



Council Chambers
200 H Street
Antioch, CA 94509

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

ANNOTATED AGENDA

for

March 8, 2016

Antioch City Council
Regular Meeting

Wade Harper, Mayor
Lori Ogorchock, Mayor Pro Tem
Mary Helen Rocha, Council Member
Tony Tiscareno, Council Member
Monica E. Wilson, Council Member

Arne Simonsen, City Clerk
Donna Conley, City Treasurer

Steven Duran, City Manager
Derek Cole, Interim City Attorney

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

Electronic Agenda Packet viewing at: <http://www.ci.antioch.ca.us/CityGov/agendas/FindAgenda.asp>
With Project Plans at: <http://ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/Project-Pipeline.pdf>
Hard Copy viewing at: Antioch Public Library, 501 W 18th St, Antioch, CA
Online Viewing: <http://www.ci.antioch.ca.us/CityGov/citycouncilmeetings.asp>

Council meetings are televised live on Comcast Channel 24

Notice of Availability of Reports

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

Notice of Opportunity to Address Council

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

6:00 P.M. ROLL CALL – CLOSED SESSIONS – for Council Members – *All Present*

PUBLIC COMMENTS for Closed Sessions – *None*

CLOSED SESSIONS:

1) PUBLIC EMPLOYEE PERFORMANCE EVALUATION – This Closed Session is authorized by California Government Code §54957 – City Manager

No reportable action

2) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to California Government Code §54956.9 (d)(1): Mark Jordan vs. City of Antioch, Contra Costa Superior Court Case No. C16-00372.

Direction given to Staff

7:02 P.M. ROLL CALL – REGULAR MEETING – for Council Members – *All Present*

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

1. ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

STAFF REPORT

- SALES TAX CITIZENS' OVERSIGHT COMMITTEE (Extended Deadline date: 03/11/16)
- BOARD OF ADMINISTRATIVE APPEALS, ALTERNATE (Extended Deadline date: 03/11/16)
- CONTRA COSTA MOSQUITO & VECTOR CONTROL BOARD OF TRUSTEES
(Deadline date to apply: 03/11/16)
- ECONOMIC DEVELOPMENT COMMISSION (Deadline date to apply: 03/25/16)

PUBLIC COMMENTS – *Members of the public may comment only on unagendized items. The public may comment on agendized items when they come up on this Agenda.*

MOTION TO MOVE REGULAR AGENDA ITEM #5 AFTER PUBLIC COMMENTS – 5/0

COUNCIL REGULAR AGENDA

5. NEW CITY ATTORNEY APPOINTMENT

Approved to appoint Michael Vigilia for City Attorney, 5/0

Recommended Action: It is recommended that the City Council adopt a motion appointing Michael Vigilia as City Attorney; approving the Agreement with Michael Vigilia for City Attorney Services and authorizing the Mayor to sign the Agreement.

STAFF REPORT

CITY COUNCIL COMMITTEE REPORTS

MAYOR'S COMMENTS

2. CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 9, 2016

Approved, 5/0

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

STAFF REPORT

B. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR FEBRUARY 19, 2016

Approved, 5/0

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

STAFF REPORT

C. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 23, 2016

Approved, 5/0

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

STAFF REPORT

D. APPROVAL OF COUNCIL WARRANTS

Approved, 5/0

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

STAFF REPORT

E. REJECTION OF CLAIMS: E.J. SMITH, BARI COSTELLO AND STACY BROWN

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

Approved AND

A) Approve the following application to file a late claim: E.J. Smith – application to file a late claim was received on February 11, 2016; and

B) Reject the following claims:

Rejected, 5/0

1. Bari Costello – Claim was received on May 19, 2015.
2. E.J. Smith – Claim was received on February 11, 2016.
3. Stacy Brown – Claim was received on February 16, 2016.

STAFF REPORT

CONSENT CALENDAR – Continued

F. FINAL ACCEPTANCE OF CURB RAMPS IMPROVEMENTS (P.W. 409-4)

Reso No. 2016/21 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting work and authorizing the Public Works Director/City Engineer to File a Notice of Completion for the Curb Ramps Improvements project and to increase the contract with JD Partners Concrete in the amount of \$2,979.

STAFF REPORT

G. RESOLUTION APPROVING ONE (1) LEGAL SECRETARY POSITION IN THE FY2016/17 AND AUTHORIZING THE APPROPRIATE BUDGET ADJUSTMENT

Reso No. 2016/22 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution approving one (1) Legal Secretary position in FY2016/17, and authorizing the appropriate budget adjustment.

STAFF REPORT

H. RESOLUTION APPROVING THE CLASS SPECIFICATION AND SALARY SCHEDULE FOR ASSISTANT-ASSOCIATE-SENIOR PUBLIC WORKS TECHNICIAN

Reso No. 2016/23 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution approving the class specification and salary schedule for Assistant-Associate-Senior Public Works Technician.

STAFF REPORT

I. TECHNICAL TRAINING FOR CLERKS – TTC SERIES 100

Approved, 5/0

Recommended Action: It is recommended that the City Council authorize associated expenditures for the City Clerk to attend the Technical Training for Clerks (TTC) Series 100 Course at the UC Riverside on March 14 – 18, 2016.

STAFF REPORT

PUBLIC HEARING

3. RESOLUTION EXTENDING THE TEMPORARY CLOSURE OF EMPIRE MINE ROAD BETWEEN MESA RIDGE DRIVE AND DEER VALLEY ROAD

Reso No. 2016/24 adopted, 5/0

Recommended Action: It is recommended that the City Council conduct a public hearing and approve the resolution extending the temporary closure of Empire Mine Road between Mesa Ridge Drive and Deer Valley Road for an additional period of eighteen (18) months as a continued measure to reduce criminal activity in the area.

STAFF REPORT

4. RESOLUTION EXTENDING THE TEMPORARY CLOSURE OF MCELHENY ROAD BETWEEN EAST 6TH STREET AND FULTON SHIPYARD ROAD

Reso No. 2016/25 adopted, 5/0

Recommended Action: It is recommended that the City Council conduct a public hearing and approve the resolution extending the temporary closure of McElheny Road between East 6th Street and Fulton Shipyard Road for an additional period of eighteen (18) months as a measure to reduce criminal activity in the area.

STAFF REPORT

COUNCIL REGULAR AGENDA

6. SENATE BILL 876 (LIU) ENFORCEMENT OF LOCAL ORDINANCES, INCLUDING ISSUES RELATED TO HOMELESSNESS

Approved to sign letter Opposing Senate Bill 876, 5/0

Recommended Action: It is recommended that the City Council authorize the Mayor to sign a letter opposing Senate Bill 876, which would preempt local authority to address important issues affecting public health and safety, including issues related to homelessness.

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

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

ADJOURNMENT – 8:04 p.m.



BOARDS AND COMMISSION VACANCY ANNOUNCEMENT

The City of Antioch encourages residents to become involved in their local community. One way to do so is to serve on various commissions, boards and committees. Any interested resident is encouraged to apply for the vacancy listed below. To be considered for these volunteer positions, a completed application must be received in the Office of the City Clerk by the dates listed below. Applications are available at www.ci.antioch.ca.us and at the City Clerk's Office, City Hall, 200 H Street, Antioch, CA 94509, (925) 779-7009.

- **SALES TAX CITIZENS' OVERSIGHT COMMITTEE** *(Extended Deadline date: 03/11/16)*
- **BOARD OF ADMINISTRATIVE APPEALS, ALT.** *(Extended Deadline date: 03/11/16)*
- **CONTRA COSTA MOSQUITO & VECTOR CONTROL BOARD OF TRUSTEES**
(Deadline date to apply: 03/11/16)
- **ECONOMIC DEVELOPMENT COMMISSION** *(Deadline date to apply: 03/25/16)*

Your interest and desire to serve our community is appreciated.



SALES TAX CITIZENS' OVERSIGHT COMMITTEE

(EXTENDED Deadline date: 03/11/16)

3 vacancies for a 2-year term expiring March 2018

- A Sales Tax Citizens' Oversight Committee has been established following the voters passing Ballot Measure C – Transaction and Use (Sales) Tax at the November 5, 2013 Consolidated Election.
- Each year, an independent auditor shall complete a public audit report of the revenue raised and its expenditure. The Sales Tax Citizens' Oversight Committee shall review the expenditures and report publicly how the funds are being used to address the City Council's stated priorities of public safety and code enforcement. 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 before April 1 of each year. Any written report shall be a matter of public record.
- The Committee shall meet at least three times during its first year and at least twice during subsequent years. The meetings will be public.
- The Sales Tax Citizens' Oversight Committee consists of seven members who are Antioch residents. The terms of the Committee members are staggered with four members for a 4-year term and 3 members for a 2-year term. At least one member of the Committee shall have a financial, accounting or auditing background. The Committee will be appointed by the Mayor and approved by the City Council.
- Members of the Sales Tax Citizens' Oversight Committee will be required to file an annual "Statement of Economic Interest".



BOARD OF ADMINISTRATIVE APPEALS

(EXTENDED Deadline date: 03/11/16)

(1) One Alternate Board Member vac. (2-yr term expiring March 2018)

- Board of Administrative Appeals consists of five members and one alternate to be appointed by the Mayor and confirmed by a majority of the Council. The alternate member shall serve a term of two years.
- Must be a resident of the City of Antioch.
- The Board hears appeals regarding administrative decisions by any official of the City dealing with Municipal Code interpretations.
- Three of the members shall have experience in the building construction trades and/or training in the California Code of Regulations.
- Meetings are held the first Thursday of every month at 3:00 p.m. in the City Council Chambers; or on other dates as needed.
- Commissioners are required to submit a FPPC Form 700 (Statement of Economic Interests) upon assuming office, and every year thereafter no later than April 1st.
- Newly appointed Commissioners are also required to complete the AB 1234 Ethics training within 1-year of their appointment. All Commissioners must then take the AB 1234 Ethics training every two years thereafter. The Ethics training is available online.



CONTRA COSTA MOSQUITO & VECTOR CONTROL BOARD OF TRUSTEES

(Deadline date: 03/11/16)

One (1) Antioch Citizen Representative Vacancy

- The Antioch City Council is seeking candidates for its representative to the Contra Costa Mosquito & Vector Control Board of Trustees.
- The Board of Trustees are officials appointed by their respective City Councils to govern the Mosquito and Vector Control District knowledgeably and effectively. They serve without compensation for a term of two to four years and are highly dedicated to this community service.
- The regular business meetings are held on the second Monday of every other month starting in January. Meetings are held at the District office, 155 Mason Circle, Concord, at 7:00 p.m. The meetings are open to the public.
- Additional information regarding the responsibilities and duties are available online at www.ContraCostaMosquito.com



ECONOMIC DEVELOPMENT COMMISSION

(Deadline date: 03/25/16)

One (1) Partial-Term Vacancy expiring June 2019

- The EDC's function is to address economic development issues within the City and make recommendations to the City Council and staff regarding policies, regulations, marketing, development strategies and planning activities designed to enhance the City's economic base and create quality jobs.
- 7 members; 4-year terms.
- Must be either City resident or owner/operator of a business located in the City.
- Regular meetings are held at 6:00 p.m. in the Council Chamber on the first Tuesday in the months of February, April, June, October and December, the third Tuesday in July, and on the first Tuesday on an as-needed basis only during the months of March, May and November. No meetings are held during January or August.
- Members of the Economic Development Commission are required to file an annual "Statement of Economic Interest".

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

February 9, 2016
Council Chambers

6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City's Labor Negotiators is authorized by California Government Code section 54957.6; City designated representatives: Nickie Mastay, Denise Haskett and Glenn Berkheimer; Employee organization: Public Employees Union Local 1.

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

Mayor Harper reported the City Council had been in Closed Session on February 8, 2016 and gave the following report: Direction was given to the Recruiter.

Mayor Harper called the meeting to order at 7:00 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

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

PROCLAMATION

Celebrating Thomas Gaines Day in Antioch, February 9, 2016

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

The City Council presented the proclamation, a key to the Cit, and a framed article to Dr. Carrie Fraser and Donald Freitas who thanked the City Council for honoring Mr. Gaines and announced the Art Exhibit would be on display Tuesday – Saturday, 12:00 P.M. – 5:00 P.M. until February 20, 2016.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Parks and Recreation Kaiser announced Recreation Guides were sent out to residents and she encouraged everyone to participate in recreational programming.

Cindy Harrington, representing the Antioch Lapidary Club Gem and Mineral Society of Antioch, announced a Jewelry, Gem, and Rock Show would be held February 20 and 21, 2016, at the Antioch Fairgrounds.

Sandy Henry, Moderator of First Congregational Church of Antioch, reported Thomas Gaines had attended their church and she shared historical events.

Velma Wilson, Antioch resident, announced the following Black History Month events:

- Movie Screening of Selma and panel discussion at 12:00 P.M. on February 15, 2016 at Black Diamond Middle School
- East County NAACP and Jesus House of Antioch in recognition of Thomas Gaines would be hosting a talk and free brunch; contact information was given

Councilmember Rocha announced a Walk for Peace would be held from 6:00 P.M. – 8:00 P.M. on February 12, 2016 beginning at Holy Rosary Church.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- *Board of Administrative Appeals: Five (5) full term vacancies and One (1) alternate vacancy; deadline date is February 19, 2016*
- *Sales Tax Citizens' Oversight Committee: Three (3) vacancies; deadline date is February 26, 2016*

He reported applications would be available in Council Chambers, online at the City's website and at the City Clerk's and Deputy City Clerks offices. He noted members of Boards and Commissions were required to complete the FPPC Form 700 Statement of Economic Interest and undergo Ethics Training.

PUBLIC COMMENTS

Fred Hoskins, Antioch resident, suggested the City Council make sure new growth paid for its impacts. He spoke against extending Measure "C" unless approved by voters in Antioch.

Tom Trost announced an event honoring Thomas Gaines would be held at 11:00 A.M. on February 27, 2016 at the Hickmott Canary Site and a free brunch would be served afterward at Jesus House of Antioch.

Kiran Singh, Antioch resident, discussed a claim rejected by the City to recover costs for AMR Transport Services.

Mayor Harper stated City Manager Duran would be provided with Ms. Singh's contact information and be in contact with her.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Association of Bay Area Government (ABAG) meeting.

Councilmember Ogorchock reported on her attendance at the League of California Cities meeting. She congratulated Councilmember Rocha for winning the Commission of Women Award and noted she would be up for Woman of the Year.

Councilmember Tiscareno reported on his attendance at the Mayor's Conference and announced a Transportation Committee meeting would be held next week.

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

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the Mayor's Conference.

PRESENTATION

Health and Wealth Initiative Presentation, presented by Keith and Iris Archuleta

Iris Archuleta gave a history of Emerald HPC International LLC, and an overhead presentation of The Antioch Health Wealth Initiative.

Mayor Harper thanked Ms. Archuleta for the presentation.

Councilmember Tiscareno thanked Ms. Archuleta for the presentation.

Keith Archuleta stated they would be partnering with the Trades and Los Medanos College for job training and referrals.

Aram Hodess, representing Plumbers Local #159, complemented Emerald HPC International for advocating for economic development and stated there were opportunities in the unionized building trades to employ local youth and journeymen.

2. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 12, 2016

B. APPROVAL OF COUNCIL MINUTES FOR JANUARY 26, 2016

C. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR FEBRUARY 8, 2016

D. APPROVAL OF COUNCIL WARRANTS

E. LEAGUE OF CALIFORNIA CITIES

- Policy Committee Meeting
- Mayors and Council Members Executive Forum and Advanced Leadership Workshop
 - 1) Approve participation and authorize associated expenditures for the League of California Cities Policy Committee Meetings held in San Diego April 7 through April 8, 2016 for City Council members.
 - 2) Approve participation and authorize associated expenditures for the League of California Cities Mayors and Council Members Executive forum and Advanced Leadership Workshops held in Monterey June 22 through 24, 2016.

F. AWARD OF CONTRACT FOR PROFESSIONAL AUDITING SERVICES FOR FISCAL YEARS ENDING JUNE 30, 2016, 2017 AND 2018

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

PUBLIC HEARING

3. PROPOSED FINANCING CASA BLANCA APARTMENTS THROUGH THE ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (“CSCDA”)

CDBG Consultant Teri House presented the staff report dated February 9, 2016 recommending the City Council adopt the Resolution approving the issuance of bonds by the California Statewide Communities Development Authority (“CSCDA”) to finance the acquisition and rehabilitation of Casa Blanca Apartments by Levy Affiliated Holdings. Notice of this Public Hearing was published in the Contra Costa Times on January 25, 2016.

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

RESOLUTION NO. 2016/10

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously adopted the Resolution approving the issuance of bonds by the California Statewide Communities Development Authority (“CSCDA”) to finance the acquisition and rehabilitation of Casa Blanca Apartments by Levy Affiliated Holdings.

4. VINEYARDS AT SAND CREEK (GP-14-01, PD-14-03, SUBDIVISION 9390)

Director of Community Development Ebbs presented the staff report dated February 9, 2016 recommending the City Council take the following actions: 1) Adopt the Resolution certifying the Environmental Impact Report for the Vineyards at Sand Creek Project, adopting Findings of Fact, and adopting a Mitigation Monitoring and Reporting Program. 2) Adopt the Resolution approving

a General Plan Amendment of the project site from Business Park, Public/Quasi-Public, and Open Space/Senior Housing designations to Medium Low Density Residential and Open Space as well as amendment to the text of the Sand Creek Focus Area of the General Plan (GP-14-01). 3) Introduce the Ordinance approving a Development Agreement between the City of Antioch and GBN Partners, LLC. 4) Introduce the Ordinance approving a Rezone of the project site to Planned Development, approving a Master Development Plan, Final Development Plan, and Planned Development and Design Standards (PD-14-03). 5) Adopt the Resolution approving a Vesting Tentative Map/Final Development Plan and Resource Management Plan consisting of 641 units (Subdivision 9390).

Mayor Harper opened the public hearing.

Matt Beinke, GBN Partners LLC, applicant for Vineyards at Sand Creek, gave a history of the project and an overhead presentation of the site plan. He noted they would be participating in a Police Services Fee Program and preserving a 400-foot buffer in the Sand Creek corridor.

Lucas Stuart-Chilcote, Antioch resident, stated he was opposed to the project and spoke in support of maintaining the land as natural preserve. He suggested the City focus on improving services prior to approving more development.

Beverly Knight, Antioch resident, stated approving the project would overburden City services and increase commute time. She suggested the City focus on revitalization efforts.

Wendi Aghily, Antioch resident, read from Antioch's General Plan which discussed the City's goals to reduce commute times, congestion, balance jobs, and employment. She noted those goals had not been met and approval of this development would replicate mistakes of the past. She stated State law required zoning and development approvals be consistent with the General Plan and she requested Council oppose the project.

Fred Hoskins, Antioch resident, suggested the City Council consider the impacts of the project and review design elements in more detail, prior to approval of the project.

Mark Day, Dahlin Group Architecture and Planning, thanked staff, on behalf of the design team, for working through the details of the project and stated he was available to answer questions this evening.

Tim Forrester, Antioch Unified School District, gave a history of Dozier-Libbey Medical High School and stated this project would be the first step in bringing utilities and services needed for their school facility, Kaiser Hospital, and future development in the area.

Makesi Freeman, Antioch resident, spoke in support of the project noting it would provide jobs and infrastructure improvements needed in the area.

Jason Johns, Antioch resident, spoke in support of the project noting it would provide local jobs, expand the Sand Creek Trail System and provide funding for Police Services.

Brent Aasen, Brentwood resident, gave a history of the Slatten Ranch project and stated he believed housing in this area was a more appropriate use of the land. He spoke in support of the project and developer. He discussed the importance of improving and extending Sand Creek Road.

Gil Murrillo, Antioch resident, expressed concern for student generation from the project and its impact on Antioch schools. He suggested infrastructure be in place prior to the approval of more development. In addition, he stated he was concerned that the City was being asked to acquire property through eminent domain for a developer.

Sandra Kelly, Antioch resident, stated the net profit from this development was inadequate to cover the project impacts and she felt the lot sizes were too small. She expressed concern for student generation from the project impacting Antioch schools and suggested the City address current infrastructure needs prior to approving more development.

Bob Lilley, representing International Brotherhood of Electrical Workers, spoke in support of the project. He stated due to the realities of the economy the General Plan was no longer accurate. He noted this was a high quality community from a first class developer that would provide many amenities benefiting the community. He requested the City Council support the project.

Aram Hodess, representing Plumbers & Steamfitters Local #159, encouraged the City Council to support the Vineyards at Sand Creek project. He noted it was a quality project and developer, who was committed to hiring local journeyman and apprentices. He further noted the project would pay for itself, generate surplus revenue and provide infrastructure needed in the area.

Juan Pablo Galvan, representing Save Mount Diablo, stated they supported the conservation benefits yielded from this project. He noted if any projects were proposed in the Sand Creek focus area in the future, he would encourage that details of the conditions of approval be provided early in the review process. He discussed the importance of planning for conservation in the area and stated they looked forward to being involved in the comprehensive planning process.

Ralph Garrow, Antioch resident, spoke in support of the project noting it was responsible development that had mitigated for its impacts. He stated the area was better suited for residential development and he recommended the City Council approve the proposal.

Terry Ramos, Antioch resident, stated the City should have been proactive in planning for future development. He suggested the City designate future business park property, plan for Sand Creek Road connecting to highway 4 and address funding for improvements at Prewett Park.

The following Antioch residents submitted written comment indicating their support for the Vineyards at Sand Creek project: Jason Hodgson, Victor Adame Jr., David Catania, Jose Mendoza, Rodney Perry, Jon Kaiser, Merced Gaye, Antonio Sigala, Erick Soto, Daniel Lopez, Chris Stoddard, Jose Machado, Raul Pena, Joe Guadagni, Kevin Fitzgerald, and Jerry Brooks.

The following individuals submitted emails indicating their support for the Vineyards at Sand Creek project: June Ronci, Sunny Vaughn, Douglas Krah, Hollie Dickson, Jean Dickson, and Carol Manning.

Lucia and Monte Albers, Brentwood resident, spoke in support of the project and the infrastructure improvements it would bring to the area.

Martin Fernandez, Antioch resident, spoke in support of project noting the development mitigated for its impacts and would be a high quality upscale development needed in Antioch.

Jack Roddy, Brentwood resident, stated Antioch deserved a high quality project from a first class developer and he urged the City Council to support the project.

Matt Beinke thanked staff for working through the details of the project and everyone who spoke this evening. He clarified the neighborhood would be self sufficient and every unit in perpetuity would pay \$450+ annually into a Police Services fee. In addition, he noted the project was in the Brentwood School District.

Councilmember Ogorchock requested at least (50) fifty percent local hires work in the project area.

Mayor Harper closed the public hearing.

Director of Community Development Ebbs clarified they did not anticipate eminent domain and the City had not committed themselves through the development agreement or elsewhere.

Councilmember Rocha spoke in support of the infrastructure improvements for Dozier-Libby Medical High School and Kaiser Hospital.

Mayor Harper stated he appreciated the comments this evening and spoke in support of the project and applicant.

Councilmember Ogorchock stated the City needed to have a vision for the balance of FUA1.

RESOLUTION NO. 2016/11
RESOLUTION NO. 2016/12
RESOLUTION NO. 2016/13

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously 1) Adopted the Resolution certifying the Environmental Impact Report for the Vineyards at Sand Creek Project, adopting Findings of Fact, and adopting a Mitigation Monitoring and Reporting Program. 2) Adopted the Resolution approving a General Plan Amendment of the project site from Business Park, Public/Quasi-Public, and Open Space/Senior Housing designations to Medium Low Density Residential and Open Space as well as amendment to the text of the Sand Creek Focus Area of the General Plan (GP-14-01). 3) Introduced the Ordinance

approving a Development Agreement between the City of Antioch and GBN Partners, LLC. 4) Introduced the Ordinance approving a Rezone of the project site to Planned Development, approving a Master Development Plan, Final Development Plan, and Planned Development and Design Standards (PD-14-03). 5) Adopted the Resolution approving a Vesting Tentative Map/Final Development Plan and Resource Management Plan consisting of 641 units (Subdivision 9390).

Mayor Harper declared a recess at 9:47 P.M. The meeting reconvened at 10:05 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

5. ORDINANCE REGULATING SHOPPING CARTS

Director of Community Development Ebbs presented the staff report dated February 9, 2016 recommending the City Council Introduce the Ordinance Regulating Shopping Carts.

Lori Cook, Antioch resident, thanked staff for bringing the ordinance forward and urged Council to adopt and enforce the ordinance. She provided Council with photos of shopping carts discarded throughout the City.

Terry Ramus, Antioch resident, spoke in support of Ms. Cook and of Council adopting the ordinance.

Sean Wright, speaking on behalf of the Antioch Chamber of Commerce, urged Council to pass and enforce the ordinance.

In response to Councilmember Wilson, Director of Community Development Ebbs clarified the objective would be for laborers to pick up shopping carts; however, in the event they could not, the owner would be contacted for pick up.

Interim City Attorney Cole stated the City was required to give reasonable notice that the cart may be picked up.

Director of Community Development Ebbs stated oral boards for the laborer positions would occur on February 23, 2016.

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously introduced the Ordinance Regulating Shopping Carts.

6. CONSIDERATION OF BIDS FOR THE COUNTRY HILLS DRIVE AND VISTA GRANDE DRIVE WATER MAIN REPLACEMENT, (PW 503-16)

Lynne Filson presented the staff report dated February 9, 2016 recommending the City Council award the Country Hills Drive and Vista Grande Drive Water Main Replacement contract and

authorize the City Manager to execute an agreement with the lowest, responsive bidder, A-S Pipelines, Inc. in the amount of \$983,690.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously awarded the Country Hills Drive and Vista Grande Drive Water Main Replacement contract and authorized the City Manager to execute an agreement with the lowest, responsive bidder, A-S Pipelines, Inc. in the amount of \$983,690.

7. CARD ROOM BALLOT INITIATIVE

Interim City Attorney Cole presented the staff report dated February 9, 2016 recommending the City Council: 1) Receive and file the Clerk's Certificate to Initiative Petition; and 2) Consider whether the City Council wishes to adopt the initiative ordinance or submit the matter to the voters.

Fred Hoskins, Antioch resident, spoke against the ordinance as written and suggested revising the ordinance to restrict or expand card room locations based on population.

Steve Scudero, owner of 19th Hole, stated he had no objection to the ordinance, as written.

John Whitehurst, Citizen's Initiative Against Gambling, BMWL Partners, stated they were the political consultants for the coalition that circulated the petition and the California Grand Casino was the main sponsor.

Councilmember Rocha suggested the group responsible for the initiative reimburse the City by donating costs incurred to the City's Community Foundation.

Interim City Attorney Cole responded the options for Council were to send it to an election or adopt the ordinance. He stated the City could ask to have the money for the initiative repaid; however, it could not be mandatory and there could not be any appearance of coercion or pressure.

Following discussion, City Council consensus felt tactics used by the proponents were an attempt to bully them into approving the ordinance. They also voiced concern for the manner in which the petition signatures were collected.

Councilmember Ogorchock suggested Council consider approving the resolution calling for the election and at the request of City Treasurer Conley; add an initiative to the ballot, to eliminate the City Treasurer's elected position. She noted the salary savings from the eliminated position could eventually offset the cost of the election.

In response to Council, Interim City Attorney Cole stated he would determine if there was a conflict with regards to an Economic Development Commissioner bringing this initiative item forward.

City Clerk Simonsen stated the City would need to check with the Secretary of State filings for a list of the initiative proponents. He noted the cost of adding the elimination of the City Treasurer item to the June ballot would be insignificant.

RESOLUTION NO. 2016/14

On motion by Councilmember Tiscareno, seconded by Councilmember Ogorchock, the City Council unanimously A) Received and filed the Clerk's Certificate to Initiate Petition; and, B) Adopted the resolution calling an initiative measure election.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the Mayor's Conference.

COUNCIL COMMUNICATIONS

Councilmember Ogorchock requested staff agendize a ballot measure to eliminate the elected City Treasurer position.

Councilmember Wilson reported on her attendance at the ribbon-cutting at the Southern Café, Neighborhood Cleanup and the opening ceremony for Black History Exhibit.

Councilmember Ogorchock reported on her attendance at the Black History Month Opening Ceremony.

Councilmember Tiscareno stated he was attending another event and was unable to attend the Black History Month opening ceremony. He stated he would attend a viewing during the week.

Mayor Harper reported Council attended many events throughout the community. He thanked Council for their participation in the discussions this evening and staff for preparing the agenda.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:57 P.M. to the next regular Council meeting on February 23, 2015.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

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

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

**February 19, 2016
Antioch City Hall
Third Floor Conference Room**

ROLL CALL *for Closed Session*

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

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

PUBLIC COMMENTS *for Closed Session – None*

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

CLOSED SESSION:

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

The City Council returned to open session outside of the City Council Chambers. No public was present. Direction was given to Recruiter and Staff.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 4:15 P.M.

Respectfully submitted:

NICKIE MASTAY
Administrative Services Director

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

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

**February 23, 2016
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Potential Litigation pursuant to California Government Code §54956.9 (d)(4): Water Rights BDCP/WaterFix (Bay Delta Conservation Plan/WaterFix)
2. **CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code §54956.9 (d)(2): Letter received from California Cannabis Law Group
3. **PUBLIC EMPLOYMENT APPOINTMENT:** City Attorney– This Closed Session is authorized by California Government Code section 54957. Agency Designated Representative: City Manager, Administrative Services Director, and Phil McKenney of Peckham & McKenney regarding the recruitment of a City Attorney.

Interim City Attorney Cole reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction was given to the Representatives; and **#2 CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, Direction was given to Interim City Attorney; and, **#3 PUBLIC EMPLOYMENT APPOINTMENT**, Direction was given to Negotiators.

Mayor Harper called the meeting to order at 7:01 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Director of Park and Recreation Kaiser announced the Antioch Water Park would begin offering their Health, Education and Teaching Programs February 27, 2016.

Geneva Moss, Youth Services Librarian at the Antioch Library, announced the Kids Read! Program would begin February 29, 2016 and run through March 26, 2016 with the following events:

- Make Your Own Birdfeeder – March 9, 2016 at 3:00 P.M.
- Kids Read! Storytime for all ages – March 12, 2016 at 2:00 P.M.
- “B is for Butterfly” March 16, 2016 at 3:00 P.M.
- Start Your Own Garden – One Plant at a Time – March 23, 2016 at 3:00 P.M.
- Kids Read! Storytime for all ages – March 26, 2016 at 2:00 P.M.

She recognized the sponsors of the event and stated they would be distributing books at various locations in Antioch.

Julie Haas Wajdowicz, representing the Undead Roller Derby, announced their season opening would be held on March 5, 2016. Contact information was provided for anyone wishing to purchase tickets. She stated they would also be hosting a soup fundraiser from 2:00 P.M. – 5:00 P.M. on February 27, 2016 at the Evolve Aikido and Movement Center.

Dr. Sean Wright, Antioch Chamber of Commerce, announced the Antioch Chamber of Commerce Inaugural Gala and Awards Dinner would be held at 6:00 P.M. on March 11, 2016 at the Lone Tree Golf and Event Center. He stated awards would be given to Jane Parsons, Citizen of the Year–Lifetime Achievement, Ken Turnage, Citizen of the Year–Most Impact, Sutter Health Medical Center, Large Business of the Year, M.A.L.U. Fitness, Small Business of the Year, and the Antioch Rotary Club, Nonprofit of the Year. Contact information was given for anyone wishing to purchase tickets to the event.

Councilmember Rocha announced the following events:

- Thomas Gaines recognition event at 11:00 A.M. on February 27, 2016 at the Hickmott Canary Site
- Congressman DeSaulnier - Concussion Prevention discussion at 1:00 P.M. on March 4, 2016 at Antioch High School
- Read Across America the first week of March 2016

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings:

- Sales Tax Citizens’ Oversight Committee: Three (3) vacancies; deadline date is February 26, 2016
- Contra Costa County Mosquito & Vector Control District Board: One (1) vacancy; deadline date is March 11, 2016
- Board of Administrative Appeals: One (1) Alternate vacancy; deadline date is March 11, 2016

He reported applications would be available in Council Chambers, online at the City’s website, and at the City Clerk’s and Deputy City Clerks offices.

PUBLIC COMMENTS

Ken Rickner, Shower House Ministries, thanked the City for allowing him to operate in the overflow parking lot at Humphrey's Restaurant. He reported some of the homeless had expressed interest in cleaning up the area and questioned if there was a location they could dispose of the garbage they had collected.

Loretta Sweatt, Antioch resident, encouraged the City Council to contact developers to build a hotel on the Beede Lumber Yard site. She spoke in support of the Antioch Police Department and urged Council to provide them with the resources needed to keep them safe.

Debbie Blaisure, owner of Oddly Unique and Oddly Unique Too, provided Council with a copy of the initiative and discussed their efforts to develop the Beede Lumber site as a park or event center. She announced they would begin to gather signatures to place this item on the November ballot. She suggested Council adopt the ordinance or move the initiative to the June ballot and agendize it for discussion.

Fred Hoskins, Antioch resident, suggested citizens wait to view the City's proposal for the Beede Lumber Yard prior to moving forward with an initiative.

Willie Mims, representing the East County NAACP and Pittsburg's Black Political Association, reported on his attendance at the Community March Against Violence, African American Art Exhibit, and Legos and the Law events. He also commended the Antioch Police Department for their participation in Legos and the Law event. He questioned if the City had made a decision with regards to the use of body cameras and urged Council to invest in the technology for the Antioch Police Department.

Mayor Harper encouraged Mr. Mims to discuss the status of body cameras with Chief Cantando.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson announced she had attended the TRANSPLAN and State Route 4 Bypass meetings, on behalf of Councilmember Tiscareno.

MAYOR'S COMMENTS

Mayor Harper announced he would be attending the Tri Delta Transit meeting and the East Bay Innovation Awards on behalf of Delta Diablo.

1. **COUNCIL CONSENT CALENDAR *for City /City as Successor Agency/Housing Successor to the Antioch Development Agency***
- A. **APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR FEBRUARY 8, 2016**

-
- B. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 9, 2016
- C. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR FEBRUARY 19, 2016
- D. APPROVAL OF COUNCIL WARRANTS
- E. ORDINANCE NO. 2112-C-S AND ORDINANCE NO. 2113-C-S VINEYARDS AT SAND CREEK – SECOND READING OF ORDINANCES (GP-14-01, PD-14-03, SUBDIVISION 9390) (*Introduced on 02/09/16*)
- 1) Adopt the Ordinance approving a Development Agreement between the City of Antioch and GBN Partners, LLC.
 - 2) Adopt the Ordinance approving a Rezone of the project site to Planned Development, approving a Master Development Plan, Final Development Plan, and Planned Development and Design Standards (PD-14-03).
- F. ORDINANCE NO. 2114-C-S SECOND READING OF ORDINANCE REGULATING SHOPPING CARTS (*Introduced on 02/09/16*)
- G. REJECTION OF CLAIMS: RICK COSTELLO AND ALLSTATE INSURANCE
- 1) Rick Costello – Claim was received on October 12, 2015, and amended on November 3, 2015.
 - 2) Allstate Insurance Company – Claim was received on November 4, 2015.
- H. RESOLUTION NO. 2016/15 APPROVING THE REVISION OF THE SALARY RANGE FOR THE CLASS SPECIFICATION OF OFFICE ASSISTANT
- I. APPROVAL OF TREASURER’S REPORT FOR JANUARY 2016

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

- J. APPROVAL OF SUCCESSOR AGENCY WARRANTS
- K. APPROVAL OF HOUSING SUCCESSOR WARRANTS

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

COUNCIL REGULAR AGENDA

2. TENTATIVE AGREEMENT BETWEEN THE CITY OF ANTIOCH AND PUBLIC EMPLOYEES' UNION LOCAL 1 FOR THE PERIOD OF APRIL 1, 2015 – MARCH 31, 2017

Administrative Services Director Mastay presented the staff report dated February 23, 2016 recommending the City Council adopt a resolution: 1) Approving the Tentative Agreement between the City of Antioch and Public Employees' Union Local 1; and 2) Authorizing the Finance Director to make any necessary adjustments to the FY 2015/16 Budget to implement the provisions of the Tentative Agreement.

RESOLUTION NO. 2016/16

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously adopted a resolution: 1) Approving the Tentative Agreement between the City of Antioch and Public Employees' Union Local 1; and 2) Authorizing the Finance Director to make any necessary adjustments to the FY 2015/16 Budget to implement the provisions of the Tentative Agreement.

3. TENTATIVE AGREEMENT SIDE LETTER BETWEEN THE CITY OF ANTIOCH AND PUBLIC EMPLOYEES' UNION LOCAL 1

Administrative Services Director Mastay presented the staff report dated February 23, 2016 recommending the City Council adopt a resolution approving the Tentative Agreement Side Letter between the City of Antioch and Public Employees' Union Local 1.

RESOLUTION NO. 2016/17

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council unanimously adopted a resolution approving the Tentative Agreement Side Letter between the City of Antioch and Public Employees' Union Local 1.

Mayor Harper thanked City employees for their diligence and working hard to keep the community safe.

4. LEASE OPTION AGREEMENT BETWEEN THE CITY OF ANTIOCH AND NRG FOR THE RES-BCT SOLAR ENERGY PROJECT

Director of Public Works/City Engineer Bernal presented the staff report dated February 23, 2016 recommending the City Council adopt the resolution authorizing the City Manager to enter into a Lease Option Agreement with NRG.

RESOLUTION NO. 2016/18

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock, the City Council unanimously adopted the resolution authorizing the City Manager to enter into a Lease Option Agreement with NRG.

5. CARD ROOM BALLOT INITIATIVE – BALLOT ARGUMENT

Interim City Attorney Cole presented the staff report dated February 23, 2016 recommending the City Council: 1) Adopt the Resolution Specifying Matters for the June 7, 2016 Special Measure Election; 2) Determine whether the City Council wishes to submit a ballot argument against the initiative ordinance limiting card rooms within the City.

City Clerk Simonsen announced the City had received a letter from “Stand Up For California!” in support of the “Citizens Initiative Against Gambling Expansion”. He noted copies were made available to the City Council, staff and in Council Chambers this evening.

Alma Carney, Antioch resident, expressed concern regarding the cost of putting this item on the ballot and suggested the City utilize the funds to address public safety.

Loretta Sweatt, Antioch resident, stated she opposed current initiatives and felt they were unnecessary expenditures. She urged the City Council to make the most economically feasible decision.

Michael Payton, Antioch resident, spoke in support of the Card Room Initiative.

Wally Hesseltine, representing the owners of Kelly’s Restaurant and Card Room, reported his clients were attempting to sell the business and the initiative had affected their ability to do so. He urged the City Council delay action to give them the opportunity to present alternatives. He noted if it were impossible to delay, they preferred the initiative process.

Fred Hoskins, Antioch resident, suggested the City develop an alternative that would mitigate for the impacts of the card rooms rather than denying future applications.

Willie Mims, representing the East County NAACP and Pittsburg’s Black Political Association, suggested Council make a decision on this issue rather than expending the funds to place the item on the ballot.

Councilmember Tiscareno requested the recommended actions be considered separately by the City Council. He expressed concern that this item was brought forward by a business from outside of Antioch that wanted to dictate how City business should be conducted and monopolize gaming in the area. He explained that Council had approved a strong ordinance last year that required State approval for Card Room licenses. He stated he felt it was appropriate to let the citizen’s speak by allowing them to vote on the initiative.

Councilmember Wilson clarified that she had signed the petition and had done so because she felt the public deserved a voice on this issue. She stated she voted to send the item to the ballot as there had been a significant amount of signatures collected.

Councilmember Rocha stated the current ordinance restricted Card Room businesses to two sites in Antioch and she expressed concern that a business from outside of Antioch had organized this strategy. She stated she supported the item going to a vote of the residents as Council had already approved the existing ordinance.

Councilmember Ogorchock stated the current ordinance was strong and issues that had been brought forward had already been addressed. She noted for that reason she supported the initiative being voted on by the citizens of Antioch.

Mayor Harper stated he agreed with the comments from fellow Councilmembers.

A motion made by Councilmember Ogorchock, seconded by Councilmember Tiscareno, to adopt the Resolution Specifying Matters for the June 7, 2016 Special Measure Election was amended as follows:

RESOLUTION NO. 2016/19

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously adopted the Resolution Specifying Matters for the June 7, 2016 Special Measure Election and amended the resolution #4 to replace "March 4, 2016" with "March 11, 2016".

Speaking to the City submitting a ballot argument against the initiative ordinance, Councilmember Wilson stated she would be abstaining as she wanted to hear the voice of the voters.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council determined they wished to submit a ballot argument against the initiative ordinance limiting card rooms within the City.

The motion carried the following vote:

Ayes: Ogorchock, Tiscareno, Rocha and Harper

Abstain: Wilson

6. BALLOT MEASURE TO CHANGE THE CITY TREASURER FROM ELECTED TO APPOINTED

Interim City Attorney Cole presented the staff report dated February 23, 2016 recommending the City Council: 1) Determine whether the City Council wishes to submit a ballot in favor of changing the City Treasurer from Elected to Appointed. 2) Adopt the Resolution Specifying Matters for the June 7, 2016 Primary Election Ballot Measure.

Donna Conley, City Treasurer, spoke in support of placing this measure on the June ballot.

The City Council recognized City Treasurer Conley for bringing this item forward.

RESOLUTION NO. 2016/20

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously 1) Determined the City Council wished to submit a ballot in favor of changing the City Treasurer from Elected to Appointed. 2) Adopted the Resolution Specifying Matters for the June 7, 2016 Primary Election Ballot Measure.

7. COUNCIL MEMBER WILSON ALTERNATES FOR CITY COUNCIL SERVICE

Mayor Harper introduced the item and noted staff recommended that the City Council receive Councilmember Wilson's notice that she is removing Lamar Thorpe and Patrice Guillory as Alternates to serve in her place on the City Council if she is unable to fulfill her duty as a City Council Member in times of declared emergencies.

Fred Hoskins, Antioch resident, stated he felt this issue should have been handled in private. He noted an individual should not be admonished for doing what they felt was right.

Willie Mims, representing the NAACP and Pittsburg's Black Political Association, agreed with Mr. Hoskins and noted he felt the newspapers had targeted Lamar Thorpe and Patrice Guillory. He opposed the recommendation to remove them as Alternates.

Interim City Attorney Cole clarified it was his office that had advised City Administration and the Clerk's office to agendize this matter. He explained City Code required any appointments and removals be ratified by the City Council.

Councilmember Wilson reiterated she had signed the petition willingly because she felt it had a significant amount of support by residents. She stated she supported her third Alternate, Don Freitas, serving as her sole Alternate.

Councilmember Rocha stated she supported the recommended action.

Mayor Harper stated he also supported the recommendation and suggested Councilmember Wilson consider two replacement Alternates.

Councilmember Tiscareno spoke in support of the process and Councilmember Wilson recommendation.

On motion by Councilmember Wilson, seconded by Councilmember Ogorchock, the City Council unanimously received Councilmember Wilson's notice that she was removing Lamar Thorpe and

Patrice Guillory as Alternatives to serve in her place on the City Council if she is unable to fulfill her duty as a City Council Member in times of declared emergencies.

8. REMOVAL OF ECONOMIC DEVELOPMENT COMMISSION MEMBER

Interim City Attorney Cole presented the staff report dated February 23, 2016 recommending the City Council ratify Mayor Harper's desire to remove Lamar Thorpe from the Antioch Economic Development Commission effective immediately.

Karl Dietzel and Loretta Sweatt, Antioch residents, spoke in support of removing Lamar Thorpe as an Economic Development Commissioner.

Lamar Thorpe, Antioch resident, stated he was disappointed and felt the fact he had disagreed with Council was being used to retaliate against him by removing him from the Economic Development Commission. He stated he would continue to work for Antioch and prioritize safety, economic growth, and accountability.

Fred Hoskins, Antioch resident, stated he felt this issue should have been dealt with at the Commission level and suggested retaining Mr. Thorpe as an Economic Development Commissioner.

Willie Mims, representing the NAACP and Pittsburg's Black Political Association, spoke in opposition to removing Mr. Thorpe from the Economic Development Commission. He stated he was concerned the Interim City Attorney had decided to agendize this item without consultation of the Council. He noted he felt Mr. Thorpe was a victim of political pressure by the newspaper and suggested Council listen to his side of the story.

Mayor Harper clarified he had requested this item be agendized. He explained that he had wanted to remove Mr. Thorpe from the Commission by letter; however, the Interim City Attorney advised the process was required to be agendized for the City Council to vote on.

Councilmember Rocha reported there was an incident where Mr. Thorpe had made disparaging remarks about the City of Antioch at a meeting of Elected Officials and Stakeholders. She discussed the importance of Commissioners having respect for the City they serve.

Mayor Harper stated Commissioners represented the City of Antioch. He noted to prevent any further conflict of interest; he did not feel Mr. Thorpe should serve on the Economic Development Commission especially after he had advocated on behalf of the Casino. He further noted he was concerned regarding a letter to the editor authored by Mr. Thorpe that had criticized the City Council.

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously ratified Mayor Harper's desire to remove Lamar Thorpe from the Antioch Economic Development Commission effective immediately.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the Contra Costa County Public Management Association meeting and the Employee Service Awards.

COUNCIL COMMUNICATIONS

Councilmember Wilson reported on her attendance at Pizza with Police, Legos and the Law, Cease Fire Peace Walk, and Trivia Night at Lone Tree Golf Course. She invited the City Council to attend the Earn and Learn Breakfast on March 4, 2016 sponsored by the Workforce Development Board.

Councilmember Ogorchock reported on her attendance at Pizza with Police, Legos and the Law, Cease Fire Peace Walk, and Trivia Night at Lone Tree Golf Course. She thanked Ken Turnage for donating toys for the Legos and the Law event.

Councilmember Tiscareno reported on his attendance at Pizza with Police, Legos and the Law, Cease Fire Peace Walk, Trivia Night at Lone Tree Golf Course, and the Employee Service Awards. He thanked Councilmember Ogorchock for donating toys for the Legos and the Law event.

Councilmember Rocha reported on her attendance at a lunch at the Antioch Senior Center and the grand-opening of the Antioch Health Center.

Mayor Harper reported on his attendance at the grand-opening of the Antioch Health Center and announced a Promotional Ceremony would be held at the Antioch Police Department at 3:00 P.M. on February 24, 2016. He announced Tri Delta Transit would be meeting on February 24, 2016 and Delta Diablo was a candidate for the East Bay Innovation Awards Catalyst Award.

City Clerk Simonsen stated as a result of Council action on item #8, he would announce the vacancy on the Economic Development Commission.

Mayor Harper thanked the City Council for their diligence this evening.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 8:33 P.M. to the next regular Council meeting on March 8, 2016.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 12-25, 2016
 FUND/CHECK#

100 General Fund

Non Departmental

361273 STANTEC ARCHITECTURE INC DEPOSIT REFUND 500.00

City Attorney

361190 ACEC CA PLANNING PUBLICATION 57.28

926214 SHRED IT INC SHRED SERVICE 48.38

City Clerk

361246 MAUREEN KANE AND ASSOCIATES INC TRAINING-SIMONSEN 1,550.00

Human Resources

361287 WORXTIME LLC ANNUAL EMPLOYER MANDATE 4,200.00

926214 SHRED IT INC SHRED SERVICE 48.40

Economic Development

361258 PACIFIC GAS AND ELECTRIC CO ELECTRIC 303.63

Finance Accounting

361204 BADAWI & ASSOCIATES AUDIT SERVICES 6,955.20

926214 SHRED IT INC SHRED SERVICE 48.40

Finance Operations

361279 UNITED PARCEL SERVICE WEEKLY PRINTER SERVICE FEE 21.50

Non Departmental

361198 ANTIOCH HISTORICAL SOCIETY FIRE TRUCK CONTRIBUTION 20,000.00

361220 DELTA DIABLO GOLF COURSE WATER 2,266.00

361260 PARS ACTUARIAL SERVICES 2,550.00

361282 WAGeworks ADMIN FEE 102.00

Public Works General Maintenance Services

361229 FRIGARD CHIROPRACTIC DMV PHYSICAL 75.00

Public Works Street Maintenance

361219 CROP PRODUCTION SERVICES INC HERBICIDE AND FERTILIZER 3,805.98

361241 LOWES COMPANIES INC BRASS HOOKS 14.07

361254 OFFICE MAX INC OFFICE SUPPLIES 60.09

361257 PACIFIC COAST LANDSCAPE MGMT INC LANDSCAPE SERVICES 4,332.00

926204 CRYSTAL CLEAR LOGOS INC SUPPLIES 53.93

Public Works-Signal/Street Lights

361195 AMERICAN GREENPOWER USA INC STREET LIGHTS 5,058.13

361258 PACIFIC GAS AND ELECTRIC CO ELECTRIC 5,880.43

361285 WESCO RECEIVABLES CORP SUPPLIES 18,850.78

926211 ICR ELECTRICAL CONTRACTORS ELECTRICAL SERVICES 1,922.82

Public Works-Striping/Signing

361227 FASTENAL CO SUPPLIES 59.42

361241 LOWES COMPANIES INC SUPPLIES 88.86

361271 SHERWIN WILLIAMS CO PAINT 149.37

926204 CRYSTAL CLEAR LOGOS INC SUPPLIES 67.01

Public Works-Facilities Maintenance

361233 HOME DEPOT, THE SUPPLIES 22.42

361241 LOWES COMPANIES INC SUPPLIES 301.34

361245 MASSONE MECHANICAL INC ICE MACHINE 2,017.30

361252 OAKLEYS PEST CONTROL PEST CONTROL SERVICE 100.00

Prepared by: Georgina Meek
 Finance Accounting

3/3/2016

2D

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 12-25, 2016
 FUND/CHECK#

361258	PACIFIC GAS AND ELECTRIC CO	GAS	10,160.39
926209	HAMMONS SUPPLY COMPANY	SUPPLIES	15.04
926211	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	160.61
Public Works-Parks Maint			
361241	LOWES COMPANIES INC	FENCING	102.33
361242	MAK ASSOCIATES INC	EQUIPMENT REPAIR	4,997.19
361256	PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	54,815.58
361258	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,017.31
361285	WESCO RECEIVABLES CORP	SUPPLIES	5,396.26
Public Works-Median/General Land			
361189	ACE HARDWARE, ANTIOCH	PVC FITTINGS	12.54
361258	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,760.47
926204	CRYSTAL CLEAR LOGOS INC	SUPPLIES	46.35
Police Administration			
361191	ACME SECURITY SYSTEMS	DOOR FOBS	575.19
361193	ALL PRO PRINTING SOLUTIONS	FILE JACKETS	4,608.56
361205	BANK OF AMERICA	SUPPLIES	1,527.67
361214	CONCORD UNIFORMS LLC	UNIFORMS	779.36
361218	CRIME SCENE CLEANERS INC	CRIME SCENE CLEANUP	100.00
361238	JOHNSON, VIRGINIA L	MILEAGE REIMBURSEMENT	42.12
361243	MALSOM, STACEY K	MILEAGE REIMBURSEMENT	39.96
361254	OFFICE MAX INC	OFFICE SUPPLIES	811.85
361255	ORMAN, LEONARD A	EXPENSE REIMBURSEMENT	5.40
361263	PERS	PAYROLL DEDUCTIONS	49.44
361265	REACH PROJECT INC	JUVENILE DIVERSION PROGRAM	17,083.00
361274	STATE OF CALIFORNIA	FINGERPRINTS	128.00
361277	SYMBOLARTS	CHALLENGE COINS	695.00
361279	UNITED PARCEL SERVICE	SHIPPING	49.50
926212	IMAGE SALES INC	BADGES	20.38
926213	MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	248.35
926216	SLINGER, SCOTT	MILEAGE REIMBURSEMENT	5.40
Police Community Policing			
361255	ORMAN, LEONARD A	EXPENSE REIMBURSEMENT	323.78
926216	SLINGER, SCOTT	COURT APPEARANCE	179.19
Police Investigations			
361215	CONTRA COSTA COUNTY	INSPECTION SERVICE	621.00
361247	MC MANUS, ERIC A	EXPENSE REIMBURSEMENT	31.85
361263	PERS	PAYROLL DEDUCTIONS	28.03
Police Communications			
361201	AT AND T MCI	DISPATCH PHONE LINES	101.03
361230	GLOBALSTAR	SATELLITE PHONE	179.01
361259	PACIFIC TELEMAGEMENT SERVICES	LOBBY PAY PHONE	78.00
361263	PERS	PAYROLL DEDUCTIONS	1.11
Office Of Emergency Management			
361205	BANK OF AMERICA	EOC LAMINATION	40.67

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 12-25, 2016
 FUND/CHECK#

Police Community Volunteers		
361205 BANK OF AMERICA	MEETING EXPENSE	250.00
Police Facilities Maintenance		
361205 BANK OF AMERICA	HISTORY PROJECT	449.69
361241 LOWES COMPANIES INC	SUPPLIES	12.41
361252 OAKLEYS PEST CONTROL	PEST CONTROL SERVICE	165.00
361258 PACIFIC GAS AND ELECTRIC CO	GAS	17,273.13
Community Development Land Planning Services		
361190 ACEC CA	PLANNING PUBLICATION	143.24
361249 EMPLOYEE	EXPENSE REIMBURSEMENT	76.58
361281 VERIZON WIRELESS	WIRELESS CONNECTION	38.01
CD Code Enforcement		
361194 ALLIED WASTE SERVICES	GARBAGE ABATEMENT	3,145.36
361239 K2GC	ABATEMENT SERVICES	619.27
361281 VERIZON WIRELESS	WIRELESS CONNECTION	152.04
PW Engineer Land Development		
361190 ACEC CA	PLANNING PUBLICATION	85.96
361199 ARC ALTERNATIVES	PROFESSIONAL SERVICES	1,254.50
Community Development Building Inspection		
361263 PERS	PAYROLL DEDUCTIONS	7.59
Capital Imp. Administration		
361254 OFFICE MAX INC	OFFICE SUPPLIES	21.89
Community Development Engineering Services		
361190 ACEC CA	PLANNING PUBLICATION	28.65
361254 OFFICE MAX INC	OFFICE SUPPLIES	26.63
212 CDBG Fund		
CDBG		
361206 BAY AREA LEGAL AID	CDBG SERVICES	12,074.09
213 Gas Tax Fund		
Streets		
361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	28,030.73
214 Animal Control Fund		
Animal Control		
361232 HILLS PET NUTRITION	ANIMAL FOOD	2,887.51
361251 MWI VETERINARY SUPPLY CO	VETERINARY SUPPLIES	1,969.40
361258 PACIFIC GAS AND ELECTRIC CO	GAS	909.12
926210 HLP INC	SOFTWARE	1,351.60
219 Recreation Fund		
Recreation Admin		
361241 LOWES COMPANIES INC	SUPPLIES	137.55
361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,608.83
Senior Programs		
361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,072.56
Recreation Sports Programs		
361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	4,052.57

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 12-25, 2016
 FUND/CHECK#

Recreation-New Comm Cntr

361202 AT AND T MCI	PHONE	66.61
361207 BAY BUILDING MAINTENANCE INC	JANITORIAL SERVICES	995.00
361212 COLE SUPPLY CO INC	SUPPLIES	65.47
361223 DUGAND, KARINA	CONTRACTOR PAYMENT	285.60
361250 MUIR, ROXANNE	CONTRACTOR PAYMENT	504.00
361254 OFFICE MAX INC	OFFICE SUPPLIES	120.06
361256 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	3,673.25
361268 ROBERTS, NANCY	CONTRACTOR PAYMENT	393.60
361281 VERIZON WIRELESS	WIRELESS CONNECTION	38.01
926203 CONSOLIDATED ELECTRICAL DIST INC	SUPPLIES	260.78

221 Asset Forfeiture Fund

Non Departmental

361269 SERVA, DEAN	ASSET FORFEITURE	200.00
--------------------	------------------	--------

222 Measure C/J Fund

Streets

361225 ECONOMIC AND PLANNING SYSTEMS	PROFESSIONAL SERVICES	7,964.03
361237 JD PARTNERS CONCRETE	CURB RAMP PROJECT	24,773.63

229 Pollution Elimination Fund

Storm Drain Administration

361275 STATE WATER CONTROL BOARD	PERMIT FEE	2,037.00
361276 STATE WATER CONTROL BOARD	PERMIT FEE	22,897.00

251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 1

361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	767.80
926211 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	60.00

Lonetree Maintenance Zone 2

361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	734.28
------------------------------------	----------	--------

252 Downtown SLLMD Fund

Downtown Maintenance

361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	311.81
------------------------------------	----------	--------

253 Almondridge SLLMD Fund

Almondridge Maintenance

361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	209.19
------------------------------------	----------	--------

254 Hillcrest SLLMD Fund

Hillcrest Maintenance Zone 1

361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	704.11
------------------------------------	----------	--------

Hillcrest Maintenance Zone 2

361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	725.93
------------------------------------	----------	--------

Hillcrest Maintenance Zone 4

361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	645.13
------------------------------------	----------	--------

255 Park 1A Maintenance District Fund

Park 1A Maintenance District

361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	151.65
361272 SILVA LANDSCAPE	LANDSCAPE SERVICES	2,736.00

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 12-25, 2016
 FUND/CHECK#

256 Citywide 2A Maintenance District Fund

Citywide 2A Maintenance Zone 3

361258 PACIFIC GAS AND ELECTRIC CO ELECTRIC 76.09

Citywide 2A Maintenance Zone 4

361258 PACIFIC GAS AND ELECTRIC CO ELECTRIC 306.76

Citywide 2A Maintenance Zone 5

361258 PACIFIC GAS AND ELECTRIC CO ELECTRIC 430.92

Citywide 2A Maintenance Zone 6

361258 PACIFIC GAS AND ELECTRIC CO ELECTRIC 231.12

Citywide 2A Maintenance Zone 9

361258 PACIFIC GAS AND ELECTRIC CO ELECTRIC 475.11

Citywide 2A Maintenance Zone10

361258 PACIFIC GAS AND ELECTRIC CO ELECTRIC 138.66

257 SLLMD Administration Fund

SLLMD Administration

361254 OFFICE MAX INC OFFICE SUPPLIES 35.98

376 Lone Diamond Fund

Assessment District

361211 CENTRAL SELF STORAGE ANTIOCH STORAGE FEES 189.00

569 Vehicle Replacement Fund

Equipment Maintenance

361222 DOWNTOWN FORD SALES 2015 FORD TRUCK (3) 73,277.82

570 Equipment Maintenance Fund

Non Departmental

361234 HUNT AND SONS INC FUEL 3,688.62

Equipment Maintenance

361196 ANTIOCH AUTO PARTS AC PARTS 977.88

361258 PACIFIC GAS AND ELECTRIC CO ELECTRIC 552.12

361261 PETERSON ROOF TOP 673.08

361262 PETERSON MIRROR HANGER 77.74

361264 PURSUIT NORTH LIGHT 66.70

361270 SGS TESTCOM SMOG TESTING 5.42

361283 WALNUT CREEK FORD BRAKE PARTS 793.07

926201 BIG SKY ENTERPRISES INC TIRE DISPOSAL 109.75

573 Information Services Fund

Network Support & PCs

361203 AT AND T MCI PHONE 357.32

361213 COMCAST INTERNET SERVICE 178.18

361254 OFFICE MAX INC OFFICE SUPPLIES 58.80

926205 DIGITAL SERVICES WEBSITE MAINTENANCE 2,990.00

Telephone System

361200 AT AND T MCI PHONE 16.40

361202 AT AND T MCI PHONE 275.67

578 Post Retirement Medical-Misc Fund

Non Departmental

926208 RETIREE MEDICAL AFTER RETIREMENT 473.38

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 12-25, 2016
 FUND/CHECK#

926217 RETIREE	MEDICAL AFTER RETIREMENT	1,418.76
611 Water Fund		
Non Departmental		
361196 ANTIOCH AUTO PARTS	SUPPLIES	707.96
361227 FASTENAL CO	SUPPLIES	241.94
926204 CRYSTAL CLEAR LOGOS INC	SUPPLIES	817.50
926209 HAMMONS SUPPLY COMPANY	SUPPLIES	2,369.53
Water Production		
361189 ACE HARDWARE, ANTIOCH	SUPPLIES	4.24
361192 AIR FILTER/CONTROL	AIR FILTERS	508.92
361196 ANTIOCH AUTO PARTS	TEST KIT	224.43
361199 ARC ALTERNATIVES	PROFESSIONAL SERVICES	1,254.50
361202 AT AND T MCI	PHONE	133.16
361210 BHS MARKETING LLC	HYDROFLUOSILICIC ACID	9,977.83
361217 CONTRA COSTA WATER DISTRICT	RAW WATER	360,981.49
361226 FAST RESPONSE ON SITE TESTING	RESPIRATOR FIT TESTING	759.40
361241 LOWES COMPANIES INC	TAPE	193.88
361258 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	92,311.57
361266 REINHOLDT ENGINEERING CONSTR	FUEL LINE REPAIR	1,105.00
361267 ROBERTS AND BRUNE CO	PIPE	2,129.30
361280 UNIVAR USA INC	CAUSTIC	5,117.13
361285 WESCO RECEIVABLES CORP	LIGHTS	758.41
926198 AIRGAS SPECIALTY PRODUCTS	AMMONIA	1,092.80
926202 CHEMTRADE CHEMICALS US LLC	ALUM	7,959.14
926203 CONSOLIDATED ELECTRICAL DIST INC	COVER	76.84
926206 EUROFINS EATON ANALYTICAL INC	SAMPLE TESTING	215.00
926211 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	955.69
926215 SIERRA CHEMICAL CO	CHLORINE	4,252.47
Water Distribution		
361189 ACE HARDWARE, ANTIOCH	SUPPLIES	8.81
361196 ANTIOCH AUTO PARTS	AIR FILTER	4.65
361197 ANTIOCH BUILDING MATERIALS	ASPHALT	522.72
361227 FASTENAL CO	SUPPLIES	396.04
361228 FASTLANE TEK INC	CONSULTING SERVICES	2,132.50
361235 INFOSEND INC	POSTAGE COSTS TO MAIL BILLS	1,776.21
361236 JACK DOHENY SUPPLIES INC	CCTV TRUCK SUPPLIES	231.08
361241 LOWES COMPANIES INC	SUPPLIES	94.54
361245 MASSONE MECHANICAL INC	ICE MACHINE	2,017.29
361248 MCCAMPBELL ANALYTICAL INC	TESTING	1,150.00
361254 OFFICE MAX INC	OFFICE SUPPLIES	493.61
361267 ROBERTS AND BRUNE CO	SUPPLIES	5,442.74
Water Meter Reading		
361241 LOWES COMPANIES INC	SUPPLIES	50.62
361263 PERS	PAYROLL DEDUCTIONS	84.72
926200 BADGER METER INC	TRANSPONDERS/METERS	3,482.68

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 12-25, 2016
 FUND/CHECK#

Public Buildings & Facilities

361278	TJC AND ASSOCIATES INC	CONSULTING SERVICES	7,063.75
361286	WEST YOST ASSOCIATES INC	CONSULTING SERVICES	3,505.88

Warehouse & Central Stores

361279	UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	21.50
--------	-----------------------	----------------------------	-------

621 Sewer Fund

Sewer-Wastewater Collection

361197	ANTIOCH BUILDING MATERIALS	ASPHALT	522.72
361208	EMPLOYEE	CERT FEE REIMBURSEMENT	185.00
361221	DKF SOLUTIONS GROUP LLC	PORTABLE PUMP	700.00
361224	DUKES ROOT CONTROL INC	ROOT CONTROL	4,927.00
361226	FAST RESPONSE ON SITE TESTING	RESPIRATOR FIT TESTING	1,359.40
361227	FASTENAL CO	SUPPLIES	258.91
361228	FASTLANE TEK INC	CONSULTING SERVICES	1,577.50
361235	INFOSEND INC	POSTAGE COSTS TO MAIL BILLS	1,776.20
361236	JACK DOHENY SUPPLIES INC	CCTV TRUCK SUPPLIES	1,768.87
361241	LOWES COMPANIES INC	PIPE	217.37
361245	MASSONE MECHANICAL INC	ICE MACHINE	2,017.29
361254	OFFICE MAX INC	OFFICE SUPPLIES	722.79
361267	ROBERTS AND BRUNE CO	SUPPLIES	1,111.57
361279	UNITED PARCEL SERVICE	SHIPPING	42.65
926204	CRYSTAL CLEAR LOGOS INC	SUPPLIES	62.24

631 Marina Fund

Non Departmental

361209	BERATTA, STEVE	BERTH DEPOSIT REFUND	232.00
361240	LAMB, RICHARD	BERTH DEPOSIT REFUND	143.75

Marina Administration

361231	HENDERSON MARINE SUPPLY	DOCK BUMPERS	251.24
361254	OFFICE MAX INC	OFFICE SUPPLIES	30.05
361258	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	3,020.89

641 Prewett Water Park Fund

Recreation Water Park

361212	COLE SUPPLY CO INC	GLOVES	576.74
361241	LOWES COMPANIES INC	SUPPLIES	289.65
361244	MARTELL WATER SYSTEMS INC	PUMP BEARING	1,126.05
361256	PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	2,545.25
361258	PACIFIC GAS AND ELECTRIC CO	GAS	8,132.21
361284	WATER SAFETY PRODUCTS INC	WHISTLES	382.48
926207	GRAINGER INC	SUPPLIES	1,667.71

721 Employee Benefits Fund

Non Departmental

361263	PERS	PAYROLL DEDUCTIONS	330,441.02
--------	------	--------------------	------------



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 8, 2016

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Derek Cole, Interim City Attorney *DC/spd*

SUBJECT: **Rejection of Claims: E.J. Smith, Bari Costello and Stacy Brown**

RECOMMENDED ACTION

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

- A) Approve the following application to file a late claim: E.J. Smith – Application to file a late claim was received on February 11, 2016.
- B) Reject the following claims:
 - 1. Bari Costello – Claim was received on May 19, 2015.
 - 2. E.J. Smith – Claim was received on February 11, 2016.
 - 3. Stacy Brown – Claim received on February 16, 2016.

Should the City Council desire to discuss this matter, it would be scheduled for a future closed session.

cc: MPA, Risk Management

E

Agenda Item #



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 8, 2016

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Ahmed Abu-Aly, Associate Engineer, Capital Improvements Division *AA*

APPROVED BY: Ron Bernal, Public Works Director/City Engineer *Rob*

SUBJECT: Final Acceptance of Curb Ramps Improvements, P.W. 409-4

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution accepting work and authorizing the Public Works Director/City Engineer to File a Notice of Completion for the Curb Ramps Improvements project and to increase the contract with JD Partners Concrete in the amount of \$2,979.

STRATEGIC PURPOSE

This program will support Strategy K-4 by pursuing grant funding to improve infrastructure; and Strategy K-5 by reducing City liability from third party claims by increasing and enhancing ADA accessibility and reducing trip hazards along Bluerock Drive from Boulder Drive to Rimrock Drive, West Tregallas Road from Lone Tree Way to "G" Street, and San Joaquin Avenue from Alcalá Street to El Rey Street.

FISCAL IMPACT

The final contract price for the project is \$145,029. The increase in the total cost of \$2,979 was due to extension of the project scope of work to include one additional curb ramp needed on San Joaquin Avenue.

Funding for this project was provided from Measure J Funds and the TDA grant in the amount of \$50,000 and is included in the current FY 15/16 budget.

DISCUSSION

On June 23, 2015, the City Council awarded a contract to J.D. Partners Concrete in the amount of \$142,050. All work for the project was completed on February 26, 2016.

ATTACHMENTS

- A: Resolution Accepting Work
- B: Notice of Completion

ATTACHMENT "A"

RESOLUTION NO. 2016/
RESOLUTION ACCEPTING WORK AND DIRECTING
THE PUBLIC WORKS DIRECTOR/CITY ENGINEER
TO FILE A NOTICE OF COMPLETION FOR THE
CURB RAMPS IMPROVEMENTS
P.W. 409-4**

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

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

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

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

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 8th day of March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

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

ATTACHMENT "B"

Recorded at the request
of and for the benefit
of the City of Antioch

When recorded, return
to City of Antioch
Capital Improvements Department
P.O. Box 5007
Antioch, CA 94531-5007

**NOTICE OF COMPLETION
FOR
CURB RAMPS IMPROVEMENTS
IN THE CITY OF ANTIOCH
(P.W. 409-4)**

NOTICE IS HEREBY GIVEN that the work and improvements hereinafter described, the contract for which was entered into by and between the City of Antioch and J.D. Partners Concrete was completed on February 26, 2016.

The surety for said project was Old Republic Surety Company.

The subject project consisted of new curb ramps that meet ADA standards along Bluerock Drive from Boulder Drive to Rimrock Drive, West Tregallas Road from Lone Tree Way to "G" Street, and San Joaquin Avenue from Alcala Street to El Rey Street in Antioch, California.

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

Date


RON BERNAL, P.E.
Public Works Director/City Engineer



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 8, 2016

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Nickie Mastay, Administrative Services Director 

SUBJECT: Resolution Approving One (1) Legal Secretary Position in the FY2016/17 and Authorizing the Appropriate Budget Adjustment

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution approving one (1) Legal Secretary position in FY2016/17, and authorize the appropriate budget adjustment.

STRATEGIC PURPOSE

Strategy M-1: Effectively and efficiently provide legal services in support of the City's policies, procedures and initiatives.

FISCAL IMPACT

The total annual cost of funding one (1) full-time Legal Secretary in the City Attorney Department is \$120,000. Claims Liability in the General Fund is budgeted at \$650,000, for the last several years the City has not paid above \$533,000; additionally the City reserves \$500,000 of fund balance for litigation. By reducing the \$650,000 in Claims Liability by \$120,000, this will cover the cost of one full-time Legal Secretary making this budget neutral.

DISCUSSION

With the hiring of a City Attorney and to provide consistent and equitable position assignment based on the level and complexity of duties and responsibilities that need to be performed, there is a long-term need for legal support. Currently the Executive Assistant is receiving out of class pay for also performing the duties of the Legal Secretary.

Some of the duties of the Legal Secretary are:

- Prepare pleadings and legal documents for filing with Courts; file Pitchess; calendar court hearings and response times; communicate with Court regarding case information, court procedures and Judge's orders.

- Maintain attorneys' calendars and schedules as assigned; schedule appointments and appearances; calendar depositions, meetings, hearings, training sessions, due dates and tasks.
- Process claims against the City; request reports from the City departments; coordinate with Municipal Pooling Authority (MPA) in gathering additional information needed; monitor claims for City Council action; process claims for payment as assigned.
- Notarize City documents; monitor changes in the law for California notaries. Maintain law library and update law books.

The Legal Secretary position is part of the Confidential bargaining unit.

With regard to the fiscal impact, given the timing of the start date of the City Attorney, the time to approve, post, and fill the Legal Secretary position, the position start date will be in FY2016/17.

ATTACHMENTS

- A. Resolution approving one (1) Legal Secretary position and authorizing the appropriate budget adjustment.
- B. Legal Secretary Class Specification

RESOLUTION NO. 2016/XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING ONE (1) LEGAL SECRETARY POSITION IN THE FY 2016/17
BUDGET AND AUTHORIZING THE APPROPRIATE BUDGET ADJUSTMENT**

WHEREAS, the City would like to effectively and efficiently provide legal services in support of the City's policies, procedures and initiatives; and

WHEREAS, to provide consistent and equitable position assignment based on the level of complexity of duties and responsibilities that need to be performed.

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

Section 1. That one (1) Legal Secretary position is hereby approved to be funded in the fiscal year 2016/17 budget, making this budget neutral by reducing the \$650,000 in Claims Liability in the General Fund by \$120,000 and allocating that to the personnel budget in the City Attorney's division; and

Section 2. The Finance Director is authorized to make the necessary adjustments to the fiscal year 2016/17 budget to effectuate this change.

* * * * *

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 8th day of March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

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

LEGAL SECRETARY

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

SUMMARY DESCRIPTION

Under general supervision, performs a full range of varied complex, sensitive, highly responsible, and confidential legal, secretarial, and administrative support functions of a general or specialized nature in support of the City Attorney's Office; exercising judgment and initiative, relieves assigned staff of clearly defined and delegated administrative or technical detail; and serves as a liaison with other City staff, outside agencies, and the general public

REPRESENTATIVE DUTIES

The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

1. Perform a wide variety of complex and responsible legal secretarial and administrative duties in support of staff in the City Attorney's Office; relieve supervisor of administrative work including investigating and answering complaints and providing assistance in resolving operational and administrative problems.
2. Screen calls, visitors, and mail; respond to requests for information and assistance; research information; respond to and resolve complaints within established parameters; direct callers to appropriate City departments or staff; sort and distribute mail.
3. Type, word process, and proofread correspondence, memoranda, and a wide variety of legal documents such as contracts, stipulations, discovery, briefs, judgments, depositions, agreements, opinions, affidavits, motions, appeals, declarations, subpoenas, and other legal materials; transcribe, type, and prepare documents from rough draft, verbal instruction, or transcribing machine; choose proper format and appropriate details using word processing equipment.
4. Prepare pleadings and legal documents for filing with Courts; interpret local rules; file Pitches and gun forfeiture motions; calendar court hearings and response times; communicate with Court regarding case information, court procedures, and Judge's orders.
5. Maintain attorneys' calendars and schedules as assigned; schedule appointments and appearances; calendar depositions, meetings, hearings, training sessions, due dates, and tasks.
6. Coordinate with the City Clerk's Office in preparing resolutions and ordinances for City Council agenda package including compiling, proofreading, and editing resolutions, ordinances, staff reports, and exhibits; conduct follow-up to finalize action from meetings.
7. Process claims against the City; request reports from City departments; coordinate with Municipal Pooling Authority (MPA) in gathering additional information needed; monitor claims for City Council action; process claims for payment as assigned.

**CITY OF ANTIOCH
LEGAL SECRETARY (CONTINUED)**

8. Request insurance certificates for City projects; assist with the preparation of the City's insurance renewal forms.
9. Assist the City Attorney in responding to public records requests in a timely manner; organize documents for review by the public.
10. Coordinate with title companies and the County Recorder's Office to process City-acquired property; notarize agreements for transaction; coordinate tax matters with the County Assessor and Tax Collector to ensure City-owned property is not taxed.
11. Perform a variety of general bookkeeping and clerical accounting duties and responsibilities involved in financial record keeping and reporting for assigned area; maintain a variety of accounting records, logs, and files; verify, balance, and adjust accounting records; process all invoices for City Attorney's Office and monitor the budget.
12. Organize and maintain complex filing systems, records and indexes; coordinate storage of documents to be retained with City Clerk's Office.
13. Notarize City documents; monitor changes in the law for California notaries.
14. Maintain law library and update law books.
15. Operate a variety of office equipment including but not limited to a computer, typewriter, copier, facsimile machine, and adding machine.
16. Utilize various computer applications and software packages; develop, enter data, maintain, and generate reports from a database or network system; design, maintain, and utilize data to develop reports using spreadsheet software; create, format, and revise documents using word processing software.
17. Perform related duties as required.

QUALIFICATIONS

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

- Legal office methods, procedures, terminology, and documents.
- Court rules and procedures.
- Standard legal references and their contents.
- Government liability claim requirements and procedures.
- Statutory deadlines for responding to and/or filing pleading documents.
- Organization, operation, and services of the City and of outside agencies as necessary to assume assigned responsibilities.
- Office procedures, methods, and equipment including computers.
- Computer applications such as word processing, spreadsheets, and databases.
- Principles and practices of sound business communication.
- Principles of business letter writing and report preparation.
- Records management principles and procedures including record keeping and filing principles and practices.
- Basic bookkeeping and clerical accounting principles.

CITY OF ANTIOCH
LEGAL SECRETARY (CONTINUED)

- English usage, spelling, grammar, and punctuation.
- Methods and techniques of proper phone etiquette.
- Customer service and public relations methods and techniques.

Ability to:

- Perform a full range of varied complex, sensitive, highly responsible, and confidential legal secretarial and office administrative support functions of a general or specialized nature in support of the City Attorney's Office involving the use of independent judgment and personal initiative.
- Understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.
- Understand, interpret, and apply general and specific administrative and departmental policies and procedures.
- Interpret and apply applicable federal, state, and local laws, codes, and regulations.
- Operate office equipment including computers and supporting word processing, spreadsheet, and database applications.
- Type or enter data at a speed necessary for successful job performance.
- Take and transcribe dictation, if required by the position, at a speed necessary for successful job performance.
- Participate in researching, compiling, analyzing, and interpreting data.
- Compose correspondence and prepare standard legal documents from brief instructions.
- Prepare clear, accurate, and concise records and reports.
- Organize, research, and maintain legal and office files and calendars.
- Perform mathematical calculations.
- Work under steady pressure with frequent interruptions and a high degree of public contact by phone or in person.
- Plan and organize work to meet changing priorities and deadlines.
- Understand and carry out oral and written directions.
- Respond tactfully, clearly, concisely, and appropriately to inquiries from the public, press, or other agencies on sensitive issues in area of responsibility.
- Exercise good judgment and maintain confidentiality in maintaining critical and sensitive information, records, and reports.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

Education and Experience Guidelines

Education/Training:

Equivalent to the completion of the twelfth grade supplemented by specialized training as a legal secretary.

Experience:

Three years of increasingly responsible secretarial and clerical experience in a law office.

License or Certificate:

Possession of, or ability to obtain a California commission as a Notary Public within six months of date of hire.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environment: Work is performed primarily in a standard office setting.

Physical: Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; and to verbally communicate to exchange information.

FLSA: Non-Exempt

September 1989

Revised: November 2006; September 2013


This class specification identifies the essential functions typically assigned to positions in this class. Other duties not described may be assigned to employees in order to meet changing business needs or staffing levels but will be reasonably related to an employee's position and qualifications. Other duties outside of an individual's skill level may also be assigned on a short term basis in order to provide job enrichment opportunities or to address emergency situations.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 8, 2016

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Nickie Mastay, Administrative Services Director 

SUBJECT: Resolution Approving the Class Specification and Salary Schedule for Assistant-Associate-Senior Public Works Technician

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution approving the class specification and salary schedule for Assistant-Associate-Senior Public Works Technician.

STRATEGIC PURPOSE

Strategy L-8: Effective and efficient management of all aspects of Human Resource Management, including Employer/Employee Relations, labor negotiations, classification and compensation, recruitment and selection, benefits administration, and staff development.

FISCAL IMPACT

As part of the Fiscal Year 2015-17 Budget, City Council approved funding for two (2) Public Works Technicians.

DISCUSSION

On June 23, 2015 the City Council adopted the Fiscal Year 2015-17 Budget; this budget included funding for two (2) Public Works Technicians. One Public Works Technician in Sewer and one in Water.

The class specification describes distinguishing characteristics for the Assistant-Associate-Senior Public Works Technician. The class specification representative duties list the duties: When assigned to any position; When assigned to the Collection Systems Division; When assigned to the Water Distribution or Treatment Plant Divisions. The class specification also details the qualifications, education and experience guidelines and physical demands and working environment. Exhibit A contains the class specification for the Assistant-Associate-Senior Public Works Technician.

Given the similarities to the Development Services/Engineering Technician series, the salary range is the same and this classification is in the Operating Engineers Local 3 Bargaining Unit.

ATTACHMENTS

- A. Resolution Approving the Class Specification and Salary Schedule for Assistant-Associate-Senior Public Works Technician.

Exhibit A – Draft class specification for Assistant-Associate-Senior Public Works Technician

RESOLUTION NO. 2016/XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE CLASS SPECIFICATION AND SALARY SCHEDULE FOR
ASSISTANT-ASSOCIATE-SENIOR PUBLIC WORKS TECHNICIAN**

WHEREAS, the City has an interest in the effective and efficient management of the Classification Plan; and

WHEREAS, Public Works Administration has determined that there is a need for the Assistant-Associate-Senior Public Works Technician Classification; and

WHEREAS, this Classification will help expand the candidate pool when recruited.

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

Section 1. That the Class Specifications for the Classification of Assistant-Associate-Senior Public Works Technician, attached hereto as Exhibit "A", be approved and added to the City of Antioch Employees' Classification System; and

Section 2. That the established salary ranges:

- Assistant Public Works Technician \$4,806 - \$5,841
- Associate Public Works Technician \$5,286 - \$6,424
- Senior Public Works Technician \$5,809 - \$7,060

* * * * *

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 8th day of March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

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

**ASSISTANT PUBLIC WORKS TECHNICIAN
ASSOCIATE PUBLIC WORKS TECHNICIAN
SENIOR PUBLIC WORKS TECHNICIAN**

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

SUMMARY DESCRIPTION

Under supervision (Assistant Technician) or general supervision (Associate Technician and Senior Technician) from the division superintendent or supervisor, the incumbent performs a variety of routine and complex, paraprofessional, technical and development services work within the Collection Systems, Water Distribution and Water Treatment Plant Divisions of the Public Works Department.

DISTINGUISHING CHARACTERISTICS

Assistant Technician – This is the entry level class in the Public Works Technician classification series which provides paraprofessional support, and administrative, technical and development service knowledge to the Collection Systems, Water Distribution and Water Treatment Plant divisions. The incumbent in this classification will not be expected to function with the same amount of program knowledge or skill level as employees allocated to the Associate Technician level and will exercise less independent discretion and judgment in matters related to work procedures and methods. Work is usually supervised while in progress and fits an established and predictable structure or pattern. Exceptions or changes in procedures are explained in detail as they arise. Advancement to the Associate Technician level is based on demonstrated proficiency in performing the assigned functions, possession of a Grade I Collection Systems Maintenance Certificate issued by the California Water Environment Association or D-1 Water Distribution Operator Certificate issued by the California State Water Resources Control Board as applicable, and is at the discretion of higher level supervisory or management staff.

Associate Technician – This is the full journey level class in the Public Works Technician classification series which provides more in-depth paraprofessional support, and complex administrative, technical and development service knowledge and support to the divisions. The journey level is fully aware of the operating procedures and policies of the work unit and is distinguished from the Assistant Public Works Technician in that it performs the full range of duties as assigned, and receives only occasional instruction or assistance as new or unusual situations arise. Positions in this classification series are flexibly staffed, require prior experience, and are generally filled by advancement from the “Assistant” level. Advancement to the “Associate” level is based on management authorization, verification of the performance of the full range of job duties, and department need.

Senior Technician – This is the advanced journey level class in the Public Works Technician classification series which provides highly skilled paraprofessional support and superiorly intricate administrative, technical knowledge and support, when performing assignments and projects of greater complexity. Positions in this classification series are flexibly staffed, require prior experience, and are generally filled by advancement from the “Associate” level. Incumbents in this classification perform the most difficult and responsible types of duties assigned, and are required to be fully trained in all procedures related to their assigned areas of responsibility. Advancement to the “Senior” level is based on management authorization, verification of the performance of the full range of job duties, and department need.

REPRESENTATIVE DUTIES

The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

▪ **When assigned to any position:**

1. Perform a variety of technical, administrative, and standard to advanced staff duties related to public inquiries, information gathering and special projects; coordinate project initiatives.
2. Maintain regulatory compliance with Federal, State and Local regulatory agencies. Assess worksite, PPE and equipment compliance in conjunction with Cal/OSHA regulations. Interpret City policies and procedures related to safety guidelines, plant and facility operations, and industry standards.
3. Continually monitor division procedures and best practices to ensure adherence and compliance. Participate in the development and implementation of division goals, objectives and standard operating procedures while identifying resource needs.
4. Act as liaison with other departments, divisions and outside agencies. Act as coordinator for the safety program. Attend the department safety meetings, track safety requirements, present training information and identify safety training needs. Create and maintain safety binders.
5. Identify certification and training needs and determine which activities within the assigned division meet increasingly stringent training and regulatory requirements. Maintain data related to employee training.
6. Assist with the coordination of emergency response. Assess problems and recommend corrective actions to mitigate hazardous or unsafe working conditions.
7. Exercise competence in the use of the City's computerized maintenance management systems, i.e.: Lucity or similar system, to input asset information and data, conduct analyses of data, develop reports and incorporate strategies to support the department's asset management program in the Collections System and Water Distribution divisions. Know location and functionality of assets.
8. Develop and maintain a variety of GIS information and maps from many sources; explains technical information to non-technical end-users, including assisting them with accessing and interpreting all GIS information, maps, sketches and drawings.
9. Maintain, develop, and manipulate databases, reference tables or other computer records using specialized software and programs, to generate reports based on division key indicators.
10. Work with signs and marking plans and know the practices and procedures for traffic control and traffic safety.
11. Provide exemplary customer service to internal and external customers by responding to inquiries and requests in a professional, creative and courteous manner. Educate and provide information within the area of assignment and resolve complaints in an efficient and timely manner. Use good judgment in identifying opportunities to improve service delivery.

12. Perform outreach duties and function as liaison for the department. Engage in advocacy and promotional activities on behalf of the department, attend community meetings, go into fields locations and work sites, and provide presentations to the public and other stakeholders.
13. Establish and maintain effective working relationships with those contacted in the course of work, including but not limited to, City staff, City officials, vendors, contractors, the public, and other stakeholders and diverse groups.
14. Effectively communicate, both orally and in writing; use and operate modern office equipment to facilitate communication. Prepare and proofread a variety of reports, letters, agreements and other correspondences.
15. Coordinate and implement standard agreements.
16. Perform other duties as assigned.

▪ **When assigned to the Collection Systems Division:**

1. Understand and identify Collection Systems infrastructure, including maintenance; assist with the managing of infrastructure assets and the systematic mapping of all assets.
2. Interact with field crews to ensure that data collected in the field is complete and accurately recorded to comply with Local, State and Federal regulations as they apply to the Collection Systems Division.
3. Ensure all reporting and compliance measures for State and Sanitary Sewer Management System is timely and assist with the updating of the Sewer System Management Plan (SSMP) and other relevant manuals.
4. Know the causes of Sanitary Sewer Overflows (SSO) and methods to minimize the risk of SSOs.
5. Assist with administering claim responses.
6. Review plans and prepare specifications for contract work and material and equipment purchases.

▪ **When assigned to the Water Distribution or Treatment Plant Divisions:**

1. Liaison for Drought Management, Water Conservation and Recycled Water Programs. Conduct outreach, educate and inform local businesses and the public on these important programs.
2. Interact with field crews to ensure that data collected in the field is complete and accurately recorded to comply with Local, State and Federal regulations as they apply to Water Distribution.
3. Work in conjunction with Finance to ensure accountability for field data that is recorded in the INCODE billing program.
4. Assist with the periodic review and updating of the Water Master Plan, Urban Water Management Plan, Water Distribution Operations Plan and other similar division plans and updates.
5. Understand and identify the City's water main system, service connections and meters.
6. Maintain map activities, address changes and re-sequencing of water meter accounts and leak reports.

7. Test backflow and cross-connection control devices and be well-versed on the hazards of backflow in the City's potable water system.
8. Know the process of flushing water distribution water mains.
9. Prepare specifications for material and equipment purchases; requisition supplies and materials.
10. Understand and identify Distribution Systems infrastructure, including maintenance; assist with the managing of infrastructure assets and the systematic mapping of all assets.

QUALIFICATIONS

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

- Operational characteristics of the City's Water Distribution facility, Collection Systems facility and Water Treatment Plant.
- Modern principles and practices of utility operations.
- Organization and operation of municipal government.
- Pertinent federal, state and local codes, laws and safety regulations.
- Occupational hazards and standard safety procedures.
- Mathematics and data collection methods, and record keeping principles and procedures.
- Technology, i.e.: Computerized Maintenance Management Systems, including but not limited to asset management, citizen work order requests, GIS, etc.
- Proper use of English grammar, spelling, punctuation in business letter writing and other communication.
- Operation of modern office equipment, including personal computer operating systems and software applications.
- Principles, trends, methods and techniques for public relations and providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.

Ability to:

- Plan, organize, direct, coordinate and facilitate projects with general to minimal supervision.
- Oversee and participate in the development and administration of division goals, objectives and procedures.
- Understand, interpret and apply pertinent policies and procedures, and federal, state and local laws, codes and regulations.
- Collect, evaluate, manipulate, interpret and report data with key indicators.
- Read and interpret maps, sketches and drawings.
- Take coaching, instruction, and feedback with a cooperative and positive attitude.
- Update and maintain asset management programs.
- Exercise good judgment and maintain relevant information, records and reports.
- Interpret rules and regulations.
- Manage multiple projects and periodic interruptions.
- Gather data and formulate reports.
- Use modern office equipment.

EDUCATION AND EXPERIENCE GUIDELINES:

Assistant Public Works Technician

Education/Training:

Equivalent to the completion of the twelfth grade. Course work in public administration, mathematics, science, engineering, construction or a field related to the area of assignment is desired. An Associate's degree is highly desirable.

Experience:

One (1) year of experience in administrative, technical and/or civil engineering experience. Experience in a municipality, particularly, in a public works department is highly desirable.

Licenses and Certifications:

Ability to obtain, and maintain possession of, an appropriate, valid driver's license.

Possession of a Grade I Collection Systems Maintenance Certificate issued by the California Water Environment Association, or a D-1 Water Distribution Operator Certificate issued by the California State Water Resources Control Board within 1 year of appointment.

Associate Public Works Technician

Education/Training:

Equivalent to the completion of the twelfth grade. Course work in public administration, mathematics, science, engineering, construction or a field related to the area of assignment is desired. An Associate's degree is highly desirable.

Experience:

Two (2) years of increasingly responsible administrative, technical and/or civil engineering experience. Experience in a municipality, particularly, in a public works department is highly desirable.

Licenses and Certifications:

Ability to obtain, and maintain possession of, an appropriate, valid driver's license.

Possession of a Grade I Collection Systems Maintenance Certificate issued by the California Water Environment Association or DI Water Distribution Operator Certificate issued by the California State Water Resources Control Board at time of appointment.

Possession of a Grade II Collection Systems Maintenance Certificate issued by the California Water Environment Association, or a D-2 Water Distribution Operator Certificate issued by the California State Water Resources Control Board within 1 year of appointment.

Senior Public Works Technician

Education/Training:

Equivalent to the completion of the twelfth grade. Course work in public administration, mathematics, science, engineering, construction or a field related to the area of assignment is desired. An Associate's degree or other advanced degree is highly desirable.

Experience:

Three (3) years of increasingly responsible administrative, technical and/or civil engineering experience. Experience in a municipality, particularly, in a public works department is highly desirable.

Licenses and Certifications:

Ability to obtain, and maintain possession of, an appropriate, valid driver's license.

Possession of a Grade II Collection Systems Maintenance Certificate issued by the California Water Environment Association, or a D-2 Water Distribution Operator Certificate issued by the California State Water Resources Control Board or higher.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environment: Work is performed in a standard office setting and outdoor field environment; travel to and from various work sites; exposure to loud noise, dust, grease, smoke, fumes, noxious odors, gases, mechanical and electrical hazards, hazardous road and traffic conditions and sunny, cold, and inclement weather.

Physical: Primary functions require sufficient physical ability and mobility to work in an office setting and in a field environment; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; climb ladders; don PPE's; have 20/20 vision or the appropriate corrective equipment; to operate assigned equipment and vehicles.

FLSA: Non-Exempt

Created: January 2016


This class specification identifies the essential functions typically assigned to positions in this class. Other duties not described may be assigned to employees in order to meet changing business needs or staffing levels but will be reasonably related to an employee's position and qualifications. Other duties outside of an individual's skill level may also be assigned on a short term basis in order to provide job enrichment opportunities or to address emergency situations.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 8, 2016

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Nickie Mastay, Administrative Services Director 

SUBJECT: Technical Training for Clerks - TTC Series 100

RECOMMENDED ACTION

It is recommended that the City Council Authorize associated expenditures for the City Clerk to attend the Technical Training for Clerks (TTC) Series 100 course at the UC Riverside March 14-18, 2016.

STRATEGIC PURPOSE

The recommended action supports the following strategic priorities that are duties of the City Clerk's office:

Strategy L-1: Improve community communications and trust in City government and keep the community well informed as to the activities of the City Departments.

Strategy L-5: Effectively and efficiently manage City Council agenda preparation, noticing and records.

Strategy L-7: Manage the City's Component of Municipal Elections.

Strategy L-8: Coordinate City Boards and Commissions administrative requirements.

FISCAL IMPACT

The FY 2015/16 budget provided for the registration fee for the TTC Series 100 course, but does not have sufficient funds for lodging and travel. The City Clerk received a \$465 scholarship from the City Clerks Association of California which is payable to the City to cover travel and lodging expenses.

DISCUSSION

- Technical Training for Clerks

Technical Training for Clerks is an educational program that addresses basic clerk duties, current trends, issues and challenges. The goal of the program is to increase technical skill while promoting personal and professional growth. The TTC program is comprised of four sessions offering a variety of courses designed to focus on technical skills and to enhance professional/interpersonal abilities. Each series has a distinct curriculum and adheres to the International Institute of Municipal Clerks core curriculum. The TTC Series may be taken in any order. A letter of completion is issued for each 30 hour series. Completion of Series 100, 200, 300 and 400 is required for a certificate of TTC completion. TTC is recognized by the City Clerks Association of California (CCAC) and the California Clerk of the Board of Supervisors Association ((BSA) as an official

training program leading to the professional accreditation of Certified Municipal Clerk (CMC) and Certified Clerk of the Board (CCB). The program is held at the University of California Riverside Extension Center and is an affiliate of the League of California Cities. The trainers are professional clerks, university instructors and municipal government professionals.

The City Clerk has attained lodging at \$71 per night plus taxes, far below the IRS rate for lodging in Riverside. Meals are included in the registration fee.

The City of Antioch Travel and Expense Policy for Elected and Appointed (non-employee) Officials is attached as Attachment B. contained therein, the Authorization Process states: "Overnight travel by Elected Official shall be pre-approved by placing the item on the City Council Consent Calendar."

ATTACHMENTS

- A. Letter Awarding City Clerk Arne Simonsen a \$465 scholarship from CCAC.
- B. Travel and Expense Policy.

Simonsen, Arne

From: Shawna Freels [Shawna.Freels@ci.gilroy.ca.us]
Sent: Thursday, December 17, 2015 5:12 PM
To: Simonsen, Arne
Subject: CCAC Scholarship Award - TTC

Congratulations!

The City Clerks Association of California is awarding you a **\$465.00 Scholarship for the March, 2016 Technical Training for Clerks**. This email serves as your official notification that the CCAC Professional Development Committee has reviewed your scholarship application, and you have been awarded this scholarship. After your training is completed, the Institute Director will notify CCAC and a reimbursement will be issued as you've indicated on your application.

If you have any questions, or if you are unable to use these scholarship funds, please contact me at your earliest convenience.

CCAC is committed to your professional growth, and I wish you continued success in your career – congratulations on your award Arne!

Best Regards,

Shawna Freels, MMC
City Clerk of the City of Gilroy
CCAC Northern Division Professional Development Representative
7351 Rosanna Street
Gilroy, CA. 95020
(408) 846-0204
shawna.freels@cityofgilroy.org



Get informed, get involved and VOTE

**CITY OF ANTIOCH
TRAVEL AND EXPENSE POLICY
ELECTED AND APPOINTED OFFICIALS**

PURPOSE

This document establishes the expense and reimbursement policy for all Elected and Appointed (non-employee) Officials of the City of Antioch. As Elected Officials, individuals may incur expenses related to the execution of their duties and responsibilities. These expenses may include the following: personal vehicle use, communication needs (cell phones, internet, and personal phone lines, newspaper subscriptions), and conferences and meetings related to the City's interests. As to Appointed Officials on the Administrative Appeals Board, Design Review Board, Economic Development Commission, Parks and Recreation Commission, Planning Commission, Police Crime Prevention Commission and Investment Committee, there may be opportunities for individuals to attend educational seminars or meetings related to the City's interests as approved by the City Council. Therefore, this policy establishes procedures for requesting and receiving payment for expenses incurred while representing the City on official business.

ADOPTION AND IMPLEMENTATION

The Council is responsible for adopting the expense and reimbursement policy for Elected and Appointed Officials and for approving any subsequent policy revisions.

EXCEPTIONS

The City Council may approve exceptions to this policy on a case-by-case basis for special or unique circumstances.

I. PERSONAL VEHICLE USE

In recognition of the fact that Elected Officials may use their private vehicles while performing their duties, a monthly vehicle allowance will be provided, as allowed pursuant to California Government Code section 1223. In addition to expenses associated with direct use of a private vehicle, this allowance shall also cover related expenses such as bridge tolls and routine parking fees. In order to be eligible for the reimbursement allowance, Elected Officials shall annually provide proof of liability insurance to the City Clerk. The monthly cap on reimbursement of automobile expenses for personal vehicle usage shall be as follows: Mayor: \$450; Council Members: \$350; City Clerk: \$350; City Treasurer: \$350.

**CITY OF ANTIOCH
TRAVEL AND EXPENSE POLICY
ELECTED AND APPOINTED OFFICIALS**

II. COMMUNICATION EQUIPMENT AND SERVICES

In recognition of the fact that City Council members have a significant responsibility to stay in touch with their constituents and City management employees, reimbursement of communication equipment shall be allowed for cell phone service and equipment, internet service and equipment, local and long distance telephone and fax line service and equipment. Individual council members will be responsible for establishing their own communication service providers and all bills for such service will be paid by the individual. Expense reports shall be submitted on the City's form within 30 days of an expense being incurred. The monthly cap on reimbursement of communication equipment and services shall be as follows: Mayor \$100; Council Members \$50. Any communication service expenditures beyond that amount will be borne by the individual elected official.

III. MEMBERSHIPS

The City Council shall decide which groups to join as an entity, such as the League of California Cities or the Antioch Chamber of Commerce, through City Council action including the budget process. Individual memberships in groups by Elected or Appointed Officials shall be the personal expense of those individuals unless otherwise approved in advance by the City Council.

IV. LOCAL CITY EVENTS

Elected City Officials may be reimbursed for the cost of attending local events related to the City's business upon completion of an expense report and documentation of expenses. City funds shall not be used to purchase alcohol or reimburse Elected Officials for alcohol related costs, unless as part of a set price for the event that happens to include alcohol. If a guest accompanies an Elected Official, only the cost of the Elected Official will be reimbursed.

V. TRAVEL

In recognition of the fact that Elected Officials may need to represent the City at conferences and meetings and may incur expenses in the course of their travel, this policy establishes procedures for requesting and receiving payment for travel and travel-related expenditures. Appointed Officials must be specifically authorized by the City Council to attend educational seminars or other meetings in order to seek reimbursement.

**CITY OF ANTIOCH
TRAVEL AND EXPENSE POLICY
ELECTED AND APPOINTED OFFICIALS**

(A) PROCEDURE

The key document in the administrative process is the Travel Authorization/Warrant Request (TAWR). Besides ensuring that travel by Elected and Appointed Officials is conducted within this policy, the TAWR summarizes the total cost of attending conferences, meetings, and seminars and provides documentation for cash advances, vendor payments and credit card purchases. General instructions for completing and processing this form are provided in a separate document.

(B) AUTHORIZATION PROCESS

All travel by an Appointed Official shall be pre-approved by having the item placed on the City Council Consent Calendar. Overnight travel by an Elected Official, shall be pre-approved by having the item placed on the City Council Consent Calendar.

After travel, the Travel Authorization report must be finalized. Finance will review for receipts and policy compliance.

(C) METHODS OF REIMBURSEMENT

There are three ways to request and receive payment for travel and travel-related expenditures: (1) advance payment, (2) reimbursement for actual expenditures, and (3) credit card usage.

(1) Advance payments: Elected Officials may request a cash advance for meals. The advance will be within the IRS approved per diem rates for meals and incidental expenses (M&IE) for the location/area visited as listed in Publication 1542. The value of meals provided at conferences, training, or other travel programs will be deducted from the cash advance at the following rate:

Breakfast - 20% Lunch - 30% Dinner - 50%

Other items, such as conference registration, lodging, and air fare may be paid directly to the vendor in advance of travel.

Upon return from travel, all cash advances must be documented with original itemized receipts.

(2) Reimbursement: Elected and Appointed Officials shall be reimbursed for all eligible expenditures upon return from travel for items that have original receipts. A Travel Authorization/Warrant Request with original receipts will be paid by Finance within the regular accounts payable time

**CITY OF ANTIOCH
TRAVEL AND EXPENSE POLICY
ELECTED AND APPOINTED OFFICIALS**

schedule. Reimbursement claims should be submitted within 30 days from the return from travel, and no reimbursements may be made that cross over fiscal years.

(3) Credit Card Usage: Elected and Appointed Officials may use personal credit cards to pay for travel expenses. Original receipts must be included with the Travel Authorization/Warrant Request to be eligible for reimbursement.

(D) ELIGIBLE EXPENDITURES

Meals and Incidental Expenses (M & IE)

- **Meals:** City funds shall not be used to purchase alcohol or reimburse Elected or Appointed Officials for alcohol related costs. Meal costs will be reimbursed as supported by original itemized receipts.

- **Personal Meals:** All expenditures must be documented and reimbursement will not exceed the meal schedule listed above.

- **Business Meals:** To qualify as a business meal, the identity of the participants and the business purpose of the discussion must be substantiated.

- **Incidental Expenses:** Those related to City business will be reimbursed at cost as supported by original receipts (e.g., tolls and taxi cabs).

In no event shall the reimbursement for meals and incidental expenses exceed the IRS approved per diem rates for the location visited as listed in Publication 1542.

- **Lodging:** The City will pay lodging expenses for Elected or Appointed Officials during official travel requiring one or more overnight stays. The City will pay for lodging for the evening preceding or subsequent to a meeting or business event when the Elected or Appointed Official would have to travel at unreasonably early or late hours to reach his or her destination.

Elected or Appointed Officials shall make an effort to obtain lodging at or near the facility where official City business is to take place to minimize travel time and transportation costs. The City will pay only for standard single rooms for individual Elected Officials. If lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor. If conference rates are not available, government rates must be requested. A

**CITY OF ANTIOCH
TRAVEL AND EXPENSE POLICY
ELECTED AND APPOINTED OFFICIALS**

list of hotels offering government rates in different areas of the country is available in the Finance Department. Lodging rates that are equal to or less than the government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

If a double room is requested by an Elected or Appointed Official because he or she is accompanied by a spouse or other person, the difference between the single and double room rate shall be considered the Elected or Appointed Official's personal expense.

Elected or Appointed Officials shall cancel any reservations for lodging they will not use. Any charge for an unused reservation shall be considered the Elected or Appointed Official's personal expense unless failure to cancel the reservation was due to circumstances beyond the Elected Official's control.

- **Personal Entertainment:** No reimbursement will be made for personal entertainment.

- **Guests:** If a guest accompanies an Elected or Appointed Official, only the cost of the Elected or Appointed Official will be reimbursed. All costs above a single person will be borne by the Elected or Appointed Official.

- **Discounts:** If offered early registrations should be obtained whenever possible.

- **Telephone/Internet:** The City will pay for all City-related business telephone calls or internet use by an Elected or Appointed Official while traveling on authorized City business. If approved prior to travel, the City may pay for personal internet use up to \$5.00 per day for authorized overnight business travel within California and up to \$10.00 per day for all other authorized overnight business travel.

- **Transportation:** All travel will be made by the method most cost effective for the City. Considerations such as time, distance traveled and cost of transportation should be factors in arriving at the lowest cost. Elected and Appointed Officials shall endeavor to book air travel to take advantage of discounts and nonrefundable ticket fares where practical. All flights shall be booked at coach class or equivalent level. Any additional costs incurred due to personal travel added on before or after the trip will be paid by the Elected or Appointed Official.

Elected and Appointed Officials are encouraged to use their personal vehicles as transportation to and from airports. The cost of traveling from home to the

**CITY OF ANTIOCH
TRAVEL AND EXPENSE POLICY
ELECTED AND APPOINTED OFFICIALS**

airport will be paid for from monthly stipend. If a personal vehicle is left at the airport for more than one day, parking will be reimbursed per day based on long term parking rates or other transportation to and from the airport, whichever is less. Parking will not be reimbursed at the short term parking rate.

The use of rental vehicles is discouraged and shall be authorized only when no other mode of transportation is available or when alternate transportation would be more expensive or impractical. Elected or Appointed Officials must understand that the City's vehicle insurance coverage does not cover the individual driver of a rental car. Therefore, the City Official shall confirm personal coverage under their personal insurance or purchase additional insurance from the rental agency at their own expense. Rental vehicles shall be driven only by Elected or Appointed Officials included on the car rental agreement. Elected or Appointed Officials shall be reimbursed for reasonable taxi fare, airport van, or other public transportation in order to travel from their destination airport to their hotel.

VI. REPORTING OF EXPENDITURES

If the City reimburses an Elected or Appointed Official for attending a "meeting" as defined under the Brown Act¹, the Official shall provide a brief written or oral report regarding the "meeting" at the next regular meeting of the Council or applicable commission, board or committee to which the Official belongs. For other educational seminars or events for which expenses were reimbursed by the City, the Official may provide a brief written or oral report at the next regularly scheduled meeting of the Council or applicable commission, board or committee to which the Official belongs.

VII. ACKNOWLEDGEMENT

After being sworn in, Elected or Appointed Officials will be required to sign a statement formally acknowledging receipt and acceptance of this policy.

¹ The Brown Act (California Government Code section 54952.2) defines a meeting as including "any congregation of majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains."



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 8, 2016

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Ken Warren, Assistant Engineer *KW*

APPROVED BY: Ron Bernal, Public Works Director / City Engineer *RBB*

SUBJECT: Resolution Extending the Temporary Closure of Empire Mine Road between Mesa Ridge Drive and Deer Valley Road

RECOMMENDED ACTION

It is recommended that the City Council conduct a public hearing and approve the attached resolution (Attachment "A") extending the temporary closure of Empire Mine Road between Mesa Ridge Drive and Deer Valley Road for an additional period of eighteen (18) months as a continued measure to reduce criminal activity in the area.

STRATEGIC PURPOSE

This action is essential to protect life and property (Long Term Goal A: Crime Reduction, Strategy A-2, in the Strategic Plan) by reducing the need for police services in the subject area which allows police resources to be deployed elsewhere; and to eradicate blight (Long Term Goal C, Strategy C-2, in the Strategic Plan) by removing public vehicular access from the subject area (with its past significant criminal, illegal, blighted, and nuisance activities and/or conditions).

FISCAL IMPACT

The costs of the gates and signs for the Empire Mine Road closure have been borne by the owners of the Golf Club at Roddy Ranch. No additional financial impacts are expected to come from this action.

DISCUSSION

Empire Mine Road (Attachment "B") is located in the southern portion of the City in undeveloped Future Urban Area 1 (FUA1). The roadway is generally flat with the exception of a steep, winding portion that stretches approximately three quarters of a mile from the old Higgins Ranch driveway (Zeka property) up to Mesa Ridge Drive. This 3½-mile two-lane paved road with gravel shoulders, which extends from Mesa Ridge Drive in the Dallas Ranch Subdivision to Deer Valley Road, has for a long time been a source of consternation for adjacent land owners and the law enforcement community. Arson, vandalism, dumping, trespassing, discharging of firearms, parties involving the use of drugs and alcohol, and malicious activities leading to the death of livestock prompted a concerted effort in 2005 by property owners (especially rancher Jack Roddy), the Antioch Police Department, and the County Sheriff to close the road. Fronting property owners include Ginocchio, Richfield Development Corporation, Shea

Adult Communities, Zeka Group, The Golf Course at Roddy Ranch [GKK Roddy Ranch Owner, LP (Gramercy)], East Bay Regional Park District, and City open space adjacent to developed residential property.

When the request to close the road was originally made in 2005, the 3-mile portion of Empire Mine Road from ½ mile east of Deer Valley Road to Mesa Ridge Drive was within the City limits and the remaining ½ mile section from the east City limit line to Deer Valley Road was located in the County. Therefore, approval from both the City Council and Contra Costa County Board of Supervisors was required to temporarily close the road. With the annexation of the Roddy Ranch property in 2007, the City assumed jurisdiction over the entire road.

California Vehicle Code §21101.4 authorizes the temporary closure of roads due to criminal activity subject to certain conditions and by resolution of a local authority at public hearing. To date, the following actions have been taken:

- On September 13, 2005, the Antioch City Council adopted Resolution No. 2005/102 making findings and ordering the temporary closure of Empire Mine Road for a period of eighteen (18) months.
- On May 16, 2006, the Contra Costa County Board of Supervisors adopted Traffic Resolution No. 2006/4162 ordering the temporary closure of Empire Mine Road No. 6963 (the portion of Empire Mine Road 2,600 feet west of Deer Valley Road to Mesa Ridge Drive) for an initial period of 18 months as a measure to reduce criminal activity in the Antioch area.
- On April 10, 2007, the City Council adopted Resolution No. 2007/26 extending the temporary closure of the entire road for an additional period of eighteen months (1st extension).
- On September 9, 2008, the City Council adopted Resolution No. 2008/87 extending the temporary closure of the entire road for a 2nd additional period of eighteen months.
- On March 9, 2010, the City Council adopted Resolution No. 2010/19 extending the temporary closure of the entire road for a 3rd additional period of eighteen months.
- On September 13, 2011, the City Council adopted Resolution No. 2011/63 extending the temporary closure of the entire road for a 4th additional period of eighteen months.
- On March 12, 2013, the City Council adopted Resolution No. 2013/14 extending the temporary closure of Empire Mine Road for a 5th additional period of eighteen months.

- On September 9, 2014, the City Council adopted Resolution No. 2014/82 extending the temporary closure of Empire Mine Road for a 6th additional period of eighteen months.

Per California Vehicle Code §21101.4, the temporary closure order may be extended by the procedures specified in the Vehicle Code, which allows for eight (8) extensions of eighteen (18) months in addition to the original eighteen (18) month closure. Two (2) additional 18-month closure extensions may be approved with each time extension requiring a public hearing. The current 18-month extension expires on March 13, 2016. Should Council approve tonight's extension, there will be one (1) remaining extension.

The owners of Roddy Ranch have constructed gates approved by the City Engineer on Empire Mine Road at both Mesa Ridge Drive and Deer Valley Road as part of the temporary road closure. The gates and gate locks are of a type approved by the Chief of Police and the Contra Costa County Fire District. "Road Closed" signs have been installed on Deer Valley Road (northbound and southbound directions) adjacent to Empire Mine Road. The gates have signs affixed indicating that the road is closed to all through vehicular traffic with provisions for access by the residents on the Zeka Ranch property, City and County Public Works employees, emergency response personnel, as well as pedestrians and bicyclists. The gates and the adjacent areas are regularly monitored by the Public Works crews and Police Officers to determine if additional work is necessary to repair vandalized improvements or added measures to prevent vehicular access Per California Vehicle Code §21101.4 and Resolution No. 2014/82.

The attached resolution lists seven findings that must be made by the City Council at public hearing to extend the temporary closure of the road. A copy of Antioch Police Department Memo, "Empire Mine Road Closure Extension", dated February 23, 2016, recommends the extension of the closure for an additional 18-month period and is provided as Attachment "C". Captain Diane Aguinaga, Support Services Division, reports that there were twenty-four (24) calls for police service in 2014 and twenty-seven (27) calls for police service in 2015 involving Empire Mine Road, in spite of the existing temporary road closure, and that the isolated and rural nature of this area is still a big lure for illegal activity.

The adjacent property owners have been given notice of the public hearing in writing. Staff requests that the Antioch City Council approve the resolution to extend the road closure an additional 18 months beyond the March 13, 2016, termination date.

ATTACHMENTS

A: Resolution

B: Vicinity Map

C: Antioch Police Department Memo, "Empire Mine Road Closure Extension", dated February 23, 2016

ATTACHMENT "A"

RESOLUTION NO. 2016/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH MAKING FINDINGS AND ORDERING EXTENSION OF THE TEMPORARY CLOSURE OF EMPIRE MINE ROAD

WHEREAS property owners adjacent to Empire Mine Road requested that Empire Mine Road be temporarily closed due to serious and continual criminal activity; and

WHEREAS Vehicle Code §21101.4 authorizes the temporary closure of roads due to criminal activity, and provides criteria and procedures for such closure; and

WHEREAS on September 9, 2014 the Antioch City Council adopted Resolution No. 2014/82 making findings and ordering the extension of the temporary closure of Empire Mine Road for an additional period of eighteen (18) months; and

WHEREAS the temporary closure order may be extended for the periods and by the procedures specified in Vehicle Code §21101.4 or successor legislation; and

WHEREAS Vehicle Code §21101.4 provides that the closure may be extended for two (2) additional 18-month periods if, prior to each of those extensions, the local authority holds a public hearing and finds by resolution that all of the following conditions exist;

NOW, THEREFORE, BE IT RESOLVED that the City Council makes the following findings:

1. A duly-noticed public hearing was conducted by the City Council on March 8, 2016, at which all interested persons were allowed to address the Council. Notice was mailed to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to Empire Mine Road;

2. The Police Department recommends extending the closure of the road. Captain Diane Aguinaga Support Services Division has authored a memorandum dated February 23, 2016, on file with the Office of the City Attorney, which the City Council incorporates by reference. In summary, Captain Aguinaga reports the following:

a. A cooperative effort from all of the interested parties and a significant portion of the initial closure period was expended to install the gates on Empire Mine Road;

b. All of the qualifying closure criteria outlined in City Council Resolution No. 2014/82 still exists. There is less activity about Empire Mine Road on the internet, namely due to the advertisement of the impending closure extension. This condition would drastically change if the road were reopened;

RESOLUTION NO. 2016/**

March 8, 2016

Page 2

c. Vehicle Code §21101.4 (b) provides for an extension of the temporary closure as long as the following conditions exist:

- (1) The extension of the temporary closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity which existed immediately prior to the authorization of the temporary closure.
- (2) The highway has not been designated as a through highway or arterial street.
- (3) Vehicular or pedestrian traffic on the highway contributes to the criminal activity.
- (4) The existing temporary closure has not substantially or adversely affected traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of Empire Mine Road; and

d. The aforementioned conditions still exist. Anything less than an order for extending the temporary closure of Empire Mine Road for another eighteen month period as prescribed in California Vehicle Code §21101.4 (b) will have a detrimental effect on the quality of life and the safety of the community.

3. From the foregoing, the Council concludes that continuation of the temporary closure of Empire Mine Road will assist in preventing reoccurrence of the serious and continual activity found to exist when the immediately preceding temporary closure was authorized;

4. Empire Mine Road has not been designated as a through highway or arterial street;

5. Vehicular traffic on the road contributes to the criminal activity;

6. The immediately preceding closure has not substantially adversely affected the following:

a. traffic flow or traffic safety on adjacent streets or surrounding neighborhoods, because Empire Mine Road does not have any public cross streets along its length and is not necessary to travel to any other neighborhoods;

b. operation of emergency vehicles, because other routes provide better linkages to destinations of emergency vehicles. The gates used to close the road are equipped with lock types that can be removed by emergency responders if it is necessary for response along Empire Mine Road itself;

c. performance of municipal or public utility services, since no such services are provided along this roadway;

AZ

RESOLUTION NO. 2016/**

March 8, 2016

Page 3

d. delivery of freight by commercial carriers, as other routes provide better linkages to destinations of commercial freight carriers.

BE IT FURTHER RESOLVED that pursuant to Vehicle Code §21101.4, the Council hereby determines that the temporary closure of Empire Mine Road shall be extended for a period of eighteen months (**until September 13, 2017**);

BE IT FURTHER RESOLVED that the extended closure shall be physically accomplished by gates with access points for pedestrians and bicyclists on both ends of the roadway. Adjoining property owners/authorized residents (if any) shall have the right to travel on the closed roadway and shall be responsible for closing and securing the gates. Pedestrians and bicyclists shall have the right to travel on the closed roadway and shall be required to use access points provided. The City shall provide an adequate level of road maintenance for use by bicyclists and pedestrians.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately.

* * * * *

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 March 8, 2016, by the following vote:

AYES:

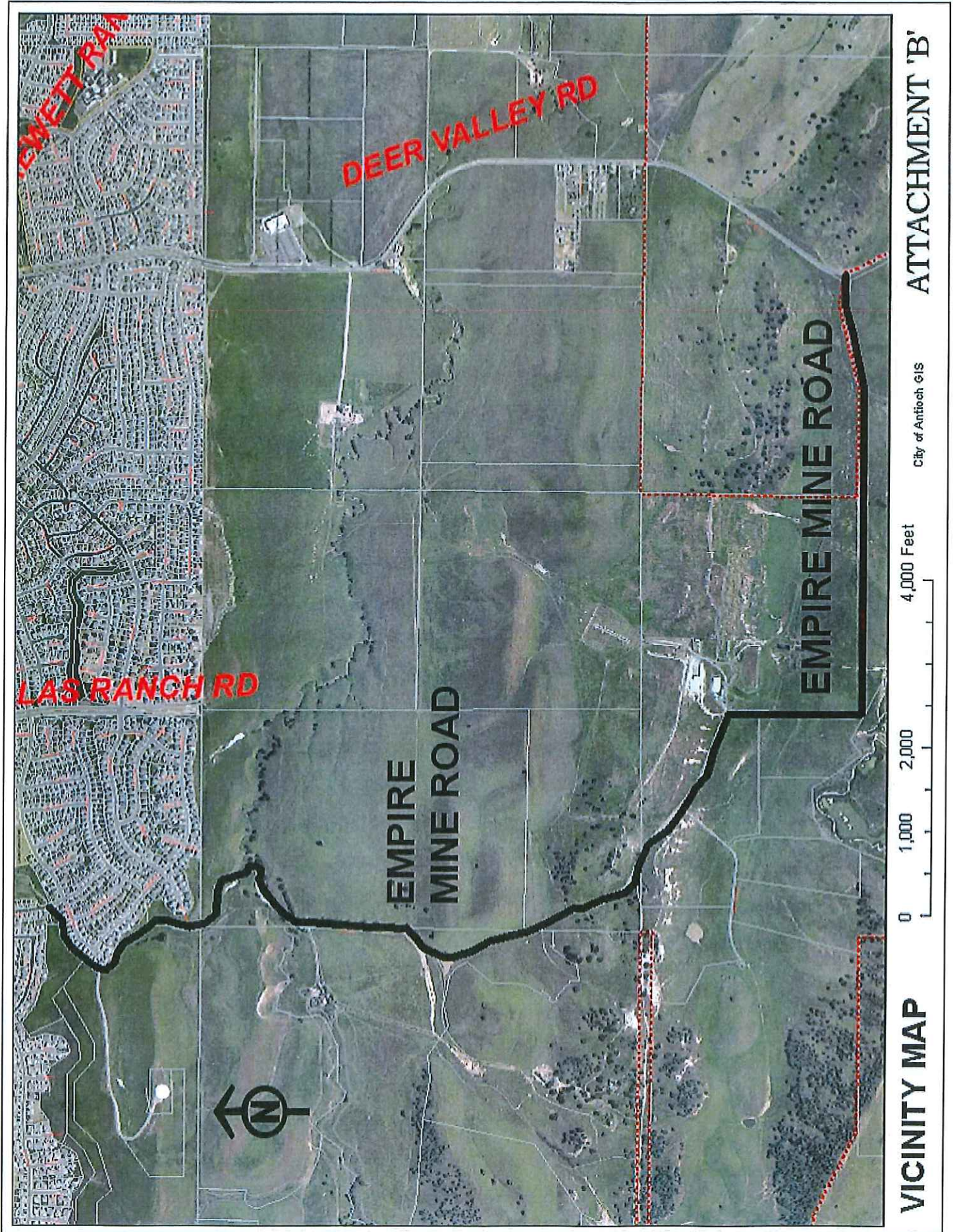
NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

A3

ATTACHMENT "B"



VICINITY MAP

4,000 Feet

City of Antioch GIS

ATTACHMENT 'B'

BI

ATTACHMENT "C"

ANTIOCH POLICE DEPARTMENT INTER-OFFICE MEMORANDUM

TO: Ken Warren, Assistant Engineer

FROM: Diane Aguinaga, Captain, Support Services Division

DATE: February 23, 2016

SUBJECT: **Empire Mine Road Closure Extension**

On September 9, 2014, the City Council adopted Resolution No. 2014/82 extending the temporary closure of Empire Mine Road for a 6th additional period of eighteen months. This action was taken pursuant to California Vehicle Code Section 21101.4. A significant effort was undertaken by all interested parties to ensure this roadway was temporarily closed.

All of the qualifying closure criteria outlined in City Council Resolution No. 2014/82 still exists. In spite of the extension of this closure, the isolated and rural nature of this area is still a big lure for illegal activity. There were twenty four (24) calls for police service in 2014 and twenty seven (27) calls for police service in 2015 involving Empire Mine Road.

The vested interest shared by the City of Antioch, the Antioch Police Department, County Board of Supervisors, Sheriff's Department, Fire Department and adjacent property owners still exists. Opening Empire Mine Road at this time would dramatically increase the Police Department's public safety demands, and would put the health, safety and welfare of Antioch Citizens and adjacent property owners at risk.

Vehicle Code Section 21101.4 does provide for an extension of the temporary closure as long as the following conditions exist:

1. The extension of the temporary closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity which existed immediately prior to the authorization of the temporary closure.
2. The highway has not been designated as a through highway or arterial street.
3. Vehicular or pedestrian traffic on the highway contributes to the criminal activity.
4. The existing temporary closure has not substantially or adversely affected traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of Empire Mine Road.

It is the Police Department's opinion that the aforementioned conditions still exist, and we recommend the order of temporary closure for Empire Mine Road be extended for another eighteen month period as prescribed in California Vehicle Code Section 21101.4 (b). To do any less has a detrimental affect on the quality of life and the safety of the community.

CI



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 8, 2016

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Ken Warren, Assistant Engineer *KW*

APPROVED BY: Ron Bernal, Public Works Director / City Engineer *RJB*

SUBJECT: Resolution Extending the Temporary Closure of McElheny Road between East 6th Street and Fulton Shipyard Road

RECOMMENDED ACTION

It is recommended that the City Council conduct a public hearing and approve the attached resolution (Attachment "A") extending the temporary closure of McElheny Road between East 6th Street and Fulton Shipyard Road for an additional period of eighteen (18) months as a measure to reduce criminal activity in the area.

STRATEGIC PURPOSE

This action is essential to protect life and property (Long Term Goal A: Crime Reduction, Strategy A-2, in the Strategic Plan) by reducing the need for police services in the subject area which allows police resources to be deployed elsewhere; and to eradicate blight (Long Term Goal C, Strategy C-2, in the Strategic Plan) by removing public vehicular access from the subject area (with its past significant criminal, illegal, blighted, and nuisance activities and/or conditions).

FISCAL IMPACT

The cost of gates and signs for the McElheny Road closure were paid for with storm drain funds. No additional financial impacts are expected to come from this action.

DISCUSSION

McElheny Road (Attachment "B") is a 750-foot long, 30-foot wide, mostly unpaved road that crosses under the Burlington Northern Santa Fe (BNSF) railroad bridge between East 6th Street and Fulton Shipyard Road in the City of Antioch. The Public Works Department maintains water and sewer pipes that are located in the roadway alignment and periodically cleans adjacent open channels, but the road surface is not maintained.

Over the years the condition of McElheny Road had been a continuous source of consternation for adjacent land owners and the law enforcement community, and the area became a public nuisance and threat to the public health, safety, and welfare. The roadway often became impassable from seasonal rainfall and incoming tides due to its low elevation and lack of adequate drainage, with multiple occurrences of vehicles becoming submerged and disabled. Its isolated location and lack of street lighting made McElheny Road particularly attractive for criminal behavior and illegal dumping. According to statistics provided by the Antioch Police Department, during the five years prior to the 2011 temporary closure, the Department responded to a total of fifty-three

(53) calls for service on this road, which varied between reports of discarded boats and stolen vehicles; dumping of trash, debris, construction materials and oil; discovery of pipe bombs and other dangerous objects; fights and miscellaneous disturbances; trespassing complaints, illegal camping and homeless encampments. McElheny Road was a significant and costly problem for the City and for Allied Waste, each of whom experienced difficulties accessing the illegal dumping occurring on this road. Additionally, the trestles supporting the railroad facilities limited accessibility due to width and height restrictions.

In 2011, dumping and other illegal activities on McElheny Road prompted a concerted effort by both the property and business owner of the Red Caboose Restaurant, the Antioch Police Department, the Contra Costa County Fire Protection District (CCCFFPD), and the BNSF Railway Police Department to close the road.

California Vehicle Code §21101.4 authorizes the temporary closure of roads due to criminal activity subject to certain conditions and by resolution of a local authority at a public hearing. To date, the following actions have been taken:

- On September 13, 2011 the Antioch City Council adopted Resolution No. 2011/62 making findings and ordering the temporary closure of McElheny Road for a period of eighteen (18) months.
- On March 12, 2013 the City Council adopted Resolution No. 2013/13 extending the temporary closure of McElheny Road for an additional period of eighteen months (1st extension).
- On September 9, 2014 the City Council adopted Resolution No. 2014/81 extending the temporary closure of McElheny Road for an additional period of eighteen months (2nd extension).

Per California Vehicle Code §21101.4, the temporary closure order may be extended by the procedures specified in the Vehicle Code, which allows for eight (8) extensions of eighteen (18) months in addition to the original eighteen (18) month closure. Six (6) additional 18-month closure extensions may be approved with each time extension requiring a public hearing. The current 18-month extension expires on March 13, 2016. Should Council approve tonight's extension, there will be five (5) remaining extensions.

To alert the public of the temporary road closure, "No Outlet" signs were installed on W. 6th Street at "A" Street and on Fulton Shipyard Road at Wilbur Avenue, and "End of City Maintained Street" and "Rough Road Subject to Flooding" signs are installed at each end of McElheny Road. To effectuate the temporary road closure, the Public Works Department in conjunction with the Antioch Police Department and the CCCFFPD constructed gates at each end of McElheny Road. One gate is located approximately 100 feet north of East 6th Street and the other approximately 200 feet north of the BNSF Railroad Line. The gate locations provide for existing rear driveway access to the residence at 49 East 6th Street and adequate vehicular turn-around space at both ends

of McElheny Road. The gates swing or open inward, have fire-trail lock-access or "daisy" chaining and allow for access by City and County Public Works employees, emergency response personnel, as well as pedestrians and bicyclists. The gates and the adjacent areas are regularly monitored by Public Works crews and Police Officers to determine if additional work is necessary to repair vandalized improvements or add measures to prevent vehicular access.

Per California Vehicle Code §21101.4 and Resolution No. 2014/81, the attached resolution lists seven findings that must be made by the City Council at public hearing to extend the temporary closure of the road. A copy of Antioch Police Department Memo, "McElheny Road Temporary Closure", dated February 23, 2016, recommends the extension of the closure for an additional 18-month period and is provided as Attachment "C". Captain Diane Aguinaga, Support Services Division, reports that there were seventy-nine (79) calls for police service involving McElheny Road in 2014, and sixty-two (62) calls for police service involving McElheny Road in 2015. These numbers increased from 2013 due to a large homeless encampment that was in the area but which has since been removed. This isolated area remains a haven for illegal dumping and various other activities that pose a threat to public safety.

Fronting property owners to McElheny Road include Bert Mannall, LLC; Fruitful Farms, LLC; Riverfront Partners, LLC; City of Antioch; James & Phyllis Boccio; Antioch Diversified Development Association and the BNSF Railway. All adjacent property owners were noticed in writing of the proposed temporary road closure extension and the public hearing for Council to consider this action. If the temporary road closure extension is approved, all property owners adjacent to the McElheny will continue to have an alternate means of access to a public road. Staff requests that the Antioch City Council approve the resolution to extend the road closure an additional 18 months beyond the March 13, 2016 termination date.

ATTACHMENTS

A: Resolution

B: Vicinity Map

C: Antioch Police Department Memo, "Empire Mine Road Closure Extension", dated February 23, 2016

ATTACHMENT "A"

RESOLUTION NO 2016/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH MAKING FINDINGS AND ORDERING EXTENSION OF THE TEMPORARY CLOSURE OF McELHENY ROAD

WHEREAS certain business and property owners adjacent to McElheny Road requested that McElheny Road be temporarily closed due to serious and continual criminal activity; and

WHEREAS Vehicle Code §21101.4 authorizes the temporary closure of roads due to criminal activity, and provides criteria and procedures for such closure; and

WHEREAS on September 9, 2014 the Antioch City Council adopted Resolution No. 2014/81 making findings and ordering the temporary closure of McElheny Road for a period of eighteen (18) months; and

WHEREAS the temporary closure order may be extended for the periods and by the procedures specified in Vehicle Code §21101.4 or successor legislation; and

WHEREAS Vehicle Code §21101.4 provides that the closure may be extended for six (6) additional 18-month periods if, prior to each of those extensions, the local authority holds a public hearing and finds by resolution that all of the following conditions exist;

NOW, THEREFORE, BE IT RESOLVED that the City Council makes the following findings:

1. A duly-noticed public hearing was conducted by the City Council on March 8, 2016, at which all interested persons were allowed to address the Council. Notice was mailed to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to McElheny Road;

2. The Police Department recommends extending the closure of the road. Captain Diane Aguinaga Support Services Division has authored a memorandum dated February 23, 2016, on file with the Office of the City Attorney, which the City Council incorporates by reference. In summary, Captain Aguinaga reports the following:

a. A cooperative effort from all of the interested parties and a significant portion of the initial closure period was expended to install the gates on McElheny Road;

b. All of the qualifying closure criteria outlined in City Council Resolution No. 2014/81 still exists. There is less activity on McElheny Road, namely due to

RESOLUTION NO. 2016/**

March 8, 2016

Page 2

advertisement of the impending road closure extension. This condition would drastically change if the road were reopened;

c. Vehicle Code §21101.4 (b) provides for an extension of the temporary closure as long as the following conditions exist:

- (1) The extension of the temporary closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity which existed immediately prior to the authorization of the temporary closure.
- (2) The highway has not been designated as a through highway or arterial street.
- (3) Vehicular or pedestrian traffic on the highway contributes to the criminal activity.
- (4) The existing temporary closure has not substantially or adversely affected traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of McElheny Road; and

d. The aforementioned conditions still exist. Anything less than an order for extending the temporary closure of McElheny Road for another eighteen month period as prescribed in California Vehicle Code §21101.4 (b) will have a detrimental effect on the quality of life and the safety of the community.

4. From the foregoing, the Council concludes that continuation of the temporary closure of McElheny Road will assist in preventing reoccurrence of the serious and continual activity found to exist when the immediately preceding temporary closure was authorized;

5. McElheny Road has not been designated as a through highway or arterial street;

6. Vehicular traffic on the road contributes to the criminal activity;

7. The immediately preceding closure has not substantially adversely affected the following:

a. traffic flow or traffic safety on adjacent streets or surrounding neighborhoods, because McElheny Road does not have any public cross streets along its length and is not necessary to travel to any other neighborhoods;

b. operation of emergency vehicles, because other routes provide better linkages to destinations of emergency vehicles. The gates used to close the road are equipped with lock types that can be removed by emergency responders if it is necessary for response along the McElheny Road itself;

AZ

RESOLUTION NO. 2016/**

March 8, 2016

Page 3

c. performance of municipal or public utility services, since no such services are provided along this roadway;

d. delivery of freight by commercial carriers, as other routes provide better linkages to destinations of commercial freight carriers.

BE IT FURTHER RESOLVED that pursuant to Vehicle Code §21101.4, the Council hereby determines that the temporary closure of McElheny Road shall be extended for a period of eighteen months (**until September 13, 2017**);

BE IT FURTHER RESOLVED that the extended closure shall be physically accomplished by gates with access points for pedestrians and bicyclists on both ends of the roadway. Adjoining property owners/authorized residents (if any) shall have the right to travel on the closed roadway and shall be responsible for closing and securing the gates. Pedestrians and bicyclists shall have the right to travel on the closed roadway and shall be required to use access points provided. The City shall provide an adequate level of road maintenance for use by bicyclists and pedestrians.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately.

* * * * *

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 March 8, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

A3

ATTACHMENT "B"

EBRPD 20'-WIDE STANDARD GATE
200' NORTH OF BNSF RR CROSSING

FULTON SHIPYARD

EBRPD 20'-WIDE STANDARD GATE
100' NORTH OF 6TH STREET

MC ELHENY RD

AT & SF RR

MC ELHENY ROAD
WIDTH: 30 FT
LENGTH: 750 FT



6 TH STREET

400 Feet

200

100

0

MC ELHENY ROAD

B1



ATTACHMENT "C"

ANTIOCH POLICE DEPARTMENT INTER-OFFICE MEMORANDUM

TO: Ken Warren, Assistant Engineer

FROM: Diane Aguinaga, Captain, Support Services Division

DATE: February 23, 2016

SUBJECT: **McElheny Road Temporary Closure**

On September 9, 2014 the City Council adopted Resolution No. 2014/81 extending the temporary closure of McElheny Road for a 2nd additional period of eighteen months. This action was taken pursuant to California Vehicle Code Section 21101.4. A significant effort was undertaken by all interested parties to ensure this roadway was temporarily closed.

All of the qualifying closure criteria outlined in City Council Resolution No. 2014/81 still exists. In spite of the extension of this closure, the isolated nature of this area is still a haven for illegal dumping and various other activities that have posed a threat to public safety. There were seventy nine (79) calls for police service involving McElheny Road in 2014 and sixty two (62) calls for police service in 2015. These numbers increased from 2013 due to a large homeless encampment that was in the area but has since been removed.

The vested interest shared by the City of Antioch, the Antioch Police Department, the Fire Department, Burlington Northern Santa Fe Railroad and adjacent property owners still exists. Opening McElheny Road at this time would dramatically increase the Police Department's public safety demands, and would put the health, safety and welfare of Antioch Citizens and adjacent property owners at risk.

Vehicle Code Section 21101.4 does provide for an extension of the temporary closure as long as the following conditions exist:

1. The extension of the temporary closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity which existed immediately prior to the authorization of the temporary closure.
2. The highway has not been designated as a through highway or arterial street.
3. Vehicular or pedestrian traffic on the highway contributes to the criminal activity.
4. The existing temporary closure has not substantially or adversely affected traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of McElheny Road.

It is the Police Department's opinion that the aforementioned conditions still exist, and we recommend the order of temporary closure for Empire Mine Road be extended for another eighteen month period as prescribed in California Vehicle Code Section 21101.4 (b). To do any less has a detrimental affect on the quality of life and the safety of the community.


21



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 8, 2016

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Nickie Mastay, Administrative Services Director 

SUBJECT: New City Attorney Appointment

RECOMMENDED ACTION

It is recommended that the City Council adopt a motion appointing Michael Vigilia as City Attorney; approving the Agreement with Michael Vigilia for City Attorney Services and authorizing the Mayor to sign the Agreement (Attachment A).

STRATEGIC PURPOSE

Strategy L-8: Effective and efficient management of all aspects of Human Resource Management, including Employer/Employee Relations, labor negotiations, classification and compensation, recruitment and selection, benefits administration, and staff development.

FISCAL IMPACT

The proposed Agreement with Mr. Vigilia states that annual compensation is \$180,000. His benefits are consistent with other Executive Management employees; although he will not be eligible for the City of Antioch's Medical-after-Retirement benefit that has been discontinued for new employees. He will be entitled to a contribution to a Medical-After-Retirement account if offered to other Executive Management employees. Mr. Vigilia will serve at the pleasure of the City Council majority; although, as typical for City Attorney contracts, he would be entitled to a severance payment if he is terminated without good cause and does not secure comparable employment. The severance payment would be limited to 12 months of salary and health benefits.

DISCUSSION

The City Council began a comprehensive recruitment process by utilizing the services of Peckham and McKenney, Phil McKenney as the recruiter.

Michael Vigilia

Since 2011, Michael Vigilia has served as the Assistant City Attorney for the City of Hayward where he balanced litigation, transactional and advisory responsibilities and served as the legal advisor to the Public Works Department, Maintenance Services Department and advised the Police Department on transactional matters. Prior to his service to the Hayward community, Mr. Vigilia was the Deputy City Attorney for the City of Fresno. His other public sector experience included the County of Tulare where he

was the Deputy District Attorney. Mr. Vigilia worked in the private sector as an associate for the Law Office of Reynaldo G. Santos. The press release announcing the appointment is attached (Attachment B).

ATTACHMENTS

A. Proposed Employment Agreement with Michael Vigilia.

Exhibit 1: City of Antioch Management Benefit Document October 1, 2013 through September 30, 2016

B. Press Release for the Appointment of Michael Vigilia as City Attorney.

**CITY OF ANTIOCH
AGREEMENT WITH MICHAEL VIGILIA FOR
CITY ATTORNEY SERVICES**

This Agreement ("Agreement"), dated for reference purposes only the 22nd day of February, 2016, is made and entered into at Antioch, California by and between the City of Antioch, California ("City") and Michael Vigilia ("Vigilia"). This Agreement (the "Agreement") shall be effective on the date the Agreement is signed by Vigilia and the City ("Effective Date").

RECITALS

WHEREAS, the City requires the services of a person with proven qualifications to fill the position of City Attorney; and

WHEREAS, the City, acting by and through its City Council, desires to employ the services of Vigilia as City Attorney and to appropriately compensate him for such services; and

WHEREAS, Vigilia desires to be employed by the City as City Attorney for appropriate compensation and conditions of employment;

NOW, THEREFORE, in consideration of the mutual promises, terms and conditions contained in this Agreement, the parties agree as follows:

Section 1 – Appointment. The City agrees to employ and appoint Vigilia to the position of City Attorney for the City of Antioch, California, upon the commencement of the Term defined below and does hereby confer upon and delegate to Vigilia all of the duties, powers, and responsibilities of City Attorney as the same are set forth in State law, the City of Antioch Municipal Code, the ordinances, resolutions, policies, rules and regulations existing thereunder, and the provisions of this Agreement ("the Services"). Vigilia accepts employment as City Attorney and agrees to serve as such. Vigilia serves at the pleasure of a majority of the City Council, and nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of Vigilia at any time, subject only to the provisions in this Agreement.

Section 2 – Term. This Agreement shall start no sooner than March 30, 2016 and no later than April 28, 2016 and shall continue until terminated pursuant to this Agreement.

Section 3 – Duties. Vigilia's employment shall be full time. As City Attorney, Vigilia shall perform the duties and functions of the City Attorney identified in State law, the Antioch Municipal Code, the ordinances, resolutions, policies, rules and regulations existing thereunder and other duties and functions as the City Council may assign. Vigilia accepts employment subject to the terms and conditions of this Agreement and agrees: (1) to perform all duties and functions in a professional and ethical manner to

the best of his skill and ability; (2) and to use his best efforts to promote and advance the interests and the City Council's goals and objectives.

Vigilia understands and agrees that the position of City Attorney is not a part time position and will require Vigilia to work greater than a customary forty (40) hour week. Although City Hall is generally open to the public during regular set work hours, Vigilia shall perform his obligations as full time City Attorney during regular work hours and on such evenings, weekends and other times as are necessary. Vigilia also acknowledges that the position of City Attorney is a position of high visibility before the public and agrees that he shall conduct himself before the public and City staff, both during and outside of regular working hours, in a manner that reflects favorably on the City.

Section 4 – No Other Employment. Vigilia agrees not to undertake any other employment during the term of this Agreement. Vigilia further agrees to confer with the City Council before undertaking any non-paid projects for organizations other than the City which may require a substantial time commitment by Vigilia.

Section 5 – Termination by Vigilia. Vigilia may terminate this Agreement and resign as City Attorney at any time, for any reason, upon 45 days' prior written notice to the City. Upon receipt of written notice from Vigilia, the City may elect to immediately remove Vigilia from his position as City Attorney or to allow Vigilia to remain as City Attorney for all or any part of the notice period. If the City removes Vigilia from his position as City Attorney prior to the expiration of the notice period, the City will pay Vigilia an amount equal to the salary and benefits that Vigilia would have received if he had remained in the City Attorney position until the expiration of the notice period, less legally required withholdings. If the City advises Vigilia that he should continue to perform his duties and functions as City Attorney during the notice period, and Vigilia fails to do so, Vigilia will receive no salary or benefits after the last date on which he actually performs his City Attorney duties and functions.

Section 6 – Termination by City.

- A. **Termination for Good Cause.** The City Attorney may be discharged for good cause. Good cause includes, without limitation, and as determined in the reasonable discretions of the City, any of the following: (1) insubordination, (2) dishonesty, (3) embezzlement, (4) violation of Federal, State or local requirements pertaining to conflict of interest, (5) conviction of a criminal act, (6) involvement in any act involving moral turpitude that would compromise Vigilia's effective performance as City Attorney, (7) taking a position adverse to the interests of the City without the City's prior written consent, (8) violation of any fiduciary duty owed to the City, (9) failure to abide by the employment restrictions under this Agreement, (10) failure to observe or perform any of his duties and obligations under this Agreement, if that failure continues for a period of thirty (30) days after Vigilia receives written notice from the City Council specifying the acts or omissions deemed to constitute that failure.

If the City elects to terminate this Agreement for good cause, it will pay Vigilia for all earned pay and accrued, unused vacation leave at the time it notifies Vigilia of the termination decision, less legally required withholdings. Vigilia will be entitled to no pay or benefits after the date that the City notifies him that this Agreement and his employment by the City are being terminated for good cause. If the City Council intends to terminate this Agreement for good cause, it will provide notice of its intention to Vigilia with a written explanation of the basis for that decision, sent to Vigilia's last known home address at least 10 days prior to the City Council meeting in which the termination will be considered. Vigilia will have the right to meet with the City Council for the purposes of discussing the basis for his proposed termination for good cause prior to a final vote on his termination, which will take place in closed session unless Vigilia timely exercises any right he possesses under Government Code section 54957(b)(1)-(2), if applicable. In order to exercise his right to meet with the Council, Vigilia must provide a written request to meet to the Mayor of the City and the City Manager within five days of the date of the meeting in which termination of employment will be considered. Failure to timely provide such written notice shall constitute a waiver of the right to be heard. Unless he timely exercises his right under Government Code section 54957(b)(1)-(2), to the extent those provisions are applicable, Vigilia shall have no right to be heard publicly by the City Council prior or subsequent to a final vote on his termination and hereby waives any right to be heard publicly under the Antioch Municipal Code; provided however that no provision of this Agreement shall constitute a waiver of Vigilia's rights in law or equity to recover damages caused by an abuse of this provision by the City.

- B. Termination Without Good Cause. If the City elects to terminate this Agreement and Vigilia's employment without good cause as defined in this Agreement, it shall not be required to provide any reasons for that decision to Vigilia or anyone else. A Notice of Termination Without Cause shall be provided in writing.

The City will pay Vigilia for all earned pay and accrued, unused vacation leave up to but not including the effective date of termination, less legally required withholdings. Additionally, the City will pay Vigilia his monthly salary and health benefits amounts (meaning just what is known as the flexible benefits or cafeteria plan amount) at the rate he is earning on the date he is given notice that this Agreement and his employment are being terminated, less legally required withholdings ("severance payment") for twelve (12) months following such notice, or until he receives comparable employment within such time, at which point the severance payments shall be discontinued. Comparable employment shall mean employment paying seventy-five percent (75%) or more of his then current City Attorney salary.

- C. Vigilia shall not be entitled to any severance payment if he is terminated, resigns or retires following his arrest for a felony or a crime of moral turpitude

or for a documented incident of dishonesty affecting the affairs of the City. Further, pursuant to Article 2.6 of Division 2 of Title 5 of the California Government Code (sections 43243 et seq.), if Vigilia is convicted of a crime involving abuse of his position, as defined under State law, he shall not be entitled to paid leave during the investigation, any cash settlement paid related to termination, or any severance payment and Vigilia shall reimburse the City any such salary or benefits or payments provided in this circumstance.

Section 7 – Inability to Perform Essential Duties and Functions. Vigilia agrees that if he is unable to perform the essential duties and functions of the City Attorney position for any reason for more than 120 consecutive calendar days, the City may terminate this Agreement. If the City elects to terminate this Agreement based on Vigilia's inability to perform the essential duties and functions of the City Attorney position, it will also advise Vigilia in writing sent to Vigilia's last known home address. Such termination shall not be deemed termination for "good cause" as defined in this Agreement, unless Vigilia chooses to contest the termination pursuant to Section 6.a above. At the time the City provides such notice, it will pay Vigilia for all earned pay and accrued, unused vacation leave, less legally required deductions. However, Vigilia will not be entitled to any severance payments described above pursuant to Section 6.b of this Agreement.

If termination of this Agreement is the result of the death of Vigilia, the City shall pay all salary and benefits then due to Vigilia's legal heir(s).

Section 8 – Compensation.

- A. **Salary.** The City agrees to pay Vigilia for the performance of his duties and functions an annual salary as follows: One hundred eighty thousand dollars (\$180,000). At the first annual performance evaluation, Vigilia shall be granted a two percent (2%) salary increase, upon receiving a positive performance evaluation from a majority of the City Council. Future merit increase considerations shall coincide with Vigilia's annual performance evaluation.

Vigilia shall be granted cost of living adjustments (COLA) provided to other Executive Management employees.

Salary will be paid in installments at the same time that other employees of the City are paid. Vigilia shall not be entitled to receive payment or credit for, and the City shall not pay or credit Vigilia for, overtime, compensated time off in lieu of overtime or other compensation except as expressly provided in this Agreement. Vigilia acknowledges that the position of City Attorney is exempt from the provisions of the Fair Labor Standards Act (FLSA).

- B. **Benefits.** During the term of this Agreement and his employment hereunder, Vigilia shall be entitled to receive benefits on the same terms and conditions

as other Executive Management employees of the City as set forth in the current City of Antioch Management Benefit Document (the current City of Antioch Management Benefit Document dated October 1, 2013 through September 30, 2016 is attached as Exhibit 1), unless otherwise set forth in this Agreement:

- Retirement benefits available on the same terms and conditions as other Executive Management employees under classic PERS of 2.7% at 55 formula, which currently includes reimbursing the City for eight percent (8%) of the Employer's PERS contribution, or as may be amended through the Management Benefit Document for Executive Management employees.
- Vigilia shall not be entitled to the City of Antioch's Medical-After-Retirement benefit, but shall be entitled to a contribution to a Medical-After-Retirement Account (MARA) if offered to other Executive Management employees.
- Vigilia shall accrue vacation leave at the rate of 120 hours annually upon hire and shall move to the next accrual level in the Management Benefit Document at the start of the fourth (4th) year of employment. Upon initial hire, Vigilia shall be granted 120 hours of vacation accrual and allowed to use 40 hours without a waiting period.

Except as expressly set forth in this Agreement, Vigilia shall not be entitled to, nor be paid for, any other benefits available to non-Executive Management employees of the City.

Section 9 – Performance Evaluations. The City shall review and consider Vigilia's performance as City Attorney at least annually as close as reasonably possible to the expiration of each twelfth month of this Agreement. The review shall be discussed with Vigilia and reduced to writing.

Section 10 – Professional Development. Understanding the need for Vigilia to remain current about principles of municipal law, the City agrees to pay for his attendance at professional conferences and training opportunities, subject to budgetary constraints that may occur from time to time. The City will also pay Vigilia's annual dues to the California State Bar, including membership in the Public Law Section but no other optional sections or enhancements, and basic membership in the Contra Costa County Bar Association.

Section 11 – Confidential Information. Vigilia agrees that he will not reveal any confidential information about the City, City officials, or City employees that he learns while performing the duties and functions of City Attorney.

Section 12 – City Property. Vigilia agrees that all materials, regardless of their form, that he receives, creates or produces in connection with this Agreement and/or his employment as City Attorney are and will remain the exclusive property of the City. Vigilia will immediately deliver all originals of such materials to the City that are in his possession or control upon termination of this Agreement.

Section 13 – Assistance in Litigation. Vigilia agrees that he will furnish information and proper assistance to the City as it may reasonably require with any litigation in which it is or may become involved, either during or after the termination of this Agreement. Vigilia further agrees that he will not discuss, reveal or convey any information or documents pertaining to the City to any person or entity, or to any attorney for or representative of any person or entity, with actual or potential claims adverse to the City except pursuant to duly issued legal process or as otherwise authorized by the City. Vigilia agrees to notify the City immediately upon receipt of any legal process pertaining to the City. This provision shall not apply to any criminal investigation targeting any City official or employee.

Section 14 – Governing Law. This Agreement will be construed and enforced in accordance with the laws of the State of California.

Section 15 – Headings. The headings used in this Agreement are provided for convenience only and may not be used to construe meaning or intent.

Section 16 – Assignment. Neither this Agreement nor any interest in this Agreement may be assigned.

Section 17 – Severability. If any provision or portion of this Agreement is held to be invalid or unenforceable, this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable provision(s) or portion(s) had never been included.

Section 18 – Notices. Notices pursuant to this Agreement will be deposited with the United States Postal Service, postage prepaid and addressed as follows:

City:
Mayor's Office
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

With a copy to: City Manager
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Vigilia:
Michael Vigilia
205 Westvale Court
San Ramon, CA 94583

Section 19 – Modification. This Agreement may only be modified by a writing executed by the parties, the City Council having approved the modification on behalf of the City.

Section 20 – Entire Agreement. This Agreement supersedes any and all other agreements, either oral or in writing, and contains all agreements between Vigilia and the City regarding his employment as City Attorney. Vigilia and the City agree that no representations, inducements, promises or agreements, oral or otherwise, have been made to either party, or anyone acting on behalf of either party, which are not stated herein, and that no agreement, statement, or promise not contained in this Agreement will be valid or binding on either party.

Section 21 – Effective Date. This Agreement will become effective on the date of execution by the parties and the Term shall commence as defined herein.

Section 22 – Mediation of Disputes. In the event that any dispute arises between the parties regarding the interpretation or implementation of any provision of this Agreement, the parties shall first submit the dispute to voluntary mediation prior to the filing of any lawsuit. If the parties cannot agree on selection of a mediator, then the matter shall be submitted to the Judicial Arbitration and Mediation Services (“JAMS-ENDISPUTE”) office in Walnut Creek, California, with a panelist to be assigned by that office’s administrator.

Section 23- Venue. In the event any party seeks to enforce this agreement or any of its terms by a civil action in court, following mediation as provided in the preceding paragraph, the venue for any such action shall be in Contra Costa Superior Court.

[Signatures on the following page]

City of Antioch

By: _____
Wade Harper, Mayor

Approved as to form:

Derek Cole, Interim City Attorney


By:  _____
Michael Vigilia

Exhibit 1: City of Antioch Management Benefit Document October 1, 2013 through September 30, 2016

CITY OF ANTIOCH

MANAGEMENT UNIT

BENEFIT DOCUMENT

OCTOBER 1, 2013 - SEPTEMBER 30, 2016

TABLE OF CONTENTS

	<u>PAGE</u>
1. Compensation	1
Salaries	1
Elimination of Salary Reduction In Lieu of Furlough	1
"Me Too" Clause	1
Acting Pay	2
Special Assignment Pay	3
Equity Adjustment for Water Treatment Classes	3
2. Health & Welfare Benefits	3
Medical Insurance	3
Dental Insurance	4
Life Insurance	4
Long-Term Disability Insurance	4
Vision Care Insurance	4
Employee Assistance Program	5
Gym/Health Club Reimbursement Program	5
Flexible Benefits (Cafeteria) Plan	5
Non-Industrial Disability	8
Industrial Disability	8
3. Retirement Benefits	8
Public Employees' Retirement System (PERS)	8
Medical-After-Retirement	9
Deferred Compensation	9
4. Leaves	9
Holidays	9
Floating Holidays	10
Vacation	10
Sick Leave	11
Sick Leave Upon Termination	12
Conversion	12
Family & Medical Care Leave	13
Leave Without Pay	13
Military Leave	13
Jury Duty	13
Bereavement Leave	14
Administrative Leave	14
Holiday Closure Program	15
5. Department Head Provisions	16
Notice Prior to Termination	16
Notice of Separation	17

TABLE OF CONTENTS

	<u>PAGE</u>
6. Miscellaneous	17
Auto Allowance	17
Standby	17
Safety Shoes	17
Safety Jackets & Hats	18
Educational Incentive	18
APPENDIX A	19

MANAGEMENT EMPLOYEES' BENEFIT DOCUMENT

October 1, 2013 - September 30, 2016

1. COMPENSATION

All cost-of-living and equity adjustments shall become effective on the first day of the pay period closest to the effective date of the adjustment.

A. Salaries

Effective the first full pay period in January, 2015, all classifications shall receive a three percent (3%) salary increase, excluding the classifications of Water Treatment Plant Superintendent, Water Treatment Plant Supervisor, and Water Quality Analyst who already received the adjustment when it was provided to the TPEA, per Resolution 2010/79. No specific classification(s) shall receive the benefit of multiple adjustments ("Compounding"). This salary increase is based on the salary and benefit increases that adjoining bargaining units received prior to the signing of this Agreement.

B. Elimination of Salary Reduction in Lieu of Furlough

Implement the January 21, 2011, Tentative Agreement triggers regarding the revenue at \$38.4 million, with a reserve maintained at 10% effective January 11, 2015. This means:

- Reinstatement of the 40 hour work week
- Reinstatement (meaning eliminate) the 10% reduction in management salaries

Eliminate the trigger for revenue at \$42.3 million with a reserve maintained at 12% - eliminate the reinstatement of COLA to the Management, Confidential, Local 1 and OE3 units.

C. "Me Too" Clause

During the term of this Agreement, the parties agree that increases/decreases negotiated with either Local 1 or OE3 will be implemented for this Unit, excluding salary increases for the classifications of Water Treatment Plant Superintendent, Water Treatment Plant Supervisor, and Water Quality Analyst who are already tied to the TPEA for salary equity. This Agreement will be reopened to determine the allocation of the percentage increase/decrease of the total package for the bargaining unit represented by either Local 1 or OE 3.

- The Management Unit shall select which bargaining unit's total package shall be used. However, in the event that a higher total package value is negotiated with one unit over another, the

Management Unit shall receive the value of the single highest package, not a cumulative total of both package values – e.g., One unit receives 2.5% and one unit receives 2.7%, Management shall receive 2.7%, NOT 5.2%. The intent of this provision is for the Management Unit to be compensated equitably/equally to the bargain groups that they manage.

- The percentage increase/decrease of the total package shall be determined by the City's Finance Department. The Finance Department's determination is final and not appealable.
 - The percentage increase/decrease shall be determined by modifications to the following benefits.
 - Salaries
 - The change in contributions to the flexible benefit/cafeteria plan
 - Modifications to the contributions to retirement
 - PERS
 - Deferred Compensation
 - Holidays
 - Vacation
 - Sick Leave
- The parties will mutually agree to the allocation of the percentage increase/decrease of the total package; however, any benefit changes mandated by the City Council shall be incorporated in the allocation agreement. The Management Unit will always retain the option to take the compensation increase/decrease in the exact same way that the respective bargain unit has as long as it is legal for them to do so.

Examples: If there is a three percent (3%) total package increase negotiated with either Local 1 or OE3, the Management group shall receive a three percent (3%) increase. The determination of the allocation of the increase (all salary, salary increase and deferred compensation increase, etc.) shall be negotiated. However, if the City Council mandates a change to a certain benefit, such as holidays, the mandated benefit change is not negotiable and shall be implemented.

C. Acting Pay

1. Management employees who are required to work in a higher classification are entitled to, after having previously worked in the higher class for a cumulative total of forty (40) hours, or those working on a 9/80 schedule either thirty-six (36) or forty-four (44) hours, a minimum of Step A of the higher classification pay range

or five percent (5%) additional compensation, whichever is greater. At no time shall the Acting Pay exceed the maximum of the salary range established for the higher classification. To be entitled to Acting Pay, the employee must assume substantially all of the day-to-day duties of the higher position for a period of at least forty (40) continuous hours.

2. Deputy or Assistant Department Heads are eligible for acting pay only for department head absences in excess of thirty (30) calendar days. Acting as department head for shorter periods of time is considered to be a regular duty for which the employee is compensated in regular base salary.

D. Special Assignment Pay

The City Manager may authorize either two and one-half percent (2-1/2%) or five percent (5%) to any employee designated to be on special assignment.

E. Equity Adjustments for Water Treatment Plant Classifications

The Water Treatment Plant Superintendent top step will remain at 19% above the Water Treatment Plant Supervisor and Water Quality Analyst top step.

The Water Treatment Plant Supervisor and Water Quality Analyst top step will remain at 11.5% above the top step of Water Treatment Operator with certificate.

2. HEALTH & WELFARE BENEFITS

A. Medical Insurance

The City contracts with the Public Employees' Retirement System (PERS) for the purpose of providing medical insurance benefits for active employees and eligible retired employees. Eligibility of active and retired employees and the dependents of active and retired employees to participate in this program shall be in accordance with regulations promulgated by PERS and the City's Medical- After-Retirement Policy.

1. The City shall pay the PERS required Minimum Employer Contribution per month on behalf of each active and retired employee who participates in the City's health insurance plans.
2. Except as provided herein, employees shall purchase medical insurance through the PERS Medical Program Represented employees who have medical insurance coverage from another source may, by providing written proof of such alternative coverage to the City, opt out of the PERS Medical Program Employees who opt out of the PERS Medical Program shall be required to provide

written confirmation of alternative coverage annually thereafter, during the PERS open enrollment period. If such confirmation is not provided, the employee shall be required to enroll in the PERS Medical Program

B. Dental Insurance

1. The City shall make dental insurance available to active employees and the eligible dependents of active employees.
2. Except as provided herein, employees shall be required to enroll in the Dental Plan. Employees who have dental insurance coverage from another source may, by providing written proof of such alternative coverage to the City, opt out of the Dental Plan. Employees who opt out of the Dental Plan shall be required to provide written confirmation of alternative coverage annually thereafter, during the Dental Plan open enrollment period. If such confirmation is not provided, the employee shall be required to enroll in the Dental Plan.

C. Life Insurance

1. The City shall make available a group life insurance policy for each employee in an amount equal to two times the employee's base salary, to a maximum of \$250,000, effective on the first day of the month following the date of hire. Employees shall be required to enroll in this life insurance policy.
2. Supplemental life insurance shall be available. Enrollment in the supplemental life insurance program is optional.

D. Long-Term Disability (LTD) Insurance.

1. The City shall make a LTD Insurance Plan available for all employees. Under this Plan, an employee shall receive two-thirds (2/3) of salary after a ninety (90) day waiting period.
2. Enrollment in the LTD Insurance Plan is mandatory.
3. In no event shall the employee receive disability benefits in conjunction with sick leave, vacation, comp time, floating holidays or any other leave that will exceed his/her gross monthly salary.

E. Vision Care Insurance.

1. The City shall make available to employees and the dependents of employees Options I, II, and III of the City of Antioch Vision Plan administered by Medical Eye Services, Inc.
2. Enrollment in the Vision Care program is optional.

F. Employee Assistance Program.

1. The City shall make available to employees the City's current Employee Assistance Program (EAP).
2. Enrollment in the EAP is mandatory.

G. Gym/Health Club Reimbursement Program

1. The City shall make available a Gym/Health Club Reimbursement Program that provides a partial reimbursement to employees who provide the City with written verification of regular membership in a health club or commercial gym with facilities within the city limits of Antioch.
2. Employees who provide written proof of membership pursuant to paragraph 1, above, may designate up to \$27.00 per month of their Flexible Benefits Account, not to exceed 100% of the cost of such membership, on an after-tax basis.

H. Flexible Benefits (Cafeteria) Plan.

1. Effective January 1, 2014, the City shall make the following contributions to the Flexible Benefits Plan on behalf of employees:

- a. For each Executive Management employee who is eligible for employee only medical coverage, the City shall contribute \$830.62 per month.

For each Senior and Mid-Management/Professional employee who is eligible for employee medical coverage, the City shall contribute \$792.40 per month.

- b. For each Executive Management employee who is eligible for two (2) party medical coverage, the City shall contribute \$1,288.97 per month.

For each Senior and Mid-Management/Professional employee who is eligible for two (2) party medical coverage, the City shall contribute \$1,250.64 per month.

- c. For each Executive Management employee who is eligible for family medical coverage, the City shall contribute \$1,601.51 per month.

For each Senior and Mid-Management/Professional employee who is eligible for family medical coverage, the City shall contribute \$1,569.62 per month.

- d. Effective each January 1 for the duration of this agreement, the amounts specified in Section H. 1a. 1b. and c. of this Document will be increased by the amounts determined pursuant to the following procedures:
- i. At least thirty (30) days prior to the beginning of the annual open enrollment period, the City shall determine which of the City offered medical and dental plans have the highest percentage of employees enrolled on a City-wide basis for each coverage level offered by the City.
 - ii. The City shall add the dollar amounts of the announced premium increases for each coverage level, to become effective in the following plan year, for the appropriate two plans, to obtain the total dollar increase for the most densely populated medical and dental plans at each coverage level.
 - iii. The City then shall divide the sum of the increases by the total current City contribution to the cafeteria plan for each of the appropriate two plans at each tier of coverage to determine the percentage amount of the medical and dental increases. This calculation shall be completed for each level of coverage offered by the City.
 - iv. The City would then increase the amounts provided in Section H. 1a. 1b. and 1c of this Document by 50% of the percentage increases determined above, up to 50% of a maximum annual increase of \$2,000 (a \$1,000 increase to the City's annual contribution).

If the annual increase exceeds \$2,000 the City will increase the amounts provided in Section I.2.a, b and c of this Document by 50% of the \$2,000 (\$1,000) and 100% of any amount above \$2,000.

Refer to Appendix "A" for example of calculation.

The City agrees that an employee's actual out-of-pocket costs due to premium increases in the Cafeteria Plan shall not exceed a cumulative total of \$1,000 in any year of this Agreement and shall not exceed a cumulative total of \$5,000 for the term of this Agreement.

The cumulative limits apply only to the impact of premium increases related to the most populated health and dental plans (those used to calculate the

Cafeteria Plan contribution) and the increase in all other minimum and/or required premiums included in the Cafeteria Plan. The \$1,000 and \$5,000 cumulative limits do not apply to additional expenses, which are the result of enhanced benefit selection.

2. Each employee shall receive a written notice during the month of open enrollment for medical insurance each year as to how the monies in his or her Flexible Benefits Account are to be expended during the ensuing plan year. Thereafter, except as provided in the Flexible Benefits Program Plan Document, no changes to the designations so made shall be allowed until the enrollment period of the following plan year.
 - a. During the designated Open Enrollment Period each year, each employee must satisfy the mandatory and conditional enrollment obligations specified in this Article. In addition, each employee may enroll in the various optional programs offered under the Flexible Benefit Plan.
 - b. If the costs of an employee's selections exceed the City's monthly contributions, the difference shall be deducted from his/her wages, to be deposited into the Flexible Benefit Plan to cover the cost of such selections.
 - c. If the costs of an employee's selections under the Flexible Benefit Plan are less than the City's monthly contribution on that employee's behalf, the unused money will be split, with one-half (1/2) of the unused money going to the employee as wages each month and one-half (1/2) of the money reverting to the City.
 - d. Each employee shall be responsible to provide immediate written notification to the City regarding any change to the number of his or her dependents that affects the amount of the City's monthly contributions on the employee's behalf. Changes to the City's contribution rate shall take effect at the start of the first pay period in the month preceding the month in which the eligible dependent is either added or deleted under the plan.
 - e. The City will not treat the employee share of premium payments within the Flexible Benefits Program as compensation subject to income tax withholding unless the Internal Revenue Service or the Franchise Tax Board indicate that such contributions are taxable income subject to withholding. The City shall treat any cash payments to the employee as compensation subject to applicable local, State and Federal tax regulations and shall withhold and report such taxes as required by law. Each employee shall be

solely and personally responsible for any Federal, State or local tax liability of the employee that may arise out of the implementation of this section.

I. Non-Industrial Disability

1. In the event of a non-industrial illness or injury, the employee is required to use all but forty (40) hours of accumulated sick leave before long-term disability benefits begin. If sick leave is exhausted before the end of the 90-calendar-day waiting period, vacation, compensatory time and floating holidays may be used. The employee also may use vacation, compensatory time and floating holidays beyond the 90-calendar-day waiting period to extend the time in which full salary can be received.
2. Medical, dental and life insurance shall be paid by the City during the first six (6) months of an unpaid leave of absence.

J. Industrial Disability

1. Compensation benefits shall be determined and paid in accordance with the Workers' Compensation Laws of the State of California except that the City shall pay full salary during the first thirty (30) calendar days of such disability. After the first thirty (30) calendar days of such disability, the employee may use accumulated sick leave in conjunction with Workers' Compensation benefits to extend full salary. Employee may also choose to use accumulated vacation or compensatory time for such purposes. After the first thirty (30) calendar days, the employee is eligible for long-term disability insurance benefits in conjunction with Workers' Compensation benefits. Long-term disability benefits shall be paid in accordance with the provisions of the long-term disability insurance plan unless the employee is using sick leave, vacation or compensatory time.
2. Medical, dental and life insurance premiums shall be paid by the City for up to one year during an industrial injury leave.

3. RETIREMENT BENEFITS

A. Public Employees' Retirement System (PERS)

All regular status employees hired prior to January 1, 2013, and PEPR legacy/classic members, shall be provided coverage in the Public Employees' Retirement System (PERS) with the benefit formula of 2.7% @ 55 and Single Highest Year Final Compensation Period. Employees shall pay eight percent (8%) of the PERS Employer Contribution. The City shall pay the remainder of the PERS Employer Contribution, and all eight percent (8%) of the Employee

Contribution (EPMC). The City shall report the EPMC to PERS as reportable compensation for retirement calculation purposes.

Regular status employees hired on or after January 1, 2013, who will be new members of CalPERS, and who were not in a reciprocal system, will be required to be enrolled in the State-wide formula of 2% @ 62. These employees shall have the Three Year Average Final Compensation Period. In accordance with PEPRA provisions, these employees shall pay a PERS Employee Contribution Rate of 50% of the Normal Cost, as determined annually by CalPERS.

B. Medical-After-Retirement

For employees hired prior to September 1, 2007, the City shall provide a Medical-After-Retirement benefit in accordance with the plan on file in the Human Resources Department. The City shall contribute to this Plan a set percentage of salary per month as determined and, as may be changed from time to time, by an actuarial review.

For employees hired on or after September 1, 2007, the City will contribute One point Five percent (1.5%) of the employee's base monthly salary toward the Medical-After-Retirement Account (MARA). In the event the impacted employees in the bargaining unit agree to make a mandatory contribution of Two point Five percent (2.5%) of the employee's base monthly salary toward the Medical-After-Retirement Account, the City will match such contribution up to an additional One percent (1.0%). The City's total contribution per employee will not exceed Two point Five percent (2.5%). In accordance with the MARA plan document, all impacted employees must participate in the 2.5% contribution. It is not an individual choice.

C. Deferred Compensation

1. For the term of this agreement the City shall contribute an amount equal to five percent (5%) of base salary to a deferred compensation account for each Executive Management employee. Executive Management employees are those so designated on the Management salary schedule.
2. For the term of this agreement the City shall contribute an amount equal to two percent (2%) of base salary to a deferred compensation account for each Senior Management and Mid-Management/Professional employee. When contributions are reinstated, the minimum contribution shall be no less than Fifty Dollars and No/100ths (\$50.00) per month.

4. LEAVES

A. Holidays

The City shall observe the following holidays:

<u>Holiday</u>	<u>Date</u>
New Year's Day	January 1st
Martin Luther King Jr.'s Birthday	3rd Monday, January
Lincoln's Birthday	February 12th
Washington's Birthday	3rd Monday, February
Memorial Day	Last Monday, May
Independence Day	July 4th
Labor Day	1st Monday, September
Veteran's Day	November 11th
Thanksgiving	4th Thursday, November
Day after Thanksgiving	Day after Thanksgiving
Christmas Eve	December 24th
Christmas Day	December 25th

If a holiday falls on a Saturday, the preceding work day shall be observed; if the holiday falls on a Sunday, the following work day shall be observed.

B. Floating Holidays

The City shall provide two (2) floating holidays per year except that employees with less than six (6) months' service in a calendar year but at least two (2) months' service are eligible for only one. Floating holidays must be taken within the calendar year earned and in full-day (8-hour) increments. (Resolution 81/266).

C. Vacation

Executive Management employees shall be credited with fifteen (15) days of vacation leave on their date of hire for the first year and shall accumulate vacation thereafter as follows:

1. 4.615 hours per bi-monthly pay period from the start of the second year through the third year of service (15 days per year).

6.154 hours per pay period from the start of the fourth year through the ninth year of service (20 days per year).

7.077 hours per pay period from the start of the tenth year through the fourteenth year of service (23 days per year).

7.692 hours per pay period from the start of the fifteenth year through the nineteenth year of service (25 days per year).

9.230 hours per pay period from the start of the twentieth year of service (30 days per year.).
2. Senior Management and Mid-Management/Professional Employees; shall earn vacation leave as follows:

3.385 hours per bi-monthly pay period from the date of initial hire through the fourth year of service (11 days per year).

4.615 hours per pay period from the start of the fifth year through the ninth year of service (15 days per year).

5.539 hours per pay period from the start of the tenth year through the fourteenth year of service (18 days per year).

6.154 hours per pay period from the start of the fifteenth year through the nineteenth year of service (20 days per year).

7.692 hours per pay period from the start of the twentieth year of service (25 days per year).

3. New employees shall complete six (6) months of service with the City before being eligible to take vacation time.
4. Employees may earn vacation credit up to a maximum accumulation for 24-months' (2-years') service. At that point, the employee earns no further vacation credit until the employee uses some of the accumulated credit. If such accumulation of credit involves two different rates of accumulation, such as would occur on the 5th, 10th, and 20th years of service, the higher rate of accumulation will be used for the 24-month figure. (Memo dated 5/10/76 to all Department Heads).
5. With the City Manager's approval, Executive Management employees will be allowed to cash out up to 80 hours of their annual vacation accrual during each calendar year.

With the City Manager's approval, Senior and Mid-Management/ Professional employees will be allowed to cash out up to 40 hours of their annual vacation accrual during each calendar year.

D. Sick Leave

1. Sick leave is a privilege granted to regular and probationary employees to allow the continuation of pay and fringe benefits in case of personal illness or emergency for family. Sick leave is not an earned right to be taken as earned vacation. Sick leave is accumulated at the rate to 3.692 hours per bi-weekly pay period (twelve days per year) with unlimited accumulation.
2. Charge for sick leave used shall be on the basis of a minimum of one-quarter (1/4) hour and in one-quarter (1/4) hour increments thereafter provided, however, that sick leave shall be charged for only those hours when the employee was absent from work. Sick leave may not be used before it is earned.

3. If sick leave is used for purposes other than legitimate illness, it constitutes an abuse of privilege and can be considered employee dishonesty.
4. In order to receive compensation when absent on sick leave, the employee shall notify his/her immediate supervisor as close as possible to the time set for beginning the work duties.
5. Where leave abuse or excess is suspected, employee may be required to furnish reasonable acceptable evidence, including a doctor's certificate or other agreed upon form of verification, when the employee has been given prior written notice of excessive use of sick leave or the City can show cause to dispute the validity of the sick leave claim.
6. Sick leave may be used only in the following situations:
 - a. When actual illness, injury or disability of the employee prevents the employee from performing his/her regular duties.
 - b. Employees may use a maximum of six (6) days of Kin Care per calendar year to attend to a child, parent, spouse, domestic partner, or a domestic partner's child. Leave can be used for illness, doctor appointments, parent-teacher conference, or if the sitter is ill. An employee who maintains at least one hundred twenty (120) hours of accumulated sick leave may use additional days. Leave for this purpose may not be taken until it has actually accrued.
 - c. Sick leave may be used for medical and dental appointments when other arrangements cannot be made.

Sick Leave Upon Termination

An employee who terminates with at least ten (10) years of consecutive service shall receive payment for forty percent (40%) of his/her unused sick leave up to a maximum of forty (40) days.

Conversion

At the end of each calendar year if the employee has used less than five (5) days of sick leave, he/she may convert up to twelve (12) days of current unused sick leave to vacation or cash on a 3-1 ratio providing such conversion does not reduce sick-leave balance to less than two-hundred fifty (250) hours. Sick leave not converted shall continue to accumulate to the member's account.

E. Family and Medical Care Leave

Family and Medical Care Leave shall be as mandated by State and Federal Law and as provided by the City of Antioch Family Care and Medical Leave Policy, on file in the Personnel Department.

F. Leave Without Pay

1. City Manager may grant a regular employee a leave of absence without pay. No leave shall be granted except upon written request of the employee. Approval shall be in writing. Leave may not exceed one year. Failure on the part of the employee to return promptly at its expiration without just cause shall be cause for termination.
2. Vacation and sick leave shall not accrue during a leave of absence without pay and the employee's anniversary date shall be deferred by the length of such leave.
3. When a leave of absence is due to illness or injury, the City shall pay medical, dental, life, and long-term disability insurance premiums for up to six (6) months.

G. Military Leave

Military leave shall be granted in accordance with State and Federal law. Within limits of military regulation, the City shall have an opportunity to determine when such leave shall be taken.

H. Jury Duty

1. An employee legally required to serve as a juror on a regularly scheduled work day shall be entitled to full pay for any period of time actually so served. An employee legally required to serve as a witness in any judicial proceedings related to his/her employment with the City shall be entitled to full pay for any period of time actually so served. However, this provision shall not apply if the employee is a witness or litigant against the City. A judicial proceeding is defined as, but is not limited to, coroners' inquests and hearings held pursuant to actions pending in either Justice, Municipal, Superior or Federal Courts or other official proceedings to which an employee is subpoenaed, in relation to his/her City employment.
2. Any per diem compensation received by an employee for such service performed on a regularly scheduled work day shall be immediately remitted to the City. Any mileage payments received by such employee shall be retained by the employee. All employees shall promptly report any pending or probable absence due to such service and must report immediately the termination of

such service. A copy of jury summons or subpoena will be filed with the City by the employee.

I. Bereavement Leave

1. Time off with pay to arrange and attend funerals and related services of immediate family members (spouse, children, father, mother, brothers, sisters, mother-in-law, father-in-law, sisters-in-law, brothers-in-law, grandparents, spouse's grandparents and grandchildren) shall be allowed.
2. Employees shall be granted three (3) days off work as bereavement leave. The employee's department head must be notified immediately when bereavement leave will be taken.

J. Administrative Leave

1. Each January, exempt management employees will receive an amount of administrative leave based on their positions as outlines below:

Tier 1: 96 hours

City Attorney
City Manager
Assistant City Manager
Administrative Services Director
Community Development Director
Economic Development Director
Finance Director
Human Resources Director
Information Systems Director
Parks and Recreation Director
Police Chief
Public Works Director/City Engineer

Tier 2: 80 hours

Assistant City Engineer
Deputy Finance Director
Assistant to the City Manager
Chief Building Official
Code Enforcement/Asset Recovery Coordinator
Deputy Director of Community Development
Economic Development Program Manager
Recreation Services Manager
Recreation Supervisor
Senior Planner

Tier 3: 40 hours

Accountant I/II
Administrative Analyst I
Animal Services Supervisor
Collection Systems Superintendent
Collection Systems Supervisor
Finance Services Supervisor
Human Resources Analyst
Information Systems Project Manager
Operations Supervisor
Project Manager
Water Distribution Superintendent
Water Distribution Supervisor
Water Quality Analyst
Water Treatment Plant Superintendent
Water Treatment Plant Supervisor

2. There will be no “cash out” for prior accumulations. Recording of administrative leave under this policy are also not subject to being cashed out or “rolled over” and administrative leave is recorded exclusively on a “use it or lose it” basis for each calendar year.
3. The Department Head may recommend, and the City Manager may approve, additional hours on a case-by-case basis for exempt management employees who work an extraordinary work assignment or occurrence. In January of each year, the City Manager will prepare a report to the City Council identifying by department any positions that received additional hours for the prior year and the related reasons.
4. New exempt management employees shall receive Administrative Leave identified in Paragraph (1) on a proportional or pro rata basis for the calendar year.

K. Holiday Closure Program

Each year of the MOU, the City will determine the organizational necessity for closure of City facilities during the December Holiday Season (the week between December 24 and January 1.) Upon determining the extent of the closure the City will notify, prior to July 15 of the year effected, the Bargaining Unit Representative and offer to meet as to how best effectuate the Holiday closure. In the event the City does not notify the Bargaining Unit Representative prior to July 15 of that year, the City will waive the Holiday Closure Program for that year.

Among the items the parties may discuss is the use and scheduling of vacation, floating holidays and/or compensatory time on the part of employees during the designated time for the Holiday Closure. The City recognizes that on a case-by-case basis, individual employees may have

a unique personal situation and the bargaining unit may request that the City review the possibility of non-accrued vacation to be advanced to cover the closure time.

5. DEPARTMENT HEAD PROVISIONS

It is the intention of this section to encourage continuity in the leadership of City departments, to ensure fairness to employees, and to foster advance planning for employee recruitment. "Department Head" for the purposes of this section refers to the Police Chief, department heads/directors of departments referenced in Chapter 3 of Title 2 of the Antioch Municipal Code, and the Human Resource Director referenced in Chapter 4 of Title 2 of the Antioch Municipal Code, but not including the City Manager or City Attorney. Department heads serve at the pleasure of the City Manager and nothing shall prevent, limit or otherwise interfere with the right of the City Manager to terminate the services of a department head at any time, subject only to the provisions set out herein.

A. Notice Prior to Termination

1. In the event that a department head is terminated at any time, the City Manager shall give the department head six (6) months' advance notice of such termination. In the event of any department head terminated for cause, there shall be no advance notice requirement. For the purposes of this document, "cause" means an action involving moral turpitude, conviction of a crime other than a minor traffic violation, any act of dishonesty, gross carelessness or misconduct, or an unjustifiable neglect of duties.
2. Recognizing the unique aspects of the position of Police Chief, if the Police Chief is terminated, the above advance notice provisions shall apply, along with a requirement that the City pay severance in the form of monthly payment of regular salary and benefits for an additional period of six (6) months beyond the actual date of termination or until he/she obtains other comparable employment, whichever first occurs.
3. In the event that a department head resigns or retires following a request or suggestion to do so by the City Manager, then the notice (and in the case of the Police Chief, the severance pay) provisions listed above shall apply.
4. If the City Manager or City Council reduces the salary and/or benefits of a department head by more than an applicable across-the-board reduction for all other management employees, or reduces the department head in rank, then the department head may be deemed to have been terminated at his or her option.

B. Notice of Separation

Any department head who wishes to voluntarily resign or retire shall provide the City with at least thirty (30) days' advance written notice of his or her intention to do so. The City Manager may waive this requirement in the event of medical urgency or similar hardship.

6. MISCELLANEOUS

A. Auto Allowance

Elected Officials and, with the City Manager's approval, all Executive Management employees, except those positions who are assigned a City vehicle, shall receive a monthly auto allowance as follows:

- City Manager \$450.00
- Executive Management \$350.00

With the City Manager's approval, the following positions shall receive a monthly auto allowance noted below:

- Deputy Director of Community Development 250.00
- Assistant to the City Manager 250.00

Employees who use their own vehicles and who do not receive a car allowance shall receive reimbursement at the rate established by Administrative Memo.

B. Standby

1. The Public Works Department Superintendents and Supervisors, and other employees as designated in writing by the City Manager and assigned to standby shall be compensated as follows:
2. For each full week, seven (7) calendar days, an employee who is on standby shall receive eleven (11) hours of standby compensation. Employee on standby shall receive three (3) additional hours of standby compensation for a holiday worked during that 7-day period. If two (2) holidays fall during a 7-day period, the employee shall receive six (6) additional hours of standby compensation. Compensation shall be in pay or compensatory time off subject to an 80-hour compensatory-time maximum accumulation.

C. Safety Shoes

The following employees shall receive One-Hundred Sixty Dollars and No/100ths (\$160.00) per fiscal year toward safety shoes:

Assistant City Engineer
Chief Building Official
Code Enforcement/Asset Recovery Coordinator
Collection Systems Superintendent
Collection Systems Supervisor
Community Development Director
Deputy Director of Public Works - Operations
Public Works Director/City Engineer
Water Distribution Superintendent
Water Distribution Supervisor
Water Quality Analyst
Water Treatment Plant Superintendent
Water Treatment Plant Supervisor

D. Safety Jackets and Hats

Management employees, who are subject to being called out for emergencies on streets, medians or other sites where high visibility is necessary for safety, shall be provided with a safety orange jacket and orange hat. Jackets and hats shall be replaced as deemed necessary by the department head.

E. Educational Incentive

1. The City will reimburse employees for books, and tuition, up to a maximum of \$1,000 per year for approved college classes in accordance with the process set out in Administrative Memo based on a first-come, first-served basis. (Administrative Memo 5, amount amended by Administrative Memo 56).

CITY OF ANTIOCH



Steven Duran
City Manager

12/02/2014

Date

MANAGEMENT UNIT



Michael Bechtholdt
Deputy Director of Public Works

12/1/14

Date

**APPENDIX A
SAMPLE FLEXIBLE BENEFIT PLAN INCREASE**

- 1. At least thirty (30) days prior to the beginning of the annual open enrollment period, the City shall determine which of the City-offered medical and dental plans have the highest percentage of employees enrolled on a City-wide basis for each coverage level offered by the City.**

The City would determine which medical plan currently has the most city employees enrolled at each level of coverage which is employee only, two party and family. The same determination would be made for dental plans. If a plan has a composite rate, the composite rate would be used at each level of coverage.

For the purposes of this example, Medical Plan A and Dental Plan A have been determined to be the plans with the most City employees enrolled at the employee only, the two party and family levels of coverage.

- 2. The City shall add the dollar amounts of the announced premium increases for each coverage level, to become effective in the following plan year, for the appropriate two plans, to obtain the total dollar increase for the most densely populated medical and dental plans at each coverage level.**

Employee Only Coverage

PLAN	NEW RATE	CURRENT RATE	INCREASE
Medical Plan A	\$ 205.00	\$ 190.00	\$ 15.00
Dental Plan A	80.00	70.00	10.00
Total	\$ 285.00	\$ 260.00	\$ 25.00

Two-Party Coverage

PLAN	NEW RATE	CURRENT RATE	INCREASE
Medical Plan A	\$ 310.00	\$ 285.00	\$ 25.00
Dental Plan A	80.00	70.00	10.00
Total	\$ 390.00	\$ 355.00	\$ 35.00

Family Coverage

PLAN	NEW RATE	CURRENT RATE	INCREASE
Medical Plan A	\$ 545.00	\$ 500.00	\$ 45.00
Dental Plan A	80.00	70.00	10.00
Total	\$ 625.00	\$ 570.00	\$ 55.00

3. The City then shall divide the sum of the increases by the total current contribution for each of the appropriate two plans at each tier of coverage to determine the percentage amount of the medical and dental increases. This calculation shall be completed for each level of coverage offered by the City.

Employee Only Coverage: The sum of the increases for the two plans (\$25.00) divided by the total current contribution for the two plans (\$260.00) equals the percentage amount of the combined medical and dental increases **(9.6%)**.

Two Party Coverage: The sum of the increases for the two plans (\$35.00) divided by the total current contribution for the two plans (\$355.00) equals the percentage amount of the combined medical and dental increases **(9.9%)**.

Family Coverage: The sum of the increases for the two plans (\$55.00) divided by the total current contribution for the two plans (\$570.00) equals the percentage amount of the combined medical and dental increases **(9.6%)**.

4. The City would then increase the amounts provided in Section H. 2. a. b. and c. of this Article by 50% of the percentage increases determined above, up to 50% of a maximum annual increase of \$2,000 (a \$1,000 increase to the City's annual contribution).

Employee Only Coverage: One half of 9.6% equals 4.8%. The total Flexible Benefits Plan contribution rate for employee only coverage would be increased by **4.8%**

Two Party Coverage: One half of 9.9% equals 4.95%. The total Flexible Benefits Plan contribution rate for two-party coverage would be increased by **4.95%**.

Family Coverage: One half of 9.6% equals 4.8%. The total Flexible Benefits Plan contribution rate for family coverage would be increased by **4.8%**.

If the annual increase exceeds \$2,000 the City will increase the amounts provided in Section H. 2. a. b. and c. of this Article by 50% of the \$2,000 (\$1,000) and 100% of any amount above \$2,000.

For example, if the annual increase at any level of coverage was determined to be \$2,500, the City would increase its annual contribution to that level of coverage by \$1,500 (50% of \$2,000 plus 100% of the amount above \$2,000).



March 7, 2016

Contact:

Steve Duran
(925 779-7011
sduran@ci.antioch.ca.us

FOR IMMEDIATE RELEASE

MAYOR ANNOUNCES NEW CITY ATTORNEY

Mayor Wade Harper announced that the City Council has hired Michael Vigilia, currently the Assistant City Attorney in Hayward, California. All Contract terms have been agreed upon and the City is set to approve a contract on March 8, 2016.

Vigilia, who became the Assistant City Attorney for the City of Hayward in 2011, balanced litigation, transactional and advisory responsibilities and served as the legal advisor to the Public Works Department, Maintenance Services Department and advised the Police Department on transactional matters. He recently advised the Hayward City Council on Prop 218 and Prop 26 issues related to the creation of a community benefit district in the downtown area. He had previously advised on legislation involving the regulation of outdoor feeding events, overnight camping on City-owned property, illegal dumping and simulated gambling devices.

Prior to his stint in Hayward, Vigilia was the Deputy City Attorney for the City of Fresno where he served as City Prosecutor and was appointed Special Deputy District Attorney. He represented the City of Fresno in Code Enforcement proceedings related to serious health and safety violations and served as legal advisor to the Police Department.

Mayor Harper stated, "After conducting a series of interviews with city attorney candidates it became clear that Mike rose to the top as having the background and experience that we were searching for."

Vigilia' compensation package includes an annual salary of \$180,000 and a one year severance package. He is set to officially start work in Antioch in March 2016.

###



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 8, 2016

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Steve Duran, City Manager *SD/spd*

SUBJECT: Senate Bill 876 (Liu) Enforcement of Local Ordinances,
Including Issues Related to Homelessness

RECOMMENDED ACTION

It is recommended that the City Council authorize the Mayor to sign a letter (Attachment A) opposing Senate Bill 876 (Attachment B), which would preempt local authority to address important issues affecting public health and safety, including issues related to homelessness.

STRATEGIC PURPOSE

The recommended action supports to following strategic initiatives:

Strategy D-1: Improve existing community partnerships and realize new partnerships to help improve neighborhoods and reduce blight.

Strategy D-2: Create a multifaceted team of resources that can assemble to address areas that habitually experience any combination of criminal, illegal, blighting, and nuisance activities and/or conditions

FISCAL IMPACT

The recommended action has no fiscal impact.

DISCUSSION

Senate Bill 876 would preempt local authority to address important issues affecting public health and safety in public spaces and on private property that is held open to the public. This would include, but not be limited to, plazas, courtyards, parking lots, sidewalks, public transportation facilities, public buildings, shopping centers and parks. In such areas, homeless individuals would be empowered to occupy such spaces, including with tents and other shelter, while reducing access to other members of the public.

It is imperative that local municipalities maintain the right and the flexibility to protect the public, health, safety and welfare of their communities. Moreover, SB 876 fails to do anything that will have a positive impact in the effort to address chronic homelessness. Removing local enforcement authority as SB 876 proposes will do nothing to solve the problem or help the homeless, and would actually undermine existing efforts. SB 876 contains no solutions for ending homelessness. In fact, the bill on page 3, line 16,

specifically states, "Passing this Act will not reduce homelessness." In addition, the amendments offered in the bill could exacerbate the problem by removing incentives for some to take advantage of existing resources and services being offered.

The key to getting people off of the streets is to provide more shelter. Resources are needed to provide permanent housing beds and accompanying social services such as mental health treatment, job training, addiction counseling, etc. Cities and other local agencies do not have funding to meet these needs and the state exacerbated the problem when it abolished Redevelopment Agencies that provided significant funding for these kind of facilities and housing.

SB 876 would make things worse for cities. The state should be providing funding for these needs instead of making it harder for cities to deal with public health and safety problems related to homelessness.

Information for this report was provided by the California League of Cities.

ATTACHMENTS

- A. Draft Letter
- B. Senate Bill 876

On City Letterhead

DATE

The Honorable Senator Carol Liu
California State Senate
State Capitol, Room 5097
Sacramento, CA 95814
FAX: (916) 651-4925

RE: **SB 876 (Liu) Enforcement of Local Ordinances**
Notice of OPPOSITION, as Amended 2/22/16

Dear Senator Liu:

On behalf of the City of Antioch, I am writing in opposition to Senate Bill 876 (Liu).

SB 876 would preempt local authority to address important issues affecting public health and safety in public spaces and on private property that is held open to the public, including not limited to, plazas, courtyards, parking lots, sidewalks, public transportation facilities, public buildings, shopping centers and parks. Although this proposed legislation may be well intentioned, it is ill advised and undermines local communities' efforts to solve problems related to homelessness. It is imperative that local agencies must continue to be able to protect the public, health, safety and welfare of their communities.

Removing local enforcement authority as you propose in SB 876 will do nothing to solve problem related to homelessness, and would actually undermine existing efforts. SB 876 contains no solutions for ending homelessness. In fact, Section 1(f) of the Bill on page 3, specifically states, "Passing this Act will not reduce homelessness." The amendments offered in the bill still remove local authority to enforce ordinances and could exacerbate the problem by removing incentives for some to take advantage of existing resources and services being offered.

The key to getting people off of the streets is to provide more housing that is affordable for persons of all incomes, including those under 30% of the area median income. Affordable housing is crucial to the success of Contra Costa County's "Housing First" efforts to place homeless persons into housing with the right level of services to help ensure that they stay housed. In addition to housing units, we need more resources: permanent housing beds and accompanying social services such as mental health treatment, job training, addiction counseling, etc. Cities and other local agencies need more funding and flexibility to provide these proven programs.

The City of Antioch is a very active participant in the Contra Costa Council on Homelessness, which is the County's homeless Continuum of Care (CoC) body as recognized by the Department of Housing and Urban Development. Contra Costa is also a partner in the national "Zero: 2016 effort lead by Community Solutions, which is working to end Veteran and chronic homelessness. The CoC has concentrated efforts to coordinate all homeless service activities, established new partnerships to end homelessness, and developed a "by name" list of Veterans and chronically homeless persons in the past year. We now know that at least 900 additional permanent supportive housing beds/units are needed to adequately address homelessness in our County.

The City of Antioch hosts a 20-bed facility for disabled homeless persons with a dual diagnosis of mental illness and drug or alcohol addiction. It is also the site of the East Contra Costa County Multi-Service facility, where any homeless person or family can come for food, showers, mail delivery, connection to mainstream resources such as SSDI, CalWorks, etc., obtain health care from the mobile Health Care for the Homeless team, and most importantly, be assessed and connected to homeless shelter beds and access to permanent housing. In addition, the City invests over \$50,000 annually in CDBG and Housing Successor monies to fund

such services as homeless outreach teams that connect persons in encampments with services, a feeding program, emergency shelter for individuals, and rapid re-housing services.

However, the scope of homelessness in Antioch, Contra Costa County, and California as a whole is enormous. Last year, in Contra Costa County alone, over 5,880 homeless persons received services. Of these, over 1,700 were chronically homeless, almost 500 were Veterans, 711 were families with children, and 948 were children. The majority of those persons who are chronically homeless have both mental health and substance abuse issues, and need appropriate services with housing.

Section 1(r) of the Bill reads “Decriminalization of rest allows municipal governments to redirect resources from local enforcement activities to activities that address the root causes of homelessness and poverty.”

Recession- and austerity-battered cities, especially those outside of the urban core, are simply not equipped to adequately address the *root causes of homelessness and poverty*. To do so would require vastly more resources than are presently spent in managing the effects of the massive migration of persons who are homeless to suburban cities, which that has been documented in Contra Costa County over the past 10 years.

The only solution to problems associated with homelessness is to end homelessness. However, the financial constraints of cities in California have left cities with inadequate resources to do much about that. Putting more burdens on cities is not a viable strategy. Instead of penalizing and burdening local jurisdictions, the State needs to hold itself accountable and responsible to:

- increase funding for affordable housing, especially deeply affordable housing targeted to those under 30% AMI;
- provide funding for permanent supportive housing;
- provide sufficient funding for rapid re-housing services and housing subsidies;
- provide flexible funding for outreach services, emergency shelters, and other efforts to assist homeless persons, which will allow local CoCs to craft effective local solutions.

For all these reasons, the City of Antioch is opposed to SB 876.

Sincerely,

NAME
TITLE

cc: **Your Senator & Assembly Member**
Alison Dinmore, Consultant, Senate Committee on Transportation and Housing, fax: (916) 445-2209
Doug Yoakam, Housing Consultant, Senate Republican Caucus, fax: (916) 414-3681
Sam Caygill, Regional Manager, League of California Cities, scaygill@cacities.org
Meg Desmond, League of California Cities, mdesmond@cacities.org

AMENDED IN SENATE FEBRUARY 22, 2016

SENATE BILL**No. 876**

Introduced by Senator LiuJanuary 14, 2016

An act to add Part 2.2 (commencing with Section 53.8) to Division 1 of the Civil Code, ~~and to amend Section 11135 of~~, and to add Section 11139.2 to, the Government Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

SB 876, as amended, Liu. Homelessness.

Existing law provides that no person shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

~~This bill would expand those provisions to also include exclusion or discrimination based upon homeless status. The bill would prohibit cities, counties, cities and counties, and municipal agencies that receive state funds from enacting or enforcing a law that bans resting in a public space, as defined. The bill would afford persons experiencing homelessness the right to use public spaces without discrimination based on their housing status and describe basic human and civil rights that may be exercised without being subject to criminal or civil sanctions, including the right to use and to move freely in public spaces, the right to rest in public spaces and to protect oneself from the elements, the right to eat in any public space in which having food is not prohibited, and the right to perform religious observances in public spaces, as~~

specified. ~~Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program. The bill would state the intent of the Legislature that these provisions be interpreted broadly so as to prohibit policies or practices that are discriminatory in either their purpose or effect.~~

The bill would authorize a person whose rights have been violated pursuant to these provisions to enforce those rights in a civil action in which the court may award the prevailing party injunctive and declaratory relief, restitution, damages, statutory damages of \$1,000 per violation, and fees and costs.

The bill would also require all applicants for the United States Department of Housing and Urban Development's Continuum of Care Homeless Assistance Program to annually provide to the Department of Housing and Community Development's Division of Housing Policy Development a copy of its application for funding from the United States Department of Housing and Urban Development that includes the organization's response to the application question regarding steps that its community is taking to reduce criminalization of homelessness. *Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) According to the United States Department of Housing and
- 4 Urban Development's report to Congress, 115,738 people were
- 5 estimated to be homeless in California in 2014, a rate that is
- 6 unprecedented following a deep and prolonged economic recession,
- 7 a severe shortage of safe and affordable housing, a failed veteran

1 and civilian mental health system, and a diminished social safety
2 net.

3 (b) According to the United States Department of Education,
4 284,086 schoolchildren were known to have experienced
5 homelessness in the 2013–14 school year.

6 (c) Homelessness is an independent risk factor for a number of
7 illnesses, making people more susceptible to increased health
8 problems due to high stress, sleep deprivation, unsanitary
9 surroundings, lack of access to hygiene facilities, and a myriad of
10 other situational stressors experienced by people without stable
11 housing. Subsequently, people who are chronically homeless are
12 more medically frail and three to four times more likely to die
13 prematurely than their housed counterparts.

14 (d) Throughout California, local governments have enacted
15 ordinances that make it illegal to rest or receive nourishment in
16 public spaces.

17 (e) Ending homelessness in California will require significant
18 state and federal resources and there is ample evidence that policies
19 that invest in ending homelessness, rather than criminalizing and
20 marginalizing people who are experiencing homelessness,
21 adequately balance the needs of all parties: community residents,
22 government agencies, businesses, and men and women who are
23 experiencing homelessness.

24 (f) Passing this act will not reduce homelessness, but neither
25 will local ordinances that criminalize homelessness. Instead,
26 ordinances that criminalize homelessness result in increased
27 incarceration rates and financial indebtedness of people who simply
28 have no means of support and prolong homelessness by making
29 it more difficult for people to secure housing, employment, and
30 medical care. Criminalization policies further marginalize men
31 and women who are experiencing homelessness, fuel inflammatory
32 attitudes, and may even unduly restrict constitutionally protected
33 liberties.

34 (g) That is why, on September 18, 2015, the United States
35 Department of Housing and Urban Development included in the
36 annual Notice of Funding Availability for the Continuum of Care
37 funding competition, provisions that would award additional points
38 to any application that could include steps the community is taking
39 to reduce criminalization of homelessness.

1 (h) It is also why, on August 6, 2015, the United States
2 Department of Justice submitted a rare statement of interest in a
3 United States District Court in opposition to the criminalization
4 of people who are homeless, calling it cruel and unusual
5 punishment to punish someone for a crime with the potential for
6 imprisonment and a violation of constitutional rights.

7 (i) While these ordinances apply to all residents, they
8 disproportionately impact people without homes, who have no
9 private place to rest or seek nourishment, and are often selectively
10 applied by law enforcement to people based upon their appearance
11 or an assumption of homelessness.

12 (j) In practice, these ordinances deprive persons experiencing
13 homelessness and those who may be perceived as homeless of a
14 safe and legal place to rest and seek nourishment, which adversely
15 impacts their health and well-being.

16 (k) Sleep deprivation impairs cognitive processes and puts one
17 at risk for obesity, heart disease, heart attack, heart failure, irregular
18 heartbeat, high blood pressure, stroke, diabetes, and depression.
19 People who are homeless suffer from sleep deprivation and, absent
20 a place to rest, they suffer it more frequently.

21 (l) Because current practices have denied the right to adequate
22 legal representation to people cited or arrested while resting or
23 sharing food, homeless persons are often denied relief or damages
24 through the courts.

25 (m) Both the federal government, through its Interagency
26 Council on Homelessness, and the United Nations have recognized
27 that discrimination and criminalization violate a homeless person's
28 human rights and have called upon state and local governments to
29 cease enactment and enforcement of those laws.

30 (n) Homelessness and the increasing criminalization of
31 homelessness and discrimination against those experiencing
32 homelessness are widespread throughout California and are matters
33 of statewide concern.

34 (o) Section 1 of Article I of the California Constitution provides
35 that “[a]ll people are by nature free and independent and have
36 inalienable rights. Among these are enjoying and defending life
37 and liberty, acquiring, possessing, and protecting property, and
38 pursuing and obtaining safety, happiness, and privacy,” without
39 qualification as to whether or not a person is, or appears to be,
40 homeless.

1 (p) Subdivision (a) of Section 7 of Article I of the California
2 Constitution provides that “[a] person may not be deprived of life,
3 liberty, or property without due process of law or denied equal
4 protection of the laws ... ”

5 (q) Concordant with this fundamental belief, a person should
6 not be subject to discrimination based on his or her income, housing
7 status, or ability or desire to appear housed. Therefore, it is the
8 intent of the Legislature in enacting this legislation to protect the
9 rights of all Californians, regardless of their housing status, and
10 ameliorate the adverse effects caused by the criminalization of
11 homelessness on our communities and our citizens.

12 (r) Decriminalization of rest allows municipal governments to
13 redirect resources from local enforcement activities to activities
14 that address the root causes of homelessness and poverty.

15 SEC. 2. Part 2.2 (commencing with Section 53.8) is added to
16 Division 1 of the Civil Code, to read:

17
18 PART 2.2. HOMELESS PERSONS
19

20 53.8. For purposes of this part, the following definitions shall
21 apply:

22 (a) “Homeless persons,” “homeless people,” or “persons
23 experiencing homelessness” means those individuals or members
24 of families who lack a fixed, regular, and adequate nighttime
25 residence, including people defined as homeless using the criteria
26 established in the Homeless Emergency Assistance and Rapid
27 Transition to Housing (HEARTH) Act of 2009.

28 ~~(b) “Motor vehicle” means a motor vehicle as defined in Section~~
29 ~~415 of the Vehicle Code.~~

30 (e)

31 (b) “Public space” means any property that is owned by a
32 government entity or any property upon which there is an easement
33 for public use and that is held open to the public, including, but
34 not limited to, plazas, courtyards, parking lots, sidewalks, public
35 transportation facilities and services, public buildings, shopping
36 centers, and parks.

37 ~~(d) “Recreational vehicle” means a recreational vehicle as~~
38 ~~defined in Section 18010 of the Health and Safety Code.~~

39 (e)

1 (c) “Rest” means the state of not moving, holding certain
 2 postures that include, but are not limited to, sitting, standing,
 3 leaning, kneeling, squatting, sleeping, or lying.

4 53.81. (a) ~~Persons~~—*It is the intent of the Legislature that this*
 5 *section be interpreted broadly so as to prohibit policies or practices*
 6 *that are discriminatory in either their purpose or effect.*

7 (b) *Persons* experiencing homelessness shall be permitted to
 8 use public space in the ways described in this section at any time
 9 that the public space is open to the public without discrimination
 10 based upon their housing status, and without being subject to
 11 criminal, civil, or administrative penalties. Permitted use of the
 12 public space include, but are not limited to, all of the following:

13 (1) Free movement without restraint.

14 (2) Sleeping or resting, and protecting oneself from the elements
 15 while sleeping or resting in a nonobstructive manner.

16 (3) Eating, sharing, accepting, or giving food in a space in which
 17 having food is not otherwise generally prohibited.

18 (4) Praying, meditating, worshiping, or practicing religion.

19 ~~(b)~~

20 (c) Nothing in this section shall prevent law enforcement from
 21 enforcing laws to protect the right of people to use the ~~sidewalk~~,
 22 *sidewalk* pursuant to the Americans with Disabilities Act of 1990
 23 (42 U.S.C. Sec. 12101 et seq.).

24 ~~(e)~~

25 (d) Nothing in this section shall prevent law enforcement from
 26 enforcing the Penal Code, except subdivision (e) of Section 647
 27 of the Penal Code, so far as it prohibits rest.

28 53.82. (a) Any person whose rights have been violated pursuant
 29 to this part may enforce those rights in a civil action.

30 (b) The court may award appropriate injunctive and declaratory
 31 relief, restitution for loss of property or personal effects and
 32 belongings, actual damages, compensatory damages, exemplary
 33 damages, statutory damages of one thousand dollars (\$1,000) per
 34 violation, and reasonable attorney’s fees and costs to a prevailing
 35 party.

36 ~~SEC. 3. Section 11135 of the Government Code is amended~~
 37 ~~to read:~~

38 ~~11135. (a) No person in the State of California shall, on the~~
 39 ~~basis of race, national origin, ethnic group identification, religion,~~
 40 ~~age, sex, sexual orientation, color, genetic information, disability,~~

1 or homeless status, be unlawfully denied full and equal access to
2 the benefits of, or be unlawfully subjected to discrimination under,
3 any program or activity that is conducted, operated, or administered
4 by the state or by any state agency, is funded directly by the state,
5 or receives any financial assistance from the state. Notwithstanding
6 Section 11000, this section applies to the California State
7 University.

8 (b) With respect to discrimination on the basis of disability,
9 programs and activities subject to subdivision (a) shall meet the
10 protections and prohibitions contained in Section 202 of the federal
11 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132),
12 and the federal rules and regulations adopted in implementation
13 thereof, except that if the laws of this state prescribe stronger
14 protections and prohibitions, the programs and activities subject
15 to subdivision (a) shall be subject to the stronger protections and
16 prohibitions.

17 (c) (1) As used in this section, “disability” means any mental
18 or physical disability, as defined in Section 12926.

19 (2) The Legislature finds and declares that the amendments
20 made to this act are declarative of existing law. The Legislature
21 further finds and declares that in enacting Senate Bill 105 of the
22 2001–02 Regular Session (Chapter 1102 of the Statutes of 2002),
23 it was the intention of the Legislature to apply subdivision (d) to
24 the California State University in the same manner that
25 subdivisions (a), (b), and (c) already applied to the California State
26 University, notwithstanding Section 11000. In clarifying that the
27 California State University is subject to paragraph (2) of
28 subdivision (d), it is not the intention of the Legislature to increase
29 the cost of developing or procuring electronic and information
30 technology. The California State University shall, however, in
31 determining the cost of developing or procuring electronic or
32 information technology, consider whether technology that meets
33 the standards applicable pursuant to paragraph (2) of subdivision
34 (d) will reduce the long-term cost incurred by the California State
35 University in providing access or accommodations to future users
36 of this technology who are persons with disabilities, as required
37 by existing law, including this section, Title II of the federal
38 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
39 and following), and Section 504 of the Rehabilitation Act of 1973
40 (29 U.S.C. Sec. 794).

1 ~~(d) (1) The Legislature finds and declares that the ability to~~
2 ~~utilize electronic or information technology is often an essential~~
3 ~~function for successful employment in the current work world.~~

4 ~~(2) In order to improve accessibility of existing technology, and~~
5 ~~therefore increase the successful employment of individuals with~~
6 ~~disabilities, particularly blind and visually impaired and deaf and~~
7 ~~hard-of-hearing persons, state governmental entities, in developing,~~
8 ~~procuring, maintaining, or using electronic or information~~
9 ~~technology, either indirectly or through the use of state funds by~~
10 ~~other entities, shall comply with the accessibility requirements of~~
11 ~~Section 508 of the federal Rehabilitation Act of 1973, as amended~~
12 ~~(29 U.S.C. Sec. 794d), and regulations implementing that act as~~
13 ~~set forth in Part 1194 of Title 36 of the Federal Code of~~
14 ~~Regulations.~~

15 ~~(3) Any entity that contracts with a state or local entity subject~~
16 ~~to this section for the provision of electronic or information~~
17 ~~technology or for the provision of related services shall agree to~~
18 ~~respond to, and resolve any complaint regarding accessibility of~~
19 ~~its products or services that is brought to the attention of the entity.~~

20 ~~(e) As used in this section, “sex” and “sexual orientation” have~~
21 ~~the same meanings as those terms are defined in subdivisions (r)~~
22 ~~and (s) of Section 12926.~~

23 ~~(f) As used in this section, “race, national origin, ethnic group~~
24 ~~identification, religion, age, sex, sexual orientation, color, or~~
25 ~~disability” includes a perception that a person has any of those~~
26 ~~characteristics or that the person is associated with a person who~~
27 ~~has, or is perceived to have, any of those characteristics.~~

28 ~~(g) As used in this section, “genetic information” has the same~~
29 ~~definition as in paragraph (2) of subdivision (e) of Section 51 of~~
30 ~~the Civil Code.~~

31 ~~(h) As used in this section, “homeless status,” or “people~~
32 ~~experiencing homelessness” means those individuals or members~~
33 ~~of families who lack a fixed, regular, and adequate nighttime~~
34 ~~residence.~~

35 ~~(i) As used in this section, “public space” means any property~~
36 ~~that is owned by any government entity or any property upon which~~
37 ~~there is an easement for public use and that is held open to the~~
38 ~~public, including, but not limited to, plazas, courtyards, parking~~
39 ~~lots, sidewalks, public transportation facilities and services, public~~
40 ~~buildings, shopping centers, and parks.~~

1 (j) ~~As used in this section, “rest” means the state of not moving,~~
2 ~~holding certain postures that include, but are not limited to, sitting,~~
3 ~~standing, leaning, kneeling, squatting, sleeping, or lying. Rest also~~
4 ~~includes the act of protecting oneself from the elements, in a~~
5 ~~nonobstructive manner.~~

6 (k) ~~The Legislature finds and declares that people with a~~
7 ~~homeless status lack a private space to rest, and, therefore, they~~
8 ~~must rest in a public space.~~

9 (l) ~~It is the intent of the Legislature to protect the rights of all~~
10 ~~people, including those experiencing homelessness, in order to~~
11 ~~diminish the adverse effects of municipalities engaged in violating~~
12 ~~the fundamental right to rest.~~

13 (m) ~~In order to ensure full and equal access to the benefits and~~
14 ~~protections afforded by this section against discrimination in the~~
15 ~~administration of any program or activity conducted, operated, or~~
16 ~~administered by the state or any state agency funded directly by~~
17 ~~the state, or that receives any financial assistance from the state,~~
18 ~~no city, county, city and county, or municipal agency that receives~~
19 ~~state funds shall enact or enforce a law that bans resting in a public~~
20 ~~space, as defined in Part 2.2 (commencing with Section 53.8) of~~
21 ~~Division 1 of the Civil Code.~~

22 ~~SEC. 4.~~

23 *SEC. 3.* Section 11139.2 is added to the Government Code, to
24 read:

25 11139.2. To improve monitoring of discrimination based upon
26 housing status and violations of ~~Section 11135, Part 2.2~~
27 ~~(commencing with Section 53.8) of Division 1 of the Civil Code,~~
28 and to ensure that people who are experiencing homelessness are
29 not unlawfully denied full and equal access to the benefits of
30 state-funded programs or assistance, or unlawfully subjected to
31 discrimination, all applicants for the United States Department of
32 Housing and Urban Development’s Continuum of Care Homeless
33 Assistance Program shall annually provide to the Department of
34 Housing and Community Development’s Division of Housing
35 Policy Development a copy of its application for funding from the
36 United States Department of Housing and Urban Development
37 that includes the organization’s response to the application question
38 regarding steps that its community is taking to reduce
39 criminalization of homelessness.

1 ~~SEC. 5.~~

2 *SEC. 4.* If the Commission on State Mandates determines that
3 this act contains costs mandated by the state, reimbursement to
4 local agencies and school districts for those costs shall be made
5 pursuant to Part 7 (commencing with Section 17500) of Division
6 4 of Title 2 of the Government Code.

O