

# ANNOTATED AGENDA

for  
June 11, 2013

## *CITY COUNCIL MEETING* *Regular Meeting*

Order of Council vote: AYES: Council Members Wilson, Rocha, Tiscareno and Mayor Harper  
ABSENT: Council Member Agopian

### 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 3<sup>rd</sup> 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.

**5:46 P.M. ROLL CALL** for Closed Sessions – ***Council Members Rocha, Tiscareno, and Mayor Harper (Council Member Wilson arrived at 5:48 p.m. and Council Member Agopian was absent)***

**PUBLIC COMMENTS** for Closed Sessions – ***None***

#### **CLOSED SESSIONS:**

- 1) **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session is authorized by California Government Code section 54957.6. City designated representatives; Michelle Fitzer and Glenn Berkheimer; Employee organizations: Management, Confidential, Local 1, Operating Engineers Local 3 and APSMA  
***Direction given to staff***
- 2) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to Government Code section 94956.9(d)(2); Letter of May 28, 2013 from the California Apartment Association regarding the Business License Tax proposal  
***No action taken***
- 3) **CONFERENCE INVOLVING A JOINT POWERS AGENCY** pursuant to California Government Code section 54956.96-- East Contra Costa Regional Fee and Financing Authority  
***No closed session held on this item***  
Discussion will concern: CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to California Government Code sections 54956.9(d)(2): One potential case involving dispute between ECCRFFA and City of Pittsburg over Pittsburg's receipt of funds under Measure J and attempt to file a legal action per legal counsel for ECCRFFA  
Name of local agency representative on joint powers agency board: Mayor Harper
- 4) **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision  
***No action taken***

7:06 P.M. ROLL CALL for Council Members – **Council Members Wilson, Rocha, Tiscareno, and Mayor Harper (Council Member Agopian was absent)**

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

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

**CITY COUNCIL SUBCOMMITTEE REPORTS**

**MAYOR’S COMMENTS**

**PRESENTATIONS** – *Memorial Day Essay Awards Recognition*  
*eBart Next Segment Study and Construction Update, Ellen Smith*

PRESENTATION

**1. CONSENT CALENDAR**

**A. APPROVAL OF COUNCIL MINUTES FOR MAY 28, 2013**

Recommended Action: Motion to approve the minutes

**Approved, 4/0**

MINUTES

**B. APPROVAL OF COUNCIL WARRANTS**

Recommended Action: Motion to approve the warrants

**Approved, 4/0**

STAFF REPORT

**C. WATER TREATMENT CHEMICALS PURCHASE FOR FISCAL YEAR 2013/2014**

Recommended Action: Motion to authorize the cooperative purchase arrangement, and issuance of purchase orders for Water Treatment Plant chemicals to the lowest overall responsible bidders not to exceed \$1,200,000

**Approved, 4/0**

STAFF REPORT

**D. CODE ENFORCEMENT OFFICER – CONTRACT RENEWAL**

Recommended Action: Motion to approve the Amendment to the Consulting Services Agreement with Interwest for Code Enforcement Services through June 2016

**Approved, 4/0**

STAFF REPORT

**E. ASSEMBLY BILL 4 – THE TRUST ACT – REGARDING FEDERAL IMMIGRATION POLICY ENFORCEMENT**

Recommended Action: Motion to send letter of support for passage of AB 4 for Mayor’s signature

**Approved, 4/0**

STAFF REPORT

**CONSENT CALENDAR — Continued**

**F. DESIGNATION OF VOTING DELEGATE FOR 2013 LEAGUE ANNUAL CONFERENCE**

**Approved, 4/0**

Recommended Action: That the City Council designate as the voting delegate the first City Council Member who confirms their attendance with the City Manager's office. At this time, Council Member Agopian is registered to attend the 2013 League Annual Conference.

STAFF REPORT

**PUBLIC HEARING**

2. PW-652 - SCOTT BRODER IS REQUESTING AN AMENDMENT TO THE CONDITIONS OF APPROVAL ON THE TENTATIVE MAP FOR THE GOLDEN BOW ESTATES. THE AMENDMENT WOULD REMOVE THE ONE-STORY RESTRICTION AND ALLOW THE CONSTRUCTION OF A TWO-STORY HOUSE ON LOT 4 OF THE SUBDIVISION. THE PLANNING COMMISSION RECOMMENDED DENIAL OF THE AMENDMENT TO THE CITY COUNCIL BY A 7-0 VOTE. THE PROJECT IS LOCATED AT 3501 RAM COURT (APN: 076-680-004) (Continued from 05/28/13)

**Continued to 06/25/13 per request of applicant, 4/0**

Recommended Action: Motion to continue to June 25, 2013

STAFF REPORT

**COUNCIL REGULAR AGENDA**

**3. SALES TAX BALLOT MEASURE**

Recommended Action: Following the City Council's introduction of the Sales Tax Ordinance on May 28, 2013, the following actions are recommended to call an Election for November 5, 2013 on a ballot measure to temporarily increase the sales tax by ½ cent for 7 years subject to an independent audit, Citizens' Oversight Committee and annual budget reporting, due to the City's fiscal emergency and need for additional revenue to fund needed City services including police, code enforcement and street repair:

**Continued to 06/25/13, 4/0**

1. Motion to read by title only and adopt the "Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization" (Attachment A) (two-thirds vote); and
2. Resolution of the City Council of the City of Antioch Declaring a Fiscal Emergency; Calling for and Noticing a Municipal Election on November 5, 2013 to Seek Approval of a Local Ballot Measure to Adopt a Temporary One-half Cent Transactions and Use (Sales) Tax to Fund all Antioch City Services including Police, Code Enforcement and Street Repairs; Establishing Policies and Procedures for Such an Election; and Requesting the Board of Supervisors of Contra Costa County to Conduct and Consolidate Such Regular Election with Other Elections to be held on November 5, 2013 (Attachment B) (unanimous vote).

**Continued to 06/25/13, 4/0**

STAFF REPORT

**COUNCIL REGULAR AGENDA – Continued**

**4. BUSINESS LICENSE TAX BALLOT MEASURE**

Action: Following City Council direction on May 28, 2013, the Resolution and Ordinance are for the Council's consideration:

***Continued to 06/25/13, 4/0***

Resolution of the City Council of the City of Antioch Declaring a Fiscal Emergency; Calling for and Noticing a Municipal Election on November 5, 2013 to Seek Approval of a Local Ballot Measure to Confirm the Existing Business License Tax Rate and Include a Residential Landlord Business License Tax; Establishing Policies and Procedures for Such an Election; and Requesting the Board of Supervisors of Contra Costa County to Conduct and Consolidate Such Regular Election with Other Elections to be held on November 5, 2013 (Attachment A) (unanimous vote)

STAFF REPORT

**5. CONSIDERATION OF OPTIONS REGARDING DISPUTE OVER REGIONAL TRAFFIC IMPACT FEE DISPUTE BETWEEN PITTSBURG AND TRANSPLAN/ECCRFFA**

***Approved Options 1 and 2  
Reso No. 2013/28, 4/0***

Recommended Action: It is recommended that the City Council consider the two options being presented and adopt a resolution approving conceptually both options regarding resolution of the dispute between Pittsburg and TRANSPLAN/ECCRFFA and direct staff to provide written confirmation of the Council's action to the TRANSPLAN and ECCRFFA Boards with the understanding that any final agreement would require City Council approval that the City Council does not intend to consider until the City of Pittsburg has approved a final agreement

STAFF REPORT

**PUBLIC COMMENT**

**STAFF COMMUNICATIONS**

**COUNCIL COMMUNICATIONS**

**ADJOURNMENT – 8:21 p.m.**

# eBART

June 2013

## Construction Update & Next Segment Study Summary



# AGENDA

eBART Phase 1 under construction

eBART Next Segment Study findings

# Construction Contracts Underway

## Contract 1

- Transfer platform
- BART tailtracks

## Contract 2

- Antioch Station Parking
- Maintenance Building

## Caltrans



# BART tracks at transfer platform



# Rail welding



# Installing BART train control at transfer platform



# eBART trackway finished grade



# 60-inch storm drain replacement at Antioch Station parking



# Antioch Station parking lot grading work



# **eBART contracts**

- **Vehicle Procurement – received April 30**
- **Rail Procurement**
- **Trackwork, Systems and Facility Finishes**
- **Landscape Planting**
- **Sanitary Sewer Connection**
- **Final Paving and Striping**

# eBART Next Segment Study corridor



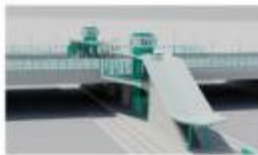


# eBART Next Segment Study Station Opportunities



## 1 Laurel Road

- > Daily eBART trips (2035) – 13,400
- > Conceptual capital cost – \$244 million
- > Station Type –  
Below grade

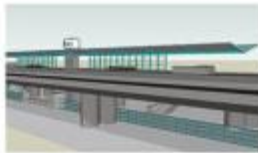


# eBART Next Segment Study Station Opportunities



## 2 Lone Tree Way

- > Daily eBART trips (2035) – 13,700
- > Conceptual capital cost – \$274 million
- > Station Type – Above grade



# eBART Next Segment Study Station Opportunities



## 3 Mokelumne Trail (Out-of-median)

- > Daily eBART trips (2035) – 14,000
- > Conceptual capital cost – \$286 million
- > Station Type – At grade

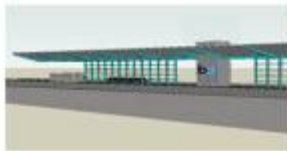


# eBART Next Segment Study Station Opportunities



## 3 Mokelumne Trail (Median)

- > Daily eBART trips (2035) – 14,000
- > Conceptual capital cost – \$284 million
- > Station Type –  
At grade

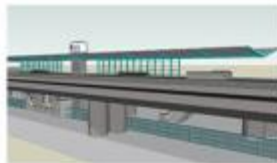


# eBART Next Segment Study Station Opportunities



## 4 Sand Creek Road

- > Daily eBART trips (2035) – 12,400
- > Conceptual capital cost – \$296 million
- > Station Type – Above grade



# eBART Next Segment Study Station Opportunities



## 5 Balfour Road

- > Daily eBART trips (2035) – 11,900
- > Conceptual capital cost – \$355 million
- > Station Type –  
At grade

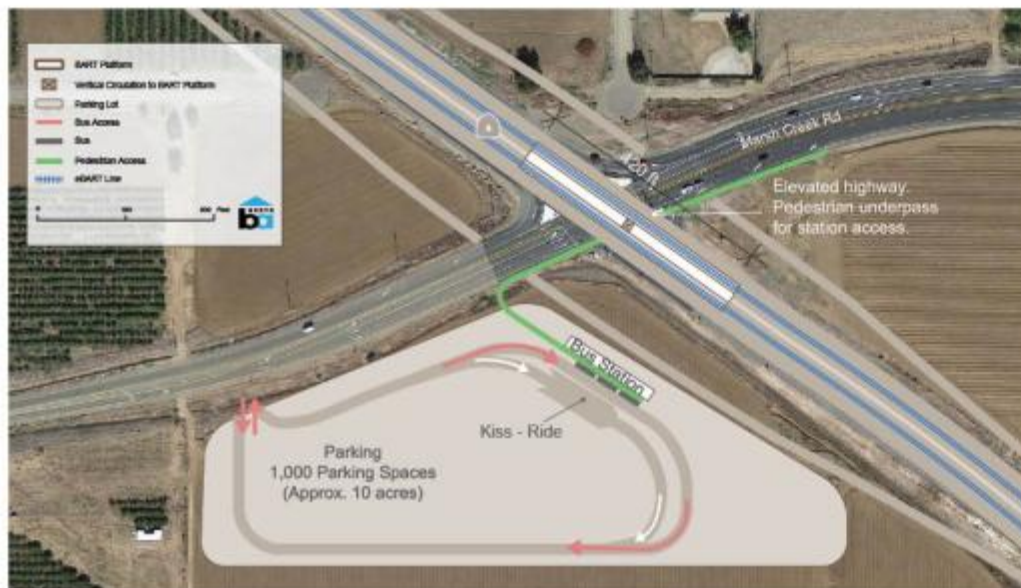
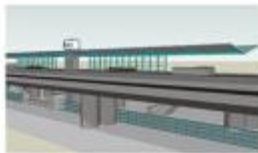


# eBART Next Segment Study Station Opportunities

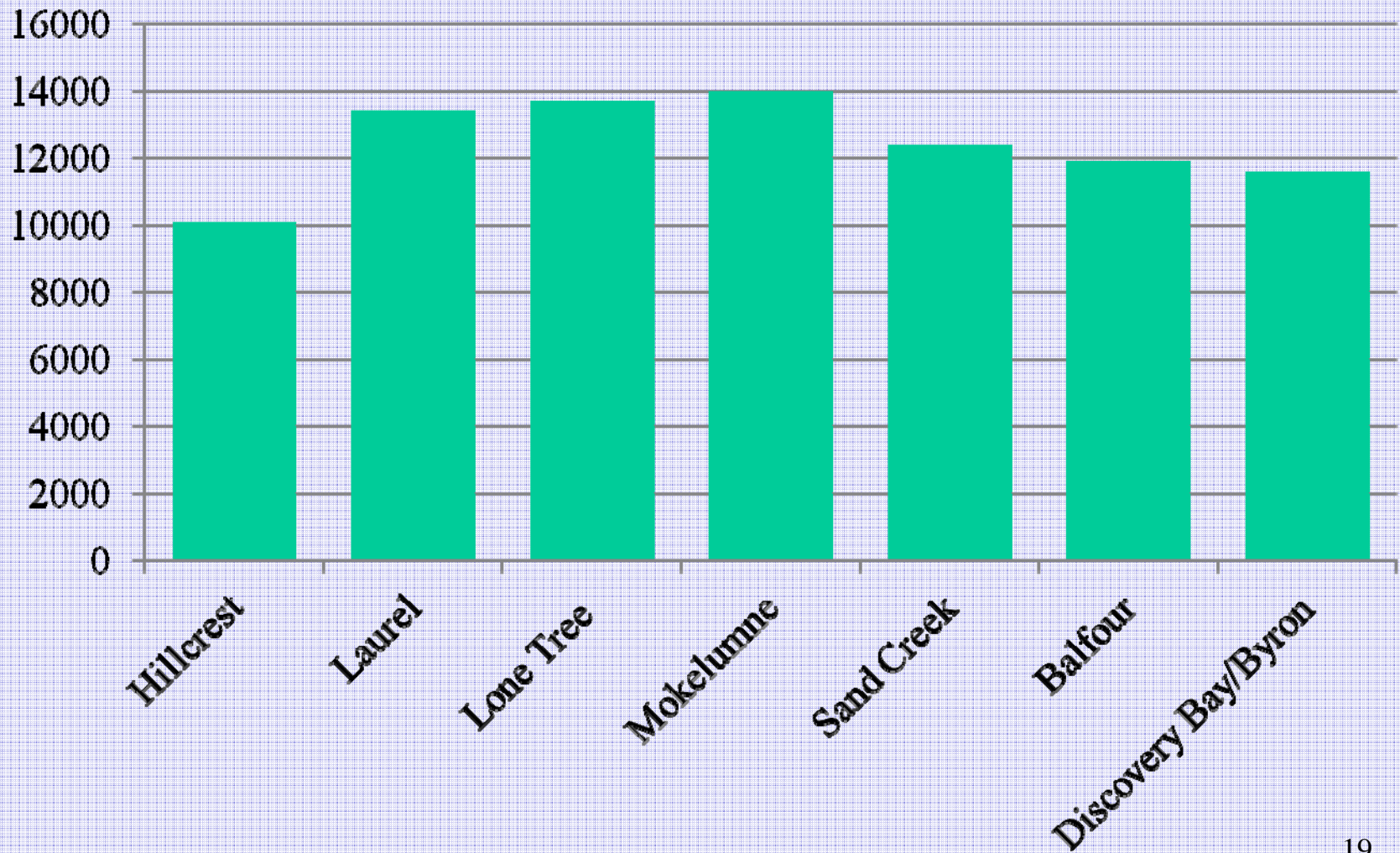


## 6 Discovery Bay/Byron

- > Daily eBART trips (2035) – 11,600
- > Conceptual capital cost – \$398 million
- > Station Type – Above grade

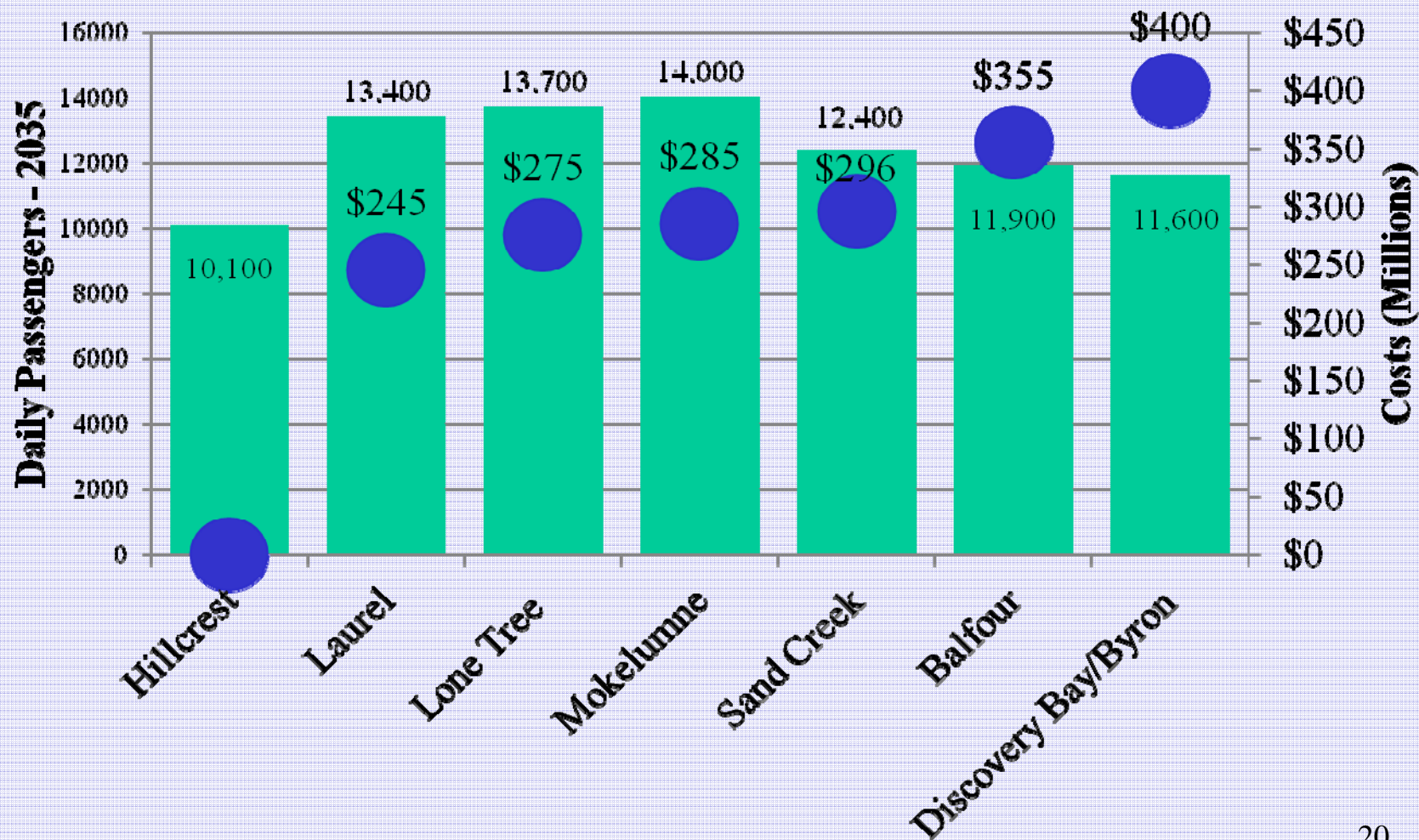


# Next Segment Study conceptual ridership estimates





# Next Segment Study conceptual cost and ridership estimates



# Next Segment Study concluding steps

- ePPAC adoption -- April 11
- Results to public meetings for discussion
- Consider seeking funding for environmental review and engineering

# eBART

May 2013

## Construction Update & Next Segment Study Summary



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

**Special/Regular Meeting  
5:30 P.M.**

**May 28, 2013  
Council Chambers**

Mayor Harper called the meeting to order at 5:32 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Rocha, Tiscareno and Mayor Harper  
Absent: Council Member Agopian (arrived at 5:34 P.M)

**PLEDGE OF ALLEGIANCE**

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

**STUDY SESSION – SPECIAL MEETING**

**1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR SPECIAL REVENUE FUNDS, CAPITAL PROJECT FUNDS, INTERNAL SERVICE FUNDS AND ENTERPRISE FUNDS FOR FISCAL YEARS 2013-14 AND THE 5-YEAR CAPITAL IMPROVEMENT PROGRAM**

City Manager Jakel introduced the Budget Study Session.

Councilmember Agopian arrived at 5:34 P.M.

City Engineer/Director of Public Works Bernal gave a brief overhead presentation of the City of Antioch 5-Year Capital Improvement Program 2013 – 2018.

Alan Barton, Director of Information Systems, gave a brief update on phase #1 and #2 security camera systems. He reported that after the turf field and phase #2, the City would need to expand storage and the server. He noted they were considering the feasibility of future phases having self-contained units.

In response to Councilmember Rocha, City Engineer/Director of Public Works Bernal stated the Fulton Shipyard improvements would include an automated gate and repairs to the board, float, and boat ramp.

Councilmember Agopian suggested the “L” Street study be expansive and plan for a high quality access point to the Marina and Downtown.

City Engineer/Director of Public Works Bernal stated once the Capital Improvement Program (CIP) was adopted, he would begin the process of bringing the “L” Street study to Council.

Finance Director Merchant presented the staff report dated May 20, 2013, recommending City Council provide direction and feedback.

- Page 4 – Traffic Signal Funds (Fund 220) - City Engineer/Director of Public Works Bernal stated he would look at Longview Road and Contra Loma Boulevard to determine if a traffic signal was warranted.
- Page 9 – Energy & Conservation (311-2435) – Following discussion, City Manager Jakel stated he would provide City Council with the analysis from Chevron regarding the feasibility of solar projects for the City. Councilmember Agopian suggested in the future, the City begin planning for solar projects in the Capital Improvement Program (CIP).
- Page 10 – Prewett CIP (Fund 312) - Council directed staff to bring the programming of the Mello Roos monies to a future Council meeting for consideration.
- Page 25 – Marina Fund (631) – Council directed staff, for a future Council meeting, to provide a competitive analysis for the Antioch Marina.
- Page 29 – Vehicle Replacement Fund (Fund 569) – Mayor Harper encouraged staff to shop locally whenever possible.

Finance Director Merchant stated she would bring the budget to the City Council for adoption, on June 25, 2013.

City Manager Jakel concluded staff would incorporate changes the City Council had suggested, prior to bringing the budget back for adoption. He acknowledged concessions that had been made and challenges going forward, to build a revenue base.

## **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 44956.9(d)(1): *In re Eva Quesada Romero and Gilbert Raymond Romero* [Humphrey's Restaurant], Case No. 12-44668, U.S. Bankruptcy Court, Northern District of California; **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: APN066-010-018; Agency Negotiator: City Manager, City Attorney; Negotiating Parties: Wells Fargo Bank, John Majidi, Bay Area Employment Development Company; Under negotiation: price, terms of payment
2. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision

3. **CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 1 potential case

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, No action was taken; **#2 CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**, and **#3 CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, were moved to the end of the public session.

### **PLEDGE OF ALLEGIENCE**

Mayor Harper called the meeting to order at 7:08 P.M., and City Clerk Simonsen called the roll.

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

City Attorney Nerland announced the applicant for Item #4 had requested that it be continued. She suggested Council hear this Item, as the next Item of business.

### **PUBLIC HEARING**

4. **PW-652 - SCOTT BRODER IS REQUESTING AN AMENDMENT TO THE CONDITIONS OF APPROVAL ON THE TENTATIVE MAP FOR THE GOLDEN BOW ESTATES. THE AMENDMENT WOULD REMOVE THE ONE-STORY RESTRICTION AND ALLOW THE CONSTRUCTION OF A TWO-STORY HOUSE ON LOT 4 OF THE SUBDIVISION. THE PLANNING COMMISSION RECOMMENDED DENIAL OF THE AMENDMENT TO THE CITY COUNCIL BY A 7-0 VOTE. THE PROJECT IS LOCATED AT 3501 RAM COURT (APN: 076-680-004).**

At the request of the applicant, staff recommended this Item be continued to June 11, 2013.

Mayor Harper opened the public hearing and will leave open to continue to June 11, 2013.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously continued the Public Hearing to June 11, 2013.

### **ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS**

Deanna Rabago Lechman, Contra Costa Library, announced the Summer Reading Festival would be taking place from June 8, 2013 - August 17, 2013 and an Ice Cream Party with a Twist, would be held at the Antioch Library on June 5, 2013 at 3:00 P.M.

Judy Dawson, American Cancer Society, invited the community to participate in the Relay for Life event, June 22 – 23, 2013 at Deer Valley High School. She thanked the Antioch School District for hosting the event. She provided a handout to Council on future events and contact information for anyone wishing to participate.

Mayor Harper thanked Ms. Dawson and members of the Relay for Life committee for their dedication to the event.

Walter Ruehlig, invited the community to attend the Baccalaureate Ceremony at Church of the Latter Day Saints in Brentwood at 5:00 P.M. on June 2, 2013.

Joy Motts and members of the 4<sup>th</sup> of July Committee gave a brief update on their fundraising efforts and announced a fundraiser event would be held from 5:00 P.M. – 9:00 P.M. on June 13, 2013 at Bases Loaded. Contact information was provided.

## **PUBLIC COMMENTS**

Chief Cantando introduced new Antioch Police Officers, Joshua Evans and Alma Tinajero.

Officer Tinajero stated she was proud to be a member of the Antioch Police Department.

Officer Evans stated he was grateful for the opportunity to be working in the community where he was raised.

The City Council welcomed Officers Tinajero and Evans to the City of Antioch Police Department.

Fred Hoskins, Antioch resident, suggested the City focus on ideas to offset criminality in the community.

Judy Dawson suggested the City place a speed trailer on James Donlon Blvd, as a traffic calming measure for the area.

Dee Vieira, speaking on behalf of the Burrowing Owl Conservation Network, presented their 2013 campaign for the Antioch Community Center Burrowing Owl Diorama Project. She thanked those who had contributed funds for the project.

Noel Pinto and J.R. Wilson, Delta Veterans Group (DVG), discussed their efforts to provide outreach services to those who had served in the Armed Services. They announced, with the City Council's support, they would be hosting a Stand Down in September 2015 in Antioch. They also announced a Benefit Seminar would be held on June 29, 2013 and a Job Fair would be held on September 21, 2013, at VFW Post #6435 in Antioch. They noted in the future they would be hosting a Meet-a-Cop and Thank-a-Vet event, to raise funds to support the Stand Down event.

Mayor Harper commended Mr. Pinto and Mr. Wilson for their support of Veterans and encouraged them to continue their efforts. He noted the City of Antioch supports Veterans.

**COUNCIL SUBCOMMITTEE REPORTS - None**

**MAYOR'S COMMENTS**

Mayor Harper reported on his attendance at Tri-Delta Transit meeting and Memorial Day event.

**PRESENTATION**

*Police Canine and Donor Recognition (Lieutenant John VanderKlugt)*

Lieutenant VanderKlugt gave a brief overview of the Antioch Police Department K9 Unit and recognized the Community Groups, Corporate Sponsors, Foundations and Individual Contributors who had participated in helping fund the unit. He recognized the K9 Unit Members and introduced Officer Harger and "Donna" and Officer Valliere and "Erin".

Mayor Harper welcomed the new K9 teams and thanked community members who supported the program.

*Keep Antioch Beautiful Day School Participation Winners (Julie Haas-Wajdowicz)*

Julie Haas – Wajdowicz, Martha Parsons, and Mayor Harper recognized the sponsors, school participation winners, and committee members for participating in the Keep Antioch Beautiful Day event.

Councilmember Rocha thanked Ms. Parsons for spearheading the event.

Ms. Parson thanked Mayor Harper for co-chairing the event.

**2. COUNCIL CONSENT CALENDAR**

**City of Antioch**

- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 23, 2013 AND MAY 14, 2013**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORT FOR APRIL 2013**
- D. RESOLUTION NO. 2013/24 ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE 2013-14 FISCAL YEAR PURSUANT TO CALIFORNIA CONSTITUTION ARTICLE XIII B**



- E. **RESOLUTION NO. 2013/25 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE JAMES DONLON AND LARKSPUR WATER STORAGE RESERVOIR REHABILITATION (P.W. 246-24)**
- F. **RESOLUTION NO. 2013/26 ACCEPTING WORK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR TRAFFIC SIGNALS IMPROVEMENT PROJECT: DELTA FAIR BOULEVARD AT BELLE DRIVE, AUTO CENTER DRIVE AT COSTCO WAY/WEST EIGHTEENTH STREET AND DELTA FAIR BOULEVARD AT SCHOOL STREET (P.W. 636-7)**
- G. **REQUEST FOR TRAVEL AND TRAINING – LEAGUE OF CALIFORNIA CITIES 2013 ANNUAL CONFERENCE**  
  
**City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency**
- H. **APPROVAL OF SUCCESSOR AGENCY WARRANTS**
- I. **APPROVAL OF HOUSING SUCCESSOR WARRANTS**

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

## **PUBLIC HEARING**

- 3. **PROPOSED MASTER FEE SCHEDULE EFFECTIVE JULY 1, 2013 (FISCAL YEAR 2013-2014)**

Finance Director Merchant presented the staff report dated May 8, 2013 recommending the City Council adopt the resolution.

Following discussion, City Manager Jakel responded that the bicycle registration fee was required by the Municipal Code and the code would need to be modified to eliminate it.

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

Councilmember Agopian stated he supports bringing back an ordinance and fee structure for City Council consideration that addressed multiple calls for service to single family residences.

**RESOLUTION NO. 2013/27**

On motion by Councilmember Wilson, seconded by Councilmember Agopian, the City Council unanimously adopted the resolution.

City Attorney Nerland reported that at the request of the applicant, **Item #4** regarding the Golden Bow Estates had been continued by Council to June 11, 2013.

## **COUNCIL REGULAR AGENDA**

### **5. ADOPTION OF AN URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW TOBACCO AND PARAPHERNALIA RETAILERS**

Community Development Director Wehrmeister presented the staff report dated May 23, 2013 recommending the City Council motion to adopt the urgency ordinance establishing a temporary moratorium on the establishment and operation of new Tobacco and Paraphernalia Retailers to become effective immediately.

Councilmember Rocha requested staff consider the same saturation policy as businesses that sell alcohol.

Heishan Kamal, owner of a smoke shop in Antioch, reported that after an inspection by the City, he was being forced to build a separate room for the sale of paraphernalia. He expressed concern for his safety, if he were forced to be locked inside a separate room with a customer.

Mayor Harper reported neighboring businesses were concerned regarding the type of clientele smoke shops attracted. He expressed concern that when he had witnessed children smoking cigarettes outside of one of these businesses located near a high school, he was told by security that they instructed children to smoke behind the building.

Councilmember Wilson stated she did not see the benefit of these types of businesses when they purposely set up near schools and promoted unhealthy behavior.

On motion by Councilmember Wilson, seconded by Councilmember Agopian, the Council unanimously adopted the urgency ordinance establishing a temporary moratorium on the establishment and operation of new Tobacco and Paraphernalia Retailers to become effective immediately.

**ORDINANCE NO. 2067-C-S**

## 6. REVENUE BALLOT MEASURES

City Manager Jakel presented the staff report dated May 21, 2013 recommending the City Council 1) Motion to read by title only and introduce the "Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization" (two-thirds vote) and, 2) Motion to provide direction to staff on business license tax options.

Hans Ho, Antioch resident, spoke in support of the sales tax measure and a companion business tax measure for owners of rental properties to increase public safety.

Marty Fernandez, Antioch resident, spoke in support of the landlord rental business fee, to increase public safety and improve property values.

Fred Hoskins, Antioch resident, spoke in support of the business tax measure and against a sales tax measure.

Marie Livingston, Antioch resident, spoke in support of the business license tax measure for non-owner occupied rental properties, to increase public safety.

City Attorney Nerland reported on dais this evening and available in Council Chambers, was a survey of neighboring communities regarding their business license tax for rental units.

Theresa Karr, representing the California Apartment Association in Contra Costa, thanked the City Council for the opportunity to speak this evening. She voiced their support for the sales tax ballot measure. She stated, as presented in the staff report, they could not support the citizen's initiative or the Council ballot measure. She offered to work with City staff and the citizen's committee to develop a more comprehensive and equitable solution. She presented the City Council with a letter stating the City should consider stepping back to look at other options that are fair and equitable for all businesses within the City.

Terry Ramos, Antioch resident, requested the City Council direct staff to move forward with drafting the ballot measure. He stated he hoped the City and Community could move forward together in a positive way. He offered to work with the landlord groups after the ballot measure was passed.

Sean Wright, Antioch Chamber of Commerce, stated they would be willing to support a sales tax measure for seven (7) years. He noted if the Council chose to go longer, they would not oppose it, they would remain neutral.

Karl Dietzel spoke in support of the business tax for rental owners.

George Briggs, Antioch resident, spoke in support of a business tax for rental owners.

Robert Munton, Antioch resident, spoke in support of the business license tax for rental properties.

Mayor Harper speaking to the following motion discussed the importance of keeping the ballot measure simple and unifying the community.

A motion was made by Councilmember Agopian to approve reading the ordinance by title only and introduce the Ordinance of the City of Antioch Imposing a Transaction and Use Tax to be Administered by the State Board of Equalization” changing it to a 10 year horizon with 7 years at one-half ( $\frac{1}{2}$ ) and 3 years for one-quarter ( $\frac{1}{4}$ ) cent. The motion died for the lack of a second.

On motion by Councilmember Wilson, seconded by Councilmember Rocha, the Council unanimously read by title only and introduced the “Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization” changing it to one-half ( $\frac{1}{2}$ ) cent for (7) years.

Mayor Harper thanked those responsible for bringing forward the citizen’s initiative and working with staff to incorporate Council’s direction. He expressed concern that the California Apartment Association was given the ballot measure and encouraged to provide input and they had chosen not to, prior to this evening’s meeting.

Following discussion, Council consensus supported the #2 Council Ballot Measure for \$240.00 business license tax on residential as outlined in the staff report. They noted that the Citizens’ group had indicated they were willing to meet with the California Apartment Association to discuss their outstanding issues.

Councilmember Agopian spoke in support of reinstituting the Rental Inspection Program, at a later date.

City Attorney Nerland reported the letter from the California Apartment Association references a legal challenge therefore it may be appropriate to schedule a Closed Session before the June 11, 2013 Open Session.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously directed staff to draft a ballot measure and ordinance following action #2 of the staff report for business license tax on residential landlords based on graduated formula starting at \$240.00 per unit.

**7. THREE FULL-TERM APPOINTMENTS FOR THREE VACANCIES ON THE ECONOMIC DEVELOPMENT COMMISSION (EDC)**

Director Human Resources/Economic Development Director Fitzer presented the staff report dated May 23, 2013 recommending the City Council receive and file the applications, and the

Mayor appoint and Council approve the appointment of two commissioners and repost for the one existing vacancy.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved the appointment of Peter Donisanu and Rhoda Parhams to two (2) full-term appointments on the Economic Development Commission.

**PUBLIC COMMENTS – None**

Jeff Belle Hall thanked the City Council for their support of the urgency ordinance establishing a temporary moratorium on the establishment and operation of new tobacco and paraphernalia retailers. He discussed the negative impact of tobacco on youth.

**STAFF COMMUNICATIONS**

City Manager Jakel announced the Mayor's Golf Tournament would be held on June 2, 2013 at Lone Tree Golf Course. He noted the next City Council meetings would held on June 11 and June 25, 2013.

**COUNCIL COMMUNICATIONS**

Councilmember Agopian thanked Mayor Harper for hosting the Memorial Day event.

Councilmember Tiscareno reported on his attendance at the Ford Car Show, the grand openings of the Holy Angels Cemetery and Fallas, Police Crime Prevention meeting, State of the City and the Memorial Day event.

Councilmember Rocha invited the City Council to attend the Senior Picnic on May 31, 2013 from 10:00 A.M. – 1:00 P.M. at the Senior Center. She reported on her attendance at the Contra Costa Interfaith Supporting Community Organization (CCISCO) event and she requested Council place a letter of support for AB4 Trust Act on the next agenda for Council consideration.

Mayor Harper requested the support letter for AB4 be placed on the Consent Calendar for Council consideration.

Councilmember Wilson reported on her attendance at the Ford Car Show, Memorial Day event and the State of the City luncheon.

**ADJOURNMENT**

Mayor Harper adjourned the meeting at 9:30 P.M. to Closed Session.

**CLOSED SESSION**

2. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision
  
3. **CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 1 potential case

City Council returned to open session from closed session at 10:25 P.M.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#2 CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**, Direction was given to staff, and, **#3 CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction was given to staff.

With no further business, Mayor Harper adjourned the meeting at 10:26 P.M. to the next regular Council meeting on June 11, 2013.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

**100 General Fund**

***Non Departmental***

345349 BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	1,180.00
345362 CONTRA COSTA WATER DISTRICT	TREATED WATER CAPACITY FEE	24,670.36
345363 CONTRA COSTA WATER DISTRICT	RESERVE FEES	107,206.00
345370 ECC REG FEE AND FIN AUTH	ECCRFFA-RTDIM	199,206.00
345447 RECIPIENT	CHECK REPLACEMENT	50.00
345453 BROWN AND CALDWELL INC	CONSULTANT SERVICES	8,552.50
345471 DELTA DENTAL	PAYROLL DEDUCTIONS	303.28

***City Attorney***

345349 BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	3,842.00
345386 JACKSON LEWIS LLP	LEGAL SERVICES	2,240.42
345387 JARVIS FAY AND DOPORTO LLP	LEGAL SERVICES	130.75
345410 PERS	PAYROLL DEDUCTIONS	16.43
345432 WENDEL ROSEN BLACK AND DEAN	LEGAL SERVICES	1,335.30
345459 COLANTUONO AND LEVIN PC	LEGAL SERVICES	7,358.00
345492 JARVIS FAY AND DOPORTO LLP	LEGAL SERVICES	2,250.23

***City Manager***

345350 CA SHOPPING CART RETRIEVAL CORP	SHOPPING CART RETRIEVAL	144.00
345410 PERS	PAYROLL DEDUCTIONS	18.29

***City Clerk***

345372 EIDEN, KITTY J	MINUTES CLERK	560.00
345410 PERS	PAYROLL DEDUCTIONS	4.06
345479 EIDEN, KITTY J	MINUTES CLERK	448.00

***City Treasurer***

345408 PFM ASSET MGMT LLC	ADVISORY SERVICES	7,003.95
345410 PERS	PAYROLL DEDUCTIONS	1.01

***Human Resources***

345410 PERS	PAYROLL DEDUCTIONS	22.92
345450 EMPLOYEE	EMPLOYMENT RECOGNITION	300.00
345478 E GROUP LLC, THE	PROFESSIONAL SERVICES	400.00
345509 OCCUPATIONAL HEALTH CENTERS	PREEMPLOYMENT MEDICAL	724.50

***Economic Development***

345355 CIRCLEPOINT	CONSULTING SERVICES	4,448.92
345410 PERS	PAYROLL DEDUCTIONS	5.74
345457 CIRCLEPOINT	CONSULTING SERVICES	5,923.23
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	450.83

***Finance Administration***

345410 PERS	PAYROLL DEDUCTIONS	8.58
345510 OFFICE MAX INC	OFFICE SUPPLIES	45.77

***Finance Accounting***

345410 PERS	PAYROLL DEDUCTIONS	26.07
345443 AT AND T MCI	BITECH PHONE LINE	480.74
345444 BADAWI & ASSOCIATES	AUDIT SERVICES	29,502.00
919699 SUNGARD PUBLIC SECTOR INC	ASP SERVICE	12,361.99

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

**Finance Operations**

345410 PERS	PAYROLL DEDUCTIONS	1.99
345510 OFFICE MAX INC	WATER BILLS	1,316.14
345545 TYLER TECHNOLOGIES	MONTHLY INSITE FEES	680.00
345546 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	2.00

**Non Departmental**

202746 AWNING DETAILERS	BUS LIC PENALTY FEE REFUND	95.57
202747 A+ COMMERICAL SERVICES	BUS LIC APP FEE REFUND	30.00
202748 UTILIQUEST LLC	BUS LIC STICKER FEE REFUND	5.00
202749 ARCEO, DENISE	BUS LIC OVERPAYMENT REFUND	1.25
202750 EAST BAY BANKRUPTCY LAW	BUS LIC APP FEE REFUND	30.00
345353 CARRINGTON COLLEGE CALIFORNIA	BUS LIC OVERPAYMENT REFUND	6,076.88
345431 WAGeworks	ADMIN FEES	150.00
345472 DELTA DIABLO SANITATION DISTRICT	GOLF COURSE WATER	46,014.19
345520 PERS	PAYROLL DEDUCTIONS	1,743.30
919722 RETIREE	MEDICAL AFTER RETIREMENT	1,654.43

**Public Works Maintenance Administration**

345410 PERS	PAYROLL DEDUCTIONS	11.04
345507 NEXTEL SPRINT	CELL PHONE	57.47

**Public Works General Maintenance Services**

345410 PERS	PAYROLL DEDUCTIONS	1.00
345522 QUESADA CHIROPRACTIC	DMV PHYSICAL	75.00

**Public Works Street Maintenance**

345410 PERS	PAYROLL DEDUCTIONS	13.69
345413 ROYAL BRASS INC	AIR HOSE	246.90
345437 ANTIOCH AUTO PARTS	BATTERY	35.79
345438 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	15,219.03
345507 NEXTEL SPRINT	CELL PHONE	57.47
919702 TELFER OIL COMPANY	SUPPLIES	2,900.00

**Public Works-Signal/Street Lights**

345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	5,285.19
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**Public Works-Striping/Signing**

345385 INTERSTATE SALES	SUPPLIES	1,830.78
345410 PERS	PAYROLL DEDUCTIONS	13.69
345491 INTERSTATE SALES	SUPPLIES	22,871.80
345507 NEXTEL SPRINT	CELL PHONE	57.47
345534 SHERWIN WILLIAMS CO	SUPPLIES	313.54

**Public Works-Facilities Maintenance**

345378 GENERAL PLUMBING SUPPLY CO	PLUMBING SERVICE	24.50
345393 M AND L OVERHEAD DOORS	GATE REPAIR	284.22
345407 PETERSON	GENERATOR SERVICE	1,692.34
345410 PERS	PAYROLL DEDUCTIONS	5.22
345446 BAY CITIES PYROTECTOR	SYSTEM TEST & CERTIFICATION	600.00
345508 OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	100.00
345515 PACIFIC GAS AND ELECTRIC CO	GAS	9,421.21
345550 WESCO RECEIVABLES CORP	SUPPLIES	366.19

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 Finance Accounting



CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

919565 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	213.64
919647 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	2,494.82
<b>Public Works-Parks Maint</b>		
345410 PERS	PAYROLL DEDUCTIONS	2.10
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	601.79
345534 SHERWIN WILLIAMS CO	SUPPLIES	2,110.47
<b>Public Works-Median/General Land</b>		
345337 ACE HARDWARE, ANTIOCH	PVC FITTINGS	6.99
345399 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
345403 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	5,415.00
345410 PERS	PAYROLL DEDUCTIONS	3.94
345434 ACE HARDWARE, ANTIOCH	PVC FITTINGS	22.54
345513 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	2,668.00
345514 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	6,423.00
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,415.12
345519 PRINTEX CONCRETE PRODUCTS INC	SOUNDWALL REPAIRS	3,900.00
919565 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	1,774.23
<b>Public Works-Work Alternative</b>		
345410 PERS	PAYROLL DEDUCTIONS	4.51
345486 FURBER SAW INC	SUPPLIES	683.54
345507 NEXTEL SPRINT	CELL PHONE	190.76
<b>Warehouse &amp; Central Stores</b>		
345410 PERS	PAYROLL DEDUCTIONS	0.63
<b>Police Administration</b>		
345344 ASR - BRICKER MINCOLA	UNIFORMS	892.34
345351 CAHN	CONFERENCE FEES	750.00
345359 CONTRA COSTA COUNTY	RANGE USE FEES	195.00
345364 CSI FORENSIC SUPPLY	EVIDENCE SUPPLIES	114.20
345371 ED JONES CO INC	AWARD MEDALLION	128.50
345372 EIDEN, KITTY J	MINUTES CLERK	60.00
345377 FUHRMANN, THOMAS J	EXPENSE REIMBURSEMENT	64.00
345410 PERS	PAYROLL DEDUCTIONS	27.34
345414 SCHNITZIUS, TREVOR W	EXPENSE REIMBURSEMENT	96.07
345416 SHRED IT INC	SHRED SERVICE	322.05
345427 TULLY WIHR CO	DETENTION FORMS	318.38
345439 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	47.50
345461 COMMERCIAL SUPPORT SERVICES	CAR WASHES	420.00
345462 CONCORD UNIFORMS LLC	UNIFORMS	1,219.95
345467 CRIME SCENE CLEANERS INC	CRIME SCENE CLEANUP	250.00
345510 OFFICE MAX INC	OFFICE SUPPLIES	544.95
919567 MOBILE MINI LLC	PORTABLE STORAGE CONTAINER	106.98
919595 COMPUTERLAND	SUPPLIES	328.42
919632 HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	1,407.00
919661 MOBILE MINI LLC	PORTABLE STORAGE CONTAINER	211.46
<b>Police Prisoner Custody</b>		
345520 RETIREE	MEDICAL AFTER RETIREMENT	1,746.91

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 Finance Accounting

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

**Police Community Policing**

202637 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	95.70
202638 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	67.98
345342 ANDELIN, RYAN L	EXPENSE REIMBURSEMENT	30.10
345354 CHANG, THEODORE	MILEAGE REIMBURSEMENT	30.10
345410 PERS	PAYROLL DEDUCTIONS	381.79
345484 RETIREE	PENSION PAYMENT	3,999.00
345485 RETIREE	PENSION PAYMENT	4,999.00
345489 HUNT AND SONS INC	FUEL	76.83
345520 PERS	PAYROLL DEDUCTIONS	3,138.69
345553 RETIREE	PENSION PAYMENT	3,999.00

**Police Investigations**

202638 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	22.50
345340 AGUINAGA, DIANE	EXPENSE REIMBURSEMENT	55.00
345395 METRO PCS	PHONE RECORDS	500.00
345410 PERS	PAYROLL DEDUCTIONS	4.05
345425 THOMSON WEST	ONLINE DATABASE	310.91
345466 COURT SERVICES INC	PRISONER TRANSPORTATION	750.00
345483 FREIER, DIANE	COURT APPEARANCE	771.47
345520 PERS	PAYROLL DEDUCTIONS	704.54

**Police Special Operations Unit**

345542 TOYOTA FINANCIAL SERVICES	VEHICLE LEASE	1,543.90
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**Police Communications**

345404 PACIFIC TELEMAGEMENT SERVICES	LOBBY PAY PHONE	78.00
345410 PERS	PAYROLL DEDUCTIONS	120.58
345435 AMERICAN TOWER CORPORATION	TOWER RENTAL	216.12
345442 AT AND T MCI	PHONE	655.27
345443 AT AND T MCI	PHONE	372.83
345471 DELTA DENTAL	PAYROLL DEDUCTIONS	111.74
345510 OFFICE MAX INC	OFFICE SUPPLIES	248.26
345524 QUICK PC SUPPORT	COMPUTER EQUIPMENT	599.00

**Police Facilities Maintenance**

345407 PETERSON	SERVICE REPAIR	2,109.18
345446 BAY CITIES PYROTECTOR	SYSTEM TEST & CERTIFICATION	1,200.00
345508 OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	165.00
345515 PACIFIC GAS AND ELECTRIC CO	GAS	13,894.45
919647 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	4,411.17

**Community Development Administration**

345410 PERS	PAYROLL DEDUCTIONS	18.54
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**Community Development Land Planning Services**

345410 PERS	PAYROLL DEDUCTIONS	10.42
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**Community Development Neighborhood Improvement**

202661 VERIZON WIRELESS	NETWORK SERVICE	76.02
345410 PERS	PAYROLL DEDUCTIONS	3.20

**PW Engineer Land Development**

345410 PERS	PAYROLL DEDUCTIONS	34.66
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Prepared by: Georgina Meek  
 Finance Accounting

6/6/2013

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

345507 NEXTEL SPRINT	CELL PHONE	169.19
<b>Community Development Building Inspection</b>		
345410 PERS	PAYROLL DEDUCTIONS	21.44
345507 NEXTEL SPRINT	CELL PHONE	57.86
345510 OFFICE MAX INC	OFFICE SUPPLIES	183.91
<b>Capital Imp. Administration</b>		
345410 PERS	PAYROLL DEDUCTIONS	3.99
<b>Community Development Engineering Services</b>		
345410 PERS	PAYROLL DEDUCTIONS	12.96
345507 NEXTEL SPRINT	CELL PHONE	57.47
345510 OFFICE MAX INC	OFFICE SUPPLIES	208.12
<b>213 Gas Tax Fund</b>		
<b>Streets</b>		
345388 JD PARTNERS CONCRETE	SIDEWALK REPAIR	16,679.63
345409 PROVEN MANAGEMENT INC	WILBUR AVE PROJECT	436,183.62
345451 BNSF RAILWAY COMPANY INC	WILBUR AVE PROJECT	39,867.42
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	22,558.81
<b>214 Animal Control Fund</b>		
<b>Animal Control</b>		
345369 EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	1,120.00
345382 HILLS PET NUTRITION	ANIMAL FOOD	749.43
345410 PERS	PAYROLL DEDUCTIONS	31.33
345495 KOEFRAN SERVICES INC	ANIMAL DISPOSAL SERVICES	1,850.00
345504 MWI VETERINARY SUPPLY CO	SUPPLIES	34.76
345515 PACIFIC GAS AND ELECTRIC CO	GAS	731.28
919647 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	435.75
<b>Maddie's Fund Grant</b>		
345369 EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	1,302.30
345410 PERS	PAYROLL DEDUCTIONS	12,934.30
<b>216 Park-In-Lieu Fund</b>		
<b>Parks &amp; Open Space</b>		
345346 BAY CITIES PYROTECTOR	UNDERGROUND REPAIR	33,648.03
345454 BURKETTS POOL PLASTERING	LAP POOL POLISHING	4,850.00
345460 COMMERCIAL POOL SYSTEMS INC	CHEMICAL CONTROLLER	14,105.00
345518 PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	512.30
919634 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	3,961.66
<b>219 Recreation Fund</b>		
<b>Recreation Admin</b>		
345410 PERS	PAYROLL DEDUCTIONS	3,054.70
<b>Senior Programs</b>		
345410 PERS	PAYROLL DEDUCTIONS	6.64
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	575.08
<b>Recreation Classes/Prog</b>		
202718 MIRANDA, CHARITY	CLASS REFUND	22.00
202719 MOORE, SHEENA	CLASS REFUND	40.00
202720 CAMPBELL, KATHIE	CLASS REFUND	80.00

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 Finance Accounting

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

202721 RANKINS, MELBA	CLASS REFUND	52.00
202724 GARCIA, STEPHANIE	CLASS REFUND	20.00
345410 PERS	PAYROLL DEDUCTIONS	1,123.68
<b>Recreation Sports Programs</b>		
202725 STANDLEY, DEBORAH	CLASS REFUND	15.00
345410 PERS	PAYROLL DEDUCTIONS	4.75
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,682.74
919577 ARATA PRINTING	FLYERS	440.88
<b>Recreation Concessions</b>		
345508 OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	150.00
<b>Recreation-New Comm Cntr</b>		
202722 NEOPOST	POSTAGE MACHINE	14.05
345346 BAY CITIES PYROTECTOR	FIRE SYSTEM CERTIFICATION	750.00
345348 BLUE SHIELD LIFE	PAYROLL DEDUCTIONS	11.25
345410 PERS	PAYROLL DEDUCTIONS	7.01
345442 AT AND T MCI	PHONE	63.43
345471 DELTA DENTAL	PAYROLL DEDUCTIONS	105.60
345508 OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	200.00
345513 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	9,886.68
345515 PACIFIC GAS AND ELECTRIC CO	GAS	8,790.55
345520 PERS	PAYROLL DEDUCTIONS	786.59
<b>220 Traffic Signalization Fund</b>		
<b>Traffic Signals</b>		
345540 STEINY & COMPANY	SIGNAL IMPROVEMENT PROJECT	11,820.09
<b>226 Solid Waste Reduction Fund</b>		
<b>Solid Waste</b>		
345410 PERS	PAYROLL DEDUCTIONS	2.17
<b>229 Pollution Elimination Fund</b>		
<b>Channel Maintenance Operation</b>		
345347 BLANKINSHIP AND ASSOCIATES INC	MAINTENANCE TRAINING	1,500.00
345410 PERS	PAYROLL DEDUCTIONS	5.91
345507 NEXTEL SPRINT	CELL PHONE	48.76
<b>251 Lone Tree SLLMD Fund</b>		
<b>Lonetree Maintenance Zone 1</b>		
345399 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	192.00
345410 PERS	PAYROLL DEDUCTIONS	1.60
345514 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	484.00
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	624.98
<b>Lonetree Maintenance Zone 2</b>		
345410 PERS	PAYROLL DEDUCTIONS	2.18
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	585.32
<b>Lonetree Maintenance Zone 3</b>		
345410 PERS	PAYROLL DEDUCTIONS	1.97
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,053.13
<b>Lonetree Maintenance Zone 4</b>		
345410 PERS	PAYROLL DEDUCTIONS	0.56

Prepared by: Georgina Meek  
 Finance Accounting

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	294.96
<b>252 Downtown SLLMD Fund</b>		
<b>Downtown Maintenance</b>		
345399 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
345410 PERS	PAYROLL DEDUCTIONS	0.12
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	290.01
919636 JOHN DEERE LANDSCAPES PACHECO	IRRIGATION SUPPLIES	2,624.21
<b>253 Almondridge SLLMD Fund</b>		
<b>Almondridge Maintenance</b>		
345410 PERS	PAYROLL DEDUCTIONS	1.85
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	176.37
<b>254 Hillcrest SLLMD Fund</b>		
<b>Hillcrest Maintenance Zone 1</b>		
345399 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
345410 PERS	PAYROLL DEDUCTIONS	3.53
345514 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	4,285.00
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	478.18
919565 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	110.07
<b>Hillcrest Maintenance Zone 2</b>		
345399 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	960.00
345410 PERS	PAYROLL DEDUCTIONS	2.70
345514 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	2,420.00
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	608.88
<b>Hillcrest Maintenance Zone 4</b>		
345399 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
345403 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	4,285.00
345410 PERS	PAYROLL DEDUCTIONS	2.01
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	511.14
<b>255 Park 1A Maintenance District Fund</b>		
<b>Park 1A Maintenance District</b>		
345338 ACME SECURITY SYSTEMS	ALARM MONITORING	162.00
345399 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
345410 PERS	PAYROLL DEDUCTIONS	0.36
345443 AT AND T MCI	PHONE	16.20
345514 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,936.00
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	117.96
<b>256 Citywide 2A Maintenance District Fund</b>		
<b>Citywide 2A Maintenance Zone 3</b>		
345410 PERS	PAYROLL DEDUCTIONS	0.47
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	63.54
<b>Citywide 2A Maintenance Zone 4</b>		
345410 PERS	PAYROLL DEDUCTIONS	0.16
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	243.88
<b>Citywide 2A Maintenance Zone 5</b>		
345410 PERS	PAYROLL DEDUCTIONS	0.83
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	295.61

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CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

**Citywide 2A Maintenance Zone 6**

345399 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
345410 PERS	PAYROLL DEDUCTIONS	0.23
345514 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	2,995.00
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	180.63

**Citywide 2A Maintenance Zone 8**

345410 PERS	PAYROLL DEDUCTIONS	0.83
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	240.88

**Citywide 2A Maintenance Zone 9**

345399 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
345410 PERS	PAYROLL DEDUCTIONS	0.79
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	398.06

**Citywide 2A Maintenance Zone10**

345410 PERS	PAYROLL DEDUCTIONS	0.52
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	118.47

**257 SLLMD Administration Fund**

**SLLMD Administration**

345410 PERS	PAYROLL DEDUCTIONS	2.28
345486 FURBER SAW INC	TRIMMER	332.00
345507 NEXTEL SPRINT	CELL PHONE	166.17
919566 JOHN DEERE LANDSCAPES PACHECO	CIRCUIT BOARDS	292.95
919636 JOHN DEERE LANDSCAPES PACHECO	IRRIGATION SUPPLIES	2,237.68
919673 QUENVOLDS	SAFETY SHOES-IBARRA	189.88

**259 East Lone Tree SLLMD Fund**

**Zone 1-District 10**

345410 PERS	PAYROLL DEDUCTIONS	0.52
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	99.45

**311 Capital Improvement Fund**

**Streets**

345493 JD PARTNERS CONCRETE	PROJECT CONSTRUCTION	38,402.80
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**319 Residential Dev Alloc Fund**

**Non Departmental**

345463 CONTRA COSTA COUNTY	LIBRARY MAINTENANCE	30,268.98
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**376 Lone Diamond Fund**

**Assessment District**

345366 DELTA FENCE CO	FENCE RELOCATION	7,274.00
345412 PUBLIC STORAGE	STORAGE FEES	576.00

**416 Honeywell Capital Lease Fund**

**Non Departmental**

345345 BANK OF AMERICA	LOAN PAYMENT	42,588.54
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**570 Equipment Maintenance Fund**

**Non Departmental**

345383 HUNT AND SONS INC	FUEL	13,387.56
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**Equipment Maintenance**

345343 ANTIOCH GLASS	WINDSHIELD	150.00
345397 MUNICIPAL MAINT EQUIPMENT INC	SUPPLIES	167.46

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 Finance Accounting

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

345410 PERS	PAYROLL DEDUCTIONS	18.07
345415 SHIELDS HARPER AND CO	HOSE	304.95
345437 ANTIOCH AUTO PARTS	AC COMPRESSOR	226.04
345449 BILL BRANDT FORD	LOCK ASSEMBLY	69.56
345456 CHUCKS BRAKE & WHEEL SERVICE	BATTERIES	354.45
345480 FASTENAL CO	WING NUTS	21.16
345488 HARLEY DAVIDSON	BATTERY	336.74
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	337.75
345517 PETERSON	SUPPLIES	29.36
345533 SCOTTOS AUTO BODY INC	AUTO BODY SHOP SERVICES	455.73
345549 WALNUT CREEK FORD	AUTO PARTS STOCK	478.93
<b>573 Information Services Fund</b>		
<b>Information Services</b>		
345410 PERS	PAYROLL DEDUCTIONS	7.77
345507 NEXTEL SPRINT	CELL PHONE	56.48
345510 OFFICE MAX INC	OFFICE SUPPLIES	41.40
<b>Network Support &amp; PCs</b>		
345358 COMCAST	ISP SERVICE	111.72
345373 EMBERLIN, DAVID C	EXPENSE REIMBURSEMENT	20.10
345410 PERS	PAYROLL DEDUCTIONS	13.62
345436 AMS DOT NET INC	TRIPP LITE SMARTEONLINE	3,764.97
345443 AT AND T MCI	PHONE	357.32
345507 NEXTEL SPRINT	CELL PHONE	120.82
<b>Telephone System</b>		
345410 PERS	PAYROLL DEDUCTIONS	0.89
345440 AT AND T MCI	PHONE	179.34
345441 AT AND T MCI	PHONE	17.07
345442 AT AND T MCI	PHONE	183.46
345443 AT AND T MCI	PHONE	2,076.40
<b>GIS Support Services</b>		
345410 PERS	PAYROLL DEDUCTIONS	9.06
345539 STATE OF CALIFORNIA	FINGERPRINTING	32.00
<b>Office Equipment Replacement</b>		
919565 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	482.32
919595 COMPUTERLAND	SUPPLIES	118.27
<b>577 Post Retirement Medical-Police Fund</b>		
<b>Non Departmental</b>		
345497 RETIREE	MEDICAL AFTER RETIREMENT	842.00
345505 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
345520 PERS	MEDICAL AFTER RETIREMENT	3,409.69
345530 RETIREE	MEDICAL AFTER RETIREMENT	219.32
345537 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
345544 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
345551 RETIREE	MEDICAL AFTER RETIREMENT	461.74
919571 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919572 RETIREE	MEDICAL AFTER RETIREMENT	219.32

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CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

919579 RETIREE	MEDICAL AFTER RETIREMENT	1,111.84
919581 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919590 RETIREE	MEDICAL AFTER RETIREMENT	1,088.53
919591 RETIREE	MEDICAL AFTER RETIREMENT	973.00
919593 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919596 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919606 RETIREE	MEDICAL AFTER RETIREMENT	1,090.04
919610 RETIREE	MEDICAL AFTER RETIREMENT	810.00
919611 RETIREE	MEDICAL AFTER RETIREMENT	219.32
919624 RETIREE	MEDICAL AFTER RETIREMENT	173.37
919627 RETIREE	MEDICAL AFTER RETIREMENT	219.32
919629 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919630 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919631 RETIREE	MEDICAL AFTER RETIREMENT	130.73
919642 RETIREE	MEDICAL AFTER RETIREMENT	173.37
919660 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919663 RETIREE	MEDICAL AFTER RETIREMENT	553.63
919674 RETIREE	MEDICAL AFTER RETIREMENT	352.26
919675 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919677 RETIREE	MEDICAL AFTER RETIREMENT	887.95
919687 RETIREE	MEDICAL AFTER RETIREMENT	553.63
919698 RETIREE	MEDICAL AFTER RETIREMENT	173.32
919703 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919707 RETIREE	MEDICAL AFTER RETIREMENT	553.63
919717 RETIREE	MEDICAL AFTER RETIREMENT	553.63
919719 RETIREE	MEDICAL AFTER RETIREMENT	193.61

**578 Post Retirement Medical-Misc Fund**

***Non Departmental***

345448 RETIREE	MEDICAL AFTER RETIREMENT	239.69
345470 RETIREE	MEDICAL AFTER RETIREMENT	239.69
345473 RETIREE	MEDICAL AFTER RETIREMENT	121.69
345476 RETIREE	MEDICAL AFTER RETIREMENT	387.26
345477 RETIREE	MEDICAL AFTER RETIREMENT	594.38
345494 RETIREE	MEDICAL AFTER RETIREMENT	239.69
345502 RETIREE	MEDICAL AFTER RETIREMENT	239.69
345512 RETIREE	MEDICAL AFTER RETIREMENT	121.69
345520 PERS	MEDICAL AFTER RETIREMENT	6,188.47
345523 RETIREE	MEDICAL AFTER RETIREMENT	121.69
345526 RETIREE	MEDICAL AFTER RETIREMENT	594.38
345529 RETIREE	MEDICAL AFTER RETIREMENT	121.69
345532 RETIREE	MEDICAL AFTER RETIREMENT	239.69
345548 RETIREE	MEDICAL AFTER RETIREMENT	519.26
919574 RETIREE	MEDICAL AFTER RETIREMENT	255.43
919575 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919576 RETIREE	MEDICAL AFTER RETIREMENT	146.32
919584 RETIREE	MEDICAL AFTER RETIREMENT	239.69

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6/6/2013



CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

919586 RETIREE	MEDICAL AFTER RETIREMENT	239.69
919588 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919594 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919597 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919600 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919602 RETIREE	MEDICAL AFTER RETIREMENT	239.69
919605 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919608 RETIREE	MEDICAL AFTER RETIREMENT	173.37
919609 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919613 RETIREE	MEDICAL AFTER RETIREMENT	173.37
919616 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919617 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919619 RETIREE	MEDICAL AFTER RETIREMENT	467.53
919620 RETIREE	MEDICAL AFTER RETIREMENT	163.02
919626 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919628 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919637 RETIREE	MEDICAL AFTER RETIREMENT	239.69
919638 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919641 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919644 RETIREE	MEDICAL AFTER RETIREMENT	239.69
919646 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919650 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919653 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919655 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919659 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919669 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919670 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919679 RETIREE	MEDICAL AFTER RETIREMENT	239.69
919682 RETIREE	MEDICAL AFTER RETIREMENT	239.69
919686 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919691 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919701 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919704 RETIREE	MEDICAL AFTER RETIREMENT	255.43
919706 RETIREE	MEDICAL AFTER RETIREMENT	173.37
919710 RETIREE	MEDICAL AFTER RETIREMENT	709.38
919716 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919718 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919720 RETIREE	MEDICAL AFTER RETIREMENT	84.28
919721 RETIREE	MEDICAL AFTER RETIREMENT	121.69

**579 Post Retirement Medical-Mgmt Fund**

***Non Departmental***

345445 RETIREE	MEDICAL AFTER RETIREMENT	239.69
345458 RETIREE	MEDICAL AFTER RETIREMENT	964.95
345464 RETIREE	MEDICAL AFTER RETIREMENT	179.69
345482 RETIREE	MEDICAL AFTER RETIREMENT	121.69
345487 RETIREE	MEDICAL AFTER RETIREMENT	239.69

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 Finance Accounting

6/6/2013

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

345490 RETIREE	MEDICAL AFTER RETIREMENT	400.00
345498 RETIREE	MEDICAL AFTER RETIREMENT	358.38
345503 RETIREE	MEDICAL AFTER RETIREMENT	759.38
345516 RETIREE	MEDICAL AFTER RETIREMENT	121.69
345520 PERS	MEDICAL AFTER RETIREMENT	9,124.69
345525 RETIREE	MEDICAL AFTER RETIREMENT	255.43
345541 RETIREE	MEDICAL AFTER RETIREMENT	594.38
345552 RETIREE	MEDICAL AFTER RETIREMENT	173.37
919580 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919582 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919583 RETIREE	MEDICAL AFTER RETIREMENT	256.89
919585 RETIREE	MEDICAL AFTER RETIREMENT	179.70
919587 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919589 RETIREE	MEDICAL AFTER RETIREMENT	898.90
919592 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919598 RETIREE	MEDICAL AFTER RETIREMENT	625.86
919599 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919601 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919603 RETIREE	MEDICAL AFTER RETIREMENT	474.38
919604 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919607 RETIREE	MEDICAL AFTER RETIREMENT	255.43
919612 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919614 RETIREE	MEDICAL AFTER RETIREMENT	898.90
919615 RETIREE	MEDICAL AFTER RETIREMENT	121.69
919618 RETIREE	MEDICAL AFTER RETIREMENT	1,184.56
919622 RETIREE	MEDICAL AFTER RETIREMENT	408.20
919623 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919625 RETIREE	MEDICAL AFTER RETIREMENT	461.74
919633 RETIREE	MEDICAL AFTER RETIREMENT	315.64
919639 RETIREE	MEDICAL AFTER RETIREMENT	724.38
919640 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919643 RETIREE	MEDICAL AFTER RETIREMENT	255.43
919645 RETIREE	MEDICAL AFTER RETIREMENT	594.38
919648 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919649 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919651 RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919652 RETIREE	MEDICAL AFTER RETIREMENT	239.69
919654 RETIREE	MEDICAL AFTER RETIREMENT	239.69
919656 RETIREE	MEDICAL AFTER RETIREMENT	159.02
919657 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919658 RETIREE	MEDICAL AFTER RETIREMENT	358.38
919662 RETIREE	MEDICAL AFTER RETIREMENT	964.95
919664 RETIREE	MEDICAL AFTER RETIREMENT	173.37
919665 RETIREE	MEDICAL AFTER RETIREMENT	255.43
919666 RETIREE	MEDICAL AFTER RETIREMENT	146.32
919667 RETIREE	MEDICAL AFTER RETIREMENT	594.38

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 Finance Accounting  
 6/6/2013

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

919668	RETIREE	MEDICAL AFTER RETIREMENT	358.38
919671	RETIREE	MEDICAL AFTER RETIREMENT	121.69
919672	RETIREE	MEDICAL AFTER RETIREMENT	121.69
919676	RETIREE	MEDICAL AFTER RETIREMENT	1,222.26
919678	RETIREE	MEDICAL AFTER RETIREMENT	121.69
919680	RETIREE	MEDICAL AFTER RETIREMENT	358.38
919681	RETIREE	MEDICAL AFTER RETIREMENT	358.38
919683	RETIREE	MEDICAL AFTER RETIREMENT	239.69
919684	RETIREE	MEDICAL AFTER RETIREMENT	146.32
919685	RETIREE	MEDICAL AFTER RETIREMENT	379.69
919688	RETIREE	MEDICAL AFTER RETIREMENT	898.90
919689	RETIREE	MEDICAL AFTER RETIREMENT	594.38
919690	RETIREE	MEDICAL AFTER RETIREMENT	121.69
919692	RETIREE	MEDICAL AFTER RETIREMENT	255.43
919693	RETIREE	MEDICAL AFTER RETIREMENT	625.86
919695	RETIREE	MEDICAL AFTER RETIREMENT	121.69
919696	RETIREE	MEDICAL AFTER RETIREMENT	898.80
919697	RETIREE	MEDICAL AFTER RETIREMENT	759.38
919700	RETIREE	MEDICAL AFTER RETIREMENT	121.69
919705	RETIREE	MEDICAL AFTER RETIREMENT	255.43
919708	RETIREE	MEDICAL AFTER RETIREMENT	2,051.22
919709	RETIREE	MEDICAL AFTER RETIREMENT	358.38
919711	RETIREE	MEDICAL AFTER RETIREMENT	358.38
919712	RETIREE	MEDICAL AFTER RETIREMENT	1,020.14
919713	RETIREE	MEDICAL AFTER RETIREMENT	121.69
919714	RETIREE	MEDICAL AFTER RETIREMENT	1,623.44
919715	RETIREE	MEDICAL AFTER RETIREMENT	255.43
<b>611 Water Fund</b>			
<b><i>Non Departmental</i></b>			
345480	FASTENAL CO	SUPPLIES	539.75
345528	ROBERTS AND BRUNE CO	SUPPLIES	11,348.87
345550	WESCO RECEIVABLES CORP	SUPPLIES	109.37
919621	HAMMONS SUPPLY COMPANY	SUPPLIES	362.71
<b><i>Water Supervision</i></b>			
345357	COLEY, TIMOTHY P	EXPENSE REIMBURSEMENT	404.77
345380	GRAUL, IVAN	TAMPER FEE REFUND	212.24
345410	PERS	PAYROLL DEDUCTIONS	31.07
345423	TALASILA, PANCHANADHAM	TAMPER FEE REFUND	212.24
345507	NEXTEL SPRINT	CELL PHONE	88.38
345531	RT LAWRENCE CORP	LOCKBOX PROCESSING FEE	1,568.24
<b><i>Water Production</i></b>			
345341	ALLIED PACKING AND SUPPLY INC	HOSE	266.25
345374	FLOW SCIENCE INCORPORATED	PROFESSIONAL SERVICES	7,053.20
345389	JL WINGERT CO	BARBED SEATS	162.78
345390	KRUGER INC	SAND PUMP KITS	3,431.75
345410	PERS	PAYROLL DEDUCTIONS	58.95

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 Finance Accounting

6/6/2013

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

345442 AT AND T MCI	PHONE	126.84
345443 AT AND T MCI	PHONE	66.80
345452 BORGES AND MAHONEY	REPAIR KIT	2,598.19
345471 DELTA DENTAL	PAYROLL DEDUCTIONS	105.60
345481 FLOW SCIENCE INCORPORATED	PROFESSIONAL SERVICES	8,560.29
345496 LAW OFFICE OF MATTHEW EMRICK	LEGAL SERVICES	4,493.00
345507 NEXTEL SPRINT	CELL PHONE	61.94
345514 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	857.00
345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	122,322.24
345520 PERS	PAYROLL DEDUCTIONS	670.30
345528 ROBERTS AND BRUNE CO	METER PUMP	489.19
345535 SIEMENS INDUSTRY INC	SYSTEM SERVICE	416.00
345538 SPAULDING, ANN B	CONSULTING SERVICES	3,785.44
345547 UNIVAR USA INC	CAUSTIC	12,328.02
919573 AIRGAS SPECIALTY PRODUCTS	AMMONIA	1,768.85
919635 IDEXX LABORATORIES INC	SUPPLIES	1,271.65
919647 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	658.60
919673 QUENVOLDS	SAFETY SHOES-BENNETT	173.60
919694 SIERRA CHEMICAL CO	CHLORINE	12,193.65
<b>Water Distribution</b>		
345352 CANVAS FACTORY	COVERS	1,958.43
345365 DELTA DIABLO SANITATION DISTRICT	RECYCLED WATER	8,000.49
345376 FTG CONSTRUCTION MATERIALS INC	DUMP FEES	75.00
345392 LONE TREE TRUCKING INC	SAND	1,728.75
345394 MAIL STREAM	MAILING SERVICE	372.17
345396 MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	101.81
345410 PERS	PAYROLL DEDUCTIONS	83.26
345434 ACE HARDWARE, ANTIOCH	SUPPLIES	35.13
345438 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	6,239.93
345465 COUNTY ASPHALT	ASPHALT	2,168.31
345469 CWEA SFBS	RENEWAL-DEOLIVIERA	217.00
345480 FASTENAL CO	SUPPLIES	121.24
345501 MCCAMPBELL ANALYTICAL INC	TESTING SERVICES	241.20
345507 NEXTEL SPRINT	CELL PHONE	348.93
345510 OFFICE MAX INC	OFFICE SUPPLIES	63.13
345528 ROBERTS AND BRUNE CO	SMALL TOOLS	19,406.76
345543 TRENCH PLATE RENTAL CO INC	EQUIPMENT RENTAL	682.90
<b>Water Meter Reading</b>		
345410 PERS	PAYROLL DEDUCTIONS	8.14
345430 VERIZON WIRELESS	DATA CHARGES	59.25
345507 NEXTEL SPRINT	CELL PHONE	47.13
919578 BADGER METER INC	METERS	13,971.85
<b>Public Buildings &amp; Facilities</b>		
345410 PERS	PAYROLL DEDUCTIONS	3.56
345417 SIMPSON SANDBLASTING	REHAB PROJECT	16,720.00
345500 LOZANO SMITH LLP	LEGAL SERVICES	12,208.61

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CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

345515 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	3,040.07
<b>Warehouse &amp; Central Stores</b>		
345410 PERS	PAYROLL DEDUCTIONS	7.26
345507 NEXTEL SPRINT	CELL PHONE	55.16
345546 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	2.00
<b>621 Sewer Fund</b>		
<b>Sewer-Wastewater Supervision</b>		
345410 PERS	PAYROLL DEDUCTIONS	5.40
345507 NEXTEL SPRINT	CELL PHONE	67.39
<b>Sewer-Wastewater Collection</b>		
345376 FTG CONSTRUCTION MATERIALS INC	DUMP FEES	75.00
345392 LONE TREE TRUCKING INC	SAND	1,728.75
345394 MAIL STREAM	MAILING SERVICE	372.15
345396 MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	101.81
345402 OWEN EQUIPMENT	NOZZLE	242.28
345410 PERS	PAYROLL DEDUCTIONS	49.80
345428 UNITED SITE SERVICES OF CALIFORNIA	PORTABLE BATHROOM	203.78
345430 VERIZON WIRELESS	DATA CHARGES	76.02
345438 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	8,191.29
345465 COUNTY ASPHALT	ASPHALT	1,191.62
345474 DKF SOLUTIONS GROUP LLC	TRAINING	4,984.45
345475 DOWNEY BRAND ATTORNEYS LLP	LEGAL FEES	165.00
345499 LINE X KUSTOM AND ACCESSORIES	EQUIPMENT SUPPLIES	272.50
345507 NEXTEL SPRINT	CELL PHONE	162.71
345521 PUMP REPAIR SERVICE CO	SEWER PUMP REPAIR	15,240.59
345528 ROBERTS AND BRUNE CO	PIPE & FITTINGS	1,104.53
345546 UNITED PARCEL SERVICE	SHIPPING	53.38
919570 3T EQUIPMENT COMPANY	TV TRUCK PARTS	505.32
919673 QUENVOLDS	SAFETY SHOES-RAMIREZ	202.90
<b>Wastewater Collection</b>		
345410 PERS	PAYROLL DEDUCTIONS	3.56
<b>622 Sewer Facilities Expansion Fund</b>		
<b>Wastewater Collection</b>		
345527 RMC WATER AND ENVIRONMENT	CONSULTANT SERVICES	30,496.00
<b>631 Marina Fund</b>		
<b>Marina Administration</b>		
345410 PERS	PAYROLL DEDUCTIONS	5.08
345510 OFFICE MAX INC	OFFICE SUPPLIES	42.12
345515 PACIFIC GAS AND ELECTRIC CO	GAS	2,240.07
<b>Marina Maintenance</b>		
345381 HENDERSON MARINE SUPPLY	DOCK RUBRAIL	552.61
919647 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	1,355.14
<b>Marina Boat Launch</b>		
345410 PERS	PAYROLL DEDUCTIONS	0.60

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

**641 Prewett Water Park Fund**

**Rec - Prewett Admin**

345410 PERS	PAYROLL DEDUCTIONS	876.62
345480 FASTENAL CO	SUPPLIES	218.32

**Recreation Aquatics**

345410 PERS	PAYROLL DEDUCTIONS	1.92
345539 STATE OF CALIFORNIA	FINGERPRINTING	320.00

**Recreation Water Park**

345346 BAY CITIES PYROTECTOR	FIRE SYSTEM CERTIFICATION	1,125.00
345410 PERS	PAYROLL DEDUCTIONS	8.43
345455 CALIFORNIA DIESEL AND POWER INC	GENERATOR SERVICE	625.00
345510 OFFICE MAX INC	OFFICE SUPPLIES	64.03
345513 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	3,758.32
345515 PACIFIC GAS AND ELECTRIC CO	GAS	7,716.72
345518 PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	84.80
345539 STATE OF CALIFORNIA	FINGERPRINTING	800.00

**Rec Prewett Concessions**

202559 PARTY CITY	SUPPLIES	47.96
202560 FOODMAXX	SUPPLIES	36.21
202781 WALMART	SUPPLIES	32.29
345539 STATE OF CALIFORNIA	FINGERPRINTING	256.00

**721 Employee Benefits Fund**

**Non Departmental**

345339 AFLAC	PAYROLL DEDUCTIONS	7,785.14
345348 BLUE SHIELD LIFE	PAYROLL DEDUCTIONS	2,007.62
345356 CLAYTON FITNESS CENTER	PAYROLL DEDUCTIONS	35.99
345360 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
345361 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
345367 DELTA PARK ATHLETIC CLUB	PAYROLL DEDUCTIONS	37.00
345368 DELTA VALLEY ATHLETIC CLUB	PAYROLL DEDUCTIONS	54.00
345384 IN SHAPE HEALTH CLUBS	PAYROLL DEDUCTIONS	1,100.00
345391 LINA	PAYROLL DEDUCTIONS	4,677.18
345398 MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	2,228.11
345400 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	2,280.00
345401 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	1,223.76
345405 PARS	PAYROLL DEDUCTIONS	3,919.98
345406 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	97.27
345410 PERS	PAYROLL DEDUCTIONS	284,410.02
345411 PUBLIC EMPLOYEES UNION LOCAL 1	PAYROLL DEDUCTIONS	2,159.37
345418 SOLAR SWIM AND GYM	PAYROLL DEDUCTIONS	27.00
345419 STANDARD LIFE INSURANCE	PAYROLL DEDUCTIONS	924.50
345420 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
345421 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	214.00
345422 STATE OF FLORIDA DISBURSE UNIT	PAYROLL DEDUCTIONS	150.00
345424 TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77
345426 RECIPIENT	PAYROLL DEDUCTIONS	112.15

Prepared by: Georgina Meek  
 Finance Accounting

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 MAY 23 - JUNE 5, 2013  
 FUND/CHECK#

345429	US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	240.18
345433	XTREME FITNESS	PAYROLL DEDUCTIONS	104.00
345471	DELTA DENTAL	PAYROLL DEDUCTIONS	26,378.23
345511	OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	1,221.58
345520	PERS	PAYROLL DEDUCTIONS	274,846.56
919563	ANTIOCH PD SWORN MGMT ASSOC	PAYROLL DEDUCTIONS	536.75
919564	APOA	PAYROLL DEDUCTIONS	11,857.17
919568	NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	37,275.84
919569	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,334.13
<b>736 APFA Lone Diamond Reassessment 1998 Fund</b>			
<b><i>Non Departmental</i></b>			
345506	NBS LOCAL GOVERNMENT SOLUTIONS	PROFESSIONAL SERVICES	2,405.80

**STAFF REPORT TO THE CITY COUNCIL  
FOR CONSIDERATION AT THE MEETING OF JUNE 11, 2013**

**Prepared by:** Duane Anderson, Superintendent, Water Treatment Plant *DA*  
**Approved by:** Ron Bernal, Director of Public Works/City Engineer *RFB*  
**Date:** May 29, 2013  
**Subject:** Water Treatment Chemicals Purchase for Fiscal Year 2013/2014

**RECOMMENDATION**

Authorize the cooperative purchase arrangement, and issuance of purchase orders for Water Treatment Plant chemicals to the lowest overall responsible bidders not to exceed \$1,200,000.

**BACKGROUND**

Along with Diablo Water District, the cities of Antioch, Pittsburg and Martinez have solicited bids for bulk chemicals for their respective Water Treatment Plants for the period July 1, 2013 through June 30, 2014. Although jointly bid, the chemicals are delivered and invoiced separately to the respective ordering cities. This will be the seventh consecutive year that Antioch has collaborated with the other agencies and the arrangement has worked well in the past; allowing us to get the best price and eliminating the duplication of effort of each agency bidding chemicals individually.

The bid chemicals are listed on Attachment A with the products Antioch will be purchasing highlighted in yellow. Products provided must comply with all applicable Federal and State of California drinking water laws and regulations and meet or exceed all terms and conditions specified in the bid.

City departments may participate in cooperative inter-agency purchasing in lieu of soliciting bids. This process is called 'Piggybacking' and allows the City to contract for purchase of goods or services of another entity.

**FISCAL IMPACTS**

Funds are allocated in FY13/14 budget from the Water Production fund (6112320-62220).

**OPTIONS**

None considered.

**ATTACHMENTS**

A. Bid tabulation.



COMPANY	Liquid Alum	Anhydrous Ammonia	Sodium Hydroxide (Caustic)	Chlorine	Fluoride	Potassium Permanganate	Sodium Hypochlorite	Sodium Hypochlorite	Polymer
<i>Bid Quantity - Total</i>	<i>Up to 1700 Tons</i>	<i>Up to 73 Tons</i>	<i>Up to 725 Tons</i>	<i>Up to 280 Tons</i>	<i>Up to 219 Tons</i>	<i>Up to 3 Tons</i>	<i>up to 44,500 Gal</i>	<i>500-700 gal - \$/Gal</i>	<i>up to 80 tons</i>
Airgas Specialty Products Inc <sup>3</sup>	\$/ton	\$1,800.00							
Brenntag Pacific (FI = 24%)			\$499.90		\$595.00	\$4,400.00	\$0.89	\$0.89	
BHS Specialty Chemical Products (FI = 23%) <sup>1</sup>					\$551.49				
General Chemical Performance Products LLC	\$249.00								
Hasa Inc									
Hills Brothers		\$1,800.00							
Nalco Chemical									\$1,280.00
Neo Solutions, Inc.									\$948.00
Olin ChlorAlkali <sup>2</sup>			\$478.90				\$0.645	\$1.225	
Pencoco, Inc.									
Sierra Chemical				\$570.00		\$5,740.00	\$0.735	\$1.25	
Sterling Water Technologies									\$1,089.49
Thatcher Co.	\$309.00				\$605.00				
SNF Polydyne Inc									no bid
Univar USA			\$485.00			\$6,700.00	\$1.05	\$1.05	

(1) Diablo Water = \$585.62/ton - fluoride (see other conditions) (2) Delivery site safety audit prior to first delivery (3) Proposed Attorney changes to contract terms and conditions

**STAFF REPORT TO THE CITY COUCIL  
FOR CONSIDERATION AT THE MEETING OF JUNE 11, 2013**

**Prepared by:** Ryan Graham, Deputy Director of Community Development

**Approved by:** Tina Wehrmeister, Director of Community Development *TW*

**Date:** June 5, 2013

**Subject:** Code Enforcement Contract – First Amendment

**RECOMMENDATION**

It is recommended that the Council authorize the City Manager to execute a first amendment to extend the contract with Interwest Consulting Group to provide a Code Enforcement Officer.

**BACKGROUND INFORMATION**

The City has contracted with Interwest Consulting for the last year to provide two Code Enforcement Officers. This relationship has been very successful and the staff members they have provided have made great strides in reestablishing code enforcement efforts in the city. The current contract for one Code Enforcement Officer ends June 1, 2013.

This firm is available, knowledgeable about the community, knows the City's process and case tracking program, and has a positive working relationship with various City Departments. They have staff that is well versed in dealing with vacant and foreclosed properties.

It is staff's recommendation that the Council authorize the City Manager to enter into the attached 3 year contract to continue to fill one Code Enforcement Officer position. When the contract term expires for the second Code Enforcement Officer position, staff will request consolidation of the two contracts.

There is a termination clause in the original contract allowing the City to terminate this agreement should Council's direction change during the term of this contract.

**FISCAL IMPACTS**

There are sufficient funds available in the funding sources approved by Council in November 2011. No additional funds are requested at this time.

**OPTIONS**

Provide staff alternate direction.

**ATTACHMENTS**

- A. Current Contract
- B. First Amendment to continue current contract

# ATTACHMENT "A"

## CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF ANTIOCH AND ~~[NAME OF CONSULTANT]~~ INTERWEST CONSULTING GROUP

THIS AGREEMENT for consulting services is made by and between the City of Antioch ("City") and Interwest Consulting Group ("Consultant") as of June 1, 2012.

**Section 1. SERVICES.** Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 **Term of Services.** The term of this Agreement shall begin on the date first noted above and shall end on June 1, 2013 unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8.
- 1.2 **Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession.
- 1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.
- 1.4 **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

**Section 2. COMPENSATION.** City hereby agree to pay Consultant an hourly rate not to exceed \$85.00 an hour and overtime at 25% above the listed hourly rate. In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit A, regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth below. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

**2.1 Invoices.** Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain the following information:

- Serial identifications of progress bills; i.e., Progress Bill No. 1 for the first invoice, etc.;
- The beginning and ending dates of the billing period;
- A Task Summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
- At City' option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
- The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services. The Consultant's signature.

**2.2 Payment Schedule.**

**2.2.1** City shall make incremental payments, based on invoices received, according to the payment schedule attached as Exhibit B, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have 30 days from the receipt of an invoice that complies with all of the requirements of Section 2.1 to pay Consultant.

**2.3 Total Payment.** City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

**2.4 Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the following fee schedule: \$85.00 an hour and overtime billed at 25% above the listed hourly rate.

**2.5 Reimbursable Expenses.** Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.

**2.6 Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

**2.7 Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

**Section 3. FACILITIES AND EQUIPMENT.** Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

City shall furnish physical facilities such as office space, desks, filing cabinets, conference space, vehicle, police radio, desktop computer, and desk top phone as may be reasonably necessary for Consultant's use in conduction with directly performing city business while consulting with City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City.

**Section 4. INSURANCE REQUIREMENTS.** Before beginning any work under this Agreement, Consultant, at its own cost and expense, shall procure "occurrence coverage" insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work by the Consultant and its agents, representatives, employees, and subcontractors. Consultant shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects to the City. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's proposal. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence thereof to City. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution.

**4.1 Workers' Compensation.** Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than ONE MILLION DOLLARS (\$1,000,000.00) per accident. In the alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the Contract Administrator. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against the City and their officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

**4.2 Commercial General and Automobile Liability Insurance.**

**4.2.1 General requirements.** Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

**4.2.2 Minimum scope of coverage.** Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (ed. 11/88) or Insurance Services Office form number GL 0002 (ed. 1/73) covering comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 1 ("any auto"). No endorsement shall be attached limiting the coverage.

**4.2.3 Additional requirements.** Each of the following shall be included in the insurance coverage or added as an endorsement to the policy:

- a. City and their officers, employees, agents, and volunteers shall be covered as insured's with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, including the insured's general supervision of Consultant; products and completed operations of Consultant; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City or their officers, employees, agents, or volunteers.
- b. The insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- c. An endorsement must state that coverage is primary insurance with respect to the City and their officers, officials, employees and volunteers, and that no insurance or self-insurance maintained by the City shall be called upon to contribute to a loss under the coverage.

- d. Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.
- e. An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
- f. The policy must contain a cross liability or severability of interest clause.

**4.3 Professional Liability Insurance.** Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) covering the licensed professionals' errors and omissions.

**4.3.1** Any deductible or self-insured retention shall not exceed \$150,000 per claim.

**4.3.2** An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

**4.3.3** The following provisions shall apply if the professional liability coverages are written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.
- c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must provide extended reporting coverage for a minimum of five years after completion of the Agreement or the work. The City shall have the right to exercise, at the Consultant's sole cost and expense, any extended reporting provisions of the policy, if the Consultant cancels or does not renew the coverage.
- d. A copy of the claim reporting requirements must be submitted to the City prior to the commencement of any work under this Agreement.

4.4 **All Policies Requirements.**

4.4.1 **Acceptability of insurers.** All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

4.4.2 **Verification of coverage.** Prior to beginning any work under this Agreement, Consultant shall furnish City with certificates of insurance and with original endorsements effecting coverage. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

4.4.3 **Subcontractors.** Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4.4.4 **Deductibles and Self-Insured Retentions.** Consultant shall disclose to and obtain the approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement.

During the period covered by this Agreement, only upon the prior express written authorization of Contract Administrator, Consultant may increase such deductibles or self-insured retentions with respect to City and their officers, employees, agents, and volunteers. The Contract Administrator may condition approval of an increase in deductible or self-insured retention levels with a requirement that Consultant procure a bond, guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

4.4.5 **Notice of Reduction in Coverage.** In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, Consultant shall provide written notice to City at Consultant's earliest possible opportunity and in no case later than five days after Consultant is notified of the change in coverage.

4.5 **Remedies.** In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;



- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

**Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES**

**5.1.** CONSULTANT shall, to the fullest extent permitted by law, indemnify, defend (with counsel acceptable to the CITY) and hold harmless CITY, and its employees, officials, volunteers and agents ("Indemnified Parties") from and against any and all losses, claims, damages, costs and liability arising out of any personal injury, loss of life, damage to property, or any violation of any federal, state, or municipal law or ordinance, arising out of or resulting from the performance of this Agreement by CONSULTANT, its officers, employees, agents, volunteers, subcontractors or sub-consultants, excepting only liability arising from the sole negligence, active negligence or intentional misconduct of CITY.

**5.2.** In the event that Consultant or any employee, agent, sub-consultant or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, sub-consultants or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

**5.3.** Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

**5.4.** By execution of this Agreement, Consultant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration, and that these provisions survive the termination of this Agreement.

**Section 6. STATUS OF CONSULTANT.**

**6.1** **Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System

(PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

- 6.2 **Consultant No Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

**Section 7. LEGAL REQUIREMENTS.**

- 7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.
- 7.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.
- 7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.
- 7.4 **Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.
- 7.5 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

**Section 8. TERMINATION AND MODIFICATION.**

- 8.1 **Termination.** City may cancel this Agreement at any time and without cause upon written notification to Consultant.

Consultant may cancel this Agreement upon 30 days' written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

- 8.2 **Extension.** City may, in their sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if City grants such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.

- 8.3 **Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.

- 8.4 **Assignment and Subcontracting.** City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.

- 8.5 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.

- 8.6 **Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City' remedies shall include, but not be limited to, the following:

8.6.1 Immediately terminate the Agreement;

8.6.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement; and/or

- 8.6.3 Retain a different consultant to complete the work described in Exhibit A not finished by Consultant in which case the City may charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

**Section 9. KEEPING AND STATUS OF RECORDS.**

- 9.1 **Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.
- 9.2 **Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.
- 9.3 **Inspection and Audit of Records.** Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS (\$10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under the Agreement.

**Section 10 MISCELLANEOUS PROVISIONS.**

- 10.1 **Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.
- 10.2 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any

provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

- 10.3 **No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.4 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.5 **Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.6 **Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any official of City in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Consultant was an employee, agent, appointee, or official of City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

- 10.7 **Inconsistent Terms.** If the terms or provisions of this Agreement conflict with or are inconsistent with any term or provision of any attachment or Exhibit attached hereto, then the terms and provisions of this Agreement shall prevail.
- 10.8 **Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.
- 10.9 **Contract Administration.** This Agreement shall be administered by Ryan Graham, Deputy Director of Community Development ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

**10.10 Notices.** Any written notice to Consultant shall be sent to:  
Ryan Graham, Deputy Director of Community Development

Any written notice to City shall be sent to:

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

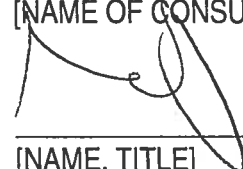
**10.11 Integration.** This Agreement, including the scope of work attached hereto and incorporated herein as Exhibit A, and all other attachments, represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

**CITY:**

CITY OF ANTIOCH

  
Jim Jakel, City Manager

**CONSULTANT:**

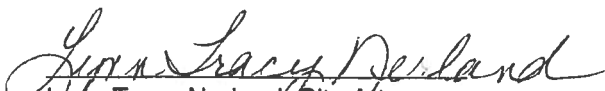
*INTERWEST*  
[NAME OF CONSULTANT] *CONSULTING GROUP*  
  
[NAME, TITLE]  
*DIRECTOR, MUNICIPAL SERVICES*

Attest:

*for Christina Shroa*  
Denise Skaggs, City Clerk

  
[NAME, TITLE] *REGIONAL MANAGER*

Approved as to Form:

  
Lynn Tracy Nerland, City Attorney



**INTERWEST**  
CONSULTING GROUP

**Proposal to Provide  
Code Enforcement Services to the  
City of Antioch**

Jim Jakel  
City Manager  
Antioch City Hall  
Third & H Street  
Antioch Ca. 94509

Dear Mr. Jakel,

**RE: Proposal to Provide Code Enforcement Services**

Thank you for the opportunity to provide Code Enforcement services to the City of Antioch. We have prepared the enclosed proposal for your review and consideration. The attached information will give you a good snapshot of the strength of our proposed staff and our understanding of the scope of duties involved with this project.

As a company specializing in providing professional staff and comprehensive services across a wide range of municipal code enforcement, building and public works fields, we take pride in consistently delivering services tailored to the needs and budgets of our clients. We work side-by-side with local communities furnishing top-of-their-field staff and services refined through years of experience.

We are pleased to offer Mike Aguirre, Code Enforcement Officer, to meet the City's full-time, Code Enforcement services. Having served in this capacity in the past, Mike is ideally suited as our lead candidate.

We are available to meet with you to discuss our proposal and approach in more detail at your convenience. Please call if you have any questions or would like additional information.

Sincerely,

Roger Peterson, SE  
Project Manager  
8150 Sierra College Blvd., Suite 100  
Roseville, CA 95661  
[rbeehler@interwestgrp.com](mailto:rbeehler@interwestgrp.com)  
(916)204-3178



**INTERWEST**  
CONSULTING GROUP

## **Proposal to Provide Code Enforcement Services to the City of Antioch**

### **INTRODUCTION**

Interwest Consulting Group has been in business just over 11 years and currently employs approximately 160 employees spanning a multitude of disciplines, roles and job placements to municipalities within code enforcement, building and safety and public works departments with a small number as office support. We work hard to keep it simple. Our sole job is to eliminate as much red tape and municipal hassles as possible. We specialize in delivering services to you on time—thoroughly managed and completed by the best in the business.

We specialize in tailoring staffing and services to fit client needs. When work levels are high, we increase staffing to meet the demand. When work slows down, we can fade into the background without compromising service. Our services can quickly grow to provide an entire team of experts on a project or satisfy a request with a single individual. We can also draw upon our many other professionals located within offices throughout California if required.

We offer top personnel with extensive experience. All are seasoned jurisdictional staff and understand the procedures, policies, deadlines necessary to keep governments running smoothly. We work strictly for city and county municipalities thus avoiding any conflict of interest. Since we work so closely with our clients, we know successful customer service is best delivered by people who shine in their professions. All of our staff offers exceptional experience and long-standing relationships within the industry.

### **SCOPE OF SERVICES**

#### **Code Enforcement Services**

Code Enforcement violations add up quickly and become very costly if not corrected in a timely manner. Violations can come in many forms including substandard housing conditions, unsafe buildings, zoning/illegal land use, and many more. We are specialists at identifying and correcting code violations to the exact specifications needed to satisfy the city, county, state, or any other governmental body authorized to impose a notice of violation. We have experience in residential, commercial, and municipal violation repairs and would love the opportunity help you solve any problem you might be currently facing.

**Mike Aguirre**, is a highly qualified individual with longtime experience in enforcing ordinances and codes required by jurisdictions. He specializes in responding to the unique and sensitive needs of communities facing issues in health and safety with consistent, responsive services—on time and within budget.

Typical services include preparing abatement cases for and testifying in public hearings and court proceedings on behalf of the City and serving as a resource and providing information on City regulations to property owners, residents, businesses, the general public, and other City departments and divisions. Mike can perform a variety of technical duties in support of the City's code enforcement programs—monitoring and enforcing a variety of codes and ordinances including:

- ✓ *Zoning Codes*
- ✓ *Building Codes*
- ✓ *Public Nuisances*
- ✓ *Municipal Codes*
- ✓ *State Health & Safety Codes*
- ✓ *Housing*



## PROPOSED SCHEDULE

Our proposed schedule is as follows.

**Code Enforcement Services:** *Full-time, enforce municipal codes and other applicable codes related to nuisance, zoning, building, pest infestation, noise, blight, graffiti, signage, junk and debris, abandoned or inoperable vehicles on private property, housing, and related abatement activities. Review present ordinances, Prepare Policies and Procedures and Forms. Train Code Enforcement officers if needed.*

Interwest understands the need for staffing flexibility. As workloads increase, additional Interwest staff can be placed onsite to assist and augment existing staff. As development processing is cyclical, any decrease in workload can be offset by a decrease in our presence.

If additional hours or services are needed due to workload or desired by the City we will work with the City on mutually agreed upon staffing requirements and compensation.

## FEES FOR SERVICE

Services will be billed at the following hourly rates:

CLASSIFICATION	HOURLY BILLING RATE
Housing Inspector/Code Enforcement Officer .....	\$85.00
Overtime .....	25% of Above Listed Rates

*Rates are typically reviewed yearly on July 1 and may be subject to revision unless under specific contract obligations. No overtime will be charged without prior authorization by client.*

## ADDITIONAL OPTIONAL SERVICES

As a full service company to government agencies, we pride ourselves in constantly updating and adding to our list of services. The more choices we offer, the more successful we can be in matching our people and services to your exact needs. Our services cross over to other jurisdictional departments and we are always open to exploring new territory.

Whether facing a major street replacement project or the challenges of growth, we have people who have been there and understand your needs. We can lend a hand with the necessary creativity, resources and guidance to see that you plan ahead, watch for hurdles and help ensure your community's tax dollars are wisely invested. We also provide:

- ✓ Structural & Comprehensive Plan Review
- ✓ Civil Review
- ✓ Accessibility Review
- ✓ Fire Plan Review
- ✓ Municipal Engineering
- ✓ Construction Management
- ✓ Development Services
- ✓ Geographic Information Systems (GIS)
- ✓ Information Technology
- ✓ Development & Administration
- ✓ Capital Improvement Program Delivery & Implementation
- ✓ Transportation Program Management & Funding Assistance Real Property Acquisition
- ✓ Traffic Operations/Transportation Planning
- ✓ Fee Program / Finance Plan Establishment & Administration
- ✓ Construction Inspection Services
- ✓ Stormwater Program Management
- ✓ Neighborhood Traffic Management
- ✓ City Engineer & Traffic Engineer Services
- ✓ Maintenance Program Strategies
- ✓ NPDES Requirements
- ✓ Administration of Consultant Services
- ✓ Grant Writing

**EXHIBIT "B"**  
**SCHEDULE OF RATES**

**Personnel Charges:**

Personnel Description	Hourly Rate
Code Enforcement Officer	\$85.00

**Overtime:**

Overtime will be charged at 25% above the listed regular hourly rate. Overtime would be anything over 9 hours in one and 40 hours in one week. Overtime will not be charged without prior authorization of the city.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
3/25/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Van Gilder Insurance Corp. 1515 Wynkoop, Suite 200 Denver CO 80202	<b>CONTACT NAME:</b> Kathy Star <b>PHONE (A/C, No, Ext):</b> 303-837-8500 <b>E-MAIL ADDRESS:</b> kstar@vgic.com	<b>FAX (A/C, No):</b> 303-831-5295
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Interwest Consulting Group Naffa, Inc. 1076 Lincoln Place Boulder CO 80302	<b>INSURER A:</b> XL Specialty Insurance Co. <b>NAIC #</b> 37885	
	<b>INSURER B:</b> Travelers Property Casualty Co <b>25674</b>	
	<b>INSURER C:</b> PL-Travelers Indemnity Co of C <b>25682</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**      **CERTIFICATE NUMBER: 783602816**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	Y	Y	6807460M671	11/14/2012	11/14/2013	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 S
C	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	BA7466M429	11/14/2012	11/14/2013	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ S
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$10,000	Y	Y	CUP1330T362	11/14/2012	11/14/2013	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000 S
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y	N/A	XVMPJUB1339T93411	11/14/2012	11/14/2013	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A	Professional Liability Claims Made Retro Date: 6/1/2002			DPR9703316	11/14/2012	11/14/2013	Per Claim \$1,000,000 Annual Aggregate \$3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

As required by written contract or written agreement, the following provisions apply subject to the policy terms, conditions, limitations and exclusions: The Certificate Holder is included as Additional Insured for your work, acts or omissions which includes completed operations under General Liability; Designated Insured under Automobile Liability; and Additional Insured under Umbrella / Excess Liability but only with respect to liability arising out of the Named Insured's work performed on behalf of the certificate holder and owner. This insurance will apply on a primary and non-contributory basis. A Blanket Waiver of Subrogation applies for General Liability, Automobile Liability, Umbrella/Excess Liability and Workers Compensation. The Umbrella / Excess Liability policy provides excess coverage over the General Liability, Automobile Liability and Employers Liability.

### CERTIFICATE HOLDER

City of Antioch  
 Attn: City Manager  
 PO Box 5007  
 Antioch CA 94531-5007

### CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



**WORKERS COMPENSATION  
AND  
EMPLOYERS LIABILITY POLICY  
ENDORSEMENT WC 00 03 13 (00) - 01**

POLICY NUMBER:

**WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT**

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit any one not named in the Schedule.

**SCHEDULE**

**DESIGNATED PERSON:**

**DESIGNATED ORGANIZATION:**

**ANY PERSON OR ORGANIZATION FOR WHICH THE INSURED HAS  
COMPLETED A WRITTEN AGREEMENT TO PROVIDE THIS WAIVER.**

DATE OF ISSUE:

ST ASSIGN:

A18

# vangilder

September 1<sup>st</sup>, 2010

**Re: Enclosed Certificates**

Starting on 01 September 2010, the "Certificate of Liability Insurance" national template issued by ACORD changed. The certificate contains new cancellation notice language. Van Gilder, nor any other insurance agency, is no longer allowed to amend the certificate template.

However, we understand how important notice of certain items is to you. Therefore, we are committed to providing the following:

Should any of the policies identified on the enclosed certificates be cancelled or non-renewed, Van Gilder will endeavor to provide 30 days notice to you or that amount of notice coinciding with the notice Van Gilder receives from the insurance company. In the event of non-payment of premium, Van Gilder will endeavor to provide 10 days notice.

Please note that failure to provide notice does not impose an obligation or liability on the insurance company, or its agents, or representatives.

Please do not hesitate to contact us with any questions or concerns.

Van Gilder Insurance Corp.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## AUTO COVERAGE PLUS ENDORSEMENT

This endorsement modifies insurance provided under the following:

### BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

**GENERAL DESCRIPTION OF COVERAGE** – This endorsement broadens coverage. However, coverage for any injury, damage or medical expenses described in any of the provisions of this endorsement may be excluded or limited by another endorsement to the Coverage Part, and these coverage broadening provisions do not apply to the extent that coverage is excluded or limited by such an endorsement. The following listing is a general coverage description only. Limitations and exclusions may apply to these coverages. Read all the provisions of this endorsement and the rest of your policy carefully to determine rights, duties, and what is and is not covered.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>A. BLANKET ADDITIONAL INSURED</li> <li>B. EMPLOYEE HIRED AUTO</li> <li>C. EMPLOYEES AS INSURED</li> <li>D. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS</li> <li>E. TRAILERS – INCREASED LOAD CAPACITY</li> <li>F. HIRED AUTO PHYSICAL DAMAGE</li> <li>G. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT</li> </ul> | <ul style="list-style-type: none"> <li>H. AUDIO, VISUAL AND DATA ELECTRONIC EQUIPMENT – INCREASED LIMIT</li> <li>I. WAIVER OF DEDUCTIBLE – GLASS</li> <li>J. PERSONAL EFFECTS</li> <li>K. AIRBAGS</li> <li>L. AUTO LOAN LEASE GAP</li> <li>M. BLANKET WAIVER OF SUBROGATION</li> </ul> |
|--|--|

**A. BLANKET ADDITIONAL INSURED**

The following is added to Paragraph A.1., **Who Is An Insured**, of SECTION II – LIABILITY COVERAGE:

Any person or organization who is required under a written contract or agreement between you and that person or organization, that is signed and executed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, to be named as an additional insured is an "insured" for Liability Coverage, but only for damages to which this insurance applies and only to the extent that person or organization qualifies as an "insured" under the Who Is An Insured provision contained in Section II.

**B. EMPLOYEE HIRED AUTO**

1. The following is added to Paragraph A.1., **Who Is An Insured**, of SECTION II – LIABILITY COVERAGE:

An "employee" of yours is an "insured" while operating a covered "auto" hired or rented under a contract or agreement in that "employee's" name, with your permission, while

performing duties related to the conduct of your business.

2. The following replaces Paragraph b. in B.5., **Other Insurance**, of SECTION IV – BUSINESS AUTO CONDITIONS:

b. For Hired Auto Physical Damage Coverage, the following are deemed to be covered "autos" you own:

- (1) Any covered "auto" you lease, hire, rent or borrow; and
- (2) Any covered "auto" hired or rented by your "employee" under a contract in that individual "employee's" name, with your permission, while performing duties related to the conduct of your business.

However, any "auto" that is leased, hired, rented or borrowed with a driver is not a covered "auto".

**C. EMPLOYEES AS INSURED**

The following is added to Paragraph A.1., **Who Is An Insured**, of SECTION II – LIABILITY COVERAGE:



COMMERCIAL AUTO

Any "employee" of yours is an "insured" while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

**D. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS**

**1. The following replaces Paragraph A.2.a.(2) of SECTION II – LIABILITY COVERAGE:**

(2) Up to \$3,000 for cost of bail bonds (including bonds for related traffic law violations) required because of an "accident" we cover. We do not have to furnish these bonds.

**2. The following replaces Paragraph A.2.a.(4) of SECTION II – LIABILITY COVERAGE:**

(4) All reasonable expenses incurred by the "insured" at our request, including actual loss of earnings up to \$500 a day because of time off from work.

**E. TRAILERS – INCREASED LOAD CAPACITY**

The following replaces Paragraph C.1. of SECTION I – COVERED AUTOS:

1. "Trailers" with a load capacity of 3,000 pounds or less designed primarily for travel on public roads.

**F. HIRED AUTO PHYSICAL DAMAGE**

The following is added to Paragraph A.4., Coverage Extensions, of SECTION III – PHYSICAL DAMAGE COVERAGE:

**Hired Auto Physical Damage Coverage**

If hired "autos" are covered "autos" for Liability Coverage but not covered "autos" for Physical Damage Coverage, and this policy also provides Physical Damage Coverage for an owned "auto", then the Physical Damage Coverage is extended to "autos" that you hire, rent or borrow subject to the following:

- (1) The most we will pay for "loss" in any one "accident" to a hired, rented or borrowed "auto" is the lesser of:
  - (a) \$50,000;
  - (b) The actual cash value of the damaged or stolen property as of the time of the "loss"; or
  - (c) The cost of repairing or replacing the damaged or stolen property with other property of like kind and quality.
- (2) An adjustment for depreciation and physical condition will be made in determining actual cash value in the event of a total "loss".

(3) If a repair or replacement results in better than like kind or quality, we will not pay for the amount of betterment.

(4) A deductible equal to the highest Physical Damage deductible applicable to any owned covered "auto".

(5) This Coverage Extension does not apply to:

- (a) Any "auto" that is hired, rented or borrowed with a driver; or
- (b) Any "auto" that is hired, rented or borrowed from your "employee".

**G. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT**

The following replaces the first sentence in Paragraph A.4.a., Transportation Expenses, of SECTION III – PHYSICAL DAMAGE COVERAGE:

We will pay up to \$50 per day to a maximum of \$1,500 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type.

**H. AUDIO, VISUAL AND DATA ELECTRONIC EQUIPMENT – INCREASED LIMIT**

Paragraph C.2., Limit Of Insurance, of SECTION III – PHYSICAL DAMAGE COVERAGE is deleted.

**I. WAIVER OF DEDUCTIBLE – GLASS**

The following is added to Paragraph D., Deductible, of SECTION III – PHYSICAL DAMAGE COVERAGE:

No deductible for a covered "auto" will apply to glass damage if the glass is repaired rather than replaced.

**J. PERSONAL EFFECTS**

The following is added to Paragraph A.4., Coverage Extensions, of SECTION III – PHYSICAL DAMAGE COVERAGE:

**Personal Effects Coverage**

We will pay up to \$400 for "loss" to wearing apparel and other personal effects which are:

- (1) Owned by an "insured"; and
- (2) In or on your covered "auto".

This coverage only applies in the event of a total theft of your covered "auto".

No deductibles apply to Personal Effects coverage.





THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## BLANKET ADDITIONAL INSURED (ARCHITECTS, ENGINEERS AND SURVEYORS)

This endorsement modifies insurance provided under the following:  
COMMERCIAL GENERAL LIABILITY COVERAGE PART

**A. The following is added to WHO IS AN INSURED (Section II):**

Any person or organization that you agree in a "contract or agreement requiring insurance" to include as an additional insured on this Coverage Part, but only with respect to liability for "bodily injury", "property damage" or "personal injury" caused; in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- a. In the performance of your ongoing operations;
- b. In connection with premises owned by or rented to you; or
- c. In connection with "your work" and included within the "products-completed operations hazard".

Such person or organization does not qualify as an additional insured for "bodily injury", "property damage" or "personal injury" for which that person or organization has assumed liability in a contract or agreement.

The insurance provided to such additional insured is limited as follows:

- d. This insurance does not apply on any basis to any person or organization for which coverage as an additional insured specifically is added by another endorsement to this Coverage Part.
- e. This insurance does not apply to the rendering of or failure to render any "professional services".
- f. The limits of insurance afforded to the additional insured shall be the limits which you agreed in that "contract or agreement requiring insurance" to provide for that additional insured, or the limits shown in the Declarations for this Coverage Part, whichever are less. This endorsement does not increase the limits of insurance stated in the **LIMITS OF**

**INSURANCE (Section III) for this Coverage Part.**

**B. The following is added to Paragraph a. of 4. Other Insurance in COMMERCIAL GENERAL LIABILITY CONDITIONS (Section IV):**

However, if you specifically agree in a "contract or agreement requiring insurance" that the insurance provided to an additional insured under this Coverage Part must apply on a primary basis, or a primary and non-contributory basis, this insurance is primary to other insurance that is available to such additional insured which covers such additional insured as a named insured, and we will not share with the other insurance, provided that:

- (1) The "bodily injury" or "property damage" for which coverage is sought occurs; and
- (2) The "personal injury" for which coverage is sought arises out of an offense committed;

after you have entered into that "contract or agreement requiring insurance". But this insurance still is excess over valid and collectible other insurance, whether primary, excess, contingent or on any other basis, that is available to the insured when the insured is an additional insured under any other insurance.

**C. The following is added to Paragraph 8. Transfer Of Rights Of Recovery Against Others To Us in COMMERCIAL GENERAL LIABILITY CONDITIONS (Section IV):**

We waive any rights of recovery we may have against any person or organization because of payments we make for "bodily injury", "property damage" or "personal injury" arising out of "your work" performed by you, or on your behalf, under a "contract or agreement requiring insurance" with that person or organization. We waive these rights only where you have agreed to do so as part of the "contract or agreement requiring insurance" with such person or organization entered into by you before, and in effect when, the "bodily

A23

COMMERCIAL GENERAL LIABILITY

injury" or "property damage" occurs, or the "personal injury" offense is committed.

**D. The following definition is added to DEFINITIONS (Section V):**

"Contract or agreement requiring insurance" means that part of any contract or agreement under which you are required to include a person or organization as an additional insured on this Cov-

erage Part, provided that the "bodily injury" and "property damage" occurs, and the "personal injury" is caused by an offense committed:

- a. After you have entered into that contract or agreement;
- b. While that part of the contract or agreement is in effect; and
- c. Before the end of the policy period.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## OTHER INSURANCE – ADDITIONAL INSUREDS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

### PROVISIONS

COMMERCIAL GENERAL LIABILITY CONDITIONS  
(Section IV), Paragraph 4. (**Other Insurance**), is amended as follows:

1. 

The following is added to Paragraph a. <b>Primary Insurance</b> :
---

However, if you specifically agree in a written contract or written agreement that the insurance provided to an additional insured under this Coverage Part must apply on a primary basis, or a primary and non-contributory basis, this insurance is primary to other insurance that is available to such additional insured which covers such additional insured as a named insured, and we will not share with that other insurance, provided that:

- a. The "bodily injury" or "property damage" for which coverage is sought occurs; and

- b. The "personal injury" or "advertising injury" for which coverage is sought arises out of an offense committed

subsequent to the signing and execution of that contract or agreement by you.

2. The first Subparagraph (2) of Paragraph b. **Excess Insurance** regarding any other primary insurance available to you is deleted.

3. The following is added to Paragraph b. **Excess Insurance**, as an additional subparagraph under Subparagraph (1):

That is available to the insured when the insured is added as an additional insured under any other policy, including any umbrella or excess policy.

However, this exclusion does not apply to your liability with respect to your conduct of the business of any current or past partnership or joint venture:

- a. That is not shown as a Named Insured in the Common Policy Declarations, and
  - b. In which you are a member or partner where each and every one of your co-ventures in that joint venture is an architectural, engineering, or surveying firm.
2. This Provision P. does not apply to any person or organization for which coverage is excluded by another endorsement to this Coverage Part.
  3. The insurance provided by this Provision P. shall be excess over any valid and collectible other insurance, whether primary, excess, contingent or on any other basis, which is available covering your liability with respect to your conduct of the business of any current or past partnership or joint venture that is not shown as a Named Insured in the Common Policy Declarations and which is issued to such partnership or joint venture.

**Q. PER PROJECT GENERAL AGGREGATE LIMIT**

1. Paragraph 2. of **LIMITS OF INSURANCE (Section III)** is deleted and replaced by the following:

The General Aggregate Limit is the most we will pay for the sum of:

- a. Damages under Coverage B; and
- b. Damages from "occurrences" under Coverage A and for all medical expenses caused by accidents under Coverage C which cannot be attributed only to operations at a single "project".

2. The following is added to **LIMITS OF INSURANCE (Section III)**:

A separate Per Project General Aggregate Limit applies to each "project" for all sums which the insured becomes legally obligated to pay as damages caused by "occurrences" under Coverage A and for all medical expenses caused by accidents under Coverage C which can be attributed only to operations at a single "project", and that limit is equal to the amount of the General Aggregate Limit shown in the Declarations for this Coverage Part.

Any payments made under Coverage A for damages and under Coverage C for medical expenses shall reduce the Per Project General Aggregate Limit for that "project", but shall not reduce:

- a. Any other Per Project General Aggregate Limit for any other "project";
- b. The General Aggregate Limit; or
- c. The Products-Completed Operations Aggregate Limit.

The limits shown in the Declarations for this Coverage Part for Each Occurrence, Damage To Premises Rented To You and Medical Expense are also subject to the Per Project General Aggregate Limit when the Per Project General Aggregate Limit applies.

3. As used in the Provision Q.:

"Project" means an area away from premises owned by or rented to you at which you are performing operations pursuant to a contract or agreement. For the purposes of determining the applicable aggregate limit of insurance, each "project" that includes premises involving the same or connecting lots, or premises whose connection is interrupted only by a street, roadway, waterway or right-of-way of a railroad shall be considered a single "project".

**R. KNOWLEDGE AND NOTICE OF OCCURRENCE OR OFFENSE**

The following is added to Paragraph 2. **Duties In The Event of Occurrence, Offense, Claim Or Suit of COMMERCIAL GENERAL LIABILITY CONDITIONS (Section IV)**:

Notice of an "occurrence" or of an offense which may result in a claim must be given as soon as practicable after knowledge of the "occurrence" or offense has been reported to you, one of your "executive officers" (if you are a corporation), one of your partners who is an individual (if you are a partnership), one of your managers (if you are a limited liability company), one of your trustees who is an individual (if you are a trust), or an "employee" (such as an insurance, loss control or risk manager or administrator) designated by you to give such notice.

Knowledge by any other "employee" of an "occurrence" or offense does not imply that you also have such knowledge.

ATTACHMENT "B"

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

**THIS FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES** is entered into this 1<sup>st</sup> day of June 2013, by and between the CITY OF ANTIOCH, a municipal corporation ("CITY") and INTERWEST CONSULTING GROUP whose address is 1076 Lincoln Place, Boulder, CO 80302 ("INTERWEST").

**RECITALS**

**WHEREAS**, on June 1, 2012, CITY and INTERWEST entered into an Agreement for Professional Services for engaging the services of a Code Enforcement Consultant ("Agreement"); and

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

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

1. **Term of Services.** Section 1.1 of the Agreement is amended to include the following provision:

"The term of this Agreement shall begin on the date first noted above and shall end on June 1, 2016."

2. **Hourly Fees.** Section 2 of the Agreement is amended to include the following provision.

"Fees for work performed by Consultant on an hourly basis shall not exceed: \$90."

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

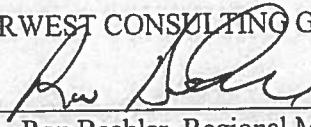
CITY OF ANTIOCH:

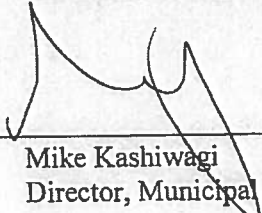
By: \_\_\_\_\_  
Jim Jakel, City Manager

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Lynn Tracy Nerland, City Attorney


INTERWEST CONSULTING GROUP INC.

By:   
Ron Beehler, Regional Manager

By:   
Mike Kashiwagi  
Director, Municipal Services

B1

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION  
AT THE COUNCIL MEETING OF JUNE 11, 2013**

Approved by: Jim Jakel, City Manager   
Date: June 6, 2013  
Subject: Letter of Support for Passage of AB4 (Ammiano)

**RECOMMENDATION**

Authorize the City Manager to prepare a letter of support for Mayor's Harper's signature encouraging the passage of AB4 (Ammiano).

**BACKGROUND INFORMATION**

At the last City Council Meeting on May 28<sup>th</sup>, Councilmember Rocha, with the consent of the Council, asked that this matter be placed on an agenda for consideration. Attached is the League of California Cities' summary and status report. The League's position is watch on this proposed measure.

**ATTACHMENTS**

League of California Cities' Summary and Status Report

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6-11-13



**Search Results**  
**Wednesday, June 05, 2013**

**AB 4****(Ammiano D) State government: federal immigration policy enforcement.**

(Introduced: 12/3/2012)

**Status:** 5/29/2013-Referred to Com. on PUB. S.**Location:** 5/29/2013-S. PUB. S.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

**Summary:** Existing federal law authorizes any authorized immigration officer to issue an immigration detainer that serves to advise another law enforcement agency that the federal department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. Existing federal law provides that the detainer is a request that the agency advise the department, prior to release of the alien, in order for the department to arrange to assume custody in situations when gaining immediate physical custody is either impracticable or impossible. This bill would prohibit a law enforcement official, as defined, from detaining an individual on the basis of a United States Immigration and Customs Enforcement hold after that individual becomes eligible for release from criminal custody, unless, at the time that the individual becomes eligible for release from criminal custody, certain conditions are met.

**Policy Committee (primary)**

Public\_Safety

**League Position**

Watch


**Primary Lobbyist**

Tim Cromartie

**Position Taken****2nd Lobbyist****Policy Committee (secondary)****Policy Analyst****Total Measures: 1****Total Tracking Forms: 1**

6/5/2013 9:31:01 AM

**REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE  
COUNCIL MEETING OF JUNE 11, 2013**

**PREPARED BY:** Jim Jakel, City Manager 

**DATE:** June 4, 2013

**SUBJECT:** Designation of Voting Delegate for 2013 League Annual  
Conference

**RECOMMENDATION**

That the City Council designate as the voting delegate the first City Council Member who confirms their attendance with the City Manager's office. At this time, Council Member Agopian is registered to attend the 2013 League Annual Conference.

**BACKGROUND**

The League of California Cities will be having their 2013 Annual Conference September 18 through September 20 in Sacramento. The League has requested the City Council designate a voting representative who will be registered at the conference.

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6-11-13





1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
www.cacities.org

RECEIVED

MAY 7 2013

CITY OF ANTIOCH  
CITY CLERK

Council Action Advised by August 2, 2013

**PLEASE NOTE:** You are receiving this letter and form earlier than usual because hotel space near the Sacramento Convention Center for the Annual Conference will be especially tight this year. As a result, we want to encourage you to make your hotel reservations early.

April 26, 2013

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – September 18 - 20, Sacramento**

The League's 2013 Annual Conference is scheduled for September 18 - 20 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, September 20, at the Sacramento Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 23, 2013. This will allow us time to establish voting delegate/alternates' records prior to the conference.**

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one person must be present at the



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
[www.cacities.org](http://www.cacities.org)

## Annual Conference Voting Procedures 2013 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



**CITY:** \_\_\_\_\_

**2013 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM**

**Please complete this form and return it to the League office by Friday, August 23, 2013. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.**

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

**1. VOTING DELEGATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**2. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**3. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.**

**OR**

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Phone: \_\_\_\_\_  
(circle one) (signature)

Date: \_\_\_\_\_

**Please complete and return by Friday, August 23, 2013**

League of California Cities  
ATTN: Mary McCullough  
1400 K Street  
Sacramento, CA 95814

**FAX: (916) 658-8240**  
E-mail: mmccullough@cacities.org  
(916) 658-8247



**STAFF REPORT TO THE CITY COUNCIL  
FOR CONSIDERATION AT THE MEETING OF JUNE 11, 2013**

**Prepared by:** Mindy Gentry, Senior Planner  
**Approved by:** Tina Wehrmeister, Community Development & Recreation Director  
**Date:** June 5, 2013  
**Subject:** PW 652 – Golden Bow Estates (Dhyanyoga)

**RECOMMENDATION**

The applicant, Scott Broder requests that this item be continued to June 25, 2013. This item was previously continued at Mr. Broder's request in order to allow more time to meet with neighbors and attempt to address their concerns. Mr. Broder was not prepared to submit information for the City Council's consideration as of the date of this report. If Mr. Broder requests additional time beyond June 25<sup>th</sup> the item will be re-noticed.

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR  
CONSIDERATION AT THE COUNCIL MEETING OF JUNE 11, 2013**

**FROM:** Jim Jakel, City Manager   
Lynn Tracy Nerland, City Attorney 

**DATE:** June 6, 2013

**SUBJECT:** Sales Tax Ballot Measure

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**RECOMMENDATION:** Following the City Council's introduction of the Sales Tax Ordinance on May 28, 2013, the following actions are recommended to call an Election for November 5, 2013 on a ballot measure to temporarily increase the sales tax by ½ cent for 7 years subject to an independent audit, Citizens' Oversight Committee and annual budget reporting, due to the City's fiscal emergency and need for additional revenue to fund needed City services including police, code enforcement and economic development:

1. Motion to read by title only and adopt the "Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization" (Attachment A) (two-thirds vote); and
2. Resolution of the City Council of the City of Antioch Declaring a Fiscal Emergency; Calling for and Noticing a Municipal Election on November 5, 2013 to Seek Approval of a Local Ballot Measure to Adopt a Temporary One-half Cent Transactions and Use (Sales) Tax to Fund all Antioch City Services including Police, Code Enforcement and Economic Development; Establishing Policies and Procedures for Such an Election; and Requesting the Board of Supervisors of Contra Costa County to Conduct and Consolidate Such Regular Election with Other Elections to be held on November 5, 2013(Attachment B) (unanimous vote).

As part of the Resolution calling the election, certain election procedures are set as described below, including the deadline for submission of primary ballot arguments to the City Clerk's Office no later than 5:00 p.m. on Tuesday, June 25, 2013. However, if Council action is not taken until the June 25<sup>th</sup> Council meeting, then the deadline would be July 9, 2013.

**BACKGROUND:**

Given concerns about service levels in light of the City's significant revenue declines due in part to the national economic recession and housing market crisis, the City Council has been discussing revenue ballot measures at several meetings. In particular, discussions occurred at City Council meetings on February 26, March 12, March 26, May 14 and May 28, 2013, along with the Council's budget study sessions. Those staff reports and attachments can be found on the City's website at [www.ci.antioch.ca.us](http://www.ci.antioch.ca.us).

## City's Fiscal Challenges

As set forth in more detail in the fiscal emergency findings in the Resolution calling for the election (Attachment B), the City of Antioch faces serious budget issues:

- The City's General Fund revenues (primarily property tax and sales tax) have dropped almost \$13 million since 2007 (excluding one-time monies). This caused severe cuts to City services and less accessibility to the public given the weekly closures of City Hall. Providing pre-recession services and accessibility would require at least \$11.3 million in additional revenues each fiscal year.
- In Fiscal Year 2014, the City is projected to spend \$3.6 million more than it is receiving in revenues. This results in an "unbalanced" budget and deficit spending, which forces the City to use reserves to meet a minimum level of services. The deficit spending is projected to increase to \$4.7 million in Fiscal Year 2015 resulting in almost no reserves/no fund balance.
- Sound financial practice, as established by the Government Finance Officers Association (GFOA), recommends a fund balance equal to at least two months worth of operating expenditures in order to provide financial stability in times of economic crisis, catastrophic incidents and litigation matters among other things. This is similar to a personal savings account consumers are recommended to have to cover mortgage, insurance, utilities, etc. in times of financial instability due to catastrophic events like job loss, disability, recession, etc. In fiscal year 2014, the City should have at least \$6.6 million in reserves and based on projections, the City will be approximately \$1.3 million short.
- In Fiscal Year 2010, the City's General Fund transferred \$1.5 million in replacement funds set aside to be used to replace the City's aging vehicles and computer systems. Three years later, these funds have still not been re-paid. Repayment of these funds would cause an immediate \$1.5 million loss in General Fund balance/reserves further increasing deficit spending (that is further increasing expenditures over revenue). As a result of this borrowing, replacement of aging vehicles and computer equipment has been deferred, increasing the need for continued maintenance costs in order to extend the useful lives as long as possible.

The City has taken extreme measures to address the \$13 million decrease in General Fund revenues since 2007 and to mitigate increasing budget shortfalls, including:

- operating at 40% staffing reduction through layoffs, retirements and not filling vacancies including the elimination of code enforcement staff, community services officers (CSOs), traffic and other special police units;
- decreasing management salaries and employee work hours through furloughs and reduced overtime for all employees since July 2009;

- increasing employee contributions towards retirement costs and drastically reducing medical after retirement benefits for new employees;
- eliminating employee cost of living increases for the period of 2009 to 2011;
- reducing supply and equipment costs and deferring vehicle and equipment maintenance; and
- reducing funding and services at the Animal Shelter and Recreation Programs.

Despite these significant expenditure cuts through lay-offs, service reductions and furloughs, serious budget issues remain. These budget concerns only intensify if services are restored to meet community needs. These community needs include:

- Violent crime in Antioch increased 30.6 % compared to 2011 and property crime saw a 22.8% increase compared to 2011. The City's overall Part 1 crime saw a 24.2% increase in 2012. Response time to Priority 1 calls saw an over 2 minute increase from 2011 (from 8:57 minutes to 11:04 minutes). The Police Department is currently staffed with 87 officers when it is authorized for 102 officers. The City last had 89 sworn officers back in 1995 when the City population was only 74,925 instead of 103,833 and the calls for service were only 47,677 and not 81,572.
- The City receives an average of 25 calls per week for Code Enforcement services that cannot be returned in a timely manner.
- A 2011 Pavement Management Program Budget Options Report (Pavement Management Update) indicated that the City, with its approximately 670 miles of streets, had a backlog of over \$52,000,000 worth of needed street rehabilitation and maintenance.
- Business and economic development activities to provide local jobs for community members, generate income to be spent locally, create sales tax revenue for the City, and to enhance property values through increased commercial real estate values, thereby increasing available property tax revenue for the City.

### **Fiscal Emergency Findings**

To place a general tax measure on the ballot when there is no City Council member election, such as November 2013, the City Council must unanimously determine that there is an "emergency" requiring that the tax measure be considered sooner. Although the City's fiscal year FY 2012-13 budget is expected to close without a deficit, FY 2013/14 budget is currently projected to have a structural deficit of nearly \$3.6 million and that does not include the expense of restoring the services that the community needs. The City has avoided deficit spending the last few years due to staffing vacancies primarily in the Police Department. However, if the City were to recruit police officers quickly enough to fill all of the vacancies in the next fiscal year, expenditures would significantly exceed revenue projections. Authorization of any additional police officer

positions would increase this structural budget gap, creating an immediate fiscal emergency because the City would be significantly deficit spending and soon unable to meet its obligations. When that occurs a city goes bankrupt.

Likewise, if the City were to restore the Code Enforcement division to its previous staffing of 11 persons, then there would be an immediate fiscal emergency because reserves would be depleted and the City would be deficit spending and soon unable to meet its obligations. When that occurs a city goes bankrupt.

Likewise, if the City were to repair and replace aging public infrastructure, such as streets, as the community needs and as outlined in the City's General Plan, Capital Improvement Plan, and Pavement Management Update, there would be an immediate fiscal emergency as all reserves would be depleted and the City would be deficit spending and soon unable to meet its obligations. When that occurs, a city goes bankrupt.

If the voters do not pass the ballot measure in November 2013, then the City will need to develop plans to eliminate the budget deficit to avoid bankruptcy.

### **Sales Tax Measure**

The California Board of Equalization requires the City Council to introduce and adopt a Sales Tax Ordinance before calling for an election to place it on a ballot. At the May 28, 2013 City Council meeting, the City Council unanimously introduced an ordinance for a temporary ½ cent sales tax increase for 7 years, subject to an independent audit, Citizens' Oversight Committee (7 Antioch residents) and annual budget reporting. If adopted, a summary of the Sales Tax ordinance will be published in the newspaper as required by state law (Attachment C).

If the voters approve the Ordinance by majority vote, then the City and Board of Equalization would enter into agreements for the administration of the additional sales tax. Collection of the tax would begin on April 1, 2014.

### **Election Procedures**

With a ballot measure placed before the voters, the City Council needs to make a number of decisions about the elections process to be memorialized in a resolution sent to the County Elections Department. The proposed Resolution (Attachment B) reflects past practice as to ballot arguments.

- **Filing of the Argument in favor of the ballot measure:** *Will the City Council authorize the Mayor, Mayor Pro Tem or other Council Member to file the argument in support of the ballot measure?* If this is not done and there are multiple arguments submitted, then the California Elections Code has a hierarchy to allow the elections official to determine which argument is included in the voter information pamphlet for each position. Under state law, each argument cannot exceed 300 words in length. The deadline for the submittal of arguments for or against the measure is 5:00 p.m. Tuesday, June 25, 2013. (If final action is not taken until the June 25<sup>th</sup> Council meeting, then this deadline would be July 9, 2013.)



Previously, the Mayor and Mayor Pro Tem have been authorized to file the argument in support of the ballot measure. Both positions have been named in case someone is unavailable.

- **Signatories to the argument in favor of the ballot measure:** *Does the City Council want to submit the argument in support of the ballot measure as the 1) "Antioch City Council"; or 2) have each City Council Member sign the argument; or 3) task the Mayor or a Council Member with obtaining appropriate signatories who may not all be City Council Members? No more than 5 signatures can appear with the argument.*

Previously, the Mayor and Mayor Pro Tem were both authorized to make the decision as to the appropriate signatories and to obtain those signatures to appear with the argument. Often, a representative group of individuals would sign the measure.

- **Rebuttal Arguments.** *Does the City Council want to prohibit rebuttal arguments?*

Previously, the City Council has prohibited rebuttal arguments, in part due to the additional costs with the printing.

The Resolution (Attachment B) also provides that the measure is to be transmitted to the City Attorney to prepare the Impartial Analysis pursuant to California Elections Code section 9280, which is also submitted to the voters with the ballot measure. The Impartial Analysis must be submitted no later than 5:00 p.m. on Tuesday, June 25, 2013. Again, if final action is not taken until the June 25<sup>th</sup> Council meeting, then this deadline would be July 9, 2013)

The City Clerk's Office will also be required to prepare and publish the consolidated "Notice of Election; Synopsis of the Measure; and Notice to File Arguments."

### **FINANCIAL IMPACT:**

It is anticipated that a ½ cent increase in the sales tax will raise approximately \$4.7 million annually in additional revenue for the General Fund.

Estimated cost of an election is \$4.75 per registered voter with Antioch having approximately 43,000 voters.

### **OPTIONS:**

No options are presented as the recommended actions are consistent with the City Council's action on May 28, 2013.

**ATTACHMENTS:**

- A. Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization
- B. Resolution of the City Council of the City of Antioch Declaring a Fiscal Emergency; Calling for and Noticing a Municipal Election on November 5, 2013 to Seek Approval of a Local Ballot Measure to Adopt a Temporary One-half Cent Transactions and Use (Sales) Tax to Fund all Antioch City Services including Police, Code Enforcement and Economic Development; Establishing Policies and Procedures for Such an Election; and Requesting the Board of Supervisors of Contra Costa County to Conduct and Consolidate Such Regular Election with Other Elections to be held on November 5, 2013
- C. Summary of the Ordinance

**ORDINANCE NO.**

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

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

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

***ARTICLE 4: TRANSACTIONS AND USE TAX***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3-5.411. EXEMPTIONS AND EXCLUSIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3-5.412. AMENDMENTS.

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

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

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

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

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

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

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

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

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

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

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

\* \* \* \* \*



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

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Wade Harper, Mayor

Attest: \_\_\_\_\_  
Arne Simonsen, City Clerk

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

YES:  
NO:

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

AYES:  
NOES:  
ABSENT:

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

\_\_\_\_\_  
Arne Simonsen, City Clerk

**RESOLUTION NO. 2013-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
DECLARING A FISCAL EMERGENCY;  
CALLING FOR AND NOTICING A MUNICIPAL ELECTION ON NOVEMBER 5, 2013  
TO SEEK APPROVAL OF A LOCAL BALLOT MEASURE TO ADOPT  
A TEMPORARY ONE-HALF CENT TRANSACTIONS AND USE (SALES) TAX  
TO FUND ALL ANTIOCH CITY SERVICES  
INCLUDING POLICE, CODE ENFORCEMENT AND ECONOMIC DEVELOPMENT;  
ESTABLISHING POLICIES AND PROCEDURES FOR SUCH AN ELECTION; AND  
REQUESTING THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY  
TO CONDUCT AND CONSOLIDATE SUCH REGULAR ELECTION  
WITH OTHER ELECTIONS TO BE HELD ON NOVEMBER 5, 2013**

**WHEREAS**, the Antioch City Council desires to place a temporary Transactions and Use (Sales) Tax Ordinance, as authorized by California Revenue and Taxation Code section 7285.9 and attached as Exhibit 1, as a measure before the voters at the November 5, 2013 election; and

**WHEREAS**, the State's dissolution of redevelopment agencies including the Antioch Development Agency has exacerbated a fiscal emergency in the City caused by State takeaways, the economic recession and significant decreases in property values, resulting in the City's General Fund revenues dropping almost \$13 million since 2007; and

**WHEREAS**, this drastic reduction in the City's General Fund caused severe cuts to City services, including reduced Police services with the elimination of School Resource Officers and Traffic Enforcement, virtual elimination of Code Enforcement, reduced street repairs/maintenance, reduced services at the Animal Shelter and Recreation Programs and less accessibility to the public given the weekly closures of City Hall; and

**WHEREAS**, providing pre-recession services and accessibility would require at least \$11.3 million in additional revenues each fiscal year, plus \$3.6 million to address current deficit spending; \$1.3 million to restore an operating reserve in the event of catastrophe; and \$1.5 million to repay the loan to the City's equipment replacement funds; and

**WHEREAS**, the City has already taken extreme measures to mitigate the increasing budget shortfalls, including: reducing staffing by 40%; decreasing management salaries and employee work hours through furloughs; reducing overtime; increasing employee contributions towards retirement costs and drastically medical after retirement benefits for new employees; eliminating employee cost of living increases; reducing supply and equipment costs and deferring equipment maintenance; and

**WHEREAS**, in Antioch, violent crime increased 30.6 % and property crime increased 22.8% compared to 2011, with Police Department staffing down to 87 officers (from 102 currently authorized and 126 at the peak staffing) and average response time to Priority 1 calls increased over 2 minutes; an average of 25 calls per week for Code Enforcement services cannot be returned in a timely manner; and there is \$52,000,000 worth of needed street rehabilitation and maintenance; and

**WHEREAS**, the proposed sales tax is a general tax, the revenues of which are used for general governmental purposes, including but not limited to restoring city services such as increasing Police staffing to reduce crime and gang activities and improve 911 emergency response time,

restoring Code Enforcement services to clean up blighted properties, local economic development and job creation, and fixing potholes and maintaining the streets, sidewalks and medians and all other general City services vital to the preservation of the public health, safety and welfare; and

**WHEREAS**, all funds from this local revenue measure are required to stay in Antioch to maintain local services and cannot be taken by the State and fiscal accountability will be ensured by requiring independent citizens’ oversight, mandatory financial audits, and yearly public reports to the community and City Council; and

**WHEREAS**, the City Council is authorized to request an order that the ballot measure election be consolidated with other elections to be held on the same day and in the same territory (California Elections Code 10400 *et seq.*); and

**WHEREAS**, it is urgent that the Special Municipal Election be consolidated with the elections to be held on November 5, 2013 and it is desirable that within the City, the precincts, polling places, and election officers for the two elections be the same; that the Board of Supervisors canvass the returns of the City ballot measure election; and said City ballot measure election be held in all respects as if there were only one election;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANTIOCH DOES RESOLVE AS FOLLOWS:**

**Section 1. Call for Election**

Pursuant to California Constitution Article XIII C, Section 2, Government Code Section 53724, and Elections Code Section 9222, the City Council of the City of Antioch hereby calls an election at which it shall submit to the qualified voters of the City a measure that, if approved, would adopt a temporary general transactions and use tax, as authorized by Revenue and Taxation Code section 7285.9. This measure shall be designated by letter by the Contra Costa County Elections Department. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 5, 2013.

**Section 2. Ballot Language**

The question to be presented to the voters shall be as follows:

<p><b><u>RESTORING ANTIOCH SERVICES SALES TAX.</u></b>                  To fund all city services including increased police staffing to reduce crime and gang activities and improve 911 emergency response time; restored code enforcement to clean up blighted properties; and local economic development and job creation, shall the City of Antioch adopt a one-half cent transactions and use (sales) tax, expiring in seven years, with mandatory annual audits and independent citizens’ oversight and for local Antioch use only?</p>	YES	
	NO	

The measure shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure, as provided in California Election Code section 13116.

### **Section 3. Fiscal Emergency Findings**

Pursuant to Cal. Constitution Article XIII C, Section 2(b), increases in general taxes must be submitted to the voters at a regularly scheduled general election, except in cases of emergency declared by a unanimous vote of the City Council. The City may expend the proceeds of the tax for any lawful purpose. Therefore, this Resolution, including the submission of the proposed Ordinance (attached as Exhibit 1) must be approved by a unanimous vote of the City Council. This Resolution shall become effective immediately upon its passage and adoption. The City Council's emergency findings are set forth below.

In accordance with California Constitution Article XIII C, Section 2(b), the City Council finds that emergency conditions exist necessitating the placement of this tax measure on the November 5, 2013 ballot in order to replenish the City's general fund as soon as possible, and avoid peril to the entire community, which already suffers more than most due to increasing crime rates, stark declines in housing prices causing a great number of foreclosures with the resultant detriment to the community, disturbing truancy and high school drop-out rates and high unemployment rates.

In particular, the City Council makes the following findings:

1. Extreme Measures already taken to address the Fiscal Emergency. The City has taken extreme measures to address the \$13 million decrease in General Fund revenues since 2007 and to mitigate increasing budget shortfalls, including:
  - operating at 40% staffing reduction through layoffs, retirements and not filling vacancies including the elimination of code enforcement staff, community services officers (CSOs), school resource officers, traffic and other special police units;
  - decreasing management salaries and employee work hours through furloughs and reduced overtime for all employees since July 2009;
  - increasing employee contributions towards retirement costs and drastically reducing medical after retirement benefits for new employees;
  - eliminating employee cost of living increases for the period of 2009 to 2011;
  - reducing supply and equipment costs and deferring vehicle and equipment maintenance; and
  - reducing funding and services at the Animal Shelter and Recreation Programs.
2. Serious Budget Issues Remain. Despite the extreme measures already taken to address the fiscal emergency, serious budget issues remain:

- The City's General Fund revenues (primarily property tax and sales tax) have dropped almost \$13M since 2007 (excluding one-time monies). This caused severe cuts to City services and less accessibility to the public given the weekly closures of City Hall. Providing pre-recession services and accessibility would require at least \$1.3 million in additional revenues each fiscal year.
- In Fiscal Year 2014, the City is projected to spend \$3.6 million more than it is receiving in revenues. This results in an "unbalanced" budget and deficit spending, which forces the City to use reserves to meet a minimum level of services. The deficit spending is projected to increase to \$4.7 million in Fiscal Year 2015 resulting in almost no reserves/no fund balance.
- Sound financial practice, as established by the Government Finance Officers Association (GFOA), recommends a fund balance equal to at least two months worth of operating expenditures in order to provide financial stability in times of economic crisis, catastrophic incidents and litigation matters among other things. This is similar to a personal savings account consumers are recommended to have to cover mortgage, insurance, utilities, etc. in times of financial instability due to catastrophic events like job loss, disability, recession, etc. In fiscal year 2014, the City should have at least \$6.6 million in reserves and based on projections, the City will be approximately \$1.3 million short.
- In Fiscal Year 2010, the City's General Fund transferred \$1.5 million in replacement funds set aside to be used to replace the City's aging vehicles and computer systems. Three years later, these funds have still not been re-paid. Repayment of these funds would cause an immediate \$1.5 million loss in General Fund balance/reserves further increasing deficit spending (that is further increasing expenditures over revenue). As a result of this borrowing, replacement of aging vehicles and computer equipment has been deferred, increasing the need for continued maintenance costs in order to extend the useful lives as long as possible.

3. The State's Elimination of Redevelopment and Grab of Local Funds Has Exacerbated the City's Fiscal Condition. The State's elimination of redevelopment agencies, and particularly the Antioch Development Agency, has exacerbated the City's precarious fiscal status. On December 29, 2011, the California Supreme Court in *California Redevelopment Association v. Matosantos* ordered the immediate dissolution of all redevelopment agencies including the Antioch Development Agency. This undercut the City's ability to redevelop its older downtown Riverfront area, maintain the Marina and waterfront and placed an additional burden on the General Fund for capital improvement projects. Over the past ten years the Redevelopment Agency has spent \$10.8 million on public works projects. Through the General Fund the City must fund a minimal maintenance program for capital improvements, exposing the City to higher replacement costs in the near future. Further, under the "claw back" provision of AB 1x26, other City funds may be forced to transfer an estimated \$790,958 to the successor agency, and ultimately the State.

The elimination of redevelopment has also impacted the City's ability to attract and retain businesses, which impacts General Fund revenue. Business and economic development activities provide local jobs for community members, generating income to be spent locally, creating sales tax revenue for the City. These activities also create enhanced property values through increased commercial real estate values, thereby increasing available property tax revenue for the City. With the loss of redevelopment funds, any future business and economic development activities will require General Fund budget allocations.

4. Increased Crime Rate and Decreased Police Staffing is Undermining the Public Health, Safety and Welfare of the Antioch Community. Violent crime in Antioch increased 30.6 % compared to 2011 and property crime saw a 22.8% increase compared to 2011. The City's overall Part 1 crime saw a 24.2% increase in 2012. The average response time to Priority 1 calls saw an over 2 minute increase from 2011 (from 8:57 minutes to 11:04 minutes). The City last had 89 sworn Police Officers back in 1995 when the City population was only 74,925 instead of 103,833; and the calls for service were only 47,677 and not the recent annual calls for service of 81,572. The City Council views the protection of the public health and safety through public safety as an emergency priority. Several funding sources for the Police Department are expiring and there is no other replacement funding source to address the trend of increasing crime rates. Police staffing needs to be increased to address the crime rate. In addition, staffing levels need to be increased to investigate serious crimes such as homicides and the increasingly sophisticated gangs/drug traffickers.

New Assembly Bill 109 places additional, non-anticipated strain on the City's public safety. Now, those most recently convicted of a non-violent, non-serious, and non-sex related crimes (as defined) will be jailed locally instead of going to prison, regardless of prior convictions or risk of re-offending. AB 109 also transfers the housing responsibility for parole and Post Release Community Supervision revocations to local jail custody. These are people who reoffend after they get out of jail. Finally, AB 109 allows for the early discharge review of parolees. All this adds up to overcrowding, early release for many offenders, no supervision by parole and in most cases probation, and an increase in crime that puts additional strain on police resources. There is no state money for local police agencies to compensate for this added work load. All the money is going to the County Jail, Probation, District Attorney's Office and Health Services. A California Department of Corrections 2010 study revealed that California's recidivism rate is 67.5%, and the San Francisco area recidivism rate is among the highest in the state at 78.3%.

AB 109 started October 1, 2011. Since the start of realignment, 175 criminals have been released to Antioch, with East Contra Costa County having the highest percentage (42%) of the Post Release Community Supervision (PRCS) population and Antioch having the highest number in East County. According to the County Probation Department, there are 34 outstanding warrants for the PRCS population in East County with Antioch having 47% of them. This does not take into account the crimes that AB 109 suspects may have committed but not identified and the cost involved in investigating those crimes. This is very early in the process so that number may increase dramatically and it will greatly affect Antioch's Police resources.

5. Lack of Code Enforcement Services is Undermining the Public Health, Safety and Welfare of the Antioch Community. The City virtually eliminated the entire 11-member Code Enforcement

Division due to the fiscal crisis and now receives an average of 25 calls per week for Code Enforcement services that cannot be returned in a timely manner.

6. Lack of Street Repairs and Maintenance is Undermining the Public Health, Safety and Welfare of the Antioch Community. A 2011 Pavement Management Program Budget Options Report (Pavement Management Update) indicated that the City, with its approximately 670 miles of streets, had a backlog of over \$52,000,000 worth of needed street rehabilitation and maintenance. The Streets Division of the Public Works Department has been reduced from 19 to 10 individuals, resulting in an increase in deferred maintenance, slower response time to citizen requests for service and elimination of some work programs. It is known that spending less today on maintenance means the more funds that will be needed for street and infrastructure repairs and replacements later.

7. Drastic Reduction in All City Services is Undermining the Public Health, Safety and Welfare of the Antioch Community. In addition to the drastic reduction of Police, Code Enforcement and Public Works services discussed above that were implemented to forestall further deficit spending that would lead to bankruptcy; all City services have been impacted. All Recreation activities, including senior and youth services, require a subsidy from the City's general fund to cover costs. Funding for Recreation services has decreased by approximately \$674,000 since fiscal year 2008 prior to the recession, causing important programs to the most needy in the community to be cut. Without an immediate revenue increase, these programs also face further reductions or potential elimination. Such further reductions could mean that seniors, many of whom rely on the Senior Center for daily meals and interaction, would be increasingly isolated and destitute. Further elimination of youth recreation programs may lead to further youth truancy and crime. Accordingly to the local public school district, truancy has averaged at approximately 40% over the last several years. Public safety is impacted by delayed building inspections and efforts to encourage economic development are frustrated by the lack of staffing causing long process timelines.

8. Significant Challenges Face the Antioch Community and the Needs are Immediate. The housing market collapse and national economic recession contributed to median housing prices in Antioch falling by 36% to 68% between 2006 and 2010, with over 500 Antioch homeowners per month receiving notices of default for several years. Although there has been some decline in unemployment rates from the peak of 12.6% in 2010, per the California Employment Development Department, the unemployment rate was still over 10% in 2012. The high school drop-out rates for the public school system were 6.9% in 2008-09, 16.7% in 2009-10 and 17.3% in 2010-11. ABAG (Association of Bay Area Governments) Projections 2009 indicated that the number of persons living in a household was higher in Antioch than the rest of Contra Costa County as a whole due to a larger percentage of households with children, which can cause strain on the public school district both as to facilities and providing educational services, as well as City recreational programs and spaces.

The City of Antioch needs every tool at its disposal, as soon as possible, to successfully address its general municipal purposes, including but not limited to public safety and crime, code enforcement and the elimination of blight, street repairs and all other public infrastructure, job creation, youth and senior services, increase in home ownership and retail opportunities, among all other general municipal purposes. Accordingly, the City Council finds and declares that, because of the severe fiscal challenges facing the City of Antioch combined with the serious needs particularly

in the area of public safety, code enforcement and street maintenance, an emergency exists mandating immediate tax revenues to enable to City to meet its obligations to its citizens. Even a delay of twelve months means hundreds of thousands of dollars that will not be available to meet these immediate needs of the Antioch community. Any delay means that the Police Department may not be able to prevent or investigate serious crimes; that blight may go unabated; that maintenance and construction of streets and public infrastructure may not be done in a timely manner; that seniors may not have a place to meet for meals and companionship; that the youth services program will be unable to assist school-age residents of Antioch on their way to a better life; and that all other ordinary and usual purposes of city government will be adversely affected.

9. Antioch Cannot Delay the Sales Tax Measure and the City Council declares an Emergency. The next regularly scheduled election for members of the City Council will not occur until November 2014. Based on the foregoing findings, the City will face continued financial difficulties before November 2014. Delaying this tax measure until the November 2014 ballot would mean that the City would not begin to see any financial returns from any adopted increase until the spring of 2015. The City's budget projections for fiscal year 2014-2015 already show the budget shortfall increasing from \$3.6 million to \$4.7 million. Accordingly, the City Council finds and declares that because of the severe fiscal challenges facing the City of Antioch, combined with the serious needs particularly in the area of public safety, code enforcement and street maintenance, an emergency exists mandating immediate tax revenues to enable the City to meet its obligations to its citizens. The City Council determines that because of the great need in Antioch, any delay is unacceptable; and that an emergency exists to impose the taxes set forth in this ordinance prior to November 2014 if the City is to meet its expenses necessary to provide the services not only required by law but necessary for the immediate preservation of the public peace, health and safety of the City.

#### **Section 4. Proposed Ordinance**

The Ordinance authorizing the general tax to be approved by the voters is as set forth in Exhibit 1. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November 5, 2013 election, as required by Revenue and Taxation Code section 7285.9. The Ordinance specifies that the rate of the transactions tax shall be one-half of one percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City. It specifies that the rate of the use tax shall be one-half of one percent (0.5%) of the sales price of tangible personal property stored, used or otherwise consumed in the City, and that the tax shall be in effect for seven years. The State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the City.

The full text of the "Ordinance of the City of Antioch Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization," which adds Article 4 to Chapter 5 of Title 3 of the Antioch Municipal Code enacting a one-half cent Transactions and Use (Sales) Tax for seven years to fund Antioch city services, will be available at no cost from the City Clerk's Office at 925-779-7009 or on the City's website: [www.ci.antioch.ca.us](http://www.ci.antioch.ca.us). A statement about how to obtain the full text of the Ordinance will be included in the Voter Information Pamphlet below the Impartial Analysis. Only the Measure, Impartial Analysis and Arguments are to be printed in the Voter Information Pamphlet.



**Section 5. Request to Consolidate, Conduct Election and Canvass Returns**

The Board of Supervisors of the County of Contra Costa is hereby requested to authorize the County Clerk to render all services necessary and proper for the conduct of the election. Pursuant to California Elections Code section 10403, the City Council hereby requests that the Contra Costa County Board of Supervisors consolidate the election called by this Resolution with the election to be conducted on November 5, 2013 and order the election to be conducted by the Registrar of Voters. The Contra Costa County Elections department is authorized to canvass the returns of the special election, and the election shall be held in all respects as only one election.

The City Clerk's Office is authorized, instructed and directed to work with the County Elections Division as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The County Elections Division is authorized to canvass the returns of the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**Section 6. Time and Place of Election**

The polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. that same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California. The notice of the time and place of holding the election is hereby given, and the City Clerk is authorized to give further notice of the election, as required by law.

**Section 7. Publication of Measure**

The City Clerk's Office is hereby directed to cause notice of the measure to be published once in accordance with Section 12111 of the Elections Code.

**Section 8. Submission of Ballot Arguments**

The City Clerk's Office, with the concurrence of the County Elections Official, has fixed 5:00 p.m. Tuesday, June 25, 2013 as the deadline for submittal of arguments for or against the measure.

The direct arguments shall not exceed three hundred (300) words, and shall not be signed by more than five (5) persons. The City Council does not adopt the provisions of Elections Code Section 9285(a); there shall be no rebuttal arguments.

**Section 9. Council Preparation of Argument In Support of Measure**

The City Council hereby authorizes the Mayor or Mayor Pro Tem to prepare and file the written primary argument in support of the ballot measure described above, pursuant to Article 4 of Chapter 3 of Division 9 of the California Elections Code. At the discretion of the Mayor and Mayor Pro Tem, the argument may also be signed by other members of the City Council, bona fide associations of citizens, or by individual voters who are eligible to vote.

**Section 10. Impartial Analysis**

Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk's Office to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit the impartial analysis to the Elections Division by no later than 5:00 p.m. on 5:00 p.m. Tuesday, June 25, 2013.

**Section 11. Implementation.**

The City Clerk's Office is directed to file with the Board of Supervisors and the County Clerk of Contra Costa County certified copies of this resolution.

The City will reimburse the County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the Election Official.

**Section 12. Jurisdictional Boundaries**

The jurisdictional boundaries of the City of Antioch have not changed since the last general municipal election.

**Section 13. CEQA**

The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The transactions and use tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060 review under CEQA is not required.

**Section 14. Passage of this Resolution.**

This tax is a general tax requiring the approval of a majority of qualified electors casting votes. While the measure lists several of the various municipal purposes to be funded, the list is illustrative only and the Council retains complete discretion to expend the tax proceeds for any lawful purpose of the City of Antioch. Accordingly, this Resolution, including the submission of the proposed Ordinance (attached as Exhibit 1) must be approved by a unanimous vote of the City Council.

This Resolution shall become effective immediately upon its passage and adoption.

\* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

**AYES:** Councilmembers

**NOES:**

**ABSENT:**

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**CITY CLERK , CITY OF ANTIOCH**

**NOTICE OF AMENDMENT TO THE ANTIOCH MUNICIPAL CODE**

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_**

**An Ordinance of the City of Antioch Imposing a Transactions and Use (Sales) Tax to be Administered by the State Board of Equalization which adds Article 4 to Chapter 5 of Title 3 of the Antioch Municipal Code enacting a one-half cent Transactions and Use (Sales) Tax.**



Following is a summary of major highlights of the ordinance; a reading of the entire ordinance may be necessary to obtain a full understanding of all changes proposed. A certified copy of the full text of the ordinance is posted and may be read in the City Clerk's Office, City Hall, Third and "H" Streets, Antioch, California (925-779-7009). The ordinance was introduced at the City Council meeting of May 28, 2013 and was adopted at the June 11, 2013 City Council meeting by the following vote: \_\_\_\_\_.

\* \* \* \* \*

If approved by the voters at the general municipal election on November 5, 2013, the ordinance would allow a one-half cent increase in Antioch's sales tax (technically called the "transactions and use" tax) for 7 years. The tax will be deposited in the City's general fund and may be used for any legal governmental purpose, including police, code enforcement and local economic development. Each year, an independent auditor would complete a public audit report of the revenue raised by this tax and its expenditure. A seven-member citizens' oversight committee would review the expenditures of the tax. The additional one-half cent tax on each dollar of taxable sales of goods in the City of Antioch would become operative April 1, 2014 and be collected in the same manner as the existing sales tax.

This summary was prepared by the City Attorney.

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR  
CONSIDERATION AT THE COUNCIL MEETING OF JUNE 11, 2013**

**FROM:** Jim Jakel, City Manager   
Lynn Tracy Nerland, City Attorney 

**DATE:** June 6, 2013

**SUBJECT:** **Business License Tax Ballot Measure**

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**ACTION:** Following City Council direction on May 28, 2013, the attached Resolution and Ordinance are for the Council's consideration:

Resolution of the City Council of the City of Antioch Declaring a Fiscal Emergency; Calling for and Noticing a Municipal Election on November 5, 2013 to Seek Approval of a Local Ballot Measure to Confirm the Existing Business License Tax Rate and Include a Residential Landlord Business License Tax; Establishing Policies and Procedures for Such an Election; and Requesting the Board of Supervisors of Contra Costa County to Conduct and Consolidate Such Regular Election with Other Elections to be held on November 5, 2013 (Attachment A) (unanimous vote).

The draft ballot measure confirms the existing gross receipts business license tax formula and includes a business license tax on residential landlords as follows:

- i. \$ 240 per unit per year for first 1 to 25 units
- ii. \$ 120 per unit per year for next 26 to 50 units
- iii. \$ 75 per unit per year for next 51 to 150 units
- iv. \$ 50 per unit per year for over 150 units

As part of the Resolution calling the election, certain election procedures are set as described below, including the deadline for submission of primary ballot arguments to the City Clerk's Office no later than 5:00 p.m. on Tuesday, June 25, 2013. However, if Council action is not taken until the June 25<sup>th</sup> Council meeting, then the deadline would be July 9, 2013.

**BACKGROUND:**

Given concerns about service levels in light of the City's significant revenue declines due in part to the national economic recession and housing market crisis, the City Council has been discussing revenue ballot measures at several meetings. In particular, discussions occurred at City Council meetings on February 26, March 12, March 26, May 14 and May 28, 2013, along with the Council's budget study sessions. Those staff reports and attachments can be found on the City's website at [www.ci.antioch.ca.us](http://www.ci.antioch.ca.us).

**City's Fiscal Challenges**

As set forth in more detail in the fiscal emergency findings in the Resolution calling for the election (Attachment A), the City of Antioch faces serious budget issues:

- The City's General Fund revenues (primarily property tax and sales tax) have dropped almost \$13 million since 2007 (excluding one-time monies). This caused severe cuts to City services and less accessibility to the public given the weekly closures of City Hall. Providing pre-recession services and accessibility would require at least \$11.3 million in additional revenues each fiscal year.
- In Fiscal Year 2014, the City is projected to spend \$3.6 million more than it is receiving in revenues. This results in an "unbalanced" budget and deficit spending, which forces the City to use reserves to meet a minimum level of services. The deficit spending is projected to increase to \$4.7 million in Fiscal Year 2015 resulting in almost no reserves/no fund balance.
- Sound financial practice, as established by the Government Finance Officers Association (GFOA), recommends a fund balance equal to at least two months worth of operating expenditures in order to provide financial stability in times of economic crisis, catastrophic incidents and litigation matters among other things. This is similar to a personal savings account consumers are recommended to have to cover mortgage, insurance, utilities, etc. in times of financial instability due to catastrophic events like job loss, disability, recession, etc. In fiscal year 2014, the City should have at least \$6.6 million in reserves and based on projections, the City will be approximately \$1.3 million short.
- In Fiscal Year 2010, the City's General Fund transferred \$1.5 million in replacement funds set aside to be used to replace the City's aging vehicles and computer systems. Three years later, these funds have still not been re-paid. Repayment of these funds would cause an immediate \$1.5 million loss in General Fund balance/reserves further increasing deficit spending (that is further increasing expenditures over revenue). As a result of this borrowing, replacement of aging vehicles and computer equipment has been deferred, increasing the need for continued maintenance costs in order to extend the useful lives as long as possible.

The City has taken extreme measures to address the \$13 million decrease in General Fund revenues since 2007 and to mitigate increasing budget shortfalls, including:

- operating at 40% staffing reduction through layoffs, retirements and not filling vacancies including the elimination of code enforcement staff, community services officers (CSOs), traffic and other special police units;
- decreasing management salaries and employee work hours through furloughs and reduced overtime for all employees since July 2009;
- increasing employee contributions towards retirement costs and drastically reducing medical after retirement benefits for new employees;
- eliminating employee cost of living increases for the period of 2009 to 2011;

- reducing supply and equipment costs and deferring vehicle and equipment maintenance; and
- reducing funding and services at the Animal Shelter and Recreation Programs.

Despite these significant expenditure cuts through lay-offs, service reductions and furloughs, serious budget issues remain. These budget concerns only intensify if services are restored to meet community needs. These community needs include:

- Violent crime in Antioch increased 30.6 % compared to 2011 and property crime saw a 22.8% increase compared to 2011. The City's overall Part 1 crime saw a 24.2% increase in 2012. Response time to Priority 1 calls saw an over 2 minute increase from 2011 (from 8:57 minutes to 11:04 minutes). The Police Department is currently staffed with 87 officers when it is authorized for 102 officers. The City last had 89 sworn officers back in 1995 when the City population was only 74,925 instead of 103,833 and the calls for service were only 47,677 and not 81,572.
- The City receives an average of 25 calls per week for Code Enforcement services that cannot be returned in a timely manner.
- A 2011 Pavement Management Program Budget Options Report (Pavement Management Update) indicated that the City, with its approximately 670 miles of streets, had a backlog of over \$52,000,000 worth of needed street rehabilitation and maintenance.
- Business and economic development activities to provide local jobs for community members, generate income to be spent locally, create sales tax revenue for the City, and to enhance property values through increased commercial real estate values, thereby increasing available property tax revenue for the City.

### **Fiscal Emergency Findings**

To place a general tax measure on the ballot when there is no City Council member election, such as November 2013, the City Council must unanimously determine that there is an "emergency" requiring that the tax measure be considered sooner. Although the City's fiscal year FY 2012-13 budget is expected to close without a deficit, FY 2013/14 budget is currently projected to have a structural deficit of nearly \$3.6 million and that does not include the expense of restoring the services that the community needs. In a large part, the City has avoided deficit spending the last few years due to staffing vacancies primarily in the Police Department. However, if the City were to recruit police officers quickly enough to fill all of the vacancies in the next fiscal year or authorize any additional police officer positions, expenditures would significantly exceed revenue projections, increasing the structural budget gap and creating an immediate fiscal emergency. Likewise, if the City were to restore the Code Enforcement division to its previous staffing of 11 persons or repair and replace aging public infrastructure, such as streets, there would be an immediate fiscal emergency, because the City would be

significantly deficit spending and soon unable to meet its obligations. When that occurs a city goes bankrupt.

**Revenue Measure: Sales Tax Measure**

Accordingly, the City Council focused on potential revenue measures for the November 2013 ballot. Following a community survey, the City Council determined to place a one-half cent sales tax measure for 7 years on the ballot as a general tax. Passage of the revenue measure would provide additional general fund revenue, including revenue for the Council's stated priorities of public safety, community beautification/code enforcement and economic development.

**Revenue Measure: Business License Tax Measure**

The business license tax is not a tax on the general public but a tax on for-profit businesses operating in the City of Antioch that is based on the following formula:

- \$25 for gross receipts up to \$20,000
- \$1.25 per \$1000 of gross receipts for gross receipts from \$20,000 to \$1 million
- \$1,250 plus \$.20 per \$1000 of gross receipts over \$1 million

Historically, the gross receipts tax was imposed on apartment owners; although, there have been collection issues generally with the business license tax due to reduced staffing during the past few years. Staff had proposed a ballot measure extending this tax to owners of rentals of single-family residences (e.g. houses, townhouses, condominiums, duplexes, etc.), given that such rentals constitute a business being conducted in Antioch, along with a general update of the current business license tax provisions in the Antioch Municipal Code. Many of these provisions were adopted even before the 1966 Code and should be updated to reflect current uses and laws.

A separate Rental Inspection Program was established in 2007 with scheduled inspections and inspection fees, but that program was abandoned when the recession forced the layoff of the Code Enforcement division.

**Initiative**

As mentioned at the last Council meeting, a Notice of Intent to Circulate a Petition for a Business License Tax on Residential Landlords had been filed with the City Clerk. The citizen's Initiative would impose a \$240 per unit, per year business license tax on residential landlords instead of the current gross receipts formula currently used to tax apartment landlords. As required by the California Elections Code, the City Attorney provided the Initiative's proponent, Mr. Hans Ho, a ballot title and summary. If the proponent publishes a notice of the Petition in a newspaper of general circulation, the proponent can gather signatures from registered Antioch voters who agree that the Initiative should be placed on the ballot. If sufficient signatures are verified by the County Elections Division, then the Initiative would be presented for the City Council to place it on a future ballot at an election date determined by the Council. The City Council can also ask staff to prepare a report on the Initiative.



### Discussions with Initiative Proponent

At the last Council meeting, the Council directed staff to meet with the Initiative's proponent and backers to discuss whether the Initiative language could be melded with a prior staff recommendation to confirm the current gross receipts business license tax formula applicable to all businesses including residential landlords and a general update of the decades-old ordinance provisions.

The backers of the Initiative were adamantly opposed to a seemingly more complicated update of all of the business license tax provisions. However, they were willing to confirm the existing gross receipts formula for the tax on other businesses, as well as confirm the existing annual rate escalation provision. The backers also agreed to a tiered tax schedule for residential landlords:

- \$ 240 per unit per year for the first 1 to 25 units
- \$ 120 per unit per year for the next 26 to 50 units
- \$ 75 per unit per year for the next 51 to 150 units
- \$ 50 per unit per year for over 150 units

Streamlined language regarding exceptions was also discussed. Staff has been told by the backers of the Initiative that if the Council places an acceptable compromise measure regarding the business license tax on the ballot, then they will not continue with the efforts to place the original Initiative on the ballot. Otherwise, they intend to gather signatures to place the original Initiative on the ballot.

It is also anticipated that if the ballot measure is limited to the tax formulas to be imposed, then there will be a separate ordinance for the City Council to consider with the more detailed procedures about assessing and collecting the tax. Such an ordinance would not increase or expand the business license tax rate and thus would not require voter approval.

### Opposition from the California Apartment Association

The City received the attached email dated May 17, 2013 from the California Apartment Association (CAA) opposing the proposed business license tax (Attachment B). A meeting was held on Wednesday, May 22 involving the City, an Initiative backer and representatives of the CAA. The letter dated May 28, 2013 was received at the May 28, 2013 City Council meeting and requests more time to consider alternatives and references a possible "legal challenge." (Attachment C)

### Election Procedures

If the business license tax ballot measure is placed before the voters, the City Council needs to make a number of decisions about the elections process to be memorialized in a resolution sent to the County Elections Department. The proposed Resolution (Attachment A) reflects past practice as to ballot arguments.

- **Filing of the Argument in favor of the ballot measure:** *Will the City Council authorize the Mayor, Mayor Pro Tem or other Council Member to file the argument in support of the ballot measure? If this is not done and there are multiple arguments submitted, then the California Elections Code has a hierarchy to allow the elections official to determine which argument is included in the voter information pamphlet for each position. Under state law, each argument cannot exceed 300 words in length. The deadline for the submittal of arguments for or against the measure is 5:00 p.m. Tuesday, June 25, 2013. (However, if Council action is not taken until the June 25<sup>th</sup> Council meeting, then the deadline would be July 9, 2013.)*

Previously, the Mayor and Mayor Pro Tem have been authorized to file the argument in support of the ballot measure. Both positions have been named in case someone is unavailable.

- **Signatories to the argument in favor of the ballot measure:** *Does the City Council want to submit the argument in support of the ballot measure as the 1) "Antioch City Council"; or 2) have each City Council Member sign the argument; or 3) task the Mayor or a Council Member with obtaining appropriate signatories who may not all be City Council Members? No more than 5 signatures can appear with the argument.*

Previously, the Mayor and Mayor Pro Tem were both authorized to make the decision as to the appropriate signatories and to obtain those signatures to appear with the argument. Often, a representative group of individuals would sign the measure.

- **Rebuttal Arguments.** *Does the City Council want to prohibit rebuttal arguments?*

Previously, the City Council has prohibited rebuttal arguments, in part due to the additional costs with the printing.

The Resolution also provides that the measure is to be transmitted to the City Attorney to prepare the Impartial Analysis pursuant to California Elections Code section 9280, which is also submitted to the voters with the ballot measure. The Impartial Analysis must be submitted no later than 5:00 p.m. on Tuesday, June 25, 2013. (Again, if Council action is not taken until the June 25<sup>th</sup> Council meeting, then the deadline would be July 9, 2013.)

The City Clerk's Office will also be required to prepare and publish the consolidated "Notice of Election; Synopsis of the Measure and Notice to File Arguments." A draft of the summary of the ordinance is attached (Attachment D).

### **FINANCIAL IMPACT:**

It is anticipated that the residential landlord business license tax will raise approximately \$2.4 million annually in additional revenue for the General Fund based on approximately

11,000 total residential rental units in Antioch, but will be offset by \$300,000 cost to administer the additional tax.

The estimated cost of an election is \$4.75 per registered voter with Antioch having approximately 43,000 voters. According to the County Elections staff, a second ballot measure has just incremental costs, with the final cost dependent on the number of pages needed for the voter's pamphlet.

**OPTIONS:**

1. Not adopt the resolution placing the proposed ordinance on the ballot for November 2013
2. Not adopt the fiscal emergency findings and place the proposed ordinance on the ballot for November 2014
3. Amend the proposed ordinance
4. Direct staff to continue working with the various stakeholders

State law requires a resolution placing a matter on the ballot to be adopted at least 88 days before the election and practically the County Elections Division requires even more time. At this time, it appears that the first meeting in July would be the last regular meeting to consider such a resolution, if there is a need for two readings of an ordinance as well.

**ATTACHMENTS:**

- A. Resolution of the City Council of the City of Antioch Declaring a Fiscal Emergency; Calling for and Noticing a Municipal Election on November 5, 2013 to Seek Approval of a Local Ballot Measure to Confirm the Existing Business License Tax Rate and Include a Residential Landlord Business License Tax; Establishing Policies and Procedures for Such an Election; and Requesting the Board of Supervisors of Contra Costa County to Conduct and Consolidate Such Regular Election with Other Elections to be held on November 5, 2013

Exhibit 1 - Ordinance of the City of Antioch to Confirm the Existing Business License Tax Rate and Include a Residential Landlord Business License Tax

- B. May 17, 2013 email from Theresa Karr of the California Apartment Association
- C. May 28, 2013 letter from Theresa Karr of the California Apartment Association
- D. Draft Summary of the Ordinance

**RESOLUTION NO. 2013-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
DECLARING A FISCAL EMERGENCY;  
CALLING FOR AND NOTICING A MUNICIPAL ELECTION ON NOVEMBER 5, 2013  
TO SEEK APPROVAL OF A LOCAL BALLOT MEASURE TO  
CONFIRM THE EXISTING BUSINESS LICENSE TAX RATE AND TO INCLUDE A  
RESIDENTIAL LANDLORD BUSINESS LICENSE TAX;  
ESTABLISHING POLICIES AND PROCEDURES FOR SUCH AN ELECTION; AND  
REQUESTING THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY  
TO CONDUCT AND CONSOLIDATE SUCH REGULAR ELECTION  
WITH OTHER ELECTIONS TO BE HELD ON NOVEMBER 5, 2013**

**WHEREAS**, the Antioch City Council desires to place a ballot measure before the voters at the November 5, 2013 election to impose a residential landlord business license tax and confirm the existing business license tax formula for all other businesses as set forth in Chapter 1 of Title 3 of the Antioch Municipal Code, with such ordinance attached as Exhibit 1; and

**WHEREAS**, under the existing ordinances in the Antioch Municipal Code, some residential apartment landlords were assessed an annual business license fee in an amount based on their gross annual income and others were not assessed any business license fee at all; and

**WHEREAS**, the conduct of renting residential property in the City of Antioch is a business and such business owners should be paying a business license tax like other businesses owners in the City of Antioch; and

**WHEREAS**, residential rental properties make up approximately one-third of the City's housing stock and the rental of such residential properties has a significant impact on all City services and resources, including but not limited to infrastructure like streets, sidewalks, medians and traffic operations; police and code enforcement; parks and recreational services; animal services; and general City operations; and

**WHEREAS**, not only are the majority of residential landlords not paying a business license tax, but the City has insufficient funds to provide the needed level of services to the entire Antioch community; and

**WHEREAS**, the State's dissolution of redevelopment agencies including the Antioch Development Agency has exacerbated a fiscal emergency in the City caused by State takeaways, the economic recession and significant decreases in property values, resulting in the City's General Fund revenues dropping almost \$13 million since 2007; and

**WHEREAS**, this drastic reduction in the City's General Fund caused severe cuts to City services, including reduced Police services with the elimination of School Resource Officers and Traffic Enforcement, virtual elimination of Code Enforcement, reduced street repairs/maintenance, reduced services at the Animal Shelter and Recreation Programs and less accessibility to the public given the weekly closures of City Hall; and

**WHEREAS**, providing pre-recession services and accessibility would require at least \$11.3 million in additional revenues each fiscal year, plus \$3.6 million to address current deficit spending;

\$1.3 million to restore an operating reserve in the event of catastrophe; and \$1.5 million to repay the loan to the City's equipment replacement funds; and

**WHEREAS**, the City has already taken extreme measures to mitigate the increasing budget shortfalls, including: reducing staffing by 40%; decreasing management salaries and employee work hours through furloughs; reducing overtime; increasing employee contributions towards retirement costs and drastically medical after retirement benefits for new employees; eliminating employee cost of living increases; reducing supply and equipment costs and deferring equipment maintenance; and

**WHEREAS**, in Antioch, violent crime increased 30.6 % and property crime increased 22.8% compared to 2011, with Police Department staffing down to 87 officers (from 102 currently authorized and 126 at the peak staffing) and average response time to Priority 1 calls increased over 2 minutes; an average of 25 calls per week for Code Enforcement services cannot be returned in a timely manner; and there is \$52,000,000 worth of needed street rehabilitation and maintenance; and

**WHEREAS**, confirming the existing business license tax rate and including a residential landlord business license tax is a general tax, the revenues of which are required to stay in Antioch to maintain local services for general governmental purposes vital to the preservation of the public health, safety and welfare; and

**WHEREAS**, the City Council is authorized to request an order that the ballot measure election be consolidated with other elections to be held on the same day and in the same territory (California Elections Code 10400 *et seq.*); and

**WHEREAS**, it is urgent that the Special Municipal Election be consolidated with the elections to be held on November 5, 2013 and it is desirable that within the City, the precincts, polling places, and election officers for the two elections be the same; that the Board of Supervisors canvass the returns of the City ballot measure election; and said City ballot measure election be held in all respects as if there were only one election;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANTIOCH DOES RESOLVE AS FOLLOWS:**

**Section 1. Call for Election**

Pursuant to California Constitution Article XIIC, Section 2, Government Code Section 53724, and Elections Code Section 9222, the City Council of the City of Antioch hereby calls an election at which it shall submit to the qualified voters of the City a measure that, if approved, would adopt a temporary general transactions and use tax, as authorized by Revenue and Taxation Code section 7285.9. This measure shall be designated by letter by the Contra Costa County Elections Department. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 5, 2013.

**Section 2. Ballot Language**

The question to be presented to the voters shall be as follows:

<p><b><u>BUSINESS LICENSE TAX.</u></b> To fund all city services including public safety and code enforcement, shall the City of Antioch adopt an ordinance to confirm the existing business license tax rate and include an annual per unit residential landlord business license tax based on the number of units the landlord is renting, which is not a tax on the general public?</p>	YES	
	NO	

The measure shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure, as provided in California Election Code section 13116.

**Section 3. Fiscal Emergency Findings**

Pursuant to Cal. Constitution Article XIII C, Section 2(b), increases in general taxes must be submitted to the voters at a regularly scheduled general election, except in cases of emergency declared by a unanimous vote of the City Council. The City may expend the proceeds of the tax for any lawful purpose. Therefore, this Resolution, including the submission of the proposed Ordinance (attached as Exhibit 1) must be approved by a unanimous vote of the City Council. This Resolution shall become effective immediately upon its passage and adoption. The City Council’s emergency findings are set forth below.

In accordance with California Constitution Article XIII C, Section 2(b), the City Council finds that emergency conditions exist necessitating the placement of this tax measure on the November 5, 2013 ballot in order to replenish the City’s general fund as soon as possible, and avoid peril to the entire community, which already suffers more than most due to increasing crime rates, stark declines in housing prices causing a great number of foreclosures with the resultant detriment to the community, disturbing truancy and high school drop-out rates and high unemployment rates.

In particular, the City Council makes the following findings:

1. Extreme Measures already taken to address the Fiscal Emergency. The City has taken extreme measures to address the \$13 million decrease in General Fund revenues since 2007 and to mitigate increasing budget shortfalls, including:

- operating at 40% staffing reduction through layoffs, retirements and not filling vacancies including the elimination of code enforcement staff, community services officers (CSOs), school resource officers, traffic and other special police units;
- decreasing management salaries and employee work hours through furloughs and reduced overtime for all employees since July 2009;

- increasing employee contributions towards retirement costs and drastically reducing medical after retirement benefits for new employees;
  - eliminating employee cost of living increases for the period of 2009 to 2011;
  - reducing supply and equipment costs and deferring vehicle and equipment maintenance; and
  - reducing funding and services at the Animal Shelter and Recreation Programs.
2.  Serious Budget Issues Remain. Despite the extreme measures already taken to address the fiscal emergency, serious budget issues remain:
- The City’s General Fund revenues (primarily property tax and sales tax) have dropped almost \$13M since 2007 (excluding one-time monies). This caused severe cuts to City services and less accessibility to the public given the weekly closures of City Hall. Providing pre-recession services and accessibility would require at least \$11.3 million in additional revenues each fiscal year.
  - In Fiscal Year 2014, the City is projected to spend \$3.6 million more than it is receiving in revenues. This results in an “unbalanced” budget and deficit spending, which forces the City to use reserves to meet a minimum level of services. The deficit spending is projected to increase to \$4.7 million in Fiscal Year 2015 resulting in almost no reserves/no fund balance.
  - Sound financial practice, as established by the Government Finance Officers Association (GFOA), recommends a fund balance equal to at least two months worth of operating expenditures in order to provide financial stability in times of economic crisis, catastrophic incidents and litigation matters among other things. This is similar to a personal savings account consumers are recommended to have to cover mortgage, insurance, utilities, etc. in times of financial instability due to catastrophic events like job loss, disability, recession, etc. In fiscal year 2014, the City should have at least \$6.6 million in reserves and based on projections, the City will be approximately \$1.3 million short.
  - In Fiscal Year 2010, the City’s General Fund transferred \$1.5 million in replacement funds set aside to be used to replace the City’s aging vehicles and computer systems. Three years later, these funds have still not been re-paid. Repayment of these funds would cause an immediate \$1.5 million loss in General Fund balance/reserves further increasing deficit spending (that is further increasing expenditures over revenue). As a result of this borrowing, replacement of aging vehicles and computer equipment has been deferred, increasing the need for continued maintenance costs in order to extend the useful lives as long as possible.

3. The State's Elimination of Redevelopment and Grab of Local Funds Has Exacerbated the City's Fiscal Condition. The State's elimination of redevelopment agencies, and particularly the Antioch Development Agency, has exacerbated the City's precarious fiscal status. On December 29, 2011, the California Supreme Court in *California Redevelopment Association v. Matosantos* ordered the immediate dissolution of all redevelopment agencies including the Antioch Development Agency. This undercut the City's ability to redevelop its older downtown Riverfront area, maintain the Marina and waterfront and placed an additional burden on the General Fund for capital improvement projects. Over the past ten years the Redevelopment Agency has spent \$10.8 million on public works projects. Through the General Fund the City must fund a minimal maintenance program for capital improvements, exposing the City to higher replacement costs in the near future. Further, under the "claw back" provision of AB 1x26, other City funds may be forced to transfer an estimated \$790,958 to the successor agency, and ultimately the State.

The elimination of redevelopment has also impacted the City's ability to attract and retain businesses, which impacts General Fund revenue. Business and economic development activities provide local jobs for community members, generating income to be spent locally, creating sales tax revenue for the City. These activities also create enhanced property values through increased commercial real estate values, thereby increasing available property tax revenue for the City. With the loss of redevelopment funds, any future business and economic development activities will require General Fund budget allocations.

4. Increased Crime Rate and Decreased Police Staffing is Undermining the Public Health, Safety and Welfare of the Antioch Community. Violent crime in Antioch increased 30.6 % compared to 2011 and property crime saw a 22.8% increase compared to 2011. The City's overall Part 1 crime saw a 24.2% increase in 2012. The average response time to Priority 1 calls saw an over 2 minute increase from 2011 (from 8:57 minutes to 11:04 minutes). The City last had 89 sworn Police Officers back in 1995 when the City population was only 74,925 instead of 103,833; and the calls for service were only 47,677 and not the recent annual calls for service of 81,572. The City Council views the protection of the public health and safety through public safety as an emergency priority. Several funding sources for the Police Department are expiring and there is no other replacement funding source to address the trend of increasing crime rates. Police staffing needs to be increased to address the crime rate. In addition, staffing levels need to be increased to investigate serious crimes such as homicides and the increasingly sophisticated gangs/drug traffickers.

New Assembly Bill 109 places additional, non-anticipated strain on the City's public safety. Now, those most recently convicted of a non-violent, non-serious, and non-sex related crimes (as defined) will be jailed locally instead of going to prison, regardless of prior convictions or risk of re-offending. AB 109 also transfers the housing responsibility for parole and Post Release Community Supervision revocations to local jail custody. These are people who reoffend after they get out of jail. Finally, AB 109 allows for the early discharge review of parolees. All this adds up to overcrowding, early release for many offenders, no supervision by parole and in most cases probation, and an increase in crime that puts additional strain on police resources. There is no state money for local police agencies to compensate for this added work load. All the money is going to the County Jail, Probation, District Attorney's Office and Health Services. A



California Department of Corrections 2010 study revealed that California's recidivism rate is 67.5%, and the San Francisco area recidivism rate is among the highest in the state at 78.3%.

AB 109 started October 1, 2011. Since the start of realignment, 175 criminals have been released to Antioch, with East Contra Costa County having the highest percentage (42%) of the Post Release Community Supervision (PRCS) population and Antioch having the highest number in East County. According to the County Probation Department, there are 34 outstanding warrants for the PRCS population in East County with Antioch having 47% of them. This does not take into account the crimes that AB 109 suspects may have committed but not identified and the cost involved in investigating those crimes. This is very early in the process so that number may increase dramatically and it will greatly affect Antioch's Police resources.

5. Lack of Code Enforcement Services is Undermining the Public Health, Safety and Welfare of the Antioch Community. The City virtually eliminated the entire 11-member Code Enforcement Division due to the fiscal crisis and now receives an average of 25 calls per week for Code Enforcement services that cannot be returned in a timely manner.

6. Lack of Street Repairs and Maintenance is Undermining the Public Health, Safety and Welfare of the Antioch Community. A 2011 Pavement Management Program Budget Options Report (Pavement Management Update) indicated that the City, with its approximately 670 miles of streets, had a backlog of over \$52,000,000 worth of needed street rehabilitation and maintenance. The Streets Division of the Public Works Department has been reduced from 19 to 10 individuals, resulting in an increase in deferred maintenance, slower response time to citizen requests for service and elimination of some work programs. It is known that spending less today on maintenance means the more funds that will be needed for street and infrastructure repairs and replacements later.

7. Drastic Reduction in All City Services is Undermining the Public Health, Safety and Welfare of the Antioch Community. In addition to the drastic reduction of Police, Code Enforcement and Public Works services discussed above that were implemented to forestall further deficit spending that would lead to bankruptcy; all City services have been impacted. All Recreation activities, including senior and youth services, require a subsidy from the City's general fund to cover costs. Funding for Recreation services has decreased by approximately \$674,000 since fiscal year 2008 prior to the recession, causing important programs to the most needy in the community to be cut. Without an immediate revenue increase, these program also face further reductions or potential elimination. Such further reductions could mean that seniors, many of whom rely on the Senior Center for daily meals and interaction, would be increasingly isolated and destitute. Further elimination of youth recreation programs may lead to further youth truancy and crime. Accordingly to the local public school district, truancy has averaged at approximately 40% over the last several years. Public safety is impacted by delayed building inspections and efforts to encourage economic development are frustrated by the lack of staffing causing long process timelines.

8. Significant Challenges Face the Antioch Community and the Needs are Immediate. The housing market collapse and national economic recession contributed to median housing prices in Antioch falling by 36% to 68% between 2006 and 2010, with over 500 Antioch homeowners per month receiving notices of default for several years. Although there has been some decline in

unemployment rates from the peak of 12.6% in 2010, per the California Employment Development Department, the unemployment rate was still over 10% in 2012. The high school drop-out rates for the public school system were 6.9% in 2008-09, 16.7% in 2009-10 and 17.3% in 2010-11. ABAG (Association of Bay Area Governments) Projections 2009 indicated that the number of persons living in a household was higher in Antioch than the rest of Contra Costa County as a whole due to a larger percentage of households with children, which can cause strain on the public school district both as to facilities and providing educational services, as well as City recreational programs and spaces.

The City of Antioch needs every tool at its disposal, as soon as possible, to successfully address its general municipal purposes, including but not limited to public safety and crime, code enforcement and the elimination of blight, street repairs and all other public infrastructure, job creation, youth and senior services, increase in home ownership and retail opportunities, among all other general municipal purposes. Accordingly, the City Council finds and declares that, because of the severe fiscal challenges facing the City of Antioch combined with the serious needs particularly in the area of public safety, code enforcement and street maintenance, an emergency exists mandating immediate tax revenues to enable to City to meet its obligations to its citizens. Even a delay of twelve months means hundreds of thousands of dollars that will not be available to meet these immediate needs of the Antioch community. Any delay means that the Police Department may not be able to prevent or investigate serious crimes; that blight may go unabated; that maintenance and construction of streets and public infrastructure may not be done in a timely manner; that seniors may not have a place to meet for meals and companionship; that the youth services program will be unable to assist school-age residents of Antioch on their way to a better life; and that all other ordinary and usual purposes of city government will be adversely affected.

9. Antioch Cannot Delay the Business License Tax Measure and the City Council declares an Emergency. The next regularly scheduled election for members of the City Council will not occur until November 2014. Based on the foregoing findings, the City will face continued financial difficulties before November 2014. Delaying this tax measure until the November 2014 ballot would mean that the City would not begin to see any financial returns from any adopted increase until 2015. The City's budget projections for fiscal year 2014-2015 already show the budget shortfall increasing from \$3.6 million to \$4.7 million. Accordingly, the City Council finds and declares that because of the severe fiscal challenges facing the City of Antioch, combined with the serious needs particularly in the area of public safety, code enforcement and street maintenance, an emergency exists mandating immediate tax revenues to enable the City to meet its obligations to its citizens. The City Council determines that because of the great need in Antioch, any delay is unacceptable; and that an emergency exists to impose the taxes set forth in this ordinance prior to November 2014 if the City is to meet its expenses necessary to provide the services not only required by law but necessary for the immediate preservation of the public peace, health and safety of the City.

#### **Section 4. Proposed Ordinance**

The Ordinance authorizing the general tax to be approved by the voters is as set forth in Exhibit 1. The City Council hereby approves the Ordinance, the form thereof, and its submission to the voters of the City at the November 5, 2013 election. The Ordinance confirms that the business license tax

rate in Chapter 3 of Title 1 of the Antioch Municipal Code, which is primarily based on average annual gross receipts of the business as follows:

<i>From</i>	<i>To</i>	<i>Tax</i>
\$0.00	\$20,000.00	\$25.00
\$20,001.00	\$1,000,000.00	\$1.25 / \$1,000.00 of gross receipts
\$1,000,001.00 & above		\$1,250.00 plus 20 ¢ / thousand dollars of gross receipts over \$1,000,000.00

The Ordinance also confirms the existing annual rate inflation provision applicable to the business license tax and administration fees. The Ordinance also includes an annual business license tax on all residential landlords based on the total number of units the landlord is renting or has available to rent within Antioch as follows:

<b>Number of Units</b>	<b>Annual Fee</b>
For the first 1 – 25 units	\$240.00 per unit
For the next 26 – 50 units	\$120.00 per unit
For the next 51 – 150 units	\$ 75.00 per unit
For 151 units & above	\$ 50.00 per unit

The full text of the “Ordinance of the City of Antioch to Confirm the Existing Business License Tax Rate and Include a Residential Landlord Business License Tax,” will be available at no cost from the City Clerk’s Office at 925-779-7009 or on the City’s website: [www.ci.antioch.ca.us](http://www.ci.antioch.ca.us). A statement about how to obtain the full text of the Ordinance will be included in the Voter Information Pamphlet below the Impartial Analysis. Only the Measure, Impartial Analysis and Arguments are to be printed in the Voter Information Pamphlet.

**Section 5. Request to Consolidate, Conduct Election and Canvass Returns**

The Board of Supervisors of the County of Contra Costa is hereby requested to authorize the County Clerk to render all services necessary and proper for the conduct of the election. Pursuant to California Elections Code section 10403, the City Council hereby requests that the Contra Costa County Board of Supervisors consolidate the election called by this Resolution with the election to be conducted on November 5, 2013 and order the election to be conducted by the Registrar of

Voters. The Contra Costa County Elections department is authorized to canvass the returns of the special election, and the election shall be held in all respects as only one election.

The City Clerk's Office is authorized, instructed and directed to work with the County Elections Division as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The County Elections Division is authorized to canvass the returns of the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**Section 6. Time and Place of Election**

The polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. that same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California. The notice of the time and place of holding the election is hereby given, and the City Clerk is authorized to give further notice of the election, as required by law.

**Section 7. Publication of Measure**

The City Clerk's Office is hereby directed to cause notice of the measure to be published once in accordance with Section 12111 of the Elections Code.

**Section 8. Submission of Ballot Arguments**

The City Clerk's Office, with the concurrence of the County Elections Official, has fixed 5:00 p.m. Tuesday, June 25, 2013 as the deadline for submittal of arguments for or against the measure.

The direct arguments shall not exceed three hundred (300) words, and shall not be signed by more than five (5) persons. The City Council does not adopt the provisions of Elections Code Section 9285(a); there shall be no rebuttal arguments.

**Section 9. Council Preparation of Argument In Support of Measure**

The City Council hereby authorizes the Mayor or Mayor Pro Tem to prepare and file the written primary argument in support of the ballot measure described above, pursuant to Article 4 of Chapter 3 of Division 9 of the California Elections Code. At the discretion of the Mayor and Mayor Pro Tem, the argument may also be signed by other members of the City Council, bona fide associations of citizens, or by individual voters who are eligible to vote.

**Section 10. Impartial Analysis**

Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk's Office to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit the impartial analysis to the Elections Division by no later than 5:00 p.m. on 5:00 p.m. Tuesday, June 25, 2013.

**Section 11. Implementation.**

The City Clerk’s Office is directed to file with the Board of Supervisors and the County Clerk of Contra Costa County certified copies of this resolution.

The City will reimburse the County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the Election Official.

**Section 12. Jurisdictional Boundaries**

The jurisdictional boundaries of the City of Antioch have not changed since the last general municipal election.

**Section 13. CEQA**

The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”). The transactions and use tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060 review under CEQA is not required.

**Section 14. Passage of this Resolution.**

This tax is a general tax requiring the approval of a majority of qualified electors casting votes. While the measure lists several of the various municipal purposes to be funded, the list is illustrative only and the Council retains complete discretion to expend the tax proceeds for any lawful purpose of the City of Antioch. Accordingly, this Resolution, including the submission of the proposed Ordinance (attached as Exhibit 1) must be approved by a unanimous vote of the City Council.

This Resolution shall become effective immediately upon its passage and adoption.

\* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

- AYES:** Councilmembers
- NOES:**
- ABSENT:**

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**CITY CLERK , CITY OF ANTIOCH**

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH  
TO CONFIRM THE EXISTING BUSINESS LICENSE TAX RATE AND  
TO INCLUDE A RESIDENTIAL LANDLORD BUSINESS LICENSE TAX

The people of the City of Antioch do ordain as follows:

**SECTION 1. CONFIRMATION OF THE EXISTING BUSINESS LICENSE TAX FORMULA.** Any business not specifically enumerated in Chapter 1 of Title 3 of the Antioch Municipal Code that the City may tax shall pay a business license tax according to the average annual gross receipts as defined according to the following existing formula in Section 3-1.201 of the Antioch Municipal Code:

<i>From</i>	<i>To</i>	<i>Tax</i>
\$0.00	\$20,000.00	\$25.00
\$20,001.00	\$1,000,000.00	\$1.25 / \$1,000.00 of gross receipts
\$1,000,001.00 & above		\$1,250.00 plus 20 ¢ / thousand dollars of gross receipts over \$1,000,000.00

The City Council of the City of Antioch may otherwise amend the existing Business License Tax ordinance and may amend or repeal this tax formula, but may not increase the rate of tax imposed by the article, without the approval of the voters of the City of Antioch voting on such question.

**SECTION 2. RESIDENTIAL LANDLORD BUSINESS LICENSE TAX.** The following provision is added to Article 2 of Chapter 1 of Title 3 of the Antioch Municipal Code to read as follows:

Section 3-1.230 [or appropriate number following any recodification]  
**RESIDENTIAL LANDLORD**

(A) In lieu of any other business license tax and subject to sub-section (B) below, all those in the business of renting living quarters including but not limited to a rental dwelling unit as defined in Section 5-20.201 of the Antioch Municipal Code shall pay the annual license amount indicated in the table immediately below based on the total number of units they are renting or have available for rent within the City of Antioch:

Number of Units		Annual Fee
For the first	1 – 25 units	\$240.00 per unit
For the next	26 – 50 units	\$120.00 per unit
For the next	51 – 150 units	\$ 75.00 per unit
For 151 units & above		\$ 50.00 per unit

(B) The following living quarters are excepted from this requirement: (i) those that fit within the definition of hospital, hotel, motel or care facility as defined in Section 9 5.203 of the Antioch Municipal Code; (ii) those that are exempt as a matter of law; and (iii) those that the City reasonably determines to be substantially similar in nature to one of the excepted living quarters listed above.

(C) The City may promulgate policies and procedures to administer this tax.

(D) The City Council of the City of Antioch may amend or repeal this section by a four-fifths vote of the Council, but may not increase the rate of tax imposed by the article, without the approval of the voters of the City of Antioch voting on such question.

**SECTION 3. ANNUAL RATE ESCALATION.** Section 3-1.227 of the Antioch Municipal Code is restated to read as follows:

Section 3-1.234 [or appropriate number following any recodification]  
**ANNUAL RATE ESCALATION.**

All business license taxes, all administrative fees imposed by this chapter, and any other fee imposed by this chapter in a flat dollar amount (rather than as a percentage of some other sum), shall be adjusted from year to year to reflect the percent change in the Consumer's Price Index as defined by the U.S. Department of Labor Bureau of Labor Statistics All Items Consumer Price Index for the San Francisco/Oakland Urban Area (hereinafter referred to as "CPI factor") for March 31st of each year, multiplied by \$1. All business licenses issued on or after July 1st of each year will be based on the CPI factor of the preceding March 31st. The Tax Administrator shall annually apply the CPI factor and calculate all fees and taxes due under this chapter and shall give notice of those calculations in the manner required by law for ordinances of the City Council. The City Council may, but need not, direct the Tax Administrator to forebear from collecting the entire amount of fees and taxes as adjusted for inflation under this section in one or more fiscal years, but any such forbearance may terminate when the Council

directs without constituting the increase of a tax for which additional voter approval is required it being the voters' intent to authorize, but not require inflation adjustment in any fiscal year.

**SECTION 4. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The voters of the City hereby declare that they would have adopted this Ordinance and each portion thereof regardless of the fact that an invalid portion or portions may have been present in the Ordinance.

**SECTION 5. CEQA.** This business license tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

**SECTION 6. EFFECTIVE DATE.** This ordinance relates to the levying and collecting of the City's business license tax and shall not take effect until approved by the majority of the voters voting at the general municipal election to be held on November 5, 2013.

**SECTION 7. CERTIFICATION; PUBLICATION.** Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

\* \* \* \* \*

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

YES:  
NO:

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

AYES:  
NOES:  
ABSENT:

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

\_\_\_\_\_  
Arne Simonsen, City Clerk



**Nerland, Lynn Tracy**

---

**From:** Theresa Karr [TKarr@caanet.org]  
**Sent:** Friday, May 17, 2013 1:07 PM  
**To:** Jakel, Jim; Nerland, Lynn Tracy  
**Cc:** Agopian, Gary; Rocha, Mary; Wilson, Monica; Tiscareno, Tony; Harper, Wade  
**Subject:** Antioch Proposed \$240 annual per unit fee or tax on landlords

**Importance:** High

Dear Mr. Jim Jakel, City Manager and Lynn Tracy Nerland, City Attorney:

We were notified of a potential "fee" for rental property owners approximately a month ago. We were recently contacted again by some of our members as development of a potential ballot measure was requested by the City Council. It appears that Council asked that you work with a grass-roots citizens group on creating this ballot measure but they left out the rental property owner stakeholders. Since we represent a significant number of rental property owner stakeholders that would be directly impacted by this ballot measure we would like to meet with you and also be included in the development of a ballot measure that impacts our members businesses.

Please let me know when we might be able to meet and discuss this issue. A question we have is, "What exactly is the city looking to do?" Impose a new fee or change the current fee schedule for rental housing? If I am reading your business license fee schedule correctly it states that businesses with sales and/or services are required to have a business license and pay a business license fee (tax) based on gross receipts. I did not find any exemption in the current schedule for rental housing.

Thank you for your prompt response and consideration in meeting with myself and our East Contra Costa County Local Government representative. T

Theresa M. Karr  
Executive Director  
CAA Contra Costa/Napa/Solano Division  
3478 Buskirk Avenue, Ste. 1020  
Pleasant Hill, CA 94523  
925.746.7131 ext. 326 (office) 925.746.7148 (fax)  
707.694.0775 (cell) [tkarr@caanet.org](mailto:tkarr@caanet.org)

The California Apartment Association (CAA) is the largest statewide rental housing trade association in the country. CAA represents rental housing owners and managers who operate all types and sizes of residential rental property, from single family rental homes to large apartment complexes. Together, the Association members are responsible for more than 795,000 units throughout the State of California [www.caanet.org](http://www.caanet.org)



Contra Costa/Napa Solano

May 28, 2013

Honorable Mayor Wade Harper  
And Council Members  
City of Antioch  
P.O. Box 5507  
Antioch, CA 94509

Dear Mayor and Council Members:

First, we would like to thank staff for taking the time out of their busy schedules to meet with us last week to discuss the proposed landlord business license tax and for encouraging us to formally submit our comments and possible alternatives to those presented to you at your Council Meeting this evening, May 28, 2013.

The city's business license tax schedule states, "Anyone that conducts business in the city needs a current business license." It appears the smaller residential income owner/operators of rental housing have not been paying this business license tax. Not because they refuse to pay but because the city has not established any clarity or process for identifying and collecting the business license tax from the smaller residential income property owner/operator. Before proposing new fees or taxes, specifically on rental housing, the city should first try to collect taxes owed. If the intent of this new tax is to provide services that will benefit all businesses and the greater population it should at a minimum include all businesses. This may require more time to review and revise the city's business license tax schedule based on gross receipts.

We understand the city's current and future fiscal challenges and how they impact the city's ability to provide adequate city services to all businesses and residents. We recognize and can support the ½ cent sales tax ballot measure as a fair and equitable tax distribution. The city should consider stepping back to look at other options that are fair and equitable for all businesses within the city. Creating a "new" business license tax to be imposed on one "business" for general services that benefit the entire city is unmerited and may invite legal challenge. As presented, we cannot support the Citizens' Initiative or the Council Ballot Measure's tiered fee schedule.

We respectfully ask the city staff to work with our Division and the citizens' group over the next year to develop a more comprehensive solution that will allow the city to both collect business license taxes efficiently and monitor its rental housing stock without implementing a "new" landlord business license tax.

Please feel free to contact our local Division office if you have any questions or need information about the rental housing industry.

Sincerely,

A handwritten signature in cursive script that reads 'Theresa Karr'.

Theresa Karr, Executive Director  
CAA Contra Costa Napa Solano Division

cc: Jim Jakel, City Manager and Lynn Tracy Nerland, City Attorney

**NOTICE OF AMENDMENT TO THE ANTIOCH MUNICIPAL CODE**

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO CONFIRM THE EXISTING BUSINESS LICENSE TAX RATE AND TO INCLUDE A RESIDENTIAL LANDLORD BUSINESS LICENSE TAX**

Following is a summary of major highlights of the ordinance; a reading of the entire ordinance may be necessary to obtain a full understanding of all changes proposed. A certified copy of the full text of the ordinance is posted and may be read in the City Clerk's Office, City Hall, Third and "H" Streets, Antioch, California (925-779-7009). On \_\_\_\_\_, the City Council voted \_\_\_\_\_ to place adoption of this ordinance on the ballot for the November 5, 2013 election.

\* \* \* \* \*

If approved by the voters at the general municipal election on November 5, 2013, the Ordinance confirms the existing business license tax rate in Chapter 3 of Title 1 of the Antioch Municipal Code, which is primarily based on average annual gross receipts of the business as follows:

<i>From</i>	<i>To</i>	<i>Tax</i>
\$0.00	\$20,000.00	\$25.00
\$20,001.00	\$1,000,000.00	\$1.25 / \$1,000.00 of gross receipts
\$1,000,001.00 & above		\$1,250.00 plus 20 ¢ / thousand dollars of gross receipts over \$1,000,000.00

The Ordinance also confirms the existing annual rate inflation provision applicable to the business license tax and administration fees. The Ordinance also includes an annual

business license tax on all residential landlords based on the total number of units the landlord is renting or has available to rent within Antioch as follows:

<b>Number of Units</b>		<b>Annual Fee</b>
For the first	1 – 25 units	\$240.00 per unit
For the next	26 – 50 units	\$120.00 per unit
For the next	51 – 150 units	\$ 75.00 per unit
For 151 units & above		\$ 50.00 per unit

Landlords would pay these amounts instead of an amount based on the business' gross receipts. Examples of uses that would not pay the \$240 per unit amount include a hospital, hotel, motel or care facility.

The City Council may not increase the tax rate unless approved by a majority of the voters of the City of Antioch. The City Council may amend the existing Business License Tax ordinance. However, the formula for the residential landlord business license tax can only be amended or repealed by 4/5 vote of the City Council.

This summary was prepared by the City Attorney.

**STAFF REPORT TO THE CITY COUNCIL  
FOR CONSIDERATION AT THE MEETING OF JUNE 11, 2013**

**Prepared by:** Ron Bernal, Public Works Director/City Engineer *REB*  
**Date:** June 4, 2013  
**Subject:** Consideration of Options Regarding Regional Traffic Impact Fee Dispute Between Pittsburg and TRANSPLAN/ECCRFFA.

**RECOMMENDATION**

It is recommended the City Council consider the two options being presented and adopt a resolution approving conceptually both options regarding resolution of the dispute between Pittsburg and TRANSPLAN/ECCRFFA and direct staff to provide written confirmation of the Council's action to the TRANSPLAN and ECCRFFA Board, with the understanding that any final agreement would require City Council approval that the City Council does not intend to consider until the City of Pittsburg has approved a final agreement.

**BACKGROUND**

The Measure J Transportation Improvement and Growth Management Program, approved by the voters of Contra Costa County in 2004, requires that all transportation planning regions in the county develop a Regional Transportation Mitigation Program (RTMP) that establishes fees, exactions, assessments, or other mitigation measures to fund regional transportation improvements to mitigate the impact of planned development. The Measure J ordinance gives TRANSPLAN sole authority to establish the RTMP in the East county region. TRANSPLAN has determined that the regional fee program of the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) is the RTMP for East County and that all East County jurisdictions must participate in the ECCRFFA regional fee program.

In 1994 ECCRFFA was created by the Cities of Antioch, Brentwood, Pittsburg and Contra Costa County to implement a regional fee program intended to improve the regional East County roadway network. Upon incorporation in 1999 Oakley joined ECCRFFA. ECCRFFA currently administers the RTMP which funds, among other things, construction and improvement of the Highway 4 Bypass, State Route 4, eBart, and the James Donlon Extension (previously referred to as the Buchanan Bypass).

In September of 2010, after failing to see the James Donlon Extension elevated on the ECCRFFA/RTDIM priority list the City of Pittsburg formally withdrew as a participating member of ECCRFFA. Pittsburg adopted its own self administered regional transportation fee program and has been administering the program since. Over the past three years since their withdrawal the following events have occurred:

- October 2010, CCTA notified Pittsburg that, because of the withdrawal from ECCRFFA, CCTA had placed the City in a "watch" position for payment of 2010-2011 Local Street Maintenance (LSM) funds (also known as Measure J return-to-source funds). In order to comply with the RTMP requirements of Measure J, the City would have to obtain the TRANSPLAN Committee's concurrence on a "joint" or "hybrid RTMP" and a written agreement to integrate the City's fee program with the ECCRFFA RTMP. The City has not received LSM funds since the October 2010 determination by CCTA.

- April 2011, TRANSPLAN and ECCRFFA file a Petition/Complaint for Writ of Mandate against the City of Pittsburg.
- During 2011 and 2012, TRANSPLAN/ECCRFFA and Pittsburg engaged in settlement negotiations which were unsuccessful in resolving the matter.
- December 2012, TRANSPLAN and ECCRFFA dismissed the lawsuit without prejudice.
- In 2013, with CCTA as a mediator, Pittsburg and TRANSPLAN/ECCRFFA entered into a new negotiation phase. The complex settlement discussed during the lawsuit was replaced by two simplified options. These options have been conceptually referred by the TRANSPLAN Board to all East County jurisdictions for consideration.
- May 9, 2013 TRANSPLAN Board gave the following direction to its staff:

*Forward the two negotiated options (Options 1 and 2) to each jurisdiction's respective Council/Board for feedback and/or consideration of conceptual approval, with a request that each Council/Board communicate its position in writing to TRANSPLAN.*

These options are described in the attached TRANSPLAN/ECCRFFA Fee Program Proposal (Attachment A). A summary of the two options is as follows:

**Option 1:**

Pittsburg rejoins ECCRFFA as soon as possible. Pittsburg will participate in the current fee rebate program. At the conclusion of the current or subsequent fee rebate programs the RTMP fee could not exceed the pre-rebate Pittsburg regional fee amount (\$16,500, plus escalations). The ECCRFFA Joint Powers Agreement would be amended to require all members to participate until at least 2030. The agreement would lock in the regional transportation project priority list and those priorities could only be changed by a unanimous vote of the full ECCRFFA Board.

**Option 2:**

Pittsburg would remain a member of TRANSPLAN but would retain its own regional fee program. ECCRFFA would continue on with Antioch, Brentwood, Oakley and the County. Pittsburg and CCTA would resolve the "return to source" issue with no further determination made by TRANSPLAN.

Mayor Harper, the City Manager, City Attorney and the Public Works Director/City Engineer, have all participated in discussions regarding the dispute and its resolution. A delegation from CCTA that has been participating in the recent negotiations has made it clear that Option 1 is preferred by the Authority. Option 1 maintains a full regional focus and cooperation while maintaining uniform regional transportation fees throughout East County. It would also ensure that new development in East County continues to contribute its fair share to regional transportation projects that mitigate the impacts from such development and would provide the local cooperation necessary to attract the state and federal transportation funds required to complete the listed projects. Option 2 does not seem to have a significant downside to the surviving ECCRFFA members and may be the only viable option should the details of the Option 1, once fully vetted, prove to be problematic for one or more member agencies.

As of the writing of this report, the City of Pittsburg has approved both options (Attachment B). The City of Oakley has also approved both options and the County has approved Option 1. The City of Brentwood Council is hearing the item at their June 11<sup>th</sup> meeting.

### **FISCAL IMPACTS**

None to the City of Antioch.

Inclusion of Pittsburg in the RTMP will result in more fees being collected by the program. However, the James Donlon Extension will be a significant expense for the program. Based on ECCRFFA Staff analysis and logical reasoning, including Pittsburg in the fee program is beneficial for ECCRFFA in the near term and Pittsburg in the mid-term. Pittsburg's fees will expedite the delivery of the projects higher on the priority list than the James Donlon Extension. Once those projects are complete revenues will compile at a much faster rate through RTMP than if Pittsburg were to "go it alone", so in turn the James Donlon Extension will likely be fully funded sooner through a regional approach. According to CCTA, having a regionally cohesive RTMP will also result in more favorable efforts to obtain State and Federal funding.

### **OPTIONS**

Council may choose to approve Option 2 only. Since Pittsburg has conceptually approved Options 1 and 2, it seems prudent for the City Council to take the same approach at this point in the process. Approving only Option 1 is also an option but the Council may want to emphasize further that its final determination would be dependent on the final agreement language

### **ATTACHMENTS**

- A. TRANSPLAN/ECCRFFA Proposal, Revised 5/14/13
- B. Pittsburg Agenda Item Dated 4/25/13

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING IN CONCEPT A TRANSPLAN PROPOSAL TO RESOLVE ISSUES RELATING TO THE REGIONAL TRAFFIC IMPACT FEE PROGRAM DISPUTE BETWEEN THE CITY OF PITTSBURG AND OTHER TRANSPLAN / EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY (ECCRFFA) MEMBERS.**

**WHEREAS**, on April 11, 2013, the TRANSPLAN Committee approved in concept a proposal to resolve issues relating to Pittsburg and other TRANSPLAN/ECCRFFA members (of which Oakley is one) concerning the Regional Transportation Mitigation Program (RTMP); and

**WHEREAS**, the TRANSPLAN Committee proposal outlines two options to resolve these issues (a copy of this proposal with the details of two options is attached hereto); and

**WHEREAS**, on May 6, 2013, the City Council of the City of Pittsburg adopted a resolution that encouraged other TRANSPLAN/ECCRFFA members, such as Antioch, to conceptually approve the proposal.

**BE IT RESOLVED** by the City Council of the City of Antioch that it conceptually approves the TRANSPLAN Committee proposal of both Option 1 and Option 2 attached hereto and directs Staff to communicate this approval to the TRANSPLAN Board.

**I, HEREBY CERTIFY** that the above and foregoing resolution was duly and regularly passed and adopted at a meeting of the City Council of the City of Antioch on the 11<sup>th</sup> day of June, 2013, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**CITY CLERK OF THE CITY OF ANTIOCH**



# ATTACHMENT A

Revised 5/~~1439~~/13

## Summary of TRANSPLAN/ECCRFFA Proposal:

TRANSPLAN and ECCRFFA staff appreciate CCTA's assistance in attempting to resolve the dispute between Pittsburg and TRANSPLAN/ECCRFFA. Understanding the need to preserve harmony for the good of the entire county, TRANSPLAN and ECCRFFA staff are as interested as CCTA in achieving a resolution to this issue as soon as possible. To help the process continue to move forward toward common ground, we offer the following two options for discussion.

Option 1 is a simple approach that addresses project prioritization and fee equality and that largely preserves the existing successful arrangement for East County. Option 2 offers a resolution and provides for an evolution of the transportation financing structure in East County. Options 1 and 2 are detailed below:

### Option 1

A. Pittsburg rejoins ECCRFFA as soon as possible and collects the same fees as other member agencies:

1. Pittsburg will implement a rebate program (~~with applicable uniformly to all Pittsburg developers fee schedule~~) for no more than 2 years to match the current ECCRFFA rebate fee schedule (~~i.e.g., \$9,4869,500~~ per SFR and \$5,823 per MFR). At the end of the Pittsburg rebate program, Pittsburg will match the revised ECCRFFA fee schedule described in Paragraph A.2 below, or if there is a shortfall between the Pittsburg and ECCRFFA fees collected between 9/7/10~~1~~ and the end of the Pittsburg rebate program, Pittsburg will eliminate the shortfall by collecting increased fees for the next 150 SFR and/or MFR permits issued by Pittsburg and then match the revised ECCRFFA fee schedule;
2. By 12/13/2013 (or end of current ECCRFFA fee rebate program), ECCRFFA will revise the current fee or rebate schedule to result in a revised fee schedule that may not exceed the pre-rebate Pittsburg MOU fee schedule (approx. \$16,500 per SFR, plus escalation);
3. After 12/13/2013 (or end of current ECCRFFA fee rebate program), any subsequent ECCRFFA fee rebate program may not involve a rebate greater than 50% of the full fee unless it is approved unanimously by the full ECCRFFA Board.
4. The JEPA would be amended to require all member agencies to remain "fully participating members" in ECCRFFA through 2030.

- B. Priority project list is the following and cannot be changed unless both of the following conditions are met: 1) there are extenuating circumstances regarding regional priorities or difficulties in implementing one of the priority projects listed below, and 2) there is a **unanimous** vote by the **full** ECCRFFA Board:
1. Initial Projects and ECCRFFA Existing Commitments:
    - a) SR4 East widening;
    - b) eBART extension to Hillcrest Avenue (\$6.0M) - (excludes Railroad Avenue station) - \$1.2M to be provided to BART by 12/31/2013;
    - c) SR4 Bypass projects (including SR4/SR160 Connector Ramps, Sand Creek Road Interchange, Balfour Road Interchange, and 4-Laning between Lone Tree Way and Balfour Road);
    - d) Outstanding ECCRFFA commitments (\$13 million);
  2. eBART Extension beyond Hillcrest Avenue – environmental review for the eBART extension (\$3.0M);
  3. James Donlan Extension (JDE);
- C. Pittsburg would use the fees collected to-date (approx. \$5.5M) as follows: approx. \$5.3M for JDE (for environmental clearance, R/W acquisition and design) and the Railroad Avenue eBART station); and \$196,000 for legal fees incurred by Pittsburg in TRANSPLAN/ECCRFFA lawsuit.

## **Option 2**

Pittsburg will remain a member of TRANSPLAN and will act independently but in partnership with ECCRFFA to fund and/or construct high priority regional Projects that are included on the approved list of regional projects for East County:

- A. Pittsburg retains its own fee program.
- B. ECCRFFA continues with the remaining four members.
- C. CCTA and Pittsburg formulate a plan of action regarding Pittsburg's "return to source" funds and compliance with Measure J without having a further determination made by TRANSPLAN.

# ATTACHMENT B



OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR  
65 Civic Avenue  
Pittsburg, CA 94565

**DATE:** 4/25/2013

**TO:** Mayor and Council Members

**FROM:** Joe Sbranti, City Manager

**SUBJECT:** Adoption of a City Council Resolution Approving in Concept a Transplan Proposal to Resolve Issues Relating to Pittsburg and Other Transplan Members

**MEETING DATE:** 5/6/2013

## **EXECUTIVE SUMMARY**

On April 11, 2013, Transplan approved in concept a proposal to resolve issues related to Pittsburg and other Transplan members and the Regional Transportation Mitigation Program (RTMP) in East County ("Proposal"). The Proposal has been approved in concept by Transplan and is being disseminated to its members for approval.

## **FISCAL IMPACT**

There are no fiscal impacts resulting from adoption of this resolution. The rates of developer fees set forth in existing memoranda of understanding will not be adversely affected by the Proposal.

## **RECOMMENDATION**

City Council approves the attached resolution giving conceptual approval to the attached Transplan Proposal to resolve the issues relating to Pittsburg and other Transplan members concerning the East County Regional Transportation Mitigation Program.

## **BACKGROUND**

In August 1994, the City of Pittsburg and other East County jurisdictions executed a Joint Exercise of Powers Agreement to form the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) and to assist with implementation of East County's Regional Transportation Mitigation Program (RTMP).

In April 2009, the City formally requests ECCRFFA give the James Donlon Extension Project (a.k.a. the Buchanan Road Bypass Project) priority in funding. Negotiations begin

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving in Concept a Transplan )  
Proposal to Resolve Issues Relating to Other )  
Transplan Members )

RESOLUTION NO. 13-11967

The Pittsburgh City Council DOES RESOLVE as follows:

WHEREAS, on April 11, 2013, the Transplan Committee approved in concept a proposal to resolve issues relating to Pittsburgh and other Transplan members concerning the Regional Transportation Mitigation Program (RTMP) in East County ("Proposal"); and,

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1.

The attached Proposal with both Option 1 and Option 2 is hereby conceptually approved. The City Manager and the City's Transplan representative are hereby authorized to take steps consistent with this Resolution.

Section 2.

The City Council encourages its fellow members of Transplan to take similar steps to conceptually approve Transplan's April 11, 2013, Proposal.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 6<sup>th</sup> day of May, 2013, by the following vote:

AYES: Casey, Evola, Longmire, Johnson, Parent

NOES: None

ABSTAINED: None

ABSENT: None

  
\_\_\_\_\_  
Nancy L. Parent, Mayor

ATTEST:

  
\_\_\_\_\_  
Alice E. Evenson, City Clerk