



Council Chambers  
200 H Street  
Antioch, CA 94509

Special Meeting - 6:00 P.M.  
Regular Meeting - 7:00 P.M.

# ANNOTATED AGENDA

for

## SEPTEMBER 11, 2018

Antioch City Council

SPECIAL AND REGULAR MEETING

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

Sean Wright, Mayor

Lamar Thorpe, Mayor Pro Tem

Monica E. Wilson, Council Member

Tony Tiscareno, Council Member

Lori Ogorchock, Council Member

Arne Simonsen, CMC, City Clerk

Vacant, City Treasurer

Ron Bernal, City Manager

Derek Cole, Interim City Attorney

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

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*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, 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 – SPECIAL MEETING – for Council Members – *Council Members Wilson, Thorpe, Tiscareno and Mayor Wright (Council Member Ogorchock – Absent)***

#### PLEDGE OF ALLEGIANCE

#### SPECIAL MEETING

1. APPOINTMENT OF INDIVIDUAL TO FILL THE REMAINDER OF THE VACANT CITY TREASURER POSITION

***Reso No. 2018/112 adopted appointing James D. Davis, 4/0***

Recommended Action: It is recommended that the City Council adopt the resolution appointing one of three applicants to serve as City Treasurer for the remaining term of that office.

STAFF REPORT

**7:10 P.M. ADJOURNED SPECIAL MEETING**

**7:20 P.M. ROLL CALL – REGULAR MEETING – for City /City Council Members acting as Housing Successor to the Antioch Development Agency – *Council Members Wilson, Thorpe, Tiscareno and Mayor Wright (Council Member Ogorchock – Absent)***

#### PLEDGE OF ALLEGIANCE

2. PROCLAMATION

- In Honor of California Coastal Clean Up Day, September, 15, 2018

***Approved, 4/0***

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

STAFF REPORT

#### ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

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

#### CITY COUNCIL COMMITTEE REPORTS

**MAYOR'S COMMENTS – A Moment of Silence in Memory of those who lost their lives on 9/11**

**PRESENTATIONS – Family Justice Center, presented by Executive Director Susun Kim**

**– City Branding update by Evviva Brands, LLC, presented by David Kippen**

STAFF REPORT

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

**A. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR AUGUST 21, 2018**

**Approved, 4/0**

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

STAFF REPORT

**B. APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 28, 2018**

**Continued, 4/0**

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

STAFF REPORT

**C. APPROVAL OF COUNCIL WARRANTS**

**Approved, 4/0**

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

STAFF REPORT

**D. REJECTION OF CLAIM FOR JESUS CARDOZA AND EDITH RAMIREZ**

**Rejected, 4/0**

Recommended Action: It is recommended that the City Council reject the listed claim filed by Jesus Cardoza and Edith Ramirez.

STAFF REPORT

**E. SECOND READING – ACCESSORY DWELLING UNITS ORDINANCE AMENDMENT (Z-18-06)  
(Introduced on 08/28/18)**

**Ord. No. 2151-C-S adopted, 4/0**

Recommended Action: It is recommended that the City Council adopt the Ordinance making text amendments to Section 9-5.3805-Accessory Dwelling Units of the Zoning Ordinance to comply with new State Laws relating to Accessory Dwelling Units.

STAFF REPORT

**F. SECOND READING – AN ORDINANCE COMPREHENSIVELY AMENDING TITLE 5, CHAPTER 19, OF THE ANTIOCH MUNICIPAL CODE CONCERNING THE PERMITTING OF MASSAGE ESTABLISHMENTS (Introduced on 08/28/18)**

**Ord. No. 2152-C-S adopted, 4/0**

Recommended Action: It is recommended that the City Council waive the second reading and enact an Ordinance Repealing and Reenacting Chapter 19 Of Title 5 of the Antioch Municipal Code Concerning Massage Establishments.

STAFF REPORT

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

- G.** CITY CLERKS BUSINESS MEETING/WORKSHOP AND LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 11 – 14, 2018

**Approved, 4/0**

Recommended Action: It is recommended that the City Council authorize associated expenditures for the City Clerk to attend the City Clerks Business Meeting/Workshop and League of California Cities Annual Conference September 11 – 14, 2018 in Long Beach, California.

STAFF REPORT

- H.** FORMATION OF THE PROPOSED CITY OF ANTIOCH COMMUNITY FACILITIES DISTRICT NO. 2018-02 (POLICE PROTECTION)

**Reso No. 2018/113 adopted, 4/0**

Recommended Action: It is recommended that the City Council adopt the Resolution of Intention with Respect to Formation of the Proposed City of Antioch Community Facilities District No. 2018-02 (Police Protection).

STAFF REPORT

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

- I.** REFINANCING OF THE ANTIOCH DEVELOPMENT AGENCY AND COMMUNITY DEVELOPMENT BLOCK GRANT LOANS WITH RESOURCES FOR COMMUNITY DEVELOPMENT FOR PINECREST AND TERRACE GLEN APARTMENTS

**Reso No. 2018/114 adopted, 4/0**

Recommended Action: It is recommended that the Housing Successor to the Antioch Development Agency adopt a Resolution authorizing the City Manager to execute documents which will amend, restate and resubordinate existing former Antioch Development Agency (ADA) and Community Development Block Grant (CDBG) loans with Resources for Community Development (RCD) for Pinecrest and Terrace Glen Apartments.

STAFF REPORT

**PUBLIC HEARING**

- 4.** INTRODUCE ORDINANCE REPEALING TITLE 5, CHAPTER 21 OF THE ANTIOCH MUNICIPAL CODE REGARDING MEDICAL MARIJUANA FACILITIES

**To 09/25/18 for adoption, 4/0**

Recommended Action: It is recommended that the City Council introduce an Ordinance repealing Title 5, Chapter 21 of the Antioch Municipal Code regarding Medical Marijuana Facilities.

STAFF REPORT

**PUBLIC HEARING – Continued**

**5. ESTABLISHMENT OF A SENIOR DEVELOPMENT IMPACT FEE AND PARKLAND DEDICATION FEE**

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

**To 09/25/18 for adoption with amendments, 4/0**

- 1) Introduce an Ordinance amending Antioch Municipal Code Sections 9-3.40 and 9-4.1004 to create a Senior Rate Development Impact Fee Category and Parkland Dedication Rate, and

**Reso No. 2018/115 adopted with amendments, 4/0**

- 2) Adopt a Resolution amending the Master Fee Schedule to assign a Senior rate for Development Impact Fees with corresponding values.

STAFF REPORT

**COUNCIL REGULAR AGENDA**

**6. SALES TAX CITIZENS' OVERSIGHT COMMITTEE APPOINTMENTS**

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

**Reso No. 2018/116 adopted  
Appointing Michelle Fitzer to the 2-year term and  
Appointing Kellie M. Farrish, Mika Bell, Susana Williams,  
and Nikki Greer Hermeth to the 4-year term,  
4/0**

- 1) Three Members to the Sales Tax Citizens' Oversight Committee for a two-year term which will expire March 2020; and
- 2) Four Members to the Sales Tax Citizens' Oversight Committee for a four-year term which will expire March 2022.

STAFF REPORT

**7. CANNABIS BUSINESS GUIDELINES**

Recommended Action: It is recommended that the City Council adopt a Resolution approving the Cannabis Business Guidelines.

**Reso No. 2018/117 adopted with changes, 4/0**

STAFF REPORT

**8. DISCUSSION ON RENAMING 'A' STREET AND/OR 'L' STREET**

Recommended Action: It is recommended that the City Council discuss renaming 'A' Street and/or 'L' Street, and provide direction to staff as to whether or not to move forward with a project, or take any further action.

**Direction provided to staff**

STAFF REPORT

**COUNCIL REGULAR AGENDA – Continued**

**9. INCUBATOR FOR LAUNCHING SMALL BUSINESSES**

***Direction provided to staff***

Recommended Action: It is recommended that the City Council discuss and direct staff regarding efforts for a possible incubator for launching small businesses.

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 – 9:57 p.m.**



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Special Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Derek P. Cole, Interim City Attorney 

**SUBJECT:** Appointment of Individual to Fill the Remainder of the Vacant City Treasurer Position

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### **RECOMMENDED ACTION**

It is recommended that the City Council appoint one of three applicants to serve as City Treasurer for the remaining term of that office.

### **STRATEGIC PURPOSE**

The proposed action is consistent with Strategy N-1, Effectively and efficiently provide legal services in support of the City's policies, procedures and initiatives.

### **FISCAL IMPACT**

As noted in the Staff Report prepared for the meeting on August 14, 2018, the cost of a special election to fill the Treasurer position would be \$257,950. This expense would not be incurred if the Council were to appoint one of the three candidates who has applied to serve the remainder of Ms. Conley's term.

### **DISCUSSION**

At the August 14, 2018 regular City Council meeting, the Council adopted a resolution inviting registered voters within the City to apply to serve the remaining term of the City Treasurer position. This position became vacant effective July 31, 2018 with the resignation of Donna Conley.

Three individuals have applied for the Treasurer position: James D. Davis, Kym R. Kelley, and Shelley Richardson. The application materials for each applicant are attached.

The resolution calling for these applications provides that each candidate may make a five-minute statement to the Council. The Council may ask questions of each candidate following his or her presentation.

If it is the pleasure of the Council to appoint one of the candidates, a motion to appoint would require a normal majority vote of a quorum of the Council. If the Council decides not to appoint one of the candidates, a special election would be required by law to fill the remaining term of the position.

**ATTACHMENTS**

- A. Resolution
- B. James D. Davis – Application Materials
- C. Kym R. Kelley – Application Materials
- D. Shelley Richardson – Application Materials



**RESOLUTION NO. 2018/\*\***

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
APPOINTING [INSERT NAME OF APPOINTEE] AS CITY TREASURER**

**WHEREAS**, Donna Conley resigned as City Treasurer effective July 31, 2018;  
and

**WHEREAS**, Government Code Section 36512 provides that the City Council may appoint a registered Antioch voter to fill the unexpired term through November 2020;  
and

**WHEREAS**, on August 14, 2018, pursuant to Resolution No. 2018/102, the City Council decided to invite persons interested in filling the unexpired term of the City Treasurer to submit a statement of qualifications and interest, nomination paper signed by at least 20 registered voters, and the Fair Political Practices Commission (FPPC) Form 700 Statement of Economic Interests; and

**WHEREAS**, three persons submitted applications before the deadline date and made presentations to the City Council on September 11, 2018.

**NOW, THEREFORE, BE IT RESOLVED** that [insert name of appointee] is appointed as Antioch City Treasurer to fill the unexpired term of Donna Conley, which expires in November 2020.

**BE IT FURTHER RESOLVED** that this appointment shall be effective immediately upon [Mr./Ms. Last Name] taking the oath of office.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the City Council of the City of Antioch at a special meeting thereof, held on the 11th day of September, 2018 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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

AUG 29 2018

CITY OF ANTIOCH  
CITY CLERK



**APPLICATION DEADLINE: FRIDAY, AUGUST 31, 2018, 12:00 P.M.,  
City Clerk's Office, 200 H Street**

**COUNCIL MEETING: TUESDAY, September 11, 2018, 6:00 P.M.,  
Council Chambers, 200 H Street**

**APPLICATION FOR CITY TREASURER VACANCY**

(Must be registered voter in the City of Antioch)

PRINT YOUR NAME James D. Davis (Jim)

ADDRESS [REDACTED] CITY [REDACTED]

ZIP CODE [REDACTED] PHONE (H) [REDACTED] (Cell) [REDACTED]

E-MAIL ADDRESS [REDACTED]

OCCUPATION Retired

YEARS LIVE IN THE CITY OF ANTIOCH 60 years

The following information is required for consideration of application:

- 1) Resume; and
- 2) Letter of interest not exceeding 400 words indicating interest, qualifications, background and other information useful for making an appointment; and
- 3) Nomination Paper with signatures of at least 20 but not more than 30 Antioch registered voters; and
- 4) A completed Statement of Economic Interest (Form 700 from Fair Political Practices Commission, <http://www.fppc.ca.gov>).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

James D. Davis  
Signature

8/28/18  
Date

James D. Davis

RECEIVED

AUG 29 2018

CITY OF ANTIOCH  
CITY CLERK

Letter of Interest for City Treasurer appointment.

It is my desire to serve Antioch to the best of my ability in the Office of City Treasurer based and my wide and diverse experience and training. I have a firm working knowledge and understanding of the numerous duties and responsibilities of this vital position and required functions. Having managed people and departments for over 30 years and served in public office for 14 years I have a rich appreciation for all and can relate to all diverse backgrounds.

Given my 30-year banking background I have a strong analytical aptitude to understand financial issues and budgets. I can extrapolate my experience in reviewing and adopting guild lines for the Statement of Investment Policy in compliance with State law, control of wire transfers, field check custodian, processing requests for Assessment District 26 and 27/31 payoffs, picking up property tax checks four times a year , processing travel claims, reviewing paid warrants, preparing the Treasurer's Report to the Council and managing the Certificate of Deposits and all other required duties as set forth in the Government and Municipal Codes.

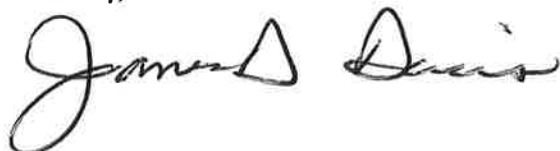
I will be available to attend the California Municipal Treasurers Association (CMTA) activities for additional training and continued education, for quality assurance, comprehensive education programs, high professional standards and public accountability.

In addition to the above duties it is my desire to have a more active profile and presence with the Community by attending more civic events and Council Meeting on a regular basis. I feel it is imperative that, all elected (or appointed) officials are available to the public and physically recognized by those they serve.

Suffice it to say, it is also my intent to be an active contributor as an independent participant to monitor, observe, review and report out on issues pertaining to the current Measure C tax initiative and /or it's possible successor that is pending voter approval in November. It is my belief, that this oversight by a voter elected independent person will help instill a greater sense of trust and fiduciary accountability of this highly contentious increase tax measure, thereby helping with its passage in November. My biggest concern is the city's insolvency in- light- of the possible failure of this tax measure.

To that end, I humbly ask for the support, trust and unanimous confirmation by the City Council to fulfill these important duties of the Office of Treasurer.

Sincerely,

A handwritten signature in black ink that reads "James D. Davis". The signature is written in a cursive style with a large, looped initial "J".

AUG 29 2018

# James D. Davis

 CITY OF ANTIOCH  
 CITY CLERK

Born and raised in Antioch, attending Antioch public School.

Accomplished civic leader with over 30 years financial management and customer service experience. Excels at building relationships with the community to build a united vision. Consistent success implementing projects and identifying cost-savings and efficiencies.

## Core Accomplishments

- Successfully assisted in lobby effort in Washington DC with both Houses of Congress to secure \$1B in federal and local funds to improve highway and public transit funding.
- Increased communications, created unity with community members of various backgrounds and diversities and faith based organizations.
- Worked to assist numerous nonprofits with Community Development Block Grants with City of Antioch.

## Skill Highlights

- Government Relations
- Community Relations
- Public Speaking
- Team Building
- Analytical
- Independent
- Self-motivated
- Professional
- Respectful
- Confidentiality
- Budget Management
- Program Development

## Professional Experience

### Energy Specialist, Cenergistic, Dallas TX 2013 – 2017

- Recovered \$100K from over charge by water district by investigating irregularities.
- Identified savings opportunity of \$2.5m by investigating and executing conservation strategies with Antioch Unified School District personnel resulting in a 20% reduction of annual utility costs.
- Advised Chief Administrator and leadership on consumption and general energy conservation measures.
- Coordinate with Staff on repairs or inefficiencies at 26 school sites and other districts buildings.
- Achieved and maintained Cenergistic goals and objectives by operating mechanical system to proper setting and adjustment and through conservation and behavioral and cultural changes.

### Equity Team Supervisor, Bank of the West, San Ramon, CA 2010 – 2012

- Managed Equity Adjuster Team to handle refinance of Deed of Trust Loans, Loan Modifications, Short Sales, etc. to avoid foreclosure. Charged off non-performing loans and submitted for legal action.
- Trained and monitored team for State and Federal compliance to legal notifications and regulatory requirements for Department of Housing and Urban Development (HUD).
- Successfully achieved Department and Bank goals and objectives by maintaining 24-48 hours decision turnaround and minimizing monetary losses. Responsible for hiring staff.

### Elected Mayor, City of Antioch, Antioch, CA 2008- 2012

- Through increased communications, created unity with all community members of various backgrounds.
- Successfully assisted in lobby effort in Washington DC with both Houses of Congress to secure \$1B in federal and local funds to improve Highway 4 and build E-BART.
- Restructured budget strategy to eliminated redundancies and generate \$17million savings.
- Oversaw \$147million annual operating general fund budget
- Lead the charge to stream line budget during the economic downturn and budget shortfall.
- Worked closely and negotiated with city labor unions and re-negotiated numerous M.O.U's.
- Maintained city solvency, lead efforts to avoid municipal bankruptcy.
- Worked with Chamber of Commerce, City Economic Development Director and City Manager to attract, encourage, establish and maintain significant retail and commercial development to increase city tax base along Lone Tree corridor and in securing Macy's department store.

# James D. Davis

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**Elected Mayor Pro-Tem City of Antioch, Antioch, CA** 1998, 2002, 2006

- Assisted in establishment of Volunteer in Police Service program to augment reduced budget dollars'
- Point person for youth, multi-cultural awareness programs, and Animal Services with positive feedback.
- Increased city-wide communication through regular townhall meetings and small neighborhood gatherings.

**Police Commissioner Antioch, Antioch, CA** 1996 and 2016

- Assisted in increasing Neighborhood Watch programs by 4-fold community wide.
- Neighborhood Watch presenter, crime prevention and personal safety.

**Asset Recovery Supervisor, Bank of the West, San Ramon, CA** 1998 - 2010

- Managed and supervised collection team handling Automobile, Recreational Vehicle and Marine Portfolios.
- Responsible for major \$5 million software integration, reducing collections costs and increasing department profitability and efficiency of Team.
- Lead team to meet or exceed company and divisional goals and objectives. Responsible for hiring staff.

## **Prior Experience**

Equipment Lease Manager, Bank of the West, San Ramon, CA 1986 - 1998  
Field Representative, Citicorp Acceptance Corp, Concord, CA 1981 - 1986  
Realtor Associate, Century 21 Barmore Realty, Antioch, CA 1976 - 1981

## **Leadership & Community Involvement**

- Antioch City Council, **Mayor**
- Antioch City Council, **Mayor Pro-Tem**
- Antioch City Council, **Council Member**
- President, **Mello Roos Board**
- President Board Member **Delta Diablo Sanitation District**
- Chairman of the Board of Directors, **Tri-Delta Transit**
- Vice Chairman, **Antioch Development Agency**
- Member, **Contra Costa Mayors Conference**
- Lead Committee Member, **Antioch Community Development Block Grants**
- Council Liaison, **Antioch Youth Council**
- President Board of Directors, **Antioch Sister City Organization**
- Charter Committee Member, **Antioch Multi-Cultural Awareness Foundation**
- President Board of Directors, **Elderly Wish Foundation**
- Chairman, **Antioch War Dog Memorial Committee**
- Member, **California League of Cities Public Safety Policy Committee**
- Co-Chair, **Antioch 4<sup>th</sup> of July Parade Committee**
- Chairman, **Antioch Veteran's Day Parade**
- Chairman, **Antioch Veteran's Days and Memorial Day Programs**
- Committee Task Force, **Antioch Parks and Recreation**
- Scout Master, Committee Chairman, Unit Commissioner, District Chairman; **Boy Scouts of America**



AUG 31 2018

CITY OF ANTIOCH  
CITY CLERK

**APPLICATION DEADLINE: FRIDAY, AUGUST 31, 2018, 12:00 P.M.,  
City Clerk's Office, 200 H Street**

**COUNCIL MEETING: TUESDAY, September 11, 2018, 6:00 P.M.,  
Council Chambers, 200 H Street**

**APPLICATION FOR CITY TREASURER VACANCY**  
(Must be registered voter in the City of Antioch)

PRINT YOUR NAME Kym R. Kelley

ADDRESS [REDACTED] CITY [REDACTED]

ZIP CODE [REDACTED] PHONE (H) [REDACTED] (Cell) [REDACTED]

E-MAIL ADDRESS [REDACTED]

OCCUPATION Homemaker / Student (online)

YEARS LIVE IN THE CITY OF ANTIOCH 14

The following information is required for consideration of application:

- 1) Resume; and
- 2) Letter of interest not exceeding 400 words indicating interest, qualifications, background and other information useful for making an appointment; and
- 3) Nomination Paper with signatures of at least 20 but not more than 30 Antioch registered voters; and
- 4) A completed Statement of Economic Interest (Form 700 from Fair Political Practices Commission, <http://www.fppc.ca.gov>).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

[Handwritten Signature]  
Signature

8/31/18  
Date

**RECEIVED**

**AUG 31 2018**

**CITY OF ANTIOCH  
CITY CLERK**

Kym R. Kelley



August 31, 2018

Honorable Mayor and City Council Members:

With over 25 years of combined experience as a successful Corporate HR Manager, Recruiter, Mortgage Loan Officer, Banking Customer Relationship Manager, Underwriter, Event Planner and Business Owner I feel my experience aligns well with the qualifications you are seeking for City Treasurer. I have extensive experience managing and driving the financials of organizations to generate revenue growth.

I am an extremely focused, analytical thinker with great networking skills, extremely motivated and a results-oriented leader with extensive skills in the areas of revenue growth, market analysis, and business. I am now seeking the opportunity to utilize my experience for The City of Antioch.

Bank of America, WAMU, Robert Half, MBA Personnel, Consolidated CM, Global Dynamics Inc., Versata Inc., RRPI Insurance Services, Inc., Bay Area Productions, Lady's Catering, Versata, Silicon Solutions 2000 and Where Did You Get Your Shoes? Boutique are a few of the companies I have had the pleasure to work with as a Direct Hire, Contract Employee or Business Owner.

My highlights range from creating budget and finance reports, maintaining checking and savings accounts, and overseeing the development and implementation of budgets to ensure financial security. A sample of key contributions from my career includes:

- Reconciled bank statements on a regular basis resulting in accurate reporting of financial records.
- Matched invoices, purchase orders, and packing slips in order to recognize valid financial obligations
- Generated purchase orders for corporate expenses.
- Collected 1099 tax forms from vendors and officials required by the IRS

Considering my wide array of qualifications and financial experience I feel it makes me an excellent candidate for the Antioch City Treasure position.

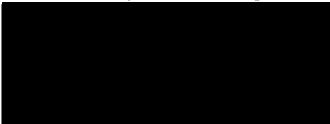
I look forward to an opportunity to work in this capacity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kym R. Kelley', written over a light blue horizontal line.

Kym R. Kelley

AUG 31 2018

CITY OF ANTIOCH  
CITY CLERKKym R. Kelley  
QUALIFICATIONS:

A seasoned professional Corporate HR Manager, Finance Professional, Underwriter, Loan Officer, Banking Customer Relationship Manager, Event Planner, Recruiting Manager, IT Recruiting Manager and Trainer. A tenacious problem solver, team player and decision maker with the ability to set realistic priorities, meet deadlines and exceed expectations.

EXPERIENCE:

11/13- 2016                      Where Did You Get Your Shoes? Boutique  
Owner

A Footwear and Clothing Boutique that understood the value of offering our customers the best. Our downtown Antioch Store provided a warm and personable environment for a friendly relaxed shopping experience. We provided the best footwear and offer unbeatable customer service. We cater to those who wear hard to find shoe sizes up to size 13 for women & size 15 for men. We took pride in finding comfortable, stylish, cutting edge footwear, clothing and accessories for our customers.

09/12 – 10/13                      Bank of America- Concord California  
Corporate Team Trainer / HSS II

Responsible for training and assisting new and existing employees with process and procedure. Responsible for processing over 500 files of Conventional and MHA loans approved by an Underwriter or an automated decisioning system within designated SASE level1 signing authority limits. Responsible for clearing conditions and issuing changes to the terms on previously approved loans. Responsible for but not limited to verifying conditions of approval which may include customer income/assets documentation and resolved routine title issues. Active NMLS number 980292 (National Mortgage Licensing System)

10/11 – 09/12                      Bank of America/Aero-Tek, Concord California  
Customer Relationship Manager

Responsible for assisting customers who were solicited or who contacted Bank of America to apply for any number of Loan Modification Programs. Assisted with Collections, Payment processing, Repayment plans, Special Forbearance. Modifications and/or Short Sale, deed-in-lieu and Foreclosure procedures. Received Specialized Segment Training for Home Loan Modifications designed to educate CRM's with the procedures, laws and regulations to assist customers who are either in Bankruptcy or Litigation. Position required impeccable time management, organization and timely follow up with customers.

09/10 – 01/11                      Chevron Federal CU/Aero-Tek, Oakland, California  
Mortgage Loan Processor

A Loan Processor must understand how important their function and responsibilities of gathering required information from the client to present to underwriting and to effectively process the loan before the interest rate lock or contract expires. Extensive customer contact, excellent communication skills.

10/07 – 11/08                      Washington Mutual Bank – Antioch, California  
Banking Loan Consultant/Loan Originator

Managed desk of originated residential mortgage loans for customers. Consultants assured that loans were compliant with current program and product parameters. Developed consistent production of leads from various business development activities including but not limited to cold calling, business retention or contacting existing customers to discuss new products. Collected and analyzed information regarding customer's income, assets, and debts to determine which financial products best meet the customer's needs. Position required extensive documentation, specific proprietary program knowledge, impeccable follow-up, telephone, direct and email contact. Excellent computer and networking skills.

01/03 – 08/07                      Diamonds & Pearls Mortgage of California – Sacramento, California  
Senior Mortgage Finance Manager / Underwriter

Managed 30 employees and a file load of 50 plus loans, all requiring daily interaction. Meet with prospective client(s) to obtain information and discuss various types of loan programs and daily rates. Assisted clients in completing loan application and all Federal and State forms. Obtained pertinent documents, tax returns, income verification and credit report/score to analyze credit worthiness. Experience with processing engines such as ProNet, Calyx Point, Nile, Document Track, Data Verify and Empower.

EDUCATION/TRAINING:

04-09 – 05-10 - Cal State University East Bay – Oakland, CA – Executive Human Resource Management Certification  
Active NMLS number 980292 (National Mortgage Licensing System)  
State of California Notary Public – 2004-2014  
Alameda College - Alameda, California – Business  
Vista College - Berkeley, California – Business





RECEIVED

AUG 31 2018

CITY OF ANTIOCH  
CITY CLERK

**APPLICATION DEADLINE: FRIDAY, AUGUST 31, 2018, 12:00 P.M.,  
City Clerk's Office, 200 H Street**

**COUNCIL MEETING: TUESDAY, September 11, 2018, 6:00 P.M.,  
Council Chambers, 200 H Street**

**APPLICATION FOR CITY TREASURER VACANCY**

**(Must be registered voter in the City of Antioch)**

PRINT YOUR NAME Shelley Richardson

ADDRESS [REDACTED] CITY [REDACTED]

ZIP CODE [REDACTED] PHONE (H) [REDACTED] (Cell [REDACTED])

E-MAIL ADDRESS [REDACTED]

OCCUPATION Payroll Specialist w/ City of Antioch

YEARS LIVE IN THE CITY OF ANTIOCH 35

The following information is required for consideration of application:

- 1) Resume; and
- 2) Letter of interest not exceeding 400 words indicating interest, qualifications, background and other information useful for making an appointment; and
- 3) Nomination Paper with signatures of at least 20 but not more than 30 Antioch registered voters; and
- 4) A completed Statement of Economic Interest (Form 700 from Fair Political Practices Commission, <http://www.fppc.ca.gov>).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Shelley Richardson  
Signature

8/31/18  
Date

# Shelley Richardson

---

August 31, 2018

Council Members  
City of Antioch  
200 H Street,  
Antioch, CA 94509

RECEIVED

AUG 31 2018

CITY OF ANTIOCH  
CITY CLERK

**Dear Council Members:**

As a professional with a background in finance and accounting, I am excited to submit my application for the City of Antioch's Treasurers position. My experience aligns perfectly with the qualifications you are seeking, and I am certain I would be a valuable addition.

With more than 20-years of comprehensive experience working in finance and accounting, I am adept in strategy development, daily oversight, compliance, and excel in problem solving skills. In addition to what I have mastered throughout my career, I am extremely educated with payroll law, benefits, budgeting, and bookkeeping.

In addition to my experience and personal qualities, I have a solid educational foundation and a passion for finance. I am extremely enthusiastic about the City of Antioch, which is not only my home town where I was raised and graduated from, but where I raised my three children as well. I am currently a City of Antioch employee and seek to continue to support the city that my children, myself and my friends live in.

Please review my attached resume for additional details regarding my expertise and career achievements. I am confident that my experience and background will meet your needs for the position of Antioch City Treasurer.

Sincerely,



Shelley Richardson

AUG 31 2018

SHELLEY RICHARDSON  
CITY OF ANTIOCH  
CITY CLERK***Payroll Specialist***

Jan 3, 2017- Present

**City of Antioch - Antioch, CA**

- Perform accounting or financial support work in general accounting and payroll; review and reconcile varied reports, computer generated materials and related data; maintain varied subsidiary ledgers, auditing and reconciling reports and information and posting data as required.
- Review and analyze federal and state regulations and local provisions regarding salary and benefit issues; recommend strategies for implementation of changes in law, memorandum of understanding and resolutions and develop systems, procedures and reports necessary for implementation.
- Provide technical information and direction regarding applicable procedures and methods; interpret and explain rules, regulations and the Memorandums of Understanding for the bargaining units; answer questions and resolve problems or complaints.
- Provide technical information and instruction to human resource staff regarding procedures and methods involved in processing payroll; interpret and explain rules and regulations involving payroll.
- Prepare and reconcile life, health, dental, vision, cafeteria and retirement system reports; reconcile and compute payments due for various benefit program providers; explain payroll benefit deductions to City employees; provide information to the public or City staff in the interpretation of policies, rules or procedures.
- Maintain all payroll records including timesheets, deductions and withholdings, vacation payments, retroactive pay increases, cafeteria plan amounts, and other files and records for reports and auditing purposes; prepare semimonthly, quarterly and annual tax reports and statements for federal and state agencies.
- Proofread and check materials for accuracy, completeness and compliance with departmental policies and regulations; enter and retrieve data from an on-line computer system or personal computer system and use such technologies to run applications, produce reports and bills.
- Maintain payroll system, identify program changes, prepare source documents, and monitor the coding of information; create and update system tables; generate reports for payroll, budget and collective bargaining purposes.

***Payroll Specialist***

June 2014-Jan 2, 2017

**East Bay Regional Park District- Oakland, CA**

- Payroll Duties: Preparing bi-weekly payroll for processing for all district employees which would include union employees as well as for our police and fire department employees.
- Auditing employee time card records from when they submit to final approval for process. Process garnishments and CalPERS for district employees. Balance payroll reports and submit to AGM's.
- Balance payroll taxes and submit for payment. Perform a variety of routine to complex duties for the entire range of bookkeeping and paraprofessional accounting functions and assist in special projects by completing analyses and studies regarding payroll and other areas of accounting.
- Administrative Analyst/Accounts Payable: Auditing purchase requisitions and petty cash requests; processing expense reports and purchase orders; receiving and processing invoices for payment to vendors, Federal, State, and other jurisdictions. Interpreting and applying regulations, policies, contracts, and precedents; communicating with District employees, supervisors, managers, outside vendors. Performing arithmetic calculations for Use/Sale tax.

***Shelley Richardson (pg. 1)***

## ***Business Manager***

February 2012 to June 2014

### **Cypress Meadows Assisted Living – Antioch, CA**

- Manager of 10,000 sq. ft. facility with 110 residents over the age of 60. This facility serves the needs of senior citizens that need 24-hour care to assist them in their daily life. This role included many years of professional and personal experience with Dementia and Alzheimer's residents. I was directly involved in counseling and informing the residents' families and staff about each resident's diagnosis.
- Manager of fifty part-time and full-time employees with three rotating shifts which staffed the facility 24 hours a day, 7 days a week.
- Human Resources: Fully responsible for the hiring, terminating, background checks, employment verifications, job performance reviews, benefit counseling, employees' rights information, schedule training for new and existing employees.
- Process semi-monthly payroll using QuickBooks. Vacation and sick accruals, employee benefits and garnishments.
- Payroll taxes paid by EFTPS (941, 940, DE9 and DE9C). This role included quarterly and yearly payroll tax return preparation and accountings. (W-2's, W-3 transmittals, 1099's, etc.)
- All phases of bookkeeping: Bank reconciliations, credit card reconciliations, accounts payables and receivables, monthly invoicing incoming and outgoing, bank deposits and transfers.
- Workers compensation: New (yearly) policy bidding and current policy payments and auditing. Direct contact person for all worker's compensation related matters with agents, physicians, and employees.
- Responsible for the yearly audits by the State of California and HUD when each agency inspected our facility. All deficiencies would have to be corrected immediately or the facility would face a large fine and/or shut down. This role was performed without fail. Our facility was never forced to close or fined because of the outcome of any of these audits.
- My position included to be on call 24 hours a day for all emergencies within the facility. This included Fire, Police and emergency medical personnel needed to respond due to a facility related issue or a resident illness or injury.
- Marketing for the facility
- Calendaring of all of the owners' meetings and conferences for Cypress Meadows and the owners five other companies.
- Calendaring of all court and conference appearances in which I represented the facility. Including Client/attorney correspondence, filing deadlines, statute of limitations and being the "middle man" between all parties involved.

### ***Payroll Manager/Human Resources/Office Assistant***

July 2007 to July 2012

#### **Legacy Framers, INC. – Pittsburg, CA**

- Process weekly payroll for five hundred plus employees within five different companies using American Contractor and QuickBooks Contractors Edition. This included many employees paid by Prevailing Wages.
- Weekly payroll tax payments via EFTPS. Quarterly and yearly payroll tax returns via EFTPS (941, 940, DE9, DE88)
- Workers compensation reports and audits with extensive knowledge of worker's compensation codes and job vs. employee cost code assignments.
- Knowledge of Labor Board, DIR, OSHA, and California Lien Laws.
- Job tracking and wage/price verifications for new and existing contracts.
- Human Resources: Processing of newly hired employees as well as the termination of employees. Set up of benefit packages (medical, dental and vision) and maintaining vacation, sick, and all employee garnishments.
- Management of all open enrollment of employee 401K, medical, dental and vision benefit packages.
- Bookkeeping/Accounting by inputting and posting transactions to the G/L and Cash Payments accounts. Reconcile and balance G/L and other Cash and Ledger accounts. Bank reconciliations for the payroll bank account and the company's main bank account.

***Shelley Richardson (pg. 2)***

***Office Administrator***

October 2006 to July 2007

**Jet Tax – Antioch, CA**

- Administrative duties within a very busy tax office including the processing of twelve (12) clients (businesses), bookkeeping and payroll using QuickBooks. Quarterly and year end reports for all clients and Jet Tax including 941, 940, DE88 coupons for each client plus Sales Tax.
- Tax preparations during “Tax Season”. Taxes prepared in Lacerts software systems including E-Filings.
- Heavy call volume and customers service in and out of the office.

***Research Specialist (Contractor)***

October 2004 to September 2006

**LSI Real Estate (Formally known as Fidelity Tax Services) - Pasadena, CA**

- Research property tax information for various Mortgage Companies including escrow and non-escrow accounts throughout the United States: including status of paid and non-paid taxes and jeopardy of properties due to non-payment or third party sales.
- Verifying parcel numbers with legal descriptions.
- Review of mortgage closing documents for accuracy and contacting title companies and/or closing agent for discrepancies with closing documents.
- High volume of incoming and outgoing phone contacts. Contacted customers and Field representatives within very busy Tax Collectors offices from different counties all over the United States.
- Heavy data entry/noting the lenders’ systems within LSI’s own internal network.
- Fraud control and express processing of tax and loan documents.
- 95% of work performed was completed remotely from my home office.

***Medical Transcriptionist***

March 2000 to May 2000

**Centers for Occupational Health – Concord, CA**

- Transcribe the doctors’ notes from patient examinations. Doctors’ would dictate onto tape, which was then transcribed onto paper and placed into patient’s medical records. Copies of reports sent to insurance companies and/or employers and other doctors requests. Extensive accuracy and precision was mandatory and fulfilled. Knowledge of ICD9 codes and medical terminology.

***Customers Service Representative***

May 1993 to December 1994

**Avnet Cable Technologies – Flippin, AR**

- Accepted client orders, analyze and forecast supplies needed on a client-by-client basis, forecast upcoming work orders, distribution of work orders to production department, projected workload for production managers. Very detailed date entry and bookkeeping of supplies, parts lists and parts ordered.

***Operations Assistant***

October 1992 to May 1993

**First Deposit National Bank – San Ramon, CA**

- Employment verification for credit applications, manage daily work log, analyze previous work history, updating computer records for customer’s files, direct interaction with applicants and their employers. Responsible for the discovery and processing of fraudulent claims.

***Billing Manager***

June 1992 to October 1992

**Dr. Jozsef Linzky DDS – Antioch, CA**

- Front and back office responsibilities with emphasis on their medical and private insurance billing. Updating all patients' notes and dictations, bookkeeping, reception, and customers' services.
- Dental Assistant training started from doctor.
- Knowledge of Denti-Cal and Contra Costa County affiliated state ran agencies for the financial unstable patients.

***Medical Billing Clerk***

May 1991 to June 1992

**Diablo Dermatology – Antioch, CA**

- Front and back office assistant to doctors
- Processing of Medicare and private billings, bookkeeping, receptionist, client assistants with appointments and issuance related issues, filing, data entry, doctor's notations/dictation for patient files.

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**Education**

Graduate Antioch High School, Antioch, CA

Los Medanos College, Pittsburg, CA – Business/Nursing Program

University of Phoenix, Phoenix, AZ – Bachelor's Degree in Public Administration (currently enrolled/ graduation date 2020)

**Skills and Program Abilities:**

American Contractor

QuickBooks

Microsoft Excel

Outlook

Word

Extensive knowledge of payroll and payroll taxes

Type 50 wpm

10 key by touch 70 wpm

Accounts payables/receivables

iPortal (Document Scanner)

Homesaver

Tera Term (property tax system)

ADP

Paychecks



*IN HONOR OF*  
**CALIFORNIA COASTAL CLEAN UP DAY**  
**SEPTEMBER 15, 2018**

*WHEREAS, the State of California has more than 2,000 miles of varied coastline from sandy beaches to rocky shores, and from productive estuaries, marshes, tidal flats & rivers to urban areas and harbors; and*

*WHEREAS, Antioch's creeks are an important resource of the coastal zone that connect to the coast, the ocean, and the vast amount of open space that all residents value and enjoy; and*

*WHEREAS, the City of Antioch is committed to managing the creeks and the river shoreline in our community to ensure that the environmental and economic value of these aquatic habitats are sustained; and*

*WHEREAS, Coastal Cleanup Day is a chance for residents to join people around the world in expressing their respect for our creeks, oceans and waterways; and*

*WHEREAS, protecting the San Joaquin River and our network of waterways is a responsibility shared by individual citizens, the business community and public institutions and requires year-round public awareness; and*

*WHEREAS, the California Coastal Commission has sponsored the State's largest annual volunteer event for nearly thirty-five years and this year, will sponsor the statewide Annual Coastal Cleanup Day on September 15, 2018; and*

*WHEREAS, the City of Antioch is happy to have two locations check-in this year at the Antioch Water Park and the Antioch Marina and our pre-event paddle & pickup on Friday, September 14, 2018.*

*NOW, THEREFORE, I, SEAN WRIGHT, Mayor of the City of Antioch, do hereby proclaim Saturday, September 15, 2018 as "COASTAL CLEANUP DAY" in the City of Antioch and encourage all citizens, businesses, and groups to help with cleaning up our coastal and water environments for the benefit of all residents.*

SEPTEMBER 11, 2018

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SEAN WRIGHT, Mayor



# FAMILY JUSTICE CENTER

2151 Salvio St., Ste. 201, Concord

256 24<sup>th</sup> Street, Richmond

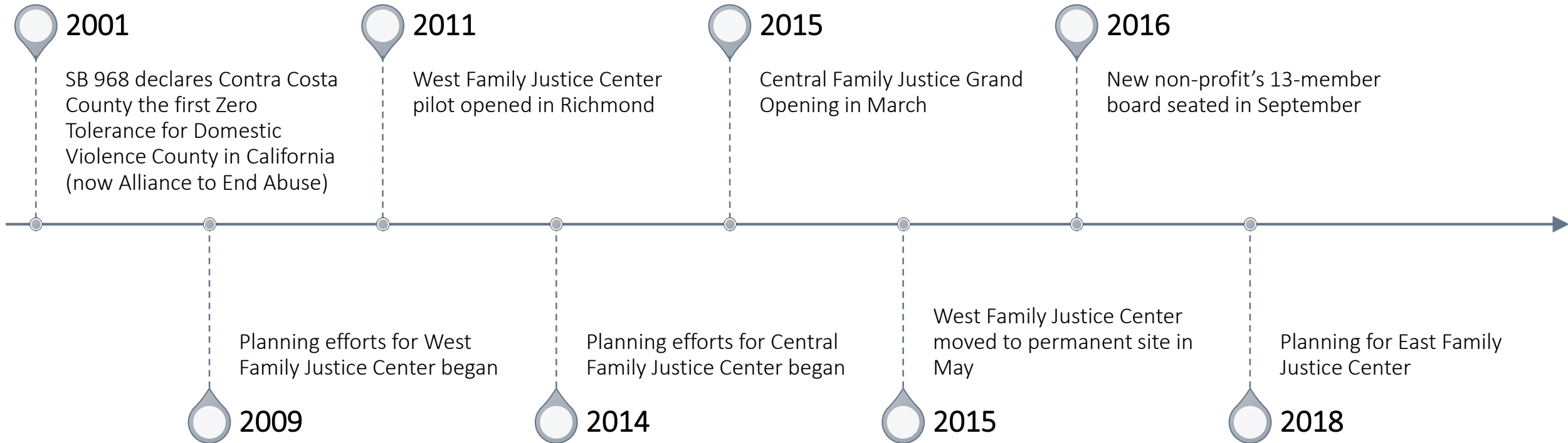


## Family Justice Center Update

July 2018 • Susun Kim



# History and Background





# Board of Directors

<b>Name</b>	<b>Affiliation</b>	<b>Seat Type</b>
Devorah Levine	Contra Costa Alliance to End Abuse	Institutional
Guy Swanger	Police Chiefs' Association	Institutional
Angie Coffee	East Bay Leadership Council	Institutional
Stephanie Kang	District Attorney's Office	Institutional
Stephanie Merrell	John Muir Health	Institutional
Diane Burgis	Board of Supervisors	Institutional
Kenneth Carlson	Mayor's Conference	Institutional
Bisa French	Richmond Police Department	Individual
Dana Filkowski	District Attorney	Individual
Jackie Seeno	Cyrus Land Investments, LLC	Individual
Kay Tittle	Law Offices of Kay Tittle	Individual
Tom Siino	Siino & Associates	Individual
Wanda Remmers	Shining Star Consulting, LLC	Individual

# Family Justice Staff and Partners

**10 Staff:** 3 Navigators at each Center; 7 out of 10 speak Spanish

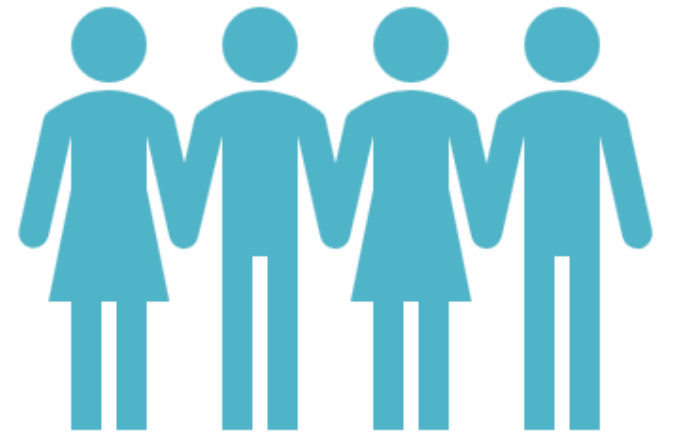
**42 MOU partners**

**6** law enforcement agencies, incl. DA

**5** County and City agencies, incl. EHSD public benefits & APS

**31** non-profit partners, incl. STAND, CVS, BayLegal, MOW, Narika, NAMI, Ombudsman, COPE, IRC, Jubilee Immigration Advocates

**9** Lawyers for Family Justice



# Reports of IPV in Our Community



10,998 DV crisis calls handled by STAND! in FY16/17

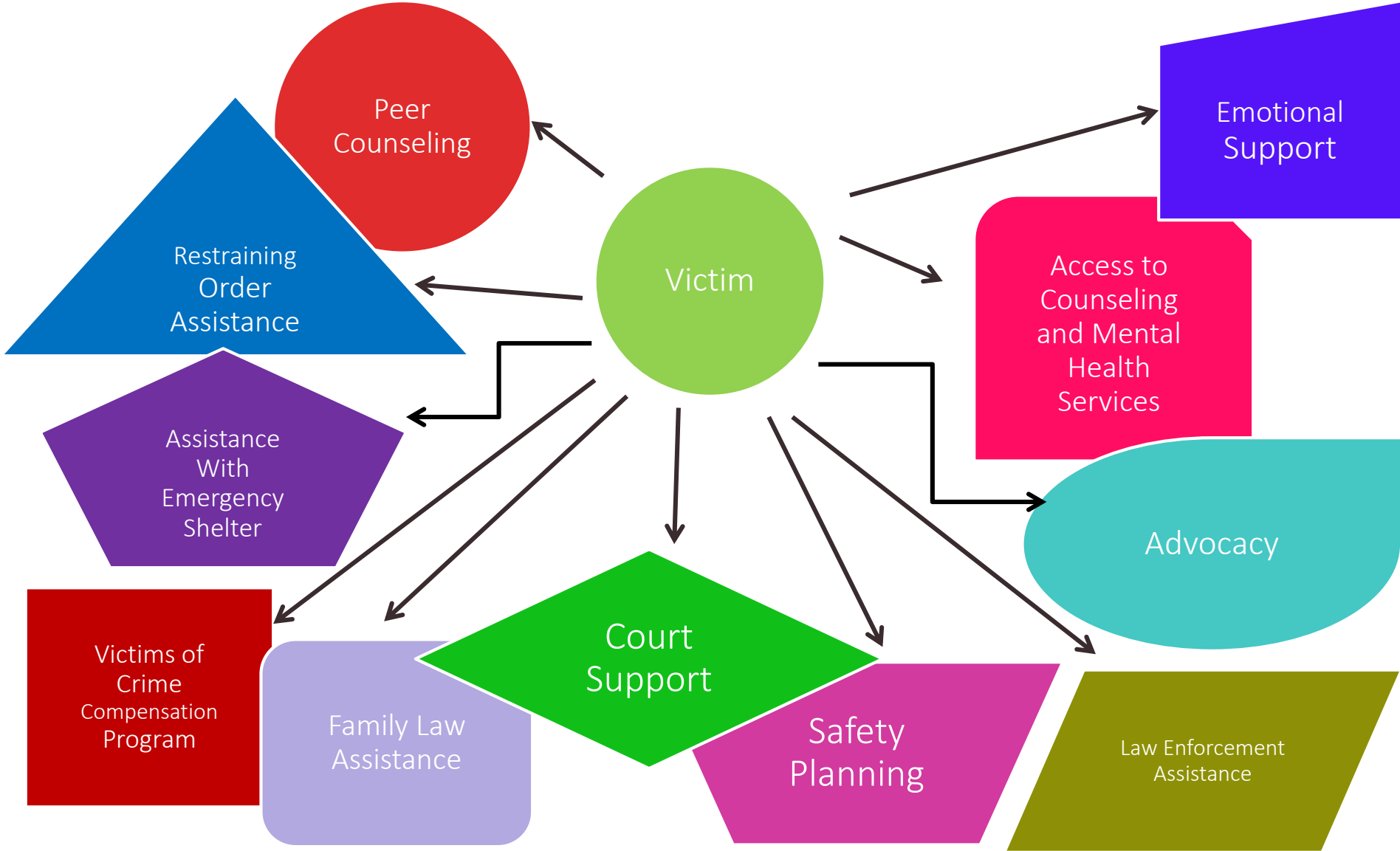
DA reviewed 673 felony DV reports and 1,758 misdemeanor DV reports

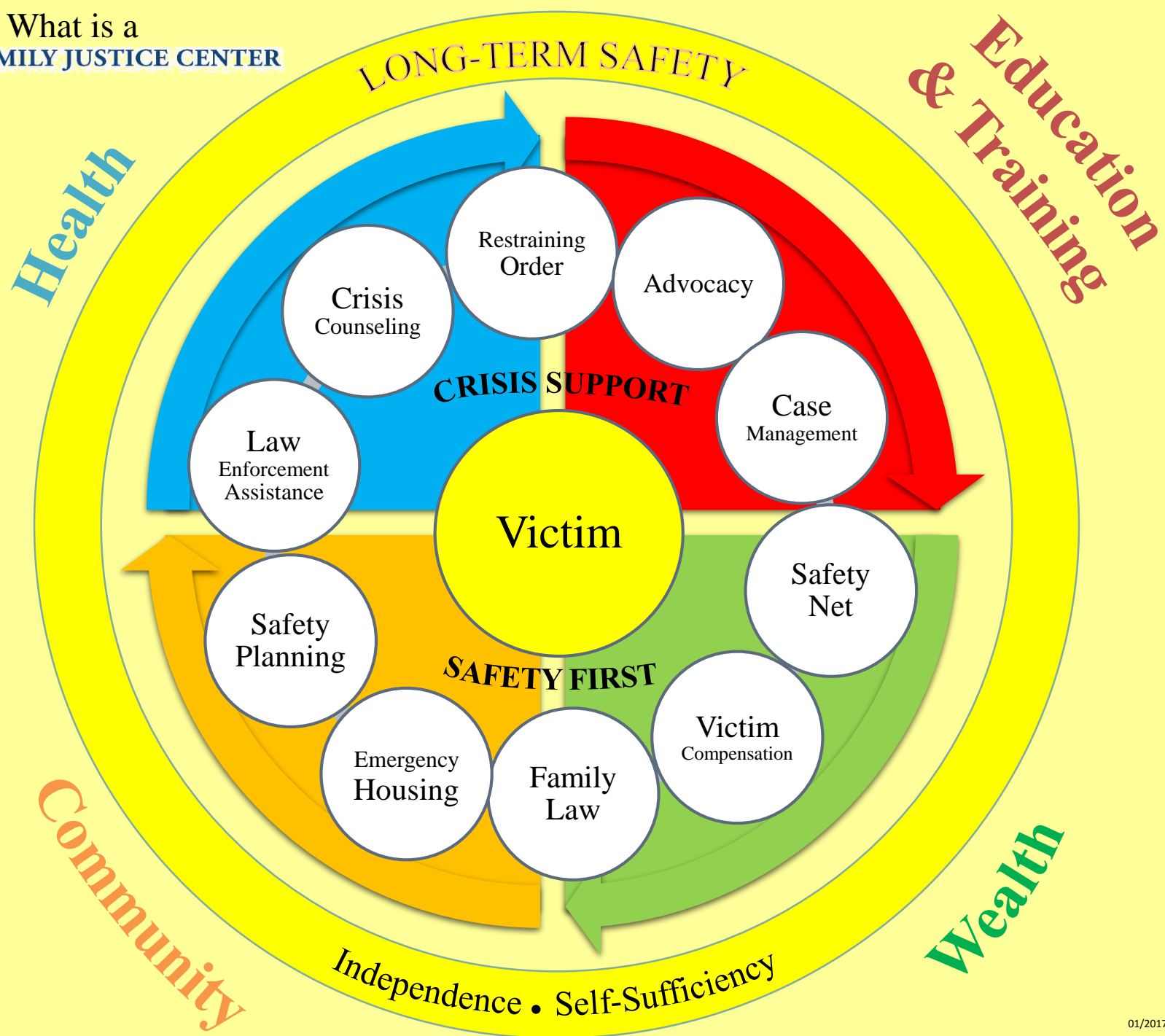
4,261 Elder Abuse reports to APS (2,806 in 2015)

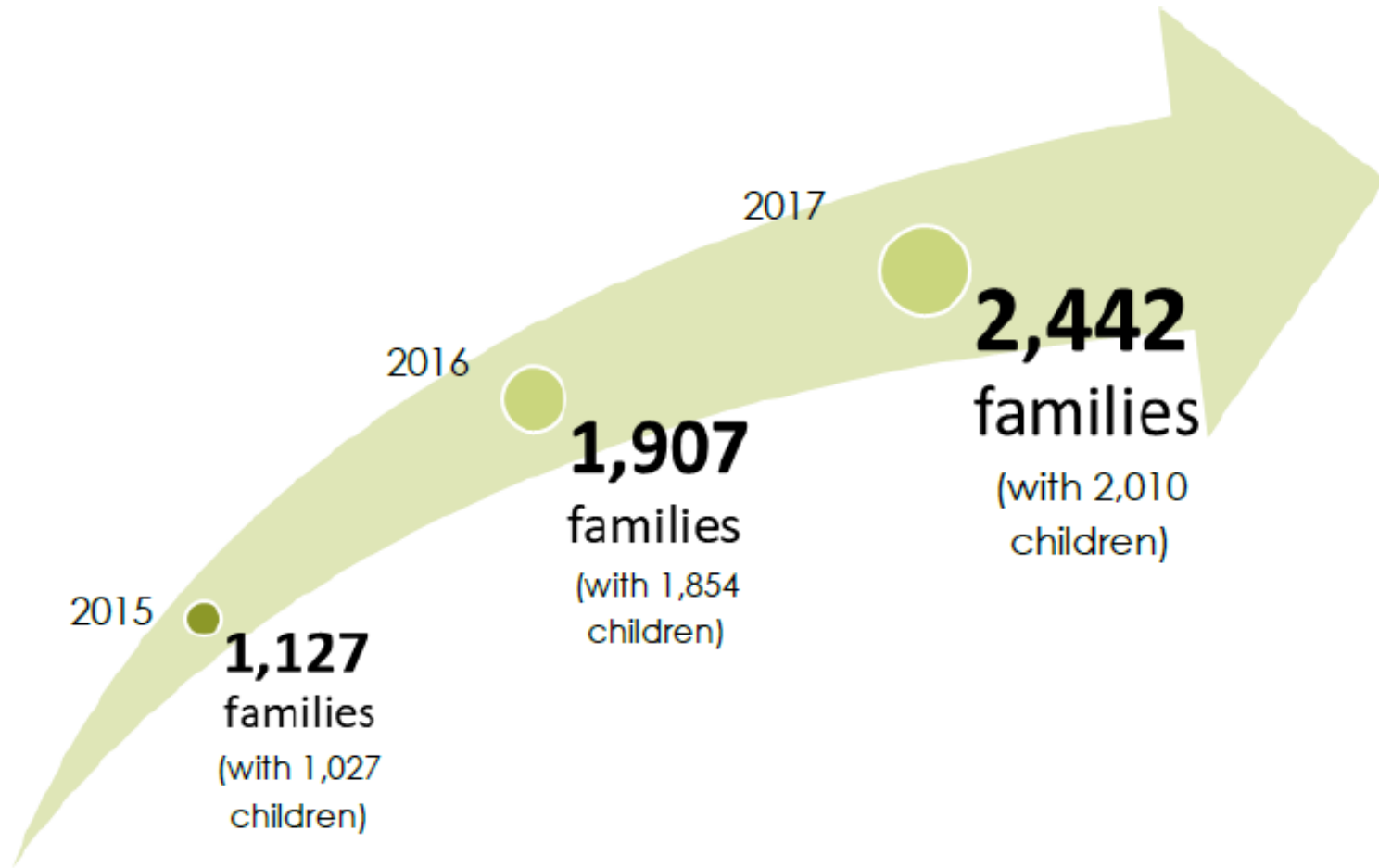
37,000 Child Abuse hotline calls and 7,300 referrals in FY15/16

167 Sexual Assault victims served by CVS in 2016

109 Human Trafficking victims in 2014-15; 103 sex; 1 labor; 4 both; 39 children; 9% non-US citizens







# 3-Year Service Data

## Our Clients

81% have prior history with DV, CFS, APS, RO, custody, or law enforcement

76% have children

65% earn less than \$2,000 per month

42% are worried about safety

33% speak Spanish as a primary language

23% are referred by law enforcement

21% have no medical insurance

21% lack immigration status

14% are disabled

13% are men

12% are referred by friends or family

11% live with a substance abuser

9% are over 60 years old

3% have no place to stay tonight

Race/Ethnicity	%
Hispanic	52%
White	21%
Black/African American	18%
Asian	6%
Other	5%
American Indian/Alaskan Native	1%
Native Hawaiian/Pacific Islander	1%

Top Client Needs	%
Advocacy ("Comprehensive Services")	21%
Family Law/Court Assistance	15%
Restraining Order	11%
Victim Services	6%
Mental Health/Counseling	6%
Civil Legal Assistance (not Family Law)	6%

Top 5 Connections	% of clients
STAND!	29%
Lawyers for Family Justice	22%
Community Violence Solutions	7%
Bay Area Legal Aid	5%
Victim Assistance Program	4%

Central Center

1,399

West Center

1,043

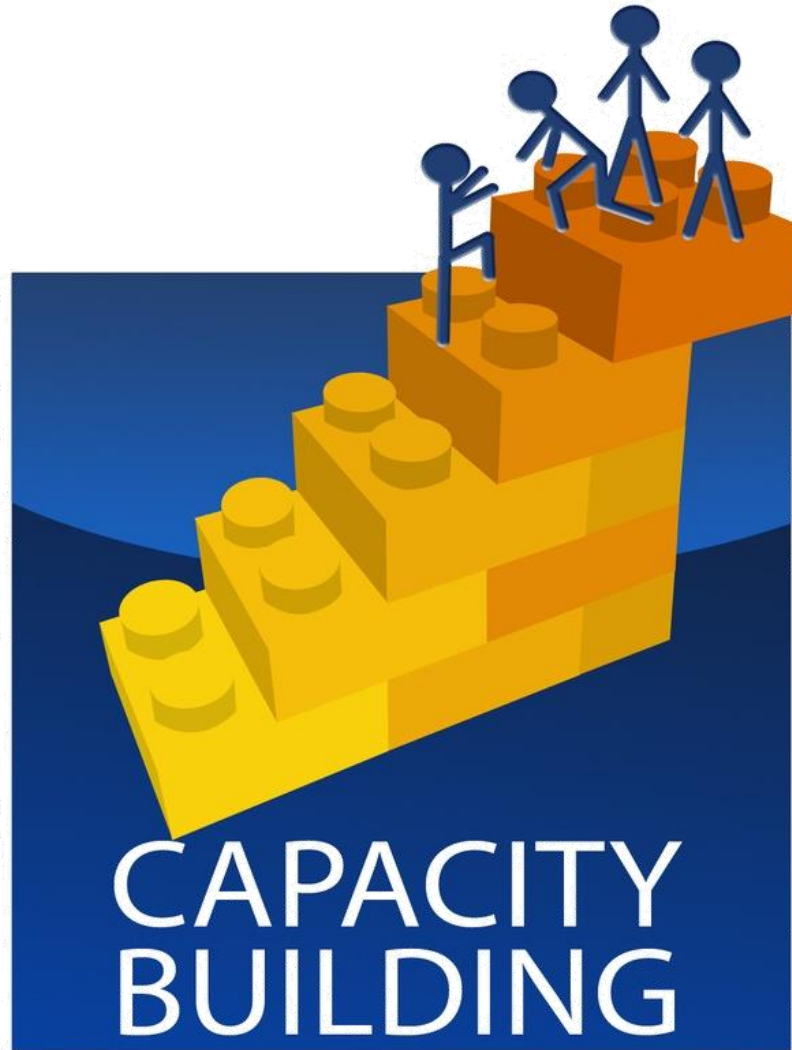
Type of Violence	West Central	
Domestic Violence	78%	75%
Sexual Assault	11%	12%
Child Abuse	12%	7%
Elder Abuse	6%	7%
Stalking	4%	3%
Human Trafficking	1%	1%



# Where Do They Live – 2017

Alamo, CA	4	Knightsen, CA	1
Antioch, CA	127	Lafayette, CA	11
Bay Point, CA	64	Martinez, CA	45
Bethel Island, CA	2	Moraga, CA	5
Brentwood, CA	32	Oakley, CA	45
Clayton, CA	8	Orinda, CA	5
Concord, CA	413	Pacheco, CA	11
Crockett, CA	1	Pinole, CA	24
Danville, CA	14	Pittsburg, CA	92
Discovery Bay, CA	10	Pleasant Hill, CA	30
El Cerrito, CA	23	Richmond, CA	644
El Sobrante, CA	23	Rodeo, CA	15
Hercules, CA	34	San Pablo	122
Kensington, CA	3	San Ramon	27
		Walnut Creek	53

# Supporting



- Family Justice Institute
- Multidisciplinary Team (MDT) Meetings
- Law Enforcement Training
- Elder Abuse Prevention Project (EAPP)

Over 65 is fastest growing segment:  
107,272 in 2000 to 130,432 in 2010,  
21.5% increase

# Funding Sources

## 2018 Budget: \$1.9 million

Government: \$1,169,794 (62%)

Foundations: \$463,425 (24%)

Individuals/Corporations: \$155,000 (8%)

## 2017 Actual: \$1.3 million

Government: \$622,043 (48%)

Foundations: \$439,028 (34%)

Individuals/Corporations: \$110,187 (8%)

*\* remainders come from in-kind contributions*

*\* 2016 48% foundation; 2015 57% foundation*

# East Center Planning

2711 Hillcrest Avenue, Antioch

## East Center

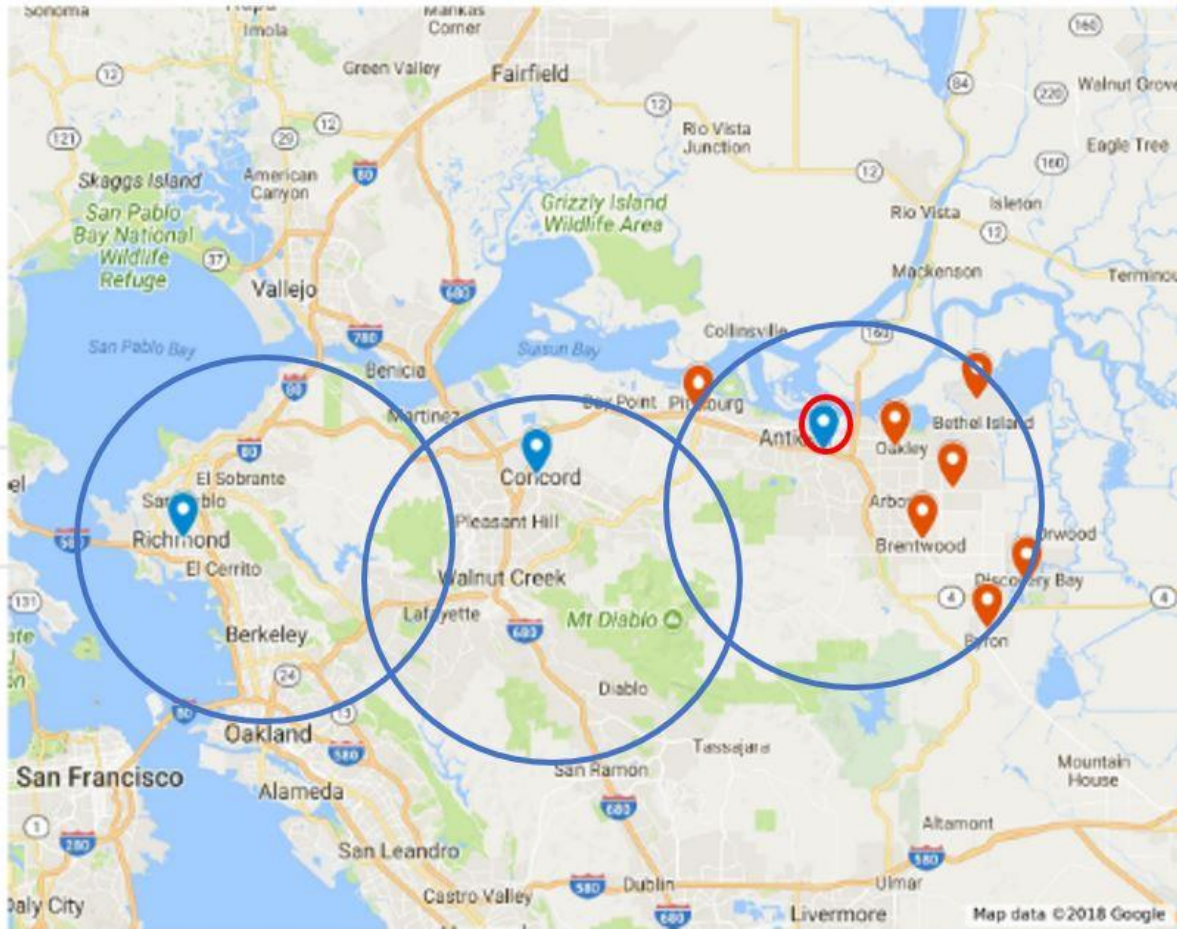
Untitled layer

- East Center
- Central Center
- West Center
- Pittsburg City Hall
- Oakley City Hall
- Brentwood City Hall
- Discovery Bay
- Byron
- Bethel Island

Untitled layer

- Knightsen

Distances from City Halls to East Center



- Construction to begin in September
- Move-in: After November
- Grand Opening: January 2019
- September Community Engagement Event
- Startup budget: \$130,000
- First year operating budget: \$370,000 (2 Navigators and 1 PA)

# East County Regional Vision

- ❖ Antioch, Brentwood, Oakley & Pittsburg
- ❖ Co-location of law enforcement staff
- ❖ Partnership opportunities with City programs and services
- ❖ Financial contributions



# How to Reach Us

## [cocofamilyjustice.org](http://cocofamilyjustice.org)

### West Center

256 24<sup>th</sup> Street  
Richmond, CA 94804  
(510) 974-7200

### Central Center

2151 Salvio Street, Ste 201  
Concord, CA 94520  
(925) 521-6366

### East Center

*coming soon*  
Antioch, CA

## CITY COUNCIL MEETING

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

**August 21, 2018**  
**Council Chambers**

Mayor Wright called the meeting to order at 7:03 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Ogorchock and Mayor Wright  
Absent: Council Members Tiscareno and Thorpe

### **PLEDGE OF ALLEGIANCE**

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

### **PUBLIC COMMENTS – None**

#### **1. RECEIPT OF REPORT UNDER ELECTIONS CODE SECTION 9212 CONCERNING THE INITIATIVE TO CHANGE GENERAL PLAN DESIGNATIONS WITHIN THE SAND CREEK FOCUS AREA AND PERMANENTLY REQUIRE VOTER APPROVAL OF AMENDMENTS TO URBAN LIMIT LINE (SAVE MOUNT DIABLO INITIATIVE)**

Acting City Manager Mastay introduced Agenda Item #1.

Interim City Attorney Cole presented the staff report dated August 21, 2018, recommending the City Council receive a report under Elections Code Section 9212 concerning the Initiative to Change General Plan Designations within the Sand Creek Focus Area and Permanently Require Voter Approval of Amendments to Urban Limit Line (Save Mount Diablo Initiative). He noted that the City received letters regarding this item and his office, in conjunction with the Planning Department, were analyzing the legal positions asserted by those parties.

Director of Community Development Ebbs stated that they had inadvertently referenced “The Ranch Initiative” rather than the “Sand Creek Initiative” in the report which, he noted, was inconsequential. He noted that he would be available to answer questions this evening.

Loretta Sweatt, Antioch resident, stated she was in favor of Council receiving the report and she was in favor of placing the “Sand Creek Initiative” on the ballot. She discussed the impact of new development on home values and questioned how the City was preparing for future development.

Seth Adams, Land Conservation Director for Save Mount Diablo, apologized for not attending the July 24, 2018 Council meeting, as he had a family emergency. He commented that the 9212 report did not state that a majority of the impacts listed were triggered when The Ranch Initiative was adopted. He stated that they understood the City’s concerns regarding fees; however, to suggest there would be a significant decrease in what might be expected was speculative. He clarified that their Measure was focused solely on the area west of Deer Valley Road and would have no effect on unit counts to the east of the area. Additionally, he noted that the 2100-unit suggestion made in the tables was an illustrative figure and the overall unit count could go up or down depending upon how the City proceeded.

Jeff Carman, Contra Costa Fire Protection District, expressed concern that the City had approved The Ranch Development without assuring that the Fire District's needs had been met. He noted the Fire Department had indicated numerous times that it could not serve this community without additional infrastructure and funding. He suggested Council direct City staff to re-engage with the Fire District to discuss their needs and insure services could be provided into the future.

Bryan Wenter, Miller, Starr, Regalia on behalf of Richland Communities, acknowledged the letter they had provided which, he noted, was intended to help clarify the record on this matter and legal issues that had been raised.

Dwayne Eubanks, Antioch resident, stated he did not believe the City could grow their way out of their financial issues. He stated he supported Save Mount Diablo and gathered signatures in support of their Initiative to limit growth.

Kristina Gutilla, Antioch resident, on behalf Antioch Community to Save Sand Creek, encouraged Council to adopt their initiative.

On motion by Councilmember Ogorchock, seconded by Councilmember Wilson, the City Council unanimously received the report.

## **PUBLIC COMMENTS**

Razia Chaus, Concord resident, stated she was seeking housing or an SBDC loan for her husband and son, in Antioch. She requested someone from the City contact her regarding this matter.

Mayor Wright requested Acting City Manager Mastay refer this item to Teri House.

**STAFF COMMUNICATIONS – None**

## **COUNCIL COMMUNICATIONS**

Councilmember Ogorchock requested staff meet with the Fire Department to discuss their needs and insure services into the future.

## **ADJOURNMENT**

With no further business, Mayor Wright adjourned the meeting at 7:26 P.M.

Respectfully submitted:

*Kitty Eiden*  
KITTY EIDEN, Minutes Clerk





## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Christina Garcia, CMC, Deputy City Clerk *Cg*

**APPROVED BY:** Nickie Mastay, Administrative Services Director *NM*

**SUBJECT:** City Council Meeting Minutes of August 28, 2018

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### **RECOMMENDED ACTION**

It is recommended that the City Council continue the Meeting Minutes of August 28, 2018 to the next meeting.

### **STRATEGIC PURPOSE**

N/A

### **FISCAL IMPACT**

None

### **DISCUSSION**

N/A

### **ATTACHMENT**

None.

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 AUGUST 17 - AUGUST 30, 2018  
 FUND/CHECK#

**100 General Fund**

**Non Departmental**

376522 AMERICAN TOWERS LLC	DEPOSIT REFUND	669.00
376538 CALIFORNIA BUILDING STANDARDS	4TH Q - FY 17/18	1,655.10
376620 PERMIT SERVICES	CBSC FEE REFUND	1.50
376644 SUNRUN	CBSC FEE REFUND	4.96
376675 ANTIOCH OPTICIANS	SB1186 STATE FEE REFUND	4.00
376706 ENERGY SOLUTIONS	CBSC FEE REFUND	1.88
376747 RANEY PLANNING & MANAGEMENT	CONSULTING SERVICES	3,510.43
376749 SANDOVAL, ARNULFO	DEPOSIT REFUND	928.00
376750 SATELLITE HOUSING INC	DEPOSIT REFUND	2,681.25
376777 DELTA DENTAL	PAYROLL DEDUCTIONS	302.95
932311 MICHAEL BAKER INTERNATIONAL	CONSULTING SERVICES	1,121.30

**City Council**

376698 DELL COMPUTERS	COMPUTER EQUIPMENT	168.31
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**City Attorney**

376571 GIBBONS AND CONLEY	LEGAL SERVICES RENDERED	5,393.40
376585 JARVIS FAY AND DOPORTO LLP	FEDERAL COMPLIANCE	13,020.50
376661 WESTAMERICA BANK	COPIER LEASE	90.26
376663 ZANDONELLA REPORTING SERVICE	LEGAL SERVICES RENDERED	1,307.10
376664 ZANDONELLA REPORTING SERVICE	LEGAL SERVICES RENDERED	3,318.00
376753 SHRED IT INC	SHRED SERVICES	63.98

**City Manager**

376532 BEST BEST AND KRIEGER LLP	WATERFRONT DEVELOPMENT	1,732.64
376566 FEDERAL ADVOCATES INC	ADVOCACY SERVICES	4,166.67
376592 LEW EDGARDS GROUP, THE	CONSULTANT SERVICES	4,950.00
376653 VERIZON WIRELESS	DATA SERVICES	38.01
376661 WESTAMERICA BANK	COPIER LEASE	90.26
376740 OFFICE MAX INC	OFFICE SUPPLIES	160.43

**City Clerk**

376661 WESTAMERICA BANK	COPIER LEASE	270.80
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**City Treasurer**

376569 GARDA CL WEST INC	ARMORED CAR PICK UP	270.97
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**Human Resources**

376582 IEDA INC	PROFESSIONAL SERVICES	4,557.69
376661 WESTAMERICA BANK	COPIER LEASE	270.80

CITY OF ANTIOCH  
 CLAIMS BY FUND REPORT  
 FOR THE PERIOD OF  
 AUGUST 17 - AUGUST 30, 2018  
 FUND/CHECK#

376708 RETIREE	RETIREMENT AWARD CHECK	200.00
376740 OFFICE MAX INC	OFFICE SUPPLIES	116.10
376753 SHRED IT INC	SHRED SERVICES	64.00
932306 RETIREE	RETIREMENT AWARD CHECK	250.00

**Economic Development**

376557 DUALHARE INC	COMMUNICATION SERVICES	2,600.00
376653 VERIZON WIRELESS	DATA SERVICES	709.07
376661 WESTAMERICA BANK	COPIER LEASE	90.28
376695 CONTRA COSTA ECONOMIC	ANNUAL MEMBERSHIP	10,000.00
376698 DELL COMPUTERS	COMPUTER EQUIPMENT	336.62
376702 DUALHARE INC	COMMUNICATION SERVICES	3,150.00
932290 EVVIVA BRANDS LLC	BRANDING CONSULTANT	5,500.00

**Finance Administration**

376661 WESTAMERICA BANK	COPIER LEASE	342.57
376740 OFFICE MAX INC	OFFICE SUPPLIES	215.59

**Finance Accounting**

376537 CALIF MUNICIPAL STATISTICS INC	DEBT STATEMENT	425.00
376652 UNITED PARCEL SERVICE	SHIPPING	54.19
376753 SHRED IT INC	SHRED SERVICES	63.99
932300 SUPERION LLC	MONTHLY ASP SERVICE	41,215.80
932316 SUPERION LLC	MONTHLY ASP SERVICE	20,607.90

**Finance Operations**

376652 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE	19.50
376740 OFFICE MAX INC	OFFICE SUPPLIES	87.08
376760 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE	16.50
932300 SUPERION LLC	PAYROLL CALCULATION	160.00

**Non Departmental**

376553 DELTA DIABLO	WATER	5,874.71
376607 MUNICIPAL POOLING AUTHORITY	UNMET LIABILITY DEDUCTIBLE	28,962.90
376625 RAYAS, MARIA LOUISE	EXPENSE REIMBURSEMENT	54.99
376674 ANTIOCH CHICHIBU SISTER CITY	SISTER CITY EVENT EXPENSE	4,424.14
376675 ANTIOCH OPTICIANS	BUS. LICENSE TAX REFUND	464.52
932316 SUPERION LLC	PROFESSIONAL SERVICES	200.00
932384 HOLLINGSWORTH, DON	MEDICAL AFTER RETIREMENT	1,745.44

**Public Works Maintenance Administration**

376531 BANK OF AMERICA	SEMINAR	45.00
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376661 WESTAMERICA BANK	COPIER LEASE	299.06
376762 VERIZON WIRELESS	CELL PHONE	38.01

**Public Works Street Maintenance**

376535 C AND J FAVALORA TRUCKING INC	EQUIPMENT RENTAL	4,351.00
376554 DELTA GRINDING CO INC	EQUIPMENT RENTAL	6,000.00
376739 NEXTEL SPRINT	CELL PHONE	57.37
376762 VERIZON WIRELESS	CELL PHONE	38.01

**Public Works-Signal/Street Lights**

376528 AT AND T MCI	PHONE	750.78
376616 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	167.60
376743 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	139.22
932293 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	7,608.47
932310 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	6,557.64

**Public Works-Striping/Signing**

376525 ANTIOCH AUTO PARTS	HOSE COUPLER	7.23
376531 BANK OF AMERICA	PHONE	246.81
376560 EAST BAY WELDING SUPPLY	SUPPLIES	74.08
376584 INTERSTATE SALES	SUPPLIES	639.62
376587 KELLY MOORE PAINT CO	SUPPLIES	18.14
376593 LOWES COMPANIES INC	SUPPLIES	40.04
376617 PACIFIC PRODUCTS AND SERVICES	SUPPLIES	1,152.06
376628 ROYAL BRASS INC	PARTS	113.87
376631 SHERWIN WILLIAMS CO	SUPPLIES	431.06
376632 SHERWIN WILLIAMS CO	SUPPLIES	101.82
376668 ALTA FENCE	REPAIR SERVICES	636.00
376672 ACE HARDWARE, ANTIOCH	SUPPLIES	7.12
376707 FASTENAL CO	SUPPLIES	109.70
376720 INTERSTATE SALES	SUPPLIES	511.26
376739 NEXTEL SPRINT	CELL PHONE	57.37
376751 SHERWIN WILLIAMS CO	SUPPLIES	110.74
376752 SHERWIN WILLIAMS CO	SUPPLIES	56.81
376762 VERIZON WIRELESS	CELL PHONE	38.01
932292 GRAINGER INC	SUPPLIES	666.47

**Public Works-Facilities Maintenance**

376518 AMERICAN PLUMBING INC	PLUMBING SERVICES	155.00
376528 AT AND T MCI	PHONE	59.15
376531 BANK OF AMERICA	SUPPLIES	121.19

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376581 HUNT AND SONS INC	FUEL	233.99
376593 LOWES COMPANIES INC	SUPPLIES	229.74
376616 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	28.59
376622 PFLUEGER, MATTHEW JAMES	EXPENSE REIMBURSEMENT	876.88
376672 ACE HARDWARE, ANTIOCH	SUPPLIES	17.15
376714 HOME DEPOT, THE	SUPPLIES	76.72
376729 M AND L OVERHEAD DOORS	REPAIR SERVICES	839.72
376739 NEXTEL SPRINT	CELL PHONE	57.37
376762 VERIZON WIRELESS	CELL PHONE	38.01
932295 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	3,611.85

**Public Works-Parks Maint**

376528 AT AND T MCI	PHONE	101.35
376531 BANK OF AMERICA	SUPPLIES	173.15
376669 AMERICAN PLUMBING INC	PLUMBING SERVICES	519.03
376714 HOME DEPOT, THE	SUPPLIES	167.04
932293 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	1,666.56
932310 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	4,728.53
932315 JOHN DEERE LANDSCAPES	SUPPLIES	3,512.29

**Public Works-Median/General Land**

376513 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	3,383.60
376524 ACE HARDWARE, ANTIOCH	PVC FITTINGS	16.85
376528 AT AND T MCI	PHONE	214.15
376579 HORIZON	IRRIGATION PARTS	334.28
376616 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	66.48
376633 SILVA LANDSCAPE	LANDSCAPE SERVICES	4,553.92
376667 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	5,774.48
376672 ACE HARDWARE, ANTIOCH	SUPPLIES	59.18
376673 ANTIOCH AUTO PARTS	AUTO PARTS	50.76
376710 FURBER SAW INC	SUPPLIES	101.20
376715 HORIZON	SUPPLIES	141.33
376748 ROBERTS AND BRUNE CO	PIPE FITTINGS	19.97
932299 JOHN DEERE LANDSCAPES	IRRIGATION NOZZLES	783.05
932315 JOHN DEERE LANDSCAPES	SUPPLIES	703.69

**Public Works-Work Alternative**

376739 NEXTEL SPRINT	CELL PHONE	50.40
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**Police Administration**

376511 ADAMS, JONATHAN B	TRAINING PER DIEM	270.00
376514 ALAMEDA COUNTY SHERIFFS OFFICE	TRAINING - J ERICKSON	242.00

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376540	CHANG, THEODORE	TRAINING PER DIEM	270.00
376543	CONCORD UNIFORMS LLC	UNIFORMS	2,078.87
376549	CRIME SCENE CLEANERS INC	CRIME SCENE CLEANUP	140.00
376550	CRYSTAL CLEAR LOGOS INC	RANGE INSTRUCTOR SHIRTS	198.36
376558	DUGGAR, SCOTT LLOYD	TRAINING PER DIEM	270.00
376573	GREEN, ROBERT A	EXPENSE REIMBURSEMENT	78.70
376577	HENRY SCHEIN INC	SUPPLIES	227.40
376590	LC ACTION POLICE SUPPLY	SUPPLIES	685.12
376596	MAX ORDINATE	TRAINING - T CHANG	1,550.00
376597	MAX ORDINATE	TRAINING - S DUGGAR	1,550.00
376598	MAX ORDINATE	TRAINING - J ADAMS	1,550.00
376599	MAX ORDINATE	TRAINING - M SUMMERS	1,550.00
376600	MEALS, CLINTON B	MEAL ALLOWANCE	34.50
376610	OCCUPATIONAL HEALTH CENTERS	MEDICAL SERVICES	520.50
376611	OFFICE MAX INC	OFFICE SUPPLIES	1,058.44
376627	ROSE, BRIAN C	EXPENSE REIMBURSEMENT	415.53
376630	SHERATON GARDEN GROVE	LODGING - R SMITH	422.70
376634	SIMPSON INVESTIGATIVE SERVICES	PRE-EMPLOYMENT SERVICES	2,576.37
376636	SMITH JR, RICHARD A	TRAINING PER DIEM	576.00
376641	STAYBRIDGE SUITES	LODGING - B ROSE	517.29
376643	SUMMERS, MATHEW V	TRAINING PER DIEM	270.00
376666	ADAMSON POLICE PRODUCTS	CARRIER VEST CRITES	410.98
376681	CAHN	TRAINING - Z MATIS	275.00
376682	CAHN	TRAINING - A MENDES	275.00
376683	CAHN	TRAINING - J STENGER	275.00
376684	CAHN	TRAINING - S AIELLO	275.00
376685	CAHN	TRAINING - R KRENZ	275.00
376687	CHANG, THEODORE	EXPENSE REIMBURSEMENT	386.22
376702	DUALHARE INC	COMMUNICATION SERVICES	861.00
376722	JOHNSEN, ERIC Y	PER DIEM TRAINING	320.00
376726	LC ACTION POLICE SUPPLY	SUPPLIES	1,490.42
376730	MARRIOTT HOTEL	LODGING - Z MATIS	772.81
376731	MARRIOTT HOTEL	LODGING - A MENDES	772.81
376732	MARRIOTT HOTEL	LODGING - J STENGER	772.81
376733	MARRIOTT HOTEL	LODGING - S AIELLO	772.81
376734	MARRIOTT HOTEL	LODGING - R KRENZ	772.81
376739	NEXTEL SPRINT	CELL PHONE EQUIPMENT	148.11
376740	OFFICE MAX INC	OFFICE SUPPLIES	103.03
376746	PETERSON, SAMANTHA GENOVEVA	EXPENSE REIMBURSEMENT	40.88
932296	MOBILEPD INC	MOBILE APP	5,000.00

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376610 OCCUPATIONAL HEALTH CENTERS	PRE-EMPLOYMENT SERVICES	1,071.00
376623 PSYCHOLOGICAL RESOURCES INC	PRE-EMPLOYMENT SERVICES	500.00
376637 SP PLUS CORPORATION	PARKING ENFORCEMENT	13,261.25
376690 COLE, SHANE RYAN	MILEAGE REIMBURSEMENT	66.49
376770 BLUE SHIELD OF CALIFORNIA	PAYROLL DEDUCTIONS	5.39

**Police Traffic Division**

376581 HUNT AND SONS INC	FUEL	139.89
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**Police Investigations**

376619 PERKINSON, JAMES A	EXPENSE REIMBURSEMENT	79.65
376739 NEXTEL SPRINT	CELL PHONE EQUIPMENT	553.07
932286 COMPUTERLAND	COMPUTER EQUIPMENT	3,915.37

**Police Special Operations Unit**

376650 TOYOTA FINANCIAL SERVICES	VEHICLE LEASE	567.61
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**Police Communications**

376520 AMERICAN TOWER CORPORATION	CELL TOWER RENTAL	236.82
376521 AMERICAN TOWER CORPORATION	TOWER FEES	236.82
376528 AT AND T MCI	PHONE	1,489.81
376572 GLOBALSTAR	SATELLITE PHONE	347.13
376670 AMERICAN TOWER CORPORATION	CELL TOWER	236.82
376691 COMCAST	PD HIGH SPEED ISP	1,340.57
376762 VERIZON WIRELESS	DATA SERVICES	2,242.59
376767 AFLAC	PAYROLL DEDUCTIONS	261.17
376770 BLUE SHIELD OF CALIFORNIA	PAYROLL DEDUCTIONS	37.55
376777 DELTA DENTAL	PAYROLL DEDUCTIONS	178.59

**Office Of Emergency Management**

376528 AT AND T MCI	PHONE	311.15
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**Police Facilities Maintenance**

376528 AT AND T MCI	PHONE	299.19
376593 LOWES COMPANIES INC	SUPPLIES	19.12
376686 CAMALI CORP	MAINTENANCE SERVICES	4,347.00
376714 HOME DEPOT, THE	SUPPLIES	17.36
376739 NEXTEL SPRINT	CELL PHONE	2,670.18
932295 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	3,880.20

**Community Development Land Planning Services**

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376567 FEDEX	SHIPPING	113.23
376653 VERIZON WIRELESS	DATA SERVICES	38.01
376725 LAND USE PLANNING SERVICES INC	CONSULTING SERVICES	8,100.00

**CD Code Enforcement**

376653 VERIZON WIRELESS	DATA SERVICES	152.04
376679 BRIDGEHEAD SELF STORAGE	STORAGE RENTAL	225.00
376693 CONTRA COSTA COUNTY	RECORDING FEES	338.00
376697 DAVID, MARIA E	EXPENSE REIMBURSEMENT	46.00
376723 K2GC	PROFESSIONAL SERVICES	977.93
376727 LEACH, TAMARA L	EXPENSE REIMBURSEMENT	163.11
376739 NEXTEL SPRINT	CELL PHONE	251.15

**PW Engineer Land Development**

376528 AT AND T MCI	PHONE	38.88
376653 VERIZON WIRELESS	DATA SERVICES	76.02
376739 NEXTEL SPRINT	CELL PHONE	170.00

**Community Development Building Inspection**

376620 PERMIT SERVICES	BLDG PERMIT FEE REFUND	110.88
376644 SUNRUN	BLDG PERMIT FEE REFUND	259.24
376696 CRYSTAL CLEAR LOGOS INC	UNIFORMS	559.39
376706 ENERGY SOLUTIONS	REFUND BLDG PERMIT FEE	174.38
376727 LEACH, TAMARA L	EXPENSE REIMBURSEMENT	33.51
376739 NEXTEL SPRINT	CELL PHONE	107.87
376740 OFFICE MAX INC	OFFICE SUPPLIES	4.57

**Capital Imp. Administration**

376653 VERIZON WIRELESS	DATA SERVICES	38.01
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**Community Development Engineering Services**

376567 FEDEX	SHIPPING	35.88
376739 NEXTEL SPRINT	CELL PHONE	208.47

**213 Gas Tax Fund**

**Streets**

376616 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	260.42
376743 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	101.23

**214 Animal Control Fund**

**Animal Control**



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376515	ALLIANCE WELDING	EQUIPMENT RENTAL	44.20
376552	DATAMARS PETLINK	MICROCHIPS	1,524.00
376559	EAST BAY VETERINARY EMERG.	VETERINARY SERVICES	2,512.08
376561	EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	1,111.57
376563	ENCINA VETERINARY HOSPITAL	VETERINARY SERVICES	67.29
376576	HENRY SCHEIN ANIMAL HEALTH	SUPPLIES	17.48
376578	HILLS PET NUTRITION	PET FOOD	1,254.91
376589	KUSLITS, CHARLES AND MICHELLE	EXPENSE REIMBURSEMENT	1,450.76
376651	UC DAVIS VETERINARY MEDICINE	VETERINARY SERVICES	367.50
376659	WEDGEWOOD PHARMACY	SUPPLIES	41.88
376671	ANIMAL CLINIC OF ANTIOCH	VETERINARY SERVICES	3,262.26
376692	CONCORD FEED AND FUEL INC	SUPPLIES	349.50
376704	EAST BAY VETERINARY EMERG.	VETERINARY SERVICES	1,143.02
376713	HILLS PET NUTRITION	SUPPLIES	343.28
376724	KOEFRAAN SERVICES INC	DISPOSAL SERVICES	1,850.00
376737	MWI VETERINARY SUPPLY CO	VETERINARY SUPPLIES	1,587.73
376739	NEXTEL SPRINT	CELL PHONE	204.07
376763	VICTOR MEDICAL COMPANY	SUPPLIES	1,781.47
376766	ZOETIS LLC	VETERINARY SERVICES	202.67
932295	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	579.80
932312	MOBILE MINI LLC	STORAGE RENTAL	113.60

**215 Civic Arts Fund**

**Civic Arts**

376556	DPH SOUND	EVENT CONCERT	3,862.17
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**219 Recreation Fund**

**Non Departmental**

376580	HUB INTERNATIONAL OF CA INS.	EVENT INSURANCE	1,997.04
376655	VILLASENOR, BRENDA	DEPOSIT REFUND	1,000.00
376709	FRANCO, MARIA	DEPOSIT REFUND	1,000.00
376712	HERNANDEZ, MARTHA	DEPOSIT REFUND	900.00

**Recreation Admin**

376541	COLE SUPPLY CO INC	JANITORIAL SUPPLIES	795.53
376689	COLE SUPPLY CO INC	SUPPLIES	384.27
932292	GRAINGER INC	SIGNS	53.92

**Senior Programs**

376528	AT AND T MCI	PHONE	198.34
932295	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	388.00

**Recreation Sports Programs**

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376528 AT AND T MCI	PHONE	20.27
376594 MASSONE MECHANICAL INC	ICE MACHINE SERVICE	206.25
376645 SYSCO FOOD SERVICE	CONCESSION SUPPLIES	493.77
376680 BSN SPORTS	SUPPLIES	1,427.74
932292 GRAINGER INC	SUPPLIES	165.47

**Recreation-Comm Center**

376523 AMERICAN TROPHIES AWARDS	BADGES	129.41
376527 AT AND T MCI	PHONE	66.26
376528 AT AND T MCI	PHONE	22.78
376529 AUTOMATIC DOOR SYSTEMS INC	MAINTENANCE SERVICES	304.69
376536 CALIF DEPARTMENT OF JUSTICE	FINGERPRINT FEES	32.00
376547 CPR FAST	CONTRACTOR PAYMENT	547.20
376555 DIABLO LIVE SCAN	FINGERPRINTING FEES	20.00
376570 GEDDES MUSIC BRENTWOOD	CONTRACTOR PAYMENT	169.20
376595 MAX MARTIAL ARTS LLC	CONTRACTOR PAYMENT	2,309.40
376611 OFFICE MAX INC	OFFICE SUPPLIES	7.28
376616 PACIFIC GAS AND ELECTRIC CO	GAS	13,063.46
376638 SPEEDY JANITORIAL REPAIR INC	REPAIR SERVICES	156.00
376649 THOMPSON, RANDALL	CONTRACTOR PAYMENT	144.00
376653 VERIZON WIRELESS	DATA SERVICES	38.01
376691 COMCAST	CONNECTION SERVICES	50.01
376702 DUALHARE INC	COMMUNICATION SERVICES	342.00
932293 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	247.12
932461 WESCO GRAPHICS INC	RECREATION GUIDE	3,438.78

**221 Asset Forfeiture Fund**

**Non Departmental**

376534 BOYKIN, IMARI	RETURN OF FUNDS	136.00
376604 MOORE, MARKUS	RETURN OF FUNDS	469.00

**226 Solid Waste Reduction Fund**

**Solid Waste Used Oil**

376553 DELTA DIABLO	HHW PROGRAM	1,026.69
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**Solid Waste**

376553 DELTA DIABLO	HHW PROGRAM	9,981.11
376711 HAAS-WAJDOWICZ, JULIE A	EXPENSE REIMBURSEMENT	181.65

**229 Pollution Elimination Fund**

**Channel Maintenance Operation**

376603 MJH EXCAVATING INC	EQUIPMENT RENTAL	8,160.00
376615 PACIFIC COAST LANDSCAPE MGMT	LANDSCAPE SERVICE	2,570.83

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376700 DELTA FENCE CO	REPAIR SERVICES	960.00
376735 MJH EXCAVATING INC	EQUIPMENT RENTAL	2,640.00
376739 NEXTEL SPRINT	CELL PHONE	50.40
376742 PACIFIC COAST LANDSCAPE MGMT	LANDSCAPE SERVICES	11,235.49

**Storm Drain Administration**

376544 CONTRA COSTA COUNTY	JEPA COST AGENCY SHARE	17,462.44
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**238 PEG Franchise Fee Fund**

**Non Departmental**

376624 QUALITY SOUND	PROFESSIONAL SERVICES	1,848.36
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**251 Lone Tree SLLMD Fund**

**Lonetree Maintenance Zone 1**

376528 AT AND T MCI	PHONE	81.08
376642 STEWARTS TREE SERVICE INC	TREE REMOVAL	650.00
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	1,864.50
376667 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	3,783.28

**Lonetree Maintenance Zone 2**

376528 AT AND T MCI	PHONE	138.57
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	2,712.00

**Lonetree Maintenance Zone 3**

376528 AT AND T MCI	PHONE	60.81
376633 SILVA LANDSCAPE	LANDSCAPE SERVICES	5,472.00
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	2,373.00
376754 SILVA LANDSCAPE	LANDSCAPE SERVICES	3,420.00

**253 Almondridge SLLMD Fund**

**Almondridge Maintenance**

376513 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	597.36
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**254 Hillcrest SLLMD Fund**

**Hillcrest Maintenance Zone 1**

376528 AT AND T MCI	PHONE	40.54
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	2,147.00

**Hillcrest Maintenance Zone 2**

376528 AT AND T MCI	PHONE	141.89
376633 SILVA LANDSCAPE	LANDSCAPE SERVICES	3,783.28
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	3,559.50

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376754 SILVA LANDSCAPE	LANDSCAPE SERVICES	3,982.40
<b>Hillcrest Maintenance Zone 4</b>		
376528 AT AND T MCI	PHONE	119.96
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	2,147.00
<b>255 Park 1A Maintenance District Fund</b>		
<b>Park 1A Maintenance District</b>		
376528 AT AND T MCI	PHONE	20.27
<b>256 Citywide 2A Maintenance District Fund</b>		
<b>Citywide 2A Maintenance Zone 3</b>		
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	508.50
<b>Citywide 2A Maintenance Zone 4</b>		
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	2,147.00
<b>Citywide 2A Maintenance Zone 5</b>		
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	791.00
<b>Citywide 2A Maintenance Zone 6</b>		
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	1,412.50
<b>Citywide 2A Maintenance Zone 8</b>		
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	960.50
<b>Citywide 2A Maintenance Zone 9</b>		
376513 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	3,365.04
376528 AT AND T MCI	PHONE	81.08
376648 TERRACARE ASSOCIATES	LANDSCAPE SERVICES	3,051.00
376667 AL FRESCO LANDSCAPING	LANDSCAPE SERVICES	597.36
<b>257 SLLMD Administration Fund</b>		
<b>SLLMD Administration</b>		
376531 BANK OF AMERICA	SEMINAR	140.00
376647 TARGET SPECIALTY PRODUCTS	CHEMICAL WEED SPRAY	3,414.07
376739 NEXTEL SPRINT	CELL PHONE	170.58
376762 VERIZON WIRELESS	CELL PHONE	76.02
<b>311 Capital Improvement Fund</b>		
<b>Energy Efficiency</b>		
376626 RISING SUN ENERGY CENTER	CYES PROGRAM	10,000.00

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376711 HAAS-WAJDOWICZ, JULIE A EXPENSE REIMBURSEMENT 14.10

**312 Prewett Family Park Fund**

**Parks & Open Space**

376613 OUTDOOR CREATIONS INC PICNIC TABLES 2,675.25

**416 Honeywell Capital Lease Fund**

**Non Departmental**

376676 BANK OF AMERICA DEBT SERVICE PAYMENT 45,427.96

**570 Equipment Maintenance Fund**

**Non Departmental**

376581 HUNT AND SONS INC FUEL 44,064.63

**Equipment Maintenance**

376525	ANTIOCH AUTO PARTS	SUPPLIES	79.33
376531	BANK OF AMERICA	EQUIPMENT	513.82
376593	LOWES COMPANIES INC	SUPPLIES	12.22
376601	MICHAEL STEAD WALNUT CREEK	AUTO PARTS	499.90
376606	MUNICIPAL MAINT EQUIPMENT INC	EQUIPMENT PARTS	1,231.55
376608	MUNICIPAL POOLING AUTHORITY	REFUND OF DOUBLE PAYMENT	1,120.77
376612	OREILLY AUTO PARTS	AUTO PART	113.96
376625	RAYAS, MARIA LOUISE	EXPENSE REIMBURSEMENT	44.37
376656	WALNUT CREEK FORD	AUTO PARTS	332.58
376673	ANTIOCH AUTO PARTS	AUTO PARTS	2,703.69
376703	EAST BAY TIRE CO	TIRES	318.94
376762	VERIZON WIRELESS	CELL PHONE	38.01
932298	SC FUELS	OIL	71.20
932305	BIG SKY ENTERPRISES INC	WASTE REMOVAL	325.00

**573 Information Services Fund**

**Non Departmental**

376583 INSIGHT PUBLIC SECTOR INC SUPPORT SERVICES 36,967.45

**Information Services**

376528	AT AND T MCI	PHONE	74.45
376602	MISAC NORTHERN CA REGION	MEMBERSHIP RENEWAL	130.00
376762	VERIZON WIRELESS	DATA SERVICES	381.23

**Network Support & PCs**

376528	AT AND T MCI	PHONE	86.41
376542	COMCAST	CONNECTION SERVICES	161.91
376583	INSIGHT PUBLIC SECTOR INC	MICROSOFT LICENSING	12,792.22

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376588 KIS	SUPPORT SERVICES	150.00
376691 COMCAST	CONNECTION SERVICES	1,648.22

**Telephone System**

376517 AMERICAN MESSAGING	PAGER	85.91
376526 AT AND T MCI	PHONE	16.79
376527 AT AND T MCI	PHONE	390.63
376528 AT AND T MCI	PHONE	2,400.31

**GIS Support Services**

376531 BANK OF AMERICA	MAPS	2,715.39
376562 ELEVEN BY SEVENTEEN INC	PRINTING SUPPLIES	220.00

**Office Equipment Replacement**

376583 INSIGHT PUBLIC SECTOR INC	SOFTWARE	6,749.47
932308 COMPUTERLAND	COMPUTER EQUIPMENT	141.11

**577 Post Retirement Medical-Police Fund**

**Non Departmental**

376769 RETIREE	MEDICAL AFTER RETIREMENT	1,134.00
376771 RETIREE	MEDICAL AFTER RETIREMENT	779.86
376772 RETIREE	MEDICAL AFTER RETIREMENT	1,894.64
376776 RETIREE	MEDICAL AFTER RETIREMENT	1,114.78
376781 RETIREE	MEDICAL AFTER RETIREMENT	1,114.78
376786 RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
376791 RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
376792 RETIREE	MEDICAL AFTER RETIREMENT	963.20
376795 RETIREE	MEDICAL AFTER RETIREMENT	1,224.46
376801 RETIREE	MEDICAL AFTER RETIREMENT	256.93
376804 RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
376805 RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
376809 RETIREE	MEDICAL AFTER RETIREMENT	499.68
932319 RETIREE	MEDICAL AFTER RETIREMENT	499.68
932320 RETIREE	MEDICAL AFTER RETIREMENT	1,761.64
932324 RETIREE	MEDICAL AFTER RETIREMENT	963.20
932325 RETIREE	MEDICAL AFTER RETIREMENT	295.92
932327 RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
932328 RETIREE	MEDICAL AFTER RETIREMENT	887.30
932332 RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
932333 RETIREE	MEDICAL AFTER RETIREMENT	1,274.92
932343 RETIREE	MEDICAL AFTER RETIREMENT	967.60
932345 RETIREE	MEDICAL AFTER RETIREMENT	837.00

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932348	RETIREE	MEDICAL AFTER RETIREMENT	558.94
932350	RETIREE	MEDICAL AFTER RETIREMENT	1,162.81
932362	RETIREE	MEDICAL AFTER RETIREMENT	1,559.72
932367	RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
932368	RETIREE	MEDICAL AFTER RETIREMENT	837.00
932369	RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
932381	RETIREE	MEDICAL AFTER RETIREMENT	183.34
932383	RETIREE	MEDICAL AFTER RETIREMENT	256.93
932386	RETIREE	MEDICAL AFTER RETIREMENT	499.68
932387	RETIREE	MEDICAL AFTER RETIREMENT	1,116.23
932388	RETIREE	MEDICAL AFTER RETIREMENT	270.04
932391	RETIREE	MEDICAL AFTER RETIREMENT	506.91
932396	RETIREE	MEDICAL AFTER RETIREMENT	183.34
932408	RETIREE	MEDICAL AFTER RETIREMENT	1,089.10
932410	RETIREE	MEDICAL AFTER RETIREMENT	646.86
932411	RETIREE	MEDICAL AFTER RETIREMENT	631.60
932422	RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
932423	RETIREE	MEDICAL AFTER RETIREMENT	558.94
932424	RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
932426	RETIREE	MEDICAL AFTER RETIREMENT	1,036.79
932435	RETIREE	MEDICAL AFTER RETIREMENT	646.86
932444	RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
932446	RETIREE	MEDICAL AFTER RETIREMENT	779.86
932450	RETIREE	MEDICAL AFTER RETIREMENT	499.68
932454	RETIREE	MEDICAL AFTER RETIREMENT	256.93
932465	RETIREE	MEDICAL AFTER RETIREMENT	646.86
932467	RETIREE	MEDICAL AFTER RETIREMENT	38.44
932468	RETIREE	MEDICAL AFTER RETIREMENT	646.86

**578 Post Retirement Medical-Misc Fund**

**Non Departmental**

376768	RETIREE	MEDICAL AFTER RETIREMENT	221.69
376773	RETIREE	MEDICAL AFTER RETIREMENT	362.58
376778	RETIREE	MEDICAL AFTER RETIREMENT	103.69
376779	RETIREE	MEDICAL AFTER RETIREMENT	473.38
376782	RETIREE	MEDICAL AFTER RETIREMENT	103.69
376784	RETIREE	MEDICAL AFTER RETIREMENT	709.38
376789	RETIREE	MEDICAL AFTER RETIREMENT	221.69
376796	RETIREE	MEDICAL AFTER RETIREMENT	103.69
376798	RETIREE	MEDICAL AFTER RETIREMENT	103.69
376799	RETIREE	MEDICAL AFTER RETIREMENT	340.38
376800	RETIREE	MEDICAL AFTER RETIREMENT	103.69
376803	RETIREE	MEDICAL AFTER RETIREMENT	103.69

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 Finance Accounting

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376807	RETIREE	MEDICAL AFTER RETIREMENT	100.00
376808	RETIREE	MEDICAL AFTER RETIREMENT	103.69
376810	RETIREE	MEDICAL AFTER RETIREMENT	576.38
932309	RETIREE	MEDICAL AFTER RETIREMENT	1,466.72
932318	RETIREE	MEDICAL AFTER RETIREMENT	576.38
932321	RETIREE	MEDICAL AFTER RETIREMENT	249.30
932322	RETIREE	MEDICAL AFTER RETIREMENT	197.76
932326	RETIREE	MEDICAL AFTER RETIREMENT	576.38
932331	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932336	RETIREE	MEDICAL AFTER RETIREMENT	221.69
932338	RETIREE	MEDICAL AFTER RETIREMENT	221.69
932340	RETIREE	MEDICAL AFTER RETIREMENT	576.38
932341	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932344	RETIREE	MEDICAL AFTER RETIREMENT	576.38
932351	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932354	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932355	RETIREE	MEDICAL AFTER RETIREMENT	221.69
932358	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932361	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932364	RETIREE	MEDICAL AFTER RETIREMENT	576.38
932365	RETIREE	MEDICAL AFTER RETIREMENT	576.38
932366	RETIREE	MEDICAL AFTER RETIREMENT	183.34
932373	RETIREE	MEDICAL AFTER RETIREMENT	709.38
932374	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932375	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932377	RETIREE	MEDICAL AFTER RETIREMENT	111.42
932382	RETIREE	MEDICAL AFTER RETIREMENT	576.38
932385	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932390	RETIREE	MEDICAL AFTER RETIREMENT	221.69
932392	RETIREE	MEDICAL AFTER RETIREMENT	221.69
932395	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932398	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932401	RETIREE	MEDICAL AFTER RETIREMENT	576.38
932403	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932404	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932417	RETIREE	MEDICAL AFTER RETIREMENT	183.34
932418	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932419	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932428	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932431	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932434	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932439	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932449	RETIREE	MEDICAL AFTER RETIREMENT	340.38

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932452 RETIREE	MEDICAL AFTER RETIREMENT	86.48
932453 RETIREE	MEDICAL AFTER RETIREMENT	183.34
932455 RETIREE	MEDICAL AFTER RETIREMENT	576.38
932457 RETIREE	MEDICAL AFTER RETIREMENT	709.38
932464 RETIREE	MEDICAL AFTER RETIREMENT	340.38
932466 RETIREE	MEDICAL AFTER RETIREMENT	103.69

**579 Post Retirement Medical-Mgmt Fund**

**Non Departmental**

376774 RETIREE	MEDICAL AFTER RETIREMENT	880.90
376775 RETIREE	MEDICAL AFTER RETIREMENT	161.69
376780 RETIREE	MEDICAL AFTER RETIREMENT	103.69
376783 RETIREE	MEDICAL AFTER RETIREMENT	221.69
376785 RETIREE	MEDICAL AFTER RETIREMENT	183.34
376787 RETIREE	MEDICAL AFTER RETIREMENT	400.00
376788 RETIREE	MEDICAL AFTER RETIREMENT	576.38
376790 RETIREE	MEDICAL AFTER RETIREMENT	1,894.64
376793 RETIREE	MEDICAL AFTER RETIREMENT	340.38
376794 RETIREE	MEDICAL AFTER RETIREMENT	396.54
376797 RETIREE	MEDICAL AFTER RETIREMENT	741.38
376802 RETIREE	MEDICAL AFTER RETIREMENT	880.90
376806 RETIREE	MEDICAL AFTER RETIREMENT	1,894.64
932323 RETIREE	MEDICAL AFTER RETIREMENT	576.38
932329 RETIREE	MEDICAL AFTER RETIREMENT	221.69
932330 RETIREE	MEDICAL AFTER RETIREMENT	340.38
932334 RETIREE	MEDICAL AFTER RETIREMENT	183.34
932335 RETIREE	MEDICAL AFTER RETIREMENT	183.34
932337 RETIREE	MEDICAL AFTER RETIREMENT	161.70
932339 RETIREE	MEDICAL AFTER RETIREMENT	103.69
932342 RETIREE	MEDICAL AFTER RETIREMENT	340.38
932346 RETIREE	MEDICAL AFTER RETIREMENT	576.38
932347 RETIREE	MEDICAL AFTER RETIREMENT	576.38
932349 RETIREE	MEDICAL AFTER RETIREMENT	709.38
932352 RETIREE	MEDICAL AFTER RETIREMENT	631.60
932353 RETIREE	MEDICAL AFTER RETIREMENT	197.76
932356 RETIREE	MEDICAL AFTER RETIREMENT	1,013.90
932357 RETIREE	MEDICAL AFTER RETIREMENT	340.38
932359 RETIREE	MEDICAL AFTER RETIREMENT	456.38
932360 RETIREE	MEDICAL AFTER RETIREMENT	103.69
932363 RETIREE	MEDICAL AFTER RETIREMENT	249.30
932370 RETIREE	MEDICAL AFTER RETIREMENT	340.38
932371 RETIREE	MEDICAL AFTER RETIREMENT	340.38
932372 RETIREE	MEDICAL AFTER RETIREMENT	340.38

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Finance Accounting

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932376	RETIREE	MEDICAL AFTER RETIREMENT	558.94
932378	RETIREE	MEDICAL AFTER RETIREMENT	377.40
932379	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932380	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932389	RETIREE	MEDICAL AFTER RETIREMENT	346.97
932393	RETIREE	MEDICAL AFTER RETIREMENT	706.38
932394	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932397	RETIREE	MEDICAL AFTER RETIREMENT	880.90
932399	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932400	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932402	RETIREE	MEDICAL AFTER RETIREMENT	1,426.72
932405	RETIREE	MEDICAL AFTER RETIREMENT	40.79
932406	RETIREE	MEDICAL AFTER RETIREMENT	1,036.79
932407	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932409	RETIREE	MEDICAL AFTER RETIREMENT	528.45
932412	RETIREE	MEDICAL AFTER RETIREMENT	249.30
932413	RETIREE	MEDICAL AFTER RETIREMENT	161.69
932414	RETIREE	MEDICAL AFTER RETIREMENT	1,894.64
932415	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932416	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932420	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932421	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932425	RETIREE	MEDICAL AFTER RETIREMENT	613.47
932427	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932429	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932430	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932432	RETIREE	MEDICAL AFTER RETIREMENT	221.69
932433	RETIREE	MEDICAL AFTER RETIREMENT	161.70
932436	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932437	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932438	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932440	RETIREE	MEDICAL AFTER RETIREMENT	249.30
932441	RETIREE	MEDICAL AFTER RETIREMENT	631.60
932442	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932443	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932445	RETIREE	MEDICAL AFTER RETIREMENT	456.38
932447	RETIREE	MEDICAL AFTER RETIREMENT	213.79
932448	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932451	RETIREE	MEDICAL AFTER RETIREMENT	709.38
932456	RETIREE	MEDICAL AFTER RETIREMENT	340.38
932458	RETIREE	MEDICAL AFTER RETIREMENT	103.69
932459	RETIREE	MEDICAL AFTER RETIREMENT	229.69
932460	RETIREE	MEDICAL AFTER RETIREMENT	1,697.30

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932462 RETIREE	MEDICAL AFTER RETIREMENT	103.69
932463 RETIREE	MEDICAL AFTER RETIREMENT	1,837.00

**611 Water Fund**

**Non Departmental**

376618 PAPCO INC	SUPPLIES	1,044.00
376672 ACE HARDWARE, ANTIOCH	SUPPLIES	21.29
376677 BAY AREA BARRICADE	SUPPLIES	378.45
376689 COLE SUPPLY CO INC	SUPPLIES	2,483.29
376707 FASTENAL CO	SUPPLIES	16.31
376740 OFFICE MAX INC	OFFICE SUPPLIES	2,105.93
376748 ROBERTS AND BRUNE CO	SUPPLIES	5,922.71
376764 WESCO RECEIVABLES CORP	SUPPLIES	2,394.48
932291 GOLDEN WEST BETTERWAY	UNIFORMS	675.93
932292 GRAINGER INC	SUPPLIES	451.02

**Water Supervision**

376531 BANK OF AMERICA	CERTIFICATION RENEWAL	90.00
376662 WQI	CERTIFICATION RENEWAL	700.00
376739 NEXTEL SPRINT	CELL PHONE	172.11
376762 VERIZON WIRELESS	CELL PHONE	76.02

**Water Production**

376516 ALTA FENCE	REPAIR SERVICES	1,489.00
376525 ANTIOCH AUTO PARTS	SUPPLIES	709.28
376527 AT AND T MCI	PHONE	132.48
376528 AT AND T MCI	PHONE	1,117.76
376546 CONTRA COSTA WATER DISTRICT	RAW WATER	1,306,670.82
376564 ENVIRONMENTAL RESOURCE	SUPPLIES	325.15
376574 GUALCO GROUP INC, THE	LEGAL SERVICES	6,180.35
376575 HACH CO	LAB SUPPLIES	5,721.05
376586 KARL NEEDHAM ENTERPRISES INC	EQUIPMENT RENTAL	29,075.85
376587 KELLY MOORE PAINT CO	PAINT	688.20
376593 LOWES COMPANIES INC	SUPPLIES	49.89
376616 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	70,287.03
376628 ROYAL BRASS INC	PARTS	5.77
376629 SECO CONTROLS LLC	SUPPLIES	772.86
376654 VILLASANA, LAURA ALBIDRESS	EXPENSE REIMBURSEMENT	30.00
376672 ACE HARDWARE, ANTIOCH	SUPPLIES	210.55
376673 ANTIOCH AUTO PARTS	SUPPLIES	202.96
376716 I KRUGER INC	REPAIR PARTS	2,190.48
376739 NEXTEL SPRINT	CELL PHONE	47.51
376756 SOUTHWEST VALVE LLC	PARTS	1,826.64

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376761 UNIVAR USA INC	CAUSTIC	64,608.57
376762 VERIZON WIRELESS	CELL PHONE	38.01
932287 CONSOLIDATED ELECTRICAL DIST	SUPPLIES	147.63
932288 EUROFINs EATON ANALYTICAL INC	TESTING	545.00
932289 EVOQUA WATER TECHNOLOGIES	MAINTENANCE SERVICES	616.37
932293 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	709.22
932294 TRANSDYN INC	CONSULTING SERVICES	11,800.00
932295 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	338.00
932297 NTU TECHNOLOGIES INC	POLYMER	2,700.00
932301 AIRGAS SPECIALTY PRODUCTS	AMMONIA	5,729.85
932307 CHEMTRADE CHEMICALS US LLC	ALUM	17,520.79

**Water Distribution**

376512 AJW CONSTRUCTION	SAW CUTTING	1,486.12
376528 AT AND T MCI	PHONE	20.27
376531 BANK OF AMERICA	MEMBERSHIP RENEWAL	1,418.02
376565 ESRI INC	DATA BASE CONVERSION	6,470.48
376568 FIRST VANGUARD RENTALS	GLOW BUG PARTS	183.32
376605 MT DIABLO LANDSCAPE CENTERS	CONCRETE MIX	125.01
376614 PACE SUPPLY CORP	SUPPLIES	5,829.91
376628 ROYAL BRASS INC	PARTS	174.33
376640 STATE WATER RESOURCES CON.	CERTIFICATE RENEWAL	120.00
376657 WATERWISE PRO TRAINING	CERTIFICATE PREPERATION	1,200.00
376662 WQI	CERTIFICATE PREPERATION	2,800.00
376672 ACE HARDWARE, ANTIOCH	SUPPLIES	42.42
376673 ANTIOCH AUTO PARTS	AIR CUTTING TOOL	79.66
376691 COMCAST	CONNECTION SERVICES	1,340.57
376699 DELTA DIABLO	RECYCLED WATER	9,722.18
376705 EAST BAY WORK WEAR	UNIFORMS	269.46
376719 INFOSEND INC	POSTAGE COSTS	4,813.24
376739 NEXTEL SPRINT	CELL PHONE	589.78
376748 ROBERTS AND BRUNE CO	SUPPLIES	3,084.15
376762 VERIZON WIRELESS	CELL PHONE	380.10
932293 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	1,903.84

**Water Meter Reading**

376530 BACKFLOW DISTRIBUTORS INC	EQUIPMENT	656.68
376609 NATIONAL METER & AUTOMATION	WATER METER PARTS	17,159.37
376672 ACE HARDWARE, ANTIOCH	SUPPLIES	46.72
376738 NATIONAL METER & AUTOMATION	METERS	43,149.46
376739 NEXTEL SPRINT	CELL PHONE	59.96
376762 VERIZON WIRELESS	CELL PHONE	38.01

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**Warehouse & Central Stores**

376545	CONTRA COSTA FIRE EQUIPMENT	EQUIPMENT	379.73
376652	UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE	19.50
376739	NEXTEL SPRINT	CELL PHONE	73.51
376760	UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE	16.50

**621 Sewer Fund**

**Sewer-Wastewater Supervision**

376762	VERIZON WIRELESS	CELL PHONE	76.02
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**Sewer-Wastewater Collection**

376512	AJW CONSTRUCTION	SAW CUTTING	1,486.13
376525	ANTIOCH AUTO PARTS	SUPPLIES	13.03
376528	AT AND T MCI	PHONE	42.35
376531	BANK OF AMERICA	MEDICAL EXAM	150.00
376539	CALIFORNIA SURVEYING AND DRAFT	BATTERY	216.11
376551	CUSTOM BLUE PRINT	BLUE PRINTS	1,120.39
376553	DELTA DIABLO	HHW PROGRAM	19,992.20
376565	ESRI INC	DATA BASE CONVERSION	6,470.48
376593	LOWES COMPANIES INC	SUPPLIES	175.36
376635	SMARTCOVER SYSTEMS	MAINTENANCE SERVICES	13,082.00
376658	WECO INDUSTRIES INC	PARTS	5,625.98
376672	ACE HARDWARE, ANTIOCH	SUPPLIES	347.61
376691	COMCAST	CONNECTION SERVICES	1,340.57
376714	HOME DEPOT, THE	SUPPLIES	28.49
376719	INFOSEND INC	POSTAGE COSTS	4,813.25
376739	NEXTEL SPRINT	CELL PHONE	455.80
376762	VERIZON WIRELESS	CELL PHONE	228.06
932293	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	1,903.84
932314	SCOTTO, CHARLES W AND DONNA	BUILDING RENT	4,750.00

**631 Marina Fund**

**Marina Administration**

376531	BANK OF AMERICA	ADVERTISEMENT	1,009.43
376678	BRENTWOOD PRESS AND PUBLISHING	ADVERTISEMENT	276.00
376739	NEXTEL SPRINT	CELL PHONE	694.86

**Marina Maintenance**

376660	WEST MARINE	FUEL PARTS	247.35
376669	AMERICAN PLUMBING INC	PLUMBING SERVICES	155.00
376764	WESCO RECEIVABLES CORP	SUPPLIES	239.77
932295	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	1,375.00

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**Marina Boat Launch**

376593 LOWES COMPANIES INC	SUPPLIES	49.48
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**Public Buildings & Facilities**

376765 WOODIWISS PAINTING	PROFESSIONAL SERVICES	4,960.00
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**641 Prewett Water Park Fund**

**Non Departmental**

376580 HUB INTERNATIONAL OF CA INS.	EVENT INSURANCE	804.36
376639 ST PAULS EPISCOPAL	DEPOSIT REFUND	500.00

**Recreation Water Park**

376519 AMERICAN RED CROSS	TRAINING	300.00
376528 AT AND T MCI	PHONE	116.70
376533 BOWERS, AARON ROBERT	EXPENSE REIMBURSEMENT	32.61
376536 CALIF DEPARTMENT OF JUSTICE	FINGERPRINT FEES	96.00
376541 COLE SUPPLY CO INC	SUPPLIES	3,747.49
376548 CRESCO EQUIPMENT RENTALS	EQUIPMENT RENTAL	1,803.46
376555 DIABLO LIVE SCAN	FINGERPRINTING FEES	60.00
376591 LESLIES POOL SUPPLIES	POOL SHOCK	330.36
376593 LOWES COMPANIES INC	SUPPLIES	47.52
376639 ST PAULS EPISCOPAL	BUY OUT REFUND	211.92
376646 SYSCO FOOD SERVICE	CONCESSION SUPPLIES	3,143.18
376689 COLE SUPPLY CO INC	SUPPLIES	76.07
376739 NEXTEL SPRINT	CELL PHONE	32.93
376745 PEPSI COLA COMPANY	SUPPLIES	2,870.94
932292 GRAINGER INC	SUPPLIES	415.91
932293 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	12,840.09
932461 WESCO GRAPHICS INC	RECREATION GUIDE	3,438.78

**721 Employee Benefits Fund**

**Non Departmental**

376665 24 HOUR FITNESS SPORT	PAYROLL DEDUCTIONS	47.24
376688 CITY SPORTS CLUB	PAYROLL DEDUCTIONS	54.98
376694 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
376701 DIAMOND HILLS SPORT CLUB	PAYROLL DEDUCTIONS	189.00
376717 ILKB 110 FOR LIFE INC	PAYROLL DEDUCTIONS	125.00
376718 IN SHAPE HEALTH CLUBS	PAYROLL DEDUCTIONS	775.99
376721 IRVIN DEUTSCHER YMCA	PAYROLL DEDUCTIONS	50.00
376728 LINA	PAYROLL DEDUCTIONS	6,412.10
376736 MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	3,737.00

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 FUND/CHECK#

376741 OPERATING ENGINEERS LOCAL 3	PAYROLL DEDUCTIONS	3,126.27
376744 PARS	PAYROLL DEDUCTIONS	6,355.47
376755 SMITH JR, RICHARD A	PAYROLL DEDUCTIONS	485.00
376757 STANDARD LIFE INSURANCE	PAYROLL DEDUCTIONS	870.75
376758 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
376759 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	53.41
376767 AFLAC	PAYROLL DEDUCTIONS	5,476.98
376770 BLUE SHIELD OF CALIFORNIA	PAYROLL DEDUCTIONS	3,121.70
376777 DELTA DENTAL	PAYROLL DEDUCTIONS	36,177.36
932302 ANTIOCH PD SWORN MGMT ASSOC	PAYROLL DEDUCTIONS	440.00
932303 ANTIOCH POLICE OFFICERS ASSOC	PAYROLL DEDUCTIONS	20,314.41
932304 ANTIOCH PUBLIC WORKS EMPLOYEE	PAYROLL DEDUCTIONS	3,612.17
932313 NATIONWIDE RETIREMENT	PAYROLL DEDUCTIONS	62,225.09
932317 VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	4,855.35



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018  
**TO:** Honorable Mayor and Members of the City Council  
**SUBMITTED BY:** Derek Cole, Interim City Attorney DC  
**SUBJECT:** REJECTION OF CLAIM: JESUS CARDOZA & EDITH RAMIREZ

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### RECOMMENDED ACTION

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

- 1) Reject the claim filed by Jesus Cardoza & Edith Ramirez.

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





## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Zoe Merideth, Associate Planner *ZM*

**APPROVED BY:** Alexis Morris, Planning Manager *AM*

**SUBJECT:** Accessory Dwelling Units Ordinance Amendment (Z-18-06)

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### **RECOMMENDED ACTION**

It is recommended that the City Council adopt the Ordinance making text amendments to Section 9-5.3805-*Accessory Dwelling Units* of the Zoning Ordinance to comply with new State Laws relating to Accessory Dwelling Units.

### **STRATEGIC PURPOSE**

This action will forward Long Term Goal G: Planning, Entitlements, and Permitting, by providing consistent and efficient entitlement, permitting, and development services to the public.

### **FISCAL IMPACT**

The action does not directly impact the City budget. Some staff time will be required to update the Municipal Code, application materials, and handouts to include the requirements of the new state law.

### **DISCUSSION**

The adoption of an Ordinance requires two separate readings. The subject Ordinance was introduced at the August 28, 2018 City Council meeting. This second reading will finalize the adoption of this Ordinance.

### **ATTACHMENTS**

A: Ordinance Amending Zoning Regulations for Accessory Dwelling Units

# ATTACHMENT "A"

ORDINANCE NO. \_\_\_\_

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING ZONING REGULATIONS FOR ACCESSORY DWELLING UNITS

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

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

**B.** On January 10, 2017, the City Council adopted Ordinance No. 2121-C-S regulating second residential units within the City of Antioch.

**C.** On October 8, 2017, Governor Brown signed SB 229 (Wiecowski) and AB 494 (Bloom) into law, amending Government Code section 65852.2 and mandating that all local agencies adopt an Accessory Dwelling Unit ordinance consistent with the new provisions.

**D.** The Planning Commission conducted a duly noticed public hearing on August 1, 2018 at which time a resolution was approved to initiate and recommend to the City Council that this ordinance be adopted. The City Council held a duly noticed public hearing August 28, 2018 at which time all interested persons were allowed to address the Council regarding adoption of this ordinance.

**E.** The City Council finds that the public necessity requires the proposed zoning ordinance amendments to impose requirements for Accessory Dwelling Units within the City of Antioch that are consistent with State law; said amendments are not detrimental to properties within Antioch, and that the proposed zoning ordinance amendment is in conformance with the Antioch General Plan.

**SECTION 2.** Section 9-5.3805 is hereby amended as follows:

9-5.3805 ACCESSORY DWELLING UNITS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY DWELLING UNIT.** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is

situated. An **ACCESSORY DWELLING UNIT** also includes the following: An efficiency unit, as defined in Health and Safety Code § 17958.1; a manufactured home, as defined in Health and Safety Code § 18007.

**ADMINISTRATIVE USE PERMIT.** A land use permit defined in § 9-5.2701(E) of this code, and issued by the Zoning Administrator or his or her designee without notice or public hearing.

**JUNIOR ACCESSORY DWELLING UNIT.** An accessory dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing single-family structure. A **JUNIOR ACCESSORY DWELLING UNIT** may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

**LIVING AREA.** The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

**MAIN UNIT.** The existing single-family or multiple-family dwelling unit currently on the lot.

**TANDEM PARKING.** Parking configuration where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(B) *General requirements.* An accessory dwelling unit may be allowed by administrative use permit in areas zoned to allow single-family and or multiple-family zoning districts use. No building permit shall be issued for an accessory dwelling unit until an administrative use permit has been approved by the Zoning Administrator. A building permit shall be issued within 120 days of receipt of an application if all of the following development standards are met:

- (1) The lot is zoned for to allow single-family or multi-family residential use and is ~~improved with a~~ includes a proposed or existing single-family dwelling unit;
- (2) There shall be no more than one accessory dwelling unit per legal parcel;
- (3) The lot on which the accessory dwelling unit is to be placed shall not be subdivided and neither unit can be sold independently of the other. The city shall require recordation of a deed restriction setting forth this subdivision limitation;
- (4) The lot on which an accessory dwelling unit is to be placed must be able to provide adequate sewer and water services for both the existing primary dwelling unit and the accessory dwelling unit as determined by the City Engineer. Approval by the Contra Costa County Health Department shall be required if a private sewage disposal system or well system is being used;
- (5) The accessory dwelling unit is architecturally compatible with the main unit, and the development of the accessory dwelling unit will maintain the appearance of a single-family residence (if located in a single-family neighborhood or zoning district);
- (6) The total combined maximum lot coverage ratio for the existing main dwelling unit and the accessory dwelling unit and all accessory buildings located on the lot shall not exceed 60%;
- (7) The accessory dwelling unit may either be attached to the proposed or existing main unit, located within the living area of the proposed or existing main unit, or be detached from the proposed or existing main unit;

- (8) The floor area of an attached accessory dwelling unit may not exceed 50% of the floor area of the proposed or existing main unit living area, with a maximum increase in floor area of 1,200 square feet;
- (9) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet;
- ~~(10) The floor area of a junior accessory dwelling unit may not exceed 500 square feet;~~
- ~~(11) Height, setback, uniform building codes, architectural review, site plan review, and other similar land use requirements of this code pertaining to main units shall apply to accessory dwelling units.~~
- (11) A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of the accessory dwelling unit;
- ~~(12) The rear yard setback for accessory dwelling units may be reduced to ten feet. Either the accessory dwelling unit or the main unit may be permitted to face the rear of the other structure, and the accessory dwelling unit shall maintain ten feet separation from the main unit, but may be permitted closer than ten feet from the main unit where it can be shown that the site design will be improved;~~
- ~~(13) No passageway shall be required in conjunction with construction of an accessory dwelling unit;~~
- ~~(14) Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence;~~
- ~~(15) The main unit shall comply with applicable Building Code requirements for detached dwellings;~~
- ~~(16) The accessory dwelling unit shall have a permanent foundation.~~
- ~~(17) Junior Accessory Dwelling Units~~
- ~~(a) Junior accessory dwelling units are limited to one per residential lot zoned for within a zone for single-family residences use with a single-family residence already built on the lot;~~
- ~~(b) Junior accessory dwelling units must be constructed within the existing walls of the structure and must include an existing bedroom;~~
- ~~(c) Junior accessory dwelling units must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area;~~
- ~~(d) Junior accessory dwelling units may include separate sanitation facilities, or may share sanitation facilities with the existing structure;~~
- ~~(e) No additional off-street parking spaces are required to be provided;~~
- ~~(f) The floor area of a junior accessory dwelling unit may not exceed 500 square feet;~~
- ~~(g) Junior accessory dwelling units must include an efficiency kitchen, which shall include:~~
- ~~(a) 1. A sink with a maximum waste line diameter of one and one-half inches;~~
- ~~(b) 2. A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural gas or propane;~~

(e) 3. A food preparation counter and storage cabinets that are of reasonable size in relation to junior accessory dwelling unit;

(18) Parking.

- (a) One additional standard off street parking space shall be provided per unit or per bedroom, whichever is less. The additional space may be in tandem, ~~or on an existing a~~ driveway;
- (b) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the number of off-street parking spaces are required to be replaced per the requirements of § 9-5.1703.1, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, ~~or tandem spaces~~, or by the use of mechanical automobile parking lifts;
- (c) The requirement for off-street parking may be waived for an accessory dwelling unit in any of the following instances:
  - 1. Lots developed prior to January, 1964, that have a minimum parcel size of less than 6,000 square feet, provided that compliance with the parking requirements of this section could not be accomplished;
- (d) Parking standards shall not be imposed in the following instances:
  - 1. The accessory dwelling unit is either a junior accessory dwelling as defined in this section or located in an existing accessory structure or is an attached accessory dwelling unit;
  - 2. The accessory dwelling unit is located within one-half mile of public transit;
  - 3. There is a car share vehicle located within one block of the accessory dwelling unit;
  - 4. The accessory dwelling unit is located within an architecturally and historically significant historic district;
  - 5. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

~~(19) The rear yard setback for accessory dwelling units may be reduced to ten feet. Either the accessory dwelling unit or the main unit may be permitted to face the rear of the other structure, and the accessory dwelling unit may be permitted closer than ten feet from the main unit where it can be shown that the site design will be improved;~~

~~(20) Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence;~~

~~(21) The main unit shall comply with applicable Building Code requirements for detached dwellings;~~

~~(22) The accessory dwelling unit shall have a permanent foundation.~~

(C) *Residential allocation exemption.* The issuance of administrative use permits for accessory dwelling units shall be exempt from the provisions of Article 40 of this code, and such permits are exempt from any other growth control limits. This provision is a requirement of state law (Chapter 1062 of the 2002 Statutes). If such requirement is rescinded, this exemption may be eliminated by the City Council.

(D) *Occupancy.* The owner of the parcel upon which the accessory dwelling unit or junior accessory dwelling unit is located must occupy either the main unit or the accessory dwelling unit or junior accessory dwelling unit, as applicable. Accessory dwelling units may be used for rentals of terms longer than 30 days. Owner occupancy of a junior accessory dwelling unit shall not be required if the owner is another governmental agency, land trust, or housing organization.

(E) *Deed restrictions.* Before obtaining a building permit for an accessory dwelling unit, the applicant shall do the following:

(1) Enter into an agreement of restrictions with the city that refers to the deed under which the property was acquired by the applicant and provides the following:

(a) The second unit shall not be sold separately;

(b) The second unit is restricted to the maximum size allowed under division (C) above;

(c) The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the county against the property owner.

(2) Record the agreement with the County Recorder.

(3) Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows: "You are purchasing a property with a permit for a second residential unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the second unit separately. The second unit is restricted to the maximum size allowed under City of Antioch Zoning Ordinance Code Section § 9-5.3805(C). The permit is available from the current owner or from the City of Antioch Community Development Department."

(F) This section is adopted consistent with, and as required by, state law.

#### **SECTION 4. CEQA.**

Pursuant to Public Resources Code section 21080.17, the adoption of an ordinance to implement the provisions of Government Code Section 65852.1 and Section 65852.2 is exempt from the California Environmental Quality Act (CEQA).

#### **SECTION 5. Publication; Effective Date.**

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

#### **SECTION 6. Severability.**

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

Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 28<sup>th</sup> day of August and passed and adopted at a regular meeting thereof, held on the 11<sup>th</sup> day of September 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
**Sean Wright, Mayor of the City of Antioch**

**ATTEST:**

\_\_\_\_\_  
**Arne Simonsen, CMC**  
**City Clerk of the City of Antioch**


AL6



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Derek P. Cole, Interim City Attorney 

**SUBJECT:** Ordinance Comprehensively Amending Title 5, Chapter 19, Of The Antioch Municipal Code Concerning The Permitting Of Massage Establishments

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### **RECOMMENDED ACTION**

It is recommended that the City Council waive the second reading and enact an Ordinance of the City Council of the City of Antioch Repealing and Reenacting Chapter 19 Of Title 5 of the Antioch Municipal Code Concerning Massage Establishments.

### **STRATEGIC PURPOSE**

The proposed action is consistent with Strategy N-1, Effectively and efficiently provide legal services in support of the City's policies, procedures and initiatives.

### **FISCAL IMPACT**

Costs in an unknown amount may be incurred to enforce the ordinance and enforcement scheme provided for in this revised Chapter of the Antioch Municipal Code. However, the ordinance provides for recovery of administration and enforcement costs from applicants and registrants.

### **DISCUSSION**

The City Council introduced this ordinance at its regular meeting of August 28, 2018. The discussion below is repeated from the staff report for that item:

The City has had a chapter in its municipal code concerning the permitting of massage establishments since 2007. The proposed comprehensive revision to this chapter is based on an analysis of developments that have occurred over the past decade. In particular, the City has consulted with the California Massage Therapy Council (CAMTC), which has published a "best practices" document for local massage ordinances. To ensure the City's ordinance implements all of these practices and is up to date, the following changes are proposed to be made to Title 5, Chapter 19 of the City Code:

- *Integration of the CAMTC licensing requirements.* The revised ordinance requires that all massage business be certified by the CAMTC in addition to obtaining City massage establishment registrations. At the same time, the revised ordinance



eliminates the requirements for each massage therapist to obtain a permit from the City Police Department. (This is because the State basically covers the licensing of individual therapists). Going forward, only massage businesses (establishments) will be required to obtain City permits.

- Registration System. The Police Department will be principally responsible for enforcing a registration system for all massage establishments within city limits. Massage businesses will be required to obtain registrations from the Police Department rather than permits, as provided under the previous ordinance. The Department's responsibility in administering the application is mostly ministerial; it will review all applications to ensure the completeness of the information submitted and compliance with applicable requirements. Upon determination of completeness and compliance, a registration will be issued.

- Background Checks for all Owners of Massage Establishments. Because of the expanded definitions of "owner" and "operator" under the revised ordinance, *all* persons with some ownership interest in a massage business will be required to undergo background checks. This avoids a situation in which only one person, designated as the applicant, is allowed to undergo the background check while others—who may have relevant past experiences, including criminal convictions—are not required to undergo the same.

- Tightening of the Educational Requirements for Massage Therapists. The revised ordinance includes language requiring that massage therapists possess diplomas or certificates from state-licensed massage schools. In particular, the revised ordinance prohibits massage establishments from fraudulently doubling as massage schools and issuing diplomas or certificates to persons who are not actually qualified.

- Additional Grounds for Denial of Registrations. The current ordinance provides several grounds for denial of massage establishment permits. In the revised ordinance, conviction for loitering in association with, or aiding of, prostitution are added as grounds for denial and revocation of permits.

- Expanded Inspection Authority. The revised ordinance expands the list of city officials with the ability to enter buildings and structures devoted to massage establishments to include the City Code Enforcement Officer, Building Official, and Health Officer. Fee authority is provided to ensure the City can recover the costs of such inspections.

- Notification Requirements. The revised ordinance requires that, within 96 hours of an arrest of any owners or employees, resignation or termination of any practitioner within the establishment, or any violation of the City Massage Ordinance, the registrant must advise the Police Department of the event.

- Expanded Grounds for Revocation of Permits. The revised ordinance expressly adopts violations of Business and Professions Code section 4609 as grounds for revocation of any City-issued registration. This state code section prohibits several acts, including the provision of various sexual acts during the giving of massages.

- Prohibition on Continued Use of Location Where Permit Revoked. The revised ordinance provides that if a registration is revoked, no new massage establishment may be located in the same location for a period of 18 months from the effective date of the revocation. This avoids the situation in which one business is effectively transferred to another owner and continued after a revocation proceeding has concluded against a registrant.

**VOTE REQUIREMENT**

Majority of quorum.

**ATTACHMENT**

A. Ordinance

ORDINANCE NO. \_\_\_\_-C-S

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH REPEALING AND REENACTING CHAPTER 19 OF TITLE 5 OF THE ANTIOCH MUNICIPAL CODE CONCERNING MASSAGE ESTABLISHMENTS**

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

**Section 1.** Chapter 19 of Title 5 of the Antioch Municipal Code is hereby repealed and reenacted to read as follows:

**5-19.01 PURPOSE AND INTENT.**

The City Council finds and declares as follows:

(A) In enacting this chapter, the City Council recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The City Council further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. Accordingly, it is the purpose and intent of this chapter to protect the public health, safety, and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

(B) Furthermore, it is the purpose and intent of this chapter to address the negative impacts identified in the City Council's findings to reduce or prevent neighborhood blight and to protect and preserve the quality of city neighborhoods and commercial districts and to enhance enforcement of criminal statutes relating to the conduct of operators and employees of massage businesses.

(C) It is the Council's further purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the State Legislature in 2008 as California Business and Professions Code Sections 4600 et seq. by Senate Bill 731, and amended in 2011 by Assembly Bill 619 and in 2014 by Assembly Bill 1147, to restrict the commercial practice of massage in the city to those persons duly certified to practice by the California Massage Therapy Council and to provide for the regulation of massage businesses for health and safety purposes to the extent allowed by law.

**5-19.02 DEFINITIONS.**

For the purposes of this chapter, unless the particular provision or the context otherwise clearly requires, the definitions in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

**ACUPUNCTURE** means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain

or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electro acupuncture, cupping, and moxibustion.

**APPLICANT** in the case of a massage establishment registration, means an individual, or if not an individual, the general partner, chief executive officers, chief advisor, or other person responsible for the ownership and operation of the massage establishment, who applies to obtain a registration under this chapter.

**CALIFORNIA MASSAGE THERAPY COUNCIL** or “**CAMTC**” means the massage therapy organization formed pursuant to California Business and Professions Code Section 4600.5.

**CERTIFIED MASSAGE PRACTITIONER** means any individual certified by the CAMTC as a certified massage therapist or as a certified massage practitioner pursuant to California Business and Professions Code Sections 4600 et seq.

**CLIENT** means the customer or patron who pays for or receives massage services.

**COMPENSATION** means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

**EMPLOYEE** means any owner, partner, operator, manager, supervisor or worker, whether paid or not, employed by a massage business who may render any service to the business, and who receives any form of compensation from the business.

**HEALTH OFFICER** means the person appointed by the City of Antioch pursuant to the California Health and Safety Code or his or her authorized representatives or designees.

**MASSAGE** or **MASSAGE THERAPY**, means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

**MASSAGE ESTABLISHMENT** means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities—including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs—shall be deemed a massage business under this chapter.

**OPERATOR** means any and all owners of a massage business.

**OUTCALL MASSAGE** means the engaging in or carrying on of massage therapy for compensation in a location other than the business operations address set forth in the massage business’s registration.

**OWNER** means any of the following persons:

- (1) Any person who is a general partner of a general or limited partnership that owns a massage business.
- (2) Any person who has five percent (5%) or greater ownership interest in a corporation that owns a massage business.
- (3) Any person who is a member of a limited liability company that owns a massage business.
- (4) Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a massage business.

**PERSON** means any individual, firm, association, partnership, co-partnership, joint stock company, corporation, joint venture, limited liability company, or combination of individuals of whatever form or character.

**POLICE DEPARTMENT** means the unit or person(s) designated by the Police Chief to administer this chapter.

**RECEPTION AREA** and **WAITING AREA** means an area immediately inside the front door of the massage business dedicated to the reception and waiting of patrons of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

**REGISTRATION** means the registration to engage in the practice or business of massage therapy as required by this chapter.

**REGISTRANT** means any person possessing a registration required and issued under this chapter.

**SCHOOL OF MASSAGE** means any school or institution of learning that is recognized as an approved school pursuant to California Business and Professions Code Division 2, Chapter 10.5, as currently drafted or as may be amended.

**SOLE PROPRIETORSHIP** means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.

**SOLICIT** means to request, ask, demand or otherwise arrange for the provision of services.

### **5-19.03 CAMTC CERTIFICATION REQUIRED.**

It shall be unlawful for any individual to practice massage therapy for compensation as a sole proprietorship or employee of a massage business or in any other capacity with the City of Antioch unless that individual is a certified massage practitioner.

### **5-19.04 MASSAGE ESTABLISHMENT REGISTRATION.**

(A) Except as otherwise provided in Section 5-19.05, it shall be unlawful for any person to engage in, conduct, carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the city, the operation of a massage establishment

without first having obtained a massage establishment registration issued by the Police Department pursuant to this chapter. A separate registration shall be obtained for each separate massage establishment.

(B) A registration issued under this chapter does not authorize the registrant to practice massage therapy until the registrant has complied with all business license requirements, zoning/planning requirements, and all other applicable federal, state, and city laws or regulations.

#### **5-19.05 REGISTRATION EXCEPTIONS.**

The registration requirements of this chapter shall not apply to the following persons while engaged in the performance of their duties:

(A) Physicians, surgeons, chiropractors, osteopaths, nurses, physical therapists, or acupuncturists who are duly licensed to practice their respective professions of the state.

(B) Barbers beauticians, cosmetologists, and estheticians who are duly licensed under the laws of the state while engaging in practices within the scope of their licenses.

(C) Hospitals, nursing homes, sanitariums, or any other health facility duly licensed by the state.

(D) Accredited high schools, junior colleges, colleges, or universities whose coaches and trainers are acting within the scope of their employment.

(E) Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes and trainers working in conjunction with a specific athletic event such as road races, track meets, triathlons, biathlons, or similar single occurrence athletic or recreational events.

#### **5-19.06 MASSAGE ESTABLISHMENT REGISTRATION APPLICATION AND FEE.**

(A) Each applicant for a massage establishment registration shall file a written application with the Police Department on a form provided by the Police Department.

(B) Each application shall be accompanied by a nonrefundable fee, in an amount established in the resolution approving the Master Fee Schedule. The application fee shall be used to defray the costs of processing the investigation and report, and is not made in lieu of any other fees or taxes required under this code. In addition, applicants are required to make payment to the Department of Justice for fingerprinting services as required by this chapter. A copy of the receipt for the nonrefundable fee shall accompany the application.

(C) Each applicant shall submit the following information in the application under penalty of perjury:

(1) Legal name of the massage business.

(2) The present or proposed address and telephone number where the massage business is to be conducted.

(3) Legal names, including all names used presently or in the past, of all owners of the massage business.

(4) A list of all of the massage business's employees and independent contractors who are performing massage and their CAMTC certifications.

(5) Residence address and telephone number of all owners of the massage business.

(6) Business address and telephone number of all owners of the massage business.

(7) The form of business under which the massage business will be operating (i.e. corporation, general or limited partnership, limited liability company, or other form).

(8) Each owner or operator of the massage business who is not a CAMTC-certified massage practitioner shall submit an application for a background check, including the following: the individual's business, occupation, and employment history for the five years preceding the date of the application; the inclusive dates of such employment history; the name and address of any massage business or similar business owned or operated by the individual whether inside or outside the County of Contra Costa and its incorporated cities.

(9) For all owners, a valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.

(10) For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code Sections 4600 et seq., and local, state, or federal law, or the provisions of this chapter may result in revocation of the massage establishment's registration.

### **5-19.07 APPLICATION REVIEW.**

Upon receipt of an application, the Police Department shall review the application and supplementary material. If it is clear from the face of the application and supplementary material that the applicant is not qualified for the registration sought pursuant to the requirements and standards of this chapter, or if the required fee has not been paid, the application may be denied without further investigation. If it appears from the face of the application and supplementary material that the applicant may be eligible for the registration sought, the Police Department shall verify the information submitted by the applicant and shall further investigate the qualifications of the applicant as follows:

(A) The Police Department shall receive a full set of the applicant's fingerprints from a qualified private fingerprinting service, at the applicant's sole expense. Upon receipt of the applicant's fingerprints, the Police Department shall review the criminal history (if any) of the applicant.

(B) The Police Department may conduct additional investigations in a manner authorized by law when necessary to determine if the applicant meets the qualifications for a registration pursuant to this chapter.

#### **5-19.08 REGISTRATION ISSUANCE OR DENIAL.**

(A) The Police Department shall issue or deny the application for a massage establishment registration within sixty (60) days of a completed application. When necessary, the Police Department may extend the time to issue or deny the application.

(B) In addition to any other section of this chapter, the Police Department shall deny a registration if any of the following circumstances exist:

(1) The application is incomplete and/or required supplementary material is not submitted within thirty (30) days of the date the material is requested.

(2) The applicant has previously had a massage establishment registration or any similar license, certificate, or registration revoked by the city or any public agency during the seven (7) years preceding the date of the application.

(3) The applicant has made a material misrepresentation in the application or supplementary material submitted with the application.

(4) The applicant has been successfully prosecuted under the Red Light Abatement Act (California Penal Code Sections 11225, et seq.) or any similar law in another jurisdiction during the seven (7) years preceding the date of the application.

(5) The applicant has been convicted of conduct that requires registration under Cal. Penal Code Section 290; conduct which is in violation of California Penal Code Sections 220, 245.3, 345.5, 261, 264.1, 266(e), 266(h), 266(i), 314, 315, 316, 318, 647(a), 647(b), 647(d), 653.22, or 653.23; any other crime involving dishonesty, fraud, deceit, violence, or moral turpitude; conspiracy or attempt to commit any of the aforementioned designated offenses; convictions to a charge of a violation of California Penal Code Sections 415 and 602, or any lesser included or related offense, in satisfaction of, or as substitute for any of the previously listed crimes, or any crime committed while engaged in the ownership of a massage establishment or the practice of massage therapy; convictions that have been expunged and convictions under the laws of other jurisdictions that proscribe the same or similar conduct as the previously listed crimes; or conviction of California Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution, or possession of a controlled substance specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058 during the seven (7) years preceding the date of the application.

(C) If prosecution is pending against the applicant for either conduct listed in Paragraph (B) of this section, the Police Department may postpone the decision on the application until the final resolution of the prosecution is reached. As used in this chapter, prosecution means charges filed by the District Attorney, administrative proceedings brought by a local government or agency, or a civil action maintained by the City Attorney.

(D) The Police Department may postpone a decision on license or registration application until the city receives the applicant's fingerprint review results from the Department of Justice.



(E) The Police Department shall give written notice of the grounds for denial to the applicant personally or by first class mail, postage prepaid, at the address provided on the application. The notice shall advise the applicant of the right to request a hearing as provided in this chapter.

#### **5-19.09 HEARING ON DENIAL OF REGISTRATION.**

If a registration for a massage establishment is denied, an applicant may, within fourteen (14) calendar days after such action is taken, request a hearing before the Board of Administrative Appeals pursuant to Chapter 4 of Title 1 of the Municipal Code, at which time evidence will be received for the purpose of determining whether the action of the Police Department in denying the issuance of an annual registration should be sustained or reversed.

#### **5-19-10 APPEAL OF DENIAL OF REGISTRATION.**

Judicial review shall be available as established in Government Code Section 53069.4 and pursuant to Section 1-4.04 of this code.

#### **5-19.11 OPERATING REQUIREMENTS.**

Every massage establishment shall comply with the standards established by the Contra Costa County Health Services. No person shall engage in, conduct, carry on, or permit any massage within the City of Antioch unless all of the following requirements are met:

(A) CAMTC certification shall be worn by and clearly visible on the massage practitioner's person during working hours and at all times when the massage practitioner is inside a massage business or providing outcall massage.

(B) Massage shall be provided or given only between the hours of 7:00 a.m. and 9:00 p.m. No massage establishment shall be open and no massage shall be provided between 9:00 p.m. and 7:00 a.m. A massage commenced prior to 9:00 p.m. shall nevertheless terminate at 9:00 p.m., and all clients shall exit the premises at that time. It is the obligation of the massage business to inform clients of the requirement that services must cease at 9:00 p.m.

(C) A list of the services available and the cost of such services shall be posted in the reception area within the massage premises, and shall be described in readily understandable language. Outcall service providers shall provide such a list to clients in advance of performing any service. No owner, manager, operator, or responsible managing employee shall permit any service other than those posted or listed as required herein, nor shall an operator or a massage practitioner request or charge a fee for any service other than those on the list of services available and posted in the reception area or provided to the client in advance of any outcall services.

(D) A copy of the CAMTC certificate of each and every massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates of former employees and/or contractors shall

be removed as soon as those massage practitioners are no longer employed by or offering services through the massage business.

(E) For each massage service provided, every massage business shall keep a complete and legible written record of the following information: the date and hour that service was provided; the service received; the name or initials of the employee entering the information; and the name of the massage practitioner administering the service. Such records shall be open to inspection and copying by the Police Department, may not be used by any massage practitioner or operator for any purpose other than as records of service provided and may not be provided to other parties by the massage practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two (2) years and be immediately available for inspection during business hours.

(F) Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

(G) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the Health Officer. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the Health Officer. All walls, ceilings, floors, and other physical facilities for the business must be in good repair, and maintained in a clean and sanitary condition.

(H) Instruments utilized in performing massage shall not be used on more than one client unless they have been sterilized, using approved sterilization methods.

(I) All massage business operators and their employees, including massage practitioners, shall wear clean, non-transparent outer garments. Such garments shall not expose their genitals, pubic areas, buttocks, or chest, and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest. For the purposes of this section, outer garments means a garment worn over other garments and does not include garments like underwear, bras, lingerie or swimsuits.

(J) No person shall enter, be, or remain in any part of a massage business while in possession of an open container of alcohol, or consuming or using any alcoholic beverage or drugs except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises.

(K) No massage business shall operate as a school of massage, or use the same facilities as that of a school of massage.

(L) No massage business shall place, publish or distribute, or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to this chapter, nor shall any

massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.

(M) No massage shall be given unless the client's genitals are, at all times, fully covered. A massage practitioner shall not, in the course of administering any massage, make physical contact with the genitals or private parts of any other person regardless whether the contact is over or under the person's clothing.

(N) Where the massage establishment has staff available to assure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage business shall remain unlocked during business hours when the business is open for business or when clients are present.

(O) No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. For the purpose of this subsection, there is a non-rebuttable presumption that the visibility is impermissibly blocked if more than ten percent (10%) of the interior reception and waiting area is not visible from the exterior window.

(P) All signs shall be in conformance with the current ordinances of the City of Antioch.

(Q) Minimum lighting consisting of at least one artificial light of not less than forty (40) watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

(R) Ventilation shall be provided in accordance with applicable building codes and regulations.

(S) Hot and cold running water shall be provided at all times.

(T) Adequate dressing, locker, and toilet facilities shall be provided for clients.

(U) A minimum of one (1) wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.

(V) All massage businesses shall comply with all state and federal laws and regulations for handicapped clients.

(W) A massage establishment shall operate only under the name specified in its registration issued under this chapter.

(X) No massage business shall allow any person to reside within the massage business or in attached structures owned, leased, or controlled by the massage business.

(Y) Other than custodial or maintenance staff, no persons shall be permitted within the premises of a massage business between the hours of 11:00 p.m. and 6:00 a.m.

#### **5-19.12 INSPECTION BY OFFICIALS.**

The investigating and enforcing officials of the City of Antioch, including, but not limited to, the Police, Health Officer, Code Enforcement Official, and Building Official, or their

designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this chapter. The massage business may be charged a fee for any safety inspections. The City may charge registrants for the cost of inspections in amounts established in the Master Fee Schedule.

### **5-19.13 NOTIFICATIONS.**

(A) A registrant shall report to the Police Department any of the following within ninety-six (96) hours of the following occurrences:

(1) Arrests of any employees, operators, or owners of the registrant's massage establishment for an offense other than a misdemeanor traffic offense.

(2) Resignations, terminations, or transfers of practitioners employed by the registrant's massage business.

(3) Any event involving the registrant's massage establishment or the massage practitioners employed therein that constitutes a violation of this chapter or state or federal law.

(B) This provision requires reporting to the Police Department even if the massage business believes that the Police Department has or will receive the information from another source.

### **5-19.14 GROUNDS FOR SUSPENSION OR REVOCATION OF REGISTRATION.**

(A) The Police Department may revoke or suspend any registration under this chapter if any of the following are found:

(1) The registrant commits any act that violates Business and Professions Code section 4609.

(2) The registrant does not possess the qualifications for the registration as required by this chapter.

(3) The registrant has been convicted of or found liable for any violation of this chapter.

(4) There is fraud, material misrepresentation, false statement, or omission of material fact in any application for a registration or in any supplemental material.

(5) An activity authorized in the registration has been conducted in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

(B) For purposes of this section, registrant, in the case of a massage establishment, shall include the managing responsible officer or managing employee.

(C) Prior to the suspension or revocation of any registration issued pursuant to this chapter, the Police Department shall give written notification of the suspension or revocation of the registration(s) to the registrants(s) personally or by first class mail,

postage prepaid, at the address provided on the registration application. This notice shall advise the registrant of the right to request a hearing as provided in this chapter.

(D) The suspension or revocation shall take effect immediately upon the Board of Administrative Appeals' decision affirming of the suspension or revocation of, if no appeal of the notice of revocation or suspension is filed, upon the expiration of the appeal period for challenging the notice. The filing of an appeal of the Board of Administrative Appeals' decision to the City Council shall not stay or delay the effectiveness of the suspension or resignation. The filing of a petition for writ of mandamus challenging the City Council's affirmance of the Board of Administrative appeal shall not stay or delay the effectiveness of the suspension or resignation, unless upon proper motion or application, the court orders otherwise.

#### **5-19.15 HEARING ON SUSPENSION OR REVOCATION OF REGISTRATION.**

The registrant shall have fourteen (14) days from the date of the written notice of suspension or revocation of any registration issued pursuant to this chapter to file a written appeal with the Board of Administrative Appeals, pursuant to Chapter 4 of Title 1 of the Municipal Code. Evidence will be received at the hearing for the purpose of determining whether or not such registration shall be suspended or revoked, or whether the registration may be retained.

#### **5-19.16 BURDEN OF PROOF.**

Unless otherwise specifically prohibited by law, the burden of proof is on the applicant or registrant in any hearing or other matter under this chapter.

#### **5-19.17 APPEAL OF SUSPENSION OR REVOCATION OF REGISTRATION.**

If the Board of Administrative Appeals does not reverse the Police Department action in suspending or revoking the registration pursuant to this chapter, judicial review shall be available as established in California Government Code Section 53069.4 and pursuant to Section 1-4.04 of this code.

#### **5-19.18 EFFECT OF REVOCATION OF REGISTRATION.**

If a registration issued under this Chapter is revoked, no massage establishment shall be authorized to locate in the same location of the establishment where the registration was revoked for a period of 2 years from the effective date of the revocation. If the registrant is not also the legal owner of the real property on which the massage establishment is situated, notice of such revocation and the 2 years prohibition shall be provided to the owner of record of the property as shown on the latest county assessment roll.

**5-19.19 MINIMUM AGE REQUIREMENT.**

(A) No person shall be employed in a massage therapy establishment or perform massage therapy or manage or hold ownership interest in a massage therapy establishment who is not at least eighteen (18) years of age.

(B) It is unlawful for the owner, proprietor, managing employee, or any other person in charge of any massage establishment to employ any person less than eighteen (18) years of age.

**5-19.20 REGISTRATIONS NON-ASSIGNABLE.**

No registration shall be sold, transferred, or assigned by registrant or by operation of law to any other person. Any such sale, transfer, assignment, attempted sale, attempted transfer, or attempted assignment shall constitute an immediate revocation of the registration and the registration shall thereafter be null and void.

**5-19.21 CHANGE OF NAME OR LOCATION, EXPANSION OF BUILDING.**

(A) No registrant shall operate under any name or conduct any massage establishment under any designation or location not specified in the registration.

(B) In the case of any proposed change of name, notification thereof shall be made to the Police Department at least thirty (30) days prior to the change. Any proposed name change is subject to the approval of the Police Department.

(C) Any proposed change of location of a massage establishment is subject to the approval of the Police Department, in addition to compliance with all city ordinances and regulations.

(D) Any application for an expansion of a building of a massage establishment shall require compliance with this chapter and all other applicable laws.

(E) In case of any change of location or expansion of the massage establishment, inspection thereof by the city's Building and/or Planning Department shall be made as required in this chapter within thirty (30) days of the application.

**5-19.22 DISPLAY OF REGISTRATION.**

The massage establishment registration shall be displayed in an open and conspicuous place on the premises where the massage establishment business is conducted.

**5-19.23 RESPONSIBILITY OF REGISTRANT**

It shall be the responsibility of the massage establishment registrant who has employed or subcontracted any person acting or purporting to act as a massage therapist or the employer of contractor of any person acting or purporting to act as a massage therapist or anyone operating a massage establishment to ensure that all massage therapists comply with the requirements of this chapter and all laws. The massage establishment registrant or operator of a massage establishment shall be held

responsible for the conduct of all persons on the premises that engage in providing the service of massage therapy. Any act or omission of the holder of the massage establishment registration or the operator of the massage establishment shall be deemed an act or omission of the holder of the massage establishment registration for the purposes of determining whether any license or registration may be revoked, suspended, or denied. Proof of knowledge of any violation of this section shall not be required for purposes of suspension, revocation or denial of such registration or license.

#### **5-19.24 OUTCALL MASSAGE THERAPY REGISTRATION.**

It shall be unlawful for any massage establishment or massage therapist to provide, or to offer to provide, massage therapy at any location except the place of business approved in the registration for a massage establishment or massage therapist. However, a massage establishment or massage therapist may obtain approval from the Police Department specifically authorizing outcall massage therapy services.

#### **5-19.25 REGISTRATION DURATION AND RENEWAL.**

(A) A registration shall be valid for one (1) year from the date of issuance, unless revoked or suspended.

(B) A registrant may apply for a renewal of a registration thirty (30) days prior to the expiration of the registration. If, upon the thirty-first (31<sup>st</sup>) day after the expiration of a registration, an application of renewal has not been received, the registration shall be deemed expired. Any registration issued under this chapter shall be returned to the Police Department within forty-eight (48) hours of its expiration. No privilege to provide massage therapy shall exist until an application for renewal has been granted. After a registration expires, a new application may be filed.

(C) Registrations may be renewed every year by filing an application for renewal under penalty of perjury updating information in the original application provided to the Police Department.

(D) To renew a registration under this chapter, the registrant shall pay the city a non-refundable fee in an amount set forth in the resolution approving the Master Fee Schedule. A copy of the receipt for the non-refundable fee shall accompany the application for renewal.

(E) After investigating the application for renewal, the Police Department may renew the registration if registrant continues to meet the requirements for issuance of a registration and none of the grounds for denial of a registration set forth in this chapter exist. The Police Department shall renew the registration within thirty (30) days of such request if the information upon which the original application was granted remains unchanged and no violations of this chapter have been committed.

#### **5-19.26 CESSATION OF BUSINESS.**

If at any time during the duration of a registration issued under this chapter, a registrant ceases to do business as a massage establishment, the registrant shall:

(A) Return any registration issued under this chapter to the Police Department within five (5) business days.

(B) Notify the Business License Department.

### **5-19.27 ENFORCEMENT.**

(A) It is the duty of the Police Department to enforce rules and regulations in accordance with this chapter.

(B) Pursuant to the city's prosecutorial discretion, the city may enforce violations of the provisions of this chapter by criminal, civil, and/or administrative actions.

(C) Any massage business operated, conducted or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to California Business and Professions Code Section 17200 et seq., and the City Attorney or District Attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the Superior Court of Contra Costa County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to fines, attorneys fees and costs. All remedies provided for in this chapter are cumulative.

(D) It shall be unlawful and a public nuisance for a massage business to be operated, conducted, or maintained contrary to the provisions of this chapter. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, and enjoinder of that business in any manner provided by law.

### **Section 2. CEQA Findings.**

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

### **Section 3. Severability.**

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in force and effect.

### **Section 4. Effective Date and Publication.**

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation or by publishing a summary of the proposed ordinance and posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the



ordinance is to be adopted and within fifteen (15) days after its adopting, publishing a summary of the ordinance with the names of the Council members voting for and against the ordinance.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 28th day of August, 2018 and passed and introduced at a regular meeting thereof, held on the 11th day of September 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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**Sean Wright, Mayor of the City of Antioch**

**ATTEST:**

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**Arne Simonsen, CMC, City Clerk of the City of Antioch**



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Arne Simonsen, CMC, City Clerk *AS*

**APPROVED BY:** Nickie Mastay, Administrative Services Director *NM*

**SUBJECT:** City Clerks Business Meeting/Workshop and League of California Cities Annual Conference September 11-14, 2018

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### **RECOMMENDED ACTION**

It is recommended that the City Council authorize associated expenditures for the City Clerk to attend the City Clerks Business Meeting/Workshop and League of California Cities Annual Conference September 11-14, 2018 in Long Beach, California.

### **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 2018/19 budget allocated funding for the City Clerk to attend the City Clerk's Advanced Academy and League of California Cities Annual Conference and policy committee meetings (Registration \$675); Lodging (\$445); Meals (\$204).

### **DISCUSSION**

#### City Clerk's Business Meeting and Workshop September 12

The 2018-2019 City Clerks Association of California Board will be installed during the Business Meeting on Wednesday morning September 12<sup>th</sup> prior to the City Clerks Workshop. Attendees have their badge scanned in and out of every session and are required to complete a comment sheet on every session. MMC Advanced Education Point accreditation will be available.

League Policy Committee Meetings September 12

The City Clerk is a 2018 Presidential appointee to two of the League of California Cities Policy Committees: Housing, Community & Economic Development; and Governance, Transparency and Labor Relations. Both committees will be reviewing a Conference Resolution and making recommendations to the General Assembly.

League of California Cities Annual Conference & Expo September 12-14

City Clerk Simonsen is on the Annual Conference Planning Committee for the League of California Cities. This is his sixth year on the committee assisting with the development of the Breakout Sessions, City Talks for newer officials and those with several years serving their cities.

Educational sessions at the annual conference offer professional development, focusing on workable solutions through current and timely topics. Targeting a broad audience, sessions address innovative, thought/discussion provoking, evidence based, trends, tools, and best practices. Connecting professional experience and collective understanding, these sessions aim to provide attendees the opportunity to gain practical skills and useful resources.

The City of Antioch Travel and Expense Policy for Elected and Appointed (non-employee) Officials is attached as Attachment A. 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. Travel and Expense Policy

**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

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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



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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 Act<sup>1</sup>, 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.

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<sup>1</sup> 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 September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Phil Hoffmeister, Administrative Analyst II *PH*

**APPROVED BY:** Jon Blank, Public Works Director/City Engineer *JB*

**SUBJECT:** Formation of the Proposed City of Antioch Community Facilities District No. 2018-02 (Police Protection)

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### RECOMMENDED ACTION

It is recommended that the City Council adopt the Resolution of Intention of the City Council of the City of Antioch with Respect to Formation of the Proposed City of Antioch Community Facilities District No. 2018-02 (Police Protection).

### STRATEGIC PURPOSE

This action is essential to achieving the Long Term Goal A: Crime Reduction.

### FISCAL IMPACT

The proposed CFD will assess new residential development their proportionate share of providing police services to the new development and meeting the police staffing required by the General Plan.

### DISCUSSION

The Mello-Roos Community Facilities Act (Gov. Code section 53311, et. seq.) provides local governments with a mechanism for financing the construction of public facilities or to finance specific public services, such as police services. Through the formation of a Community Facilities District (CFD) a local agency is authorized to levy and collect a special tax, use the tax revenue to finance specified facilities and services, and to borrow money (through issuance of bonds or other indebtedness) to assist with financing facilities.

If approved, next steps include performing a registered voter's verification, generating a CFD report, recording the boundary map, executing a ballot to property owners for the formation, and holding a public hearing. The anticipated date for the public hearing is October 23, 2018 as indicated in the attached Resolution. At the public hearing, the results of the balloting will be tallied and recorded and the Council may approve the formation of CFD 2018-02. Upon approval, future subdivisions may then annex into the newly formed district.

### Background

The purpose of CFD 2018-02 is to finance the difference in cost between the current pre-development level of police services and the cost of providing additional post-development levels of police services required by the new development. The additional post-development levels of service are intended to supplement existing service levels, not take the place of existing services. Pre-development levels of police services will continue to be funded by general tax revenues. Chapter 3, Growth Management, Section 5, Service Standards for other Community Services, Title 3, Police Services, Item 2, reads as follows:

3.5.3.2 Performance Standard. Maintain a force level within a range of 1.2 to 1.5 officers, including Community Service Officers assigned to community policing and prisoner custody details, per 1,000 population. The ratio of Community Service Officers assigned to community policing and prisoner custody details to sworn officers shall not exceed 20 percent of the total number of Sworn Officers.

The current ratio of Sworn Officers and Community Service Officers to 1,000 population is 0.833.

The environmental documents for the most recently approved subdivisions in Antioch identified this as an impact and the conditions of approval require mitigation.

### Analysis

On January 24, 2017, the City of Antioch adopted Resolution No. 2017/10 authorizing formation of CFD 2016-01 (Police Protection). At the time of adoption, the maximum special tax imposed on affected parcels for Fiscal Year 2016/2017 was \$445.00 per parcel. This special tax has since been subject to annual escalation and currently resides at \$473.93. This figure is set to be the maximum special tax imposed for Single-Family Dwelling Units ("SFDs") for Fiscal Year 2018-19 in CFD 2018-02 (Police Protection). In addition to SFDs, a special tax has been calculated for Multi-Family and Age-restricted land uses.

Based on the City of Antioch's municipal code section 9-4.1004, the average occupants per Multi Family Dwelling Unit is 1.9, which is 63.33% of a Single-Family unit (3.0 per dwelling unit). This percentage has been applied to the SFD rate, which results in a special tax of \$300.14 for Multi-Family units.

As it relates to Age-Restricted units, most are occupied by a couple or a single person, with standard industry assumptions indicating an average of 1.5 persons per household. This equates to 50% of the average occupants for a Single-Family Unit in the City of Antioch. This percentage has been applied to the SFD rate, which results in a special tax of \$236.97 for Age-Restricted units.

### ATTACHMENTS

- A. Resolution of Intention of the City Council of the City of Antioch with Respect to Formation of the Proposed City of Antioch Community Facilities District No. 2018-02 (Police Protection)

- B. Petition to Create a Community Facilities District (Including Waivers) from Arroyo Gap Holdco, LLC dated August 3, 2018

# ATTACHMENT "A"

## RESOLUTION NO. 2018/\*\*

### RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH WITH RESPECT TO FORMATION OF PROPOSED CITY OF ANTIOCH COMMUNITY FACILITIES DISTRICT NO. 2018-02 (POLICE PROTECTION)

**WHEREAS**, under the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code, the City Council is authorized to establish a community facilities district and to act as the legislative body for a community facilities district; and

**WHEREAS**, the City Council, having received petitions from the owners of not less than 10% of the area of land proposed to be included in the proposed community facilities district desires to proceed with the establishment of a community facilities district in order to finance costs of police protection services described in **Exhibit A** attached hereto and hereby made a part hereof, and to pay the cost of administering the Community Facilities District (defined below).

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Antioch that it does hereby authorize and approve

**Section 1. Proposed District.** A community facilities district is proposed to be established under the terms of Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982." The name proposed for the community facilities district is "City of Antioch Community Facilities District No. 2018-02 (Police Protection), County of Contra Costa, State of California" ("CFD No. 2018-02").

**Section 2. Boundaries Described.** The proposed boundaries of the CFD are as shown on the map of it on file with the City Clerk, which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, the map of the boundaries of the CFD in the office of the Contra Costa County Recorder within 15 days of the date of adoption of this Resolution, but in any event at least 15 days prior to the public hearing specified below.

**Section 3. Types of Services; Incidental Expenses.** It is proposed that the proposed community facilities district shall provide and finance certain types of police protection services, as more particularly described in **Exhibit A**, including (i) the costs of contracting services, (ii) maintenance or upkeep of related facilities, equipment, vehicles, apparatus, and supplies, (iii) the salaries and benefits of staff that directly provide police protection services, and (iv) overhead costs associated with providing such services within the CFD.

**RESOLUTION NO. 2018/\*\***

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The proposed community facilities district shall also finance administrative expenses, as more fully described in **Exhibit A**, and reimbursement of costs related to formation of the CFD.

**Section 4. Special Taxes.** Special taxes sufficient to pay the costs of the services provided for in Section 3 above and the annual administrative expenses of the District and the proposed community facilities district in determining, apportioning, levying, and collecting such special taxes, shall be annually levied within the proposed community facilities district. Pursuant to Section 53340 of the California Government Code, the special taxes shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes. However, under no circumstances shall the special tax levied against any parcel subject to the levy of the special tax pursuant to the rates and method of apportionment be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the community facilities district by more than ten (10%). The Rate and Method of apportionment of said special taxes shall be as set forth in **Exhibit B** attached hereto and hereby made a part hereof.

**Section 5. Exempt Property.** Except as may otherwise be provided by law or by the Rate and Method of Apportionment, all lands owned by any public entity, including the United States, the State of California and/or the City, or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax to be made to cover the costs and expenses of the Services and the CFD.

**Section 6. Election.** The levy of the Special Tax in the CFD shall be subject to the approval of the qualified electors of the CFD at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the CFD, with each owner having one vote for each acre or portion of an acre such owner owns in the CFD.

**Section 7. Report.** The officers of the District who are responsible for providing the services to be financed by the proposed community facilities district, if it is established, are hereby directed, pursuant to the requirements of Section 53321.5 of the California Government Code to study the proposed community facilities district and, at or before the time of said hearing, file or cause to be filed a report with the Council containing a brief description of the services by type and an estimate of the cost of providing those services and the incidental expenses to be incurred in connection therewith. All such reports shall be made a part of the record of the hearing to be held pursuant to Section 7 hereof.

**Section 8. Public Hearing.** October 23, 2018, at 7:00 p.m. or as soon as possible thereafter, in the City Council Chambers, 200 "H" Street, Antioch, California, be, and the same are hereby appointed and fixed as the time and place when and where the City Council, as legislative body for the CFD, will conduct a public hearing on the

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**RESOLUTION NO. 2018/\*\***

September 11, 2018

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establishment of the CFD and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD and the levy of the Special Tax.

**Section 9. Notice of Hearing.** The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of the CFD. The publication shall be completed at least seven (7) days before the date of the public hearing specified above. The notice shall be substantially in the form specified in Section 53322 of the Act.

**Section 10. Further Action.** The Mayor, City Manager, Finance Director, Treasurer, City Attorney, City Clerk, and all other officers and agents of the City are hereby authorized and directed to take all actions necessary or advisable to give effect to the transactions contemplated by this Resolution.

**Section 11. No Obligation.** This Resolution shall in no way obligate the City Council of the City to form the CFD. The formation of the CFD shall be subject to the approval of the City Council by resolution following the holding of the public hearing referred to above.

I **HEREBY CERTIFY** that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 11th day of September 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

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**EXHIBIT A**

**CITY OF ANTIOCH  
Community Facilities District No. 2018-02  
(Police Protection)**

**DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD**

The Services shown below are proposed to be financed by the Community Facilities District No. 2018-02 (Police Protection) (the "CFD"). The Services shall be provided, pursuant to the plans and specifications approved by the City of Antioch (the "City") and the officials thereof, including the City Manager.

**SERVICES**

It is intended that the CFD will be authorized to finance all or a portion of the costs of any of the following types of services:

Police protection services, including but not limited to (i) the costs of contracting services, (ii) maintenance or upkeep of related facilities, equipment, vehicles, apparatus, and supplies, (iii) the salaries and benefits of staff that directly provide police protection services, and (iv) overhead costs associated with providing such services within the CFD.

**OTHER**

1. Administrative expenses, including the cost incurred to determine, levy and collect special taxes, including compensation of the City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City.
2. Reimbursement of costs related to the formation of the CFD advanced by the City, the landowner(s) in the CFD or any party related to any of the foregoing, as well as reimbursement of any costs advanced by the City, the landowner(s) in the CFD, or any party related to any of the foregoing, for services, facilities, fees or other purposes or costs of the CFD



# EXHIBIT "B"

## CITY OF ANTIOCH COMMUNITY FACILITIES DISTRICT NO. 2018-02 (POLICE PROTECTION)

### RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels of Taxable Property in City of Antioch Community Facilities District No. 2018-02 (Police Protection) (County of Contra Costa) ("CFD No. 2018-02") and collected each Fiscal Year commencing in Fiscal Year 2018-19, in an amount determined by the Council through the application of the appropriate Special Tax for "Developed Property," as described below. All of the real property in CFD No. 2018-02, unless exempted by law or by the provisions hereof, shall be taxed for these purposes, to the extent and in the manner herein provided.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

**"Administrative Expenses"** means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2018-02: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes (whether by the City or otherwise); the costs to the City, CFD No. 2018-02, or any designee thereof of complying with CFD No. 2018-02 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2018-02, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2018-02 for any other administrative purposes of CFD No. 2018-02, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

**“Age-Restricted Residential Property”** means all Assessor’s Parcels of Developed Property which are identified and designated as Active Adult Senior Housing pursuant to City Municipal Code Section 9-5.203

**“Assessor’s Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

**“Assessor’s Parcel Map”** means an official map of the Assessor of the County designating parcels by Assessor’s Parcel number.

**“Authorized Services”** means those services eligible to be funded by CFD No. 2018-02, as defined in the Resolution of Formation and authorized to be financed by CFD No. 2018-02 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2018-02 shall finance Authorized Services only to the extent that they are in addition to those provided in the territory of CFD No. 2018-02 before the CFD was created and such Authorized Services may not supplant services already available within CFD No. 2018-02 when the CFD was created.

**“CFD Administrator”** means an official of the City or CFD No. 2018-02, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**“CFD No. 2018-02”** means City of Antioch Community Facilities District No. 2018-02 (Police Protection) (County of Contra Costa).

**“City”** means the City of Antioch.

**“City Manager”** means the City Manager of the City of Antioch.

**“Council”** means the City Council of the City of Antioch, acting as the legislative body of CFD No. 2018-02.

**“County”** means the County of Contra Costa.

**“Developed Property”** means, for each Fiscal Year, all Assessor’s Parcels for which a Building Permit was issued after January 1, 2018 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied.

**“Dwelling Unit”** means a building or portion thereof designed for and occupied in whole or part as a residence or sleeping place, either permanently or temporarily, by one (1) family and its guests, with sanitary facilities and one (1) kitchen provided within the unit. Boarding or lodging houses, dormitories, and hotels shall not be defined as Dwelling Units unless the land use permit specifies a residential use.

**“Fiscal Year”** means the period starting July 1 and ending on the following June 30.

**“Land Use Class”** means any of the classes listed in Table 1.

**“Maximum Special Tax”** means, for each Fiscal Year, the maximum Special Tax, determined in accordance with Section C, below, that can be levied on any Assessor’s Parcel.

**“Multi-Family Residential Property”** means, all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing a residential structure consisting of more than two (2) Dwelling Units, including, but not limited to, triplexes, condominiums, and apartment units.

**“Property Owner Association Property”** means, for each Fiscal Year, any Assessor’s Parcel within the boundaries of CFD No. 2018-02 that is owned by or irrevocably offered for dedication to a property owner association, including any master or sub-association, not including any such property that is located directly under a residential or non-residential structure.

**“Proportionately”** means that the ratio of the actual annual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property.

**“Public Property”** means, for each Fiscal Year, (i) any property within the boundaries of CFD No. 2018-02 that is owned by or irrevocably offered for dedication to the federal government, the State, the City, or any other public agency; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act, as such section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2018-02 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

**“Rate and Method of Apportionment”** or **“RMA”** means this Rate and Method of Apportionment of Special Tax.

**“Residential Property”** means, for each Fiscal Year, all Assessor’s Parcels of Developed Property for which a Building Permit was issued after January 1, 2018 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied, for purposes of constructing one (1) or more residential Dwelling Units.

**“Resolution of Formation”** means the resolution adopted by the Council pursuant to Section 53325.1 of the Act, establishing CFD No. 2018-02.

**“San Francisco Urban Consumer Price Index”** means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco – Oakland – San Jose Area, measured as of the month of December in the calendar year that ends in the previous Fiscal Year. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the CFD

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Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco – Oakland – San Jose Area.

**“Services”** means those services authorized to be financed by CFD No. 2018-02 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2018-02 shall finance Services only to the extent that they are in addition to those provided in the territory of CFD No. 2018-02 before such CFD was created and such Services may not supplant services already available within CFD No. 2018-02 when such CFD was created.

**“Single Family Residential Property”** means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing one single-family residential Dwelling Unit.

**“Special Tax”** or **“Special Taxes”** means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Developed Property to fund the Special Tax Requirement.

**“Special Tax Requirement”** means that amount to be collected in any Fiscal Year for CFD No. 2018-02 to pay for certain costs as required to meet the needs of CFD No. 2018-02 in that Fiscal Year. The costs to be covered shall be the direct costs for (i) Authorized Services, and (ii) Administrative Expenses; less (iii) a credit for funds available to reduce the annual Special Tax levy, if any, as determined by the CFD Administrator. Under no circumstances shall the Special Tax Requirement include debt service payments for debt financings by CFD No. 2018-02.

**“State”** means the State of California.

**“Taxable Property”** means all of the Assessor’s Parcels within the boundaries of CFD No. 2018-02 which are not exempt from the Special Tax pursuant to law or Section E below.

**“Undeveloped Property”** means, for each Fiscal Year, all property not classified as Developed Property, Property Owner Association Property, or Public Property.

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, all Assessor’s Parcels, as applicable within CFD No. 2018-02, shall be classified by the CFD Administrator as Developed Property, Undeveloped Property, Property Owner Association Property, or Public Property, and shall be subject to annual Special Taxes in accordance with this Rate and Method of Apportionment as determined by the CFD Administrator pursuant to Sections C and D below. The CFD Administrator’s allocation of property to each type of Land Use Class shall be conclusive and binding. However, only Developed Property shall be subject to annual Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. All Developed Property shall be assigned to Land Use Classes 1, 2, or 3 as listed in Table 1.

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**C. MAXIMUM SPECIAL TAX RATE**

**1. Developed Property**

a. Maximum Special Tax

The Maximum Special Tax for Fiscal Year 2018-19 for Developed Property is shown below. Under no circumstances shall a Special Tax be levied on additions to Dwelling Units which have been categorized in prior Fiscal Years as Developed Property.

**TABLE 1**

**Maximum Special Taxes for Developed Property  
For Fiscal Year 2018-19  
Community Facilities District No. 2018-02**

<b>Table 1: Residential Property</b>		
<b>Land Use Class</b>	<b>Police Protection Services Special Tax</b>	<b>FY 2018-2019 Maximum Tax</b>
1	Single Family Residential Property	\$473.93
2	Multi-Family Residential Property	\$300.16
3	Age-Restricted Residential Property	\$236.97

b. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2019, the Maximum Special Tax for Developed Property shall be increased annually by the greater of the change in the San Francisco Urban Consumer Price Index (during the twelve (12) months prior to December of the previous Fiscal Year) or two percent (2.00%), with a maximum annual increase of four (4.00%) percent for any given Fiscal Year.

**2. Undeveloped Property**

No Special Taxes shall be levied on Undeveloped Property.

**3. Prepayment of Special Tax**

No prepayment of the Special Tax shall be permitted in CFD No. 2018-02.

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**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with Fiscal Year 2018-19 and for each following Fiscal Year, the Council shall levy the annual Special Tax Proportionately for each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax, until the amount of Special Taxes equals the Special Tax Requirement.

**E. EXEMPTIONS**

In addition to Undeveloped Property being exempt from annual Special Taxes, no Special Tax shall be levied on Public Property or Property Owner Association Property. However, should an Assessor's Parcel no longer be classified as Public Property or Property Owner Association Property, such Assessor's Parcel shall, upon each reclassification, no longer be exempt from Special Taxes.

**F. APPEALS AND INTERPRETATIONS**

Any landowner or resident may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has thirty (30) days in which to appeal to the City Council by filing a written notice of appeal with the clerk of the City, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for the appellant's disagreement with the CFD Administrator's determination. The CFD Administrator may charge the appellant a reasonable fee for processing the appeal.

The City may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals. Any decision of the City will be final and binding as to all persons.

**G. MANNER OF COLLECTION**

The annual Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2018-02 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

**H. FUTURE ANNEXATIONS**

It is anticipated that additional properties will be annexed to CFD No. 2018-02 from time to time. As each annexation is proposed, an analysis may be prepared to determine the annual cost for providing Authorized Services to such parcels. Based on this analysis, any parcels to be annexed, pursuant to California Government Code Section 53339 *et seq.* will be assigned the approximate Maximum Special Tax rates when annexed.

**I. TERM OF SPECIAL TAX**

The Special Tax shall be levied in perpetuity as necessary to meet the Special Tax Requirement, unless no longer required to pay for Authorized Services as determined at the sole discretion of the Council.

# ATTACHMENT "B"

## PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT (Including Waivers)

August 2, 2018

Honorable Council Members  
City of Antioch  
200 H Street  
Antioch, California 94509

Members of the Council:

This is a petition to create a community facilities district ("CFD") and related matters (the "Petition") submitted pursuant to the Mello-Roos Community Facilities Act of 1982 (Section 53311 and following of the California Government Code) (the "Act").

1. Petitioners. This Petition is submitted pursuant to the Act to the City of Antioch (the "City") by Arroyo Cap VI, LLC, the Property Owner (the "Property Owner") of 100% of the fee simple interest in the parcels of land identified by Assessor Parcel Numbers shown below (the "Property") on the map attached hereto as **Exhibit B**. The Property Owner warrants to the City with respect to the Property that the signatories are authorized to execute this Petition and that the submission of this Petition and participation in the City's proceedings under the Act will not constitute a violation or event of default under any existing financing arrangement in any way affecting the Property Owner and such Property, including any "due-on-encumbrance" clauses under any existing deeds of trust secured by the Property.

2. Proceedings Requested. The City Council is hereby requested to do all of the following:

- a. Undertake proceedings under the Act to create a community facilities district to be designated "City of Antioch Community Facilities District No. 2018-02 (Police Protection)" (the "CFD").
- b. Conduct a landowner-voter election in accordance with the Act to obtain authorization to levy a special tax for services (the "Special Tax") on the non-exempt property located within the CFD.
- c. Conduct proceedings for the items described in (a) through (b) above.

3. Boundaries of Community Facilities District. The Property Owner hereby asks that the territory within the boundaries of the CFD be as shown on the map attached hereto as **Exhibit B**.

4. Purpose of Community Facilities District. The CFD shall be created for the purpose of financing the services (the "Authorized CFD Services") described in **Exhibit A** attached hereto and incorporated herein by reference.

5. Elections. The Property Owner hereby asks that the special election to be held under the Act to authorize the special taxes and to establish an appropriations limit for the CFD be consolidated into a single election and that the election be conducted by the City and its officials, using mailed or hand-delivered ballots, and that such ballots be opened and canvassed and the results certified at the same meeting of the City Council as the public hearings on the CFD under the Act or as soon thereafter as possible.



6. Waivers. To expedite the completion of the proceedings for the CFD, all notices of hearings and all notices of election, applicable waiting periods under the Act for the election, and all ballot analyses and arguments for the election are hereby waived. The Property Owner also waives any requirement as to the specific form of the ballot to be used for the election, whether under the Act, the California Elections Code, or otherwise.

7. Counterparts. This Petition may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

By executing this Petition, the persons below agree to all of the above.

The property that is the subject of this  
Petition is identified as a portion of  
Assessor Parcel (s):

APN: 057-030-007 (62.64 acres of  
131.74 acres)

The name of the owner of record of such property and  
the petitioner and its mailing address is:

Property Owner: Arroyo Cap VI, LLC  
ATTN.: LEIGH AUSTIN  
Mailing Address: 100 W Broadway #680 Long Beach,  
CA 90802

Dated: August 3, 2018  
By: [Signature]  
Name: Leigh Austin  
Title: EVP

EXHIBIT A

CITY OF ANTIOCH  
COMMUNITY FACILITIES DISTRICT NO. 2018-02  
(POLICE PROTECTION)

DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses, and related reserves for replacement of vehicles, equipment, and facilities:

Police Protection Services

The Community Facilities District shall provide and finance certain types of police services, including but not limited to (i) the costs of contracting services, (ii) maintenance or upkeep of related facilities, equipment, vehicles, apparatus, and supplies, (iii) the salaries and benefits of staff that directly provide police services, and (iv) overhead costs associated with providing such services within the CFD.

In addition, the following costs will also be financed by the special taxes levied within the CFD and be allocated to each category of service described above based upon their pro-rata share of needed administrative costs, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including the costs incurred to determine, levy, and collect the special taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;
2. Any amounts needed for operating reserves and capital reserves; and
3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.

**EXHIBIT B**

**CITY OF ANTIOCH  
COMMUNITY FACILITIES DISTRICT NO. 2018-02  
(POLICE PROTECTION)**

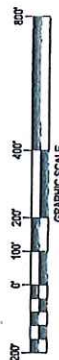
**PROPOSED BOUNDARY MAP**

**SUBDIVISION 9390**  
**PROMENADE LARGE LOT FINAL MAP**  
**VINEYARDS AT SAND CREEK**

CONSISTING OF 16 LOTS  
 BEING A SUBDIVISION OF PARCEL ONE AS SHOWN AND DESCRIBED IN THE 480.14  
 LOT LINE ADJUSTMENT, RECORDED AS DOCUMENT NO. 2014-010644 TOGETHER WITH A  
 PORTION OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 2 EAST, MOUNT Diablo BASE AND  
 MERIDIAN, AS DESCRIBED IN DOCUMENT NO. 2014-003382,  
 CITY OF AMTIDOC, CONTRA COSTA COUNTY, CALIFORNIA.

**Carlson, Barbee & Gibson, Inc.**  
 CIVIL ENGINEERS - SURVEYORS • PLANNERS  
 SAN RAMON, CALIFORNIA

SCALE: 1" = 200'  
 JANUARY 2018

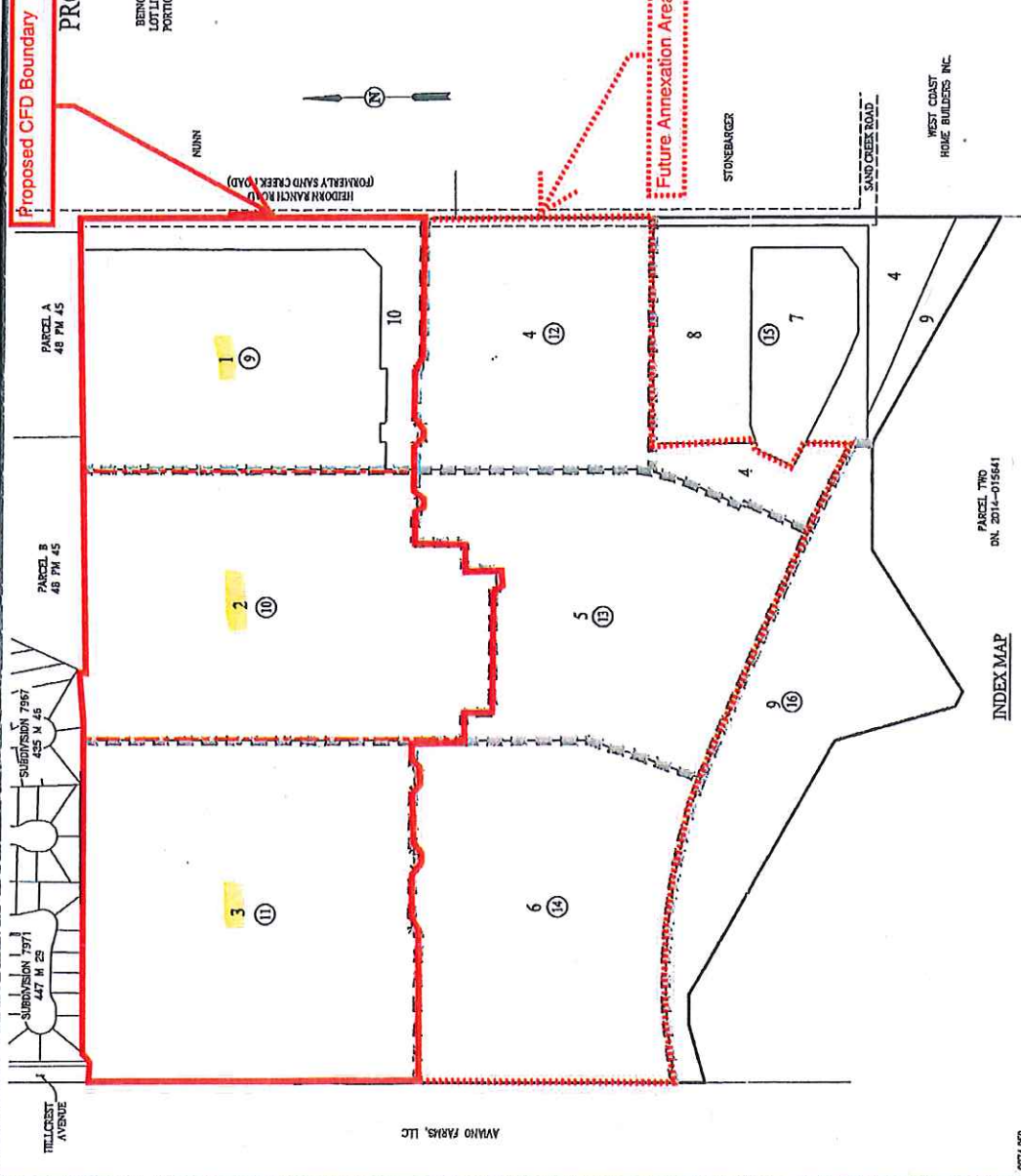


**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS  
 NO. 2119 AND NO. 2120 AS SHOWN ON RECORD SURVEY NO. 2496 (181 LSA 40).  
 THE BEARING BEING NORTH 02°30'57" EAST (CALCULATED). DISTANCES SHOWN  
 WOULD BE BEING DISTANCES IN U.S. SURVEY FEET.

**LEGEND**

- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- HORIZONTAL LINE
- EXISTING LOT LINE
- THE LINE
- CENTRELINE
- CITY LIMIT LINE
- TOTAL
- RADIAL
- LOT LINE
- HORIZONTAL TO MONUMENT
- HORIZONTAL TO PROPERTY LINE
- FOUND MONUMENT AS NOTED
- FOUND STANDARD STREET MONUMENT
- SEARCHED NOT FOUND
- PRIVATE ACCESS EASEMENT
- ADJACENT
- OFFICIAL RECORDS
- DOCUMENT NUMBER
- SHEET LIMITS
- SHEET NUMBER
- LOT NUMBER



SHEET 8 OF 16

574-650

Blo

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Los Angeles )

On August 03, 2018 before me, Shanna T. Hemphill, Notary Public,  
Date Here Insert Name and Title of the Officer  
personally appeared Leigh Austin  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

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**STAFF REPORT TO THE CITY COUNCIL AND CITY COUNCIL ACTING AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY**

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Teri House, CDBG/Housing Consultant *TH*

**APPROVED BY:** Forrest Ebbs, Director of Community Development *FE*

**SUBJECT:** Refinancing of Antioch Development Agency and Community Development Block Grant Loans with Resources for Community Development for Pinecrest and Terrace Glen Apartments

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**RECOMMENDED ACTION**

It is recommended that the City Council adopt a resolution authorizing the City Manager to execute documents which will amend, restate and resubordinate existing former Antioch Development Agency (ADA) and Community Development Block Grant (CDBG) loans with Resources for Community Development (RCD) for Pinecrest and Terrace Glen Apartments.

**STRATEGIC PURPOSE**

This action is essential to improving existing community partnerships to help improve neighborhoods and reduce blight (Strategy D-1 in the Strategic Plan), in that RCD will be renovating and improving the functionality and appearance of the affordable housing at these sites and extending the period of affordability for Antioch residents.

**FISCAL IMPACT**

There is a slight positive fiscal impact to the City. The existing loans are at 3% simple interest, non-compounding, and the new loan will be at the federal rate on the date of closing (presently 3.2%) compounded, so the Housing Successor and CDBG program will receive a slight increase in repayment funding.

**DISCUSSION**

RCD is a nonprofit affordable housing partner which owns and operates two properties in Antioch, and multiple properties throughout the Bay Area. Pinecrest and Terrace Glen Apartments are located less than one mile from each other. Pinecrest Apartments is located at 1945 and 1949 Cavallo Road, in Antioch. Originally constructed in 1963, the property consists of 22 one-bedroom units and 2 two-bedroom units. Units range in size from 454 to 662 square-feet. The buildings are two-story frame construction with stucco siding and wood fascia boards, with bitumen roofing. RCD acquired and completed moderate renovations in 2002.

Terrace Glen Apartments is located at 35-107 and 104-106 West 20<sup>th</sup> Street, in Antioch. Originally constructed in 1963, the nine buildings contain a total of 4 one-bedroom units, 24 two-bedroom units, and 4 three-bedroom units. The 32 units range in size from 576 to 941 square-feet. RCD acquired and completed moderate renovations in 2000.

RCD has separate existing ADA and CDBG funded loans for Pinecrest and Terrace Glen Apartments. The total owed for the ADA/CDBG loan is approximately \$1,322,698 for Pinecrest (matures in 2055), and \$2,187,630 for Terrace Glen through (matures in 2054). The County has both HOME funds and bond funding in these affordable housing developments as well.

Both apartment complexes are in need of repairs and various improvements to the properties. RCD approached the City of Antioch last year for funding to accomplish these repairs, but the City was unable to assist as the majority of Housing Successor funds were expended for the Tabora Gardens affordable housing project.

To fund the repairs, RCD applied for and received a 4% Tax Credit allocation in the amount of \$6.2 million. They were required to combine both properties into a single "scattered site" model, which maximized the Tax Credit investment. To finance the project, RCD applied to HUD through the Contra Costa County Housing Authority, which committed to providing 12 Project-Based Section 8 vouchers to the Pinecrest Apartments site and 16 Project-Based Section 8 vouchers to the Terrace Glen Apartments site for a total of 28 vouchers. These vouchers allow RCD to collect a fair market rent while tenants pay only 30 percent of their income in rent. The Section 8 contract is for 15 years, with a possible extension for an additional 15 years. Fair market rent on these units will help the agency with funding for ongoing repairs and maintenance. RCD also applied for and received authorization for up to \$1.3 million in additional HOME funds from the County. The County has agreed to renew their existing loans, add additional HOME funds, and issue a new bond for the combined application from RCD. Sufficient funding has now been committed from other partners and this project is able to go forward.

Based on the Required HOME Property Condition Assessments, the proposed scope of work will include, but is not limited to, interior and exterior renovations to the site and units. This includes accessibility upgrades, replacement of heaters, air conditioners, and hot water heaters with better performing and energy efficient products, the addition of bathroom fans that are vented to the outdoors, replacement of kitchen and bath countertops, toilets, tubs, and showers, replacement of kitchen and bathroom flooring, window replacements throughout to improve performance and efficiency. Energy efficiency upgrades will result in more than a 20% improvement above Title 24 requirements at both properties.

The project also includes improved exterior lighting, new gutters and downspouts at both sites, as well as grading and drainage improvements where needed, sewer line repairs, and implementing seismic upgrades to improve the long-term safety and integrity of the buildings. Some common area improvements include a warming kitchen



and service office will be added to the Terrace Glen community room, and the addition of a vehicular gate, security cameras, and FOB entry to community/laundry room. Pinecrest will also include security cameras installed, FOB access to laundry rooms, and improved exterior lighting, and fencing replacements. This work will require the temporary relocation of many tenants.

The City is asked to combine both loans and projects, extend the term of affordability for 55 years from the closing date, and change the rate of interest in a manner that is favorable to the City. The interest rate of the ADA and CDBG loans is 3% simple, non-compounding. The new interest rate would be the current federal rate, which is presently 3.2%, and compounded, so Housing Successor and CDBG program would receive a slight increase in the repayment amount of the loan.

The City and County are also being asked to standardize the way rents are calculated to match the Tax Credit method so that it is consistent for all units, across both properties, and for all lending partners. This will result in slightly higher rents. The City has negotiated a stay on this action for current tenants, so that the change in calculation will go into effect only when the current tenants exit. The renovations will not require permanent relocation of any tenants, which might trigger this change in calculation. In addition, the unit mix, or number of affordable units and level of affordability, will not change from the original contracts. RCD will continue to manage both properties

The attached resolution includes action to authorize the City Manager to sign all required loan and other documents to combine the loans, extend the length of time that these units will remain a part of the City's affordable housing stock, change the interest rate, and standardize the rent calculation to be in agreement with all other funding sources.

## **ATTACHMENTS**

### **A. Resolution**

# ATTACHMENT "A"

## RESOLUTION NO. 2018/\*\*

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AND CITY COUNCIL ACTING AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY (ADA) AMENDING ADA AND CDBG LOANS TO RESOURCES FOR COMMUNITY DEVELOPMENT FOR PINECREST AND TERRACE GLEN APARTMENTS

**WHEREAS**, Resources for Community Development (RCD) owns and operates two affordable housing apartment complexes in Antioch, which are Pinecrest Apartments, located at 1945 and 1949 Cavallo Road, and Terrace Glen Apartments, located at 35-107 and 104-106 West 20<sup>th</sup> Street; and

**WHEREAS**, these properties are in need of extensive interior and exterior renovations to both the site and units; and

**WHEREAS**, RCD has secured all necessary funding to conduct such repairs, including 4% tax allocation, HOME funds, bond funds, HUD Section 8 project-based vouchers, and new loans, which require that the two locations be combined into one scattered-site project; and

**WHEREAS**, the City of Antioch has two separate existing Antioch Development Agency and Community Development Block Grant loans for Pinecrest and Terrace Glen Apartments, with the total owed to the ADA of approximately \$1,322,698 for Pinecrest (matures in 2055), and \$2,187,630 for Terrace Glen (matures in 2054); and

**WHEREAS**, the entities and processes involved in the combination and refinancing of these properties to fund the renovations require that the City's loan documents to be amended;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Antioch and the City Council acting as Housing Successor to the Antioch Development Agency support the improvement of affordable housing stock in the City by authorizing the City Manager, or his designee, as the City representative, to sign (subject to the approval as to form by the City Attorney) and submit the amended and restated loan agreement, promissory note, deed of trust, regulatory agreements for both sites, notices of affordability restrictions for both sites, and all understandings and assurances contained therein, and directs and authorizes said representative to act in connection with the submission and to provide such additional information as may be required.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Antioch and City Council acting as Housing Successor to the Antioch Development Agency at a regular meeting thereof, held on the 11<sup>th</sup> day of September, 2018 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
**ARNE SIMONSEN, CMC**  
**CITY CLERK OF THE CITY OF ANTIOCH**

AI



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Forrest Ebbs, Community Development Director *FE*

**SUBJECT:** Introduce Ordinance Repealing Title 5, Chapter 21 of the Antioch Municipal Code Regarding Medical Marijuana Facilities.

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### **RECOMMENDED ACTION**

Staff recommends that the City Council introduce an ordinance repealing Title 5, Chapter 21 of the Antioch Municipal Code regarding Medical Marijuana Facilities.

### **STRATEGIC PURPOSE**

This action would address the following strategies contained in the Strategic Management Plan:

- Strategy H-2: Update long range planning documents.
- Strategy H-5: Grow Antioch's economy through additional annexation, as well as residential and commercial development.

### **FISCAL IMPACT**

The proposed ordinance will have no fiscal impact because the recently adopted Cannabis Ordinance will enable similar land uses.

### **DISCUSSION**

The Antioch Municipal Code currently contains Title 5, Chapter 21: Medical Marijuana Facilities, which defines and expressly prohibits medical marijuana facilities throughout the City of Antioch. The Ordinance was enacted on January 22, 2013 and amended on January 26, 2016. At the time of its adoption, medical marijuana use and facilities were permissible under State Law through the passage of Proposition 215, the Compassionate Use Act of 1996. At the time, Cities were free to either permit or prohibit medical marijuana facilities – recreational use remained prohibited.

In November 2016, California voters approved Proposition 64, which legalized forms of recreational cannabis (marijuana) usage, production, possession, and retail sales. On May 22, 2018, the Antioch City Council introduced an Ordinance establishing a Cannabis Business (CB) Zoning Overlay District and associated texts. This Ordinance allows Cannabis Businesses within the Zoning Overlay subject to approval from the City Council

and subject to certain standards and findings. On June 26, 2018, the City Council approved the second reading of the Ordinance and it became effective on July 26, 2018.

In its May 22nd and June 26th actions, the City Council provided clear direction that facilities for the sale and/or distribution of medical or recreational cannabis use should be considered. As the existing language in Title 5, Chapter 21: Medical Marijuana Facilities conflicts with the new Ordinance, staff is recommending that the chapter be repealed. Since this Chapter is located outside of the Zoning Ordinance, it has not been reviewed by the Planning Commission. This action will not affect the new Cannabis Ordinance or guidelines.

**ATTACHMENTS**

- A. Ordinance
- B. Copy of Title 5, Chapter 21: Medical Marijuana Facilities

# ATTACHMENT "A"

ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH REPEALING CHAPTER 21 OF TITLE 5: MEDICAL MARIJUANA FACILITIES

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

### **SECTION 1:**

1. On July 24, 2018, the City of Antioch found that the proposed project is exempt from the California Environmental Quality Act (CEQA), per Section 15061(b)(3) as it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.
2. On May 22, 2018, the City Council introduced an Ordinance establishing a Cannabis Business (CB) Zoning Overlay District along with text containing definitions, standards, and findings for new Cannabis Business land uses.
3. On June 26, 2018, the City Council approved the second reading of the Ordinance, which will become effective on July 26, 2018.
4. The new Ordinance will conflict with Title 5, Chapter 21: Medical Marijuana Facilities, which is detrimental to the administration of the City of Antioch and will produce duplicative and conflicting standards.
5. The regulation of land use, including cannabis businesses, throughout the City of Antioch is in the interest of the City and its residents as land uses have the potential to create a public nuisance if not properly regulated.

**SECTION 2:** Repeal Title 5, Chapter 21: Medical Marijuana Facilities in its entirety.

### **SECTION 3. CEQA.**

The above amendment to the City's Municipal Code are exempt from environmental review per CEQA Guidelines under the General Rule, 14 California Code of Regulations, section 15061(b)(3). The proposed code amendments are consistent with California Law, specifically Government Code section 65850.7 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant effect on the environment.

In addition, this ordinance is not subject to CEQA per section 15060(c)(2) of the CEQA Guideline. In addition, this ordinance is not a project under section CEQA Guidelines section 15378(b)(2) because this ordinance involves "continuing administrative activities". Finally, this ordinance is also statutorily exempt under (the 2017 "SB 94" legislation) per Business and Professions Code section 26055(h).

### **SECTION 4. Publication; Effective Date.**

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

**SECTION 5. Severability.**

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

\* \* \* \* \*

I **HEREBY CERTIFY** that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 11<sup>th</sup> day of September, and passed and adopted at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
**Sean Wright, Mayor of the City of Antioch**

**ATTEST:**

\_\_\_\_\_  
**Arne Simonsen, CMC**  
**City Clerk of the City of Antioch**

# ATTACHMENT "B"

Antioch, CA Code of Ordinances

## TITLE 5: CHAPTER 21: MEDICAL MARIJUANA FACILITIES

### Section

5-21.01 Purpose

5-21.02 Definitions and exceptions

5-21.03 Prohibition of medical marijuana facilities

### § 5-21.01 PURPOSE.

The purpose of this chapter is to prohibit the establishment, operation and location of medical marijuana facilities, as defined herein, in the City of Antioch.

(Ord. 2060-C-S, passed 1-22-13)

### § 5-21.02 DEFINITIONS AND EXCEPTIONS.

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

**BUILDING.** Any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels, or property of any kind.

**CULTIVATION.** The planting, growing, harvesting, drying or processing of marijuana plants, or any part thereof.

**LOCATION.** Any parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area.

**MARIJUANA.** Shall have the same meaning as set forth in Cal. Health and Safety Code § 11018 as of the effective date of this chapter and as subsequently amended.

Currently under § 11018, MARIJUANA means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. MARIJUANA shall also include concentrated cannabis, the separated resin, whether crude or purified, obtained from marijuana, and any foodstuffs infused with marijuana or concentrated cannabis.

**MEDICAL MARIJUANA FACILITY.** Means and includes:

(a) Any facility, building, structure or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical marijuana to two or more of the following: a qualified patient or a person with an identification card, or a primary caregiver in strict accordance with Cal. Health and Safety Code §§ 11362.5 et seq.;

(b) Any facility, building, structure or location where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to cultivate or distribute marijuana for medical purposes; or

(c) Any not-for-profit site, facility, building, structure or location where two or more qualified patients and/or persons with an identification card associate, meet or congregate in order collectively or cooperatively, to distribute, sell, dispense, transmit, process, deliver, exchange or give away marijuana for medicinal purposes pursuant to Cal. Health and Safety Code §§ 11362.5 et seq. and organized as a marijuana cooperative or collective as set forth in Cal. Health and Safety Code § 11362.775.

Notwithstanding the foregoing, MEDICAL MARIJUANA FACILITY shall not include or mean the following facility, building or location, or use, which shall not be subject to enforcement for violation of this chapter, provided that the location of such facility, building or location, or use are otherwise regulated by applicable law, and further provided any such facility, building or location, or use complies strictly with applicable law, including, but not limited to, Cal. Health and Safety Code §§ 11362.5 et seq. and Cal. Health and Safety Code §§ 11362.7 et seq.:

(a) A clinic licensed pursuant to the Cal. Health and Safety Code Division 2, Chapter 1.

(b) A health-care facility licensed pursuant to the Cal. Health and Safety Code Division 2, Chapter 2.

(c) A residential care facility for persons with chronic life-threatening illness licensed pursuant to the Cal. Health and Safety Code Division 2, Chapter 3.01.

(d) A residential care facility for the elderly, licensed pursuant to the Cal. Health and Safety Code Division 2, Chapter 3.2.

(e) A residential hospice, or a home health agency, licensed pursuant to the Cal. Health and Safety Code Division 2, Chapter 8.

PRIMARY CAREGIVER, QUALIFIED PATIENT and PERSON WITH AN IDENTIFICATION CARD. As defined in Cal. Health and Safety Code § 11362.7.

STRUCTURE. Anything constructed or erected which is supported directly or indirectly on the earth, but not including any vehicle.

VEHICLE. A device by which any person or property may be propelled, moved, or drawn upon a street, sidewalk or waterway, including but not limited to a device moved exclusively by human power.

(B) Words and phrases not defined in this chapter shall be construed as defined in other parts of this code. In the case of any conflict, the definitions provided in this chapter shall control.



(Ord. 2060-C-S, passed 1-22-13; Ord. 2109-C-S, passed 1-26-16)

§ 5-21.03 PROHIBITION OF MEDICAL MARIJUANA FACILITIES.

(A) Medical marijuana facilities, as defined herein, including the cultivation thereof, are prohibited in the city. No person or entity shall operate, locate or otherwise permit or suffer a medical marijuana facility within the city.

(B) The city shall not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a medical marijuana facility, or for any cultivation thereof.

(C) The prohibition in divisions (A) and (B) of this section includes, without limitation, renting, leasing or otherwise permitting a medical marijuana facility to occupy or use a location, building, structure or vehicle.

(D) Any violation of this chapter is a public nuisance. A civil administrative citation may be issued for any violation of this chapter. Additionally, the city retains all rights and remedies under civil law to enforce the provisions of this chapter.

(Ord. 2060-C-S, passed 1-22-13; Am. Ord. 2109-C-S, passed 1-26-16) Penalty, see §§ 1-2.01et seq.



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Forrest Ebbs, Community Development Director *FE*

**SUBJECT:** Establishment of a Senior Development Impact Fee and Parkland Dedication Fee

---

### **RECOMMENDED ACTION**

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

1. Introduce an Ordinance amending Antioch Municipal Code Sections 9-3.40 and 9-4.1004 to create a Senior Rate Development Impact Fee Category and Parkland Dedication Rate, and
2. Adopt a Resolution amending the Master Fee Schedule to assign a Senior rate for Development Impact Fees with corresponding values.

### **STRATEGIC PURPOSE**

The proposed action would introduce a new senior rate fee category that would better correspond to the actual impact of these households. This action is consistent with Strategy H-5: Grow Antioch's economy through additional annexation, as well as residential and commercial development.

### **FISCAL IMPACT**

The proposed action would introduce a new senior rate fee category for Development Impact Fees and for the Parkland Dedication Fee. As these proposed fees are lower than the typical rates for a single-family dwelling, which are currently charged for senior housing units, the City should anticipate a reduction in revenue from new senior housing projects. The costs of providing facilities will be equally reduced.

### **DISCUSSION**

On March 25, 2014, the City of Antioch added Chapter 3 to Title 9 of the Antioch Municipal Code (AMC), thereby creating a new section for Development Impact Fees. This action introduced Development Impact Fees for four distinct categories: General Administration, Public Works, Police, and Parks and Recreation. These fees are paid upon the issuance of building permits for new single-family and multi-family dwellings, as well as for new commercial development and are intended to offset the incremental cost of providing new facilities for the new development. These fees are shown in the following table:

<b>Development Impact Fee <i>existing</i></b>	<b>Single-Family <i>per unit</i></b>	<b>Multi-Family <i>per unit</i></b>	<b>Commercial <i>\$ per square foot</i></b>
General Administration	\$460	\$292	\$.07
Public Works	\$445	\$282	\$.06
Police	\$1,190	\$755	\$.17
Parks and Recreation	\$3,261	\$2,065	\$.00
<b>TOTAL</b>	<b>\$5,356</b>	<b>\$3,394</b>	<b>\$0.30</b>

In addition, the City amended Title 9, Chapter 4, Article 10, to update the Parkland Dedication Fee rate, which is paid in-lieu when the full amount of parkland is not provided for new development. These fees are as follows:

<b>Parkland Dedication Fee <i>existing</i></b>	
<b>Type of Unit</b>	<b>Fee per Dwelling Unit</b>
Single-family, detached	\$1,500
Single-family, attached	\$1,100
Duplexes	\$950
Multi-family	\$950
Mobile home	\$950

Over the past years, the City has been approached by a number of senior housing developers interested in delivering a senior housing project to the City of Antioch. These interested parties have inquired about the lack of a senior rate for Development Impact Fees and other similar charges. The values of the existing fees are based on the number of persons per household (pph), which varies between single-family (3.0 pph) multi-family (1.9 pph), and other household types. Since fees are based on persons per household and senior households are generally smaller, the corresponding fees, when recalculated, are proportionately smaller.

In April 2018, staff tasked Economic Planning Systems (EPS) to produce a Supplementary Nexus Study to the original Development Impact Fee Nexus Study. This study is attached and provides greater details about the methodology and calculations used to derive the proposed rates. The study found that senior households are indeed substantially smaller, with just 1.5 persons per household. The study then created proportionate per-household rates to reflect these smaller senior households.

The existing rate *categories* are established in the Antioch Municipal Code and, as a result, an Ordinance is required to add a "Senior" category. Once the category is established, the City may modify the Master Fee Schedule to assign new values to the new Senior categories. These values are highlighted in the following tables:

<b>Development Impact Fee <i>proposed</i></b>	<b>Single-Family <i>per unit</i></b>	<b>Multi-Family <i>per unit</i></b>	<b>Senior <i>per unit</i></b>	<b>Commercial <i>\$ per square foot</i></b>
General Administration	\$460	\$292	\$237	\$.07
Public Works	\$445	\$282	\$229	\$.06
Police	\$1,190	\$755	\$614	\$.17
Parks and Recreation	\$3,261	\$2,065	\$1,680	\$.00
<b>TOTAL</b>	<b>\$5,356</b>	<b>\$3,394</b>	<b>\$2,760</b>	<b>\$0.30</b>

<b>Parkland Dedication Fee <i>proposed</i></b>	
<b>Type of Unit</b>	<b>Fee per Dwelling Unit</b>
Single-family, detached	\$1,500
Single-family, attached	\$1,100
Duplexes	\$950
Multi-family	\$950
Senior Housing	\$776
Mobile home	\$950

Other minor changes are proposed in the Ordinance to ensure consistency and to add the Senior category where proposed; a definition for Senior Housing is also provided. In summary, the proposed actions would introduce new Senior categories for Development Impact Fees and for the Parkland Dedication Fee, which will encourage the development of Senior Housing in the City of Antioch and provide more equitable impact fees.

**ATTACHMENTS**

- A: Ordinance Amending Antioch Municipal Code Sections 9-3.40 and 9-4.1004
- B: Resolution Amending the Master Fee Schedule
- C: Supplemental Nexus Study, EPS, May 2018

# ATTACHMENT "A"

## ORDINANCE NO.

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING SECTIONS 9-3.40 AND 9-4.1004 OF THE ANTIOCH MUNICIPAL CODE TO CREATE SENIOR HOUSING FEE RATES

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

**SECTION 1. Amendment to the Antioch Municipal Code.** Section 9-3.40:

DEFINITIONS is repealed and replaced as follows:

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

**APPLICANT.** The person(s) or legal entity or entities, who may also be the property owner, who is applying for a building permit.

**CITY.** The City of Antioch, including its future boundaries.

**CREDIT.** Any amount credited against a DIF obligation for a development project in accordance with the provisions of § 9-3.70 of this chapter.

**DIRECTOR or DIRECTOR OF COMMUNITY DEVELOPMENT.** The Director of the Department of Community Development and the person(s) within the Department designated by the Director to exercise or carry out any of the Director's powers, authority, and responsibilities under this chapter.

**DEVELOPMENT IMPACT FEE and DIF.** Each and all of the development impact fees established by this chapter.

**DEVELOPMENT IMPACT FEE STUDY, DIF STUDY, and STUDY.** The Development Impact Fee Study dated February 2014 and numbered EPS #20001, prepared by Economic and Planning Systems, Inc., and any present and future amendments, additions, and updates to said Study, all of which are deemed included in such definitions as used in this chapter, which is on file with the Department of Community Development and the City Clerk.

**MIXED USES.** Include combinations of land use types in a single project or building.

**PROJECT.** The development or redevelopment proposal that is the subject of an application for a building permit.

**PUBLIC FACILITIES.** The public facilities identified in the Study, including a capital improvement project list and cost estimates of the public facilities, which may be funded by the DIFs, and may include public improvements, public services, and community amenities.

**SENIOR HOUSING.** Residential housing that is legally restricted and only made available for ownership or rental by person(s) 55 years of age or older.

**SECTION 2. Amendment to the Antioch Municipal Code.** Section 9-4.1004 STANDARDS AND FORMULA FOR THE DEDICATION OF LAND is repealed and replaced as follows:

The proportion of a subdivision to be dedicated or the amount of fees to be paid in lieu thereof, or a combination of both, shall be determined according to the formula set forth in this section. The table for determining dedication shall be based on the following formula: the average number of persons per dwelling unit multiplied by the standard of 5.0 acres per 1,000 persons equals the required number of acres per dwelling unit. The following table, based upon such formula, shall be followed:

<b>Unit Category</b>	<b>Average Person/DU</b>	<b>Average Requirement/DU</b>
Single-family, detached	3.0	0.015
Single-family, attached	2.2	0.011
Duplexes	1.9	0.0095
Multi-family	1.9	0.0095
Senior Housing	1.5	0.0075

**SECTION 3. CEQA.**

This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemptions contained in CEQA Guidelines section 15273 (a) (4), because it constitutes the establishment of charges for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas, and CEQA Guidelines section 15061 (b) (3), because it can be seen with certainty to have no possibility of a significant effect on the environment.

**SECTION 4. Severability.**

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

**SECTION 4. Effective Date.**

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

**SECTION 5. Publication; Certification.**

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

\* \* \* \* \*

I **HEREBY CERTIFY** that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 11<sup>th</sup> day of September 2018 and passed and adopted at a regular meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
**Sean Wright, Mayor of the City of Antioch**

**ATTEST:**

\_\_\_\_\_  
**Arne Simonsen, CMC**  
**City Clerk of the City of Antioch**

**ATTACHMENT "B"**

**RESOLUTION NO. 2018/\*\***

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING THE MASTER FEE SCHEDULE RELATED TO DEVELOPMENT IMPACT FEES**

**WHEREAS**, Section 9-3.50(B) of the Antioch Municipal Code states that the amount of each Development Impact Fee shall be as established by resolution of the City Council and shall be set forth in the city's current master fee schedule; and

**WHEREAS**, the Antioch City Council recently established a new Development Impact Fee rate category for Senior Housing;

**WHEREAS**, the City Council considered this item at a regularly scheduled public hearing on September 11, 2018.

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED**, as follows:

1. Effective sixty (60) days from the effective date of the Ordinance amending 9-3.40 and 9-4.1004 first heard by the City Council on September 11, 2018, the Master Fee Schedule is hereby amended to include the following fees:

<b>Development Impact Fee</b>	<b>Single-Family <i>per unit</i></b>	<b>Multi-Family <i>per unit</i></b>	<b>Senior <i>per unit</i></b>	<b>Commercial <i>\$ per square foot</i></b>
General Administration	\$460	\$292	\$237	\$.07
Public Works	\$445	\$282	\$229	\$.06
Police	\$1,190	\$755	\$614	\$.17
Parks and Recreation	\$3,261	\$2,065	\$1,680	\$.00
<b>TOTAL</b>	<b>\$5,356</b>	<b>\$3,394</b>	<b>\$2,760</b>	<b>\$0.30</b>

\* \* \* \* \*

**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 11<sup>th</sup> day of September, 2018 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
**ARNE SIMONSEN, CMC**  
**CITY CLERK OF THE CITY OF ANTIOCH**



# ATTACHMENT "C"

## **TECHNICAL MEMORANDUM**

To: Forrest Ebbs, Community Development Director,  
City of Antioch

From: Teifion Rice-Evans and Sadie Wilson

Subject: Supplementary Nexus Study: City of Antioch Development  
Fee Program Refinement for Senior Housing Land Uses;  
#181042

Date: May 3, 2018

*The Economics of Land Use*



Economic & Planning Systems, Inc. (EPS) prepared this supplementary nexus-supported fee analysis to incorporate senior housing as a distinct land use category into the City's existing development impact fee schedule. This technical memorandum provides the technical analysis and associated new fee schedule for senior housing land uses.

### **Background**

In 2014, the City of Antioch approved and adopted a new and updated set of Development Impact Fees and Parkland/ Quimby Act In-Lieu Fees, supported by a Development Impact Fee Nexus Study. The 2014 Nexus Study identified new development impact fees for general administration, public works, police, parks and recreation capital facilities and updated the parkland in-lieu/ Quimby Act fee. Fees were estimated and adopted on a per unit basis for two residential land use categories (single family residential and multifamily residential) and on a per building square foot basis for one general non-residential category.

In more recent years, the City has received increasing numbers of development applications for senior housing developments. Based on the scale of this increasing housing segment, the City requested that EPS integrate a new residential category into the City's development fee schedule.

*Economic & Planning Systems, Inc.  
One Kaiser Plaza, Suite 1410  
Oakland, CA 94612-3604  
510.841.9190 tel  
510.740.2080 fax*

*Oakland  
Sacramento  
Denver  
Los Angeles*

**www.epsys.com**

## Technical Analysis

### Cost Allocation to New Development

The fee model developed by EPS in 2014 and used for this supplementary analysis quantifies the proportionate and justifiable allocation of the proposed capital facilities to new growth in the City of Antioch, consistent with Government Code Section 66000 (AB 1600).<sup>1</sup> The 2014 analysis identified the capital facilities costs associated with each capital facility category (e.g. police, City administrative etc.) that could be allocated to new growth. As shown in **Table 1**, the total 2014 capital facilities/ parkland costs allocated to new growth were estimated at \$66.8 million. The 2014 fee schedule has been updated to account for general changes in costs using an index, as discussed further below. The City will, at a later date and separate from this analysis, undertake a more comprehensive review and refinement of these cost estimates as part of its formal, periodic fee program updates.

**Table 1** 2014 Average Cost per Person Calculations\*

Item	Cost Allocated to New Development	New Population		Average Cost per Person
		Methodology	Amount	
General Administration	\$5,500,000	Service Population	37,040	\$148
Public Works	\$5,315,000	Service Population	37,040	\$143
Police	\$14,235,000	Service Population	37,040	\$384
Parks and Recreation	\$28,276,000	Population	26,895	\$1,051
Parkland In-Lieu/ Quimby Act	\$13,448,000	Population	26,895	\$500
<b>TOTAL</b>	<b>\$66,774,000</b>			<b>\$2,228</b>

\*See City of Antioch Development Impact Fee Study, prepared by EPS in February 2014, for further detail on costs, methodology, and sources.

As also shown in **Table 1**, these capital cost allocations to new development can be combined with forecasts of growth to determine the average capital facility cost per new person/ service population by capital facility type. Population is used in cases where new capital facilities costs are only allocated to new residents/ new residential development. Service population is used

<sup>1</sup> Previous model further discussed in Report entitled *City of Antioch Development Impact Fee Study*, prepared for the City by EPS in February, 2014.

where capital facilities costs are driven by demand from both residential and non-residential development (residents and workers).<sup>2</sup>

The current 2017 City of Antioch Master Fee Schedule for these facility types is approximately 3.4 percent above the 2014 fee schedule for capital facility categories and 6.5 percent above the 2014 fee schedule for parkland in lieu fees, based on indexed increases in costs. Applying these increases to the 2014 average cost per person/ service population shown in **Table 1** provides a current average cost estimate that is consistent with the City’s current fee schedule, as shown in **Table 2**.

**Table 2 Updated Average per Person Costs**

Item	Average Cost per Person (2014)	Adjustment [1]	Average Cost per Person (current)
General Administration	\$148	1.065	\$158
Public Works	\$143	1.065	\$153
Police	\$384	1.065	\$409
Parks and Recreation	\$1,051	1.065	\$1,120
Parkland In-Lieu/ Quimby Act	<u>\$500</u>	1.034	<u>\$517</u>
<b>TOTAL</b>	<b>\$2,228</b>		<b>\$2,357</b>

[1] Approximate adjustment was made to reflect the increase in fees (as reflected in the City of Antioch 2017 Master Fee Schedule) as compared with fee levels adopted in 2014 (which were based on EPS analysis).

As shown in **Table 2**, these average per person/ service population costs vary from \$158 to \$1,120 by capital facility type. They total \$2,357 per person for residential development, which pays all fee types, and \$720 per service population for non-residential development, which does not pay the parks and recreation fee or the parkland in-lieu fee.

**Persons per Household**

For residential development, the average number of persons per household is combined with the per person/ service population cost multipliers, shown in **Table 2**, to determine the development impact fees by type of residential development. The 2014 Nexus Study included two residential categories – single family residential and multifamily residential. The estimated, average persons per household were 3.0 persons per household for single

<sup>2</sup> Service population is defined as 100 percent of residents plus 50 percent of workers, effectively giving workers half the weighting of residents due to their lower demands on public facilities.

family units and 1.9 persons per household for multifamily units, based on the Antioch Municipal Code (as of 2014).

Senior housing, defined for this purpose as any form of age-restricted (i.e. 55 years and above or similar) housing, typically has a lower persons per household than other housing types due to the nature of the households. EPS reviewed a variety of sources and methodologies to identify an appropriate average persons per household assumption for age-restricted units.<sup>3</sup> As would be expected, most senior housing units are occupied by a couple or a single person, with standard industry assumptions indicating an average of 1.5 persons per household. Available surveys of senior housing indicate average household sizes that range from 1.5 to 2 persons per household. For the purposes of this analysis, EPS has applied a 1.5 persons per household for senior housing. Subsequent updates could adjust this estimate, if appropriate.

### Calculated Senior Housing Fee

**Table 3** shows the calculated development impact fee estimates for the senior housing category, based on updated cost inputs and a 1.5 persons per household assumption. The parkland in-lieu fee is estimated at \$776 per senior housing unit.

**Table 3      New Fee Category for Senior Housing (per unit)**

Item	Senior Unit Fee [1] (per unit)
General Administration	\$237
Public Works	\$229
Police	\$614
Parks and Recreation	\$1,680
<b>Total without Admin Fee</b>	<b>\$2,760</b>

[1] Proposed Senior Fees reflect 1.5 person per household assumption, not including administrative fees.

### Revised Fee Schedule and Nexus

To provide a fuller picture, **Tables 4** and **5** show an updated fee schedule (similar to the fee schedule included in the 2014 Resolution) that includes the current 2017 fees for single family and multi-family development as well as the new senior housing fees. Due to the lower population density, the proposed senior housing fees are below both single family and multi-family fees for the fee categories shown.

<sup>3</sup> Sources include: ESRI Tapestry Segmentation (2017); Review of past fiscal studies of Senior Housing performed by The Concord Group and NH&RA; Review of past EPS work on Senior/Age-Restricted Housing developments.

These tables show the current fee schedule with the new senior housing fee incorporated for the development impacts fees and the parkland in-lieu fee. In addition to the base fee categories, the fees are shown with the 3 percent administrative charge that covers the costs of fee program administration.<sup>4</sup> It is important to note that these fees are only a subset of development fees charged in the City; for example, this does not address sewer, water, drainage, fire and fees charged by other entities.

**Table 4 Proposed Development Impact Fee Schedule**

Item	Single Family (per unit) [1]	Multifamily (per unit) [1]	Senior Unit (per unit)
General Administration	\$460	\$292	\$237
Public Works	\$445	\$282	\$229
Police	\$1,190	\$755	\$614
Parks and Recreation	<u>\$3,261</u>	<u>\$2,065</u>	<u>\$1,680</u>
<b>Total without Admin Fee</b>	<b>\$5,356</b>	<b>\$3,394</b>	<b>\$2,760</b>
<b>Total with Admin Fee [2]</b>	<b>\$5,517</b>	<b>\$3,496</b>	<b>\$2,843</b>

[1] Reflective of Development Impact Fees as listed in the City of Antioch Master Fee Schedule (July 1, 2017)

[2] A 3% administrative charge shall be applied to all fees listed above, as is consistent with 2014 adopted fee Resolution.

**Table 5 Proposed Parkland In-Lieu (Quimby) Fees**

Item	Single Family (per unit) [1]	Multifamily (per unit)	Senior Unit (per unit)
Parkland In-Lieu Fee	\$1,598	\$1,012	\$776

[1] Reflects fee for Single Family detached unit.

<sup>4</sup> Reflects fee amounts calculated in the 2014 *City of Antioch Development Impact Fee Study* and subsequent Resolution passed by Council in 2014. Administrative fee does not apply to Parkland In-Lieu Fees.

As shown, when the administrative charges are included, the revised development impact fee for senior housing (including Quimby fees) for these categories sums to \$3,618, relative to \$7,115 per single family unit and \$4,508 per multifamily unit.

The nexus findings underpinning these fees (adopted and updated in 2014) provided a detailed set of nexus findings, as required, including the purpose, use, relationship, need, and proportionality of the fees. This supplemental analysis follows the same methodology and approach and the same nexus findings apply for all the capital facility types. The distinction for this supplementary analysis is that a senior housing land use has been added. In applying the proportionality requirement to the new senior housing land use, a distinct fee was generated due to the different population density associated with senior housing units.



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018  
**TO:** Honorable Mayor and Members of the City Council  
**SUBMITTED BY:** Dawn Merchant, Finance Director *DM*  
**SUBJECT:** Sales Tax Citizens' Oversight Committee Appointments

---

### **RECOMMENDED ACTION**

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

- 1) Three Members to the Sales Tax Citizens' Oversight Committee for a two-year term which will expire March 2020; and
- 2) Four Members to the Sales Tax Citizens' Oversight Committee for a four-year term which will expire March 2022.

### **STRATEGIC PURPOSE**

**Long Term Goal L: City Administration:** Provide exemplary City administration.

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

### **FISCAL IMPACT**

There is no fiscal impact to the City as all positions are voluntary.

### **DISCUSSION**

The Sales Tax Citizens' Oversight Committee (Committee) is responsible for reviewing the receipt and expenditure of funds under Measure C as they relate to the Council's stated priorities of public safety and code enforcement. The Committee is responsible for reporting out the result of their review by April 1<sup>st</sup> of each year at a public meeting. The 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 is appointed by the Mayor and approved by the City Council.

All seven (7) positions are currently vacant. The City of Antioch advertised to fill the vacancies in the usual manner. The Clerk's Office received eight applications from the following residents to be considered for appointment:

- Michelle Fitzer
- Aisha Hall
- Kellie M. Farrish

- Mika Bell
- Susana Williams
- Nikki Greer Hermeth
- Diane Gibson-Gray
- Dennis Clay

The applicants were interviewed by Mayor Wright with Finance Director Merchant in attendance.

**ATTACHMENT**

- A. Resolution
- B. Applications



**RESOLUTION NO. 2018/\*\***

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
APPOINTING [INSERT NAME OF APPOINTEES AFTER APPOINTMENT] TO THE  
SALES TAX CITIZENS' OVERSIGHT COMMITTEE FOR THE TWO-YEAR TERM  
VACANCIES, ENDING IN MARCH 2020, AND APPOINTING [INSERT NAME OF  
APPOINTEES AFTER APPOINTMENT] FOR THE FOUR-YEAR TERM VACANCIES,  
ENDING IN MARCH 2022**

**WHEREAS**, there is currently three (3) Member two-year term vacancies on the Sales Tax Citizens' Oversight Committee ending in March 2020; and four (4) Member four-year term vacancies, ending in March 2022; and

**WHEREAS**, the City Clerk's Office made announcement of the vacancies and solicited applications for the three (3) two-year term and four (4) four-year term Member vacancies; and

**WHEREAS**, Mayor Sean Wright considered eight applications received and interviewed the interested applicants; and

**WHEREAS**, Antioch Municipal Code Section 2-5.201 requires that the Mayor nominate candidates for membership on all boards and commissions and requires that the City Council approve, by a majority vote, the appointment of said nominee; and

**WHEREAS**, Mayor Sean Wright has nominated [insert name of appointees after appointment] to the Member two-year term vacancies and [insert name of appointees after appointment] to the Member four-year term vacancies to the Sales Tax Citizens' Oversight Committee.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Antioch hereby approve the Mayor's nominations of [insert name of appointees after appointment] to the Member two-year term vacancies ending in March 2020 and [insert name of appointees after appointment] to the Member four-year term vacancies ending in March 2022, appointing *him/her/them* to serve on the Sales Tax Citizens' Oversight Committee.

\* \* \* \* \*

**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 11th day of September, 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

---

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



RECEIVED

AUG 17 2018

CITY OF ANTIOCH  
CITY CLERK

APPLICATION EXTENDED DEADLINE DATE: 5:00 p.m., August 17, 2018

APPLICATION FOR COMMUNITY SERVICE

**SALES TAX CITIZENS' OVERSIGHT COMMITTEE**

Four (4) vacancies for a 4-year term expiring March 2022

Three (3) vacancies for a 2-year term expiring March 2020

Print Your Name Dennis Clay

Address \_\_\_\_\_ City Antioch

ZIP Code 94531 Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) \_\_\_\_\_

E-mail address \_\_\_\_\_

Employer Accounting Principals

Address 3000 Oak Road # 625 City Walnut Creek

Occupation Accountant

Years lived in the City of Antioch 17

List the three (3) main reasons for your interest in this appointment:

I'm interested in Tax issues, Antioch city government, & local schools!

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) I am on th AUSD CBOC.

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? I'm an accountant, I worked for WCCUSD, and am currently working at The Maritime Academy.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I have been working with the Contra Costa Taxpayers Assoc. on pension costs.

Can you attend meetings at the designated days and time? yes

**PLEASE ATTACH YOUR RESUME (*Recommended to enhance your application*).**

**PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.**

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Office of the City Clerk  
200 "H" Street  
P.O. Box 5007  
Antioch, CA 94531-5007

  
Signature

8/17/2018  
Date



APPLICATION EXTENDED DEADLINE DATE: 5:00 p.m., August 17, 2018

APPLICATION FOR COMMUNITY SERVICE

**SALES TAX CITIZENS' OVERSIGHT COMMITTEE**

**Four (4) vacancies for a 4-year term expiring March 2022**

**Three (3) vacancies for a 2-year term expiring March 2020**

Print Your Name Diane Gibson-Gray

Address \_\_\_\_\_ City Antioch

ZIP Code 94509 Phone (H) \_\_\_\_\_ (C) \_\_\_\_\_

E-mail address \_\_\_\_\_

Employer n/a

Address \_\_\_\_\_ City \_\_\_\_\_

Occupation \_\_\_\_\_

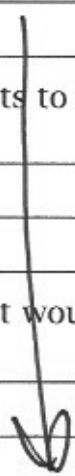
Years lived in the City of Antioch 55+

List the three (3) main reasons for your interest in this appointment:

See attached

Have you had any previous appointments to other city commissions or boards? (If yes, please explain)

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee?



Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

n/a

Can you attend meetings at the designated days and time? yes

**PLEASE ATTACH YOUR RESUME** (*Recommended to enhance your application*).

**PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.**

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Office of the City Clerk  
200 "H" Street  
P.O. Box 5007  
Antioch, CA 94531-5007

Cheryl Gray  
Signature

8/15/18  
Date

**Diane Gibson-Gray, Application**  
Sales Tax Citizens' Oversight Committee

Attachment (page 1)

**List the three (3) main reasons for your interest in this appointment:**

1. In order for tax payers to be willing to tax themselves, they must be confident that funds are spent according to the ballot measure. I feel having a known fiscal conservative, such as me, as one of the members of the committee would be beneficial to the community.
2. I follow the council / agendas and the warrants section is the most interesting part of the agenda for me. I like to understand spending as it relates to departmental goals.
3. As I am no longer working, I have time to devote to volunteer activities.

**Have you had any previous appointments to other city commissions or boards?  
(If yes, please explain)**

1. Park & Recreation Commission late 1980's
2. Planning commissioner, early 1990's

**What skills/knowledge do you have that would be helpful in serving on the  
Sales Tax Citizens' Oversight Committee**

1. Experience in conducting business in a public environment (commission appointments listed above as well as my current position as an elected official)
2. Budget oversight – AUSD Trustee (10 Years)
3. Ability to understand budgets by breaking down the total budget into manageable parts to understand and relate the numbers to public policy.

## C. DIANE GIBSON-GRAY

Antioch, California 94509 | Home:

Cell:

| [www.DianeGibsonGray.com](http://www.DianeGibsonGray.com)

### Experience    **ARTS & CULTURAL FOUNDATION OF ANTIOCH – Executive Director**

*Antioch, CA*

*April 2005 – December 2017*

- Provide contract services to the City of Antioch for art programs, public art installation, and art education outreach
- Responsible for bringing in \$30k per year in grant/sponsorship programs, \$100k budget
- Created program partnerships within the nonprofit sectors, government, and education sectors

### **COMCAST – Regional Director of Customer Care & Support**

*Concord, CA*

*August 2002 – November, 2004 (retired)*

- Responsible for 47 bay area retail cable store sites and the Corporate Level Customer Service Escalation Team (192 employees)
- Evaluated and implemented opportunities to engage cable store agents in customer lifting activities, such as customer satisfaction and upgrade calls; partnered with call centers for incoming call support and local operations to minimize customer impacting activities
- Implemented employee standards, policies, and procedures for both teams

### **AT&T BROADBAND/TCI – Regional Sales/Repair Call Center Director**

*Livermore, CA*

*November 2000 – August 2002*

- Successfully closed 225 seat sales call center (Interim position)
- Opened 300 seat call repair center (390 employees)
- Responsible for monitoring call center/metric driven performance
- Implemented call/technical standards, policies, and procedures
- Launched Blue Print for Quality monitoring/customer contact program
- Partnered with field operations to ensure maximum customer service/minimum truck rolls
- Provided leadership and professional development to 8 manager level employees
- Managed \$25m annual budget

### **TCI – Regional Telephony Call Center Director**

*San Jose, CA*

*November 1999 – March 2000 (temporary assignment/50 employees)*

- Supported new telephone product line launch initiatives; partnering with field/ tech operations to streamline processes/technology
- Implemented attendance/performance standards
- Hired permanent call center director / managers

**TCI – Area Business Operations Manager***Hayward, CA**December 1998 – November 2000*

- Responsible for support services operations, including cable stores, dispatch, repair, and marketing (125 employees)
- Managed headcount / expenses efficiently by consolidating multiple dispatch / repair functions into one location
- Worked intensively on pending field operations labor strike, effectively mobilizing work units, processes and procedures to ensure continuity if strike was called
- Implemented attendance/performance standards

**TCI- Area Government Affairs Director***Martinez, CA**November 1997 – December 1998*

- Responsible for relationships with local governments within Contra Costa County, including franchise compliance, franchise contract (renewals and negotiations) and escalated customer issues
- Established new relationships and strengthened existing ones with elected officials and key business and community leaders
- Key contact for funding and distribution of company resources to community-based nonprofit organizations and local government sponsored programs

**Cable Career** Additional telecommunications/customer service experience available upon request (employed in cable industry 1976-2004 under various company entities due to mergers and buyouts)

**Community Affiliations**

- Antioch Unified School District Trustee (elected position), 2009-current
- Antioch Chamber of Commerce, Executive Board Member, 2011-2016
- Women’s Club of Antioch Member, 2010-2015
- Antioch Rotary Club, 2013-current
- Pittsburg Chamber of Commerce, Board Member 12 years
- Soroptimist International of Pittsburg, Member 20 years
- Antioch Planning / Recreation Commissioner, 4 years
- Pittsburg Community Advisory Board Member, 1 year
- Pittsburg Seafood Festival, Member/Chair 23 years



ATTACHMENT B, P 8  
**RECEIVED**

JUN 01 2018

CITY OF ANTIOCH  
CITY CLERK



APPLICATION DEADLINE DATE: 5:00 p.m. Friday, June 1, 2018

APPLICATION FOR COMMUNITY SERVICE

**SALES TAX CITIZENS' OVERSIGHT COMMITTEE**

**Four (4) vacancies for a 4-year term expiring March 2022**  
**Three (3) vacancies for a 2-year term expiring March 2020**

Print Your Name Kellie M Furrish  
Address \_\_\_\_\_ City Antioch  
ZIP Code 94509 Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) \_\_\_\_\_  
E-mail address \_\_\_\_\_  
Employer JP Morgan Securities, LLC.  
Address 4300 Linetree Way City Antioch  
Occupation Financial Advisor, Vice President  
Years lived in the City of Antioch 7 years

List the three (3) main reasons for your interest in this appointment:

- this is one of the most important committees as it allocates funds for more police representation and the city needs more officers
- I am concerned over the proper allocation of funds raised by Measure C and would like to engage in discussions about the measure's objectives and outcomes (see back page)

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) NO.

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? I have a Bachelor of Arts from UC Berkeley in Political Science and also currently serve as Chase's financial advisor in Antioch. I am knowledgeable about Antioch city politics and understand budgets, financial spread sheets and how taxation funds city projects.



Please indicate any further wish to make that would be application.

information or comments you helpful in reviewing your

I love the city of Antioch and have witnessed its growth from 2011 to the present. I live, work and send my child to school here. I spend a great amount of time and money within city limits. Antioch's safety is my chief concern and this committee is partially responsible for making sure Measure C is not improperly allocated. I analyze financial objectives and outcomes for a living and studied political science at UC Berkeley. I am also a member of Delta Sigma Theta Sorority, Incorporated - a non profit specializing in community awareness and involvement.

Can you attend meetings at the designated days and time? yes.

It is recommended that you attach a resume to enhance your application.

**PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.**

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk; and complete a 2-hour online AB 1234 Ethics Training.

DELIVER OR MAIL TO: Office of the City Clerk  
200 "H" Street  
P.O. Box 5007  
Antioch, CA 94531-5007

  
Signature

June 1, 2018  
Date

Kellie Farrish

Antioch, CA

**Financial Planning Qualifications and Credentials**

- Over 15 years of increasingly significant roles and achievements within planning, portfolio management and client services.
- Personally managed over 65 million in client assets.
- Recognized for outstanding customer service, asset-based performance, sales growth
- Licensed Series 6, 7, 63, 65, Life and Health Licenses

**Work Experience**

10/2011-Present      JP MORGAN SECURITIES, LLC,      Antioch, CA

*Vice President, Financial Advisor*

Serve as a financial planner and wealth manager consultant. Oversee individual and group portfolios. Serve as vice president, relationship banker trainer within 5 banking centers and responsible for sales growth of five banking centers within the Antioch, Pittsburg and Bay Point territory.

- Developed over 45 million in client assets through partnerships with Relationship, Personal and Business bankers as well as branch management.
- Successfully built portfolios that include stock, bond, managed money, mutual funds, ETFs, and insurance products for more than 677 clients.
- Exhibited expertise associated with estate planning, asset allocation, and wealth succession.

08/2007-10/2011      MERRILL LYNCH      Oakland, CA

*Associate Financial Advisor*

- Worked with top producers, profiling high net worth individuals for future business
- Generated over 135 portfolios for clients utilizing asset allocation and risk profiles
- Analyzed existing portfolios, assisting in the developments of accounts
- Equity Research utilizing white papers, market data and sec filings

11/2003-2/2007      ATLAS SECURITIES      Hayward, CA

*Investment Representative*

- Profiled clients and implemented solutions using no load mutual funds and fixed annuities
- Sold over 36 million in fixed annuity and no load mutual fund business over four years

**EDUCATION**

2007      UNIVERSITY OF CALIFORNIA AT BERKELEY      Berkeley, CA

*Bachelor of Arts, Political Science*



SCANNED



RECEIVED

APR 13 2018

CITY OF ANTIOCH  
CITY CLERK

APPLICATION DEADLINE DATE: 5:00 p.m. Friday, April 20, 2018

APPLICATION FOR COMMUNITY SERVICE

**SALES TAX CITIZENS' OVERSIGHT COMMITTEE**

Four (4) vacancies for a 4-year term expiring March 2022  
Three (3) vacancies for a 2-year term expiring March 2020

Print Your Name Aisha Hall

Address \_\_\_\_\_ City Antioch

ZIP Code 94509 Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) \_\_\_\_\_

E-mail address \_\_\_\_\_

Employer In Home Supportive Services

Address 15700 Crestwood Dr #181 City San Pablo

Occupation Care Provider

Years lived in the City of Antioch 5 years

List the three (3) main reasons for your interest in this appointment:

To be of service to my community

To be a part of a team

To gain some understanding on how taxation works.

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) NO.

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? None



Please indicate any further wish to make that would be application.

information or comments you helpful in reviewing your

Multiple horizontal lines for providing additional information or comments.

Can you attend meetings at the designated days and time? \_\_\_\_\_

It is recommended that you attach a resume to enhance your application.

**PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.**

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DELIVER OR MAIL TO: Office of the City Clerk  
200 "H" Street  
P.O. Box 5007  
Antioch, CA 94531-5007

[Handwritten Signature]  
Signature

4/9/18  
Date



RECEIVED

MAR 23 2018

CITY OF ANTIOCH  
CITY CLERK

APPLICATION DEADLINE DATE: 45:00 p.m. Friday, March 23, 2018

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Four (4) vacancies for a 4-year term expiring March 2022  
Three (3) vacancies for a 2-year term expiring March 2020

Print Your Name Michelle Fitzer

Address \_\_\_\_\_ City Antioch

ZIP Code 94531 Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) \_\_\_\_\_

E-mail address \_\_\_\_\_

Employer City of Pinole

Address 2131 Pear Street City Pinole

Occupation City Manager

Years lived in the City of Antioch 19

List the three (3) main reasons for your interest in this appointment:

1. I would like to continue to serve my community.

2. I think my experience working for the City on the Measure, including developing the annual community mailer, gives me a good understanding of the intent of the Measure.

3. My education and government work experience, including budget preparation, make me well qualified to evaluate the Measure's revenue and expenditures annually, as outlined as the Committee's role in the ordinance.

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) I served for a short time on the Board of Administrative Appeals. I have served on the Sales Tax Citizens' Oversight Committee for the past 2 years.

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? I have 28 years working in local government and a Masters Degree in Business Administration.



Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I was honored to work for the City, especially on this vital revenue measure. Again, I think my experience makes me well qualified to serve on the Oversight Committee.

I would appreciate being reappointed for a 2-year term.

Can you attend meetings at the designated days and time? Yes

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

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DELIVER OR MAIL TO: Office of the City Clerk  
200 "H" Street  
P.O. Box 5007  
Antioch, CA 94531-5007

Michelle Aizw

Signature

3/23/18

Date

## Michelle Fitzer

EXPERIENCE

Nearly twenty-eight years in municipal government.

EDUCATION

MBA with a Human Resources Management option – Cal State Hayward  
BA in Psychology – Cal State Hayward

CITY GOVERNMENT WORK HISTORY**CITY OF PINOLE**

**CITY MANAGER** – November 2015 - Present

**CITY OF ANTIOCH**

**ADMINISTRATIVE SERVICES DIRECTOR** – May 2014 – November 2015

**HUMAN RESOURCES/ECONOMIC DEVELOPMENT DIRECTOR** - October 1, 2012 – May 2014

Projects and accomplishments:**City Management:**

- FY 2014/15 & 2015/16 citywide budget development.
- Project Coordinator for the City Council Governance Training and Community Café Strategic Planning process.
- Developed Measure C and O informational PowerPoint presentation and mailers.
- Served as a member of the City's project team for the Northeast Annexation.
- Served as a member of the City's team meeting with the Friday Morning Breakfast Club and Apartment Owners Association representatives regarding a possible Business License ballot measure for November 2014 (Measure O).
- Serve as the City's Municipal Pooling Authority Board member and Executive Committee member.
- Recreation Department financial audit follow-up.
- Assisted with negotiating an updated Services Agreement for Police Dispatch.
- Attend the Contra Costa County Public Managers' Association meetings, and as needed, the Contra Costa County Mayors' Conferences.
- Serve as the Acting City Manager, on a rotational basis.

**Economic Development:**

- CALED Economic Development Certification received.
- Staff to the Economic Development Commission.
- Developed Property Inventory Sheets to provide information on available non-residential properties in the City. Project implemented by summer Intern.
- Serve on the Northern Waterfront Development Initiative Steering Committee.
- Meet with potential development representatives; attended ICSC.
- Serve as a City representative to EC<sup>2</sup>: East Contra Costa the Collaborative.
- Participate in Successor Agency Property Management Plan development.



***Human Resources:***

- Completed a comprehensive classification plan update, started by a consultant several years ago. Seven bargaining unit impacted.
- Resolved “displaced worker” and other classification issues outstanding for years.
- Established continuous recruiting plan and fast-track hiring for Police Officers.
- Lead staff to implement PEPRA (pension reform).
- Developed a project tracking system.
- Developed a new Personnel Action Form and other HR forms/letters.
- Conducted a records management project – cleaning out hard files and electronic files; scanning of some records.
- Managing investigations, complaints, EEOC filings, FLSA lawsuit, and disciplinary matters.
- Initiated a comprehensive update to the Personnel Rules, Administrative Policies, and Employer/Employee Relations Resolution.

***City Clerk’s Office:***

- Created a Request for Public Records form, a Request for Proclamation form and a new City Council staff report template.
- Suggested enhancements to the Council agenda format.

***CITY OF PINOLE - ASSISTANT CITY MANAGER***

February 2011 – September 30, 2012. I had direct responsibility for the Human Resources, Redevelopment (Successor Agency)/Economic Development/Housing and Fire departments. I also worked very closely with the City Clerk, Finance, Police and Public Works departments. I was responsible for citywide budget development and oversight, including the Capital Improvement Plan. I also served as the Deputy City Clerk. Of course, I served as the Acting City Manager in the Manager’s absence.

**Projects included:**

- Lead staff analyzing Pinole’s options for delivering fire services in the long-term on a financially sustainable basis.
- Lead staff for November 2012 Utility Users Tax ballot measure (passed 79%).
- Working with the City Manager, City Attorney’s Office, and Finance Director on several sensitive Redevelopment issues, including implementation of legislative changes.

**City of Pinole accomplishments included:*****City Management:***

- With the City Manager and Finance Director, developed balanced budgets for FY 2010-11, 2011-12, and 2012-13, including providing quarterly status reports and budget adjustment recommendations to Council.

Michelle Fitzer  
Page 3

- Served as the lead staff negotiating the sale of the City's interest in two retail shopping centers in which the City held eighty percent (80%) ownership, recouping funds in excess of the City's outstanding investment in both properties.
- Served on the selection committee for the design engineers for our \$47 million Wastewater Plant Upgrade project.
- Served as co-Chair of the West Contra Costa County Technical Advisory Committee on fire service delivery.
- Served as a staff liaison for Management transition at Pinole Assisted Living.
- Served on a joint City of Pinole/West Contra Costa Unified School District sub-committee.
- Participated on the joint Contra Costa/Alameda Public Managers Association sub-committee developing the pension reform white paper.

***Human Resources:***

- Successfully worked with the City Attorney's Office to defend the City against a DFEH/EEOC complaint and \$14.9 million claim by a former employee.
- Drafted and negotiated new Personnel Rules; finalized the re-write and negotiated an updated Employer/Employee Relations Resolution; negotiated MOUs.
- Facilitated Leadership Development Series, a citywide training program for managers and supervisors I designed.
- Conducted a comprehensive classification plan update.
- Developed a benefit matrix, position control tracking, and draft Administrative Directives; organized all HR Department records - paper and electronic.
- Managed several personnel investigations and disciplinary actions, including appeal hearings.
- Served two years on the League of California Cities Employee Relations Board of Directors (2007 – 2009).

Ongoing responsibilities included: attending all Council/Successor Agency Board meetings, including all closed sessions; serving as staff to the Finance Sub-Committee of the Council/Agency Board; working directly with the City Council/Agency Board; reviewing all Council/Agency Board agenda staff reports; strategizing with the City Manager and department heads on issues/projects in all operating departments; meeting with citizens to listen to concerns and answer questions about City business; budget development and management; providing managerial guidance to department heads on politically sensitive matters; coaching managers and supervisors in employer-employee relations issues; serving on the selection panel for brokers to dispose of City property; assisting with preparation of the weekly Administrative Report outlining current City activities for the Council and public; representing Pinole at LAFCO meetings; attending the Pinole/Hercules Wastewater JPA meetings. I represented the City on the Board of Directors of Municipal Pooling Authority (since 2006). I attended the Contra Costa County Public Managers Association meetings (since 2009).

Michelle Fitzer  
Page 4

**CITY OF PINOLE - ASSISTANT TO THE CITY MANAGER**, August 2007 – February 2011, actually worked in the capacity of **Assistant City Manager**.

**CITY OF PINOLE - HUMAN RESOURCES DIRECTOR**, June 2006 – February 2011. Upon hire I was tasked with bringing professional Human Resources management, administration and structure to the organization, from the ground up.

**CITY OF PITTSBURG**, December 1997 to June 2006. Human Resources.

**CITY OF MARTINEZ**, May 1990 – December 1997. Finance and Human Resources.

**ADDITIONAL OVERALL SKILLS/EXPERIENCE:**

- Presentations on a variety of topics, including presentations to Council in both closed and open session.
- Excellent writing skills, including Council/Agency Board staff reports.
- Development of PowerPoint presentations.
- Training facilitator. I have trained on many management and safety topics.
- In 2006, honored by Municipal Pooling Authority for *Outstanding Achievement in the Loss Control Program Implementation and Results* for the City of Pittsburg, out of 19 participating agencies.
- Trained in Interest Based Negotiations. I have utilized this technique at the bargaining table, in employer-employee relations matters, and in negotiations related to Redevelopment/Economic Development issues.



APPLICATION EXTENDED DEADLINE DATE: 5:00 p.m., August 17, 2018

APPLICATION FOR COMMUNITY SERVICE

***SALES TAX CITIZENS' OVERSIGHT COMMITTEE***

***Four (4) vacancies for a 4-year term expiring March 2022***

***Three (3) vacancies for a 2-year term expiring March 2020***

Print Your Name Mika Bell

Address \_\_\_\_\_ City Antioch

ZIP Code 94509 Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) \_\_\_\_\_

E-mail address \_\_\_\_\_

Employer City Of Oakland

Address 250 Frank Ogawa Plaza City Oakland

Occupation Public Servant

Years lived in the City of Antioch less than 1 year

List the three (3) main reasons for your interest in this appointment:

My interest in this appointment is to become involved in my community, help improve fiscal responsibility and transparency of Measure C, and to make sure Antioch is a safe and desirable community for all who live and visit the city.

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) No.

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? The skills/ knowledge I have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee are I am a resourceful problem solver and have an openness to learn. I would be able to collaborate and engage with all stakeholders and use sound judgement in the decision making process.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I want my application for the Sales Tax Citizens Oversight Committee to note I am a new homeowner of the Antioch community and I want to begin contributing as soon as possible to my community. I value public safety and want to ensure the city I chose to call home is a viable place to live for many years to come. I want to provide the oversight necessary to improve transparency and accountability for Antioch citizens. Lastly, I would undoubtedly serve with integrity, which is an integral part of community service. Thank you for your time and consideration.

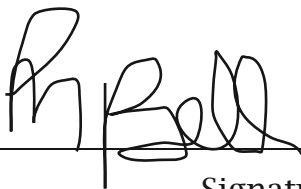
Can you attend meetings at the designated days and time? yes, I would make it a top priority.

**PLEASE ATTACH YOUR RESUME (*Recommended to enhance your application*).**

**PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.**

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Office of the City Clerk  
200 "H" Street  
P.O. Box 5007  
Antioch, CA 94531-5007



Signature

7.2.1

Date

**SKILLS**

Presentation & Communication  
 Community Engagement  
 Time Management  
 Adaptability/Flexibility  
 Team Player  
 Critical Thinker  
 Microsoft Office Suite (Word,  
 Excel, Outlook, Access)

**EDUCATION****MASTERS DEGREE**

Public Administration  
 University Of San Francisco  
 2015

**BACHELOR OF SCIENCE**

Political Science  
 Criminal Justice  
 San Francisco State University  
 2009

**EXPERIENCE****INTAKE TECHNICIAN**

Community Police Review Agency, Oakland, CA Dec. 2015-Present

- ❖ Investigate oral and/or written allegations/complaints
- ❖ Research, compile and summarize policies, reports, videos, and audio recordings
- ❖ Prepare clear and accurate reports and correspondence
- ❖ Assess and evaluate varied information related to complex investigations
- ❖ Plan and organize case files

**SALES CONSULTANT**

AT&T Mobility, Berkeley, CA, Oct. 2007 – Dec. 2015

- ❖ Followed operational policies and procedures to meet and exceed performance goals
- ❖ Represented the company in meetings and events
- ❖ Researched and resolved customer conflicts
- ❖ Handled all administrative aspects of sales
- ❖ Provided on-the-job training to assigned personnel

**INTERNSHIPS AND ORGANIZATIONS****AMERICORPS MEMBER**

Americorps, Oakland, CA Sept. 2007 – Sept. 2008

- ❖ Assisted self-represented litigants in court-based self-help centers by providing legal information to litigants regarding family law, housing, civil harassment, temporary restraining orders, and name changes
- ❖ Supported legal staff with legal workshops
- ❖ Conducted needs assessment of litigants

**PROFESSIONAL DEVELOPMENT TRAINING**

- ❖ Crisis Intervention Training, Oakland, CA 2018
- ❖ Internal Affairs Conference and Certification, Denver, CO 2017
- ❖ National Association for Civilian Oversight of Law Enforcement  
 Annual Conference, Spokane, WA 2017
- ❖ Investigative Statement Analysis Albuquerque, NM 2016
- ❖ Oakland Police Department Citizens' Police Academy Oakland, CA 2016



**APPLICATION EXTENDED DEADLINE DATE: 5:00 p.m., August 17, 2018**

**APPLICATION FOR COMMUNITY SERVICE**

**SALES TAX CITIZENS' OVERSIGHT COMMITTEE**

**Four (4) vacancies for a 4-year term expiring March 2022**

**Three (3) vacancies for a 2-year term expiring March 2020**

Print Your Name Nikki Greer Hermeth

Address \_\_\_\_\_ City Antioch

ZIP Code 94531 Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) \_\_\_\_\_

E-mail address \_\_\_\_\_

Employer City of Oakland

Address 250 Frank H. Ogawa Plaza Suite 6302 City Oakland

Occupation Complaint Investigator

Years lived in the City of Antioch 3

**List the three (3) main reasons for your interest in this appointment:**

The three main reasons I am interested in an appointment to the Sales Tax Citizens' Oversight Committee are as follows: I want to be more involved in my community; I want to use my knowledge, skills, and abilities to benefit the community that I live in and improve the overall quality of life for everyone in Antioch. Finally, I am interested in this appointment because I am a strong believer in the value of civilian oversight and believe the increased transparency it provides can help our city government function better by increasing public trust, which is important for the success of many government policies and programs that depend on cooperation and compliance of the public.

Have you had any previous appointments to other city commissions or boards? (if yes, please explain) No

**What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee?**

My education and experience as a public servant – a peace officer for county government and an investigator for city government – have equipped me with knowledge and skills that will be helpful in serving on the Sales Tax Citizen's Oversight Committee. As a former law enforcement officer, I understand the financial resources and expenditures associated with creating safe communities; as a current Investigator for a civilian oversight commission, I know the bureaucracy involved with delivering public services and empathize with the frustration it causes for members of the public, and at times, for those working within the bureaucracy; and through conducting administrative and pre-sentence investigations I have become adept at organizing large amounts of information, identifying relevant facts and missing information, and preparing and reviewing reports and other documents that are subject to intense public scrutiny and/or administrative review. I am also skilled at identifying and interpreting various policy, rules and laws to determine how they apply to, or impact various situations. Additionally, I am familiar with public/non-profit budget processes, parliamentary procedure and the Brown Act. I am also have public speaking skills.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I often hear people make negative comments about our city regarding crime, illegal dumping and the lack of employment or opportunities for economic growth. I agree our city has some issues in these areas; however, I also believe that our city has even more positive attributes that afford its residents a great quality of life. These positive attributes outweigh the negative and are what attracted my family to Antioch. I know our city we can overcome the issues facing our city and I am committed to becoming a part of the solution and helping however I can. I would like to start helping my community by becoming a part of the Sales Tax Citizens' Oversight Committee.

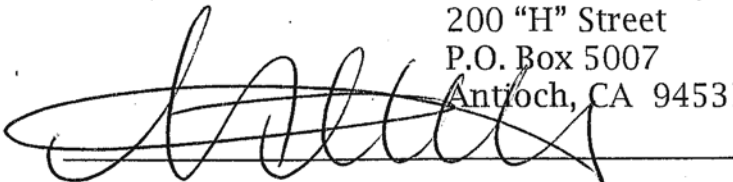
Can you attend meetings at the designated days and time? Yes

**PLEASE ATTACH YOUR RESUME (*Recommended to enhance your application*).**

**PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.**

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DELIVER OR MAIL TO: Office of the City Clerk  
200 "H" Street  
P.O. Box 5007  
Antioch, CA 94531-5007



Signature

8/16/18

Date



Civilian Oversight + Police Accountability = Safer Communities for all!

---

## Summary

I am intrinsically motivated and detail oriented. I am interested in using the practical experience and technical skills that I have developed throughout my eighteen years in public service to benefit a non-profit, public or government organization. My qualifications include an MPA in Public Administration and a BA in Sociology with a concentration in Institutional Analysis and a Minor in Legal Studies. I also have experience with program evaluation and implementation; employee training and development; and personnel management. This is in addition to comprehensive experience in community collaboration, conducting investigations, and the use of technology in public organizations.

---

## Experience

Complaint Investigator II, Community Police Review Agency (Formerly Civilian Police Review Board) at City of Oakland

November 2014 - Present

- Investigate complaints filed with the Community Police Review Agency (CPRA); facilitate mediation of complaints as appropriate.

- Analyze and compile facts and data for cases concerning police complaints; formulate objective recommendations based on critical analysis; interpret rules, laws and regulations pertaining to police conduct; develop, maintain, revise and provide Community Police Review Agency Executive Director with the comprehensive investigative plan and case status.

- Prepare a variety of complex written reports;

- Consult and confer with Executive Director regarding facts established in investigations; important issues that may arise in interpreting various laws; the recommended disposition and conclusion of cases.

- Respond to inquiries from community members, Police Officers and other interested parties in a timely manner.

- Identify, actively seek out, and interview complainants, witnesses, technicians, sworn police personnel, dispatchers, medical personnel and others as necessary to complete thorough investigations; gather pertinent evidence material to complaints; assess Oakland Police Department, including Internal Affairs Division records, and maintain confidentiality; compile and summarize information collected.

Maintain complete and accurate complaint files, conversation logs, closed files, police reports, computerized files and other related files and records; formulate report based on the evidence gathered; ensure that records are secured and confidential.

Conduct interviews, research complaints, access data and information.

#### Senior Deputy Probation Officer at County of San Mateo

2001 - November 2014 (13 years 11 months)

Manage staff, assign cases, and edit reports in absence of Probation Services Manager. Conduct investigations, analyze information, interpret & apply relevant law. Prepare reports, memorandums, affidavits, and warrants that are fair, objective, accurate and in accordance with the law and Departmental policy. Conduct interviews with a diverse customer base of offenders, victims, and other interested parties. Conduct assessments, develop case plans, counsel clients, conduct arrests, and testify in Court as necessary. Work closely with other law enforcement agencies.

Voluntarily designed and conducted departmental study evaluating internal user acceptance of new technology and Department implementation the OffenderLink case management system. Presented suggested changes to the communication and implementation strategies based on findings of the study.

Instructor for Department's Report Writing Technical training course and member of the Report Writing Technical training course development group.

#### Group Supervisor II at County of San Mateo

August 2000 - June 2001 (11 months)

Supervised daily activities of wards in Juvenile Hall custody maintaining safety & security of the institution. Implemented behavior modification program, developed other programs as desired, maintained behavior reports, conduct groups, & Court testimony. Shift lead in absence of Group Supervisor III.

#### Mental Health Counselor at Fred Finch Youth Center

October 1999 - July 2000 (10 months)

Responsible for day-to-day supervision of students in the public school setting. The Mental Health Counselor is also responsible for safety practices and monitoring policy and procedures. Actively supervise general care & safety of residents and instruct their program participation by providing a consistent, nurturing environment with clear expectations and limits; assist in the development & implementation of positive behavioral interventions and in the implementation of treatment plan goals; attend groups, treatment reviews, and special staffings; provide transportation for residents to any off-campus activities and act as primary counselor to several residents assigned and carry out all functions of primary counselor duties; assist in the team approach to planning & implementing program needs of recreational, skills building and community integration activities.

Developed and implemented a successful behavior modification program for youth with various mental health diagnoses.

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## Education

Golden Gate University

Executive Master of Public Administration (EMPA), Public Administration, 2011 - 2012

University of California, Santa Cruz

Bachelor of Arts (BA), Sociology, 1997 - 1999

Activities and Societies: Alpha Kappa Alpha Sorority, Inc.

College of the Desert

Associate of Arts (AA), Sociology, 1995 - 1997

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## Honors and Awards

Undergraduate Research Fellow

Civilian Oversight + Police Accountability = Safer Communities for all!

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Contact Nikki on LinkedIn

RECEIVED

FEB 27 2018

CITY OF ANTIOCH  
CITY CLERK

**APPLICATION DEADLINE DATE: 5:00 p.m., March 2, 2018**

**APPLICATION FOR COMMUNITY SERVICE**

**SALES TAX CITIZENS' OVERSIGHT COMMITTEE**

**Four (4) vacancies for a 4-year term expiring March 2022**

**Three (3) vacancies for a 2-year term expiring March 2020**

Print Your Name Susana Williams

Address \_\_\_\_\_ City Antioch

ZIP Code 94531 Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_

E-mail address \_\_\_\_\_ (New)

Employer Self

Address \_\_\_\_\_ City Antioch

Occupation Marketing / Media Sales & Consulting

Years lived in the City of Antioch 18 years

List the three (3) main reasons for your interest in this appointment:

1. I like sharing my expertise to help my community
2. Helping to make Antioch a better place to live
3. I'm enjoying being more involved in Antioch civic affairs in general

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) yes Measure C board currently (Sales Tax Citizens Oversight Comm) Also on Board of Our Revolution Contra Costa

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? Familiarity with running meetings, organizing groups, negotiating, full Office Suite skills, excellent writing and composition skills and my legal background usually is a huge plus.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

In the past year plus of serving on the board I have attended every meeting and was voted in as Chair at the last meeting. I was an integral part of the report writing team and helped make the presentation to the City Council last year. I'd like an opportunity to continue on this worthwhile & interesting committee.

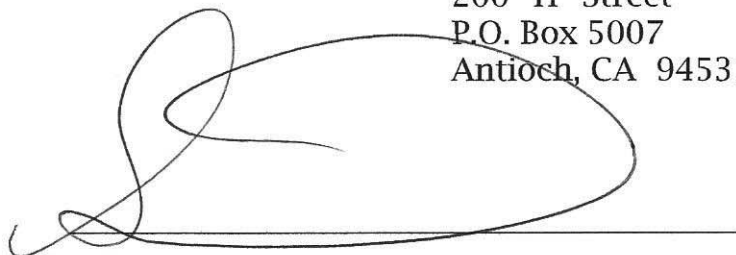
Can you attend meetings at the designated days and time? Yes - flexible  
Schedule

**PLEASE ATTACH YOUR RESUME (Recommended to enhance your application).**

**PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.**

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Office of the City Clerk  
200 "H" Street  
P.O. Box 5007  
Antioch, CA 94531-5007



Signature

2/27/2018

Date

Antioch, California 94531

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## **AREAS OF EXPERIENCE**

New Industry/Revenue Stream Expertise, Startup Strategy and Execution, Media Sales, Audio/ Broadcast Media, Business Development, Strategic Partnerships, go-to-market strategy, data and analytics, market research, social media platforms, branded content creation/curation/distribution, influencer marketing, video platforms, mobile media, rich media, sports marketing, promotional marketing, prospect/market development, proof of concept development, training, internal process creation/implementation, forecasting, sweepstakes/contests and tradeshow

## **EXPERIENCE**

### **AUDIO/BROADCAST MEDIA**

I worked for several large broadcast companies including Clear Channel, Infinity Broadcasting and Inner-City Broadcasting. In addition to regional advertising sales roles, I also worked in Major League Sports including NHL, NFL, AAA Baseball and Nascaar. One of the highlights of my broadcast career was developing a completely new revenue stream via a vendor marketing program successfully securing significant new business from major brands including Campbell's, Kraft, Keebler, General Mills, Citgo and Miller Coors.

### **New Platforms/Revenue Streams - Digital – Mobile – Social/Influencer Media**

I have extensive experience in all areas of digital media including video, rich media and data/analytics. Additionally, I've worked in the mobile and social media segments including programs focused on curated and custom branded content and influencer marketing. During my career, I've worked with a wide variety of brands along with mid-sized and major ad agencies throughout the US. Key projects include working with Microsoft on one of their first video campaigns, with Kroger and Subway on their first mobile rich media campaigns, working with Nike on a key World Cup Promotion and creating and selling in the first cross-platform campaign for The Weather Channel with REI as the client. I also created and executed Method's first social media campaign while at Rock You as well as strategizing on and selling in the first in-game monetized video campaign on Facebook. While working at Cardlytics, I developed the first card linked marketing strategy for Denny's which proved to be an ongoing program for them.

### **Companies Include:**

#### **Curejoy**

- Developed prospect list and strategy for the Western territory and introduced agency and brand clients to this new branded content platform

#### **Route 66 Social**

- Key projects include developing the social media strategy for Bandai Mobile (PacMan), Sling and Bellafill

#### **Cardlytics**

- Introduced Card Linked Marketing to the West Coast advertising community with a focus on targeting, analytics strategies and solutions offered by this innovative new platform. Key accounts included the Film Industry and Denny's

#### **Voltari Media (formerly Motricity)**

- Consistently the top Media Sales biller and sole seller to exceed 2012 quota of \$1.5 million – clients included Subway and Kroger

#### **MyYearbook/Social Theater on Facebook (now MeetMe)**

- Developed the Northern California and Pacific Northwest Territories for this social media platform including bringing Disney onboard our platform as a new client.

#### **RockYou, Inc.**

- Created and executed custom integrated solutions within social game applications for Facebook and Myspace

**Page Two**  
**Susana M. Williams**

**Imaginova Networks**

- In addition to managing the Western Region for sales, I was instrumental in the acquisition and development of Newsarama.com – a strategic and successful revenue generator

**Terra Networks**

- Generated ad revenue in the Western territory among general market and Hispanic agencies for this Hispanic property – clients included major brands, traditional and Hispanic ad agencies

**Fastclick**

- Developed brand sales market in the Midwest and West regions among agency and advertiser companies

**Interevco, Inc.**

- In addition to driving revenue for our publishers at this rep firm, I also secured contracts with new publishers in expansion categories

**Classmates Online**

- I developed the West Coast territory for this relatively new publisher within the advertising space

**The Weather Channel/Weather.com**

- In addition to managing a team of sellers and maintaining a top billing status, I also created and executed the first cross-platform media campaign for them – the client was REI.

**RELATED SKILLS**

CRM expertise including Salesforce, Zoho and Insightly

Microsoft Office

Mailchimp/Survey Monkey

Winmo as well as other research tools

MediaRadar

SellerCrowd

Google and Facebook Analytics

Nielsen/Comscore

**EDUCATION**

- Oregon College of Business, Medford, OR
- University of Santa Clara Law School, Santa Clara, CA – Paralegal Graduate Level Certificate Program
- Berlitz - Spanish – Level Five





## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Forrest Ebbs, Community Development Director *FE*

**SUBJECT:** Cannabis Business Guidelines.

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### **RECOMMENDED ACTION**

Staff recommends that the City Council adopt the Resolution approving the Cannabis Business Guidelines.

### **STRATEGIC PURPOSE**

This action would address the following strategies contained in the Strategic Management Plan:

- Strategy H-5: Grow Antioch's economy through additional annexation, as well as residential and commercial development.

### **FISCAL IMPACT**

The proposed action will improve the review process for Cannabis Business Use Permits, which will minimize fiscal impacts on the City of Antioch from such land uses.

### **DISCUSSION**

On May 22, 2018, the Antioch City Council introduced an Ordinance establishing a Cannabis Business (CB) Zoning Overlay District and associated texts. This Ordinance allows Cannabis Businesses within the Zoning Overlay subject to approval from the City Council and subject to certain standards and findings. On June 26, 2018, the City Council approved the second reading of the Ordinance and it became effective on July 26, 2018.

An additional finding was required as part of the Ordinance. This finding is in addition to the standard findings for approval of a Use Permit and applies only to Cannabis Businesses. The finding is as follows:

That the location and site characteristics of the proposed cannabis business are consistent with all applicable State laws and City standards or guidelines, that all provisions have been made to ensure that the operation of the cannabis business will not create excessive demands for police service or other public services, and that the cannabis business will benefit the City of Antioch.

The Ordinance anticipated guidelines that would direct applicants and provide a clear and consistent series of expectations to ensure high quality operations in the City of Antioch.

Staff has now proposed guidelines to express the City's high expectations for operation, design, and security features that, when implemented, will minimize impacts to the community and the City of Antioch. The guidelines are written as "should" statements because they are not statutory regulations in this form – they cannot be made automatic requirements outside of an ordinance. However, the guidelines will be converted to Conditions of Approval for an application presented to the Planning Commission and City Council. At that time, they will be absolute requirements. This approach offers flexibility to address varying applications and also allows for easy modification of the guidelines by the City Council, if needed. General conformance to these guidelines will be required in order for the City to make the above finding.

By providing these guidelines in advance of a formal application, potential applicants will be made aware of these basic expectations and can modify their application accordingly. Those guidelines that are not addressed in the application, but would improve the project, will be assigned as conditions of approval of the Use Permit, as appropriate.

The Community Development Department received its first application for a Cannabis Business Use Permit on Friday, July 27, 2018. The applicant was previously given a Draft version of these guidelines to assist in the preparation of the application, with the understanding that the guidelines were subject to change.

Finally, the Planning Commission has not had opportunity to review these guidelines due to the urgency of having something in place ahead of formal applications. Staff anticipates taking these guidelines, if approved by the City Council, to the Planning Commission for their review in the coming weeks. Any substantive changes will be returned to the City Council, if necessary.

#### **ATTACHMENTS**

- A. Resolution
- B. Draft Cannabis Guidelines

# ATTACHMENT "A"

RESOLUTION NO. 2018/\*\*

## RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING CANNABIS BUSINESS GUIDELINES

**WHEREAS**, on May 22, 2018, the City Council adopted an ordinance establishing a Cannabis Business (CB) Zoning Overlay District with associated permitting and regulatory standards; and

**WHEREAS**, on June 26, 2018, the second reading of the ordinance occurred; and

**WHEREAS**, the ordinance became effective on July 26, 2018; and

**WHEREAS**, the ordinance anticipated guidelines to provide direction to applicants in the development of applications and the operation of a Cannabis Business; and

**WHEREAS**, these guidelines will also provide clarity and consistency to staff, the Planning Commission, and the City Council in the consideration of a Cannabis Business Use Permit application; and

**WHEREAS**, these guidelines will ensure that available techniques and strategies can be integrated into a cannabis business to address site design, security, community impacts, and similar concerns; and

**WHEREAS**, on May 22, 2018, the City Council found that the ordinance is exempt from the California Environmental Quality Act (CEQA), per Section 15061(b)(3) as it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment. These guidelines are an implementation of the above ordinance and are similarly exempt from CEQA.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Antioch approves the Cannabis Business Land Use and Operational Guidelines with Application Form.

\* \* \* \* \*

**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 11<sup>th</sup> day of September, 2018 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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

**DRAFT** Cannabis Business  
Land Use and Operational Guidelines  
with Application Form



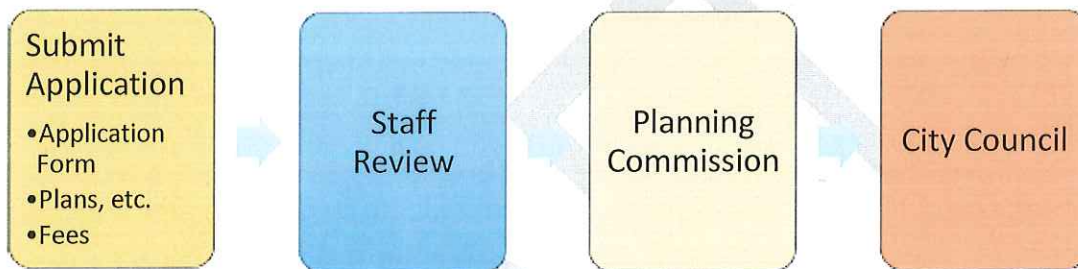
City of Antioch  
Community Development Department  
200 H Street, 2<sup>nd</sup> Floor  
Antioch, CA  
(925) 779-7035

# Background

On May 22, 2018, the Antioch City Council introduced an Ordinance amending Title 9, Chapter 5 of the Antioch Municipal Code, thereby creating new provisions for the consideration of cannabis businesses in the City of Antioch. The Ordinance was read again on June 26, 2018 and became final on July 26, 2018. A copy of the Ordinance is contained in this document. The Code Amendment established new definitions, imposed basic standards, and created a new Cannabis Business (CB) Zoning Overlay District. Within the CB Zoning Overlay District, a party may apply for a Use Permit from the City Council for the establishment of a Cannabis Business.

## Process

The process for applying for a Use Permit for a Cannabis Business is as follows:



City Council decisions are not appealable. City staff may, at its discretion, elect to use outside consultants to process an application. In such a case, the applicant is required to pay the full cost of the consultant contract prior to initiation of the work.

City staff may request a pre-application meeting with the applicant and property owner to discuss the proposal prior to a formal submittal.

## Fees

The fee for an application for a Use Permit for a Cannabis Business is established in the Master Fee Schedule. As of July 1, 2018, a \$2,000 deposit is required and all subsequent costs are based on expended time and materials. If an outside consultant is used, the applicant will be responsible for the entire cost of the consultant contract and any additional staff time and materials.

## Definitions

The following definitions are established in Section 9-5.203 of the Antioch Municipal Code.

*Cannabis Business.* A person, partnership, corporation, company, association, collective, or cooperative which engages in commercial cannabis use(s).

*Cannabis Retail.* A cannabis business that distributes, dispenses, stores, exchanges, packages, re-packages, labels, sells, makes available, transmits, or gives away cannabis or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations. Cannabis retail includes, but is not limited to, selling and/or delivering cannabis or cannabis products as part of a sale, pursuant to a Type 10 cannabis license, or a cannabis license subsequently established.

*Cannabis.* All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products should include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant; fiber produced from the stalks; any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from); fiber, or the sterilized seed of the plant which is incapable of germination.

*Cannabis Product.* Cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to concentrated cannabis, or an edible or topical product containing cannabis and other ingredients.

## Amendments

These Guidelines may be amended if initiated by the City Council, Planning Commission or City staff. Amendments require approval by the City Council.

## Basic Standards and Findings

Within the newly-adopted Ordinance are basic standards for operation for Cannabis Businesses. They are as follows:

A cannabis business shall be located no closer than 600' from the following:

- (1) Any private or public school serving students grade kindergarten through high school;
- (2) Any public park owned or operated by the City of Antioch;
- (3) Any property occupied by a residential land use or with a residential or General Plan Land Use Designation or zoning designation.

When an application is received and determined to be complete, staff will make a recommendation to the Planning Commission and, ultimately, the City Council. The basis of this recommendation will be the ability to make the required findings for a Use Permit, which are as follows:

- (a) That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;
- (b) That the use applied for at the location indicated is properly one for which a use permit is authorized;
- (c) That the site for the proposed use is adequate in size and shape to accommodate such use, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood;

- (d) That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use; and
- (e) That the granting of such use permit will not adversely affect the comprehensive General Plan.

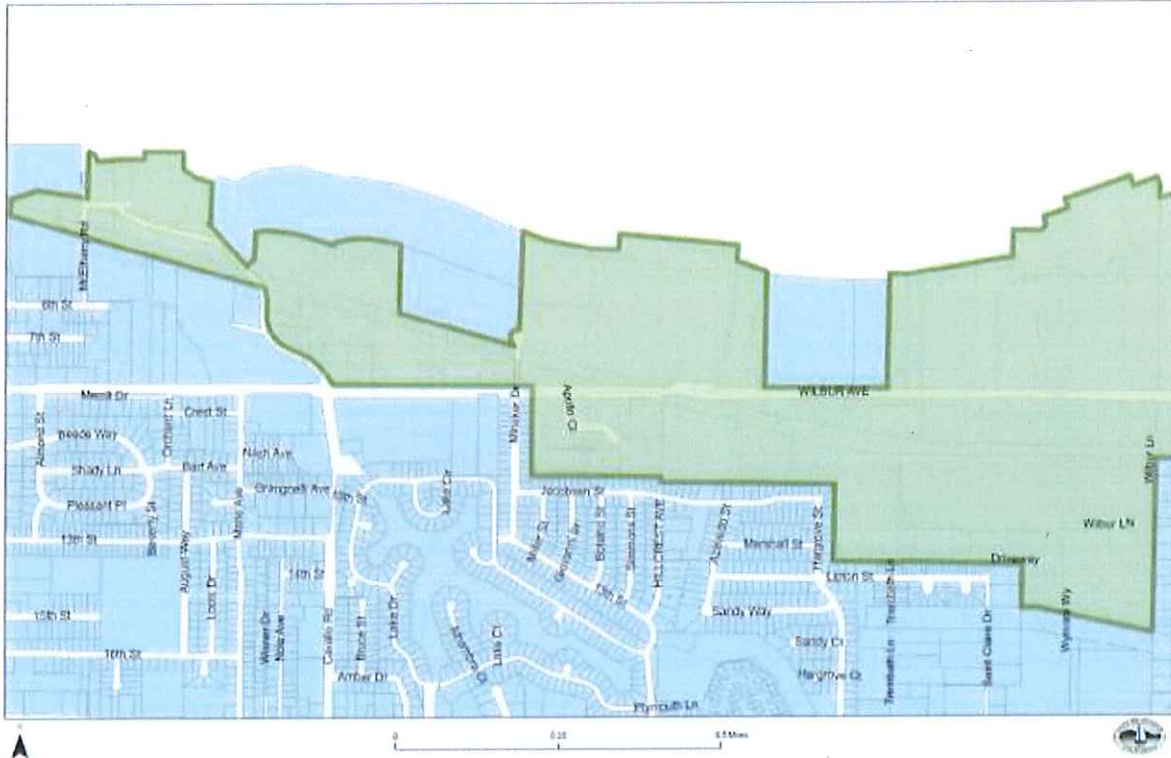
In addition to the standard findings for approval of a Use Permit, the City Council must also make the following finding for a Cannabis Business.

- (1) That the location and site characteristics of the proposed cannabis business are consistent with all applicable State laws and City standards or guidelines, that all provisions have been made to ensure that the operation of the cannabis business will not create excessive demands for police service or other public services, and that the cannabis business will benefit the City of Antioch.

In order for the City to make the unique finding for a Cannabis Business, the City of Antioch may ask that the applicant enter into a Development Agreement to impose additional financial obligations on the Cannabis Business to address anticipated increased costs to provide necessary City services, including police.

### **Cannabis Business Overlay District Map**

A Cannabis Business Use Permit Application may be accepted for properties within the Cannabis Business (CB) Zoning Overlay District, shown in green on the following maps:



CB OVERLAY DISTRICT MAPS



# Guidelines

## Purpose and Applicability

The purpose of these guidelines is to provide the public with the City of Antioch's general expectations relating to the design and operation of a Cannabis Business. These guidelines were adopted by the Antioch City Council on September 11, 2018 by Resolution No. \*\*-\*\*\*. These guidelines will form the basis of a staff recommendation to the Planning Commission and City Council and will contribute to the written findings for approval. If an application is generally consistent with these guidelines, staff and/or the Planning Commission will likely make a favorable recommendation to the City Council. By integrating these guidelines into an application up front, an applicant may save time and improve the likelihood of project approval. In addition, these guidelines will be required, as appropriate, as Conditions of any forthcoming approval. Conformance to all State regulations is mandatory and cannot be modified by Use Permit.

## Security

1. Cannabis Businesses should provide adequate security on the premises, including any on-site security, lighting and alarms, to insure the public safety and the safety of persons within the facility and to protect the premises from theft.
2. All Cannabis Businesses should provide at least one, State-licensed, security guard on the premises during hours of operation.
3. Building Security. All points of ingress and egress to a Cannabis Business should be secured with Building Code compliant commercial-grade, non-residential door locks and/or window locks. Cannabis Retail businesses should contain crash barriers, such as bollards, to separate parking or vehicle-accessible areas, from storefronts.
4. Emergency Access. Security measures should be designed to ensure emergency access is provided to the Police Department and Fire Department for all areas on the premises in the case of an emergency.
5. Cameras. Security surveillance video cameras should be installed and maintained in good working order to provide coverage on a twenty-four (24) hour real-time basis of all internal and exterior areas where Cannabis is cultivated, weighed, manufactured, packaged, stored, transferred, and dispensed. The cameras should allow for remote access to be provided to the Antioch Police Department. The security surveillance cameras should be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras should remain active at all times and should be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and should be maintained for sixty (60) days.
6. A professionally monitored security alarm system should be installed and maintained in good working condition. The alarm system should include sensors to detect entry and exit from all secure areas and all windows. Cannabis Businesses should keep the name and contact information of the alarm system installation and monitoring company as part of the Commercial Cannabis Business's onsite books and records. Cannabis Operators should also identify a local contact who will be

responsible for addressing security and safety issues and should provide and keep current that contact information to the Police Department as part of the permitting process.

7. Cannabis products and associated product manufacturing, distribution or cultivation waste should be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.
8. Signs should be used sparingly and should not state that cannabis or cannabis products are stored, sold or handled on the site. Images of cannabis leaves, green crosses, or similar commonly-identifiable graphics should be avoided. Text signage is preferable.
9. A secured, gated or enclosed area for receipt and delivery of inventory should be provided.
10. Hours of operation for retail uses should be limited to between 8:00 am and 8:00 pm.

## Inspections

11. Inspections. During regular business hours, all Cannabis Business premises should be accessible, upon request, to an authorized city employee or representative for random and/or unannounced inspections.

## Odor Control

12. All Cannabis Businesses should incorporate and maintain adequate on-site odor control measures such that the odors as a result of cultivation, manufacturing, distribution, transport or sales of Cannabis and Cannabis-related products cannot be readily detected from outside of the structure in which the Business operates or from other non-Cannabis businesses adjoining the Commercial Cannabis Business.

## Manufacturing

13. Loop Systems. No closed loop ventilation systems should be utilized without prior inspection and approval of the City's Building Official and Fire Code Official.
14. Standards of Equipment. Manufacturing, processing and analytical testing devices used by the Cannabis Manufacturer must be UL (Underwriters Laboratories) listed or otherwise certified by an approved third-party testing agency or engineer and approved for the intended use by the City's Building Official and Fire Code Official. Such compliance shall be demonstrated to the satisfaction of the Building Official prior to occupancy of the site.
15. Edible Product Manufacturing. Commercial Cannabis Businesses that sell or manufacture edible cannabis products should obtain any necessary permits from the Contra Costa County Environmental Health Division and/or other permitting body. Permit holders should comply with State and County health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.

## Location and Separation

16. Separation. Per the Antioch Municipal Code, any Cannabis Business must be located at least 600' from the following:

- Any private or public school serving students grade kindergarten through high school;
- Any public park owned or operated by the City of Antioch;
- Any property occupied by a residential land use or with a residential or General Plan Land Use Designation or zoning designation.

This separation will be measured from the furthest extent of the Cannabis Business operation, which may be a building wall, property line, parking lot boundary or other feature.

17. Buffers. In addition to the basic separation requirements, all Cannabis Retail businesses should reflect the following:

- Overconcentration. To avoid overconcentration, a Cannabis Retail business, as defined, should not be located within 600 feet of any other Cannabis Retail business within the City. This separation does not apply to non-retail Cannabis Businesses; a Cannabis Retail business and a non-retail Cannabis Business may be located on the same site or within close proximity.
- Legal Non-Conforming Use. Establishment of a school or sensitive land use, as defined in Business and Professions Code Section 26054 and Health and Safety Code Section 11362.768, within the required buffer of a Cannabis Business after such facility has obtained a Conditional Use Permit shall render the Cannabis Retail business a legally non-conforming use.

## Delivery Services

18. If delivery services will be provided as part of the Cannabis Retail business, the application should describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set forth in state law.

19. Delivery vehicles should not contain identifiable markings that associate the delivery service with the cannabis business.

20. Delivery services operating within the City of Antioch, but whose physical place of business is located outside of the City of Antioch is not governed by this Ordinance.

21. A Cannabis Business, including delivery, may not be operated through a Home Occupation Use Permit or from a residential building.

## Cultivation

22. The commercial cultivation of Cannabis should only be conducted within a fully enclosed space.

23. Pesticides. The Cultivation of Cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging should comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).

## Cannabis Retail

24. Cannabis Retail businesses should comply with the following operational requirements:

- No person should be permitted to enter a Cannabis Retail business without government issued photo identification. All persons entering the business must be at least 21 years of age. A Cannabis Retail business should not provide Cannabis or Cannabis Products (Medical or Non-Medical) to any person, whether by purchase, trade, gift or otherwise, who does not possess

a valid government-issued photo identification card or a valid physician's recommendation under Section 11362.712 of the Health and Safety Code. The operator should have an electronic device to read and validate valid identification cards and driver's licenses.

- Hours of Operation. A Cannabis Retail business may operate up to seven (7) days per week with the hours of operation determined by the City Council with the issuance of a Conditional Use Permit. The City may impose more restrictive hours of operation due to site-specific conditions or as the result of excessive and extraordinary calls for service, as determined by the City's Police Department.
- Smoking or ingestion of cannabis products on-site are discouraged. If it is proposed, there should be a complete description of the operation included.
- Secured Access. A Cannabis Retail business should be designed to prevent unauthorized entrance into areas containing Cannabis or Cannabis Products. Limited access areas accessible to only authorized personnel should be established.
- Product Storage. Cannabis Products that are not used for display purposes or immediate sale should be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.
- Cannabis Paraphernalia. No Cannabis Retail business should sell or display any cannabis related paraphernalia or any implement that may be used to administer Cannabis or Cannabis Products unless specifically described and authorized in the Conditional Use Permit. The sale of such products must comply with any other applicable state regulations.
- Site Management. The Cannabis Retail business operator should take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises during business hours if directly related to the patrons of the subject retailer. For purposes of this subsection, "Reasonable steps" should include calling the police in a timely manner; and requesting those engaging in nuisance activities to cease those activities, unless personal safety would be threatened in making the request. In addition, "Reasonable steps" should also include regular maintenance of the entire property, including daily pick-up of trash, regular site maintenance, cover up of graffiti, etc.
- Permit Display. All Cannabis Retail businesses should maintain a copy of the Cannabis Business Use Permit and City of Antioch Business License issued by the City, as well as any other State and/or County licences, on display during business hours and in a conspicuous place so that they may be readily seen by all persons entering the facility.
- Storefront Entrance & Accessibility. The storefront entrance of a Cannabis Retail business should be ADA accessible and placed in a visible location that provides an unobstructed view from the public right-of-way. No signs, tinting, or other graphic material may be used to obscure the storefront windows.
- Drive-through, Drive-up or walk-up window services in conjunction with Cannabis Retail business are strongly discouraged.

## Permit Revocation or Modification

25. The City Council may require modification, discontinuance or revocation of a Conditional Use Permit for a Cannabis Business if it finds that the use is operated or maintained in a manner that it:

- Adversely affects the health, peace or safety of persons living or working in the surrounding area;
- Contributes to a public nuisance; or

- Has resulted in excessive nuisance activities including disturbances of the peace, illegal drug activity, diversion of Cannabis or Cannabis Products, public intoxication, smoking in public, harassment of passerby, littering, or obstruction of any street, sidewalk or public way; or
- Has resulted in or has been the target of criminal activity requiring undue attention and dedication of Antioch Police Department resources; or
- Violates any provision of the Municipal Code or condition imposed by a City issued permit, or violates any provision of any other local, state, regulation, or order, including those of state law or violates any condition imposed by permits or licenses issued in compliance with those laws.

DRAFT

ORDINANCE NO. 2143-C-S

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING CHAPTER 5 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE ESTABLISHING A CANNABIS BUSINESS (CB) ZONING OVERLAY DISTRICT WITH ACCOMPANYING TEXT

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

**SECTION 1:**

1. On May 22, 2018, the City Council found that the proposed project is exempt from the California Environmental Quality Act (CEQA), per Section 15061(b)(3) as it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.
2. On May 2, 2018, the Planning Commission held a duly notice public hearing and recommended that the City Council amend the Antioch Municipal Code to establish a Cannabis Business (CB) Zoning Overlay District with accompanying text.
3. The regulation of land use, including cannabis businesses, throughout the City of Antioch is in the interest of the City and its residents as land uses have the potential to create a public nuisance if not properly regulated.

**SECTION 2:** Add the following definitions to Section 9-5.203 DEFINITIONS

**CANNABIS BUSINESS.** A person, partnership, corporation, company, association, collective, or cooperative which engages in commercial cannabis use(s).

**CANNABIS RETAIL.** A cannabis business that distributes, dispenses, stores, exchanges, packages, re-packages, labels, sells, makes available, transmits, or gives away cannabis or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations. Cannabis retail includes, but is not limited to, selling and/or delivering cannabis or cannabis products as part of a sale, pursuant to a Type 10 cannabis license, or a cannabis license subsequently established.

**CANNABIS.** All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant; fiber produced from the stalks; any compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from); fiber, or the sterilized seed of the plant which is incapable of germination.

CANNABIS PRODUCT. Cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to concentrated cannabis, or an edible or topical product containing cannabis and other ingredients.

**SECTION 3.** Add the following text to Section 9-5.301 DISTRICTS ESTABLISHED AND DEFINED

(EE) CB Cannabis Business Overlay District. This overlay district provides sites suitable for the establishment of a cannabis business when compatible with the underlying zoning designation and upon approval by the City Council. Section 9-5.203, "Definitions" of the Antioch Municipal Code is amended as follows:

**SECTION 4.** Add the following text to the end of Section 9-5.3801 SUMMARY OF ZONING DISTRICTS

CB Cannabis Business Overlay District

**SECTION 5.** Amend Table 9-5.3803 as follows:

*PLEASE REFER TO THE MUNICIPAL CODE FOR THE COMPLETE LAND USE TABLE*

**SECTION 6.** Add the following Section to Chapter 5 of Title 9 of the Antioch Municipal Code:

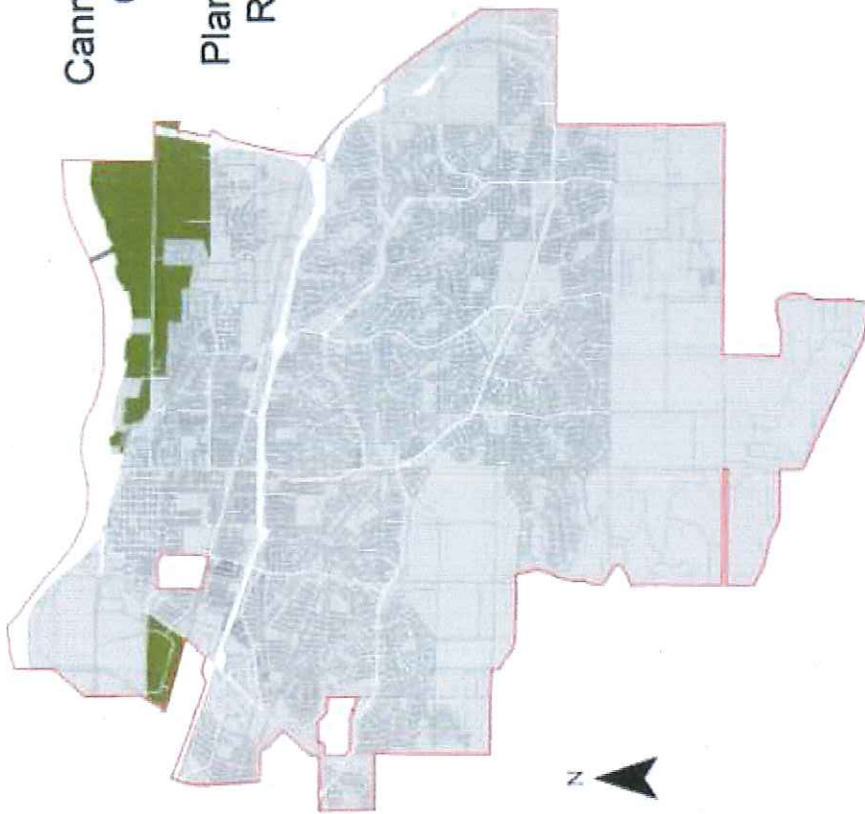
**Section 9-5.3845 CANNABIS BUSINESSES**

A Cannabis Business may be established within the Cannabis Business (CB) Zoning Overlay District only under the following conditions:

- (A) A Use Permit from the City Council is required for all cannabis land uses, including cannabis businesses and cannabis retail. The application shall be considered by the Planning Commission who shall make a recommendation to the City Council.
- (B) A cannabis business shall be located no closer than 600' from the following:
  - (4) Any private or public school serving students grade kindergarten through high school;
  - (5) Any public park owned or operated by the City of Antioch;
  - (6) Any property occupied by a residential land use or with a residential or General Plan Land Use Designation or zoning designation.
- (C) In addition to the standard findings for approval of a Use Permit, the City Council shall make the following additional finding in support of approval of a Use Permit for a cannabis business.
  - (2) That the location and site characteristics of the proposed cannabis business are consistent with all applicable State laws and City standards or guidelines, that all provisions have been made to ensure that the operation of the cannabis business will not create excessive demands for police service or other public services, and that the cannabis business will benefit the City of Antioch.

**SECTION 7.** Modify the Zoning Map to include the Cannabis Business (CB) Zoning Overlay District as follows:

Cannabis Business (CB)  
Overlay District  
Option 1  
Planning Commission  
Recommendation





**SECTION 8. CEQA.**

The above amendments to the City's Municipal Code are exempt from environmental review per CEQA Guidelines under the General Rule, 14 California Code of Regulations, section 15061(b)(3). The proposed code amendments are consistent with California Law, specifically Government Code section 65850.7 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant effect on the environment.

**SECTION 9. Publication; Effective Date.**

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

**SECTION 10. Severability.**

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

\* \* \* \* \*

I **HEREBY CERTIFY** that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 22<sup>nd</sup> day of May, and passed and adopted at a regular meeting thereof, held on the 26<sup>th</sup> day of June, by the following vote:

**AYES:** Council Members Wilson, Thorpe and Tiscareno

**NOES:** Council Member Ogorchock and Mayor Wright

**ABSENT:** None

\_\_\_\_\_  
Sean Wright, Mayor of the City of Antioch

**ATTEST:**

\_\_\_\_\_  
Arne Simonsen, CMC  
City Clerk of the City of Antioch

# CB

## CANNABIS BUSINESS USE PERMIT APPLICATION



COMMUNITY DEVELOPMENT DEPARTMENT \* PLANNING DIVISION \* 200 "H" ST, 2ND FLOOR \* ANTIOCH, CA 94531 \*  
(925) 779-7035 \* <http://www.antiochplanning.com>

### PROPERTY LOCATION

Address:	Assessor's Parcel No.:
Zoning Designation:	General Plan Land Use Designation:

### PROJECT DESCRIPTION - Provide a basic description of the project below.

### APPLICANT

Name:		
Address:		
City:	State:	Zip:
Telephone:		
Email:		

### PROPERTY OWNER

Same as applicant

Name:		
Address:		
City:	State:	Zip:
Telephone:		
Email:		

### FOR OFFICE USE ONLY

DATE RECEIVED:	FILE NO:
PLANNER:	

B15

**REQUIRED SIGNATURES**

As part of this application, applicant and real party in interest, if different, agrees to defend, indemnify, hold harmless, and release the City of Antioch, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application and/or the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the City of Antioch, its agents, officers, attorneys, or employees.

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this application to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

I understand that charges for materials and staff time spent processing this application will be billed monthly and is based on an hourly rate as identified in the current fiscal year fee schedule. Application processing includes but is not limited to plan checking and processing, meetings, phone calls, research, e-mail, and staff report preparation. Further, I understand that my initial deposit is not a fee and actual charges may be in excess of the deposit. The deposit will be returned to me at the conclusion of the process after all invoices have been paid. If invoices are not paid on a monthly basis, processing will be terminated until all past due amounts have been paid. Failure to pay invoices on a monthly basis may also result in an application being deemed incomplete; postponement of hearings or meetings; and/or inability to obtain a building permit. Failure to pay invoices on a monthly invoice may also result in the placement of a lien on the subject property. I assume full responsibility for all costs incurred by the City in processing this application. Further, I understand that approval of my project is NOT guaranteed and may be denied. In the case of a denial, I understand that I am still responsible for all costs incurred by the City in processing this application. I hereby authorize employees, officials and agents of the City of Antioch to enter upon the subject property, as necessary, to inspect the premises and process this application.

Executed at: (City/State)		Dated:	
Applicant's Name	Date	Property Owner's Name*	Date
<b>X</b>		<b>X</b>	
Applicant's Signature		Property Owner's Signature	
* Real Party in Interest may be different than a listed property owner. If property is held by a trust, the real party in interest would be one or more individuals who benefit from the trust. In such a case, the actual beneficiary or real party in interest must sign instead of property trustee.			

## SUBMITTAL REQUIREMENTS

*For reuse of existing buildings:*

- Signed Application Form**
- Plans** – Three full size (24" x 36") sets, one reduced (11"x17") set, and one electronic set (CD/thumb drive)
  - o **Site Plan** – A scaled site plan showing all property boundaries, buildings, parking spaces, driveway aisles, landscaped areas, undeveloped areas, trees, and any other physical feature of the property.
  - o **Floor Plan** – A scaled floor plan for each level of each building that makes up the business site, including the entrances, exits, walls, and manufacturing, laboratory and research, or distribution areas, as applicable.
  - o **Lighting and Photometric Plan** - A lighting plan showing existing and proposed exterior and interior lights that will provide adequate security lighting for the use. Identify foot candles for the entire property.
- Site Photographs** – Provide a range of photographs of the property and buildings.
- Detailed Description** - A detailed written description of the proposed Cannabis Business, including the proposed hours of operation, the number of employees, the nature of the products produced, stored, sold, or handled, and any other pertinent information pertaining to the business. The description should indicate how each of the guidelines will be met, as applicable.
- Neighborhood Responsibility Plan** - Provide a detailed written plan describing all efforts that will be made to mitigate or eliminate any impacts on the immediate neighborhood.
- Odor Mitigation Plan** - An odor mitigation plan certified by a professional engineer or industrial hygienist that includes the following:
  - o Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;
  - o Staff training procedures; and
  - o Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection should be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors. Please note that a third party verification may be required by the City of Antioch.
- Safety and Security Plan** - A security and safety plan that includes the following minimum requirements:
  - o Cameras. Please identify on a separate site/floor plan where all interior and exterior cameras will be installed and include their range of vision in degrees.
  - o Product Management. The plan should describe the protocols for receipt and delivery of Cannabis or Cannabis Products, and associated materials. This should include the hours and location of deliveries.
  - o Cash Management. The plan must describe how all cash will be handled or stored on-site, and how it will be delivered to the site and/or taken from the site.
  - o Alarm System. Describe the proposed alarm system.
  - o Secure Storage and Waste. Identify how all products will be stored, including trash disposal.
- Public Hearing Notification Envelopes**
  - o Provide two sets of pre-stamped (not metered) envelopes (#10) with the names and addresses of all owners of property within 300' of the perimeter of the proposed project site parcel.
  - o Provide a list of all parties listed on the stamped envelopes.

*For new construction or more information on the envelopes, please refer to the above requirements, as well as the requirements of the standard Use Permit and Design Review application, available at:*

<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/UsePermit.pdf>

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## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Jon Blank, Public Works Director/City Engineer *JB*

**APPROVED BY:** Ron Bernal, City Manager

**SUBJECT:** Discussion on Renaming A Street and/or L Street

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### RECOMMENDED ACTION

It is recommended that the City Council discuss renaming A Street and/or L Street, and provide direction to staff as to whether or not to move forward with a project, or take any further action.

### STRATEGIC PURPOSE

Improvements to, and renaming of L Street falls under Economic Development **Strategy G-3: Determine and Prioritize Geographical Areas of Focus. Short Term Objective:** Focus limited resources on Priority Development Areas and Somersville and L Street corridor areas.

Changing the names of A Street and L Street are precursors to street improvements that fall under Public Works **Strategy K-4: Prioritize infrastructure improvements to coincide with Economic Development goals. Short Term Objectives:** Focus resources on Priority Development Areas and key commercial development opportunities.

### FISCAL IMPACT

Providing direction to staff has no immediate fiscal impact. The renaming of these streets will have significant costs that will be estimated by staff after Council direction to proceed with renaming is received. For the purpose of consideration, the approximated costs for the Cal Trans/Highway 4 signs are \$75,000 for A Street and \$50,000 for L Street. These costs will be brought back to the Council as part of future Capital Improvement plans and budgets.

### DISCUSSION

On July 24, 2018 City Council Member Thorpe requested staff bring forward an item to discuss renaming A Street and/or L Street. This issue has been discussed at past City Council Meetings. The most recent staff report to the City Council and meeting minutes from August 11, 2015 is attached for background information. The meeting minutes indicate that City Council directed staff to report back in October, but is not clear as to what information was requested or brought back to City Council.

**ATTACHMENTS**

- A. August 11, 2015 Staff Report to the City Council
- B. August 11, 2015 City Council Meeting Minutes

# ATTACHMENT 'A'



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of August 11, 2015  
**TO:** Honorable Mayor and Members of the City Council  
**SUBMITTED BY:** Steve Duran, City Manager  
**SUBJECT:** Discussion on renaming A Street and L Street

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### RECOMMENDED ACTION

It is recommended that the City Council discuss whether or not to rename A Street and/or L Street and direct staff accordingly.

### STRATEGIC PURPOSE

Improvements to, and renaming of, L Street, as discussed in preliminary reviews of the Downtown Specific Plan, falls under Economic Development **Strategy F-4: Determine and Prioritize Geographical Areas of Focus - Short Term Objective:** Focus limited resources on Priority Development Areas and Somersville and L Street corridor areas. Downtown is a Priority Development Area (PDA). The idea of renaming A Street as well is in support of Downtown revitalization.

Changing the names of A Street and L Street are precursors to street improvements that will fall under Public Works **Strategy K-4: Prioritize infrastructure improvements to coincide with Economic Development goals - Short Term Objective:** Focus resources on Priority Development Areas and key commercial development opportunities.

### FISCAL IMPACT

Providing direction to staff has no immediate fiscal impact. The renaming of these streets will have significant costs that will be estimated by staff after Council direction to proceed with renaming is received. These costs will be brought back to the Council as part of future Capital Improvement plans and budgets.

### DISCUSSION

The idea of renaming A Street and L Street is not new. However, the community discussions that were part of the Downtown Specific Plan effort have brought the idea back to the forefront and staff is requesting City Council direction in this regard.

Since L Street going north from SR-4 leads to the Marina, the concept is to use "Marina" in the name of the street. Also, staff and consultants have identified L Street as a key link to the current San Joaquin passenger rail station and a future ferry terminal Downtown. This "path to transit" is envisioned to be wider than L Street is currently, including new bicycle and pedestrian friendly components.

AI

Marina Way, Marina Parkway, Marina Drive and Marina Boulevard are all names that have been floated. The Council, of course, may consider any name it desires. Staff strongly supports this concept.

The name floated for A Street is something that contains "Rivertown" so as to let people know that there is an historic downtown called Rivertown, which is situated on a beautiful river. Rivertown Drive is the name most often mentioned. Also mentioned has been the concept of calling the road West Rivertown Drive starting at about 6<sup>th</sup> Street where A Street starts the curve toward becoming 2<sup>nd</sup> Street. Staff is comfortable with the concept of changing the name of A Street; but there are many commercial properties along A Street that would incur some costs in re-addressing their businesses. If the Council directs moving forward with changing the name of A Street, staff recommends that A Street and 2<sup>nd</sup> Street in Rivertown have one name, Rivertown Drive. Again, the Council may consider any name or no name change.

#### **ATTACHMENTS**

None



ATTACHMENT 'B'  
MEETING MINUTES

ANTIOCH CITY COUNCIL  
Regular Meeting  
August 11, 2015

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**6. DISCUSSION OF RENAMING 'A' STREET AND 'L' STREET**

City Manager Duran presented the staff report dated August 11, 2015 recommending the City Council discuss whether or not to rename "A" Street and/or "L" Street and direct staff accordingly.

Lori Cook, Antioch resident, provided the City Council with photos of "A" and "L" Street corridors as well as comments from her facebook page. She stated she did not have an opinion regarding changing the names of the streets; however, both areas were in need of having graffiti, illegal dumping, boarded up homes, panhandling, garbage and homeless issues addressed. She requested the City consider increasing Code Enforcement staff.

Allen Payton, Antioch resident, agreed with Ms. Cook's comments. He noted the concept of the name change was for permanent marketing of downtown Antioch. He reported the Rivertown Business Association was in support of renaming "A" Street to Rivertown Drive and 2<sup>nd</sup> Street to West or Old Rivertown Drive. He encouraged the City Council to move forward with this matter.

Following discussion, the City Council supported the concept of changing the names of "A" and "L" Streets and agreed to bring the item back for Council consideration following community outreach.

Mayor Harper stated if the street names were changed, he would suggest leaving old signage up temporarily during the transition.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously directed staff to conduct public outreach regarding the renaming of "A" and "L" Streets and bring back the item in October.

Mayor Harper recognized Lori and Bill Cook for their hard work in cleaning up the community. He stated issues brought up this evening needed to be addressed.



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Regular Meeting of September 11, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Nickie Mastay, Administrative Services Director  
Kwame Reed, Economic Development Director

**SUBJECT:** Incubator for Launching Small Businesses

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### **RECOMMENDED ACTION**

Discuss and direct staff regarding efforts for a possible incubator for launching small businesses.

### **STRATEGIC PURPOSE**

**Long Term Goal L: City Administration.** Provide exemplary City Administration.  
**Strategy L-4:** Implement City Council policies and direction.

### **FISCAL IMPACT**

This recommended action has minimal fiscal impact.

### **DISCUSSION**

On April 24, 2018 Mayor Wright requested that this item be brought back to City Council to see if there is support of the City Council for a possible incubator for launching small businesses. If there is support of the City Council, discuss and direct staff regarding efforts for an incubator for launching small businesses.

### **ATTACHMENTS**

None.