			
Transaction Type Sub-Total					10,770,000.00	0.00	47,889.27	47,889.27			
SELL											





Managed Account Security Transactions & Interest

For the Month Ending **November 30, 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											
	10/21/13	11/05/13	US TREASURY NOTES DTD 08/31/2011 1.000% 08/31/2016	912828RF9	950,000.00	961,244.14	1,732.04	962,976.18	6,048.83	6,365.68	SPEC LOT
	10/31/13	11/01/13	FNMA NOTES (CALLED, OMD 8/7/2015) DTD 08/07/2012 0.500% 11/07/2013	3135G0NG4	3,400,000.00	3,400,238.00	3,966.67	3,404,204.67	578.00	239.90	SPEC LOT
	11/27/13	12/03/13	FREDDIE MAC GLOBAL NOTES DTD 08/05/2011 0.750% 09/22/2014	3134G2WG3	2,200,000.00	2,210,428.00	3,254.17	2,213,682.17	(1,100.00)	7,383.22	SPEC LOT
	11/27/13	12/03/13	FREDDIE MAC GLOBAL NOTES DTD 08/05/2011 0.750% 09/22/2014	3134G2WG3	910,000.00	914,313.40	1,346.04	915,659.44	2,493.40	3,819.17	SPEC LOT

Transaction Type Sub-Total **7,460,000.00** **7,486,223.54** **10,298.92** **7,496,522.46** **8,020.23** **17,807.97**

Managed Account Sub-Total **(81,642.11)** **(81,642.11)** **45,262.07** **(36,380.04)** **8,020.23** **17,807.97**

Total Security Transactions **(\$81,642.11)** **(\$36,380.04)** **\$45,262.07** **\$8,020.23** **\$17,807.97**

Bolded items are forward settling trades.



**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF JANUARY 14, 2014**

FROM: Lynn Tracy Nerland, City Attorney 
DATE: December 12, 2013
SUBJECT: **Ordinance Revising Chapter 1 of Title 6 of the Antioch Municipal Code
regarding Animals**

ACTION:

It is recommended that the City Council adopt the attached ordinance to amend in its entirety Chapter 1 of Title 6 of the Antioch Municipal Code to update the City's existing ordinance regarding animals.

BACKGROUND:

The attached ordinance was introduced, unanimously, with no changes to the ordinance in the agenda packet on December 10, 2013.

The updated ordinance provides further regulations regarding animals, including procedures for the impoundment and caring of certain animals. In particular, the amended ordinance clarifies the remedies applicable for citations and appeals under the ordinance; provides for a permit process to keep certain animals including roosters and bees; establishes additional requirements for redeeming impounded animals; updates the procedures related to dangerous and vicious animals; establishes a permit process for multiple pets or kennels; and makes certain acts unlawful including feeding feral cats off one's property and allowing a dog to bark unabated.

FISCAL IMPACT:

There is no direct fiscal impact associated with the adoption of the proposed ordinance.

OPTIONS:

No options are presented as the recommended action is consistent with the Council's action on December 10, 2013.

ATTACHMENTS:

1. Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING
IN ITS ENTIRETY CHAPTER 1, ANIMALS, OF TITLE 6, SANITATION AND HEALTH**

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

SECTION 1. Chapter 1, Animals, of Title 6 (Sanitation and Health) is amended in its entirety to read as follows:

"Chapter 1, Animals

CHAPTER 1: ANIMALS

Article 1: Purpose and Definitions

Article 2: Authority; Entry on Private Property; Procedures; Violations; Remedies

Article 3: Dog Licensing

Article 4: Rabies and Animal Bites

Article 5: Animals: Prohibitions and Requirements

Article 6: Number and Types of Animals

Article 7: Impounding and Disposition of Animals

Article 8: Potentially Dangerous and Vicious Animals

ARTICLE 1: PURPOSE AND DEFINITIONS

§6-1.101 Purpose

§6-1.102 Definitions

§ 6-1.101 PURPOSE.

The purpose of this chapter is to provide standards to safeguard property and the public welfare by regulating and controlling animals and providing for the impoundment and caring for certain animals. (Citations to California Codes in this chapter are for reference.)

§ 6-1.102 DEFINITIONS.

In this chapter, the following definitions apply unless the context requires a different meaning.

ANIMAL. A mammal, avian, reptile, arachnid or fish.

ANIMAL CONTROL or ANIMAL CONTROL SERVICES. The City's Animal Control Division of the Police Department.

ANIMAL CONTROL SUPERVISOR. The City's Animal Control Supervisor or his or her designee. (See Section 6-1.201.)

ANIMAL SERVICES. The Antioch Animal Services Center or any other facility designated by action of the Council for the purpose of impounding and caring for animals found in violation of this chapter, or surrendered to the city by their owners.

AT LARGE. An animal that is: 1) not secured or enclosed on the owner's property; or 2) not under restraint by a substantial leash no longer than 6 feet and within the care, custody and physical control of a competent person authorized to be at that location. An at-large animal does not include a cat.

BARKING DOG. A dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or on private property. An extended period of time consists of incessant barking for 30 minutes or more in any 24-hour period, or intermittent barking for 60 minutes or more during any 24-hour period. A dog shall not be deemed a "barking dog" if at the time the dog is barking: (1) a person is trespassing or threatening to trespass on private property where the dog is situated; or (2) the dog is being teased or provoked.

CAT. A member of the feline species customarily confined or cultivated as a pet.

CHIEF OF POLICE or CHIEF. The City's Chief of Police or his or her designee. (See Section 6-1.201.)

DOG. A member of the canine species customarily confined or cultivated as a pet.

EUTHANASIA. The humane destruction of an animal by a method that involves instantaneous unconsciousness and immediate death, or by a method that involved anesthesia produced by an agent that causes the painless loss of consciousness and death during the loss of consciousness.

FERAL CAT. A cat that is born in or has reverted to the wild, and is not domesticated or tamed.

HORSE. An animal of the genus equus, including, but not limited to, horses, mules, donkeys, and burros.

IMPOUNDED. Taken into the custody of Animal Services. (Food & Ag. Code §31607.)

KENNEL PERMIT. A discretionary permit issued by the City to permit more than 10 dogs in any single dwelling unit or business or to allow dogs to be kept for commercial purposes. See Section 6-1.303(A)(2).

MULTIPLE PET PERMIT. A discretionary permit issued by the City to allow more than 3 dogs at a single dwelling unit or business unit pursuant to Section 6-1.303(A)(1) or more than 5 cats pursuant to Section 6-1.601 and Section 6-1.303(A)(1).

OWNER. A person owning, keeping, or having custody of one or more animals (not including Animal Control Services).

PERSON. An individual, domestic or foreign corporation, partnership, association of any kind, trust, fraternal society, or cooperative.

PET. An animal kept for pleasure rather than utility.

PET SHOP. A premises devoted to the commercial trade or selling of animals for use as pets.

POTENTIALLY DANGEROUS DOG OR ANIMAL. Any of the following, as determined by the City:

(1) a dog or other animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by a person or another animal to prevent bodily injury when the person and the dog are: off the property of the dog's owner; or on the property of the dog's owner by invitation or with implied permission. (Food & Ag. Code §31602);

(2) a dog or animal which, when unprovoked, bites a person causing a less severe injury than as defined here as a SEVERE INJURY (Food & Ag. Code §§31602, 31064); or

(3) a dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. (Food & Ag. Code §31602.)

PREMISES. A property owned, leased, or rented by a person.

PUBLIC NUISANCE. An animal which engages in behavior specified as defined as a public nuisance under Section 6-1.501, this Chapter 1, elsewhere in the Municipal Code, or state law.

SEVERE INJURY. A physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (Food & Ag. Code §31604.)

VETERINARY HOSPITAL. An establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of animal diseases and injuries.

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the City:

(1) a dog or animal seized under Penal Code section 599aa and upon the sustaining of a conviction of the owner under Penal Code section 597.5;

(2) a dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;

(3) a dog or animal previously determined to be and currently listed as a potentially dangerous dog or animal which, after its owner has been notified of this determination: continues the behavior described as a potentially dangerous dog or animal; or is not kept indoors or secured on the owner's property. Here, "secured" means contained within a fence or structure suitable to prevent the entry of young children and to confine a vicious dog or animal, designed to prevent the animal from escaping. (Food & Ag. Code §§31603, 31641, 31642 or 31643.)

WILD ANIMAL. An animal that can normally be found in a wild state or is defined as a wild animal under state law. This includes but is not limited to a live raccoon, skunk, fox, opossum, gopher or undomesticated rabbit, rodent or snake.

ARTICLE 2: AUTHORITY; ENTRY ON PRIVATE PROPERTY; PROCEDURES; VIOLATIONS; REMEDIES

§6-1.201	Authority.
§6-1.202	Entry on private property.
§6-2.203	Procedures.
§6-1.204	Violations; Remedies.
§6-1.205	Future Ownership of Animals after Violation

§ 6-1.201 AUTHORITY.

This chapter shall be enforced, administered, and directed by the Chief of Police or his or her designated representative. The following are also authorized to enforce this chapter: the Animal Control Supervisor or representative, the Code Enforcement Officer or representative, and all City police officers.

§ 6-1.202 ENTRY ON PRIVATE PROPERTY.

(A) Entry on private property. The Animal Control Supervisor may enter on private property to investigate or enforce a possible violation of this chapter under any of the following circumstances:

- (1) with the written or verbal consent of the property owner or adult person in possession of the property; or
- (2) in an emergency situation when immediate action is required without time to seek a warrant. Examples of an emergency situation include circumstances posing an immediate threat to public health or safety or a situation requiring swift

action to save life, property or evidence. (See *Broden v. Marin Humane Society* (1999) 70 Cal. App. 4th 1212, 83 Cal. Rptr. 2d 235.)

(B) Warrant. The Animal Control Supervisor must obtain a warrant issued by the court before entering private property when there is no consent and no emergency under subsection (A) above. (Code of Civ. Proc. §§1822.50 through 1822.57).

6-1.203 PROCEDURES.

(A) General. A person aggrieved by a decision made under this chapter may appeal that decision to the Board of Administrative Appeals, under Sections 1-4.01 through 1-4.04, or to a hearing officer appointed by the City Manager in a case where a quorum of the Board cannot be convened in a timely manner. However, these procedures do not apply to criminal penalties (§6-1.201 (B)(1)), civil injunctions (§6-1.201 (B)(2)), administration citations (§6-1.201 (B)(3)) or public nuisance abatement (§6-1.201 (B)(4)), each of which is subject to its own procedures.

(B) Examples. Examples of matters that are subject to appeal include:
(1) determination of unlawful act under Section 6-1.501 or other section of this chapter;
(2) denial or revocation of a permit under Article 6 of this chapter; (3) designation as potentially dangerous animal or vicious animal, or conditions related to continued ownership.

(C) Notice, hearing, decision. The notice, hearing and decision procedures are those set forth in Section 1-4.03 and procedures that the Board of Administrative Appeals may adopt.

§ 6-1.204 VIOLATIONS; REMEDIES.

(A) Violations. It is unlawful for a person to violate this Chapter 1, or to fail to comply with a requirement of this Chapter 1. Each day the violation continues is a separate offense.

(B) Remedies Generally. The City may enforce this Chapter 1 by any one or more of the following methods, at the City's discretion:

(1) Criminal penalties. A violation of this Chapter 1 is a misdemeanor, unless the citing officer determines to cite the violation as an infraction based upon the circumstances. Anyone authorized to enforce this Chapter under Section 6-1.201 may investigate complaints and may issue a criminal citation if he or she observes a violation committed in his or her presence. (See Title 1, Chapter 2, of the Antioch Municipal Code regarding penalties.) (Food & Ag. Code §31401.)

(2) Civil injunction and penalties, under Section 1-2.04.

(3) Administrative citations and penalties, under Title 1, Chapter 5 of the Antioch Municipal Code.

(4) Public nuisance abatement, under Antioch Municipal Code Section 5-1.301 and following and Government Code sections 38773 or other lawful authority.

(5) Impoundment and/or Quarantine.

(6) Mandatory surrender of animal.

(7) Conditions imposed as a condition of permits, or for animals declared to be potentially dangerous or vicious under Section 6-1.803.

(8) Remedies provided by state law.

(C) State law. When more stringent than the provisions of this chapter, the provisions of the Health and Safety Code, the Penal Code, the Food and Agriculture Code and the California Code of Regulations relating to animal health, control, care, and rabies control shall apply.

§ 6-1.205 FUTURE OWNERSHIP OF ANIMALS AFTER CRIMINAL VIOLATION

A person convicted of violating or permitting violations of this chapter or related state law is prohibited from keeping or harboring within the City an animal of the type, species, group or family to which the conviction applies (including the animal initially causing the violation or nuisance) for a period of three years from the date of the subsequent conviction. (See also Section 6-1.805, Actions after determination: Vicious.)

ARTICLE 3: DOG LICENSING

- §6-1.301 Ownership.
- §6-1.302 Dog licenses required.
- §6-1.303 Multiple pet or kennel permit.
- §6-1.304 License fee.
- §6-1.305 License fee exemptions.
- §6-1.306 Lost tags; Duplication fees.
- §6-1.307 License tags; Display
- §6-1.308 License tags not to be removed without permission from owner; Counterfeit tags.
- §6-1.309 License record keeping.
- §6-1.310 Disposition of fees and fines.

§ 6-1.301 OWNERSHIP.

A person who obtains a dog license under this chapter is, for the purposes of this chapter, the legal owner of the animal described in the license file. That person, and anyone defined as an owner under Section 6-1.102, is responsible for the animal.

§ 6-1.302 DOG LICENSE REQUIRED.

Each owner of a dog which is over the age of four months and which is kept in the City shall obtain an annual license for the dog, beginning with date of the (mandatory) rabies vaccination of the dog and expiring one year later. The owner shall obtain the license within 30 days after the day on which the dog, if over the age of four months, is first owned. The Animal Control Supervisor will issue a license after application and payment of the required fee.

A dog owner may, with proof of multi-year rabies vaccination, choose to renew a license for one, two or three years, with final expiration coincident with the expiration of the rabies vaccination. (Food & Ag. Code §30801.) A person who acquires a licensed dog must transfer ownership within 30 days, and shall include written notice to Animal Control of the name and address of the former owner.

§ 6-1.303 MULTIPLE PET OR KENNEL PERMIT.

(A) Permit required.

(1) Multiple pet permit. No more than 3 dogs over six months of age may be kept, harbored, possessed or maintained for more than 30 days in a single dwelling or business unit without a multiple pet permit.

(2) kennel permit. No more than 10 dogs over six months of age, and no dogs for commercial purposes may be kept, harbored, possessed or maintained in any single dwelling or business unit without a kennel permit. *Commercial purposes* includes but is not limited to: boarding, training, or wholesaling of animals; but does not include the sale of individual animals to private owners.

(3) Exemptions.

(a) A veterinary hospital is not required to obtain a multiple pet permit or kennel permit unless the hospital also offers boarding or breeding services separately from hospital services.

(b) A person holding dog fancier permit on the effective date of this chapter need not obtain a multiple pet permit until the end of the term of the dog fancier permit.

(4) Wearing license tag. A dog for which a license is required under a multiple pet or kennel permit, which is removed for more than one day from the permitted premises, shall wear its current, valid license tag unless performing in the capacity of hunting, working, obedience, tracking or showing.

(B) Application.

- (1) The application for a multiple pet permit or a kennel permit shall include a written application to the Animal Control Supervisor accompanied by an application fee.
- (2) The Animal Control Supervisor may promulgate regulations governing the application and issuance of permits, consistent with this section.
- (3) An application for a multiple pet permit or kennel permit shall list each dog to be included and show:
 - (a) Facilities exist at the location to adequately secure, feed, house and maintain the animals;
 - (b) Possession and maintenance of the animals at the location has not resulted in, and is not likely to result in the animals being subjected to neglect, suffering, cruelty or abuse;
 - (c) Within the prior three years, neither the applicant, the owner, nor the possessor of the animals has: had a city or county permit or license revoked; been issued an administrative citation or found civilly liable for a violation of this chapter or any law regulating animals; or been convicted for a violation of this division or any law regulating animals;
 - (d) All dogs maintained under a multiple pet permit shall be confined on the premises and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, exercised, tried, worked, hunted, or trained under the owner's control;
 - (e) A current rabies immunization certificate issued by a veterinarian for each dog listed.

The required showing may be made by declaration under penalty of perjury.

(C) Decision.

- (1) Inspection; Notification. Before approving an application, the Animal Control Supervisor shall inspect the premises and notify adjacent property owners and tenants within 300 feet of the proposed use for multiple pets or a kennel. Adjacent property owners and tenants will be given at least 10 calendar days to provide written or verbal comments regarding any complaints, noise or odor.
- (2) Decision. The Animal Control Supervisor shall notify neighbors that a permit application has been filed, under subsection (C)(1) above, and allow them 10 days to provide comments to the Supervisor. After the 10 calendar days, the Supervisor shall determine whether the application will be approved (subject to conditions) or denied, and shall notify the applicant in writing of the decision.
- (3) Approval and conditions. The Animal Control Supervisor may approve the permit subject to reasonable conditions.

(4) Term of permit; Renewal. The permit is valid for one year. A multiple pet permit or kennel permit shall be renewed without review upon the filing of a complete application and payment of the necessary fees, unless the City has received or lodged any complaint concerning the permitted location within the last year.

(D) Fees. Multiple pet permit fees, kennel permit fees, application fees, and late permit fees are established by resolution of the City Council. The fees for the initial application and any application after complaints are received or lodged shall include the cost of inspecting the premises.

Late fees are payable upon the failure to obtain a multiple pet permit or a kennel permit within sixty days of keeping, harboring, possessing or maintaining animals in excess of those specified in subsection (A), or upon the failure to pay a renewal permit fee within 60 days after it is due.

(E) Breeding limitation. A person holding a multiple pet or kennel permit may allow the parturition and rearing of no more than one litter per bitch registered by a nationally recognized dog registering body in any one calendar year.

§ 6-1.304 PERMIT FEE.

(A) The permit fee is established by resolution of the City Council. Permit fees are nonrefundable.

(B) An added late fee shall be charged for late licensing.

(C) The owner of a dog which has been permitted for the current year in any other political subdivision of the state, or in any other state which has the same licensing requirements, may have the permit validated for use in the City for the remainder of the year, for a fee set in the master fee resolution.

(D) A dog redeemed or adopted in the City, but residing outside the City, is not required to pay a license fee to the City.

§ 6-1.305 LICENSE FEE EXEMPTIONS.

(A) Assistance dog. A dog being raised, trained and used as a guide dog, signal dog or service dog shall be licensed without a fee while so owned and used, but is not exempt from registration or from any required vaccinations. (Food & Ag. Code §30850.)

Whenever a person applies for an assistance dog identification tag, the person shall sign an affidavit stating as follows:

“By affixing my signature to this affidavit, I hereby declare I fully understand that Section 365.7 of the Penal Code prohibits any person to knowingly and fraudulently represent himself or herself, through verbal or written notice, to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide dog, signal dog, or service dog, as defined in subdivisions (d), (e), and

(f), respectively, of Section 365.5 of the Penal Code and paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, and that a violation of Section 365.7 of the Penal Code is a misdemeanor, punishable by imprisonment in a county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.”

Upon the death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag shall immediately return the tag to Animal Control.

(B) Law enforcement. A dog used by a governmental agency for law enforcement purposes shall be licensed without a fee, but is not exempt from registration or from any required vaccinations. Verification shall be presented upon request.

§ 6-1.306 LOST TAGS; DUPLICATION FEES.

If a license is lost, Animal Services may issue a new license after payment of the required fee, stated in the master fee resolution.

§ 6-1.307 LICENSE TAGS; DISPLAY.

The license tag shall be attached securely to collar or harness upon the dog for which issued at all times the dog is within the City and not confined indoors. The owner shall show the license tag at any time upon request by the Animal Control Supervisor or other enforcement officers.

§ 6-1.308 LICENSE TAGS NOT TO BE REMOVED WITHOUT PERMISSION FROM OWNER; COUNTERFEIT TAGS.

No person shall remove a license tag from a dog without the permission of the owner, expressed or implied. No person shall counterfeit or imitate a dog license tag or make any unauthorized substitution of license tags.

§ 6-1.309 LICENSE RECORD KEEPING.

The City shall keep a permanent record of all animals registered under this chapter until the City is notified that the animal has been removed from the City or has been lost or stolen or has died. The person registering the animal remains liable for the acts of the registered animal until notice is given to the Animal Control Supervisor of the sale or transfer of the animal, the removal of such animal from the City, or the death or loss of such animal. (Food & Ag. Code §30502.) If an Animal Control Supervisor determines an animal to be potentially dangerous or vicious under Sections 6-1.803, he or she shall include the potentially dangerous or vicious designation in the registration records of the dog. (Food & Ag. Code §31641.)

§6-1.310 DISPOSITION OF FINES AND FEES.

Fees for the issuance of dog license tags, and the fines collected, shall be used in the following order of precedence: (1) to pay fees for the issuance of dog license

tags; (2) to pay fees, salaries, costs and expenses for the enforcement of this Chapter. (Food & Ag. Code §30652.)

ARTICLE 4: RABIES AND ANIMAL BITES

- § 6-1.401 Rabies vaccination required.
- § 6-1.402 Rabies reports.
- § 6-1.403 Biting report; Impoundment and quarantine of animal.

§ 6-1.401 RABIES VACCINATION REQUIRED.

(A) Each dog owner shall procure a rabies vaccination by a licensed veterinarian upon the dog attaining the age of four months, and at intervals not later than the expiration date on the vaccination certificate. The veterinarian shall issue a certificate to the owner showing the following:

- (1) The veterinarian's name and business address;
- (2) The name and description of the dog;
- (3) The date of the vaccination; and
- (4) The expiration date of the vaccination.

Each dog owner shall show a copy of the vaccination certificate upon the request of an Animal Control Supervisor or other enforcement officer.

(B) The veterinarian may issue an exemption if a rabies vaccination would be detrimental to the health of the dog.

(C) The certificate of vaccination is required before the City will issue a dog license under Section 6-1.302.

§ 6-1.402 RABIES REPORTS.

(A) Rabies is declared to be a reportable disease. Each veterinarian practicing within the City, and every person providing professional medical treatment for an animal bite by a species subject to rabies, shall immediately notify Animal Services or the Police Department.

(B) Every veterinarian practicing within the City shall provide Animal Services with a copy of every rabies immunization certificate which is issued.

§ 6-1.403 BITING REPORT; IMPOUNDMENT AND QUARANTINE OF ANIMAL.

(A) Owner reporting and quarantine instructions. The owner of an animal which bites or scratches (with skin broken) a person shall immediately (1) notify Animal Services or the Police Department, giving the name and address of the person bitten or scratched, if known, and (2) obey any quarantine instructions given by the responding officer. Failure to obey the quarantine instructions is cause for the impoundment of the animal for the quarantine period.

It is also the duty of every physician or other medical practitioner to report to the Animal Shelter or Police Department the names and addresses of persons treated for bites inflicted by animals, together with other information as will be helpful in rabies control.

(B) Quarantine requirement. Each animal in violation of the Rabies Control Act (Cal. Health and Safety Code Sections 121575-121710), or of the rabies control provisions of this chapter, shall be quarantined or impounded, and is subject to destruction in some humane manner. Such animals are also subject to other disposition as provided by this chapter.

(1) General. Each animal that has bitten a person or is suspected of having been exposed to rabies shall be securely quarantined at the discretion of the Animal Control Supervisor and at the owner's expense. Upon demand by the Animal Control Supervisor, the owner shall immediately surrender the animal.

(2) Location of quarantine. At the discretion of the Animal Control Supervisor, the quarantine may be on the premises of the owner, at the Animal Shelter or at a veterinary hospital of the owner's choice. In the case of a stray animals or an animal whose owner is not known, the quarantine shall be at the Animal Shelter.

(3) Time period. The animal shall be quarantined for a period of 10 days.

(4) Release; Fees. The animal shall not be released from quarantine except by written permission of the Animal Control Supervisor. The owner may reclaim the animal if the animal is adjudged free from rabies. Before the release, the owner shall pay board fees if applicable and comply with licensing provisions. (See Section 6-1.302.)

(5) Rabies diagnosis. When an animal under quarantine has been diagnosed as being rabid, or is suspected by a licensed veterinarian as being rabid, and dies while under observation, the Animal Control Supervisor shall immediately send the animal's head to the appropriate health department for pathological examination, and shall notify the proper public health officer of reports of contacts and the diagnosis made of the suspected animal.

(C) Self-defense. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, unless in self-defense or the defense of others, except as provided in this section, nor remove the animal from the City without written permission from the Animal Control Supervisor.

ARTICLE 5: ANIMALS: PROHIBITIONS AND REQUIREMENTS

- § 6-1.501 Unlawful acts.
- § 6-1.502 Animal care.
- § 6-1.503 Dogs to be leashed in public places.
- § 6-1.504 Striking animal with a motor vehicle.
- § 6-1.505 Animals not to be sold as pets or novelties; No prizes.
- § 6-1.506 Disposal of carcasses.

§ 6-1.501 UNLAWFUL ACTS. It is unlawful for a person owning an animal to do any of the following. A violation of this section is also a public nuisance, under Section 1-2.01(D):

- (A) Abandon the animal, except to surrender it to the Animal Shelter or Animal Control Supervisor; (Penal Code §597s.)
- (B) Fail to license a dog over the age of four months, or allow a dog to leave its premises when the dog does not have a current license affixed to its collar; (Food & Ag. Code §30951.)
- (C) Allow an animal to be at large (or to be at a public park, playground or school unless under leash restraint); (See Definition of "at large" at §6-1.102.)
- (D) Allow a dog to enter on private property without the consent of the person in possession of the property or to damage or destroy a lawn, tree, shrub, or other planting or any other improvement or thing of value on the property;
- (E) Allow an animal to defecate on public property or private property of another without immediately cleaning up. The owner of each animal is responsible for the immediate removal of any excreta deposited by the animal anywhere but the owner's own property, and the sanitary disposal of the removal;
- (F) Fail to clean up excreta on one's own property within a reasonable period of time;
- (G) Allow a barking dog or another animal-related noise that continues for 30 minutes or more in any 24-hour period or intermittently for 60 minutes or more during any 24-hour period causing disturbance to any person regardless of whether the animal is physically situated on private property; (See Definitions at §6-1.102.)
- (H) Allow a female dog to roam at large or remain accessible to other roaming dogs while the dog is in heat or breeding condition; (Food & Ag. Code §30954.)

- (I) Allow an animal to be tethered or leashed on any street or other public place unattended, except temporary tethering or leashing (or tying in an appropriate and safe place) as the owner enters a store or public place for a specific purpose. In no case shall the temporary tethering exceed 15 minutes; (Hlth. & Saf. Code §122335; Penal Code §597t.)
- (J) Tether, fasten, chain, tie or restrain a dog to a dog house, tree, fence or other stationary object for any longer than three hours in a 24-hour period, except: (1) to a running line, pulley, or trolley system (without a choke or pinch collar); (2) as required by a camping or recreational area; or (3) other exception permitted under Health and Safety Code section 122335;
- (K) Harbor or feed a feral cat except on one's own property;
- (L) Beat, cruelly ill-treat, torment, tease, overload, overwork, or otherwise abuse an animal, nor cause, instigate, or permit any dogfight, cockfight, or combat between animals or animals and humans, excluding police canines. No parent may allow his minor child to so treat any animal; (Penal Code §597.)
- (M) Own, keep or train a dog with the intent that the dog engage in an exhibition of fighting; or cause a dog to fight with or injure another dog, for amusement or gain; or permit either of those actions on premises under his or her control. (Penal Code section 597.5.)
- (N) Expose any known poisonous substance, whether mixed with food or not, so that the substance is liable to be eaten by an animal (except for a person to expose on his own property common rat poison mixed only with vegetable substances for the sole purpose of combating rat infestation);
- (O) Permit an animal to engage in conduct that would constitute a public nuisance;
- (P) Refuse to obey the conditions of a lawfully imposed quarantine;
- (Q) Refuse to display an animal to the Animal Control Supervisor upon his or her request;
- (R) Interfere with, obstruct, or hinder an Animal Control Supervisor or health officer in the discharge of the officer's duties under this chapter or state laws related to animal care and control;
- (S) Violate this chapter or any state law regarding animals.

§ 6-1.502 ANIMAL CARE.

(A) Food, water, shelter, veterinary care. No owner shall fail to provide his or her animal(s) with: adequate feed and water; proper, clean, and sanitary shelter and protection from the weather; and veterinary care when needed to prevent suffering. (Penal Code §§597.1, 597f.)

In this section, "adequate feed" means the provision at regular intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff, served in a sanitary container, suitable for the species and age, and sufficient to maintain a reasonable level of nutrition in each animal involved. "Adequate water" means constant access to a supply of clean, fresh, potable water, provided in a sanitary manner, or provided at regular intervals for the species, never to exceed 24 hours at any interval.

(B) Overcrowding; sanitation. No person shall keep an animal overcrowd in any crate, box, or other receptacle, or fail to provide sanitation for the animal in the crate, box, or other receptacle.

(C) Confinement in vehicle.

(1) No person shall leave an animal confined in a motor or other vehicle without adequate ventilation that would deleteriously affect the ambient temperature immediately surrounding the animal. If an animal is so confined, the Animal Control Supervisor, or any other enforcing authority, may enter the vehicle by whatever reasonable force is necessary to release the animal, without any liability upon the City or the enforcing authority for resulting damages. An animal in or on a vehicle is deemed to be upon the property of the vehicle's operator. (Penal Code §597.7.)

(2) No person shall transport an animal on a public street in a vehicle unless the animal is totally enclosed within the vehicle, within a secured container carried on the vehicle, or securely cross-tethered to the vehicle in such a way as to prevent the animal from falling out of or off the vehicle, and to prevent injury to the animal.

§ 6-1.504 STRIKING ANIMAL WITH A MOTOR VEHICLE.

Any person who, as the operator of a motor vehicle, strikes a non-wild, domesticated animal shall stop at once and render such assistance as may be possible and shall attempt to locate the animal's owner and inform him or her of the collision. If the owner cannot be ascertained and located, the operator shall immediately report the location of the injured animal to the Animal Shelter or to an appropriate law enforcement agency.

§ 6-1.505 ANIMALS NOT TO BE SOLD AS PETS OR NOVELTIES; NO PRIZES.

(A) No sale as pet or novelty; No prize. No person shall sell, offer for sale, barter, give away, or publicly display a dog, cat or other animal (including but not limited to baby chicks, ducklings, or other fowl) as pets or novelties. (See Penal Code §597.3.) No person shall give away a live animal as a prize for or as an inducement to enter: a

contest, game, or competition; a place of amusement; or business agreement to attract trade. (Penal Code §599.)

- (B) Exception. This section shall not be construed to prohibit:
- (1) the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for domestic consumption or commercial purposes; or
 - (2) the sale or display in humane display facilities of a dog, cat or other animal by a pet store engaged in the business of selling them, or animal shelter engaged in placing the animal as a pet; or
 - (3) the sale or gift of a pet or its offspring by the owner as a family pet, from the owner's private property.

§ 6-1.506 DISPOSAL OF CARCASSES.

A person possessing a dead animal shall take the responsibility of disposing of it in a safe and sanitary manner that does not pollute drinking water. Upon the receipt of information that the body of an animal has not been properly disposed of in accordance with this section, the Animal Control Supervisor shall dispose of the body, and charge the costs to the owner, if known.

ARTICLE 6: NUMBER AND TYPES OF ANIMALS

- § 6-1.601 Permit procedures.
§ 6-1.602 Keeping animals and bees.
§ 6-1.603 No livestock within City limits; Horse stables.

§ 6-1.601 PERMIT PROCEDURES. Whenever a permit is required under this Article 6, the permit procedures in Section 6-1.303 apply. In addition to other requirements, the Animal Control Supervisor must first determine that the keeping of an animal, bird or bees is not likely to result in harm to the creature, create a public nuisance or health hazard, or cause an unreasonable disturbance to the neighborhood due to odors, noise or the creature's behavior.

§ 6-1.602 KEEPING ANIMALS AND BEES.

The total number of fowl or animals specified in subsections (A), (B), (C), (D) and (F) of this section may not exceed 15 for each household.

(A) Number of dogs. It is unlawful for a person to keep more than three dogs that are required to be licensed at any residence in the City, without first obtaining a multiple pet or kennel permit under Section 6-1.303.

(B) Number of cats. It is unlawful for a person to keep more than five cats without a permit issued under Section 6-1.601.

(C) Number of fowl. It is unlawful for a person to keep or maintain more than ten each of ducks, geese, chickens or other fowl. No person may keep a rooster without a permit under Section 6-1.601.

Fowl shall be kept in enclosures located a minimum of 20 feet from any dwelling, church, or school (except with permission on school premises). Such enclosures shall be maintained in a clean manner.

(D) Rabbits. Not more than 10 domesticated rabbits may be kept on any parcel within the City, and their cages and runs shall be kept clean.

(E) Bees. Bees may only be kept in an agricultural or open space zoning district and with a permit from the Animal Control Supervisor. (See Section 6-1.601.)

(F) 3/4 acre requirement. It is unlawful for a person to keep or maintain a horse, mule, cow, sheep, goat, pig, or wild animal, except dogs and cats and other household pets, except in an enclosed area for the animal of not less than three-fourths of an acre, and then only with a permit. (See Section 6-1.601.)

(G) Racing pigeons. A member of a recognized racing pigeon club may keep an unlimited number of banded racing pigeons or fancy birds upon obtaining a permit from the Animal Control Supervisor. (See Section 6-1.601.) The keeping of such birds is subject to the following minimum conditions:

- (1) Aviaries shall be of sound construction and properly maintained to conform with the surrounding area.
- (2) The location is subject to inspection by the Animal Control Supervisor at reasonable times.
- (3) Aviaries shall be cleaned regularly, maintained in a sanitary condition, and kept free of organic materials which may cause offensive odors or allow the propagation of flies and other insects.
- (4) Feed shall be stored in containers which protect against rodents and insects.
- (5) The cage size and specifications shall conform to the rules and regulations of the racing pigeon organization.

§ 6-1.603 NO LIVESTOCK WITHIN THE CITY LIMITS; HORSE STABLES.

No person shall stable, keep, pasture or maintain horses or bovine animals within the City, unless expressly allowed to do so by the zoning ordinance. This section does not apply to a circus, carnival, or show permitted to operate in the City.

Each person who stables, keeps, pastures, or maintains a horse within the City shall keep the stable or enclosure clean and free from manure, mud, and everything of a foul and unclean nature.

ARTICLE 7: IMPOUNDING AND DISPOSITION OF ANIMALS

- § 6-1.701 Stray animals.
- § 6-1.702 Impounding animals found running at large
- § 6-1.703 Disposition of impounded animals.
- § 6-1.704 Redemption.
- § 6-1.705 Sterilization.
- § 6-1.706 Surrender of animals.

§ 6-1.701 STRAY ANIMALS

A person who picks up a stray or lost animal shall report it to Animal Services within eight hours, and shall release the animal to the enforcing authority upon demand.

§ 6-1.702 IMPOUNDING ANIMALS FOUND RUNNING AT LARGE

(A) The Animal Control Supervisor may seize and impound an animal found at large or in violation of this chapter. (Food & Ag. Code §31101.) A seized animal will be impounded at the Animal Shelter and confined there in a humane manner.

(B) When a dog is found at large, and its ownership is known to the Animal Control Supervisor, the dog need not be impounded. The Animal Control Supervisor, at his or her discretion, may return the animal to its owner and cite the dog owner under Section 6-1.501.

§ 6-1.703 DISPOSITION OF IMPOUNDED ANIMALS

(A) The City will keep an impounded dog or cat for:

- (1) if licensed, bears owner identification or is known to the Animal Control Supervisor, for at least 10 days that the shelter is open;
- (2) if the dog or cat is unlicensed and bears no identification, for at least 4 days that the shelter is open. (Food & Ag. Code §31108.)

(B) Upon delivering the animal to Animal Services, the Animal Control Supervisor shall send a written notice of impoundment by email or mail to the licensed or registered owner of the animal, if known, at the address as shown on the records of the Animal Services. The Animal Control Supervisor shall scan the animal for a microchip that identifies the owner. (Food & Ag. Code §31108(c).) The notice shall state that the animal has been impounded and shall give the location of impoundment. The notice shall also state that if the animal is not claimed within the period specified in the notice, the animal will be disposed of by placing it in another suitable home or by euthanizing the animal.

(C) The owner may recover the dog, cat, or other animal picked up and impounded under this chapter only upon payment of the charges and costs of redemption of impounded animals. (See Section 6-1.705 below.) The owner is liable for the costs whether or not the owner redeems the animal.

The owner's refusal or failure to pay the fees and charges, after due notification, constitutes his or her abandonment of the animal.

(D) A licensed dog not redeemed by the owner within 10 days after mailing or emailing the notice shall be disposed of as though the dog was an unlicensed dog when impounded. If the Animal Control Supervisor determines that the animal will not be claimed, represents a health hazard to the other animals maintained at the shelter, is of a wild nature, or is severely injured, he or she may order the animal to be placed in a suitable home or euthanized.

(Food & Ag. §31108.)

§ 6-1.704 REDEMPTION.

(A) The owner may redeem an animal taken up and impounded under this chapter at any time before the actual disposal of the animal, by presenting suitable evidence of ownership. (Food & Ag. Code § 31108.5.) No animal will be released until the owner has:

- (1) paid redemption fees and any fees and penalties authorized by this chapter. The fees may include, but are not limited to: impound fee; boarding (care and feeding); microchip fee; dog license; vaccination; veterinary fees, if injured; investigation; spaying or neutering; special tag and investigation if determined to be potentially dangerous or vicious;
- (2) signed a declaration of ownership, made under penalty of perjury, to justify the release of the animal declaring ownership. However, the Animal Control Supervisor may refuse to release the animal if there is reasonable cause to believe that the information contained in the declaration is untrue or incorrect and, in that case, may require additional evidence of ownership as the Animal Control Supervisor may determine; and
- (3) paid the fine specified under Food and Agriculture Code section 30804.7 for any nonspayed or unneutered dog that is impounded.

(B) No dog shall be released from impoundment until the dog has been licensed or registered. No dog or cat shall be released from impoundment until the animal has been implanted with a microchip identification and, after the second impoundment, until the animal has been spayed or neutered.

(C) The Animal Control Supervisor, at his or her discretion, may refuse to permit the redemption of any animal impounded under this chapter, or any other county, state, or municipal law, until the need for the retention of such animal no longer exists. The City shall bear the cost of the continued retention, after any request of redemption and tendering of all other costs and fees by the owner.

§ 6-1.705 STERILIZATION.

No unclaimed dog or cat shall be released for adoption without:

- (1) being sterilized; or

(2) a written agreement from the adopter guaranteeing that the animal will be sterilized and a sterilization deposit made. The sterilization fee deposit is established by resolution of the Council. If the animal is not sterilized within 14 business days after the date of purchase, the sterilization deposit collected at the time of adoption will be considered abandoned and the money applied to the General Animal Control Fund for use as the City may determine. (Food & Ag. Code §30503.)

§ 6-1.706 SURRENDER OF ANIMALS.

(A) For disposal. At the request of a person not operating a commercial establishment for the sale and/or care of animals, the Animal Control Supervisor shall accept and dispose of any small animal, such as a dog, cat, bird, or rabbit, lawfully in the possession of the person.

(B) For adoption. An owner may surrender an animal to the Animal Control Supervisor for placement for adoption. It is understood that no guarantee of placement will be made, and euthanasia will be at the discretion of the Animal Control Supervisor. A surrender fee is established by resolution of the Council.

ARTICLE 8: POTENTIALLY DANGEROUS AND VICIOUS ANIMALS

§ 6-1.801 Purpose; Definitions.

§ 6-1.802 Seizure and impoundment.

§ 6-1.803 Determination of potentially dangerous or vicious dog or animal.

§ 6-1.804 Actions after determination: potentially dangerous.

§ 6-1.805 Actions after determination: vicious.

§ 6-1.806 Inspections.

§ 6-1.801 PURPOSE; DEFINITIONS.

(A) Purpose. The purpose of this article 8 is to reduce the risk of serious attacks or bites by dogs or other animals. This article sets forth the procedures for finding an animal potentially dangerous or vicious and subject the animal to appropriate controls and enforcement actions. (Hlth. and Saf. Code §§ 31601 and following; Food & Ag. Code §§31601-31683.)

(B) Definitions. In this Article 8:

POTENTIALLY DANGEROUS DOG OR ANIMAL. Any of the following, as determined by the City:

(1) a dog or other animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by a person or another animal to prevent bodily injury when the person and the dog are: off the property of the dog's owner; or on the property of the dog's owner by invitation or with implied permission. (Food & Ag. Code §31602);

(2) a dog or animal which, when unprovoked, bites a person causing a less severe injury than as defined here as a SEVERE INJURY (Food & Ag. Code §§31602, 31064); or

(3) a dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. (Food & Ag. Code §31602.)

SECURE ENCLOSURE. A kennel, pen or structure with secure sides and a secure, attached top. The kennel or pen shall be constructed in a manner so that it cannot be broken down by any action of the confined animal. All structures used for confinement of a vicious animal must be locked with a key or combination lock of sufficient strength to ensure confinement of the animal. The structures must be erected on a secure bottom or floor constructed of concrete or other material sufficient to prevent the animal from digging free. A vicious animal enclosed in a house, apartment, building or similar structure is allowed only where the windows and doors of the structure are secured to prevent the animal from exiting without the assistance of the owner or other person in control. (See also Food & Ag. Code §31605.)

SEVERE INJURY. A physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (Food & Ag. Code §31604.)

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the City:

(1) a dog or animal seized under Penal Code section 599aa and upon the sustaining of a conviction of the owner under Penal Code section 597.5;

(2) a dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;

(3) a dog or animal previously determined to be and currently listed as a potentially dangerous dog or animal which, after its owner has been notified of this determination: continues the behavior described as a potentially dangerous dog or animal; or is not kept indoors or secured on the owner's property. Here, "secured" means contained within a fence or structure suitable to prevent the entry of young children and to confine a potentially dangerous or vicious dog or animal, designed to prevent the animal from escaping. (Food & Ag. Code §§31603, 31641, 31642 or 31643.)

Other definitions in Section 6-1.102 also apply unless the context indicates or requires a different meaning.

6-1.802 SEIZURE AND IMPOUNDMENT.

If upon investigation the Animal Control Supervisor or law enforcement officer determines that probable cause exists to believe a dog or animal poses an immediate threat to public safety, then the Animal Control Supervisor or law enforcement officer may seize and impound the animal pending the opportunity for hearing under this section. (Food & Ag. Code §31625.) The animal's owner is liable to the City for the fees and costs of keeping the animal if it is determined to be potentially dangerous or vicious. At the Supervisor's discretion, the animal may be quarantined on the owner's property in an approved enclosure. (Food & Ag. Code §31605 regarding enclosure. See also Definitions at §6-1.801(B).) (See Section 6-1.705(A) regarding fees and costs.)

6-1.803 DETERMINATION OF POTENTIALLY DANGEROUS OR VICIOUS DOG OR ANIMAL.

(A) Determination. In making a determination regarding whether the animal is potentially dangerous or vicious, the Animal Control Supervisor shall take into account the severity of the injury, the number of attacks, and the circumstances. No dog or animal may be declared potentially dangerous or vicious if:

- (1) the injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the owner's premises, or was teasing, tormenting, abusing or assaulting it, or was committing or attempting to commit a crime.
- (2) if it was protecting or defending a person within the immediate vicinity of the dog or animal from an unjustified attack or assault.
- (3) any other exception applies under Food & Agriculture Code §31626.

(B) Notice to owner; Appeal.

(1) The Animal Control Supervisor or law enforcement officer shall attempt to notify the animal owner of the animal in writing of the impoundment and of the determination that the dog or animal is determined to be potentially dangerous or vicious. The notification shall include any requirements to be imposed upon the restraint and enclosure of the animal, or if the animal is proposed to be euthanized.

The City may also notify the property owner, police department, fire department, post office and any utility companies of the determination and any requirements.

(2) The notice shall also contain information that the officer's determination may be appealed to the Board of Administrative Appeals, within the time specified in Municipal Code Title 1, Chapter 4, Appeals. The procedures and appeal period shall comply with Food and Agriculture Code sections 31621 through 31625.

(3) The Board of Administrative Appeals may decide all issues for or against the owner of the animal, even if the owner does not appear at the hearing. (Food & Ag. Code §31623.)

(4) The decision of the Board of Administrative Appeals may be appealed to the superior court under Food and Agriculture Code section 31622.

(C) Permit. If not euthanized, an animal designated potentially dangerous or vicious may only be owned, kept or maintained upon issuance of a potentially dangerous or vicious animal permit. The Animal Control Supervisor shall impose conditions upon the ownership and custody of the dog or animal that protect the public health, safety and welfare. (See Section 6-1.804.) The animal owner shall notify the Animal Control Supervisor within two working days if the animal dies or is sold, transferred or permanently removed from the City. (Food & Ag. Code §31643.) The owner is responsible for notifying the subsequent owner of the potentially dangerous or vicious designation.

(D) Violation of conditions. If a determination is made that the owner of the potentially dangerous or vicious animal has violated the conditions of a potentially dangerous or vicious dog permit, the permit is immediately revoked and the animal may be euthanized at the discretion of Animal Control.

6-1.804 ACTIONS AFTER DETERMINATION: POTENTIALLY DANGEROUS.

(A) If the Animal Control Supervisor determines an animal to be potentially dangerous, he or she shall include the potentially dangerous designation in the dog's registration records (Food & Ag. Code §31641), and may order any of the following actions, or a combination of them:

- (1) Prior to release, at the owner's expense and as approved by the City:
 - (a) Have the animal micro-chipped for permanent identification, and identification numbers registered with Home Again Pet Recovery;
 - (b) Have the animal spayed or neutered;
 - (c) Reimburse the City for the cost of keeping the animal, if applicable;
 - (d) Pay a fine, up to \$500 (Food & Ag. Code §31662.);
 - (e) Have current rabies vaccination and dog license;
 - (f) Obtain liability insurance;
 - (g) For security:
 - post a "BEWARE OF DOG" sign at each entry gate to rear and side yards;
 - at the premises, have exit gates and/or doors (including those into the residence and garage) which are self-closing, self-latching and in good working order;
 - install a security screen door on the front door entrance;
 - (h) Sign City's terms and conditions declaration.

- (2) Within 30 days of release:
(a) Satisfactorily complete a basic obedience/aggressive dog training course and provide proof of completion to the Animal Control Supervisor;
- (3) At all times:
(a) Authorize Animal Services to inspect and approve the area(s) of confinement;
(b) When in public, the dog shall wear a humane muzzle, a dog harness and shall be restrained by a lease no longer than six feet and be under the control of a competent adult who is physically able to restrain the animal. The leash must be capable of restraining four times the weight of the animal. The animal shall not be leashed or tethered at any time to inanimate objects such as trees, posts, or buildings. The muzzling device for the animal must be constructed so that it is impossible for the animal to remove it without human assistance;
(c) The dog shall not be allowed loose in the front yard. An adult must be present and supervising the dog when it is loose in the side or rear yard;
(d) When unsupervised in the side or rear yard, the dog must be in a secure enclosure with the gate locked;
(e) The owner must immediately contact Animal Services if the dog escapes and owner's premises or bites a human or animal;
(f) Notify any caregiver or custodian of the terms and conditions;
(g) Have the a animal wear the special red tag indicating the dog is potentially dangerous (or vicious);
(h) Transportation of the animal shall only be in a locked animal carrier equivalent in construction quality to those used by commercial air carriers. The animal shall not be left unattended or loose in or about any motor vehicle;
(h) Comply with all applicable animal care and control laws.
- (4) Notice of changes. The owner must notify the City before any change in location of the animal, or new ownership, at least seven days before the change. If a new location is in the City, it is subject to the inspection and prior approval of the Animal Control Supervisor. If the new location is outside the City, the Animal Control Supervisor shall notify the animal control department or police department of that City.
- (5) Any other appropriate action.

(B) The animal shall be removed from the list of potentially dangerous animals if there are no additional instances of the behavior within a 36-month period. (Food & Ag. Code §31644.)

§6-1.805 ACTIONS AFTER DETERMINATION: VICIOUS.

(A) Actions. If the Animal Control Supervisor determines an animal to be vicious, he or she may order any of the following actions, or a combination of them:

- (1) Any action set forth for a potentially dangerous animal, under Section 6-1.804 above, except that the fine is up to \$1,000; (Food & Ag. Code §31662.)
- (2) Order the owner to surrender it to the Animal Services Officer for euthanizing; (Food & Ag. Code §31645.)
- (5) Order that the owner may not own or possess any dog or other animal for a 36-month period; (Food & Ag. Code §31646.)

(B) Findings. Before allowing a person to keep a vicious animal, the Animal Control Supervisor must make all of the following findings:

- (1) Allowing the person to keep the animal will not result in any detriment or danger to the peace, health or safety of the people in the vicinity of where the animal will be kept;
- (2) Possession and maintenance of the animal at the location has not resulted in and is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse;
- (3) The location is kept clean and sanitary, and the animal is provided with adequate food, water, ventilation, shelter and care at all times.
- (4) Possession of the animal at the location does not violate any law, code or regulation; and
- (5) The animal will not be kept at any other location than that specified in the order.

(C) Euthanizing dangerous dog or animal.

(1) A dog or animal determined to be vicious may be euthanized by the Animal Control Department when it is found that the release of the animal would create a significant threat to public health, safety and welfare, and: (a) when the time for filing an appeal with the Board of Administrative Appeals has lapsed; or (b) if an appeal is filed, when the Board determined to rule against the appeal; or (c) if the owner has not met the conditions imposed on releasing a vicious animal within 14 days.

(2) If there is a violation of this chapter, or a violation of any nonappealable order under this chapter after release of the animal that is observed by the Animal Services Officer, or sworn to in a written affidavit from a complaining party, the Animal Services Officer shall issue an order for the owner or possessor of the vicious animal to surrender the vicious animal to the Animal Control Supervisor for euthanizing. This order is subject to the appeal provisions set forth in Title 1, Chapter 4 of the Antioch Municipal Code.

§6-1.806 INSPECTIONS.

The Animal Control Supervisor may make whatever inspections deemed necessary to ensure compliance with this chapter, the orders or conditions, and any order of the Board of Administrative Appeals."

SECTION 2. 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 3. 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 4. Effective Date.

This Ordinance shall be effective thirty (30) days from and after the date of its adoption.

SECTION 5. Publication; Certification.

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

I do hereby certify that the foregoing ordinance was introduced by the City Council of the City of Antioch on December 10, 2013 and passed and adopted by the City Council of the City of Antioch at a regular meeting held on the ___ day of _____, 20___, by the foregoing vote:

AYES: COUNCIL MEMBERS: _____

NOES: COUNCIL MEMBERS: _____

ABSENT: COUNCIL MEMBERS: _____

ABSTAIN: COUNCIL MEMBERS: _____

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 JANUARY 14, 2014**

Approved by: Ron Bernal, Public Works Director/City Engineer **REB**
Prepared by: Tim Coley, Acting Water Distribution Superintendent **TC**
Date: December 31, 2013
Subject: East Contra Costa County Integrated Regional Water Management Plan

RECOMMENDATION

Approve the East Contra Costa County Integrated Regional Water Management Plan and authorize the Public Works Director to sign the plan.

BACKGROUND

The East Contra Costa County Integrated Regional Water Management (ECCC IRWM) Plan (www.ci.antioch.ca.us/CityGov/PublicWorks/WaterDivision.htm) is a comprehensive planning document that identifies the region's water management issues, develops strategies to address those issues, and provides structure to implement the strategies. The IRWM Plan identifies future projects that the participating agencies expect to implement and for which they may request grant funding (Attachment B). A public meeting was held at the City of Pittsburg on May 14, 2013 to present the draft IRWM Plan, and the document was made available to the public for comment. Adoption of the IRWM Plan is one of the most critical steps in the State of California's IRWM program, and participating agencies (Attachment A) are required to adopt an IRWM Plan in order to be eligible for certain State funding programs. The next funding opportunity that will require adoption of the Plan will be in late 2014.

This project updates the ECCC IRWM Plan that was completed in 2005. Periodic updates of the IRWM Plans are needed to ensure that they accurately reflect changes in a region. The Department of Water Resources (DWR) awarded the IRWM Round 1 Planning Grant to the ECCC region on February 22, 2011. During 2012 and 2013 the Contra Costa Water District (CCWD) worked collaboratively with various members of the ECCC region to develop the IRWM Plan Update (Attachment C).

FISCAL IMPACTS

The ECCC IRWM Plan was funded by a \$450,000 DWR Proposition 84 Planning grant. CCWD and participating agency staff time counted towards the cost share of 25% of total project cost, and consulting services were paid for by the grant. There is no immediate fiscal impact from adoption of the IRWM Plan, and adoption of the IRWM Plan is required in order to be eligible for future grant funding.

OPTIONS

None, the IRWM Plan is one of the most critical steps in the State of California's IRWM program, and participating agencies are required to adopt an IRWM Plan in order to be eligible for certain State funding programs.

ATTACHMENT

- A. Participants in the East Contra Costa County Regional Water Management Plan
- B. List of Projects
- C. ECCC IRWM Plan Update – Executive Summary

Participants in the East Contra Costa Integrated Regional Water Management Plan
East County Water Management Association Members

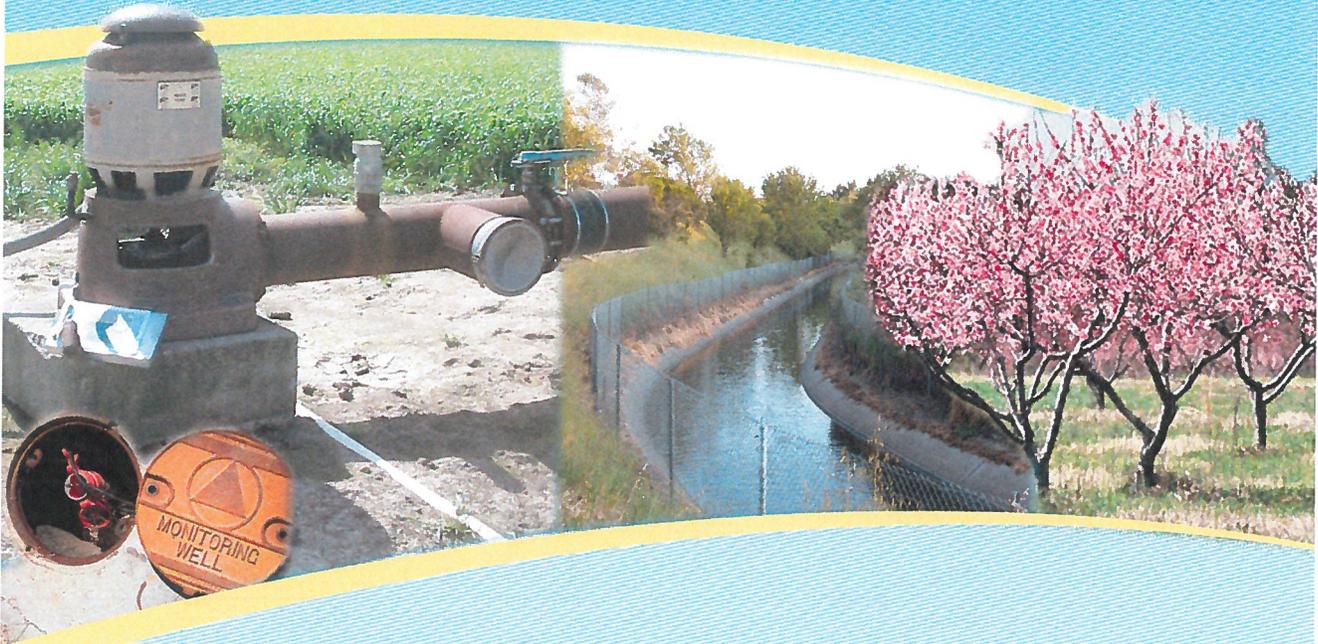
City of Antioch
City of Brentwood
Byron-Bethany Irrigation District
Contra Costa County
Contra Costa Water District
Town of Discovery Bay
Delta Diablo Sanitation District
Diablo Water District
East Contra Costa Irrigation District
Ironhouse Sanitary District
City of Pittsburg

East Contra Costa County IRWMP Projects

Agency/Organization	Project
Antioch Youth Sports Complex	Recycled Water for AYSC
Bethel Island Municipal Improvement District	BIMID Levee and Pump Station Improvement Project
City of Antioch	Drainage Area 55 - West Antioch Creek Channel Improvements
City of Pittsburg	City of Pittsburg Water Treatment Plant Improvements Project
City of Pittsburg	Rossmoor Well Replacement Project
Contra Costa Clean Water Program	Mercury Reduction Benefits of Low Impact Development
Contra Costa County	East Contra Costa County Green Street Retrofit Network
Contra Costa County	Knightsen Biofilter
Contra Costa County Flood & Water Conservation Control District	Upper Sand Creek Basin Surplus Material
Contra Costa County Flood Control & Water Conservation District	Deer Creek Reservoir Seismic Assessment
Contra Costa County Flood Control & Water Conservation District	East Antioch Creek Marsh Restoration
Contra Costa County Flood Control & Water Conservation District	Marsh Creek Reservoir Capacity and Habitat Restoration
Contra Costa County Flood Control & Water Conservation District	Marsh Creek Reservoir Seismic Assessment
Contra Costa County Flood Control & Water Conservation District	Marsh Creek Supplemental Capacity and Basin Development
Contra Costa County Flood Control & Water Conservation District	Marsh Creek Widening Between Dainty Avenue and Sand Creek
Contra Costa County Flood Control & Water Conservation District	Oakley and Trembath Detention Basins
Contra Costa County Flood Control & Water Conservation District	West Antioch Creek Improvements: 10th Street to 'L' Street
Contra Costa County Flood Control & Water Conservation District	Dry Creek Reservoir Seismic Assessment
Contra Costa County Flood Control & Water Conservation District	Kellogg Creek Sedimentation Basin
Contra Costa County Flood Control & Water Conservation District	Lower Sand Creek Basin Construction
Contra Costa County Flood Control & Water Conservation District	Deer Creek Reservoir Expansion
Contra Costa Flood Control and Water Conservation District	Marsh Creek Methylmercury and Dissolved Oxygen Assessment
Contra Costa Water District	BBID-CCWD Regional Intertie
Contra Costa Water District	Contra Costa Canal Levee Elimination and Flood Protection Project

Agency/Organization	Project
Contra Costa Water District	Stormwater Management at Meadows Siphon
Contra Costa Water District	Canal Liner Rehabilitation and Slope Stability at Milepost 23.03
Delta Diablo Sanitation District	Advanced Wastewater Treatment
Delta Diablo Sanitation District	DDSD Advanced Water Treatment
Delta Diablo Sanitation District	DDSD Recycled Water Distribution System Expansion
Delta Diablo Sanitation District	Recycled Water Facility Renewable Energy System
Delta Diablo Sanitation District	Total Dissolved Solids Reduction / Salinity Management
Delta Diablo Sanitation District	Wastewater Renewable Energy Enhancement
Diablo Water District	Advanced Metering and Leak Detection (AML/D) Project
Diablo Water District	Beacon West Arsenic Replacement Well
Diablo Water District	Bethel Island Water Supply Pipeline
Diablo Water District	High Efficiency Toilets and Landscape Water Conservation
Diablo Water District	Leak Detection and Repair
Diablo Water District	Phase 3 Well Utilization Project
Diablo Water District	Tracy Subbasin Safe Yield Analysis
Diablo Water District	Treatment of Brackish Groundwater
East Contra Costa County Habitat Conservancy	Watershed and Habitat Protection/Restoration
Ironhouse Sanitary District	Ironhouse Sanitary District Recycled Water Implementation - Phase B
Ironhouse Sanitary District	Ironhouse Sanitary District Recycled Water Implementation - Phase C
Ironhouse Sanitary District	Ironhouse Sanitary District Recycled Water Implementation - Phase A
Ironhouse Sanitary District	Oakley Sewers
Ironhouse Sanitary District	Salinity Reduction
Ironhouse Sanitary District	Septage Receiving Station
Lake Alhambra Property Owners Association	Lake Alhambra Sediment Mitigation Antioch Drainage Area 56
Reclamation District 830	Jersey Island Cutoff Levees
Reclamation District 830	Jersey Island Levee Raising and Widening from Stations 333+00 to 470+00
Reclamation District 830	Marsh Creek Delta Restoration Project

East Contra Costa County Integrated Regional Water Management Plan



Update 2013 Highlights and Executive Summary

November 2013

East County Water Management Association



CONTENTS

East County Water Management Association:

- City of Antioch
- City of Brentwood
- Byron-Bethany Irrigation District
- Contra Costa County Flood Control
- Contra Costa Water District
- Delta Diablo Sanitation District
- Diablo Water District
- Discovery Bay Community Services District
- East Contra Costa County Habitat Conservancy
- East Contra Costa Irrigation District
- Ironhouse Sanitary District
- City of Pittsburg

Introduction	3
ECCC Region	4
DWR IRWM Regional Process	5
ECCC Water Management Needs and Issues	6
Climate Change	7
ECCC IRWM Plan Objectives	8
ECCC Region Resource Management Strategies	9
Establishing Regional Project Priorities	9
Benefits and Impacts	11
Results and Next Steps	13

ABBREVIATIONS AND ACRONYMS

BDCP	Bay Delta Conservation Plan
CWP 2009	California Water Plan Update 2009
DAC	Disadvantaged Community
Delta	Sacramento-San Joaquin Delta
DOC	Dissolved Organic Carbon
DWR	California Department of Water Resources
ECCC	East Contra Costa County
ECWMA	East County Water Management Association
IRWM	Integrated Regional Water Management
RAP	Regional Acceptance Process
RMS	Resource Management Strategy
RWMG	Regional Water Management Group
Water Board	Regional Water Quality Control Board (formerly abbreviated as RWQCB)

ECCC IRWM PLAN – UPDATE 2013 HIGHLIGHTS

Integrated planning for:

- Water supply
- Water quality
- Environmental resources
- Flood and stormwater management

Introduction

The East Contra Costa County (ECCC) Integrated Regional Water Management (IRWM) planning effort is a formal collaborative process convened to support all aspects of water management. It includes integrated planning for water supply, water quality, environmental resources, and flood and stormwater management. The East County Water Management Association (ECWMA) members have a long history, extending almost two decades, of cooperation across geographies, political boundaries, and project types. In this ECCC IRWM Plan Update these participants, referred to here as ECCC IRWM member agencies, identify projects and actions for the ECCC region that will create mutually beneficial water management outcomes and produce projects with multiple benefits.

Starting in late 2011 and during 2012 and 2013 the ECWMA convened a series of public meetings to work on the DWR Proposition 84 Round 1 Planning Grant-funded East Contra Costa County IRWM Plan Update.

This IRWM Plan Update articulates the challenges and issues the ECCC region faces and defines the objectives it hopes to accomplish. The challenges are significant, as is the opportunity to improve the situation by working together and with the California Department of Water Resources (DWR). This plan prominently considers the complexities of managing water supply and quality, uncertainty and the needs of Disadvantaged Communities, and focuses on identifying resources to ensure a sustainable future.

To this end the ECCC IRWM member agencies developed a website, www.eccc-irwm.org to collect and disseminate information, met with stakeholders, and developed a process to evaluate and prioritize implementation projects. They also successfully fulfilled the requirements of the 2011 IRWM planning grant provided in support of the DWR's effort. The framework enables the plan to adapt to changing conditions and meet its current and future water management challenges.

Figure 1: East Contra Costa County, as part of, and integral with the Delta, is a socially and environmentally diverse region.



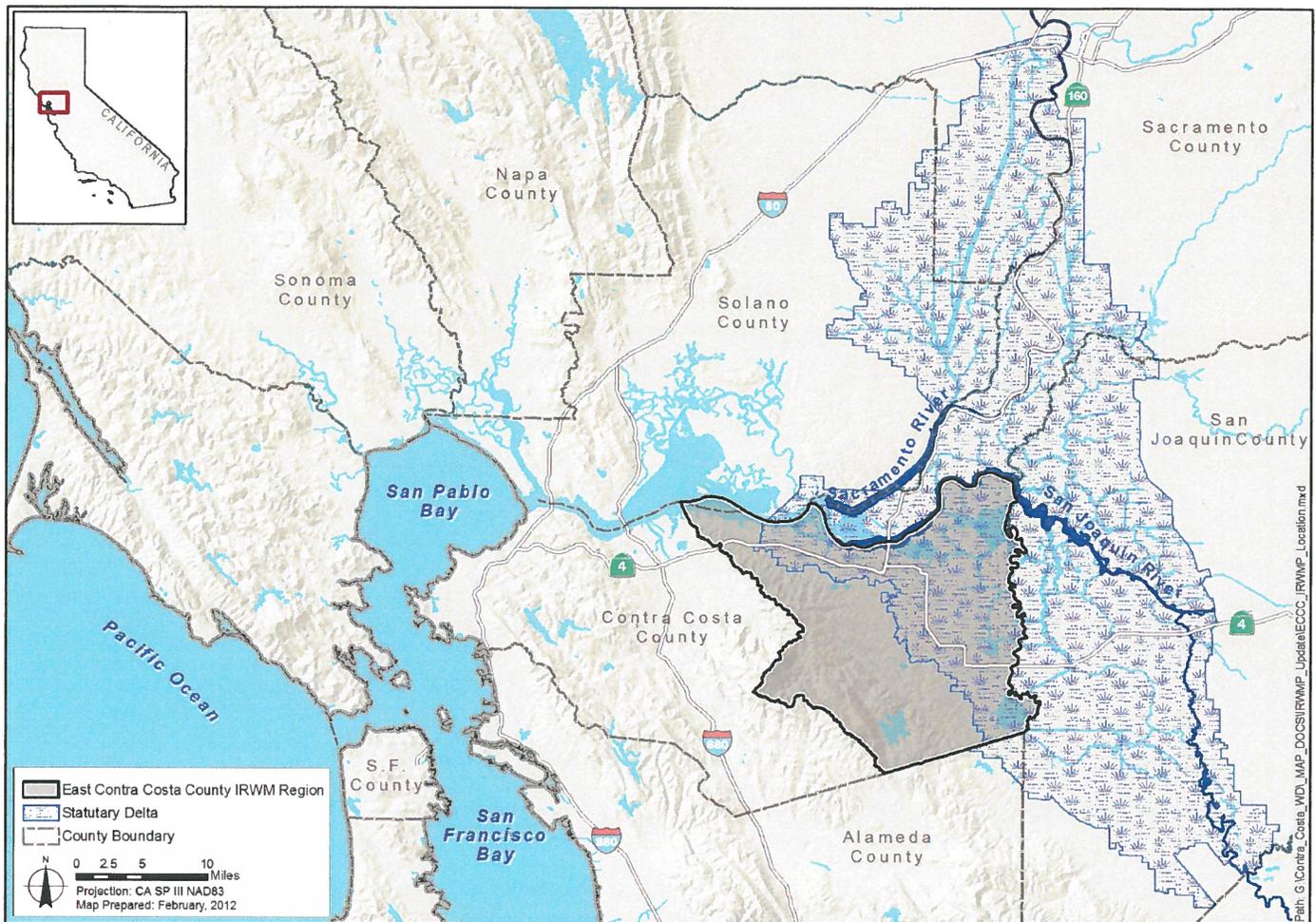


Figure 2: East Contra Costa County IRWM Region.

ECCC Region

Bounded by the ridge lines of Mount Diablo to the south and west, and nestled along the meandering banks of the complex historic Sacramento-San Joaquin Delta (Delta) water system to the north and east, ECCC is a geographically distinct region. Its unique footprint both isolates and incorporates complex urban and Delta water management issues and brings with it a unique set of challenges and opportunities.

The ECCC region is the largest contiguous land area in Contra Costa County, and includes much of the hilly terrain of the Diablo Range. Home to 300,000+ people and still growing, its four cities are Antioch, Brentwood, Oakley, and Pittsburg.

Unincorporated communities include Bay Point, Bethel Island, Byron, Discovery Bay, and Knightsen.

In addition to a highly diverse population, the 350 square miles of ECCC host a wide range of uses, including major industrial activities largely situated along along the San Joaquin River, agriculture, and recreation, as well as fragile habitats and sensitive species. All are dependent on water. The region's water consumers almost entirely rely on supplies originating from the western Delta, supplemented by relatively small quantities of groundwater and recycled water. The Contra Costa Water District provides untreated and treated water to most of the urban, commercial and industrial

usage within the ECC region and until 1998 the primary source of water supply was the Contra Costa Canal system and Rock Slough. The Contra Costa Canal system is owned by the Department of the Interior, Bureau of Reclamation and was constructed in 1939.

Residents also benefit from and rely on critical flood and stormwater infrastructure, water treatment facilities, wastewater collection systems and treatment plants, and recycled water systems.

The region faces special challenges as many residents (23 percent) reside in economically disadvantaged communities (DAC). These DAC's are located largely in areas close to the Delta and major industry

including power and chemical plants. Continued water dependent industrial development near DAC's may also result in potential environmental justice concerns for these residents.

Since most of the region's water supply is from the western Delta, any impacts as well as improvements to Delta water supply and water quality directly affect DACs. This is very different from other IRWM regions that have access to upstream water resources (e.g., Sierra Nevada reservoirs) and pipelines that bypass the Delta. DACs in these other locations all receive high-quality treated water that are not directly impacted by changes in Delta water quality.

A lack of community resources can impact the ability of ECCC IRWM member agencies to obtain additional resources for water-related needs. Yet, even with the recent economic downturn and the attendant issues of disproportionate DAC numbers, community growth is still occurring. All indications point to an increased

need for water-based infrastructure and services, now and into the future, and much of this new infrastructure created within the ECCC will benefit DACs.

DWR IRWM Regional Process

In 2009, DWR instituted a Regional Acceptance Process (RAP) to evaluate and accept an IRWM region into its IRWM grant program. Per these new requirements, the ECCC region successfully submitted a RAP application and was fully recognized by DWR. At a minimum, a region is defined as a contiguous geographic area encompassing the service areas of multiple local agencies. A region is designed to maximize the opportunities to integrate water management activities; and effectively integrates water management programs and projects within a hydrologic region defined in the California Water Plan, the Regional Water Quality Control Board (Water Board) region, or subdivision or other region specifically identified by DWR.

Overlap with Bay Area IRWM

Interestingly, the IRWM regional definition creates some complexity. As a contiguous geographic area encompassing multiple member agency service areas, a portion of the ECCC region (all of Pittsburg, Bay Point, and a small portion of Antioch,) overlaps a section of the San Francisco Bay Area IRWM Region Funding Area boundary. The Bay Area region includes all or part of nine counties (including part of Contra Costa and 110 cities), and is coterminous with the boundary of the San Francisco Bay Water Board, Region 2. The ECCC region rests primarily in the jurisdiction of the Central Valley Water Board, Region 5 and a portion overlaps with Region 2 jurisdiction in Contra Costa County. Despite this jurisdictional overlap, the ECCC region has distinct water management differences from the Bay Area and thus was proposed and accepted as a separate planning region. Much of the overlap area within the ECCC region contains DACs, and their water supply and

quality issues are planned and managed by ECCC IRWM member agencies.

As part of its RAP application, the ECCC IRWM member agencies identified the East County Water Management Association (ECWMA) as the required Regional Water Management Group (RWMG). Under the grant guidelines the RWMG or in this case the ECWMA, is responsible for navigating these jurisdictional complexities, coordinating with other planning efforts, and updating and implementing the ECCC region's IRWM Plan. The ECWMA is well suited

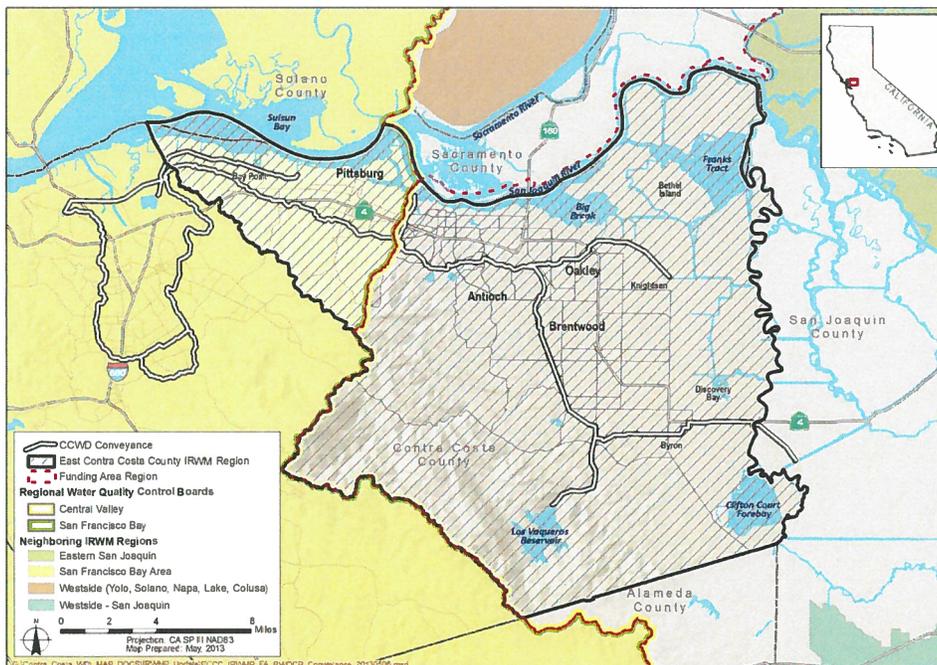


Figure 3: The East Contra Costa County IRWM Region and neighboring IRWM regions.



Figure 4: Los Vaqueros reservoir increases water supply reliability and improves drinking water quality.

to this task, having operated as a collaborative body since 1997. Members of the ECWMA frequently attend Bay Area IRWM Coordinating Committee meetings and Bay Area IRWM members can attend ECCC IRWM meetings.

ECCC Water Management Needs and Issues

The ECCC RWMG, informed by stakeholder input, identified five overarching needs to address in the IRWM Plan Update:

- Water-quality-related regulations and water supply reliability.
- Restoration and enhancement of the Delta ecosystem and other environmental resources.
- Funding for water-related planning and implementation.
- Stormwater and flood management.
- Water-related outreach and equitable distribution of resources in the region.

The ECCC IRWM region is almost entirely dependent on Delta water supply and all or a portion of the cities and unincorporated communities are located within the statutory Delta. This distinction is important as the Delta is a

physical place with legally defined boundaries and requirements, which add to ECCC water management complexity.

The Contra Costa Water District has already made substantial investments in water storage and water quality by constructing the expanded Los Vaqueros Reservoir and the Old and Middle River intakes and improvements at the Rock Slough intake. Even so, unreliable surface water supply, especially in dry years and when considering future growth, is a continuing concern as is regional dependence on Delta water supplies. Delta Diablo Sanitation District, Ironhouse Sanitary District, and the City of Brentwood are all planning and developing recycled water projects, which will increase water supply reliability, and reduce dependence on Delta supplies. Issues associated with proposed future projects such as the Bay Delta Conservation Plan (BDCP), a fragile Delta ecosystem, climate change, and/or potential levee failure are expected to impact water quality and water supply reliability within the ECCC IRWM region. An associated concern is the ability of the region to meet future water quality treatment and discharge regulations.

Present water demand in the region is driven by a highly diverse population base with a wide range of water needs, including urban and agriculture uses, ecosystem needs, and recreation. Urban and agricultural uses make up a majority of water demand; urban uses account for about 55% of that demand. Changes in future water demands will be driven by rapid increases in population. By 2035 urban uses are projected to increase to about two-thirds of the urban-agricultural water demand. The ECCC IRWM Plan includes projects that address this future demand for water, including increasing the availability of recycled water, increasing conservation efforts, and increasing water supply through integrated water management.

Closely linked to Delta water quality and water supply reliability issues is a need for restoration and enhancement of the Delta ecosystem and other environmental resources. Another set of concerns revolves around preventing, reducing, and mitigating for environmental impacts and restoring historically declining wetland habitats. Additionally, water-infrastructure-related projects within the Delta often require wetland mitigation and these credits can be difficult and costly to obtain.

That said, the Region has several integrated ecosystem efforts already underway. For example ECCC IRWM member agencies participated in the East Contra Costa County Habitat Conservation Plan/ Natural Community Conservation Plan. This plan is intended to provide regional conservation and development guidelines to protect natural resources while improving and streamlining the permit processes. The East Contra

Costa Habitat Conservancy is a member agency and will oversee implementation. By proactively addressing the long-term conservation needs, the Plan strengthens local control over land use and provides greater flexibility in meeting other needs such as housing, transportation, and economic growth in the area.

One example of the types of projects that address regional needs is the Dutch Slough Wetlands Restoration project. A collaborative effort being done in partnership with DWR and others offers an opportunity for large-scale tidal marsh restoration, habitat enhancement and open space preservation in the rapidly urbanizing area of eastern Contra Costa County and adjacent to the unlined portion of the Contra Costa Canal.

These types of integrated projects will be essential for ECCC in moving forward. A lack of funding for planning and implementation because of slower economic development and reduced water usage has impacted revenue, creating insufficient or variable revenue streams. Additional funding issues are a result of the competitive nature of receiving State and federal funding, limited available funds, and potential schedule delays associated with grant funding.

Given that the ECCC IRWM region includes substantial low-elevation acreage, is within the drainage of Mount Diablo, and sits adjacent to the Delta, both localized flood from stormwater runoff and regional/ catastrophic flooding due to levee failure are real and present threats.

Of the past 11 president-declared natural disasters in the region, all but one involved storms and flooding. Climate change is only likely to increase these risks.

A final set of concerns relates to water-related outreach within the area. The region has a substantial (23 percent) DAC population and it is often difficult to obtain meaningful feedback on potential improvements for these communities. One example is limited access to waterways for subsistence fishing and recreation.

Climate Change

Climate change will increase vulnerabilities for nearly all aspects of water management. The table below outlines some of the ECCC climate change considerations.

Table 1 Climate Change Vulnerabilities

FACTOR	GENERAL OVERVIEW OF VULNERABILITIES
Water Demand	Changes in water demand due to temperature, both in quantities and patterns. Peak demands for all sectors may be greater.
Surface Water Supply	Changes in precipitation and temperature in the Sierra Nevada region affect the timing and quantity of tributary flows. This affects the availability of fresh surface water for the region.
Groundwater Supply	Changes in local hydrology could affect natural recharge to the aquifers and the quantity of groundwater that could be pumped sustainably over the long term. Changed weather patterns can alter natural recharge of groundwater. Lack of surface water will increase reliance on local groundwater.
Surface Water Quality	Rising temperatures increase algal blooms and taste and odor events. A decrease in annual precipitation results in higher concentrations of contaminants during droughts and lower dissolved oxygen
Groundwater Quality	Sea-level rise could increase groundwater salinity. Water quality changes in surface water that is applied as irrigation and that recharges the groundwater could also increase groundwater salinity.
Sea Level	ECCC infrastructure below mean sea level and land protected by independently maintained levees are at risk for increased levee failure and flood damage. Failures could lead to disruption or changes in water supply reliability, water treatment, and wastewater treatment and disposal.
Flooding	Vulnerability to unimproved levees, and increased flood risk with sea-level rise, coupled with changes to local precipitation and storm intensity. Expected extreme weather events. Increased flooding could disrupt or change water supply reliability, water treatment, and wastewater treatment and disposal.
Ecosystem, Habitat and Restoration	Changed temperature and precipitation can dramatically alter native species habitats. A significant recreational economy (boating, fishing, biking, and hiking) could be affected by changes to the ecosystem and wildlife habitat.
Energy	Increases in peak energy demands throughout California may decrease power supply reliability. A decrease in power supply reliability could alter or disrupt water diversions, water treatment, and wastewater disposal. Region may respond to additional calls for gas generated electricity, creating higher use patterns of regional facilities, and attend air quality and operational issues.

ECCC IRWM Plan Objectives

With a shared agreement regarding the primary regional water management issues, the ECWMA set its objectives for the IRWM Plan.

No single objective was determined to be higher priority than the others; however, there are five sets of related objectives combined to address priority issues. As a result, some objectives address multiple concerns; for example, maintaining Delta levees supports both flood control and Delta ecosystem protection. The RWMG believes this list of combined objectives, when implemented, would address the region's priority water management issues of water supply and quality, environmental concerns, storm and flood management, outreach and equitable distribution of resources, and adequate funding to meet regional needs.

The following outlines the IRWM objective categories.

Water Supply Reliability and Water Quality

- Protect/improve source water quality
- Carefully monitor proposed changes to Delta Operations and how those changes impact water supply/quality/availability.
- Pursue additional water supply sources that are less subject to drought and the availability of Delta water supplies. For example, recycled water and desalination
- Increase water conservation and water use efficiency
- Increase water transfers
- Pursue regional exchanges for emergencies, ideally using existing infrastructure
- Enhance understanding of how groundwater fits into the water portfolio and investigate groundwater as a regional source (e.g., conjunctive use)
- Maintain/improve regional treated drinking water quality
- Maintain/improve regional recycled water quality
- Increase understanding of groundwater quality and potential threats to groundwater quality
- Limit quantity and improve quality of stormwater discharges to the Delta

- Meet current and future water quality requirements for discharges to the Delta

Protection, Restoration, and Enhancement of the Delta Ecosystem and Other Environmental Resources

- Work cooperatively with DWR on a plan to protect the Contra Costa Canal while allowing the Dutch Slough Tidal Restoration Project to be developed.
- Enhance and restore habitat and watersheds that contribute to the Delta and connected waterways
- Minimize impacts to the Delta ecosystem and other environmental resources
- Mitigate Delta infrastructure projects with created wetlands as appropriate
- Reduce greenhouse gas emissions
- Protect Delta ecosystem against habitat disruption due to emergencies, such as levee failure
- Provide better accessibility to waterways for subsistence fishing and recreation

Funding for Water-Related Planning and Implementation

- Increase regional cost efficiencies in treatment and delivery of water, wastewater, and recycled water

- Develop projects with regional benefits that are implementable and competitive for grant funding
- Increase public awareness of project importance to pass ballot measures or obtain matching funds through other means that require public support

Stormwater and Flood Management

- Manage local stormwater
- Improve regional flood risk management

Water-Related Outreach and Equitable Distribution of Resources

- Collaborate with and involve economically disadvantaged communities in the IRWM process
- Increase awareness of water resources management issues and projects with the general public

In addition, for each of the identified objectives addressing a priority issue, an accompanying set of qualitative or quantitative metrics were identified. These represent the targets the region has identified to meet its requirements and will be used in monitoring the IRWM Plan implementation.

ECCC REGION RESOURCE MANAGEMENT STRATEGIES

After identifying the issues and objectives of the ECCC region, the ECWMA considered the strategies and approaches required to address them. DWR guidelines require the IRWM Plan to document the range of Resource Management Strategy(ies) (RMS) considered to meet the IRWM objectives and identify which RMSs were incorporated into the IRWM Plan. RMSs are defined as “a project, program, or policy that helps local agencies and governments manage their water, and related resources.” The list of RMSs was shared with the ECWMA and stakeholders to consider when developing projects. Of the 33 individual tools described in the CWP 2009 RMS section, the ECWMA identified 24 with potential for use in meeting the IRWM Plan objectives, plus three new RMS’s that will be included in CWP 2013 RMSs. The RMSs moved forward for consideration in the ECCC IRWM Plan are listed alphabetically below.

1. Agricultural Lands Stewardship
2. Agricultural Water Use Efficiency
3. Conjunctive Management & Groundwater Storage
4. Conveyance – Delta
5. Conveyance – Regional/local
6. Desalination
7. Drinking Water Treatment and Distribution
8. Economic Incentives (Loans, Grants, and Water Pricing)
9. Ecosystem Restoration
10. Flood Risk Management
11. Irrigated Land Retirement
12. Land Use
13. Matching Quality to Use
14. Pollution Prevention
15. Recharge Area Protection
16. Recycled Municipal Water
17. Salt and Salinity Management
18. Surface Storage – CALFED
19. Surface Storage – Regional/Local
20. System Reoperation
21. Urban Runoff Management
22. Urban Water Use Efficiency
23. Water Transfers
24. Water-Dependent Recreation
25. Watershed Management
26. Sediment Management
27. Water and Culture
28. Outreach and Education

Key:

CALFED = California Bay-Delta Program

ECCC = East Contra Costa County

RMS = Resource Management Strategy



Figure 5: DDSD’s recycled water facility integrates several resource management strategies, helping to achieve IRWM Plan objectives.

Establishing Regional Project Priorities

ECCC stakeholders were invited to submit projects for consideration in the IRWM Plan. The initial invitation garnered 54 projects for consideration. These were then screened, and scored, to establish priorities.

Scoring was based on the ECCC region’s needs and objectives and with consideration of the preferences outlined by the DWR grant guidelines. Four categories of scoring criteria were selected,

with each assigned a weighting factor representing the relative importance to the region. The criteria were then used to score each project based on merit and ability to help the region meet its planning priorities. The categories and relative weighting were:

1. Regional Objectives (50 percent).
2. IRWM Program Preferences (30 percent).
3. Statewide Priorities (15 percent).
4. Other factors from IRWM Program Guidelines (5 percent).

(This category includes additional DAC and environmental justice considerations, and contribution of the project in reducing greenhouse gas emissions, as compared to project alternatives.)

The actual scores were highly dependent on the effort and understanding of the IRWM process by project proponents. The RWMG reviewed the projects with scores as a group.

Resource Management Strategies Diversification Considerations

Each project was evaluated to determine which RMSs it included then given a total RMS score. Projects with a greater number were considered to contribute more to regional diversification. Diversification did not contribute to the overall project score, but was a separate criteria for the region to use in identifying implementation priorities or proposals for grant funding.

Implementation Considerations

In addition to the criteria-based scores and RMS diversification criterion, project readiness and implementation considerations were collected for each project. These included:

- The status and completion date of planning, design, and construction/implementation
- Total project cost and total amount and percent of project funded
- Availability of a project economic feasibility analysis

Project Review Steps

Project review then followed six sequential steps:

1. Perform initial screening of projects for inclusion in the IRWM Plan.
2. Review benefits claimed by each project.
3. Integrate and coordinate projects.
4. Evaluate and score projects.
5. Iterate and improve projects.
6. Create a suite of priority projects that, when implemented, will help the region to meet its objectives.

Living Document

The final result is an initial list of IRWM Plan project priorities. With the Web site and planning framework established, projects may be added, removed, or updated at any time. With a living process, project proponents and stakeholders now have a venue to collaborate and integrate their projects. From time to time, the RWMG may also initiate another formal “Call-for-Projects” to refresh their list or to prepare for a new funding opportunity. For instance, the ECCC region

will complete additional planning efforts under the recently awarded Proposition 84 DWR Round 2 Planning Grant. Results of this work may warrant the addition of projects to the list. Future integrated planning will continue to be ongoing, open, transparent, and collaborative.

Benefits and Impacts

By their nature, IRWM plans are implemented through projects. Those projects are designed to produce benefits but may also have impacts to the region. Benefits and impacts

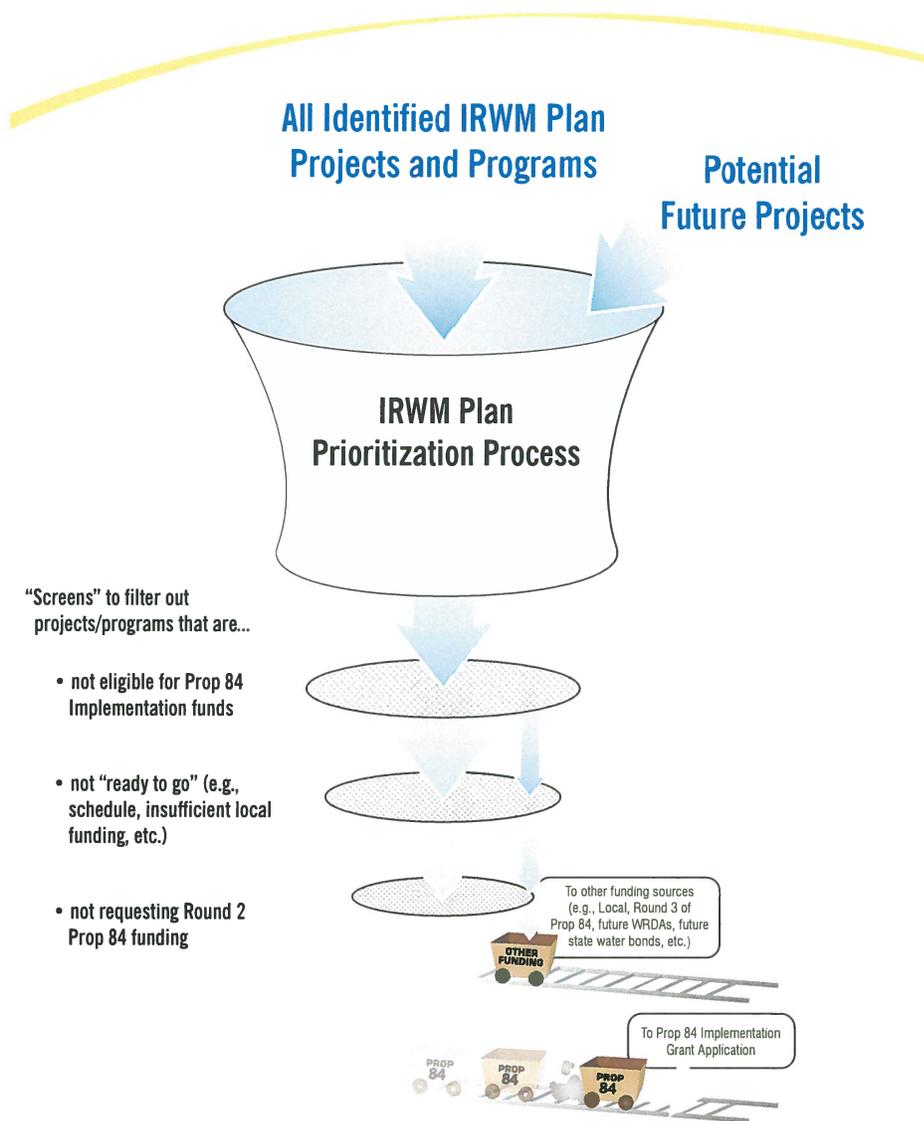


Figure 6: Prioritizing various regional projects considering multiple criterion.

need to be documented in more detail to meet the required environmental compliance laws, such as the California Environmental Quality Act and National Environmental Policy Act, or other local, State, or Federal permits.

That said, the region has identified multiple benefits from achieving its objectives. Key benefits are tied directly to the five plan objectives.

Benefits

Water Supply and Quality

Projects that improved water quality or provide reliable water supply are essential to future viability of all aspects of the region’s environment, economy, and culture. Because the regional supply is tied to the Delta, projects to mitigate or reduce variable or negative Delta conditions and anticipate climate change impacts, such as drought and extreme weather, will greatly increase the region’s resilience and ability to adapt to changing conditions.

Water supply and quality are linked as improving and maintaining water quality contributes to supply (for humans and the environment) and is a critical factor in cost. CCWD has invested approximately \$750 million since 1998 to construct the Los Vaqueros Reservoir and two new Delta intakes primarily to improve water quality and for drought protection. Benefits associated with water supply projects or water quality projects (or both) determine what water may be available for appropriate uses.

Specific projects proposed to achieve reliable supply and quality aim to provide the following benefits:

- Improved ability to adapt to changing situations caused by the

uncertainty in Delta influences and future operations and climate change (such as recycled water and desalination)

- Reduced per capita consumption creating benefits such as better extension of existing and future infrastructure and supplies
- Increased efficiency of water within the system (through regional water sharing and decreasing leaks and water losses)
- Improved emergency options (through regional exchanges for emergencies, ideally using existing infrastructure to focus on minimizing the amount of salt water intrusion into the drinking water supply, particularly in the event of a levee failure on Jersey Island)
- Better understanding and management of the groundwater portfolio as a regional source (e.g., conjunctive use) to reduce Delta water use and threats to groundwater quality
- Increased ability to respond to the regulatory environment and protect public health by meeting current and future water quality requirements for discharges to the Delta
- Overall improved Delta health from limiting quantity and improving quality of stormwater discharges

Protection, Restoration, and Enhancement of the Delta Ecosystem and Other Environmental Resources

Projects focused on ecosystem and environmental resources recognize the importance of investments in watershed health and sustainability.



Figure 7: Protecting and enhancing riparian, wetland, and Delta ecosystems is an important goal of the ECCC IRWM Plan.

Specific proposed projects will:

- Provide both local and statewide benefits by enhancing and restoring Delta and connected waterways habitat, as well as conserving valuable ecological habitat for state and federally listed special status species
- Minimize local impacts to the Delta ecosystem and other environmental resources by maintaining Delta water quality and reducing regional flooding and road runoff impacts, lowering salinity in effluent discharges, minimizing sewer overflows, curtailing disruptive earth movements, and decreasing the amount of water removed from the Delta
- Contributions to the State’s goals for addressing climate change, as outlined in the Global Warming Solutions Act of 2006
- Improved accessibility to waterways for subsistence fishing and recreation and protect public health by reducing mercury levels in fish.

Stormwater and Flood Management

The benefits of proposed stormwater and flood management projects are multiple. Proposed projects will provide benefits such as:

- Reduced risk and damages from excess water flows from storms and floods, resulting in better economic, social, and environmental outcomes
- Reduction of impacts to water quality from excess untreated and polluted flows
- Improved resiliency and faster recovery from storm and flood events
- Increased stormwater and floodwater protection for areas, including DACs, that currently experience flooding and its related issues

Water-Related Outreach

The ECCC believes engagement with the community is essential to ongoing support for IRWM projects. Outreach educates and promotes actions that residents and businesses can take in support of water management goals. For example, individuals and businesses can reduce pollutants entering waterways and practice

water use efficiency. Finally, the community at large is benefited when everyone has access to decision making and the work of the ECCC is transparent. Some other benefits of engaging stakeholders include:

- Better project selection by targeting DACs currently impacted by annual floods, reduced water and sewer services, and hazardous waste sites contributing to unacceptable contaminant levels in water
- Improved community health through improved infrastructure and water management practices
- Increased awareness of water resources management issues and projects by the general public leading to better decisions by the public, water managers, and elected officials
- Increased water quality and reduced sewer system impacts by local actions such as appropriate fat, oils and grease disposal
- Voluntary adoption of renewable energy sources
- Increased appreciation for the environment through access to areas made available for public enjoyment

Funding for Water-Related Planning and Implementation

Projects that strive to improve funding for planning and implementation fall into several categories. The ultimate benefit of this focus is to make sure money is available to implement projects delivering the benefits already described above and to ensure the public is receiving the best possible value from its investments. Projects meeting this objective:

- Increased regional cost efficiencies in treatment and delivery of water, wastewater, and recycled water. For example, projects to reduce leaks and projects that will reduce costs of running facilities
- Increased competitiveness for grants and other funding sources by leveraging matching funds
- Integrated and increased opportunities for partnering with others to get more outcomes for the same dollar
- Improved the stability of operations, which ultimately results in reduced cost. For example, regularly scheduled maintenance is less costly than system failures caused by a lack of maintenance



Figure 8: The Delta and surrounding areas are heavily dependent on aging levees for flood control and water quality protection.

Impacts

Based on the initial project evaluation, anticipated impacts are primarily local, temporary, and associated with construction. A smaller set of projects may also result in the following types of impacts:

Restoration and related projects	Tidal marsh restoration projects have a potential to: <ul style="list-style-type: none">• Increase mercury methylation. This happens when projects increase dissolved organic carbon (DOC) in Delta water. Several studies indicate that methylmercury can damage developing embryos and exposure in adults has been linked to increased risk of cardiovascular disease, tremors, gingivitis, damages to the immune system and other ailments. Humans are primarily exposed by eating mercury contaminated fish.• Increase DOC loads in drainage water• Create temporal impacts from excavation and restoration of marsh area
Groundwater projects	If improperly implemented can: <ul style="list-style-type: none">• Damage the aquifer• Introduce contaminants or allow salinity intrusion• Increase greenhouse emissions (through energy use for pumping)
Flood and stormwater management projects	<ul style="list-style-type: none">• May reallocate risk from the project location to another area in the watershed by changing flow patterns and/or increasing contaminants• May minimize understanding of actual risks from flood by the public

Plan Performance and Monitoring

As noted earlier, the region's objectives included qualitative or quantitative metrics. These metrics give the RWMG and its members a way to determine if the region is meeting its intent and to assess the IRWM Plan's performance. There may be two levels of monitoring: at the project level and at the IRWM Plan level. Levels of monitoring will be reported and shared with the RWMG so it can determine how well the IRWM Plan implementation is proceeding. The reporting is also valuable because it will provide needed signals of implementation progress that will allow the region to reconsider what objectives and approaches may need to be changed, updated, refined, eliminated, or supplemented.

Next Steps

This IRWM Plan Update establishes a strong foundation for future planning and implementation activities. The ECCC Water Management Group will continue to support regional planning. CCWD will continue to provide water service to much of the region. While IRWM plans do not have regular update schedules, the RWMG and its members working with the ECCC Water Management will use monitoring and be responsive to regional and statewide needs to determine the best time to update the IRWM Plan. An IRWM Plan update could be triggered by:

- New IRWM Program guidelines or requirements
- New stakeholders or participants
- A need to change the region's boundary, such as contraction, expansion, or consolidation with another region
- Significant environmental changes or other catastrophic events
- Significant updates to local water planning or local land-use planning, such as the completion

of planning efforts soon to be underway associated with the Proposition 84 DWR Round 2 Planning Grant awarded to the region in late 2012

- IRWM Plan monitoring results indicating needed changes

The region plans to follow the established IRWM Plan for the next few years. The planning framework allows for results and outcomes of future planning efforts, such as the upcoming Proposition 84 DWR Round 2 Planning Grant effort, to be incorporated into an update of the IRWM Plan. The planning framework will support requests for implementation grant funding in Proposition 84 Round 2 (March 2013) and Round 3 funding requests and other DWR implementation grant programs, as appropriate (e.g., Proposition 1E). Furthermore, the RWMG and its members will reexamine the planning process and its components, as needed, to determine if the IRWM Plan or any of its components (e.g., objectives) need updating or revising.

THE ECCC REGION CONTINUES TO PROGRESS ON IMPORTANT PLANNING EFFORTS

Since completing the region's first IRWM Plan in 2005, a document that tied together significant past planning efforts, the region has continued its investment in regional integrated and coordinated water management planning, for example:

- Regional Acceptance Process was completed in 2009. Approved by DWR
- 2010 UWMP Updates (Antioch, Pittsburg, Brentwood, CCWD, DWD, Golden State Water Co – Bay Point) and various related water conservation plans, programs, and projects
- Regional scale water supply optimization planning (municipal water purveyors)
- Regional water recycling and desalination planning (DDSD, ISD)
- Groundwater Management Plans, CASGEM Plans, and Salinity/Nutrient management planning (DWD, Pittsburg)
- Regional habitat conservation planning and implementation (ECCCHC)
- Long-range regional flood management planning (CCCFCWCD)
- Active participant in integrated water management grant programs (all ECWMA members agencies)
- Improved outreach, collaboration, and communication (all ECWMA members agencies)

CCWD – Contra Costa Water District, DWD –Diablo Water District, DDSD – Delta Diablo Sanitation District, ISD – Ironhouse Sanitary District, ECCCHC – East Contra Costa County Habitat Conservancy, CCCFCWCD – Contra Costa County Flood Control & Water Conservation District, ECWMA – East County Water Management Association.

www.eccc-irwm.org

East County Water Management Association



**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF JANUARY 14, 2014**

Prepared by: Philip L. Hoffmeister, Administrative Analyst *PH*
Approved by: Ron Bernal, Public Works Director/City Engineer *RDB*
Date: January 7, 2014
Subject: Resolution Approving the Third Amendment to the Storm Water Utility Agreement between Contra Costa County Flood Control and Water Conservation District and the City of Antioch for Commercial/Industrial Storm Water Inspection Services

RECOMMENDATION

Staff recommends approval of the attached resolution authorizing the City Manager to execute the third amendment of the Storm Water Utility Area Agreement between Contra Costa Flood Control & Water Conservation District and the City of Antioch for Commercial/Industrial Storm Water Inspection Services.

BACKGROUND INFORMATION

The City of Antioch (City) is part of a multi-agency partnership with the Contra Costa County Flood Control and Water Conservation District (FCD) for its Joint Municipal National Pollution Discharge Elimination System (NPDES) Permit. In July 2003, the City approved an agreement with FCD entitled "Storm Water Utility Area Agreement between the Contra Costa County Flood Control and Water Conservation District and the City of Antioch" (SUAA), which provides for the imposition, collection, and administration of Storm Water Utility Assessments for the funding of NPDES Permit activities.

Under NPDES permit regulations, the City is required to perform routine inspections at industrial and commercial facilities that have the potential for non-storm water discharges. In July 2003, the City approved the First Amendment to the SUAA authorizing the FCD to enter into an agreement with the Central Contra Costa Sanitary District, Delta Diablo Sanitation District, and the East Bay Municipal Utility District (Inspection Agreement) for those agencies to perform joint inspection activities and illicit discharge control activities on behalf of the City and fourteen (14) other municipalities for which those districts serve, namely Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, San Ramon, and Walnut Creek.

In January 2010, the City approved a Second Amendment to the SUAA which extended the agreement term, modified the procedure for formal enforcement actions, and

revised the scope of the indemnification provisions. Recently, EBMUD has withdrawn from providing inspection services for West County cities; however, West Contra Costa Sanitary District has elected to replace EBMUD. Therefore, a Third Amendment to the SUAA is required. In order for the inspections to begin in West County, all municipalities must amend their respective SUAA Agreement with FCD in acknowledgement of these changes.

The City Attorney has discussed the indemnification language included in this revision with County Counsel, who serves as legal counsel to both the FCD and DDS. First, Central Contra Costa Sanitation District and now DDS is requiring all agencies it provides storm water inspections to indemnify and defend their inspectors for their actions, unless the inspectors are negligent. The City Attorney feels that each agency should assume the risk if neither is negligent, which is a standard practice with mutual indemnifications between public agencies and the City has no control of the inspectors. It should be noted that in the 10 years that DDS has been performing these inspections on the City's behalf, there has been no legal issues with their inspection services. The City of Pittsburg is also utilizing DDS to perform storm water inspections and has already approved the Third Amendment including the indemnification language as presented.

Staff and management believe it is in the best interest of the City to continue participation in the inspection program with the indemnification language included. The City has participated in the inspection program for 10 years and it has proven to be a successful and efficient way for the City to meet the required inspections in accordance with NPDES permit provisions.

FISCAL IMPACTS

NPDES funds will continue to support the inspection program. These funds come from a special storm water assessment which can only be used for NPDES activities. Adoption of this resolution will not affect the General Fund or any other City funds.

OPTIONS

To continue to be in compliance with our NPDES Permit requirements, the City must adopt the Resolution amending the SUAA agreement to allow the change from EBMUD to West Contra Costa Sanitary District to administer the Commercial/Industrial Inspection Services agreement for those cities that use their services.

After all participating cities have approved the amendment the Flood Control District will execute the necessary Restated and Amended Agreement for services with the Sanitary Districts.

ATTACHMENTS

- A: Amended and Restated Contra Costa Clean Water Program Inspection Activities Agreement
- B: Third Amendment to the Storm Water Utility Area Agreement
- C: Clean Water Program Inspection Program Indemnification Agreement

RESOLUTION 2013/**

RESOLUTION APPROVING THIRD AMENDMENT TO STORM WATER UTILITY AREA AGREEMENT BETWEEN THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF ANTIOCH

WHEREAS, the County of Contra Costa, the Contra Costa County Flood Control and Water Conservation District (DISTRICT), and nineteen (19) cities and towns in Contra Costa County have joined to form the Contra Costa Clean Water Program (Program); and

WHEREAS, the members of the Program hold joint National Pollutant Discharge Elimination System (NPDES) Storm Water Permits (Nos. CA0029912 and CA 0083313) issued by the San Francisco Bay and Central Valley Regional Water Quality Control Boards, respectively; and

WHEREAS, the NPDES Permits require the inspection of industrial and commercial facilities and the control of illicit discharge activities; and

WHEREAS, on July 8, 2003, the DISTRICT and the City of Antioch (CITY) entered into an agreement entitled "STORM WATER UTILITY AREA AGREEMENT BETWEEN THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF ANTIOCH" (SUA AGREEMENT), which provides for the imposition, collection, and administration of Storm Water Utility Assessments for the funding of NPDES Permit activities; and

WHEREAS, the CITY agrees that the public good is best served by implementing a joint inspection program to encompass inspection activities and illicit discharge control activities, rather than establishing new, separate inspection programs for each municipality; and

WHEREAS, on July 22, 2003, the CITY approved a First Amendment to the SUA AGREEMENT authorizing the DISTRICT to enter into an agreement with the Central Contra Costa Sanitary District, Delta Diablo Sanitation District, and the East Bay Municipal Utility District (INSPECTION AGREEMENT) for those agencies to perform joint inspection activities and illicit discharge control activities on behalf of the CITY and fourteen (14) other municipalities, namely Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, San Ramon, and Walnut Creek; and

WHEREAS, it is in the interest of the CITY to continue participating in this joint inspection program; and

WHEREAS, the INSPECTION AGREEMENT has recently been revised to extend the agreement term, to modify the procedure for formal enforcement actions, and to revise the scope of the indemnification provisions; and

RESOLUTION NO. 2014/**

January 14, 2014

Page 2

WHEREAS, it is necessary to amend the SUA AGREEMENT to provide to the DISTRICT additional authority to revise the INSPECTION AGREEMENT and to continue administering the joint inspection program, as revised.

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

1. Approve and authorize the DISTRICT to execute the revised INSPECTION AGREEMENT entitled "AGREEMENT AMONG THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (ON BEHALF OF THE CONTRA COSTA CLEAN WATER PROGRAM), THE CENTRAL CONTRA COSTA SANITARY DISTRICT, THE DELTA DIABLO SANITATION DISTRICT, AND THE EAST BAY MUNICIPAL UTILITY DISTRICT REGARDING THE CONTRA COSTA CLEAN WATER PROGRAM'S INSPECTION ACTIVITIES," a copy of which is attached to this Resolution as Exhibit "A" (Incorporated herein by reference).
2. Approve and authorize the City Manager to execute the Third Amendment to the SUA AGREEMENT, a copy of which is attached to this Resolution as Exhibit "B" (Incorporated herein by reference).
3. This Resolution shall become effective immediately upon its passage and adoption.
4. Three (3) certified copies of this Resolution and two (2) executed copies of the Third Amendment to the SUA AGREEMENT shall be promptly forwarded to the DISTRICT.

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 14th day of January, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ARNE SIMONSEN, City Clerk

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF JANUARY 14, 2014**

PREPARED BY: Ahmed Abu-Aly, Associate Civil Engineer, Capital Improvements Division *AA*
APPROVED BY: Ron Bernal, Director of Public Works/City Engineer *REB*
DATE: January 8, 2014
SUBJECT: Approve Amendment No. 4 to the Agreement for Professional Consultant Services with Mark Thomas and Company, Inc. for Construction Support Services for the Wilbur Avenue Overhead Widening Project (P.W. 259-B)

RECOMMENDATION

It is recommended that the City Council authorize the City Manager to execute Amendment No. 4 to the Agreement for Professional Consultant Services with Mark Thomas and Company in the amount of \$50,000 for a total contract amount of \$1,354,733 for the Wilbur Avenue Overhead Widening project.

BACKGROUND INFORMATION

The City of Antioch has received the funding allocations of the federal grant for the construction of the Wilbur Avenue Overhead Widening project. Mark Thomas and Company prepared the design plans and specifications for this project. The attached Amendment No. 4 and Mark Thomas and Company's proposal will provide additional on-call design construction support services throughout the completion of the construction of the project and extend the contract expiration date to September 1, 2014.

FINANCIAL IMPACT

Amendment No. 4 to the agreement with Mark Thomas and Company for Professional Consultant Services in the amount of \$50,000 will bring the total contract with Mark Thomas and Company to \$1,354,733 and will be funded as follows: \$1,199,345 from federal grants and \$155,388 from Measure J funds. Funding for the construction, as well as construction support for this project is included in the current CIP budget.

OPTIONS

None

ATTACHMENTS

A: Amendment No. 4 to Professional Consultant Services Agreement

ATTACHMENT "A"

AMENDMENT NO. 4 TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR CONSTRUCTION OF THE WILBUR AVENUE OVERHEAD WIDENING PROJECT, (P.W. 259-B)

THIS AMENDMENT NO. 4 TO THE PROFESSIONAL CONSULTANT SERVICES AGREEMENT is entered into this 15th day of January 2014, by and between the CITY OF ANTIOCH, a municipal corporation ("CITY") and MARK THOMAS AND COMPANY, INC., their address is 3000 Oak Road, Suite 650, Walnut Creek, CA 94597 ("Consultant").

RECITALS

WHEREAS, on February 10, 1998, CITY and MARK THOMAS AND COMPANY, INC. entered into an Agreement for Professional Consultant Services for Wilbur Avenue Overhead Widening Project ("Agreement"); and

WHEREAS, the parties have agreed to modify the compensation term of that Agreement;

NOW, THEREFORE, THE PARTIES DO MUTUALLY AGREE AS FOLLOWS:

1. **COMPENSATION.** Section 8 of the Agreement, "Consideration" is amended to include the following provision:

CITY shall increase the compensation for Mark Thomas and Company, Inc. for actual costs in the amount of \$50,000.00 (See Exhibit "A") bringing the total compensation to an amount not to exceed \$1,354,733.00.

2. **EXTENSION OF THE AGREEMENT.** Section 5 of the Agreement, "Term" is amended to include the following provision:

The term of this Agreement is still in full force and effect and the effective date shall be extended to September 1, 2014, unless earlier terminated in accordance with the term of this Agreement.

3. All other terms and conditions of the Agreement shall remain in full force and effect.

CITY OF ANTIOCH:

Mark Thomas and Company, Inc.

By: _____
Jim Jakel, City Manager

By: _____
Michael J. Lohman, President

APPROVED AS TO FORM:

By: _____
Lynn Tracy Nerland, City Attorney

EXHIBIT "A"



MARK THOMAS & COMPANY

Providing Engineering, Surveying & Planning Services

July 30, 2013

CC-12114-B (609)

OFFICES

Cupertino
Fresno
Irvine
Oakland
Sacramento
Salinas
San Mateo
San Jose
Walnut Creek

Mr. Ahmed Abu-Aly

City of Antioch

3rd and H Streets

Antioch, CA 94531-5007

**RE: WILBUR AVENUE OVERHEAD WIDENING PROJECT BUDGET
REALLOCATION AND ADDITIONAL CONSTRUCTION SUPPORT
AUTHORIZATION REQUEST**

Dear Mr. Abu-Aly:

While supporting the construction of the Wilbur Avenue Overhead Widening Project, Mark Thomas & Company, Inc. (MTCO) is approaching our maximum billing amount for construction support services. As you know, construction support is on-call in nature, billed on a time and materials basis and the budget amounts are estimated based on our experience on similar projects. Seeing as the current construction schedule does not project completion until next year, we require additional construction support budget to take us through completion of the project, as well as reallocation of the existing budget.

ADDITIONAL CONSTRUCTION SUPPORT SERVICES

MTCO will continue to provide general construction support services on a time and materials basis, as needed based upon requests for information and design support as requested by City staff and Parsons Brinckerhoff. General construction support items are:

- Attending meetings as well as site visits when requested
- Review of Contractor requests for information (RFI's) and proposed contract change orders
- Review Shop Drawings & Submittals
- Design and/or review of a design modification required by the City or RE (whether related to a change in condition or to a Contractor's proposal)

MTCO requests authorization to bill an additional **Fifty Thousand Dollars (\$50,000)** beyond the budget of \$123,000 estimated in the attached letter from MTCO to the City of Antioch dated March 13, 2012, for a total contract amount of **One Hundred Seventy-Three Thousand Dollars (\$173,000)** to complete construction support services for the Wilbur Avenue Overhead Widening Project.

BUDGET REALLOCATION

In addition to the request for additional construction support budget, MTCO wishes to reallocate the existing budget as shown in the table below.

TASK	ORIGINAL BUDGET	AMMENDED BUDGET	REALLOCATED AMOUNT
MTCO - Civil	\$ 40,000.00	\$ 45,000.00	\$ 5,000.00
MTCO - Structural	\$ 50,000.00	\$ 66,500.00	\$ 16,500.00
MTCO - Survey	\$ 18,000.00	\$ 5,000.00	\$ (13,000.00)
GEOCON	\$ 5,000.00	\$ 1,500.00	\$ (3,500.00)
PARIKH	\$ 10,000.00	\$ 5,000.00	\$ (5,000.00)
TOTAL FEE	\$ 123,000.00	\$ 123,000.00	\$ -

Please feel free to contact me with any questions, comments, or concerns regarding this scope of services.

Sincerely,

MARK THOMAS & COMPANY, INC.



Sasha Dansky
Principal/Division Manager

Enclosure: Letter to the City of Antioch from MTCO dated March 13, 2012



MARK THOMAS & COMPANY

Providing Engineering, Surveying & Planning Services

March 13, 2012

81-98040-B (601)

OFFICES

Cupertino
Fresno
Irvine
Pleasanton
Sacramento
Salinas
San Carlos
San Jose
Walnut Creek

Mr. Ahmed Abu-Aly
City of Antioch
3rd and H Streets
Antioch, CA 94531-5007

RE: WILBUR AVENUE OVERHEAD WIDENING – DESIGN SUPPORT DURING CONSTRUCTION SCOPE OF WORK

Dear Mr. Abu-Aly:

Mark Thomas & Company, Inc. (MTCO) is pleased to present this anticipated scope of work to provide the City of Antioch (City) ongoing design support services during construction of the Wilbur Avenue Overhead Widening Project (Project.) MTCO will perform this scope of work on an on-call basis, responding to requests from the City and/or the authorized representatives as issues arise in construction. MTCO anticipates performing services related to the following activities as described below:

ATTEND MEETINGS/GENERAL SUPPORT

When requested by the City or authorized representatives, attend project meetings and respond to general telephone calls, electronic mail, or facsimile, and provide general (miscellaneous) project support. This task also covers general administrative work associated with coordination of subconsultants, progress reports, and maintenance of Project files.

RESPOND TO REQUESTS FOR INFORMATION (RFI'S)

When requested by the City or authorized representatives, respond to Contractor's Requests for Information (RFI's) and provide minor clarification of the Plans, Specifications, and Estimate (PS&E) documents for the Project.

PROJECT SITE VISITS

When requested by the City or authorized representatives, or with the approval of the City, make site visits to observe the progress of the construction, meet with City, or identify any work that does not conform to or is not following the intent of, the contract PS&E documents. Written jobsite reports are to be prepared and submitted to the City within three working days of the site visit if any conflicts or problems are identified during each jobsite visit. Any unsafe condition observed by MTCO that poses an immediate threat to human health or life must be reported immediately to the City or the City's representative. Under any circumstances, MTCO shall notify the City or authorized representative, when MTCO is present on the jobsite. MTCO's personnel and equipment shall be in compliance with all current City and Caltrans construction safety policies and procedures when visiting the jobsite.

REVIEW SHOP DRAWINGS/SUBMITTALS

When requested by the City or authorized representatives, review shop drawings and miscellaneous submittals from the Contractor for the Project. MTCO shall review or take other appropriate action upon Contractor's submittals, as requested by City or authorized representative, such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. Review of such submittals is not conducted for the purpose of determining the accuracy and completeness of other details such as dimensions and quantities or for substantiating instructions for installation or performance of equipment or systems designed by the Contractor, all of which remain the responsibility of the Contractor to the extent required by the Contract Documents. MTCO's review shall not constitute approval of safety precautions or, unless otherwise specifically stated by MTCO, of construction means, methods, techniques, sequences or procedures. MTCO's approval of a specific item shall not indicate approval of an assembly of which the item is a component.

PREPARE CONTRACT CHANGE ORDERS (CCO'S)

When requested by the City or authorized representatives, prepare construction Contract Change Order (CCO) documents consisting of Plans, Specifications, and Estimates (PS&E) to the level of detail as needed, or as directed, for each request. Since MTCO has no control over local conditions, the cost of labor, materials, equipment or services furnished by others, or over competitive bidding or market conditions, MTCO does not guarantee the accuracy of any opinions or probable construction cost as compared to construction contractor's bids or the actual cost to the City.

SURVEY REVIEW

When requested by the City or authorized representatives, check construction staking, perform control checks, and provide information back to the City or authorized representatives. Checks may include field crew verification, office analysis, and site topographic surveys. This task does not include construction staking services.

EXCLUSIONS

Preparation of as-built record drawings is excluded from this contract.

Because the level of effort to provide ongoing construction support services cannot be anticipated ahead of time, MTCO and the other subconsultants working on the MTCO team will perform services related to this contract on a time and materials basis in an on-call fashion. MTCO estimates the budget for construction support to be **One Hundred Twenty-Three Thousand Dollars (\$123,000)** for this construction support effort. MTCO has developed the following breakdown of anticipated effort for each member of our design team. These preliminary budget amounts constitute only budgetary amounts, and the actual level of effort to be expended will depend upon the level of effort requested of each design team member by the City or authorized representative.

Should the level of effort exceed the anticipated budget, MTCO will seek authorization for additional funds beyond the amounts identified herein.

CONSULTANT	ANTICIPATED BUDGET
Design Support During Construction	
MTCO – Civil	\$40,000
MTCO – Structural	\$50,000
MTCO - Survey	\$18,000
Parikh Consultants	\$10,000
Geocon	\$5,000
Total	\$123,000

We look forward to working with the City of Antioch to successfully support the construction activities of the Project.

Sincerely,

MARK THOMAS & COMPANY, INC.



Sasha Dansky
Principal

Enclosures: Fee Schedule

EXHIBIT A

MARK THOMAS & COMPANY, INC.

CHARGE RATE SCHEDULE "M"
EFFECTIVE THROUGH JUNE, 2012

HOURLY CHARGE RATES

PROFESSIONAL AND OFFICE

Principal/Project Manager	\$290.00 per hour
Structural Manager	255.00 per hour
Engineering Manager III	215.00 per hour
Engineering Manager II	205.00 per hour
Engineering Manager I	178.00 per hour
Engineer X	170.00 per hour
Engineer IX	162.00 per hour
Engineer VIII	150.00 per hour
Engineer VII	145.00 per hour
Engineer VI	133.00 per hour
Engineer V	122.00 per hour
Engineer IV	108.00 per hour
Engineer III	100.00 per hour
Engineer II	90.00 per hour
Engineer I	84.00 per hour
Engineer Technician/Inspector IV	105.00 per hour
Engineer Technician/Inspector III	90.00 per hour
Engineer Technician/Inspector II	84.00 per hour
Engineer Technician/Inspector I	70.00 per hour
Engineer Technician Assistant	55.00 per hour
Land Surveyor II	150.00 per hour
Land Surveyor I	125.00 per hour
Project Surveyor II	120.00 per hour
Project Surveyor I	110.00 per hour
Survey Technician	85.00 per hour
Construction Inspector	98.00 per hour
Technical Writer	90.00 per hour
Clerical/Typist II	70.00 per hour
Clerical/Typist I	56.00 per hour
Messenger	42.00 per hour

ENVIRONMENTAL/PUBLIC RELATIONS SERVICES

Environmental Manager	\$146.00 per hour
PR/Communications Manager	132.00 per hour
Environmental Planner IV	124.00 per hour
Environmental Planner III	116.00 per hour
Environmental Planner II	100.00 per hour
Environmental Planner I	85.00 per hour

FIELD

Single Chief	\$ 96.14 per hour
Single Chainman	77.57 per hour
2 Person Field Party and Vehicle	215.00 per hour
3 Person Field Party and Vehicle	298.00 per hour

SPECIAL SERVICES

Expert Witness	\$350.00 per hour
Strategic Consulting (Principal)	\$350.00 per hour

OTHER DIRECT COSTS

Reimbursables including, but not limited to:
Printing and Materials, Filing Fees, and
Field Expenses

-Cost plus 5%

Outside Consultant Fees

-Cost plus 5%

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF JANUARY 14, 2014**

PREPARED BY: Ahmed Abu-Aly, Associate Engineer

APPROVED BY: Ron Bernal, Public Works Director/City Engineer *RB*

DATE: January 8, 2014

SUBJECT: Resolution of Local Support and Authorizing the Filing of a Grant Application to MTC Requesting an Allocation of the Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funds for New Handicap Ramps and Pedestrian Improvements along East Tregallas Road from Lone Tree Way to Hillcrest Avenue (P.W. 409-3)

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution of Local Support and authorizing the filing of a grant application to MTC requesting an allocation of the Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle project funds in the amount of \$50,000 for New Handicap Ramps and Pedestrian Improvements along East Tregallas Road from Lone Tree Way to Hillcrest Avenue.

BACKGROUND INFORMATION

Staff is recommending the City submit an application requesting an allocation of the Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle project funds for new handicap ramps and pedestrian improvements along East Tregallas Road from Lone Tree Way to Hillcrest Avenue.

The project will construct new handicap ramps at various street intersections along East Tregallas Road to improve pedestrian access and facilitate handicap accessibility to nearby schools.

The Metropolitan Transportation Commission (MTC) requested that the project sponsor submit a council resolution supporting and approving the application for federal funding for this project.

FINANCIAL IMPACT

The City is expected to receive \$50,000 of TDA funding for this project. There are no local match requirements for funding this grant.

OPTIONS

None

ATTACHMENTS

None

RESOLUTION NO. 2014/**
RESOLUTION OF LOCAL SUPPORT AND AUTHORIZING THE FILING
OF A GRANT APPLICATION TO MTC REQUESTING AN ALLOCATION OF THE
TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3
PEDESTRIAN/BICYCLE PROJECT FUNDS FOR NEW HANDICAP RAMPS AND
PEDESTRIAN IMPROVEMENTS ALONG EAST TREGALLAS ROAD FROM LONE
TREE WAY TO HILLCREST AVENUE
(P.W. 409-3)

Resolution of Local Support and Authorizing the Filing of a Grant Application to MTC Requesting an Allocation of the Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funds for New Handicap Ramps and Pedestrian Improvements along East Tregallas Road from Lone Tree Way to Hillcrest Avenue

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the Contra Costa County desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; now, therefore, be it

RESOLVED, that the City of Antioch declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and furthermore, be it

RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Antioch to carry out the project; and furthermore, be it

RESOLVED, that the project has been reviewed by the Contra Costa Countywide Bicycle Advisory Committee (CBAC); and furthermore, be it

RESOLVED, that the City of Antioch attests to the accuracy of, and approves the statements in Attachment A to this resolution; and furthermore, be it

RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management

agency, countywide transportation planning agency, or county association of governments, as the case may be, of Contra Costa County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

THEREFORE, BE IT RESOLVED by the City Council of the City of Antioch, a true copy of which is on file in the Office of the City Clerk.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted and passed by the City of Antioch, California, at a regular meeting thereof held on the 14th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

Resolution No. 2014/**
Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2014/2015 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

1. That the City of Antioch is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Antioch legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Antioch has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway, which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Antioch within the prior five fiscal years.
8. That the project(s) described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B will be completed before the funds expire.
11. That the City of Antioch agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2014/2015 Applicant: City of Antioch

Contact person: Ahmed Abu Aly

Mailing Address: 200 "H" Street, PO Box 5007, Antioch CA 94531

E-Mail Address: aabualy@ci.antioch.ca.us

Telephone: 925-779-7050

Secondary Contact (in event primary not available):

E-Mail Address:

Telephone:

Short Title Description of Project: Handicap Ramps and Pedestrian Improvements along East Tregallas Road from Lone Tree Way to Hillcrest Avenue

Amount of claim: \$50,000

Functional Description of Project:

The project will install new handicap ramps with truncated domes to meet the current ADA standards

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project.

Project Elements: Construction

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$50,0000			\$50,000
list all other sources:					
1.					
2.					
3.					
Totals					\$50,000

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	N/A
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: <u>December 9, 2013</u>	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>February 2015</u>	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF JANUARY 14, 2014**

FROM: Lynn Tracy Nerland, City Attorney 

DATE: January 8, 2014

SUBJECT: Extended Absence by an Elected Official

ACTION ITEM:

Given the elected City Clerk's absence from Antioch since October 28, 2013 and failure to be present for three regular City Council meetings, a municipal election, and four special Council meetings/closed sessions, the City Council asked about its options. The City Clerk was aware of the concerns and given the opportunity to respond.

At the December 10, 2013 City Council meeting, the City Council directed that a resolution be prepared for the Council's consideration indicating that the City Council does not support an extended absence by any elected official for nonmedical reasons and encourages the return of the official's compensation to the City in such situation.

The draft resolution (Attachment A) for Council approval provides that if an elected official is absent for more than one month unrelated to his or her own medical condition, then the official is encouraged to return the salary, car allowance, and communication allowance (if received) to the City for the absent period.

The elected City Clerk declined the opportunity to provide a written response to attach to this staff report, but indicated recently that he is willing to reimburse the City for his monthly salary of \$941.20 for his 10-week absence over the remainder of his 4-year term. He has indicated that he is not willing to reimburse the City for his \$350 monthly car allowance; because he uses those funds to attend League of California Cities meetings and trainings throughout the year due to the limited budget for the City Clerk's Office. The City Clerk does not receive a communications allowance.

BACKGROUND:

Vacancies in Public Offices

California Government Code section 1770 sets out a variety of circumstances when a public office becomes vacant. The most relevant for this discussion are:

(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.

(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law. (emphasis added)

As to Section 1770(g) above, staff understands that the City Clerk is not sick, but was out of the country for an extended period of time over the holidays and attending to matters involving his wife's family. He did communicate periodically by email during his absence. Staff understands that the City Clerk intends to return to Antioch to be present for the January 14, 2014 City Council meeting.

Inapplicability of Laws related to Employee Leaves of Absence

The Federal Family and Medical Leave Act (FMLA) and CA Family Rights Act apply to employees and not to elected officials. For employees, the law provides for unpaid, job-protected leave for the employee's own serious health condition or the serious health condition of an immediate family member.

Qualifications and Duties of an Elected City Clerk

State law requires a general law city, like Antioch, to have a city clerk, who may be elected or appointed. The only qualifications in state law for an elected city clerk are that the individual is over 18 years of age; a resident and registered voter in Antioch; and not convicted of certain crimes that disqualify a person from holding public office (e.g. conflicts of interest in contracts, embezzlement of public money, bribery, forgery, etc.). There is no requirement that candidates for an elected city clerk have any specific education, certification or experience other than the general qualifications outlined above.

With the transfer of certain financial and accounting duties to the Finance Director and taxing duties to the County, the statutory duties of the Antioch City Clerk under California law are: keeping a record of the Council meetings; keeping certified copies of ordinances; being custodian of the City's seal; administering oaths of office and other oaths; and serving as the City's Elections Official.

The full-time employee Deputy City Clerk is primarily responsible for indexing and maintaining all City records (paper and electronic); assembling the City Council agenda and materials; arranging for the publication of notices for public hearings and ordinances; coordinating with the County Elections Department for consolidated elections; receiving and maintaining statements of economic interests and other FPPC forms for City officials and candidates; receiving claims; maintaining the Municipal Code; and handling agendas for the Board of Administrative Appeals and some Council Committees.

Since 2008, the City Clerk position has been a part-time elected position with the same salary as a member of the City Council. With this arrangement, the elected City Clerk was expected to: prepare the Council Chambers for Council meetings and record

the votes at the meetings; oversee the taking of minutes at Council meetings (the City pays for a contract Minutes Clerk); prepare announcements of openings on City Commissions and Boards; and administer oaths of office as needed. It is left to each elected City Clerk whether to undertake additional duties and whether to have regular office hours. The current City Clerk also assists with compiling agenda packets and delivering them to Council members; attends meetings of the Board of Administrative Appeals; and has maintained extended office hours when the Deputy City Clerk is out of the office and when election documents were being filed this past summer.

In 2010, the City Council put a ballot measure before the voters to make the elected City Clerk and City Treasurer positions appointed with the majority of the duties to be handled by existing staff. The voters rejected that ballot measure.

FISCAL IMPACT:

The City Clerk and City Treasurer receive the same salary as the City Council Members -- \$941.20 per month -- plus health benefits and a car allowance of \$350 per month. For the past few years, the City Council has encouraged all elected officials to take voluntary reductions in salary and car allowance given the City's financial challenges and weekly furloughs. If an elected official waives health benefits, then half of the value is provided to the official. Council Members also receive a communications allowance, but the City Clerk and City Treasurer do not.

Antioch Municipal Code section 2-1.701 provides that the City Clerk's salary shall not be reduced during the term of office (with similar provisions for other elected officials). This is consistent with State law as to any elected official's salary and benefits.

During the City Clerk's absence, he continued to receive his monthly salary of \$941.20, monthly car allowance of \$350, and one-half the value of the waived health benefits. In addition, the contract Minutes Clerk received an additional \$22 per hour (total \$50 per hour) during this period given her additional duties at the City Council meetings.

OPTIONS:

1. In the attached draft resolution, the time period to trigger such reimbursement can be modified or the compensation to be returned can be modified.
2. If the City Council desires a binding action applicable to all elected officials upon the commencement of new terms, then the City Council could direct the City Attorney to draft an ordinance to be included in the Municipal Code.

ATTACHMENT:

Draft Resolution

RESOLUTION NO. 2014/

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
REGARDING AN EXTENDED ABSENCE BY AN ELECTED OFFICIAL**

WHEREAS, the City Council believes that when Antioch voters elect a local official -- whether the Mayor, City Council Member, City Treasurer or City Clerk -- they expect that elected official to undertake the duties of the office diligently and to be present in the City of Antioch;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch encourages all elected officials to diligently undertake the duties of their office; and

BE IT FURTHER RESOLVED that if an elected official for the City of Antioch is absent from his or her duties or absent from the City of Antioch for more than one month for reasons not related to the elected official's own medical condition, then that elected official is encouraged to return to the City of Antioch the salary, car allowance and communications allowance (if applicable) received during the period of the elected official's absence.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the ____ day of January 2014 by the following vote:

AYES:

NOES:

ABSENT:

CITY CLERK OF THE CITY OF ANTIOCH

REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE COUNCIL MEETING OF JANUARY 14, 2014

Prepared by: Victor Carniglia, City Consultant

Date: January 9, 2014

Subject: NORTHEAST ANTIOCH ANNEXATION AREA UPDATE

This will be an oral presentation by Victor Carniglia, City Consultant, for the City of Antioch.