

ANNOTATED AGENDA

for
March 13, 2012

CITY COUNCIL MEETING

Order of Council vote: AYES: Council Members Kalinowski, Rocha, Agopian and Mayor Pro Tem
Harper

ABSENT: Mayor Davis

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the City Clerk's Office, located on the 1st floor of City Hall, 3rd and H Streets, Antioch, CA 94509, during normal business hours for inspection and (for a fee) copying. Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the City Clerk's Office, who will refer you to the appropriate person.

Notice of Opportunity to Address Council

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

6:00 P.M. ROLL CALL for Closed Sessions – ***Mayor Pro Tem Harper and Council Members Kalinowski, Rocha and Agopian (Mayor Davis Absent)***

PUBLIC COMMENTS for Closed Sessions

CLOSED SESSIONS: 1) **CONFERENCE WITH LABOR NEGOTIATOR** – City designated representatives: Deborah McHenry and Glenn Berkheimer; Employee organizations: Public Employees' Union Local No. 1; Antioch Police Officers' Association. This Closed Session is authorized by California Government Code §54957.6.

City Attorney indicated that Item F was on the Consent Calendar

2) **CONFERENCE WITH LEGAL COUNSEL – ANCIPATED LITIGATION**
– Initiation of Litigation pursuant to subdivision C of §54956.9 (2 cases)

City Attorney indicated that the City Council authorized the initiation of litigation in one case

7:00 P.M. ROLL CALL for – ***Mayor Pro Tem Harper and Council Members Kalinowski, Rocha and Agopian (Mayor Davis Absent)***

CITY COUNCIL ADDED URGENCY ITEM AS ITEM 'L' TO THE CONSENT CALENDAR

Approved, 4/0

PLEDGE OF ALLEGIANCE

PROCLAMATION – *Doctor's Day, March 30, 2012*

– *100th Anniversary, Girl Scout Week, March 11-17, 2012*

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

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

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR'S COMMENTS

E-BART PRESENTATION – ELLEN SMITH

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 28, 2012

Recommended Action: Motion to approve the minutes

Approved, 4/0

MINUTES

B. APPROVAL OF COUNCIL WARRANTS

Recommended Action: Motion to approve the warrants

Approved, 4/0

STAFF REPORT

C. ADOPTION OF AN ORDINANCE AMENDING TITLE 5 OF THE ANTIOCH MUNICIPAL CODE BY ADDING A NEW CHAPTER 11 PERTAINING TO THE LICENSING PROCEDURES AND REGULATIONS FOR COMPUTER GAMING AND INTERNET ACCESS BUSINESSES (Introduced on 02/28/12)

Recommended Action: Motion to adopt the ordinance

Ord. 2054-C-S, 3/1-K

STAFF REPORT

D. ADOPTION OF AN ORDINANCE AMENDING CHAPTER 15 OF TITLE 8 “FIRE CODE” OF THE ANTIOCH MUNICIPAL CODE, ADOPTING BY REFERENCE ORDINANCE NO. 2010-15 OF THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT AND THE 2010 CALIFORNIA FIRE CODE WITH AMENDMENTS (Introduced on 02/28/12)

Recommended Action: Motion to adopt the ordinance

Ord. 2055-C-S, 4/0

STAFF REPORT

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH SUPPORTING HEALTHY EATING AND LIVING CHOICES

Recommended Action: Motion to adopt the resolution

Reso 2012/15, 4/0

STAFF REPORT

F. RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR THE ANTIOCH POLICE OFFICERS’ ASSOCIATION

Recommended Action: Motion to adopt the resolution

Reso 2012/16, 4/0

STAFF REPORT

G. RESOLUTION ACCEPTING WORK AND AUTHORIZING THE DIRECTOR OF CAPITAL IMPROVEMENTS TO FILE A NOTICE OF COMPLETION FOR THE PUTNAM STREET/CONTRA LOMA BOULEVARD/HILLCREST AVENUE PAVEMENT REHABILITATION (P.W. 392-26)

Recommended Action: Motion to adopt the resolution accepting work, authorizing the Director of Capital Improvements to File a Notice of Completion and authorizing the Director of Finance to amend the existing contract with MCK Services, Inc. in the amount of \$129,193.00 and to make a retention payment of \$214,220.60 to be paid 35 days after recordation of the Notice of Completion

Reso 2012/17, 4/0

STAFF REPORT

COUNCIL CONSENT CALENDAR — Continued

- H. PROPOSED SETTLEMENT WITH J.W. EBERT CORP. FOR THE DOWNTOWN TRUNK SEWER IMPROVEMENTS, PHASE 3 (P.W. 514-S3)
Approved, 4/0
Recommended Action: Motion to approve the settlement with J.W. Ebert Corp. and authorize the Director of Finance to make a settlement payment of \$100,000.00 and the City Manager to execute any needed documents
STAFF REPORT
- I. FIFTH AMENDMENT TO THE CONSULTANT SERVICE AGREEMENT FOR PROFESSIONAL SERVICES WITH FLOW SCIENCE INCORPORATED
Approved, 4/0
Recommended Action: Motion to approve the Fifth Amendment to the Consultant Service Agreement with Flow Science Incorporated for assistance in support of our negotiations with the California State Department of Water Resources (DWR) and review of the Bay Delta Conservation Plan
STAFF REPORT
- J. CONSIDERATION OF BIDS FOR THE WATER MAIN REPLACEMENT AT VARIOUS LOCATIONS (P.W. 503-13)
Approved, 4/0
Recommended Action: Motion to award the project to the low bidder, Universal Undergrounding, Inc. in the amount of \$409,495.00
STAFF REPORT
- K. RESOLUTION ACCEPTING WORK AND AUTHORIZING THE DIRECTOR OF CAPITAL IMPROVEMENTS TO FILE A NOTICE OF COMPLETION FOR THE HILLCREST AVENUE WIDENING, PHASE II PROJECT (P.W. 276-10)
Reso 2012/18, 4/0
Recommended Action: Motion to adopt the resolution accepting the work, directing the Director of Capital Improvements to file a Notice of Completion and authorizing the Director of Finance to make a final payment of \$47,500.00 plus retention of \$95,592.25 to be paid 35 days after recordation of the Notice of Completion
STAFF REPORT
- L. **URGENCY ITEM:** RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$495,000 FROM THE DEPARTMENT OF BOATING AND WATERWAYS FOR THE IMPROVEMENTS OF THE MARINA BOAT LAUNCHING FACILITY, (P.W. 523-16)
Reso 2012/19, 4/0
Recommended Action: Motion to adopt a resolution accepting a Facility Repair and Modification Grant from the California Department of Boating and Waterways (DBW) in the amount of \$495,000 and authorize the City Manager or his designee to sign the contract

END OF COUNCIL CONSENT CALENDAR

PUBLIC HEARING

2. RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) ORDINANCE EXTENSION (Z-12-01) *THE PLANNING COMMISSION RECOMMENDED ADOPTION OF THE PROPOSED ORDINANCE BY A 6-0 VOTE WITH ONE COMMISSIONER ABSENT ON MARCH 7, 2012*

To 03/27/12 for adoption, 4/0

- Recommendation: 1) Motion to introduce the ordinance by title only:
- 2) Motion to introduce an ordinance to amend Municipal Code §9-5.4012 in order to extend the sunset date of the Residential Development Allocation Ordinance to May 1, 2013

COUNCIL REGULAR AGENDA

STAFF REPORT

3. MELLO ROOS FUNDING PRIORITIES

Recommended Action: Motion to provide recommendations for expending remaining funds

Direction provided to Staff regarding purchase of equipment for the Community Center and to research regarding turf fields, sand volley ball courts, and library equipment, 4/0

STAFF REPORT

4. NELSON RANCH PARK CONSTRUCTION UPDATE (PW 547-P)

Direction received regarding modifications to the park, 4/0

Recommended Action: Motion to receive the staff report, public comment and provide staff direction on modifications, if any, to the Nelson Ranch Park

STAFF REPORT

5. HARD HOUSE PROPOSAL BY FRIENDS OF ROSWELL BUTLER HARD HOUSE

Direction received to prepare a purchase and sale agreement, 4/0

Recommended Action: Motion to provide direction to Staff on the proposal from the Friends of Roswell Butler Hard House regarding their restoration project and ownership of the Property

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT - 11:02 p.m.

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

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

**February 28, 2012
Council Chambers**

6:00 P.M. - CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR – City designated representatives: Deborah McHenry and Glenn Berkheimer; Employee organizations: Public Employees' Union Local No. 1; Antioch Police Officers' Association. This Closed Session is authorized by California Government Code §54957.6.

Mayor Davis called the meeting to order at 7:01 P.M., and City Clerk Skaggs called roll for the City Council including the Antioch City Council acting as Successor Agency/Housing Successor to the Antioch Development Agency.

Present: Council/Agency Members Harper, Rocha, Agopian and Mayor Davis
Absent: Council/Agency Member Kalinowski

PLEDGE OF ALLEGIANCE

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

City Attorney Nerland reported the City Council had been in Closed Session and there was no reportable action.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Chief Cantando announced the results of the Tip-A-Cop event held February 23, 2012, and thanked those who supported the event.

Councilmember Rocha invited the public to attend reading time at Somersville Towne Center in honor of Dr. Seuss's birthday from 10:00 AM – 12:00 PM on March 2, 2012.

PUBLIC COMMENTS

Sheila White, Antioch resident and owner of the Red Caboose Restaurant, reported on her attendance at the February 23, 2012, Parks and Recreation Commission meeting. She requested the city provide direction with regards on how to proceed with their efforts to keep the boat ramp open.

City Attorney Nerland indicated the boat ramp matter was not agendaized and suggested dialog with the Commission continue in the agendaized forums.

Jim Boccio, Antioch resident, requested a meeting with staff to discuss options to keep the boat ramp area safe and opened to the community.

Greg Enholm, County Library Commissioner, read a letter requesting the City Council consider whether the idea to have the Antioch Prewett Library participate in a joint-use coordinated operation, would be appropriate.

Julie Young, Antioch resident, representing the residents of Menona Court and Menona Drive, thanked the City Council for placing the Nelson Ranch Park on the City Council agenda for March 13, 2012, and invited the City Council to visit the park and view it from nearby backyards.

Michelle Hatch, Manager of the Crestview Pines Apartments, spoke to criminal activity that had occurred in Antioch and requested the City provide skills and trade centers for young residents in an effort to reduce criminal activity in the City.

Fred Hoskins, Antioch resident, suggested the City should focus on increasing or enhancing activities for youth in the City. He requested the City Council instruct staff to agendize the Hard House property for March 13, 2012.

Sean Wright, representing the Antioch Chamber of Commerce, announced the Inaugural Gala will be held at 6:00 PM on March 9, 2012. Contact information was given.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Rocha reported on her attendance at the Hard House subcommittee meeting.

Councilmember Harper reported on his attendance at a meeting with *Faith in Action* and invited the community to attend Coffee with the Cops on March 10, 2012.

MAYOR'S COMMENTS

Mayor Davis stated he would work with staff to schedule the Town hall meeting. He reminded the community the recreation guide offers many classes for the youth.

Councilmember Rocha reported the Mayor's Cup Golf Tournament benefits families who could elect to apply for funding of recreation programs.

COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 14, 2012**
- B. APPROVAL OF COUNCIL WARRANTS**
- C. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2012**

D. REJECTION OF CLAIMS

1. Thomas Moore 11/12-2049 (water bill refund)
2. Donna Humphreys 12/13-2053 (property damage)

E. ADOPTION OF THE 2010 FIRE CODE AND ADOPTING BY REFERENCE ORDINANCE NO. 2010-15 OF THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT WITH LOCAL FINDINGS AND AMENDMENTS

F. FOUR PERSON LANDSCAPE MAINTENANCE CREW BID AWARD

G. CHICHIBU PARK RECYCLED WATER SPECIFIC RETROFIT BID AWARD

H. CITY COUNCIL TO AUTHORIZE "KEEP ANTIOCH BEAUTIFUL" DAY AS CITY SPONSORED EVENT

Mayor Davis reported the City Council had received a revised recommendation for item G, which was under consideration.

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council present unanimously approved the Council Consent Calendar with the exception of items D and H which were removed for further discussion.

Item D – Councilmember Harper reminded residents the City had 24-hour Emergency Water and Sewer Service that could be called out at no cost to citizens.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved item D.

Item H – In response to Councilmember Harper, the "Keep Antioch Beautiful" committee reported if the Antioch Police Department would be utilized for the event, they would be funded with outside funds. They gave a brief update on the event. Contact information was provided.

Mayor Davis thanked the committee for organizing the event.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved item H.

COUNCIL REGULAR AGENDA

2. LONE TREE GOLF COURSE CITY COUNCIL SUB-COMMITTEE REPORT

Project Consultant Lonnie Karste presented the staff report dated February 10, 2012, and gave a brief overhead presentation recommending the City Council:

- 1) The Antioch Golf Corporation payment of the 2001/02 ABAG loan shall be the top debt service priority - Review annually
- 2) Defer all other loan payments until after the ABAG loan payments are current - Review annually
- 3) Seek an alternate funding source for the reclaimed water costs for the course (Approx. \$90,000 per year) - Review annually
- 4) A review the golf course operational budget to be done annually by the Ad-hoc Subcommittee, prior to approval, by their Board of Directors
- 5) Review "Summary" section of this report and provide direction

Councilmember Harper recommended a full professional business and marketing plan be developed for the facility.

Councilmember Agopian recommended the Board of Directors cross-promote the event center through email contacts.

Martin Fernandez, Antioch resident, questioned if the City was sponsoring recycled water for the facility.

Mr. Karste clarified the Golf Course is a City-Owned facility which equates to other public facilities and the goal would be to continue to seek alternate funding methods for reclaimed water.

Tim Truesdale spoke in support of the recommendations presented in the staff report.

The City Council consensus spoke in support of the recommendations presented by staff and encouraged the community to patronize the facility.

On motion by Councilmember Agopian, seconded by Councilmember Harper, the Council present unanimously approved: 1) The Antioch Golf Corporation payment of the 2001/02 ABAG loan shall be the top debt service priority. Reviewed annually, 2) Defer all other loan payments until after the ABAG loan payments are current. Review annually, 3) Seek an alternate funding source for the reclaimed water costs for the course (Approx. \$90,000 per year). Review annually, 4) A review the golf course operational budget to be done annually by the Ad-hoc Subcommittee, prior to approval, by their Board of Directors, 5) Review "Summary" section of this report and provide direction.

3. BUDGET DISCUSSION RELATED TO POLICE DEPARTMENT STAFFING

Finance Director Merchant presented the staff report dated February 21, 2012, recommending the City Council motion to provide direction to staff.

Following discussion, the City Council agreed with Councilmember Harper's proposal to hire the three funded Police Officers and up to five per-diem Police Officers for the purpose of freeing up officers for street patrol.

Chief Cantando stated if that were the direction of Council, he would ask that the jailer positions be replaced by retired, per-diem officers and any additional would be used in traditional CSO positions. Additionally, he discussed the possibility of the City receiving the COPS Grant.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved hiring three Police Officers from the funded vacancies and up to five per-diem Police Officers.

Mayor Davis declared a recess at 8:32 P.M. The meeting reconvened at 8:48 P.M. with all Councilmembers present with the exception of Councilmember Kalinowski, who was absent.

4. COMPUTER GAMING AND INTERNET ACCESS BUSINESSES

Community Development Director Wehrmeister presented the staff report dated February 23, 2012, and memorandum dated February 28, 2012, recommending the City Council approve: 1) Motion to read the Interim Zoning Ordinance, Urgency Ordinance, and Regular Ordinance by title only; 2) Motion to adopt the Interim Urgency Zoning Ordinance prohibiting the issuance of permits, approvals or licenses for construction, establishment or operation of any Computer Gaming and Internet Access Business within the City of Antioch; 3) Motion to adopt an Urgency Ordinance amending Title 5 of the Antioch Municipal Code by adding Chapter 11 pertaining to the Licensing Procedures and Regulations for Computer Gaming and Internet Access Businesses and make findings, declaring the urgency thereof; 4) Motion to introduce a Regular Ordinance amending Title 5 of the Antioch Municipal Code by adding Chapter 11 pertaining to the Licensing Procedures and Regulations for Computer Gaming and Internet Access Businesses; 5) Motion to adopt a resolution to initiate an Amendment to the Zoning Ordinance to address Computer Gaming and Internet Access Businesses.

Patricia Simmons, owner of Ts Internet Café and Board Member for Cot on the Web LLC., stated she was in support of the recommendations as outlined in the staff report. She requested the Council allow T's Internet Café to open inside the moratorium and extend the hours of operation until 2:00 A.M.

Fred Hoskins, Antioch resident, disagreed with various statements in the staff report and urged the Council to base their decision on firm statistics.

Captain McConnell reviewed the report detailing the police calls for service.

Al Moore, Land Use Attorney, representing Jim Hayes, owner and operator of Internet Café in Antioch, stated they were in agreement with the staff report and requested the hours of operation be extended to 2:00 A.M. weekends and 1:00 A.M. weeknights.

Kevin Amodia, Antioch resident, spoke in support of T's Internet Café and disagreed with crime statistic associated with this business.

City Attorney Nerland clarified staff also recommended the revisions identified in the memorandum dated February 28, 2012, and noted there was a typo in the section referenced within Section 5-11-12, should be 5-11.20.

**ORDINANCE 2052 C-S
ORDINANCE 2053 C-S
RESOLUTION NO. 2012/12**

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council present unanimously 1) Read the Interim Zoning Ordinance, Urgency Ordinance, and Regular Ordinance by title only; 2) Adopted the Interim Urgency Zoning Ordinance prohibiting the issuance of permits, approvals or licenses for construction, establishment or operation of any Computer Gaming and Internet Access Business within the City of Antioch; 3) Adopted an Urgency Ordinance amending Title 5 of the Antioch Municipal Code by adding Chapter 11 pertaining to the Licensing Procedures and Regulations for Computer Gaming and Internet Access Businesses and make findings, declaring the urgency thereof; 4) Introduced a Regular Ordinance amending Title 5 of the Antioch Municipal Code by adding Chapter 11 pertaining to the Licensing Procedures and Regulations for Computer Gaming and Internet Access Businesses; 5) Adopted a resolution to initiate an Amendment to the Zoning Ordinance to address Computer Gaming and Internet Access Businesses; 6) Including Amendments as written in the memorandum dated February 28, 2012, and replaced Section 5-11.120, with 5-11.20.

5. BALLOT MEASURE TO MAKE THE OFFICES OF CITY CLERK AND CITY TREASURER APPOINTED

City Attorney Nerland presented the staff report dated February 22, 2012, recommending the City Council take public comment and consider the Action Item: Resolution calling a Special Municipal Election on June 5, 2012, for the submission to the voters of a local ballot measure to make the Offices of City Clerk and City Treasurer appointed and requesting that the Board of Supervisors of Contra Costa County to consolidate a municipal election on a local measure with other elections to be held on the June 5, 2012, Regular Election.

RESOLUTION NO. 2012/13

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved the filing of the argument in support of the ballot measure.

On motion by Councilmember Harper, seconded by Councilmember Rocha, the Council present unanimously approved: 1) Mayor and Mayor Pro Tem authorized to file the ballot measure; 2) Mayor Davis determine the appropriate signatory; and 3) Prohibit Rebuttal Arguments.

6. **BALLOT MEASURE TO ELIMINATE THE DIRECTLY ELECTED MAYOR**

City Attorney Nerland presented the staff report dated February 22, 2012, recommending the Council take public comment and consider the Action Item: Resolution calling a Special Municipal Election on June 5, 2012, for the submission to the voters of a local ballot measure to eliminate the position of a directly elected mayor and request that the Board of Supervisors of Contra Costa County to consolidate a municipal election on a local measure with other elections to be held on the June 5, 2012, Regular Election.

Nancy Fernandez, Antioch resident, spoke in support of eliminating the directly elected Mayor.

Mayor Davis read written comment from Antioch resident, Kay Power, who indicated her support for eliminating the directly elected Mayor.

Mayor Davis read written comment from Antioch resident, Martha Parsons, who indicated she was in support of the ballot measure.

RESOLUTION NO. 2012/14

On motion by Councilmember Harper, seconded by Councilmember Agopian, the Council present unanimously approved the following ballot language "CHANGING THE MAYOR POSITION FROM ELECTED TO APPOINTED. Shall the position of a directly elected mayor be eliminated, so that the Antioch City Council is composed of five members who would choose among themselves, who would serve as the mayor?"

On motion by Councilmember Harper, seconded by Councilmember Agopian, the Council present unanimously: 1) Authorized the filing of the argument in support of the ballot measure; 2) Mayor and Mayor Pro Tem authorized to file the ballot measure; 3) Mayor Davis determine the appropriate signatory; and 4) Prohibit rebuttal arguments.

7. **SHOPPING CARTS RECOVERY**

Economic Development Analyst Nunnally presented the staff report dated February 16, 2012, recommending the Council: Motion to receive and file report from the Commercial Code Enforcement/Shop Antioch subcommittee and provide direction on letter to merchants.

Councilmember Agopian gave a brief history of the subcommittee process. He requested the Council support the letter, in concept, and offered to meet with the Chamber of Commerce and staff to redraft the letter with stronger language.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council present approved the letter in concept to be redrafted and brought back for consideration at a later date.

8. CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF SUCCESSOR AGENCY WARRANTS

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council, as the Successor Agency to the Antioch Development Agency, unanimously approved the Warrants.

9. CITY OF ANTIOCH AS HOUSING SUCCESSOR TO THE ANTIOCH DEVELOPMENT AGENCY

A. APPROVAL OF HOUSING SUCCESSOR WARRANTS

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council, as the Housing Successor to the Antioch Development Agency, unanimously approved the Warrants.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the following meeting schedule:

- March 1, 2012 - Mayors Conference in Pittsburg
- March 10, 2012 - Coffee with the Cops in the Police Department Community Room
- March 13 and 27, 2012 - City Council meetings at Council Chambers
- March 26, 2012 - Joint meeting Antioch Unified School District/City Council at Antioch High School

COUNCIL COMMUNICATIONS

Councilmember Rocha announced she would be attending a subcommittee meeting with Councilmember Harper on March 6, 2012.

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 9:46 P.M. to the next regular Council meeting on March 13, 2012.

Respectfully submitted:

DENISE SKAGGS, CITY CLERK

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 23 - MARCH 7, 2012
 FUND/CHECK#

100 General Fund

Non Departmental

132118 2 ANTIOCH LLC	CHECK REPLACEMENT	3,000.00
132138 CIRCLEPOINT	CONSULTING SERVICES	6,322.54
132304 SHEN, JAMES J	CHECK REPLACEMENT	25.00

City Attorney

132174 JARVIS FAY AND DOPORTO LLP	LEGAL FEES	88.33
132228 US BANK	COPIER LEASE	214.01
132274 JARVIS FAY AND DOPORTO LLP	LEGAL FEES	10,351.35
132305 SHRED IT INC	SHRED SERVICE	46.07
201404 SHUTE MIHALY AND WEINBERGER LLP	MEETING EXPENSE	35.00

City Manager

132228 US BANK	COPIER LEASE	214.01
201406 RICKS ON SECOND	MEETING EXPENSE	55.00

City Clerk

132228 US BANK	COPIER LEASE	303.30
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City Treasurer

132197 PFM ASSET MGMT LLC	ADVISORY SERVICES	5,910.48
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Human Resources

132228 US BANK	COPIER LEASE	355.64
132305 SHRED IT INC	SHRED SERVICE	27.91

Economic Development

132228 US BANK	COPIER LEASE	220.45
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Finance Administration

132228 US BANK	COPIER LEASE	969.15
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Finance Accounting

132245 AT AND T MCI	BITECH PHONE LINE	476.49
132305 SHRED IT INC	SHRED SERVICE	46.07
916878 SUNGARD PUBLIC SECTOR INC	ASP SERVICE	11,886.53

Finance Operations

132226 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	12.00
132227 UNITED STATES POSTAL SERVICE	POSTAGE DEPOSIT-WATER	10,000.00
132228 US BANK	COPIER LEASE	1,048.13
132315 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	12.00

Non Departmental

132163 GETCHA BOY RECORDS	CHECK REPLACEMENT	25.00
132202 REDBOX AUTOMATED RETAIL LLC	REFUND APPLICATION FEE	120.00
132212 SELLERS, DENISE	CHECK REPLACEMENT	41.00
132321 WAGeworks	ADMIN FEES	150.00
201400 OJ INSULATION LP	BUS LIC STICKER FEE REFUND	5.00
201521 SILGAN CONTAINERS MFG CORP	BUS LIC APP FEE REFUND	30.00
916784 RETIREE	MONTHLY RET ALLOWANCE	1,643.21

Public Works Maintenance Administration

132191 NEXTEL SPRINT	CELL PHONE	61.14
132228 US BANK	COPIER LEASE	35.07

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 23 - MARCH 7, 2012
 FUND/CHECK#

Public Works General Maintenance Services

132191 NEXTEL SPRINT	CELL PHONE	40.73
132228 US BANK	COPIER LEASE	93.41

Public Works Street Maintenance

132191 NEXTEL SPRINT	CELL PHONE	21.15
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Public Works-Signal/Street Lights

132253 CONTRA COSTA COUNTY	SIGNAL LIGHT MAINTENANCE	62,787.53
132308 STATE OF CALIFORNIA	SIGNAL LIGHT MAINTENANCE	1,449.02

Public Works-Striping/Signing

132182 MANERI SIGN COMPANY	SIGN RIVETS	460.06
132191 NEXTEL SPRINT	CELL PHONE	151.77
132214 SHERWIN WILLIAMS CO	GRAFFITI PAINT	217.93
132284 MANERI SIGN COMPANY	SIGNS	3,704.32
132292 ORCHARD SUPPLY HARDWARE	DRILL	18.15

Public Works-Facilities Maintenance

132169 HOME DEPOT, THE	SUPPLIES	31.15
132273 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	160.61
132290 OMEGA INDUSTRIAL SUPPLY	CLEANING SUPPLIES	298.89
132307 STANLEY SECURITY SOLUTIONS INC	SUPPLIES	236.42

Public Works-Parks Maint

132123 AMERICAN SWING PRODUCTS INC	SWING SET	871.09
132177 KAY PARK AND REC CORP	HILLCREST PARK BARBEQUES	549.00
132216 SPECTRATURF INC	SURFACING MATERIALS	486.52
132219 STEWARTS TREE SERVICE	TREE SERVICE	225.00
132292 ORCHARD SUPPLY HARDWARE	SUPPLIES	61.56

Public Works-Median/General Land

132195 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	22.67
132240 ACE HARDWARE, ANTIOCH	PVC FITTINGS	4.78
132311 STEWARTS TREE SERVICE	TREE SERVICE	1,400.00

Public Works-Work Alternative

132191 NEXTEL SPRINT	CELL PHONE	49.33
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Police Administration

132137 CANTANDO, ALLAN J	PER DIEM	213.50
132146 COSTCO	MEMBERSHIP RENEWAL	110.00
132162 GALLS INC	PEPPER SPRAY	254.92
132183 MARRIOTT HOTEL	LODGING-WILLERFORD/NASH	862.33
132190 NASH, ANITA M	PER DIEM	231.00
132192 OFFICE MAX INC	EVIDENCE SUPPLIES	1,230.46
132213 SHERATON GRAND HOTEL	LODGING-CANTANDO	555.99
132215 SMITH, RICHARD S	FUEL REIMBURSEMENT	40.35
132222 TRAINING FOR SAFETY INCORPORATED	TRAINING FEE-WILLERFORD/NASH	592.00
132225 UNITED IMAGING SUPPLY	TONER	488.95
132228 US BANK	COPIER LEASE	2,400.29
132230 VERIZON WIRELESS	AIR CARDS	82.37
132235 WILLERFORD, CHERRIE D	PER DIEM	231.00
132244 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	587.50

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132251	CONCORD UNIFORMS LLC	BODY ARMOR	3,724.70
132303	SHARP BUSINESS SYSTEMS	COPIER USAGE	804.28
132307	STANLEY SECURITY SOLUTIONS INC	SUPPLIES	30.01
201447	CNOA	TRAINING-LOPEZ	35.00
201448	CNOA	TRAINING-HOFFMAN	35.00
201449	COMCAST	CABLE	50.98
201450	IMAGE SALES INC	ID CARDS	16.16
201453	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	22.20
916789	HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	829.14
916875	MOBILE MINI LLC	STORAGE CONTAINER RENTAL	106.76
Police Community Policing			
132140	COMMERCIAL SUPPORT SERVICES	CAR WASHES	409.50
132173	INTOXIMETERS	INTOXIMETER REPAIR	616.01
132248	EMPLOYEE	DISABILITY PENSION	2,383.17
132324	EMPLOYEE	DISABILITY PENSION	3,637.50
201451	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	94.35
201452	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	69.95
201453	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	49.95
201454	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	62.16
Police Investigations			
132143	CONTRA COSTA COUNTY	TOXICOLOGY	15,982.00
132144	CONTRA COSTA COUNTY	ALCOHOL TESTING	550.00
132148	COURT SERVICES INC	PRISONER TRANSPORTATION	500.00
132228	US BANK	COPIER LEASE	970.74
201451	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	2.51
201453	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	22.50
201454	CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	37.50
Police Narcotics			
132129	AUTO WORLD INC	LEASED VEHICLES	2,066.25
Police Communications			
132128	AT AND T MOBILITY	HIGH SPEED WIRELESS	2,715.36
132142	CONTRA COSTA COUNTY	RADIO SERVICES	525.00
132164	GLOBALSTAR	TELECOM SERVICE CHARGE	87.29
132192	OFFICE MAX INC	OFFICE SUPPLIES	121.66
132221	TELEVISION EQUIPMENT ASSOCIATES	HEADSET	454.74
132242	AMERICAN TOWER CORPORATION	TOWER RENTAL	2.75
Police Facilities Maintenance			
132136	CAMALI CORP	MAINTENANCE SERVICE	345.00
Community Development Administration			
132228	US BANK	COPIER LEASE	627.20
Community Development Land Planning Services			
132264	DYETT AND BHATIA	CONSULTING SERVICES	5,720.00
PW Engineer Land Development			
132191	NEXTEL SPRINT	CELL PHONE	153.39
132228	US BANK	COPIER LEASE	243.89

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Community Development Building Inspection

132191 NEXTEL SPRINT CELL PHONE 56.32

Capital Imp. Administration

132191 NEXTEL SPRINT CELL PHONE 104.31

Community Development Engineering Services

132191 NEXTEL SPRINT CELL PHONE 32.55

212 CDBG Fund

CDBG

132125 ANTIOCH CHAMBER OF COMMERCE CDBG SERVICES 2,824.36

132141 CONTRA COSTA CHILD CARE COUNCIL CDBG SERVICES 2,860.77

213 Gas Tax Fund

Parks & Open Space

132252 CONSTRUCTION TESTING SERVICES TESTING SERVICES 3,688.75

Streets

132195 PACIFIC GAS AND ELECTRIC CO ELECTRIC 9.53

132285 MARK THOMAS AND CO INC PROFESSIONAL SERVICES 8,468.70

214 Animal Control Fund

Animal Control

132119 ACE HARDWARE, ANTIOCH SUPPLIES 7.97

132155 EAST BAY VETERINARY EMERGENCY VETERINARY SERVICES 98.44

132157 EAST HILLS VETERINARY HOSPITAL VETERINARY SERVICES 3,206.55

132167 HELGEMO-DEVLIN, MONIKA M PER DIEM 355.00

132168 HILLS PET NUTRITION ANIMAL FOOD 303.10

132171 HYATT REGENCY LODING-HELGEMO/SUTHERLAND 924.50

132180 LITTLE GIFTS INC DOG KEY CHAINS 302.00

132210 SANTA ROSA JR COLLEGE TUITION-JOHNSON 106.00

132220 SUTHERLAND, ANDREA E PER DIEM 355.00

132228 US BANK COPIER LEASE 109.96

132231 VORTECH PHARMACEUTICALS ANIMAL SHELTER SUPPLIES 537.08

132278 KOEFRAN SERVICES INC ANIMAL DISPOSAL SERVICES 1,850.00

132298 PFIZER ANIMAL HEALTH ANIMAL CARE SUPPLIES 476.10

916872 HAMMONS SUPPLY COMPANY SUPPLIES 764.18

215 Civic Arts Fund

Civic Arts

132228 US BANK COPIER LEASE 54.58

219 Recreation Fund

Non Departmental

132181 LOPEZ, SILVIA DEPOSIT REFUND 470.00

132246 BARBA, LORENA DEPOSIT REFUND 800.00

132263 DIAZ, HERBERT DEPOSIT REFUND 270.00

132269 GOMEZ, MAYRA DEPOSIT REFUND 750.00

132276 KERNS AND WEST DEPOSIT REFUND 300.00

132283 LUMSY, CYNTHIA DEPOSIT REFUND 500.00

132286 MOSELEY, BRIANA DEPOSIT REFUND 500.00

132302 SENATOR DESULNINER DEPOSIT REFUND 500.00

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Recreation Classes/Prog

132217	STARGAZERS/TRACI MARTIN	CONTRACTOR PAYMENT	915.00
132267	GARRISON, JACQUELYN	CONTRACTOR PAYMENT	1,206.00
132275	KAIFI, MILALY	CLASS REFUND	110.00
132279	KOVALICK, LUANNE	CONTRACTOR PAYMENT	738.72
132282	LIPPE, PATRICIA	CONTRACTOR PAYMENT	561.60
132312	THOMPSON, RANDALL	CONTRACTOR PAYMENT	52.50
132322	WE ARE ONE PRODUCTIONS	CONTRACTOR PAYMENT	1,417.80
201483	LUIS, ROBERT A	CLASS REFUND	78.00
201486	GARCIA, VERONICA	CLASS REFUND	10.00
201487	THOMPSON, SHASTON	CLASS REFUND	10.00
201488	FRICK, PRISCILLA	CLASS REFUND	27.00
201489	PRESTON, GWENNIE	CLASS REFUND	54.00
201531	MIRANDA, CHARITY	CLASS REFUND	24.00
201532	BOGDANOVA, ANASTASIA	CLASS REFUND	55.00
201533	SIN, MARICEL	CLASS REFUND	55.00
201534	ALCARAZ, AMANDA	CLASS REFUND	24.00
201535	CAULBOY, ANGELINA	CLASS REFUND	24.00
201536	SCHWEITZER, ALICIA	CLASS REFUND	24.00
201537	OBRIEN, SUSAN	CLASS REFUND	59.00

Recreation Special Needs

201490	HOLDER, MARISSA	CLASS REFUND	10.00
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Recreation-New Comm Cntr

132228	US BANK	COPIER LEASE	214.46
132239	UNITED STATES POSTAL SERVICE	POSTAGE	6,243.00
132257	CONTRA COSTA FIRE EQUIPMENT	EXTINGUISHER CERTIFICATION	261.60
201485	NETNIQUES CORP	POSTCARDS	78.53

220 Traffic Signalization Fund

Traffic Signals

132277	KIMLEY HORN AND ASSOCIATES INC	TRAFFIC ENGINEERING	1,410.00
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221 Asset Forfeiture Fund

Non Departmental

132294	PARCEL QUEST	MAP DATA	1,277.66
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Asset Forfeiture

132265	EMERGENCY VEHICLE OUTFITTERS	INSTALLATION SERVICE	9,670.17
132294	PARCEL QUEST	MAP DATA	890.54

222 Measure C Fund

Streets

132247	BAY CITIES PAVING AND GRADING	HILLCREST AVE PROJECT	96,923.38
132253	CONTRA COSTA COUNTY	TRAFFIC SIGNAL MAINTENANCE	245.70

226 Solid Waste Reduction Fund

Solid Waste Used Oil

132152	DELTA DIABLO SANITATION DISTRICT	HOUSEHOLD HAZARDOUS WASTE	7,938.36
132254	CONTRA COSTA COUNTY	USED OIL PROGRAM	6,000.00

Solid Waste

132152	DELTA DIABLO SANITATION DISTRICT	HOUSEHOLD HAZARDOUS WASTE	18,020.54
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229 Pollution Elimination Fund

Channel Maintenance Operation

132191	NEXTEL SPRINT	CELL PHONE	49.33
916764	FREDS WELDING	WELDING SUPPLIES	75.53
916868	FREDS WELDING	WELDING SUPPLIES	57.29

239 ADA Obligation Retirement Fund

ADA

132268	GOLDFARB AND LIPMAN LLP	LEGAL SERVICES	211.50
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251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 1

132293	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,936.00
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254 Hillcrest SLLMD Fund

Hillcrest Maintenance Zone 1

132311	STEWARTS TREE SERVICE	TREE SERVICE	850.00
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Hillcrest Maintenance Zone 4

132293	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,936.00
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257 SLLMD Administration Fund

SLLMD Administration

132191	NEXTEL SPRINT	CELL PHONE	119.81
132323	WESTIN	LODGING-BURGESS	823.72

311 Capital Improvement Fund

Streets

132194	PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	5,960.00
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Public Buildings & Facilities

132131	BEALS ALLIANCE INC	DESIGN SERVICES	55,420.49
132166	HARRISON ENGINEERING INC	ENGINEERING SERVICES	6,853.75

376 Lone Diamond Fund

Assessment District

132199	PUBLIC STORAGE	MONTHLY STORAGE FEE	501.00
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416 Honeywell Capital Lease Fund

Non Departmental

132130	BANK OF AMERICA	PRINCIPAL/INTEREST MAR 2012	42,131.57
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570 Equipment Maintenance Fund

Non Departmental

132272	HUNT AND SONS INC	FUEL	42,199.52
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Equipment Maintenance

132121	ALL STAR GLASS	WINDSHIELD REPLACEMENT	219.44
132124	ANTIOCH AUTO PARTS	AUTO PARTS STOCK	1,566.79
132156	EAST BAY WELDING SUPPLY	OXYGEN	55.66
132158	FASTENAL CO	BOLTS	12.26
132188	MUNICIPAL MAINT EQUIPMENT INC	SUPPLIES	1,077.43
132228	US BANK	COPIER LEASE	42.86
132233	WALNUT CREEK FORD	SUPPLIES	583.19
132243	ANTIOCH AUTO PARTS	AUTO PARTS STOCK	724.83
132258	CONTROLLED ENVIRONMENTAL SVCS	PUMP REPAIR	725.00
132297	PETERSON	WINDSHIELD	648.93

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132313 ULLMANN, RODNEY	EXPENSE REIMBURSEMENT	136.57
916874 KIMBALL MIDWEST	SUPPLIES	461.70
573 Information Services Fund		
Non Departmental		
132294 PARCEL QUEST	MAP DATA	2,699.39
Information Services		
132191 NEXTEL SPRINT	CELL PHONE	49.33
Network Support & PCs		
132127 AT AND T MCI	PHONE	357.32
132191 NEXTEL SPRINT	CELL PHONE	107.30
132192 OFFICE MAX INC	OFFICE SUPPLIES	9.90
132294 PARCEL QUEST	MAP DATA	1,881.50
Telephone System		
132126 AT AND T MCI	PHONE	18.95
577 Post Retirement Medical-Police Fund		
Non Departmental		
132120 RETIREE	MEDICAL AFTER RETIREMENT	193.22
132135 RETIREE	MEDICAL AFTER RETIREMENT	498.44
132178 RETIREE	MEDICAL AFTER RETIREMENT	776.25
132184 RETIREE	MEDICAL AFTER RETIREMENT	40.61
132189 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
132208 RETIREE	MEDICAL AFTER RETIREMENT	40.61
132236 RETIREE	MEDICAL AFTER RETIREMENT	776.25
916728 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916733 RETIREE	MEDICAL AFTER RETIREMENT	1,013.38
916735 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916744 RETIREE	MEDICAL AFTER RETIREMENT	986.79
916745 RETIREE	MEDICAL AFTER RETIREMENT	929.00
916749 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916751 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916760 RETIREE	MEDICAL AFTER RETIREMENT	848.86
916765 RETIREE	MEDICAL AFTER RETIREMENT	791.00
916766 RETIREE	MEDICAL AFTER RETIREMENT	193.22
916779 RETIREE	MEDICAL AFTER RETIREMENT	165.81
916783 RETIREE	MEDICAL AFTER RETIREMENT	193.22
916786 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916787 RETIREE	MEDICAL AFTER RETIREMENT	1,088.88
916788 RETIREE	MEDICAL AFTER RETIREMENT	123.73
916796 RETIREE	MEDICAL AFTER RETIREMENT	165.81
916812 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916814 RETIREE	MEDICAL AFTER RETIREMENT	498.44
916824 RETIREE	MEDICAL AFTER RETIREMENT	304.35
916826 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916828 RETIREE	MEDICAL AFTER RETIREMENT	803.66
916838 RETIREE	MEDICAL AFTER RETIREMENT	498.44
916847 RETIREE	MEDICAL AFTER RETIREMENT	155.27

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916851 RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916855 RETIREE	MEDICAL AFTER RETIREMENT	498.44

578 Post Retirement Medical-Misc Fund

Non Departmental

132132 RETIREE	MEDICAL AFTER RETIREMENT	124.69
132150 RETIREE	MEDICAL AFTER RETIREMENT	242.69
132151 RETIREE	MEDICAL AFTER RETIREMENT	242.69
132153 RETIREE	MEDICAL AFTER RETIREMENT	242.69
132175 RETIREE	MEDICAL AFTER RETIREMENT	242.69
132185 RETIREE	MEDICAL AFTER RETIREMENT	242.69
132193 RETIREE	MEDICAL AFTER RETIREMENT	124.69
132201 RETIREE	MEDICAL AFTER RETIREMENT	124.69
132204 RETIREE	MEDICAL AFTER RETIREMENT	597.38
132206 RETIREE	MEDICAL AFTER RETIREMENT	124.69
132211 RETIREE	MEDICAL AFTER RETIREMENT	242.69
132224 RETIREE	MEDICAL AFTER RETIREMENT	271.44
132232 RETIREE	MEDICAL AFTER RETIREMENT	472.20
916730 RETIREE	MEDICAL AFTER RETIREMENT	320.43
916731 RETIREE	MEDICAL AFTER RETIREMENT	597.38
916732 RETIREE	MEDICAL AFTER RETIREMENT	225.99
916738 RETIREE	MEDICAL AFTER RETIREMENT	242.69
916740 RETIREE	MEDICAL AFTER RETIREMENT	242.69
916742 RETIREE	MEDICAL AFTER RETIREMENT	597.38
916747 RETIREE	MEDICAL AFTER RETIREMENT	242.69
916750 RETIREE	MEDICAL AFTER RETIREMENT	124.69
916752 RETIREE	MEDICAL AFTER RETIREMENT	361.38
916755 RETIREE	MEDICAL AFTER RETIREMENT	124.69
916759 RETIREE	MEDICAL AFTER RETIREMENT	124.69
916762 RETIREE	MEDICAL AFTER RETIREMENT	165.81
916763 RETIREE	MEDICAL AFTER RETIREMENT	597.38
916767 RETIREE	MEDICAL AFTER RETIREMENT	84.00
916769 RETIREE	MEDICAL AFTER RETIREMENT	165.81
916771 RETIREE	MEDICAL AFTER RETIREMENT	124.69
916773 RETIREE	MEDICAL AFTER RETIREMENT	124.69
916774 RETIREE	MEDICAL AFTER RETIREMENT	361.38
916776 RETIREE	MEDICAL AFTER RETIREMENT	423.63
916782 RETIREE	MEDICAL AFTER RETIREMENT	597.38
916785 RETIREE	MEDICAL AFTER RETIREMENT	124.69
916791 RETIREE	MEDICAL AFTER RETIREMENT	242.69
916792 RETIREE	MEDICAL AFTER RETIREMENT	124.69
916795 RETIREE	MEDICAL AFTER RETIREMENT	597.38
916798 RETIREE	MEDICAL AFTER RETIREMENT	242.69
916800 RETIREE	MEDICAL AFTER RETIREMENT	124.69
916803 RETIREE	MEDICAL AFTER RETIREMENT	597.38
916806 RETIREE	MEDICAL AFTER RETIREMENT	597.38
916808 RETIREE	MEDICAL AFTER RETIREMENT	361.38

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916811	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916820	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916821	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916830	RETIREE	MEDICAL AFTER RETIREMENT	242.69
916833	RETIREE	MEDICAL AFTER RETIREMENT	242.69
916837	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916843	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916849	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916853	RETIREE	MEDICAL AFTER RETIREMENT	120.36
916854	RETIREE	MEDICAL AFTER RETIREMENT	165.81
916862	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916863	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916864	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916865	RETIREE	MEDICAL AFTER RETIREMENT	242.69
916866	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916871	RETIREE	MEDICAL AFTER RETIREMENT	642.27

579 Post Retirement Medical-Mgmt Fund

Non Departmental

132139	RETIREE	MEDICAL AFTER RETIREMENT	901.90
132147	RETIREE	MEDICAL AFTER RETIREMENT	182.69
132161	RETIREE	MEDICAL AFTER RETIREMENT	124.69
132165	RETIREE	MEDICAL AFTER RETIREMENT	242.69
132172	RETIREE	MEDICAL AFTER RETIREMENT	400.00
132179	RETIREE	MEDICAL AFTER RETIREMENT	597.38
132186	RETIREE	MEDICAL AFTER RETIREMENT	762.38
132196	RETIREE	MEDICAL AFTER RETIREMENT	124.69
132203	RETIREE	MEDICAL AFTER RETIREMENT	752.86
132238	RETIREE	MEDICAL AFTER RETIREMENT	165.81
916734	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916736	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916737	RETIREE	MEDICAL AFTER RETIREMENT	254.87
916739	RETIREE	MEDICAL AFTER RETIREMENT	382.69
916741	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916743	RETIREE	MEDICAL AFTER RETIREMENT	901.90
916746	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916748	RETIREE	MEDICAL AFTER RETIREMENT	165.81
916753	RETIREE	MEDICAL AFTER RETIREMENT	752.86
916754	RETIREE	MEDICAL AFTER RETIREMENT	8.69
916756	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916757	RETIREE	MEDICAL AFTER RETIREMENT	477.38
916758	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916761	RETIREE	MEDICAL AFTER RETIREMENT	320.43
916768	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916770	RETIREE	MEDICAL AFTER RETIREMENT	901.90
916772	RETIREE	MEDICAL AFTER RETIREMENT	222.48
916775	RETIREE	MEDICAL AFTER RETIREMENT	1,006.50

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916778	RETIREE	MEDICAL AFTER RETIREMENT	280.20
916780	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916781	RETIREE	MEDICAL AFTER RETIREMENT	443.62
916790	RETIREE	MEDICAL AFTER RETIREMENT	854.68
916793	RETIREE	MEDICAL AFTER RETIREMENT	727.38
916794	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916797	RETIREE	MEDICAL AFTER RETIREMENT	320.43
916799	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916801	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916802	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916804	RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916805	RETIREE	MEDICAL AFTER RETIREMENT	242.69
916807	RETIREE	MEDICAL AFTER RETIREMENT	242.69
916809	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916810	RETIREE	MEDICAL AFTER RETIREMENT	74.69
916813	RETIREE	MEDICAL AFTER RETIREMENT	920.60
916815	RETIREE	MEDICAL AFTER RETIREMENT	165.81
916816	RETIREE	MEDICAL AFTER RETIREMENT	320.43
916817	RETIREE	MEDICAL AFTER RETIREMENT	182.69
916818	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916819	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916822	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916823	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916825	RETIREE	MEDICAL AFTER RETIREMENT	477.38
916827	RETIREE	MEDICAL AFTER RETIREMENT	1,108.88
916829	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916831	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916832	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916834	RETIREE	MEDICAL AFTER RETIREMENT	242.69
916835	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916836	RETIREE	MEDICAL AFTER RETIREMENT	382.69
916839	RETIREE	MEDICAL AFTER RETIREMENT	901.90
916840	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916841	RETIREE	MEDICAL AFTER RETIREMENT	727.38
916842	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916844	RETIREE	MEDICAL AFTER RETIREMENT	752.86
916845	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916846	RETIREE	MEDICAL AFTER RETIREMENT	901.90
916848	RETIREE	MEDICAL AFTER RETIREMENT	124.69
916850	RETIREE	MEDICAL AFTER RETIREMENT	597.38
916852	RETIREE	MEDICAL AFTER RETIREMENT	320.43
916856	RETIREE	MEDICAL AFTER RETIREMENT	1,946.46
916857	RETIREE	MEDICAL AFTER RETIREMENT	361.38
916858	RETIREE	MEDICAL AFTER RETIREMENT	752.86
916859	RETIREE	MEDICAL AFTER RETIREMENT	727.38
916860	RETIREE	MEDICAL AFTER RETIREMENT	124.69

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916861 RETIREE	MEDICAL AFTER RETIREMENT	320.43
916873 RETIREE	MEDICAL AFTER RETIREMENT	210.00
916877 RETIREE	MEDICAL AFTER RETIREMENT	1,748.60

580 Loss Control Fund

Human Resources

132191 NEXTEL SPRINT	CELL PHONE	21.15
132228 US BANK	COPIER LEASE	45.90

611 Water Fund

Non Departmental

132170 HOSMER, LYNNE	CHECK REPLACEMENT	4.22
132205 ROBERTS AND BRUNE CO	SUPPLIES	3,832.10
132234 WESCO RECEIVABLES CORP	SUPPLIES	97.47
132243 ANTIOCH AUTO PARTS	SUPPLIES	1,319.46
132301 ROBERTS AND BRUNE CO	SUPPLIES	6,111.26
132307 STANLEY SECURITY SOLUTIONS INC	SUPPLIES	60.01
916777 HAMMONS SUPPLY COMPANY	SUPPLIES	145.75
916870 GRAINGER INC	SUPPLIES	570.73
916872 HAMMONS SUPPLY COMPANY	SUPPLIES	584.55

Water Supervision

132176 KATHY STEPHENSON	CHECK REPLACEMENT	17.42
132191 NEXTEL SPRINT	CELL PHONE	61.88
132209 RT LAWRENCE CORP	LOCKBOX PROCESSING FEE	1,148.82

Water Production

132119 ACE HARDWARE, ANTIOCH	SUPPLIES	12.19
132145 CONTRA COSTA WATER DISTRICT	RAW WATER	552,356.57
132158 FASTENAL CO	BOLTS	140.65
132160 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	167.18
132187 MUIR DIABLO OCCUPATIONAL MEDICINE	RESPIRATORY FIT TEST	270.00
132191 NEXTEL SPRINT	CELL PHONE	63.45
132195 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	19.06
132198 POLYDYNE INC	POLYMER	990.00
132200 PUMP REPAIR SERVICE CO	CANAL PUMP REBUILD	41,391.09
132228 US BANK	COPIER LEASE	56.10
132229 VEOLIA WATER SOLUTIONS & TECH	REPAIR KIT	2,925.75
132266 FLOW SCIENCE INCORPORATED	PROFESSIONAL SERVICES	3,247.50
132270 HACH CO	LAB SUPPLIES	1,438.51
132280 L SERPA TRUCKING INC	TRUCK RENTAL	2,332.80
132281 LAW OFFICE OF MATTHEW EMRICK	WATER RIGHTS LEGAL FEES	4,133.50
132287 MUIR DIABLO OCCUPATIONAL MEDICINE	RESPIRATORY FIT TEST	415.00
132288 MWH LABORATORIES INC	TESTING AND ANALYSIS	655.00
132306 SIEMENS INDUSTRY INC	SERVICE DI H2O SYSTEM	366.00
132316 UNIVAR USA INC	CAUSTIC	6,950.03
132318 USA BLUE BOOK	SUPPLIES	182.04
201350 ARAMARK UNIFORM SERVICES	CLEANING SERVICE	72.78
201511 CONSOLIDATED ELECTRICAL DIST INC	SUPPLIES	32.12
916729 AIRGAS SPECIALTY PRODUCTS	AMMONIA	906.10

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 23 - MARCH 7, 2012
 FUND/CHECK#

916869 GENERAL CHEMICAL CORP	ALUM	9,898.41
Water Distribution		
132133 BISHOP CO	SUPPLIES	244.15
132149 CWEA SFBS	MEMBERSHIP-HANBERG	132.00
132152 DELTA DIABLO SANITATION DISTRICT	HOUSEHOLD HAZARDOUS WASTE	18,020.54
132156 EAST BAY WELDING SUPPLY	WELDING SUPPLIES	55.66
132158 FASTENAL CO	SUPPLIES	153.25
132191 NEXTEL SPRINT	CELL PHONE EQUIPMENT	707.74
132205 ROBERTS AND BRUNE CO	PIPE & FITTINGS	10,510.27
132228 US BANK	COPIER LEASE	109.06
132237 XC2 SOFTWARE LLC	TECH SUPPORT RENEWAL	1,380.00
132240 ACE HARDWARE, ANTIOCH	PIPE & FITTINGS	26.45
132243 ANTIOCH AUTO PARTS	SUPPLIES	47.13
132244 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	42.50
132259 COUNTY ASPHALT	ASPHALT	587.67
132260 DAVIDSONS TRAINING	REGISTRATION FEES	600.00
132261 DELTA GRINDING CO INC	EQUIPMENT RENTAL	2,600.00
132295 PARTSMaster	WATERPROOF WORK LIGHTS	511.39
132301 ROBERTS AND BRUNE CO	PIPE & FITTINGS	2,627.72
132318 USA BLUE BOOK	SUPPLIES	108.38
132319 USC FCCCHR	TRAINING MANUAL	333.01
916879 TELFER OIL COMPANY	OIL	566.99
Water Meter Reading		
132191 NEXTEL SPRINT	CELL PHONE	10.57
Public Buildings & Facilities		
132134 BROWN AND CALDWELL INC	WTP EXPANSION CONSULTING	2,258.65
Warehouse & Central Stores		
132191 NEXTEL SPRINT	CELL PHONE	49.33
132226 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	12.00
132228 US BANK	COPIER LEASE	144.31
132315 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	12.00
621 Sewer Fund		
Sewer-Wastewater Supervision		
132191 NEXTEL SPRINT	CELL PHONE EQUIPMENT	172.92
132228 US BANK	COPIER LEASE	109.06
Sewer-Wastewater Collection		
132152 DELTA DIABLO SANITATION DISTRICT	HOUSEHOLD HAZARDOUS WASTE	18,020.56
132191 NEXTEL SPRINT	CELL PHONE	91.63
132207 ROOTX	SEWER CHEMICALS	509.63
132259 COUNTY ASPHALT	ASPHALT	587.67
132260 DAVIDSONS TRAINING	REGISTRATION FEES	200.00
132295 PARTSMaster	SUPPLIES	226.74
916727 3M AOSAFETY EYEWARE	SAFETY GLASSES-PORTER	203.99
916867 3T EQUIPMENT COMPANY	REPAIR PARTS	1,239.08
Wastewater Collection		
132300 RMC WATER AND ENVIRONMENT	PROFESSIONAL SERVICES	1,350.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 23 - MARCH 7, 2012
 FUND/CHECK#

631 Marina Fund

Marina Administration

132228 US BANK	COPIER LEASE	43.57
132250 CALIFORNIA DELTA CHAMBERS	MEMBER DUES	150.00
132262 DEPARTMENT OF MOTOR VEHICLES	DMV EXCESS FEES	292.51
132299 RECREATION PUBLICATIONS	MARINA GUIDE AD	2,250.00
201418 MAPCO MARKETING	MAPS	100.00

Marina Maintenance

916870 GRAINGER INC	SUPPLIES	103.03
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Major Projects

132223 TRANSYSTEMS CORPORATION	DESIGN SERVICES	5,710.31
132271 HULTGREN TILLIS ENGINEERS	PROFESSIONAL SERVICES	2,120.00

641 Prewett Water Park Fund

Rec - Prewett Admin

132122 AMERICAN LOCKER SECURITY SYSTEMS	LOCKER REPAIR	1,227.79
132228 US BANK	COPIER LEASE	321.82
132257 CONTRA COSTA FIRE EQUIPMENT	EXTINGUISHER REPLACEMENT	807.22

721 Employee Benefits Fund

Non Departmental

132154 EMPLOYEE	CHECK REPLACEMENT	7.38
132218 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	4,277.43
132241 AFLAC	PAYROLL DEDUCTIONS	8,551.22
132249 EMPLOYEE	CHECK REPLACEMENT	202.72
132255 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
132256 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
132291 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	553.38
132296 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	92.66
132309 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	184.93
132310 STATE OF FLORIDA DISBURSEMENT UNIT	PAYROLL DEDUCTIONS	150.00
132314 UNION BANK OF CALIF	PAYROLL DEDUCTIONS	3,536.11
132317 US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	279.92
132320 VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,687.48
916876 NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	24,138.34

736 APFA Lone Diamond Reassessment 1998 Fund

Non Departmental

132289 NBS LOCAL GOVERNMENT SOLUTIONS	DELINQUENCY MANAGEMENT	3,187.25
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**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

Prepared by: Tina Wehrmeister, Community Development Director *TW*
Date: March 8, 2012
Subject: Adoption of an Ordinance Amending Title 5 of the Antioch Municipal Code by Adding Chapter 11 Pertaining to the Licensing Procedures and Regulations for Computer Gaming and Internet Access Businesses

RECOMMENDATION

It is recommended the City Council adopt the attached ordinance amending Title 5 of the Antioch Municipal Code by adding Chapter 11 pertaining to the licensing procedures and regulations for Computer Gaming and Internet Access Businesses.

BACKGROUND INFORMATION

The attached ordinance was introduced by the Council on February 28, 2012. The Council made no changes to the ordinance at this meeting.

FINANCIAL IMPACT

None.

OPTIONS

None, the recommended action is consistent with the City Council's introduction of the ordinance on February 28, 2012.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING TITLE 5 OF THE ANTIOCH MUNICIPAL CODE BY ADDING A
NEW CHAPTER 11 PERTAINING TO THE LICENSING PROCEDURES AND
REGULATIONS FOR COMPUTER GAMING AND INTERNET ACCESS
BUSINESSES**

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

SECTION 1. The City Council finds as follows:

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

1. **B.** The City of Antioch, as well as neighboring cities, have experienced criminal activity associated with Computer Gaming and Internet Access Businesses, including incidents involving robbery, illegal drug use and sales, burglary, assaults, public intoxication, vandalism and property damage and loitering. It is also known that other cities have experienced significant gang-related activities and prostitution occurring at these Computer Gaming and Internet Access Businesses. For example, the Antioch Police Department has documented a significant increase in service related calls involving a variety of crimes in these businesses and within the neighborhoods adjacent to Computer Gaming and Internet Access Businesses and include the representational incidents below as findings as follows and as further described in attachments to the staff report: On April 13, 2010, there was a call for service from T's Internet Café at 1836 A Street because of a fight over someone owing someone money and on July 23, 2010 a call for service regarding another fight.
2. At T's Internet Café at 1653 A Street on September 11, 2010, there was a call for service regarding possible assault, drug violations and carjacking. On November 18, 2010, a male robbed money from the business with a sawed-off shot gun and shot at one of the workers. On February 2, 2011, there was a call for service regarding drug selling. On July 21, 2011, there was a report of a car theft and then a fight broke out.
3. At the Internet Room at 2962 Delta Fair Boulevard, on January 28, 2012, there was a report of a stolen vehicle.
4. At T's Internet Café at 1908 A Street on August 20, 2011, someone was throwing things at the business and threatening to harm the employees.
5. While at Computer Gaming and Internet Access Businesses in Antioch, individuals have been arrested for robbery, narcotics violations, carjacking

and other crimes, as well as on outstanding warrants. While some of these crimes may have occurred elsewhere, it does show a propensity for individuals who engage in criminal activity to patronize Computer Gaming and Internet Access Businesses.

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

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

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

E. The Antioch Municipal Code does not currently provide adequate standards and regulations concerning the review, approval and operation of Computer Gaming and Internet Access Businesses. Section 9-5.3816 pertaining to Mechanical or Electronic Games is at least 30 years old and does not specifically address regulations pertinent to Computer Gaming and Internet Access Businesses.

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

SECTION 2. Title 5 of the Antioch Municipal Code is hereby amended by the addition of a new Chapter 11, to read as follows:

“Chapter 11

COMPUTER GAMING AND INTERNET ACCESS BUSINESSES

Sections:

<u>5-11.01</u>	Purpose.
<u>5-11.02</u>	Definitions.
<u>5-11.10</u>	Computer Gaming and Internet Access Business - License required.
<u>5-11.11</u>	Term of license.
<u>5-11.12</u>	Renewal of license.
<u>5-11.20</u>	License application and issuance.
<u>5-11.30</u>	Transfer of license.
<u>5-11.40</u>	Alterations to Computer Gaming and Internet Access Business.
<u>5-11.50</u>	License revocation.
<u>5-11.60</u>	Operational standards and regulations.
<u>5-11.70</u>	Abatement of nuisance.
<u>5-11.80</u>	Penalty.
<u>5-11.90</u>	License fees.

§ 5-11.01 Purpose.

It is the purpose and intent of this chapter to regulate Computer Gaming and Internet Access Businesses to promote the protection of the public from the dangers of fire and hazards to health, to ensure the full protection of minors, and for the general preservation of the peace and welfare of the community. It is the intent of the City to establish minimally intrusive protocols to provide reasonable accountability for computer gaming and internet access and use at Computer Gaming and Internet Access Businesses. The City finds such accountability to be reasonably necessary to minimize the risk of use of the computer and/or internet by persons at Computer Gaming and Internet Access Businesses for criminal purposes and to increase the opportunities for the safe apprehension of such persons patronizing Computer Gaming and Internet Businesses for criminal purposes, while recognizing rights of individuals to use the internet and Computer Gaming and Internet Access Businesses for legitimate purposes.

§ 5-11.02 Definitions.

A. “Computer Gaming and Internet Access Business” shall mean an establishment that provides more than four (4) computers or other electronic devices for access to the world wide web, internet, e-mail, video games or computer software programs which operate alone or are networked (via LAN, WAN or otherwise) or which function as a client/server program, and which seeks compensation, in any form, from users. Computer Gaming and Internet Access

Business is synonymous with a personal computer ("PC") café, internet café, cyber café, sweepstakes gaming facilities, business center, internet sales business and internet center, but does not include a Public Use or Internet Learning Center as defined herein.

B. "Public Use or Internet Learning Business" shall mean an establishment that provides computer access which is operated by the City of Antioch, a school district, a library, a college district, or a private institution of learning which provides classes in computer instruction or a non-profit organization which does not receive compensation in any form other than school tuition.

§ 5-11.10 Computer Gaming and Internet Access Businesses - License required.

It is unlawful for any person to engage in, conduct or carry on, in or upon any premises or real property located within the City, the activities of an Computer Gaming and Internet Access Business, unless such person has been granted a valid license pursuant to the provisions of this chapter. A separate license shall be required for each location within the City where a Computer Gaming and Internet Access Business is to be established. Public Use or Internet Learning Business shall be exempt from the license requirements herein.

§ 5-11.11 Term of license.

The term of a Computer Gaming and Internet Access Business license, unless sooner suspended or revoked, shall be one year.

§ 5-11.12 Renewal of license.

A Computer Gaming and Internet Access Business license, issued pursuant to the provisions of this chapter, that has not been suspended or revoked, may be renewed, upon payment of the renewal application fee, for a period not to exceed one year upon written application to the community development director made at least sixty (60) days prior to the expiration date of the current valid license. This application for renewal of a license shall contain all of the information required by Section § 5-11.20 of this chapter and shall be processed in accordance with the provisions of this chapter.

§ 5-11.20 License application and issuance.

A. Any person desiring to obtain a license or to renew an existing license to operate a Computer Gaming and Internet Access Business shall file a written application with the Community Development Director. The application shall be signed under the penalty of perjury. Prior to submitting the application, a nonrefundable fee, in an amount established by resolution of the City Council,

shall be paid to the City to defray the cost of the investigation and issuance required by this chapter. The license issuance or renewal fee required under this chapter shall be in addition to any other license or fee required under this code.

B. Neither the filing of an application for a license or renewal thereof nor payment of an application or renewal fee shall authorize the operation of a Computer Gaming and Internet Access Business until such license has been granted or renewed.

C. Each applicant for a Computer Gaming and Internet Access Business license or renewal thereof shall furnish the following information:

1. The present or proposed address where the business is to be conducted;
2. The full and true name under which the business will be conducted;
3. The full and true name and any other names used by the applicant and owner of the business, if the owner is not the applicant;
4. The applicant and owner's present residential and business addresses and telephone numbers;
5. Each residential and business address of the applicant and the owner for the five-year period immediately preceding the date of filing the application and the inclusive dates of each address;
6. The California driver's license or identification number of the applicant and owner;
7. A precise description of the activities and/or services to be provided;
8. A detailed site and floor plan of the proposed business, depicting the building and unit proposed and including interior dimensions and off-street parking spaces required by the city's zoning code;
9. A detailed description of the food and beverage service, if any, that will be offered to patrons;
10. The dates and hours during which the Computer Gaming and Internet Access Business is desired to be conducted and a list of the fees to be charged patrons;

11. The name(s) of the person(s) responsible for the operation, management, and supervision of the Computer Gaming and Internet Access Business;

12. A statement as to whether the applicant, owner, or any person to be responsible for the operation, management, and supervision of the Computer Gaming and Internet Access Business has, within the past five (5) years, had any permit or license issued in conjunction with a Computer Gaming and Internet Access Business in any jurisdiction, and whether during that period the license was suspended or revoked. If so, then the application shall provide the name of the issuing agency and an explanation of the suspension or revocation;

13. Signature of the property owner indicating approval of the submission of the license application; and

14. Such other information as the Community Development Director may require to discover the truth of the matters required to be set forth in the application.

D. The applicant shall present proof to the Community Development Director that the required application or application renewal fee has been paid, and shall present the application containing the information and supporting documentation required by subsection C of this section. A copy of the application shall be distributed to the City's Planning and Building Divisions, the Police Department and the Fire District for review.

E. When any change occurs regarding the written information required by subsection C of this section to be included in the application, the applicant or license holder, as the case may be, shall give written notification of such change to the Community Development Director within five (5) business days of such change.

F. The Community Development Director shall have a reasonable time, not to exceed thirty (30) days to investigate the facts set forth in the application and to receive comments from the City's Planning and Building Departments, the Police Department and the Fire District. The Community Development Director shall, within sixty (60) days after the date of the filing of the application, grant the license or renewal thereof only if it is found that all of the following requirements have been met:

1. The required fees have been paid;
2. The application and all information contained therein conform in all respects to the provisions of this chapter;

3. The applicant has not knowingly made a material misrepresentation of fact in the application;

4. The proposed Computer Gaming and Internet Access Business would comply with this chapter and all other applicable city, county and state laws including, but not limited to, health, zoning, fire and safety requirements and standards, and that, as proposed, the Computer Gaming and Internet Access Business would not generate criminal activities, present unnecessary criminal opportunities, or cause violations of curfews by minors due to failure to comply with Federal or State law or the Municipal Code including but not limited to Operational Standards set forth below ;

5. The applicant is at least eighteen (18) years of age;

6. The Computer Gaming and Internet Access Business site and floor plan have been reviewed by the City's Planning and Building Departments and the Police Department and Fire District, which have approved the same as well as all fire and panic safety equipment required to be installed; all requirements of the Americans with Disabilities Act have been satisfied; and that the maximum occupancy has been established, will be posted and will not likely be exceeded based on the floor plan; and,

7. The Community Development Director has not received evidence that the applicant has, within the previous five (5) years, had any license or entitlement to operate a Computer Gaming and Internet Access Business revoked due to the applicant's commission of a crime or violation of the operational standards or conditions of approval applicable to a Computer Gaming and Internet Access Business; provided, however, a Computer Gaming and Internet Access Business license may be granted subject to additional conditions designed to preclude a recurrence of the events or activities causing the prior license revocation.

G. If the Community Development Director does not find that all of the requirements of subsection F of this section have been met, the application shall be denied.

1. In the event that an application for a license or renewal thereof is denied, written notice of the denial shall be given to the applicant within sixty (60) days after the date of the filing of the application specifying the ground(s) of the denial and a description of the hearing rights provided by Section § 5-11.20(G)(2), below. Notice of denial of the application may be personally served or served by first-class postage prepaid and addressed to the applicant at the address set forth in the application. Mailed notice shall be deemed received three (3) days after mailing.

2. The decision of the Community Development Director may be appealed by filing a written notice requesting a hearing within ten (10) calendar days of the decision of the Community Development Director. The appeal may be heard by a Hearing Officer (for purposes of this section, the term Hearing Officer shall mean the City Manager or a Hearing Officer appointed by the City Manager) or by the Board of Administrative Appeals, pursuant to Chapter 4 of Title 1 of the Municipal Code.

a. The hearing shall be conducted within forty-five (45) days of the request.

b. The hearing shall be conducted under such rules of procedure as are appropriate to quasi-judicial proceedings, provided that the applicant and the City shall be entitled to present relevant evidence, testify under oath, and call witnesses who shall testify under oath. The Hearing Officer/Board of Administrative Appeals shall not be bound by the statutory rules of evidence in the hearing. The applicant shall have the burden of proof that the Community Development Director's determination was wrong. The hearing shall be recorded so that a transcript of the hearing can be prepared by either party.

c. At the conclusion of the hearing, the Hearing Officer/Board of Administrative Appeals shall decide whether the grounds for denial, revocation or non-renewal exist. Within ten (10) days after the conclusion of the hearing, the Hearing Officer/Board of Administrative Appeals shall file with the City Clerk, together with the recording of the hearing, a written decision supported by written findings based on the evidence submitted and a statement of the order. A copy of the decision shall be forwarded by certified mail, postage prepaid, to the applicant by the City Clerk. The decision of the Hearing Officer/Board of Administrative Appeals shall become effective three (3) days after its mailing to the applicant unless timely appealed as provided in the following Section.

H. The decision of the Hearing Officer or Board of Administrative Appeals shall be final unless appealed to the City Council by the filing of a written appeal with the City Clerk by the City Manager or member of the Council within ten (10) calendar days of mailing of the decision. All such appeals shall be filed with the City Clerk and shall be public records. The City Council shall, at a duly noticed meeting within forty-five (45) days from the date the written appeal was filed, independently review the entire record, including the recording or transcript of the hearing and any oral or written arguments which may be offered to the City Council by the appellant. At the conclusion of the review, a majority of the City Council members present may decide to sustain the decision, modify the decision, or order the decision stricken and issue such order as the City Council finds is supported by the entire record. The lack of a majority to take action means that the decision of the Hearing Officer or Board of Administrative Appeals remains in effect. The action of the City Council shall be final and

conclusive, shall be rendered in writing within ten days, and shall be immediately mailed or delivered to the applicant.

I. Notwithstanding any provisions in this chapter regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided or may request a continuance regarding any decision or consideration by the City of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City or constitute failure by the City to provide for prompt decisions on applications.

J. The time for a court challenge to a decision under this section is governed by California Code of Civil Procedure § 1094.8 and notice of the City's decision and its findings shall include citation to California Code of Civil Procedure § 1094.8.

§ 5-11.30 Transfer of license.

Unless prior application is made, thereafter approved, and a license issued thereon, upon the sale or transfer of any interest in a Computer Gaming and Internet Access Business, the license shall immediately become null and void. A new application must be made and a new fee paid by any person desiring to own or operate the Computer Gaming and Internet Access Business. Any application involving the sale or transfer of any interest in an existing Computer Gaming and Internet Access Business, as well as any license which may thereafter be granted, shall be subject to the provisions of this chapter.

§ 5-11.40 Alterations to Computer Gaming and Internet Access Businesses.

A. A holder of a valid Computer Gaming and Internet Access Business license shall notify the Community Development Director, in writing, of any proposed change in the business location, floor plan or business name at least thirty (30) days prior to such change.

B. Nothing in this section shall excuse the owner of a Computer Gaming and Internet Access Business from obtaining all other approvals necessary to change a location, floor plan or business name, including but not limited to building permits.

§ 5-11.50 License revocation.

A. If the City finds that any person holding an Computer Gaming and Internet Access Business license has violated or allowed the violation of any of the provisions of this chapter or has conducted business in a manner that could

have been grounds for license denial, the license may be revoked following notice and a hearing.

B. No revocation shall become effective until the license holder has been notified in writing of the right to a hearing pursuant to the provisions of section § 5-11.20(G) of this chapter. Notice of the pending revocation and right to appeal shall be given to the license holder either by personal delivery or registered mail, addressed to the license holder at the address set forth in the license application. Mailed notice shall be deemed received three (3) days after mailing.

C. If a request for hearing is filed within ten (10) calendar days from the notice provided in subsection B above, the City shall conduct an appeal hearing as provided in section § 5-11.20(G) H, I and J, above. The revocation shall be stayed pending the decision, unless, in the determination of the City Manager, immediate suspension pending the hearing is necessary due to an immediate threat to the public health, safety or welfare. Otherwise, the revocation shall become effective upon expiration of the appeal period.

§ 5-11.60 Operational standards and regulations.

A. Prohibitions regarding Minors.

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

2. Minors (under 18 years of age), unless legally emancipated, shall not be permitted to enter or remain in a Computer Gaming and Internet Access Business during the hours of the Juvenile Protection Curfew of 11:01 p.m. through 5:00 a.m. seven nights a week, pursuant to Article 2 of Chapter 10 of Title 5 of the Antioch Municipal Code.

3. Signs shall be placed at the entrance of the business and inside the business setting forth these restrictions in lettering of at least two (2) inches in size.

B. Hours of Operation. The Computer Gaming and Internet Access Business shall not be open to customers, patrons or any member of the public between the hours of 12:00 a.m. and 8:00 a.m. on Friday, Saturday and Sunday or between the hours of 11:00 p.m. and 8:00 a.m. Monday through Thursday.

C. Interior Waiting Area. An interior waiting area with not less than five (5) seats shall be provided for customers waiting to use a computer. The number of seats shall be increased by one (1) for every five (5) additional

computers beyond twenty-five (25) computers in the business. No outside waiting or seating area is permitted.

D. No Smoking or Consumption of Alcoholic Beverages. No person shall be permitted to smoke or consume alcoholic beverages on the inside of the premises. The sale of cigarettes and alcohol on the premises is prohibited. No intoxicated or disorderly person shall be allowed to remain on the premises.

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

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

G. Surveillance System.

1. The Chief of Police may require a Computer Gaming and Internet Access Business operator to install a digital camera/video surveillance system on the premises in the event there are or have been repeated calls for police services relating to the premises including, but not limited to, assaults, public intoxication, vandalism, gang activity, weapons offenses, disturbances of the peace and juvenile crimes including truancy.

2. In the event of such a determination, the establishment shall maintain and operate a camera/video surveillance system during all business hours. The system shall cover the entire interior of the premises and all entrances to and exits from the establishment. Tapes/disks shall be kept a minimum of fourteen (14) calendar days, or as required by the Chief of Police. The owner shall permit a representative of the Police Department's office to inspect the tapes/disks during business hours.

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

H. Window Coverings. Window areas shall not be covered, tinted or made opaque in any way, or obscured in any way by landscaping, floor displays, equipment or the like, excepting during daylight hours when partial blinds or other equivalent window coverings may be used as long as the interior remains visible from the public right of way.

I. Security Guards.

1. The Chief of Police may require a specific Computer Gaming and Internet Access Business operator to provide a security guard(s) on the premises in the event there are repeated calls for police services relating to the premises including, but not limited to, assaults, gang activity, weapons offenses, disturbances of the peace and juvenile crimes including truancy.

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

3. The Chief of Police may require security guards to also patrol the exterior of the business and any parking lot areas.

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

J. No Adult Entertainment Business or Adult Boutique. Any access to adult entertainment oriented web sites, as defined in section 9-5.203 of this code, is prohibited unless specifically permitted under sections 9-5.3808 or 9-5.3808.1 of this code.

K. No Other Amusement Devices. No pool tables or other amusement devices not directly related to the internet and similar computer devices shall be permitted in the business.

L. No Tournaments. No gaming tournaments for cash prizes deemed to be gambling under the provisions of State Law shall be permitted.

M. Interior Signs. User rates and other fees must be conspicuously posted on the premises.

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

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

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

Q. Alarm System. The Chief of Police may require a specific Computer Gaming and Internet Access Business operator to install an alarm system that distinguishes between a burglary and a robbery. The system shall monitor twenty-four hours per day. All public entrance and exit doors to the business shall have electronic monitoring system that produce a sound when a person transverses the doorway. If required by the Chief of Police, the system shall be electronically connected with the police department if activated.

R. Number of Computers. The number of computers or similar devices in a Computer Gaming and Internet Access Business shall not exceed thirty square feet of floor area per computer of the floor area that is dedicated to the placement of computers for rent or charge.

§ 5-11.70 Abatement of nuisance.

Any Computer Gaming and Internet Access Business operated, conducted or maintained contrary to the provisions of this chapter shall be and hereby is declared to be unlawful and a public nuisance, and the City may, in addition to or in lieu of any other remedy, commence an action or proceeding for the abatement, removal or enjoyment thereof, and may take such other steps and may apply to such court or courts as may have jurisdiction to grant such relief to abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining a Computer Gaming and Internet Access Business contrary to the provisions of this chapter.

§ 5-11.90 Penalty.

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating, permitting or causing the violation of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in

section 1-2.01 of this code, or any successor provision thereto. Each person shall be deemed guilty of a separate offense for each and every day, or any portion thereof, during which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be deemed punishable therefore as provided in this section.

§ 5-11.90 License fees.

The City Council shall, by resolution, set a fee for application for a Computer Gaming and Internet Access Business license. Until such fee is set, the application fee shall be the minimum fee currently established for the application extension fee in the City's Master Fee Schedule."

SECTION 3. Compliance for Existing Business; Time. It is the desire and intent of the City Council that any and all existing and legal Computer Gaming and Internet Access Businesses come into compliance with the terms of this Ordinance as rapidly as possible and that all applications, review and decisions be processed on an expedited basis. Within fourteen (14) calendar days of the effective date of this ordinance, every existing Computer Gaming and Internet Access Business shall file a statement with the Community Development Director evidencing its compliance with all provisions of this chapter and providing all information as provided in § 5-11.20. The review and determination of the Community Development Director shall be provided within fourteen (14) days of the filing of the application. In the event that the license requires the installation of improvements at the business (e.g., lighting, surveillance, etc) all such improvements shall be installed per a schedule agreed by the Community Development Director; however, not to exceed twenty-one (21) days following the determination of the Community Development Director on the license application.

SECTION 4. CEQA. This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guideline section 16061 (b) (3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

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

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

SECTION 7. 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 on 28th day of February, 2012 and adopted at a regular meeting of the City Council of the City of Antioch on the 13th day of March, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

James D. Davis, Mayor of the City of Antioch

ATTEST:

Denise Skaggs, City Clerk of the City of Antioch

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

Prepared by: Tina Wehrmeister, Community Development Director *TW*
Date: March 8, 2012
Subject: Adoption of the 2010 Fire Code and Adopting by Reference Ordinance No. 2010-15 of the Contra Costa County Fire Protection District with Local Findings and Amendments

RECOMMENDATION

It is recommended the City Council adopt the attached ordinance amending Chapter 15 of Title 8 of the Antioch Municipal Code, adopting by reference Ordinance No. 2010-15 of the Contra Costa County Fire Protection District and the 2010 California Fire Code with amendments.

BACKGROUND INFORMATION

The attached ordinance was introduced by the Council on February 28, 2012. The Council made no changes to the ordinance at this meeting.

FINANCIAL IMPACT

None.

OPTIONS

None, the recommended action is consistent with the City Council's introduction of the ordinance on February 28, 2012.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING CHAPTER 15 OF TITLE 8 "FIRE CODE" OF THE ANTIOCH MUNICIPAL
CODE, ADOPTING BY REFERENCE ORDINANCE NO. 2010-15 OF THE CONTRA
COSTA COUNTY FIRE PROTECTION DISTRICT AND THE 2010 CALIFORNIA FIRE
CODE WITH AMENDMENTS**

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

SECTION 1. Findings.

A. The California Building Standards Commission approved and published the 2010 edition of the California Building Standards Code, which includes the 2010 California Fire Code, on July 1, 2010 and became effective on January 1, 2011.

B. California Health and Safety Code sections 17958.7 and 18941.5(b) provide that cities and counties may make modifications or changes to the building standards contained in the California Building Standards Code "upon an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions."

C. The City of Antioch is within the jurisdiction of the Contra Costa County Fire Protection District.

D. The Board of Supervisors for the County of Contra Costa, acting as the Board of Directors for the Contra Costa County Fire Protection District, has adopted *Findings of Need for Changes or Modifications in the 2010 California Building Standards Code, Title 24, Part 9, California Fire Code Due to Local Conditions*, attached hereto as Exhibit A and incorporated herein by this reference, that conclude more restrictive California Fire Code standards are reasonably necessary because of specified local climatic, geological or topographical conditions.

E. Pursuant to the attached findings, the Contra Costa County Fire Protection District approved Ordinance No. 2010-15 (Exhibit B) adopting the 2010 California Fire Code and making certain amendments thereto to address local conditions.

F. The City desires to adopt that ordinance making certain additional amendments thereto to address local conditions, as set forth below.

G. Pursuant to Health and Safety Code sections 17958, 17958.5, and 17958.7, and 18941.5, the additional amendments are reasonably necessary because of the local climatic, geological, and topographical conditions set forth in Exhibit A.

SECTION 2. Chapter 15 of Title 8 of the Antioch Municipal Code is hereby amended to read in its entirety as follows:

Sec. 8-15.01. Adoption of the 2010 California Fire Code with Amendments of the Contra Costa County Fire Protection District.

The 2010 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2009 International Fire Code published by the International Code Council]), including Chapters 1-45 and 47-49, Appendix Chapter 4, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, and Appendix J are adopted by reference and shall be controlling and enforceable within the jurisdictional boundaries of the City.

In addition, those amendments to the California Fire Code adopted by the Contra Costa County Fire Protection District pursuant to Ordinance Number 2010-15 are adopted by reference and shall be controlling and enforceable within the jurisdictional boundaries of the City. Copies of the 2010 California Fire Code and Contra Costa Fire Protection District Ordinance 2010-15 are on file with the Community Development Department.

Sec. 8-15.02 Local Amendments to CCCFPD Ordinance No. 2010-15.

Section 105.7.21 is amended to add the following exception:

105.7.21 Solar photovoltaic power systems. A construction permit is required to install or modify solar photovoltaic power systems.

Exception: Detached Group U non-habitable structures such as parking shade structures, carports, solar trellises, similar type structures, and Group R-3 Occupancies where less than 50% of the roof area is covered with solar panels are not subject to the requirements of this section.

Sec. 8-15.03 Enforcement of the 2010 California Fire Code as Amended.

The Fire Chief of the Contra Costa County Fire Protection District or designee is authorized to enforce the Fire Code as amended within the boundaries of the City.

SECTION 3. Only Section 2 of this Ordinance shall be codified in the Antioch Municipal Code.

SECTION 4. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption. The ordinance or summary shall be posted and published in a newspaper of general circulation printed and published in the City of Antioch as set forth in State Law.

ORDINANCE NO.

Page 3 of 3

* * * * *

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 February, 2012, and passed and adopted at a regular meeting thereof, held on the 13th day of March, 2012.

AYES:

NOES:

ABSENT:

James D. Davis, Mayor of the City of Antioch

ATTEST:

Denise Skaggs, City Clerk of the City of Antioch

EXHIBIT A

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT FINDING OF NEED FOR CHANGES OR MODIFICATIONS IN THE 2010 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, PART 9, CALIFORNIA FIRE CODE DUE TO LOCAL CONDITIONS

I. Changes or Modifications

Pursuant to Section §17958 of the State of California Health and Safety Code, the Board of Directors of the Contra Costa County Fire Protection District, in its ordinance adopting and amending the 2010 California Building Standards Code, Title 24, Part 9, California Fire Code, changes, modifies, and amends Section 903.1 through Section 907.8.5.

II. Finding

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

A. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

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

(b) Impact

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

Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Temperature

(a) Conditions

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

(b) Impact

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

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

3. Winds

(a) Conditions

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

(b) Impact

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

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

4. Summary

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

B. Geological and Topographic

1. Seismicity

(a) Conditions

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

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

Because of the size of the Contra Costa County Fire Protection District (304 Square miles) the characteristics of the fire environment changes from one location to the next. Therefore the District has not one, but a number of fire environments, each of which has its individual fire protection needs from two major oil refineries, to heavy industrial facilities, freeways, rail lines, waterways, port facilities, wildland areas, urban and suburban town settings and major downtown areas.

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

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

(b) Impact

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

2. Soils

(a) Conditions

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

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

3. Topographic

(a) Conditions

i. Vegetation

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

District and in the past 15 years development has spread into the hills, valleys and ridge lands of the District.

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

ii. Surface Features

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

iii. Buildings, Landscaping and Terrain

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

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

(b) Impact

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

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extents of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic conditions (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.

6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingles coverings could result in conflagrations.

III. Summary

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

Therefore, based on the findings declared in this document, it is found reasonably necessary that the 2010 California Fire Code be changed or modified to mitigate the effects of the above conditions.

The changes and/or modifications to the 2010 California Fire Code, as expressed in Contra Costa County Fire Protection District Ordinance #2010-15, are found to be necessary to mitigate the above described impacts which are caused by the above described local climatic, geological and topographic conditions.

Ordinance #2010-15 is attached in its entirety.

EXHIBIT B

ORDINANCE NO. 2010-15

FIRE CODE

ORDINANCES OF THE COUNTY OF CONTRA COSTA, THE CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT, AND THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT ADOPTING THE 2010 CALIFORNIA FIRE CODE WITH AMENDMENTS.

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

SECTION 1. ADOPTION OF THE CALIFORNIA FIRE CODE.

Contra Costa County, the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District hereby adopt the 2010 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2009 International Fire Code published by the International Code Council]), including Chapters 1-45 and 47-49, Appendix Chapter 4, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, and Appendix J, as amended by the changes, additions and deletions set forth in this ordinance. The 2010 California Fire Code, with the changes, additions, and deletions set forth this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of the fire code are controlling and enforceable within the limits of each jurisdiction.

SECTION 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.

The 2010 California Fire Code is amended by the changes, additions and deletions set forth in this Section 2. Chapter and Section numbers used below are those of the 2010 California Fire Code.

Chapter 1. Administration.

Section 101.1 is amended to read:

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

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

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

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

Section 105.6 is amended to read:

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

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

105.6.48 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 1418.

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

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

105.6.51 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 33 of this code.

105.6.52 Model rockets. A permit is required to sell or launch model rockets pursuant to California Code of Regulations, Title 19, Division 1, Article 17.

105.6.53 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 1412.1.

105.6.54 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 25.

Section 105.7 is amended to read:

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

Section 105.7 is amended by adding sections 105.7.15 through 105.7.21 as follows:

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

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

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

105.7.17 Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 3006.

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

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

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

105.7.21 Solar photovoltaic power systems. A construction permit is required to install or modify Solar photovoltaic power systems.

Section 108.1 is amended to read:

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

Section 108.3 is deleted.

Section 109.3 is amended in its entirety to read:

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

Section 111.4 is amended to read:

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

Chapter 2. Definitions

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

Administrator. Fire Chief.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 3. General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 318.

Section 304.1.4 is added to read:

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

Section 308.1.4 Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 318 is added to Chapter 3, to read:

318 Exterior Fire Hazard Control.

318.1 General.

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

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

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

318.2 Definitions.

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

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

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

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

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

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

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

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

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement undertaken and administrative costs pursuant to Section 318.5 of this Ordinance.

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

318.4 Abatement of Hazard.

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

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

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

318.5 Abatement Procedures.

318.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and 318.2. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

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

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

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

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

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

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

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

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

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

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

318.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 318.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 318.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

318.7 Subsurface Fires.

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

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

Section 319 is added to Chapter 3 to read:

319 Automobile Wrecking Yards.

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

319.2 Definitions.

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

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

319.3 Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 4. Emergency Planning and Preparedness.

Section 401.3.1 is amended by adding a new subsection 401.3.1.1 to read:

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

Chapter 5. Fire Service Features.

Section 503.1 is amended to add subsection 503.1.4 to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall

provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

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

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

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

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

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

Section 510.1.1 is added to read:

Section 510.1.1 Emergency Responder Radio Installation. Installations of emergency responder radios shall be in accordance with Appendix J of this code.

Chapter 6. Building Services and Systems.

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

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

Section 605.11 is added to Chapter 6 to read:

605.11 Solar Photovoltaic Power Systems. Solar photovoltaic power systems shall be installed in accordance with this code, the California Building Code and California Electrical Code.

Exception: Detached Group U non-habitable structures such as parking shade structures, carports, solar trellises, similar type structures, and Group R-3 Occupancies where less than 50% of the roof area is covered with solar panels are not subject to the requirements of this section.

605.11.1 Marking. Marking is required on all interior and exterior DC conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes, and disconnects.

605.11.1.1 Materials. The materials used for marking shall be reflective, weather resistant and suitable for the environment. Marking as required in sections 605.11.1.2 through 605.11.1.4 shall have all letters capitalized with a minimum height of 3/8 inch (9.5 mm) white on red background.

605.11.1.2 Marking content. The marking shall contain the words “WARNING: PHOTOVOLTAIC POWER SOURCE”

605.11.1.3 Main service disconnect. The marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect is operated.

605.11.1.4 Location of Marking. Marking shall be placed on all interior and exterior DC conduit, raceways, enclosures and cable assemblies every 10 feet (3048 mm) within 1 foot (305 mm) of all turns or bends and within 1 foot (305 mm) above and below all penetrations of roof/ceiling assemblies and all walls and/or barriers.

605.11.2 Locations of DC conductors. Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub arrays and to DC combiner boxes shall be installed in a manner that minimizes total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays. DC wiring shall be installed in metallic conduit or raceways when located within enclosed spaces in a building. Conduit shall run along the bottom of load bearing members.

605.11.3 Access and pathways. When a solar photovoltaic power system installed on a roof, roof access, pathways, and spacing requirements shall be provided in order to ensure access to the roof; provide pathways to specific areas of the roof; provide for smoke ventilation operations; and to provide emergency egress from the roof.

Exceptions:

1. Requirements relating to ridge, hip, and valleys do not apply to roofs with slopes with a ratio of two units vertical to twelve units horizontal (2:12) or less.
2. Residential structures shall be designed so that each array is no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in either axis.
3. The fire chief may allow panels/modules to be located up to the ridge when an alternative ventilation method acceptable to the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

605.11.3.1 Roof access. When a solar photovoltaic power system is installed on a roof, roof access must be provided in an area that does not place ground ladders over openings such as windows or doors, and at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires, or signs.

605.11.3.2 Residential systems for one- and two-family residential dwellings. A solar photovoltaic power system installed on the roof of a one- or two-family residential dwelling shall be installed in accordance with Sections 605.11.3.2.1 through 605.11.3.2.4

605.11.3.2.1 Residential buildings with hip roof layouts. Panels /modules shall be located in a manner that provides a 3 foot (914 mm) wide clear access pathway from the eave to the ridge on each roof slope where panels/modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

605.11.3.2.2 Residential buildings with a single ridge. Panels/modules shall be located in a manner that provides two three-foot (3') wide access pathways from the eave to the ridge on each roof slope where panels/modules are located.

605.11.3.2.3 Hips and Valleys. Panels/modules shall be located no closer than 18 inches (457 mm) to a hip or valley if panels/modules are to be placed on both sides of a hip or valley. If the panels are to be located on only one side of a hip or valley that is of equal length then the panels may be placed directly adjacent to the hip or valley.

605.11.3.2.4 Smoke Ventilation. Panels/modules shall be located no higher than 3 feet (914 mm) below the ridge in order to allow for fire department smoke ventilation operations.

605.11.3.3 All other occupancies. A solar photovoltaic power system installed on the roof of any occupancy other than a one- or two-family residential dwelling shall be installed in accordance with 605.11.3.3.1 through 605.11.3.3.3.

Exception: Where it is determined by the fire code official that the roof configuration is similar to a one- or two-family dwelling, the fire code official may approve the residential access and ventilation requirements provided in 605.11.3.2.1 through 605.11.3.2.4.

605.11.3.3.1 Access. There shall be a minimum 6 foot (1829 mm) wide clear perimeter around the edges of the roof.

Exception: If either axis of the building is 250 feet (76 200 mm) or less, there shall be a minimum four 4 foot (1290 mm) wide clear perimeter around the edges of the roof.

605.11.3.3.2 Pathways. The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements:

1. The pathway shall be over areas capable of supporting the live load of fire fighters accessing the roof
2. The center line axis pathways shall be provided in both axes of the roof. Center line axis pathways shall run where the roof structure is capable of supporting the live load of firefighters accessing the roof.
3. There shall be a straight pathway, at least four feet (1290 mm) wide, clear to each skylight and/or ventilation hatch.
4. There shall be a straight pathway, at least four feet (1290 mm) wide, clear to each roof standpipe.
5. There shall be a straight pathway, at least four feet (1290 mm) wide, around each roof access hatch, with at least one pathway at least four feet (1290 mm) wide, clear to each parapet or roof edge.

605.11.3.3.3 Smoke Ventilation. The solar installation shall be designed to meet the following requirements:

1. Arrays shall be no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in distance in either axis in order to create opportunities for smoke ventilation operations.
2. Smoke ventilation options between array sections shall be one of the following:
 - 2.1. A pathway 8 feet (2438 mm) or greater in width;
 - 2.2. A 4 foot (1290 mm) or greater in width pathway and bordering roof skylights or smoke and heat vents;
 - 2.3. A 4 foot (1290 mm) or greater in width pathway and bordering 4 foot (1290 mm) x 8 foot (2438 mm) “venting cutouts” every 20 feet (6096 mm) on alternating sides of the pathway

605.11.4 Ground mounted photovoltaic arrays. Ground mounted photovoltaic arrays shall be installed to comply with Sections 605.11 through 605.11.2 and this section. Access and pathway requirements do not apply to ground-mounted, free standing photovoltaic arrays. A clear brush area of 10 feet (3048 mm) is required for ground mounted photovoltaic arrays.

Chapter 8. Interior Finish, Decorative Materials and Furnishings.

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

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

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

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

Chapter 9. Fire Protection Systems.

Section 901.6.2.2 is added to read:

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

Section 902 is amended to add:

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

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

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

1. The fire area exceeds 5000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

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

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

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

1. The fire area exceeds 5000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

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

903.2.3 Group E. Except as provided for in Section 903.2.3.1 for a new public school campus an automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5000 square feet in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

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

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

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

1. A Group F-1 fire area exceeds 5000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

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

1. A Group M fire area exceeds 5000 square feet.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10000 square feet
4. A Group M occupancy is used for the display and sale of upholstered furniture.
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.

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

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

1. A Group S-1 fire area exceeds 5000 square feet
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10000 square feet.

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

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5000 square feet.
2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5000 square feet
3. Buildings with repair garages servicing vehicles parked in basements.

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

1. Where the fire area of the enclosed parking garage exceeds 5000 square feet; or
2. Where the enclosed parking garage is located beneath other occupancy groups.

Section 903.3.1.1.2 is added to read:

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

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

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

Section 903.3.8 is added to read:

903.3.8. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies

Section 903.4.2 is amended to read:

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

Section 903.6 is amended by adding subsections 903.6.3 and 903.6.4 to read:

903.6.3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs *and* the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.1.

903.6.4 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 912.5 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). R-3.x occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.5.4 is added to read:

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

Section 907.6.2.3.1 is amended to read:

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

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

Section 907.7.5 is amended to read:

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

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

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

Section 907.8.4 is added to read:

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

Section 907.8.5 is added to read:

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

Chapter 10. Means of Egress.

Section 1027.6 is amended by adding a new subsection 1027.6.1, to read:

1027.6.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 14. Fire Safety During Construction and Demolition.

Section 1401.3 is added to read:

1401.3 Permits. Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 1418 is added to read:

Section 1418 Asbestos removal.

1418.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 1418.

Exception: Section 1418 does not apply to the removal of asbestos from:

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

1418.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

1418.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

1418.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 27. Hazardous Materials – General Provisions.

Section 2701.5 is amended by adding subsection 2701.5.3 to read:

2701.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other

information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 2703.9.1 is amended by adding subsection 2703.9.1.2 to read:

2703.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 33 Explosives and Fireworks.

Section 3301 is amended to add Sections 3301.2, 3301.3, 3301.4 and 3301.5, to read:

3301.2 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited.

Exceptions:

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

3301.2.1 Prohibited and Limited Acts. The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 3301.8.1 and 3301.8.1.1.

3301.3 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of the California Code of Regulations, Title 19, Chapter 6, Article 17 and, when applicable, NFPA 1122, NFPA 1125, and NFPA 1127.

3301.3.1 Ammonium nitrate. The storage and handling of ammonium nitrate shall comply with the requirements of Chapter 40 and NFPA 490.

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

3301.4 Residential uses. No person shall keep or store, nor shall any permit be issued to keep or store, any explosives, fireworks or pyrotechnic material at any place of habitation, or within 100 feet (30 480mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 3306.

3301.5 Sale and retail display. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials is prohibited.

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

Section 3308 is amended by adding Sections 3308.2 and 3308.3 to read:

3308.2 Permit required. A permit is required to conduct an aerial display in accordance with California Code of Regulations, Title 19, Chapter 6. (See Chapter 1, Section 105.6.52.)

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

3308.3 Financial responsibility. Before a permit is issued pursuant to Section 3308.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Chapter 34. Flammable and Combustible Liquids.

Section 3404.2.9.6.1 is amended to read:

3404.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

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

Section 3406.2.4.4 is amended to read:

3406.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 35. Flammable Gases and Flammable Cryogenic Fluids.

Section 3506.2 is amended to read:

3506.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with section 3506.3 or 3506.4.

Chapter 38. Liquefied Petroleum Gases.

Section 3803.2.1.7 is amended in its entirety to read:

3803.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A or Group B occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the International Fuel Gas Code, the International Mechanical Code, and NFPA 58.

Section 3804.2 is amended to read:

3804.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Appendix B. Fire-Flow Requirements for Buildings.

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

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

Appendix C. Fire Hydrant Locations and Distribution.

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

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

Appendix D. Fire Apparatus Access Roads

Section D102.1 is amended to read:

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

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

Section D103.1 is deleted in its entirety.

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

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

Section D103.2.1 is added to read:

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

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

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

ORDINANCE CONTINUES ON NEXT PAGE

Table D103.4 is amended to read:

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

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

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

Figure D103.1 is amended to read:

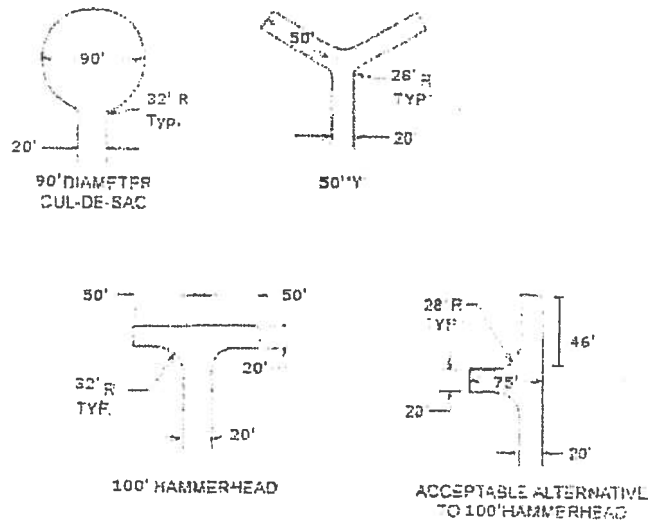


Figure D103.1
Dead-end Fire Apparatus Access Road Turnaround

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

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

Section D103.6.1 is amended to read:

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

Section D103.6.2 is amended to read:

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

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

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

Section D106.2 is deleted in its entirety.

SECTION 3. REPEAL OF FIRE CODE.

Ordinance No. 2007-47, adopting the 2007 California Fire Code with amendments, is hereby repealed.

SECTION 4. VALIDITY.

The Contra Costa County Board of Supervisors declares that if any section, paragraph, sentence or word of this ordinance or of the 2010 California Fire Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination here from any portion or provision as may be declared invalid.

SECTION 5. MORE RESTRICTIVE REQUIREMENTS.

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

SECTION 6. EFFECTIVE DATE.

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

Passed on December 7 2010, by the following vote:

AYES: Wilkema, Piepho, Howe

NOES: None

ABSENT: Isioia

ABSTAIN: District IV seat is vacant

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

Wayne P. Wilkema
Board Chair

By: Jane Miller
Deputy



I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 13, 2010
DAVID TWA, Clerk of the Board
of Supervisors and County Administrator
By: Katherine Sinclair Deputy

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

Prepared by: Tina Wehrmeister, Community Development Director *tw*
Date: March 8, 2012
Subject: Healthy Eating Active Living Cities Campaign

RECOMMENDATION

Motion to adopt the attached resolution.

DISCUSSION

This item was placed on the agenda at the request of Councilmember Rocha.

The Healthy Eating Active Living Cities Campaign (HEAL) provides training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retail food environments in an effort to address the obesity epidemic among California's children and adults. HEAL is asking cities to adopt a resolution of support to join the campaign. As of late February, over 100 cities have joined. More information can be found at: www.healcitiescampaign.org.

FISCAL IMPACT

None. The proposed resolution states that the City will consider healthy living and eating choices when making future policy decisions such as General Plan updates. No commitment to expend staff time to revised current policies is required.

OPTIONS

Do not adopt the resolution.

ATTACHMENTS

None.

RESOLUTION NO. 2012/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
SUPPORTING HEALTHY EATING AND LIVING CHOICES**

WHEREAS, in 2004, the League of California Cities adopted an Annual Conference resolution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise; and

WHEREAS, the League of California Cities has a strategic goal to promote and develop safe and healthy cities; and

WHEREAS, in July 2010 the League of California Board of Directors resolved to partner with and support the national *Let's Move Campaign*, and encourages California cities to adopt preventative measures to fight obesity; and

WHEREAS, on November 18, 2011, the League of California Cities Board of Directors unanimously voted to encourage 100% board participation in the HEAL Cities Campaign; and

WHEREAS, more than half of California's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, and, hypertension; and

WHEREAS, more children are being diagnosed with diseases linked to overweight and obesity previously seen only in adults, such as Type 2 diabetes and heart disease; and

WHEREAS, the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

WHEREAS, obesity takes a tremendous toll on the health and productivity of all Californians;

WHEREAS, the annual cost to California—in medical bills, workers compensation and lost productivity— for overweight, obesity, and physical inactivity exceeds \$41 billion;

WHEREAS, teens and adults who consume one or more sodas or sugar sweetened beverages per day are more likely to be overweight or obese;

WHEREAS, local land use policy governs development of the built environment in which individuals make personal nutrition and physical activity choices; and

RESOLUTION NO. 2012/**

March 13, 2012

Page 2

WHEREAS, supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

WHEREAS, the City Council recognizes efforts and policy decisions of this and previous Councils to create a healthy community including but not limited to General Plan objectives and policies to create a safe transportation system for all modes of transportation including walking and biking, reducing dependence on the automobile, and providing a range of recreational opportunities.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recognizes that obesity is a serious public health threat to the health and wellbeing of adults, children and families and recognizes that significant societal and environmental changes are needed to support individual efforts to make healthier choices;

BE IT FURTHER RESOLVED, that the Antioch City Council supports local and regional efforts to improve our citizen's health and wellness and supports and will consider local policies and programs that create comprehensive community wellness.

* * * * *

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 13th day of March 2012, by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, CITY CLERK

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR CONSIDERATION AT
THE COUNCIL MEETING OF MARCH 13, 2012**

FROM: Deborah McHenry, Human Resources

DATE: March 7, 2012

**SUBJECT: RESOLUTION APPROVING LETTER OF UNDERSTANDING FOR THE
ANTIOCH POLICE OFFICERS' ASSOCIATION**

RECOMMENDATION

Adopt Resolution Approving Letter of Understanding for the Antioch Police Officers' Association.

BACKGROUND

Staff is bringing to the City Council for its consideration a Letter of Understanding between the City of Antioch and the Antioch Police Officers' Association.

Council has directed staff to meet with employee groups and unions in order to implement a number of items that would assist the City in addressing its revenue shortfall. While agreements have been reached, the continued economic decline and revenue shortfall has resulted in the need to seek additional concessions and cost saving measures from the employee groups and unions. Based on the direction provided by Council, a Letter of Understanding with the Antioch Police Officers' Association, which will be incorporated into the Memorandum of Understanding, is being presented for your approval.

Important Points:

- Article XV - Term
 - Extended to August 31, 2016

- Article VI – Compensation A. Salaries
 - Salary increases to be eliminated
 - September 2009 – 4.8%
 - September 2010 – 2.88%
 - March 2011 – 0.9%
 - September 2011 – 2.0%
 - September 2012 – 2.0%

TOTAL – 12.58%
 - Salary increases
 - Sworn
 - Effective the first pay period after March 1, 2012, salaries shall be increased by 6.0%.
 - Effective the first pay period after March 1, 2013, salaries shall be increased by 3.0%.

- Effective the first pay period after September 1, 2013, salaries shall be increased by 4.0%.
 - Effective the first pay period after September 1, 2014, salaries shall be increased between a minimum of two percent (2%) and a maximum of four and one-quarter percent (4.25%) based upon the existing four-city formula.
 - Effective the first pay period after September 1, 2015, salaries shall be increased between a minimum of two percent (2%) and a maximum of five percent (5%) based upon the existing four-city formula.
 - Non-Sworn (Dispatch and CSO)
 - Effective the first pay period after March 1, 2012, salaries for non-sworn employees shall be increased by 5.0%.
 - Effective the first pay period after March 1, 2013, salaries shall be increased by 3.0%.
 - Effective the first pay period after September 1, 2013, salaries shall be increased by 4.0%.
 - Effective the first pay period after September 1, 2014, salaries for non-sworn employees shall receive a salary increase based on the higher CPI-U or CPI-W San Francisco movement August 2013 to August 2014 with a minimum of 2.0% and a maximum of 4.25%.
 - Effective the first pay period after September 1, 2015, salaries for non-sworn employees shall receive a salary increase based on the higher CPI-U or CPI-W San Francisco movement August 2014 to August 2015 with a minimum of 2.0% and a maximum of 5.0%.
- Article IX – Retirement A. Public Employees’ Retirement System
 - Formula modification
 - 3.0% @ 55 (implemented as soon as possible for new hires)
 - 3 year average
 - 2.0% COLA
 - Maintain current survivor benefits
 - Employee contribution to the Employer portion of PERS
 - Sworn and Non-Sworn employees shall continue their 3.0% contribution for the City’s portion of PERS.
 - Sworn employees
 - Effective the first pay period after March 1, 2012, the employee shall pay an additional 6.0% of the City’s PERS contributions in a tax deferred manner. (Total 9.0%)
 - Non-Sworn employees (Dispatch and CSO)
 - Effective the first pay period after March 1, 2012, the employee shall pay an additional 5.0% of the City’s PERS contributions in a tax deferred manner. (Total 8.0%)
 - The City or the Association may request that the section regarding retirement may be reopened during the term of this MOU, with written notice to the other party. The reopener may only be exercised to address PERS rules and or regulation modifications or the implementation of statues which impact retirement benefits.
- Article IX Retirement C. Deferred Compensation
 - All City contributions shall be eliminated.

- Article VI Compensation N. FTO/CTO Pay
 - Communication Training Officer (Dispatch only)
 - Effective the first pay period after March 1, 2012, compensation for training shall be increased to 5.0%.
- Article X Education B. Certificate/Attainment Incentive Pay
 - Education (Dispatch only)
 - Effective the first pay period after March 1, 2012, Non-Sworn employees shall receive incentive pay as follows:

Position	AA/Intermediate Certificate	BA/Advanced Certificate
Police Dispatcher	\$55.00 per month	\$85.00 per month
Lead Dispatcher	\$60.00 per month	\$90.00 per month

- Effective the first pay period after January 1, 2015, Non-Sworn employees shall receive incentive pay as follows:

Position	AA/Intermediate Certificate	BA/Advanced Certificate
Police Dispatcher	\$70.00 per month	\$100.00 per month
Lead Dispatcher	\$75.00 per month	\$105.00 per month

FINANCIAL IMPACT

Please see attached

OPTIONS

- Approve the attached Resolution.
- Take no action.

ATTACHMENTS

Financial Impact
Resolution

FINANCIAL IMPACT

Fiscal Year	Savings from Elimination of Contractual Salary Increase	Increased Costs Due to Negotiated Salary and Benefit Enhancements	Total Savings	Total Cost to City
2012	\$1,355,200	\$91,300	\$1,263,900	
2013	\$1,749,600	\$511,100	\$1,238,500	
2014	\$1,799,000	\$1,323,000	\$476,000	
2015	\$1,799,000	\$1,982,500		\$183,500
2016	\$1,799,000	\$2,841,200		\$1,042,200

TOTAL SAVINGS TO THE CITY: \$1,752,700

RESOLUTION NO. 2012/

**RESOLUTION APPROVING LETTER OF UNDERSTANDING
FOR THE ANTIOCH POLICE OFFICERS' ASSOCIATION**

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

That the Letter of Understanding, regarding wages and fringe benefits for members of the Antioch Police Officers' Association, is approved and the City's representatives are authorized and directed to sign the document on behalf of the City.

* * * * *

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 13th day of March, 2012, by the following vote:


AYES:


NOES:

ABSENT:

CITY CLERK OF THE CITY OF ANTIOCH

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

PREPARED BY: Scott Buenting, Associate Engineer 

REVIEWED BY: Phil Harrington, Director of Capital Improvements/Water Rights 

DATE: March 6, 2012

SUBJECT: Resolution Accepting Work and Authorizing the Director of Capital Improvements to File a Notice of Completion for the Putnam Street/Contra Loma Boulevard/Hillcrest Avenue Pavement Rehabilitation (P.W. 392-26)

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution accepting work, authorizing the Director of Capital Improvements to File a Notice of Completion and authorizing the Director of Finance to amend the existing contract with MCK Services, Inc. in the amount of \$129,193.00 and to make a retention payment of \$214,220.60 to be paid 35 days after recordation of the Notice of Completion.

BACKGROUND INFORMATION

On August 10, 2010, the City Council adopted a resolution authorizing Staff to apply for federal funding through the Surface Transportation Program (STP) for the rehabilitation of Hillcrest Avenue from State Route 4 to Davison Drive, Putnam Street from 'G' Street to Gentrytown Drive and Contra Loma Boulevard from Putnam Street to James Donlon Boulevard. The construction cost of this project was estimated to be \$2,200,000. The Capital Improvements budget was amended to include Gas Tax funding for this project in the amount of \$294,000 with the federal grant providing an additional \$1,907,000.

On July 26, 2011, the City Council awarded a contract to MCK Services, Inc. of Concord in the amount of \$2,013,013.00 to perform the roadway rehabilitation. Additional work performed under this contract included the removal and replacement of deteriorating, damaged and uneven curb, gutter and sidewalk adjacent to the areas of roadway rehabilitation, reinstallation of traffic sign facilities and placement of new traffic striping and pavement markings.

On March 5, 2012 the contractor completed all work associated with this project.

FINANCIAL IMPACT

The final contract price for this project is \$2,142,206.04. The final contract price varies from the amount awarded predominately due to expanded roadway repairs and additional replacement of concrete curb, gutter and sidewalk adjacent to the areas of roadway rehabilitation. Funding for this project is provided through a Surface Transportation Program (STP) federal grant in the amount of \$1,907,000 and \$235,206.04 in Gas Tax funds.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

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

SB:lm

3-13-12

RESOLUTION NO. 2012/**

**RESOLUTION ACCEPTING WORK AND AUTHORIZING THE
DIRECTOR OF CAPITAL IMPROVEMENTS
TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL
PAYMENT TO MCK SERVICES, INC.
FOR THE PUTNAM STREET/CONTRA LOMA BOULEVARD/HILLCREST AVENUE
PAVEMENT REHABILITATION
(P.W. 392-26)**

WHEREAS, the Director of Capital Improvements for said City has certified the completion of all work provided to be done under and pursuant to the contract between the City of Antioch and MCK Services, Inc. and;

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

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

1. The above-described work is hereby accepted.
2. The Director of Capital Improvements is directed to execute and file for record with the County Recorder, County of Contra Costa, a Notice of Completion thereof.
3. The Director of Finance is hereby directed to pay the Contractor a retention payment of \$214,220.60 to be paid 35 days after recordation of the Notice of Completion.

* * * * *

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 13th day of March, 2012 by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

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

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

NOTICE OF COMPLETION
FOR

**Putnam Street/Contra Loma Boulevard/Hillcrest Avenue
Pavement Rehabilitation in the City of Antioch
(P.W. 392-26)**

NOTICE IS HEREBY GIVEN that the work and improvements hereinafter described,
the contract for which was entered into by and between the City of Antioch and MCK Services,
Inc. was completed on March 5, 2012.

The surety for said project was Fidelity and Deposit Company of Maryland.

The subject project consisted of pavement rehabilitation located on Putnam Street, Contra
Loma Boulevard and Hillcrest Avenue in the City of Antioch, California.

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

Date

Director of Capital Improvements

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

PREPARED BY: Scott Buenting, Associate Engineer *SB*
REVIEWED BY: Phil Harrington, Director of Capital Improvements/Water Rights *(PH)*
DATE: March 6, 2012
SUBJECT: Proposed Settlement with J.W. Ebert Corp. for the Downtown Trunk Sewer Improvements, Phase 3 (P.W. 514-S3)

RECOMMENDATION

It is recommended that the City Council approve the settlement with J.W. Ebert Corp. and authorize the Director of Finance to make a settlement payment of \$100,000.00 and the City Manager to execute any needed documents.

BACKGROUND INFORMATION

On October 12, 2010, the City Council awarded a contract to J.W. Ebert Corp. ("Contractor") to perform the final phase of improvements to the downtown sewer trunk line that included slip lining the existing sanitary sewer along West Second Street, between 'D' and 'L' Streets.

On January 24, 2012, the City Council accepted the work and a Notice of Completion was filed with the Contractor having an unresolved claim related to a damaged portion of the slip lining pipe.

During the grouting of the annular space between the outside of the slip lining pipe and the inside of the existing sewer main, a large amount of grout entered the sewer system. While cleaning the pipeline, it was discovered that the grout had entered the system through a break in the slip lining pipe. The Contractor removed approximately twenty cubic yards of grout from within the system. After all of the grout was removed, the damaged portion of pipe was repaired by the Contractor.

City staff consulted with the design engineer, a third party engineering firm and the material manufacturer regarding the cause of the break. It was concluded that the method of failure was atypical for polyvinyl chloride pipe and the precise cause could not be determined. The Contractor expended over \$161,000 of documented costs over a two month period to clean and repair the slip lining pipe. Under recommendation of the City Manager and City Attorney, Staff and the Contractor mutually agreed that the City will pay the Contractor \$100,000 for the settlement of this claim.

FINANCIAL IMPACT

Funding for this settlement is provided by the Sewer Enterprise Fund.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

A: Settlement Proposal from J.W. Ebert Corp.

SB/lm

3-13-12



March 2, 2012

Scott Buenting P. E.
Associate Engineer
Capital Improvements
P.O. Box 5007
Antioch CA 94531-5007

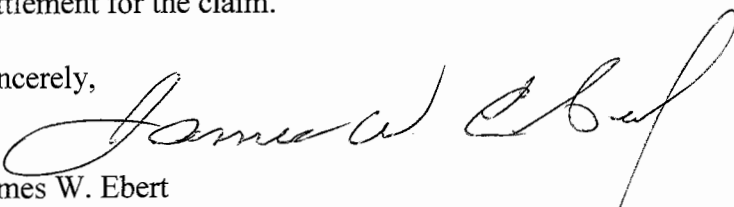
925-779-6129 Phone
925-779-7062 Fax
sbuenting@ci.antioch.ca.us

Re: Downtown Trunk Sewer Improvements, Agreement to Settle Claim For Removal of Grout and Repair of Pipe

Dear Mr. Buenting,


Regarding our above captioned claim in the amount of \$161,158.78, per our mutual agreement from our meeting Thursday March 1, 2012, we agree to a settlement amount of \$100,000.00 as full and complete settlement for the claim.

Sincerely,



James W. Ebert

**STAFF REPORT TO CITY COUNCIL FOR CONSIDERATION
AT THE MEETING OF MARCH 13, 2012**

FROM: Phillip L. Harrington, Director of Capital Improvements/Water Rights 
DATE: March 6, 2012
SUBJECT: Fifth Amendment to the Consultant Service Agreement for Professional Services with Flow Science Incorporated

RECOMMENDATION

It is recommended that Council approve the Fifth Amendment to the Consultant Service Agreement with Flow Science Incorporated for assistance in support of our negotiations with the California State Department of Water Resources (DWR) and review of the Bay Delta Conservation Plan.

BACKGROUND INFORMATION

Flow Science Incorporated is a key component of the City's Delta Vision Task Force. Flow Science continues to provide support to the City of Antioch in helping staff analyze federal, state and local projects and processes that have the potential to impact delta flow circulation and Antioch's reliance on the delta as a primary surface water supply. Several on-going delta processes, such as the Delta Plan, the Bay-Delta Conservation Plan and new state legislation and bond proposals have the potential to impact the existing circulation pattern of delta flow, which in turn can create a negative impact on the City's surface water supply, recreational opportunities and our existing water rights. Flow Science is currently analyzing hydraulic modeling data as it is made available from the Bay Delta Conservation Plan Committee and participating in their modeling group steering committee to ensure that any proposed changes to either Delta conveyance or management of flow operations do not have negative impacts within the Western Delta and that adequate mitigations measures are being considered for all in-delta users.

Staff is recommending the term of the contract be extended until December 31, 2012 and increase the compensation by an additional \$25,000.00 (twenty-five thousand). The original contract has been approved as to form by both the City Manager and City Attorney.

FINANCIAL IMPACT

The City's Fiscal Year 2011/12 and FY 12/13 Water Enterprise Account includes funding for these professional services.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

A: Fifth Amendment to Agreement for Professional Services

PLH:lm

3-13-12

ATTACHMENT "A"

FIFTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

THIS FIFTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES is entered into this 14th day of March, 2012, by and between the CITY OF ANTIOCH, a municipal corporation ("CITY") and FLOW SCIENCE INCORPORATED ("CONSULTANT").

RECITALS

WHEREAS, on February 1, 2007, CITY and CONSULTANT entered into an Agreement for Professional Consulting Services; and

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

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

1. **SERVICES.** Section 1 of the Agreement, "Services" is amended to include the following provision:

The term of the contract is extended until December 31, 2012.

2. **COMPENSATION.** Section 2 of the Agreement, "Compensation" is amended to include the following provisions:

CITY hereby agrees to Pay Consultant an additional sum not to exceed \$25,000.00 (twenty-five thousand dollars), notwithstanding any contrary indications that may be contained in the Consultant's proposal, for services to be performed and reimbursable costs incurred under this Agreement.

Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the attached fee schedule effective January 2012.

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

CITY OF ANTIOCH

FLOW SCIENCE INCORPORATED

By: _____
Jim Jakel, City Manager

By: _____
Dr. Susan C. Paulsen
Vice President and Senior Scientist

APPROVED AS TO FORM:

By: _____
Lynn Tracy Nerland, City Attorney

AI

FLOW SCIENCE INCORPORATED
SCHEDULE OF HOURLY BILLING RATES

Effective January 2012

Professional	
Principal Consultant	\$258.00
Senior Engineer III	242.00
Senior Engineer II	216.00
Senior Engineer I	155.00
Project Engineer III	155.00
Project Engineer II	149.00
Project Engineer I	124.00
Associate Engineer III	113.00
Associate Engineer II	108.00
Associate Engineer I	103.00
Assistant Engineer II	93.00
Assistant Engineer I	82.00
Senior Scientist III	232.00
Senior Scientist II	175.00
Senior Scientist I	149.00
Project Scientist II	139.00
Project Scientist I	124.00
Managerial	155.00
Administrative	87.00
Clerical	57.00
Expenses	At Cost
Mileage	Prevailing IRS Rate

A2

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

PREPARED BY: Scott Buenting, Associate Engineer *SB*
FROM: Phillip L. Harrington, Director of Capital Improvements/Water Rights *PH*
DATE: March 6, 2012
SUBJECT: Consideration of Bids for the Water Main Replacement at Various Locations, (P.W. 503-13)

RECOMMENDATION

It is recommended City Council award the project to the low bidder, Universal Undergrounding, Inc. in the amount of \$409,495.00.

BACKGROUND INFORMATION

On March 6, 2012, Eighteen (18) bids were received and opened as shown on the attached tabulation. The low bid was submitted by Undergrounding, Inc. of Elk Grove in the amount of \$409,495.00. The bids have been checked and found to be without any errors or omissions.

This project will replace the aging domestic water facilities on Elizabeth Lane, Elizabeth Court, Plumleigh Avenue, Robert Street and Diablo Avenue.

FINANCIAL IMPACT

The 2011-2012 Capital Improvement Budget includes funding for this project from the Water Enterprise Fund. The Engineer's estimate was \$450,000.00.

OPTIONS

None considered at this time.

ATTACHMENTS

A: Tabulation of Bids

ATTACHMENT A

CITY OF ANTIOCH TABULATION OF BIDS

JOB TITLE: Water Main Replacement at Various Locations
(P.W. 503-13)

BIDS OPENED: March 6, 2012 ~ 2:00 p.m.
City Council Chambers

	Engineer's Estimate	Universal Undergrounding, Inc. Elk Grove	W.R. Forde Associates Richmond	Knife River Construction Stockton	D.R. Lemings Construction Concord	Express Plumbing & Sewer Service San Mateo
TOTAL BID PRICE	\$450,000.00	\$409,495.00	\$420,000.00	\$424,370.00	\$433,550.00	\$442,760.00

<i>Universal Undergrounding, Inc.</i>	<i>W.R. Forde Associates</i>	<i>Knife River Construction</i>	<i>D.R. Lemings Construction</i>	<i>Express Plumbing & Sewer Service</i>
Striping Chrisp Co. Paving Sierra National Asphalt	Striping Bruce Ent.	Striping Chrisp Co. Hot Taps Tap Master Inc.	Striping Asphalt Striping	Striping Quality Striping

A1

CITY OF ANTOCH
TABULATION OF BIDS

JOB TITLE: Water Main Replacement at Various Locations
(P.W. 503-13)
BIDS OPENED: March 6, 2012 ~ 2:00 p.m.
City Council Chambers

Engineer's Estimate	California Trenchless, Inc. Dublin	Mountain Cascade, Inc. Livermore	D & D Pipelines San Francisco	Martin General Engineering, Inc. Rancho Cordova	R.J. Gordon Construction, Inc. Pleasant Hill
TOTAL BID PRICE	\$450,000.00	\$442,850.00	\$447,250.00	\$447,300.00	\$463,070.00
					\$496,550.00

<i>California Trenchless, Inc.</i>	<i>Mountain Cascade, Inc.</i>	<i>D & D Pipelines</i>	<i>Martin General Engineering, Inc.</i>	<i>R.J. Gordon Construction, Inc.</i>
Saw Cutting Del Secco.	None	Striping Chrisp Co. Saw Cutting Bayline Cutting	None	Hot Taps Tap Master Striping Chrisp Co. Concrete Cutting Harrison Concrete Cutting

A2

**CITY OF ANTIOCH
TABULATION OF BIDS**

JOB TITLE: Water Main Replacement at Various Locations
(P.W. 503-13)

BIDS OPENED: March 6, 2012 ~ 2:00 p.m.
City Council Chambers

Engineer's Estimate	JMB Construction, Inc. S. San Francisco	J & M, Inc. Livermore	Legg, Inc. Livermore	Shaw Pipeline, Inc. San Francisco	Granite Construction, Inc. Santa Clara
TOTAL BID PRICE	\$450,000.00	\$522,342.00	\$524,323.56	\$534,700.00	\$537,450.00

JMB Construction, Inc.	J & M Inc.	Legg, Inc.	Shaw Pipeline, Inc.	Granite Construction
Striping Chrisp Co.	Trench Paving MCK Services, Inc.	Trucking Rege Trucking Striping Chrisp Co.	None	None

AB

CITY OF ANTIOCH
TABULATION OF BIDS

JOB TITLE: Water Main Replacement at Various Locations
(P.W. 503-13)
BIDS OPENED: March 6, 2012 ~ 2:00 p.m.
City Council Chambers

Engineer's Estimate	Northern Underground San Jose	Ranger Pipelines, Inc. San Francisco	J.W. Backhoe & Construction, Inc. Knightsen	
TOTAL BID PRICE	\$450,000.00	\$561,703.00	\$592,710.00	\$607,450.00

<i>Northern Underground</i>	<i>Ranger Pipelines, Inc.</i>	<i>J.W. Backhoe & Construction</i>	
Hot Taps DC Tapping Service Striping Diaz Corp. Saw Cutting Express Concrete Cutting	None	None	

A4

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

PREPARED BY: Scott Buenting, Associate Engineer *SB*

REVIEWED BY: Phil Harrington, Director of Capital Improvements/Water Rights *(PH)*

DATE: March 12, 2012

SUBJECT: Resolution Accepting Work and Authorizing the Director of Capital Improvements to File a Notice of Completion for the Hillcrest Avenue Widening, Phase II Project, (P.W. 276-10)

Please replace the staff report dated March 7, 2012 with the attached revised staff report dated March 12, 2012.

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

PREPARED BY: Scott Buenting, Associate Engineer *SB*
REVIEWED BY: Phil Harrington, Director of Capital Improvements/Water Rights *PH*
DATE: March 12, 2012
SUBJECT: Resolution Accepting Work and Authorizing the Director of Capital Improvements to File a Notice of Completion for the Hillcrest Avenue Widening, Phase II Project, (P.W. 276-10)

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution accepting the work, directing the Director of Capital Improvements to file a Notice of Completion and authorizing the Director of Finance to make a final payment of \$47,500.00 plus retention of \$ 95,592.25 to be paid 35 days after recordation of the Notice of Completion.

BACKGROUND INFORMATION

On November 3, 2009, the City Council awarded a contract to Bay Cities Paving and Grading, Inc. of Concord in the amount of \$1,711,952.90.00 to reconstruct and widen Hillcrest Avenue from East 18th Street to south of Renwick Lane. The contract also included converting the overhead utilities to underground facilities, constructing concrete curb, gutter, sidewalk and handicapped accessible ramps, improvements to the storm drainage system and modifications to residential water and sanitary sewer facilities.

On February 14, 2012, the City Council amended the 2011-2012 Capital Improvement Budget to increase funding of this contract in the amount of \$200,000.00. The Contractor realigned or relocated various underground utilities due to conflicts with unknown buried obstacles and modified street lighting and traffic signal facilities to conform to site conditions. Additional concrete repairs and handicapped accessible ramp installations were performed adjacent to the roadway. The Contractor was compensated for various claims pertaining to material cost increases resulting from delays associated with the utility undergrounding portion of the project.

On February 28, 2012 the contractor completed all work associated with this project.

FINANCIAL IMPACT

The final contract price for this project is \$1,911,845.01. Funding for this project is provided by Measure J.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

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

RESOLUTION NO. 2012/**

**RESOLUTION ACCEPTING WORK AND AUTHORIZING THE
DIRECTOR OF CAPITAL IMPROVEMENTS
TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL
PAYMENT TO BAY CITIES PAVING AND GRADING, INC.
FOR THE HILLCREST AVENUE WIDENING, PHASE II
(P.W. 276-10)**

WHEREAS, the Director of Capital Improvements for said City has certified the completion of all work provided to be done under and pursuant to the contract between the City of Antioch and Bay Cities Paving and Grading, Inc. and;

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

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

1. The above-described work is hereby accepted.
2. The Director of Capital Improvements is directed to execute and file for record with the County Recorder, County of Contra Costa, a Notice of Completion thereof.
3. The Director of Finance is hereby directed to pay the Contractor a final payment in the amount of \$47,500.00 plus retention of \$95,592.25 to be paid 35 days after recordation of the Notice of Completion.

* * * * *

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 13th day of March, 2012 by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

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

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

NOTICE OF COMPLETION

FOR

**Hillcrest Avenue Widening, Phase II
in the City of Antioch
(P.W. 276-10)**

NOTICE IS HEREBY GIVEN that the work and improvements hereinafter described, the contract for which was entered into by and between the City of Antioch and Bay Cities Paving and Grading, Inc. was completed on February 28, 2012.

The surety for said project was Safeco Insurance Company of America.

The subject project consisted of widening the roadway from two to four lanes and utility undergrounding on Hillcrest Avenue in the City of Antioch, California.

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

Date

Director of Capital Improvements

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

Prepared by: Mindy Gentry, Senior Planner *MS*
Approved by: Tina Wehrmeister, Director of Community Development
Date: March 8, 2012
Subject: RDA Ordinance Extension (Z-12-01)

RECOMMENDATION

1. Motion to read the ordinance by title only;
2. Motion to introduce an ordinance to amend Municipal Code Section 9-5.4012 in order to extend the sunset date of the Residential Development Allocation Ordinance to May 1, 2013.

REQUEST

The City of Antioch requests consideration of an amendment to Municipal Code Section 9-5.4012 to extend the sunset date of the Residential Development Allocation Ordinance to May 1, 2013 (Z-12-01).

ENVIRONMENTAL

Pursuant to CEQA Statutes Section 15061(b)(3) the RDA Ordinance extension is exempt because there is no possibility that the extension of the ordinance for one year will have a significant effect on the environment.

DISCUSSION

The Residential Development Allocation process requires that allocations be obtained prior to receiving residential development entitlements and ultimately the issuance of building permits for residential projects. The allocation process allows for regulating residential growth to ensure the ability of the City to provide housing opportunities for all economic segments of the community as well as to ensure that the City's infrastructure and public facilities keep pace with the demands created by new residential development.

Section 9-5.4012 of the Antioch Municipal Code provides that the Residential Development Allocation Program Ordinance ("RDA Ordinance") will sunset on May 1, 2012, unless the City Council adopts an ordinance to re-enact or amend it. On December 8, 2009, the City Council adopted a resolution of intention to initiate an

amendment to the RDA Ordinance in order to continue to phase the rate of residential growth in the City consistent with Measure U due to on-going factors such as: infrastructure and public facility needs, including but not limited to, highway improvements; school capacity and police services; provision of housing opportunities for all economic segments of the community; requirement to meet regional housing allocation numbers; and desire to encourage reinvestment in older neighborhoods. On January 26, 2010, the City Council provided further direction to staff regarding an amendment to the RDA Ordinance particularly as to development impact fees and growth metering and directed that staff work with the existing RDA Subcommittee to further discuss issues and draft amendments to the RDA Ordinance. On March 9, 2010, the City Council approved a one-year extension on the sunset date to May 1, 2011. Again, on March 22, 2011, the City Council approved a one-year extension on the sunset date to May 1, 2012. Due to timing constraints and limited staff resources, additional time will be needed for this effort. The RDA Committee has begun meeting and there should be conclusion on this issue this year. Therefore, staff is requesting that the City Council extend the sunset date of the RDA Ordinance by 12 months to May 1, 2013.

On March 7, 2012, the Planning Commission recommended that the City Council amend the ordinance in order to extend the sunset date (6-0, with one absent).

FINANCIAL IMPACT

None.

OPTIONS

The City Council may choose to not approve the amendments to the ordinance.

ATTACHMENTS

A: Ordinance

ATTACHMENT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH AMENDING SECTION 9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM ORDINANCE

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

SECTION 1. Recitals and Findings (not to be codified). Section 9-5.4012 of the Antioch Municipal Code provides that the Residential Development Allocation Program Ordinance ("RDA Ordinance") will sunset on May 1, 2012 unless the City Council adopts an ordinance to re-enact or amend it. This sunset provision was added to the ordinance in 2005 and was not part of the original ordinance. On December 8, 2009, the City Council adopted a resolution of intention to initiate an amendment to the RDA Ordinance in order to continue to phase the rate of residential growth in the City consistent with Measure U due to on-going factors such as: infrastructure and public facility needs including but not limited to highway improvements, school capacity and police services; provision of housing opportunities for all economic segments of the community; requirement to meet regional housing allocation numbers; and desire to encourage reinvestment in older neighborhoods. On January 26, 2010, the City Council provided further direction to staff regarding an amendment to the RDA Ordinance particularly as to development impact fees and growth metering and directed that staff work with the existing RDA Subcommittee to further discuss issues and draft amendments to the RDA Ordinance. On March 3, 2010, the City Council approved an extension of the sunset date of the RDA Ordinance to May 1, 2011 and on March 22, 2011 the City Council again extended the sunset date to May 1, 2012. However, due to timing constraints and limited staff resources, additional time will be needed for this effort, so the City Council finds that it is appropriate to extend the sunset date of the RDA Ordinance by 12 months to May 1, 2013.

SECTION 2. Amendment to the Municipal Code. Section 9-5.4012 is amended to read as follows:

§9-5.4012 SUNSET OF ARTICLE.

This article shall have no further validity or effectiveness following May 1, 2013. At that time, the City Council shall re-examine the factors leading to the adoption of this article, as specified in Sections 9-5.4002 and 9-5.4004. If such factors continue to exist at that time, the Council may adopt an ordinance re-enacting and/or amending this article.

SECTION 3. CEQA. This Ordinance amendment is subject to the CEQA exemption contained in CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment. The environmental review for the RDA Ordinance was a Mitigated Negative Declaration filed in 2002. The RDA Ordinance was subsequently incorporated into the General Plan's Growth Management Element with environmental review pursuant to an Environmental

ORDINANCE NO.

Page 2 of 2

Impact Report dated 2003. Neither the original RDA ordinance nor the General Plan contained the sunset clause, so there are no changes or additions necessary to either the Mitigated Negative Declaration for the RDA Ordinance or to the EIR for the General Plan. Further, extending for one year the sunset clause subsequently added to the RDA ordinance is not a substantial change to the RDA ordinance that would require major revisions to the General Plan EIR or additional environmental review pursuant to the Mitigated Negative Declaration for the original RDA Ordinance. In addition, there have not been substantial changes in circumstances or new information that would require a subsequent EIR.

SECTION 4. 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.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 6. Publication; Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

* * * * *

I **HEREBY CERTIFY** that the foregoing ordinance was introduced at adjourned regular meeting of the City Council of the City of Antioch held on the ___ day of _____ 2010 and passed and adopted at a regular meeting thereof, held on ___ day of _____ 2010, by the following vote:

AYES:

NOES:

ABSENT:

James D. Davis, Mayor of the City of Antioch

ATTEST:

Denise Skaggs, City Clerk of the City of Antioch

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

Prepared by: Ryan Graham, Community Development Deputy Director 

Date: March 1, 2012

Subject: Mello Roos Funding Priorities

RECOMMENDATION

Motion to provide recommendations for expending remaining Mello Roos funds.

BACKGROUND INFORMATION

In 1989 the Mello Roos district was formed as a Joint Powers Authority. The purpose was to mitigate demand for new schools and recreation facilities caused by the new growth in south east Antioch.

The district authority was for the following:

- 5 Elementary schools
- 2 middle schools
- 1 high school
- Interim school facilities
- School district support facilities
- School district administration facilities
- 100-acre community park

Allowable expenses are broken into five categories:

- Category 1 - Bricks and Morter
- Category 2 - Equipment
- Category 3 - Integrated Components
- Category 4 – Start-up Cost
- Category 5 - Incidental Expenses

Attachment "A" provides explanations of each category.

COMMUNITY PARK IMPROVEMENTS

The school projects are complete and the new Antioch Community Center was the final project funded. The Community Center has been open to the public for 14 months. The center is host to a great variety of social community events, civic events, sporting activities and private rentals. The library annex has experienced a great deal of use. Library staff has reported that the annex is as busy as some full scale district libraries.

The Police Department has recently begun to use the Police Sub-Station as a resource center for officers although it is currently not open to the public.

In preparation of the opening of Antioch Community Center staff purchased eligible equipment with Mello Roos funds. We knew at that time that we had not operated such a versatile facility before and that future equipment needs would present themselves with use of the center. With 14 months of use, staff has determined the following items would be beneficial to have at the Center. Some of the items are directly related to actual use of the facility and others are building related.

Building Items

- Signage at the driveway entrance
- Fire alarm covers
- Commercial bagless vacuum
- Security mirrors (2)
- Indoor trees and plants
- Indoor art for public areas
- Personal lift (to reach 30'+ ceiling/windows/lights)
- Rolling cart for moving outdoor tables
- Driven utility cart used to move equipment within and between facilities
- Security camera at top of new walkway behind the center
- Wireless technology upgrade

Use Related Items

- Portable bar for rentals
- Rolling mirrors (8) used for dance classes
- Portable tap dance floors
- Back handspring trainer (safety equipment for gymnastics)
- Rolling dry erase boards (2)
- Commercial linens (50)
- Die cutting machine
- Outdoor inflatable theater system (for use in amphitheater)
- Stand alone AV projector
- Portable stage
- Powered monitor system for use with existing sound/lighting system
- Portable sound system

FINANCIAL IMPACT

Staff estimates the items above would cost approximately \$175,000. In accordance with the City's purchasing policy several of the items will require multiple quotes. Absent the quotes, at this point the exact cost is not yet known.

The Police Department still has \$15,000 of Mello Roos funds allocated to them for equipment they need at the Sub-Station. Unlike the recreation side of the building, Police Department staff has not had the opportunity to fully occupy and use the substation to completely know those needs yet.

There is \$2,136,613 of Mello Roos funds remaining. Staff requests that \$200,000 of that be reserved to purchase the items outlined above and secure the \$15,000 for the Police Department Substation. This would also allow \$10,000 of contingency money for all purchases leaving a remaining Mello Roos balance of \$1,936,613.

In 1991 the City created the Prewett Family Park Master Plan and there was a plan update in 2003. A single page (Attachment "B") of that plan is the simplest visual to see what was envisioned at the park. It is broken into three categories: Pool Complex, Community Center, and Park Elements.

Referring to Attachment "B" everything but a competition pool and diving well were completed at the Water Park. Additionally, two sand volley ball courts were included in the original construction. The current configuration of the Water Park would not easily lend itself to adding any other pools or diving wells.

All amenities under the Community Center tab are met with the completion of the new Community Center. Because of the favorable construction market an amphitheater was added at the Community Center. A library annex was included but a "full" library has not been built. With the construction of the Community Center the City developed a burrowing owl preserve north and west of the new building. Therefore, the only area of the park outlined in the plan map is the south west portion of the property as shown in Attachment "C".

This leaves many of the items listed under the Park Element tab to be completed. Staff is looking for Council direction on those remaining items and the use of the remaining Mello Roos funds. Included as Attachment "D" are some of the suggestions that have been made regarding use of the remaining funds. It should be noted that the feasibility of any of these suggestions has not been evaluated.

OPTIONS

1. Direct staff to allocate \$200,000 as outlined above and provide staff direction on recommendations for the remaining balance of \$1,936,613.
2. Do not allocate the \$200,000 and provide staff direction on recommendations for the remaining balance of \$2,136,613.

ATTACHMENTS

- A: Allowable expenditures
- B: Map of park with planned amenities listed
- C: Map of south west portion of park property
- D: Suggestions for use of remaining Mello Roos funds

ATTACHMENT "A"

5. Sufficient unencumbered CFD Funds are available to pay the Expenditure.

If the Treasurer is able to make the above determinations, the Treasurer shall send a copy of the countersigned Requisition to the Requesting Officer. The Treasurer shall then promptly cause the requisition to be paid from the appropriate source of CFD Funds.

Rejected Requisitions

In the event the Treasurer is unable to make the determinations required above, the Treasurer shall not countersign the Requisition but shall return the original Requisition to the Requesting Officer together with a written explanation of the reason that the Treasurer could not make the determinations required by these Guidelines. The Requesting Officer may resubmit a rejected Requisition at any time together with additional information or explanation. In the event that the Requesting Officer and the Treasurer cannot agree on an Expenditure, the Requesting Officer may submit the Requisition to the Agency Board for a determination. The decision of the Agency Board with respect to any Requisition submitted to it shall be final.

ALLOWABLE EXPENDITURES

The Board has determined that the following categories of expenditures are eligible for CFD Funds.

Category I – “Bricks & Mortar”

Costs of labor and materials to acquire and construct buildings, including related appurtenant facilities such as landscaping, utilities, paving, etc. identified in Attachment 1. Land acquisition costs are also included in Category I.

Category II – “Equipment”

Costs of acquisition and installation of equipment. Each item of equipment must meet all of the following criteria:

- Must have a five-year useful life based on either
 - (i) Asset Class Life as shown in Internal Revenue Service Revenue Procedure 87-56 (Attachment 4) or
 - (ii) For any asset not covered by (i), a certification by the Requesting Officer that the asset in fact has a useful life of at least five years and that the School District or the City, as the case may be, treats the asset as having at least a five year replacement period for budgeting purposes.

- Must be needed to “furnish or equip” a facility described in Attachment 1.

Category III – “Integrated Components”

Integrated Components generally relate to a Category I or Category II expense and become an integral part of the Category I or Category II asset. These expenses need not have a five-year useful life on a stand alone basis because they assume the useful life of the asset into which they are integrated.. Examples include:

- Paint on a new or remodeled or renovated building
- Window coverings for a new building
- Initial lamping of new light fixtures

Category IV – “Start-up Costs”

Start up costs are costs of items necessary to get a Category I or II asset “up and running.” Like integrated components, they may not have a five-year useful life on their own, but assume the useful life of the asset to which they relate. Unlike integrated components, they are separable from the asset. They are “capitalizable” to the asset under generally accepted accounting principles. Examples include:

- Costs of electricity, water, gas etc. needed to perform testing on newly installed systems.
- Labor costs associated with testing and adjusting new systems (especially applicable to computer systems and communications systems)
- Cleaning and related expenses (which would normally be classified as maintenance) associated with the initial opening of a new building.

Category V – “Incidental Expenses”

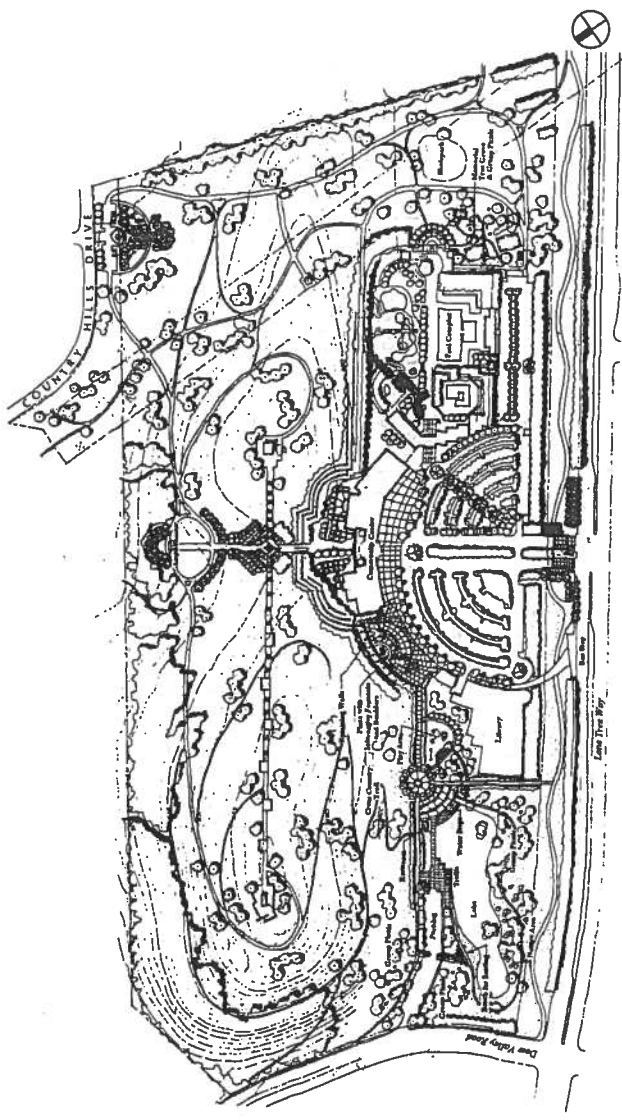
Incidental Expenses are those expenses described in Attachment 2 related to a Category I, II, III or IV asset or to a bond issue for the CFD.

Prewett Family Park Master Plan Update

Antioch, California

- POOL COMPLEX**
- 1 COMPETITION POOL & DRINK WELL
 - 2 INSTRUCTIONAL POOL
 - 3 FREE-FORM ACTIVITY POOL
 - 4 WADING POOL
 - 5 POOL HOUSE W/LOCKERS, SHOWERS
 - 6 CONCESSION AREA
- COMMUNITY CENTER**
- 7 COMMUNITY HALL
 - 8 GYMNASIUM
 - 9 CLASSROOMS (AEROBICS, ARTS, MEETING AREA)
 - 10 LIBRARY
 - 11 ENTRY LOBBY

- PARK ELEMENTS**
- 12 LARGE OPEN MEADOW
 - 13 GROUP PICNIC AREAS
 - 14 PLAY AREA
 - 15 VOLLETTBALL COURTS
 - 16 FORMAL GARDENS
 - 17 WATER FEATURES
- 18 NATURE CENTER/AREA
 - 19 TRAILS - HIKING, BIKING
 - 20 RESTROOM FACILITIES
 - 21 PARKING
 - 22 POND
 - 23 OVERLOOKS
 - 24 AMPHITHEATRE



JULY 2003

DAVID GATES & ASSOCIATES
 Landscape Architecture - Land Planning, Urban Design
 2540 Tassajara Lane, Danville, California 94526
 (925)736-8176 www.dgates.com

ATTACHMENT "C"

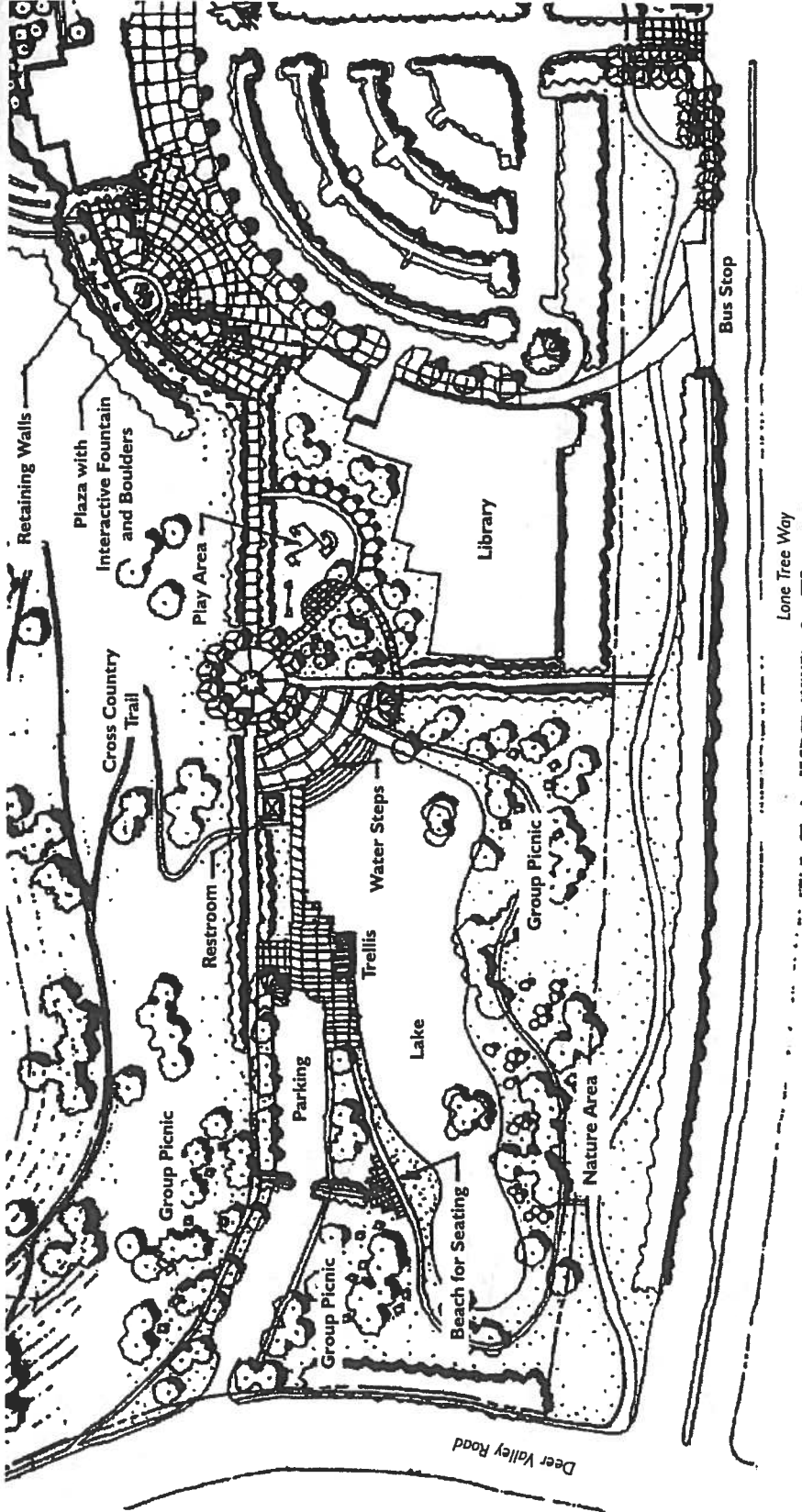


Figure 8: Southwest Quadrant

Prewett Family Park
 antioch californi.a

DAVID GATES & ASSOCIATES
 Landscape Architecture
 2449 Siskiyew Way, Davis, California 95618
 (916) 752-3174 www.dgatl.com



ATTACHMENT “D”

SUGGESTIONS FOR USE OF REMAINING MELLO ROOS FUNDS

1. Reader Board Signage
2. Refund to Mello Roos Property Owners
3. Expand Library Service at Existing Center
4. Turf Field
5. Retain for Future Library Construction if State Bond Measure Materializes
6. Sand Volleyball Courts

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 13, 2012**

Prepared by: Ken Warren, Assistant Engineer *KW*
Approved by: Ron Bernal, Director of Public Works/City Engineer *RB*
Date: March 7, 2012
Subject: Nelson Ranch Park Construction Update (PW 547-P)

RECOMMENDATION

It is recommended that the City Council receive the staff report, public comment and provide staff direction on modifications, if any, to Nelson Ranch Park.

INTRODUCTION

During the public comments portion of the February 14, 2012 City Council meeting, several Menona Court residents voiced their concerns regarding development of Nelson Ranch Park located adjacent to the rear wall of their properties. In response to their comments, the City Council directed staff to place an item on a future agenda for Council to hear and consider the resident's concerns.

Construction of the \$2,500,000, 5.4 acre neighborhood park is nearing completion with an anticipated opening date this June. The park has a linear design that stretches along the south side of Wild Horse Road from Ridgeline Drive to just east of Le Conte Circle. South of the park is KB Homes' Viera Ranch II, Phase III residential subdivision and the Contra Costa Water District Canal corporate yard. North of the park site is the 369-lot Nelson Ranch Subdivision which is being built by Standard Pacific Housing. Standard Pacific is also constructing the park which is being funded by Park-In-Lieu fees paid via building permits by home builders. A Vicinity Map is provided as Attachments "A1" and "A2".

BACKGROUND INFORMATION

NELSON RANCH PARK ENTITLEMENT HISTORY

Nelson Ranch Park has a long entitlement history which is described in detail in Attachment "B". In summary, the park was originally shown on the 1988 Nelson Ranch Final Development Plan and Tentative Map as being located in the center of the development with an option to allow lots to be created on the park site in the event an alternative site was chosen. In 2002, as part of extending the project Development

Agreement, the City Council approved relocating the park to the open space parcel where it is currently located.

On December 11, 2003 the Parks & Recreation Commission ("P&RC") recommended approval of the Nelson Ranch Park Master Plan with certain conditions. Following the meeting, a color exhibit of the Nelson Ranch Park Master Plan was modified by the landscape architect to incorporate the comments and changes recommended by the P&RC for presentation to the Planning Commission (Attachments "C1" through "C3").

On November 3, 2004 the Planning Commission held a duly noticed public hearing and recommended approval of the Nelson Ranch Park Master Plan by Resolution No. 2004/54. City records indicate that the notice of public hearing was published in the daily newspaper on October 18, 2004 and that individual notices were mailed to property owners within 300' of the park site on October 22, 2004 (Attachment "D").

On December 14, 2004 the City Council adopted Resolution No. 2004/153 approving the Nelson Ranch Park Master Plan as recommended by the P&RC and Planning Commission.

Park construction began in July 2011. The City Council approved the Nelson Ranch Park Reimbursement Agreement with Standard Pacific Housing in September 2011.

MENONA COURT ISSUES

At the February 14, 2012 City Council meeting, Menona Court residents informed Council that they were aware that a "green-belt" existed behind their homes, but that a future park had not been disclosed when they purchased their property and that they were unaware that a park would be built there prior to start of construction in late July 2011. These residents also said that they had not received a notice of public hearing when the future park plan was discussed by the City in 2004.

Two residents with homes adjacent to the park play area & picnic tables expressed their concern that their back walls were too short and located too close to the park, resulting in a loss of privacy, concern for security, increased noise and litter from park patrons. These residents were also concerned that non-Menona Court visitors would park in the center cul-de-sac parking island and use the paved trail from the court to the park. They requested that the trail either be removed or signs posted to restrict cul-de-sac parking to court residents only.

Another resident whose home is located adjacent to the ball field expressed his concern that the trees planted behind his house would block his panoramic views. He indicated support for his neighbors and also his satisfaction with staff's response to remove the trees behind his house.

STAFF INTERACTION WITH MENONA COURT RESIDENTS

On September 28, 2011 Staff received the first Menona Court complaint about the proximity of park facilities to the residences. After receiving a second complaint the following month, and over the next month and a half, Staff conducted multiple site visits, photographed and measured the walls, contacted the concerned resident, informed the park developer of the issue, researched raising the wall height and advised the resident that City code allowed the addition of up to 2 feet of lattice to the top of the rear yard masonry wall to mitigate the visual impacts of the park. Staff's proposal was unsatisfactory to the resident and the resident asked that the City Engineer contact her.

The City Engineer first contacted the resident on December 21, 2011. He proposed a lattice top along with landscaping that would climb the wall and provide an aesthetically pleasing alternative at City expense. The resident conceptually agreed to this proposal. Staff requested a bid from the park developer to attach lattice and landscaping to the wall which would provide an overall 8-foot wall height and requested preparation of revised plans.

Staff received other resident complaints about items including trees blocking views, rear yard wall height and visual impacts and impacts due to lack of fencing along the path from Menona Court to the park. At this point it was determined that a neighborhood meeting would be the best way to hear and understand the neighborhood's concerns.

The City Engineer and a staff member met with seven families on January 26, 2012 to hear their concerns. In addition to the items listed above, the discussion included the close proximity of BBQ pits to the rear fences and sloughing dirt at the base of masonry wall columns. In response to these concerns, the City Engineer proposed the following modifications to the affected residences (Attachments "E1" through "E7"):

1. Lattice attached to the top of the rear walls of four homes (with an interior height of 8') with landscaping to climb the park side of the wall and lattice;
2. Elimination of two park BBQ pits;
3. Select tree removal behind two homes;
4. Vinyl-clad chain-link fencing along the trail connecting the park with Menona Court; and
5. Restoration of sloughing soil from beneath and around certain wall panels and columns and repair of certain loose wall panels.

All families present at the neighborhood meeting indicated their approval of Staff's recommendations. Staff directed the park developer to prepare revised plans and a "mock-up" 2-foot x 4-foot finished, framed lattice panel for the neighbors to review and

approve prior to installation. Staff followed the meeting with an email to each property owner memorializing the agreed upon modifications and improvements. After several plan check iterations the revised park plans were approved by staff on February 3, 2012 and mylars were ordered for City Engineer signature.

Subsequent to the February 14, 2012 Council meeting, staff has continued to respond to requests from the residents to provide plans and information about the park and approval history. Staff also delivered the lattice mock-up sample for their inspection on February 27, 2012.

FINANCIAL IMPACT

The park developer has estimated that the cost for the work to mitigate the concerns of Menona Court residents at \$35,000. The extra work would be paid for from Park-in-Lieu funds.

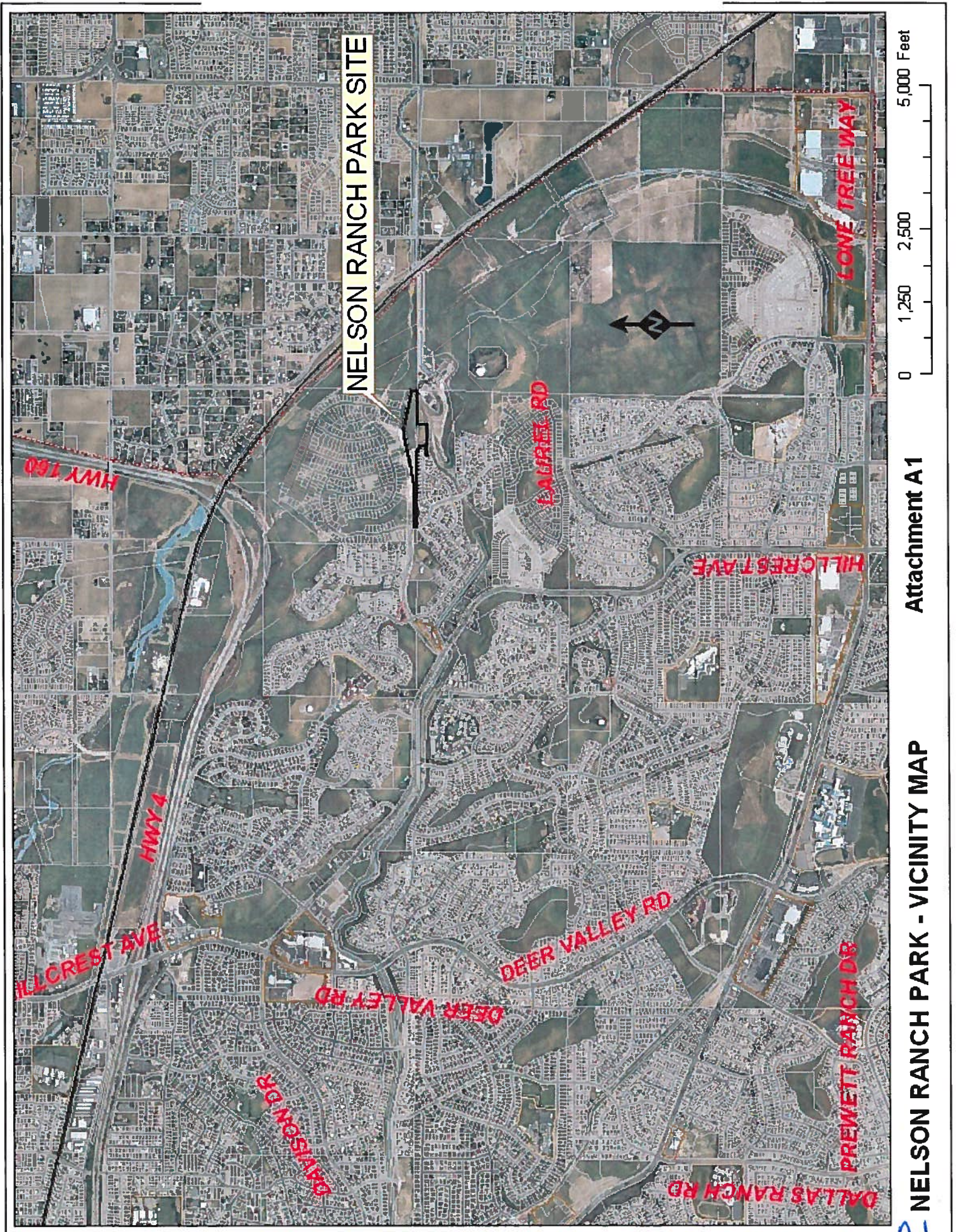
OPTIONS

Council could approve or disapprove any or all of the work that staff has proposed to mitigate the concerns of Menona Court residents. Council could also order additional work or require that the park be completed as originally approved on December 14, 2004.

ATTACHMENTS

- A: Vicinity Map
- B: History of Nelson Ranch Park entitlements
- C: 2004 Nelson Ranch Park Master Plan
- D: Nelson Ranch Park - Ledger Public Hearing Notice
- E: Proposed Modifications to Affected Residences

ATTACHMENT "A"



Attachment A1

NELSON RANCH PARK - VICINITY MAP



ATTACHMENT "B"

**Entitlement History
Nelson Ranch Park
1988 to Present**
(Nelson Ranch Subdivision 6893)

April 6, 1988 – The Planning Commission held a public hearing and approved the final development plan and tentative map for the 582-unit Nelson Ranch Development (Union Land Development) by Resolution No. 88-24 and No. 88-25, respectively. The conditions of approval included dedication and development of a park site, with design due at the first phase of construction and timing of construction determined at the use permit stage.

June 14, 1988 – The City Council adopted Resolution No. 88/165 declaring Negative Declaration to be adequate and approving the tentative map for Nelson Ranch Subdivision 6893.

January 18, 1989 & January 24, 1989 – The Planning Commission and City Council, respectively, held public hearings on the owner's application for a development agreement.

February 14, 1989 – The City Council adopted Ordinance No. 743-C-S approving a development agreement with the Nelson Ranch Subdivision 6893 property owner (Garrett Development). The recorded development agreement (CCC Records Doc. No. 89-92930, dated May 19, 1989) expired December 31, 2002 unless amended.

October 12, 1989 & November 15, 1989 – The Master Plan for Nelson Ranch Park, an 8-acre park located in the interior of the subdivision, was reviewed by the Parks and Recreation Commission and approved by Planning Commission Resolution No. 89-88, respectively.

December 12, 1989 – The City Council adopted Resolution No. 89/342 approving the Master Plan for Nelson Ranch Park.

April 5, 1990 – The Zoning Administrator approved Use Permit Resolution No. 90-12 which included a condition that the park to be built by construction of the 200th unit.

July 18, 1990 & July 24, 1990 – A one-year extension to the tentative map for Nelson Ranch Subdivision 6893 was approved by Planning Commission Resolution No. 90-41 and adopted by City Council Resolution 90/120, respectively.

April 25, 1991 & June 25, 1991 – A one-year extension to the tentative map for Nelson Ranch Subdivision 6893 was approved by Zoning Administrator Resolution No. 91-20 and adopted by City Council Resolution No. 91/137, respectively.

July 15, 1992 & August 11, 1992 – A one-year extension to the tentative map for Nelson Ranch Subdivision 6893 was approved by Planning Commission Resolution No. 92-37 and adopted by City Council Resolution No. 92/176, respectively.

After three one-year extensions, the tentative map for Nelson Ranch Subdivision 6893 apparently expired, but entitlements remain secured by the development agreement.

June 3, 1998 – The Planning Commission approved Resolution 98-22, revising a previously approved final development plan and vesting tentative map for Nelson Ranch Subdivision 6893 with development of 354 single family dwellings by Centex Homes (UCLD Properties, LLC). A 5.4-acre flat park site (the previously approved 8-acre park site had 2 acres of unusable slopes which were eliminated) was proposed.

August 11, 1998 – The City Council adopted Resolution No. 98/97 approving the Planned Development/ Vesting Tentative Map for Nelson Ranch Subdivision 6893. Project conditions required that park be fully developed and dedicated to the City; that park improvements were eligible for park fee credits; and that the developer could request reimbursement for improvements to the park site. Timing for park development would be determined by separate use permit. If the City determined prior to recordation of the final map for the planned development that no park would be built, the developer could process use permit and final map applications to allow construction of 30 additional units. Park fees would be collected whether or not the park was actually built. Design of the 5.4 acre park would be subject to staff review and Parks & Recreation Commission approval and the park would be fully constructed in accordance with approved plans.

August 10, 1999 – City Council Resolution No. 99/102 found Centex Homes in good faith compliance with terms and conditions of Development Agreement.

November 6, 2002 – The Planning Commission held a public hearing and recommended Extension of the Nelson Ranch Subdivision 6893 Development Agreement.

November 12, 2002 – The City Council held a public hearing to consider an Extension (First Amendment) of the Nelson Ranch Subdivision 6893 Development Agreement.

November 26, 2002 – The City Council approved Resolution 2002/174, Extension to the Development Agreement (DA) for the Nelson Ranch Subdivision. The extended DA required the City to choose between the “on-site park scenario” which had the park located within the center of the Nelson Ranch subdivision and the “alternative park site” located on the south side of Wild Horse Road in a proposed open space parcel. Council’s choice of the “alternative park site” resulted in the new park location and a \$1.5 million payment from the developer toward a community amenity. The First Amendment to Development Agreement between the City and UCLD Properties LLC was recorded on January 2, 2003 (CCC Recorders Doc. 2003-0000565).

December 11, 2003 – The Parks & Recreation Commission (P&RC) recommended approval of the Nelson Ranch Park Master Plan. A color exhibit of the Nelson Ranch Park Master Plan was modified by the landscape architect to incorporate the comments and changes recommended by the P&RC for presentation at the November 3, 2004 Planning Commission meeting.

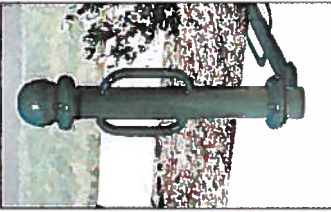
May 19, 2004 – The Planning Commission approved a use permit for DUC Housing Partners, Inc. for Nelson Ranch Subdivision 6893 by Resolution No. 2004-26, requiring park development to begin by the 95th building permit and be completed by the 185th building permit, or as approved by the City Engineer.

November 3, 2004 – The Planning Commission held a public hearing (notices to properties within 300' of site sent out on October 22, 2004) and recommended approval of the Nelson Ranch Park Master Plan by Resolution No. 2004/54.

December 14, 2004 – The City Council adopted Resolution No 2004/153 approving the Nelson Ranch Park Master Plan.

January 24, 2006 – The City Council adopted Resolution No. 2006/10 approving the final map and improvement plans for Nelson Ranch Subdivision 6893. Nelson Ranch Park (Parcel 'D') was dedicated on the final map (488 M 1) for park and recreation purposes.

September 13, 2011 – The City Council adopted Resolution No. 2011/60 approving the Nelson Ranch Park Reimbursement Agreement between the City and LB/L-DUC III Antioch 330 LLC (Standard Pacific Corp.). The Reimbursement Agreement was recorded on October 14, 2011 (CCC Recorder Doc. No. 2011-0214912).



BICYCLE BOLLARD
 1" DIA. CHROME BRASS
 12" HIGH
 4" DIA. BASE
 1/2" DIA. HOLES
 1/2" DIA. HOLES

Hard Surface
 Half Basketball Court

Existing Subsurface Canal
RECEIVED

OCT 26 2004

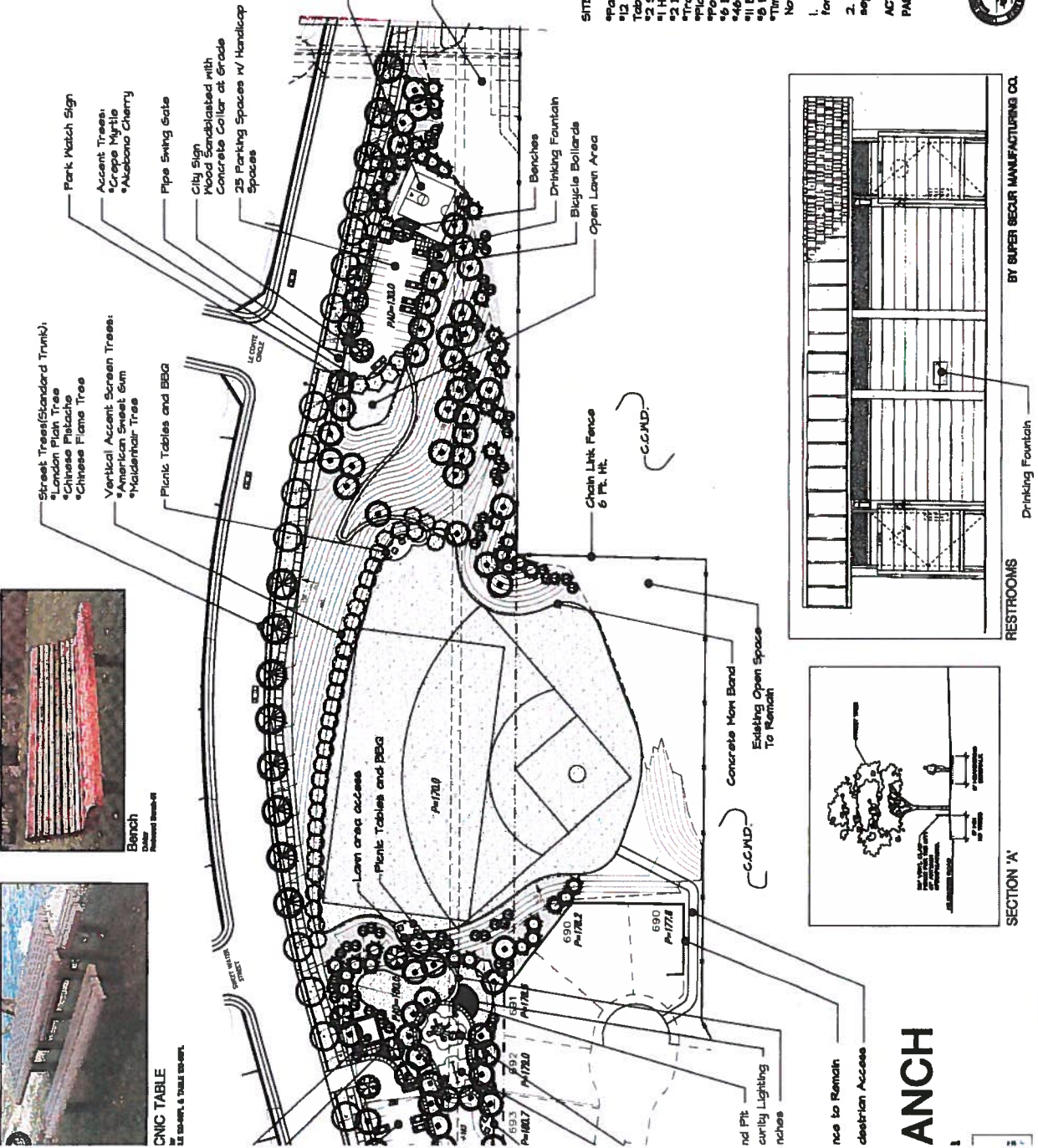
CITY OF ANTIPOCH
 COMMUNITY DEVELOPMENT

SITE AMENITIES:

- *Park Open Space
- *12 Picnic Tables (Includes 2 Handicap Tables)
- *2 Shade Structures
- *1 Handicap Accessible Restroom Facility
- *2 Drinking Fountains
- *1 Train Reception-3 Double, 3 Single
- *1 Play Structure and Swing
- *1 Adult Soccer Field
- *10 Bicycle Bollards
- *46 Planting Spaces
- *11 Benches
- *6 Pedestrian Bollards
- *Timber View Seating at Hard Surface Spots

- Notes:**
1. Contractor to add conduit and J-Boxes for lights in the park for future installation.
 2. Soccer field area to be irrigated separately from the entire lawn area.

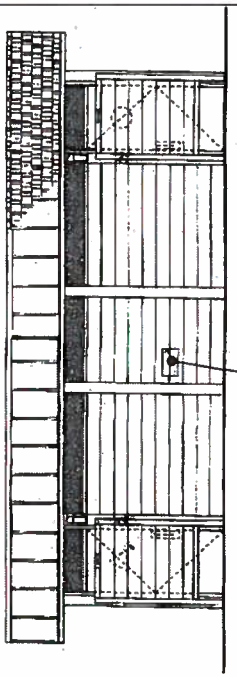
ACTIVE PLAY - 20'x51' SF (47ACRES)
 PASSIVE PLAY - 60'x92' SF (18 ACRES)



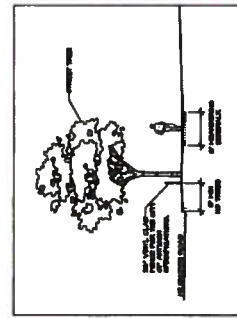
Bench
 4" x 4" x 18" PLANKS
 2" x 4" x 18" PLANKS



PICNIC TABLE
 12" x 48" x 6" TOWER 200-017



RESTROOMS
 Drinking Fountain
 BY SUPPER BECUR MANUFACTURING CO.



SECTION 'A'

ANCH

C3

ATTACHMENT "D"



FAX TRANSMITTAL

DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Joan Pesout, Legal Publications—Daily Ledger

DATE: October 18, 2004

FAX NUMBER: 779-7114 NUMBER OF PAGES: 3

(Including this page)

PO # 752281

Please furnish the City of Antioch with an Affidavit of Publication on the following Notice of Public Hearing. Please reduce and publish one column wide.

Publish one time on or before **FRIDAY, October 22, 2004.**

Thank you, Joan!

FROM: Gloria Zamucen
P.O. Box 5007
Antioch, CA 94531-5007
Fax# (925) 779-7034

File #: **NELSON RANCH PARK**

If there are problems with this transmittal, please call (925) 779-7035

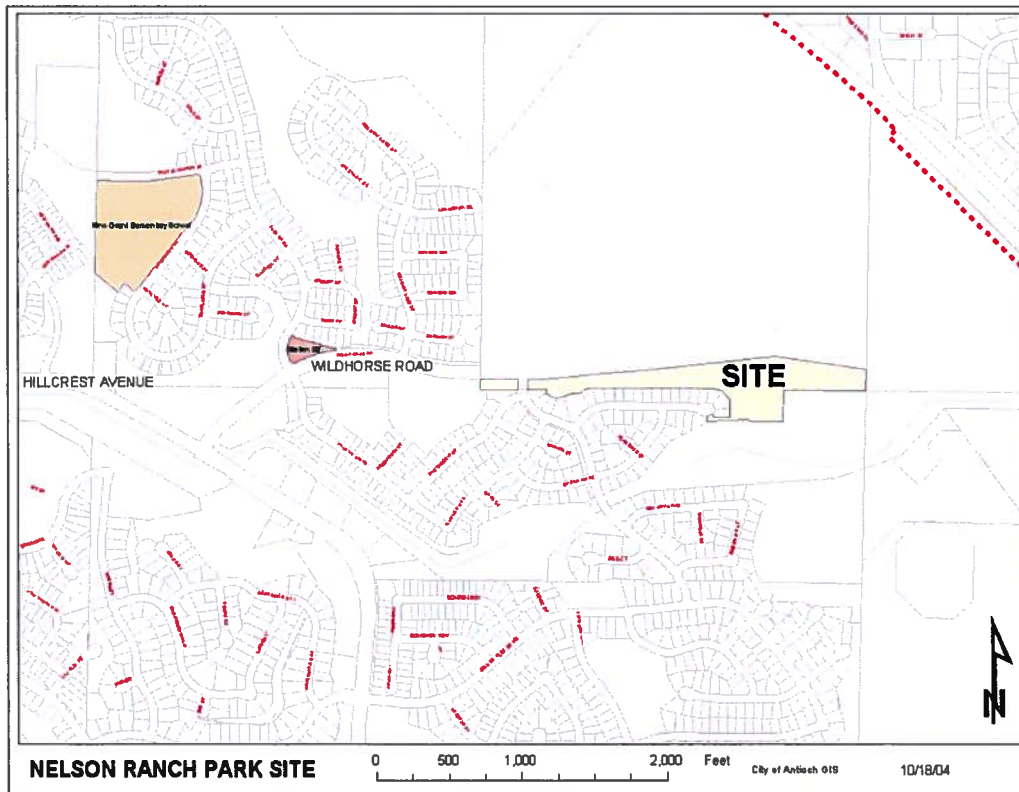
DI

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Antioch will hold a public hearing in the City Council Chambers, City Hall, Third and "H" Streets at 7:30 P.M. on **WEDNESDAY, NOVEMBER 3, 2004**, on the following matter:

PW 547-P - DUC III ANTIOCH 330 LLC proposes to build Nelson Ranch Park and has provided a park layout for consideration by the Planning Commission. The proposed 5.4-acre neighborhood park site is located south of the future extension of Wildhorse Road, east of Hillcrest Avenue and north of a Contra Costa Water District Corporation yard.

SEE VICINITY MAP BELOW



PUBLIC HEARING NOTICE

October 18, 2004

Page 3

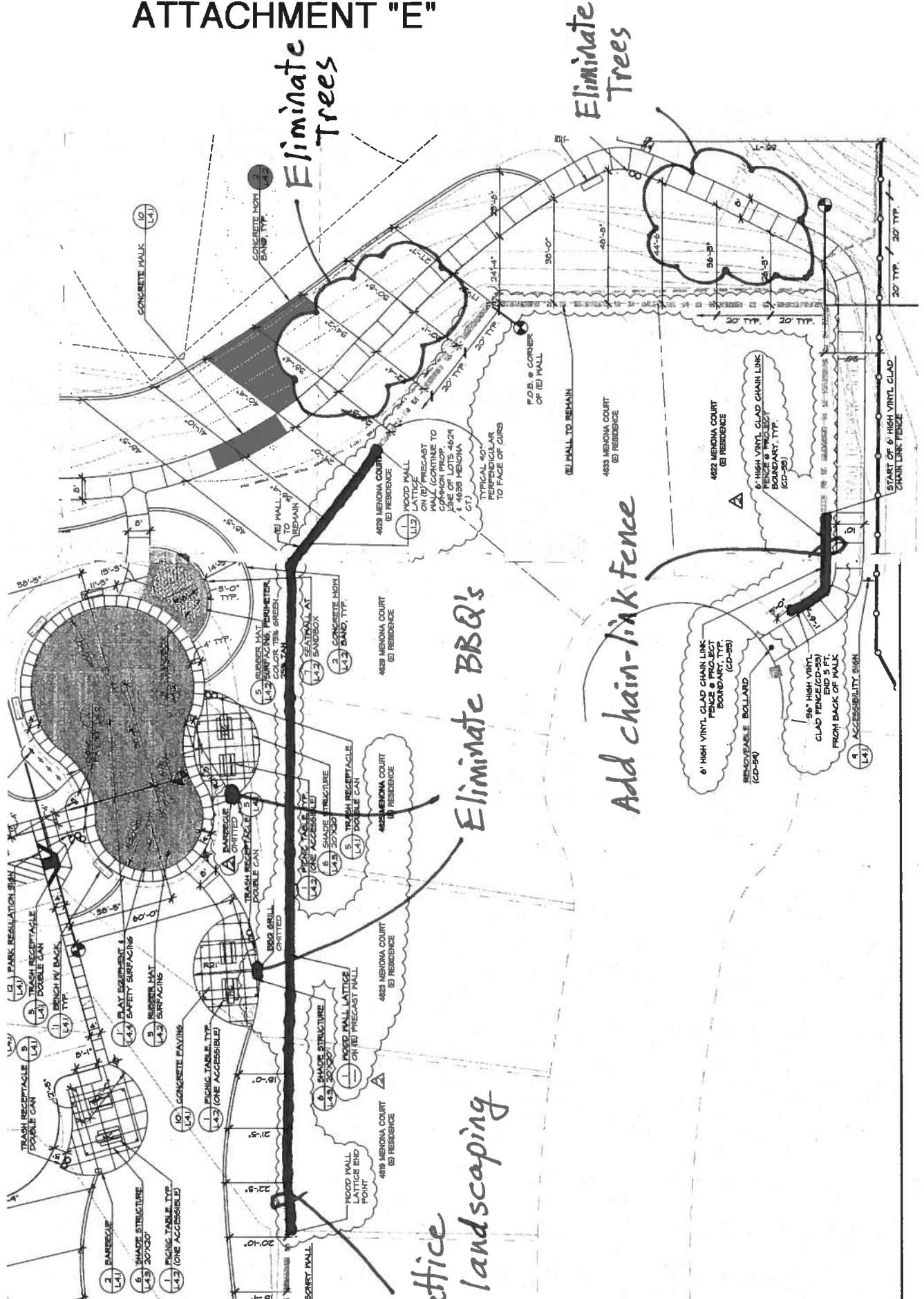
If any person challenges the decision of the City in this matter in court, he or she may be limited to raising only those issues that were raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

Copies of the documents relating to this proposal are available for inspection at the Department of Community Development, Second Floor, City Hall, Third and "H" Streets, Antioch. Written statements in favor of or in opposition to these matters may be filed with the Secretary to the Planning Commission, City Hall, Third and "H" Streets (P.O. Box 5007), Antioch, at any time prior to the hearing. All interested persons are invited to be present at aforesaid hearing and be heard thereon. This meeting is handicapped accessible. Auxiliary aides will be made available upon advance request for persons with hearing or vision disabilities. (925) 779-7009, TDD (925) 757-5946.

VICTOR CARNIGLIA
Secretary to Planning Commission

To Ledger: October 18, 2004
To Property Owners: October 22, 2004

ATTACHMENT "E"



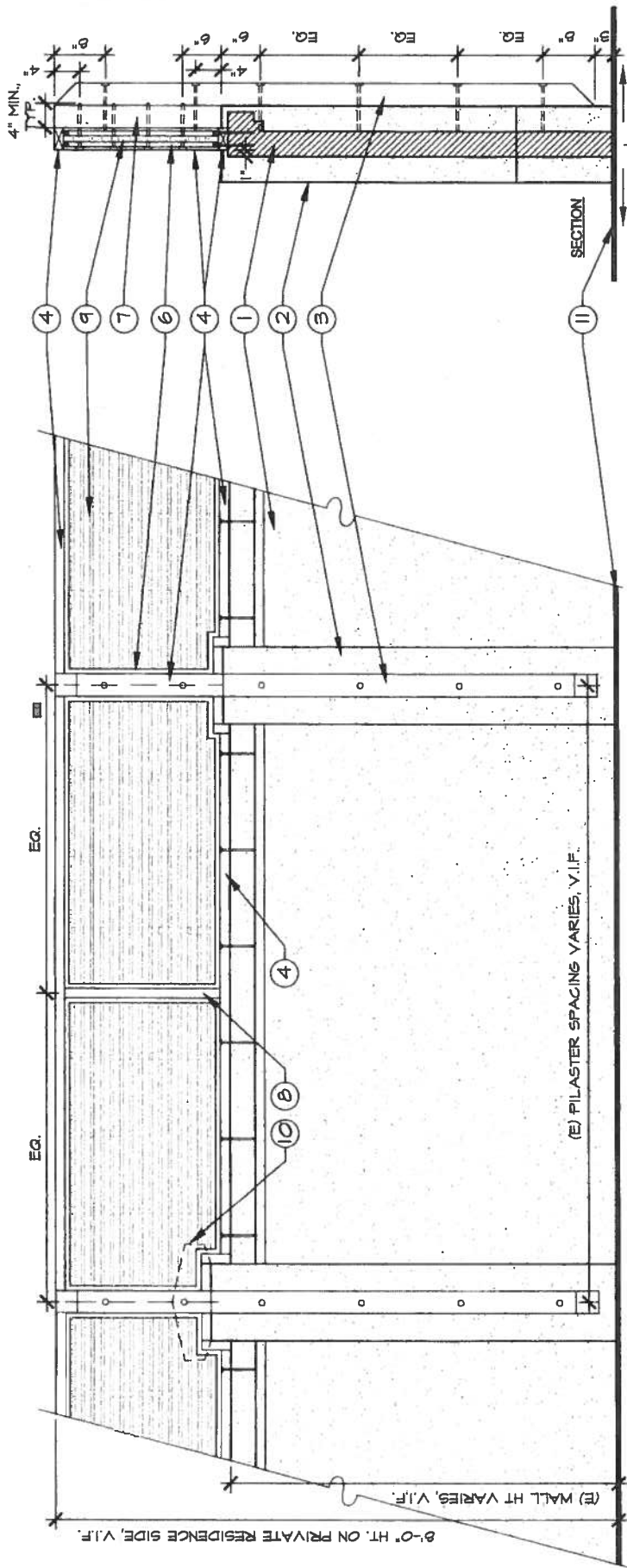
Eliminate Trees

Eliminate Trees

Add lattice and landscaping

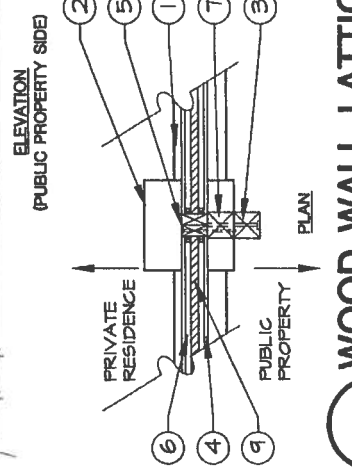
Eliminate BBQ's

Add chain-link fence



- ELEVATION (PUBLIC PROPERTY SIDE)**
- ① (E) CONCRETE WALL
 - ② (E) PILASTER @ (E) CONCRETE WALL
 - ③ 4x4 WOOD POST W/ CHAMFERED ENDS (TYP.) ATTACH TO (E) CONC. PILASTER W/ (4) 3/8" DIA. CONC. ANCHOR BOLTS. ATTACH TO WOOD BLOCKING W/ (2) 3/8" DIA. COUNTERSUNK LAG BOLTS
 - ④ 2x4 WOOD LATTICE FRAME. ATTACH TO TOP OF (E) WALL W/ 1/2" DIA. CONC. ANCHOR BOLTS @ 16" O.C. EMBED MIN. 4"
 - ⑤ WOOD LATTICE FRAMES TO BE JOINED TOGETHER @ POSTS. ATTACHED TO BLOCKING WITH (4) STAGGERED 3/8" COUNTERSUNK LAG BOLTS
 - ⑥ 1x1 WOOD NAILER, ALL SIDES TO CONNECT 4x4 POST W/ LATTICE FRAME
 - ⑦ WOOD BLOCKING AS NEEDED TO CONNECT 4x4 POST W/ LATTICE FRAME
 - ⑧ 2x4 WOOD CENTER POST CLR WESTERN RED CEDAR. WWW.WOODWAYPRODUCTS.COM
 - ⑨ WOOD LATTICE PANEL SCREEN. REMOVE (E) PEAKED PILASTER CAPS. FIT LATTICE FRAME AROUND TOP OF (E) FILASTER AS NECESSARY
 - ⑩ FINISH GRADE
 - ⑪ (E) FILASTER SPACING VARIES, V.I.F.

- NOTES:**
- 1. ALL WOOD TO BE S4S HEART REDWOOD UNLESS OTHERWISE NOTED (OR APPROVED EQUAL).
 - 2. SET ALL POSTS & VERTICAL MEMBERS PLUMB, HORIZONTAL MEMBERS LEVEL.
 - 3. ALL LUMBER TO BE CROWN SIDE UP.
 - 4. EASE ALL EDGES.
 - 5. 4x4 WOOD POSTS TO BE PAINTED TO MATCH (E) WALL UP TO TOP OF PILASTER. REMAINDER OF POST & ALL OTHER WOOD SHALL HAVE CABOT CLEAR 'NATURAL' STAIN
 - 6. ALL HARDWARE, CONNECTORS, AND FASTENERS TO BE HOT DIPPED GALV. SIZE AS REQUIRED TO SECURELY FASTEN WOOD MEMBERS OR AS SHOWN ON DETAIL.
 - 7. ALL ANCHOR BOLTS TO BE SECURED TO (E) WALL WITH SIMPSON SET-XP EPOXY.
 - 8. CONTRACTOR SHALL PROVIDE 4'W x 2'H MOCK-UP OF WOOD LATTICE AS SPECIFIED.

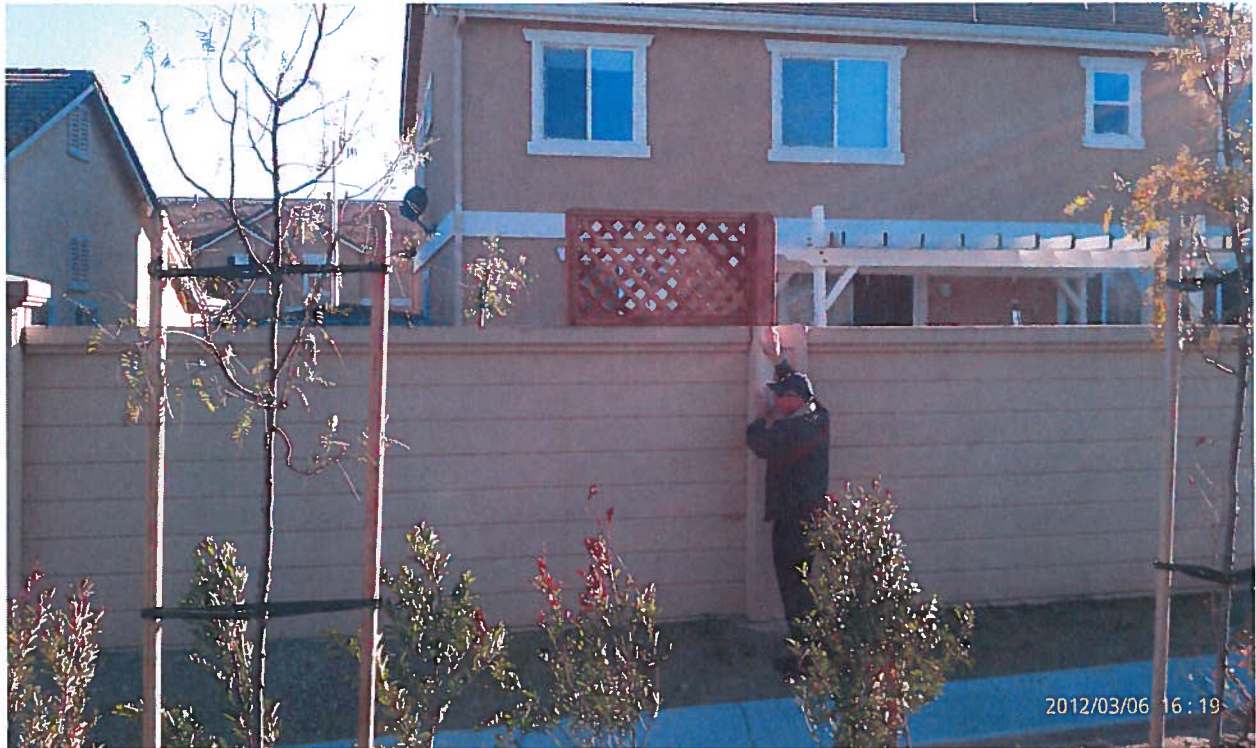


1 WOOD WALL LATTICE ON (E) PRECAST WALL

SCALE: 3/4" = 1'-0"
1/16 DT-Lattice-SoundWall.dwg



2012/03/06 16:18



4619 Menona Court: 2'-high lattice sample on rear wall.



4623 Menona Court: 2'-high lattice sample on rear wall.



4625 Menona Court: 2'-high lattice sample on rear wall.

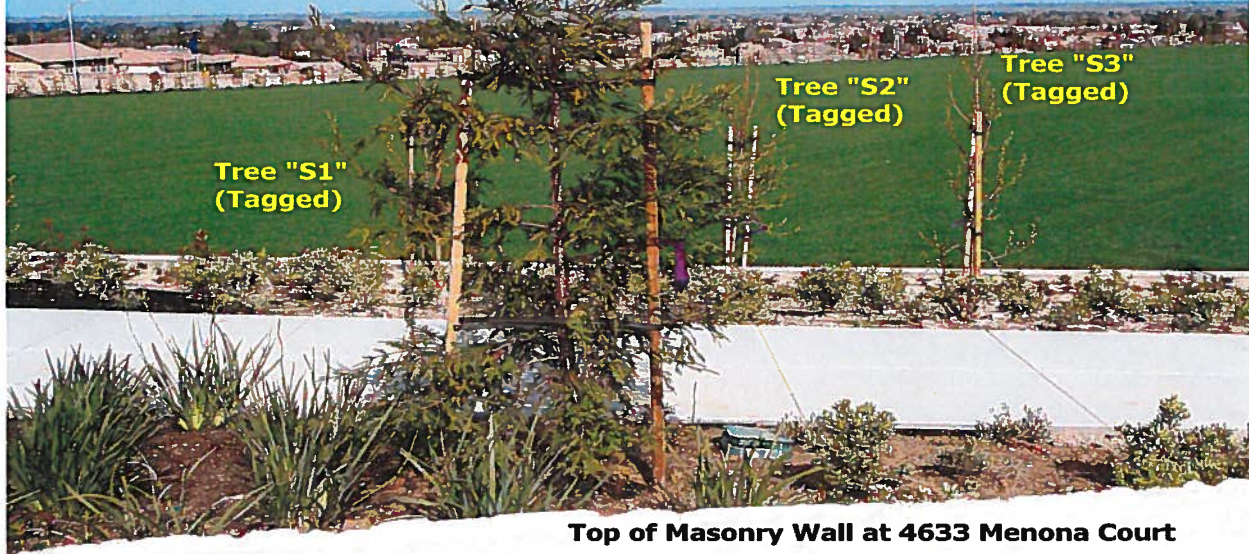


4629 Menona Court: 2'-high lattice sample on rear wall.

Note:
"L" denotes the Larger and
"S" denotes the Smaller of
the two types of trees being planted.
"Tagged" denotes trees tagged for
removal per City of Antioch
(per e-mail of 15 FEB 2012)

Tree "L1"
(Tagged)

**Nelson Ranch Park in Antioch
Tree Placement of 29 FEB 2012
behind 4633 Menona Court
(Top of Wall Vantage 1 of 4)**

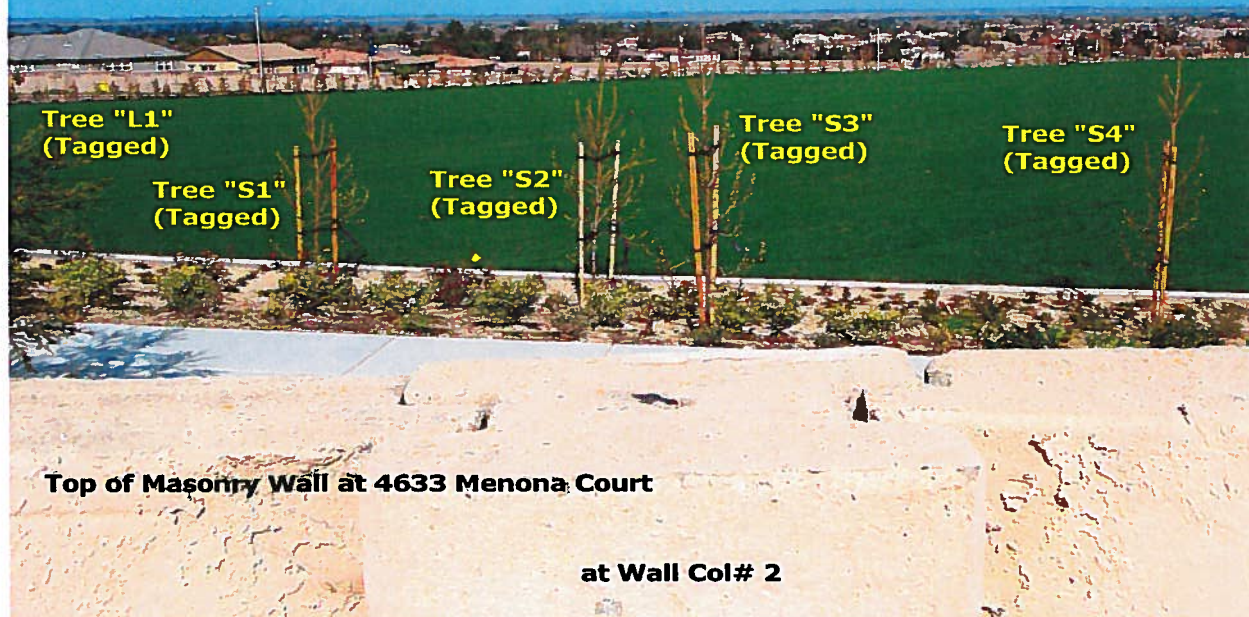


<-- to Wall Col# 1

to Wall Col# 2 -->

Note:
"L" denotes the Larger and
"S" denotes the Smaller of
the two types of trees being planted.
"Tagged" denotes trees tagged for
removal per City of Antioch
(per e-mail of 15 FEB 2012)

**Nelson Ranch Park in Antioch
Tree Placement of 29 FEB 2012
behind 4633 Menona Court
(Top of Wall Vantage 2 of 4)**

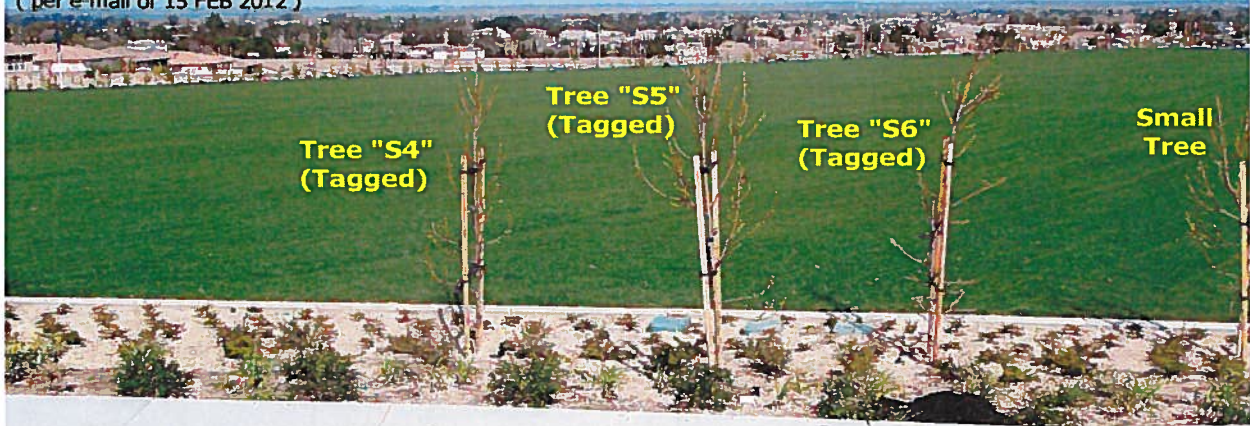


Top of Masonry Wall at 4633 Menona Court

at Wall Col# 2

Note:
"L" denotes the Larger and
"S" denotes the Smaller of
the two types of trees being planted.
"Tagged" denotes trees tagged for
removal per City of Antioch
(per e-mail of 15 FEB 2012)

**Nelson Ranch Park in Antioch
Tree Placement of 29 FEB 2012
behind 4633 Menona Court
(Top of Wall Vantage 3 of 4)**



Top of Masonry Wall at 4633 Menona Court

at Wall Col# 3

Note:
"L" denotes the Larger and
"S" denotes the Smaller of
the two types of trees being planted.
"Tagged" denotes trees tagged for
removal per City of Antioch
(per e-mail of 15 FEB 2012)


**Nelson Ranch Park in Antioch
Tree Placement of 29 FEB 2012
behind 4633 Menona Court
(Top of Wall Vantage 4 of 4)**



Top of Masonry Wall at 4633 Menona Court

at Wall Col# 4

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR
CONSIDERATION AT THE COUNCIL MEETING OF MARCH 13, 2012**

PREPARED BY: Brian Nunnally, Economic Development Analyst 

APPROVED BY: Jim Jakel, City Manager 

DATE: March 7, 2012

SUBJECT: Consider a proposal from the non-profit Friends of Roswell Butler Hard House for the restoration and preservation of the Hard House

RECOMMENDATION:

Provide direction to Staff on the proposal from the Friends of Roswell Butler Hard House regarding their restoration project and ownership of the Property.

SUMMARY:

The City of Antioch owns the Roswell Butler Hard House ("House"), which is recognized on the National Registry of Historic Buildings. Over the years the House has become dilapidated and is in currently uninhabitable. A non-profit group, the *Friends of the Roswell Butler Hard House* ("Friends"), would like to renovate, restore and preserve the House. City Staff, as well as the Council subcommittee assigned to the project, have met with the Friends several times and received its restoration and ownership proposal. Staff is seeking City Council direction on the proposal.

BACKGROUND:

In 2010 the Friends made the following recommendations for the Hard House:

1. The House should be rehabilitated and restored and not reconstructed.
2. The House should be restored to its original footprint and architecture of 1869 (a rear addition would be removed).
3. The House should be owned by the newly formed private non-profit, 501 (c) (3) as this will create the highest financial potential of restoring the property.
4. The City of Antioch should transfer title of the Hard House and land to the non-profit with the property to be used for public benefit; and, if the non-profit dissolves anytime in the future, the first choice will be the transfer of the real property back to the City or, if declined, then to the Antioch Historical Society for future protection.

To provide the structure for an Agreement with the Friends, and to protect the City from future liability, staff has the following recommendations and would like Council direction:

Structural Integrity: The Hard House is recognized on the National Registry of Historic Buildings, which subjects the renovation of the building to different standards

than would otherwise apply. The Hard House has not been occupied nor maintained for many years, adding significantly to the renovation work that will be required. Therefore, staff recommends that the City require that the Friends provide the following information:

- A structural renovation plan, developed by a certified engineer that complies with California historic building code
- A site work safety plan, including rules and requirements for those working in or around the Hard House site
- A plan for the removal and disposal of all hazardous materials

Ownership of Property: The subject of ownership is key to several issues regarding this project, and the statewide termination of Redevelopment Agencies further complicates these issues. It is understood that the Friends desire to immediately own the property on which the renovation will take place, but given recent changes in Redevelopment, many title companies are not issuing Title Insurance for properties conveyed that were formerly held by the Redevelopment Agency and transferred from the Redevelopment Agency to another party after January 1, 2012, so if the State of California or the Oversight Board that is in the process of being appointed were to rule that the City's conveyance of the Hard House to the Friends was not a legally-authorized transfer, the property would belong to the State and the Friends would not be compensated for any expenditures made by the Friends; this possibility was disclosed to the Friends at the February 15, 2012 subcommittee meeting. In addition, Staff believes that the renovation is a major undertaking and will require significant financial and other resources, so prior to turning this property over to the Friends, it may be prudent for the Friends to be required to complete Phase I of the work. Because Staff differs with the approach desired by the Friends, two options are provided for City Council consideration:

Option 1

It is recommended that the City Council direct staff to structure and negotiate a Disposition and Development Agreement ("DDA") with the Friends. The terms and conditions of the DDA will include, at a minimum, the items recommended in this agenda report, and Staff recommends that the DDA also condition transition of ownership based on completion of the following three requirements:

1. Funding Capacity/Meeting Regulatory Requirements
 - a. Deposit of all escrow closing costs
 - b. Subdivision of Hard House/Lynn House (and a Variance if required as both are located on the same parcel)
 - c. Map signing costs
 - d. Deposit into escrow of an executed and notarized deed
 - e. Funds for all reasonably expected costs of plan checks, permitting and other City/County fees on deposit with a financial institution
2. Completion of the milestones outlined in Phase I of the renovation project

3. Friends' ability and willingness to meet the insurance requirements set forth by the City's Joint Risk Pool. At the February 15, 2012 subcommittee meeting, the subcommittee tasked Staff with researching a way by which the Friends might start Phase I duties without insurance as the Friends claim that no insurance is available to them unless they own the property, and in the research Staff completed, Staff determined the following:
- Insurance exists that covers the activities taking place at a location not owned by the party seeking insurance (which is the case with churches that rent space at Prewett Park that are required to provide proof of insurance prior to using these City facilities);
 - The concept of having the Friends provide a Work Waiver to the City that is signed by its volunteers is insufficient because of third-party liability issues. For example, even though Jane Doe signs a waiver agreeing that she won't sue the City of Antioch if injured while volunteering on the project, third parties seeking to recoup their costs (her health insurance company or Medical are prime examples) might still sue the City, as is the possibility of a family member suing the City on her behalf even if Jane Doe doesn't approve of the lawsuit; and
 - The concept of having the Friends indemnify the City to further insulate the City from potential litigation is also insufficient because it would require the Friends to have a large enough sum of money in reserves to cover the City's legal fees – even if the lawsuit was frivolous there would still be litigation costs – plus any damages that might be awarded as a result of a lawsuit in which the petitioner prevailed.

Option 2

Ownership can be transferred immediately to the Friends, and the Friends are fully aware that based on ongoing developments with Redevelopment in California, the State of California or the Oversight Board that is in the process of being appointed may rule that the transfer is not legally permissible, and that the Friends will not be compensated for any expenditures they've made in pursuit of the project. Also, if Option 2 is the option chosen by the City Council, the City may opt to maintain a First Right of Refusal or completely relinquish any rights to the property in the future, but either way the City will have no control over the restoration project other than approval of the required permits, and therefore should be released from any current or future liability on the property.

Insurance: If the City retains ownership for any period of time during the proposed project timeline (see timeline below), for the protection of the City of Antioch and the Friends' officers, volunteers and paid workers, it is prudent that a dedicated insurance policy be obtained for this project. Therefore, staff recommends the following insurance requirements:

- The Friends will obtain, at their sole expense, liability insurance at a minimum of \$5 million. This is the amount required by the City's Joint Risk Pool for construction projects.

- The Friends will release and indemnify the City of Antioch of any and all liability associated with the Hard House and the renovation project.
- Insurance coverage will extend to all volunteers and paid workers taking part in the restoration project.

Proposed Project Timeline: The Friends propose a seven-year restoration timeline consisting of the following: Phase I (up to 6 months) will address weed and debris clean up, safety, security and weather proofing aspects of the project; Phase II (up to year 3) will address the foundation, masonry and structural issues that will be identified in the structural renovation plan required above; Phase III (up to year 5) completes the outside exterior street portion of the house, including porches, balcony, walls and garden area; and Phase IV, estimated for completion in Year 7, will address the interior finish and access issues. The City concurs with this proposed timeline and execution of the renovation project. If the City retains ownership pending completion of Phase I, it is recommended that the Friends of Roswell Butler Hard House provide an estimated budget for all phases of the project outlined above.

FINANCIAL IMPACT:

The Friends have indicated that they will take on the full financial responsibility for this restoration project so there is no financial impact to the City. If the property is not transferred and remains in City ownership, the City has not identified any funding sources for its rehabilitation.

OPTIONS:

- Provide direction on the potential Agreement with the Friends of Roswell Butler Hard House for the restoration of the Hard House based on bulleted items above
- Decline to enter into an Agreement with the Friends of Roswell Butler Hard House
- Provide alternate direction

ATTACHMENTS:

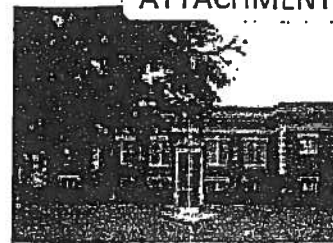
- A. Antioch Historical Society letter to the City Manager dated September 25, 2009
- B. Roswell Butler Hard House Antioch Historical Society Committee Report and Recommendations
- C. Preliminary Plans for Funding the Restoration of the Roswell Butler Hard House
- D. Friends of Roswell Butler Hard House Proposed Restoration Time Line
- E. Letter to David Brink dated January 26, 2010
- F. Letter from David Brink dated May 26, 2011



Antioch Historical Society

1500 West 4th Street, Antioch, CA 94509
Non-Profit #94-2457532
(925) 757-1326 Museum * (925) 757-0308 Fax

ATTACHMENT A



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

September 25, 2009

Re: Recommendations for the Roswell Butler Hard House

Dear Mr. Jakel,

The members of the Antioch Historical Society have met several times for the review of various documents relating to the Roswell B. Hard House, a City owned historic property. We have worked with the City representative, Dave Sanderson, for the gathering of all related files and information on hand with the City and the committee has made an additional inspection of the exterior and interior of the building to gauge it's level of deterioration and general conditions.

During this period of time, it was decided by the committee, that the only way to generate funding for the restoration of the building was to form it's own non-profit that would allow for the application to State and Federal Historic Preservation Grants as well as offering tax deductions for corporate and individual donations towards the restoration and preservation of the property. To this end, the Antioch Historical Society contributed \$1,000.00 for the filing of the new non-profit that is a stand alone organization, completely separate from the Historical Society. The bylaws and articles of incorporation have all been reviewed and as of August 5, 2009 we have received full approval from the Internal Revenue Service to operate as a tax exempt, 501 (c)(3) non-profit corporation. Our new non-profit number is now 27-0454042, representing "Friends of Roswell Butler Hard House", a California non-profit corporation.

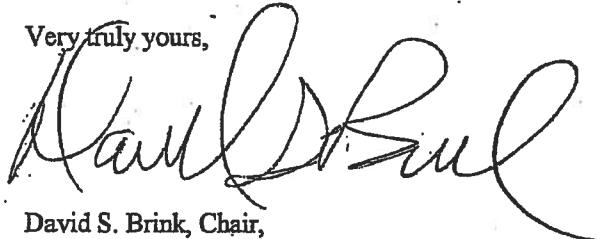
The "Friends" commitment to the Historical Society is only that should we ever disband, all monies and assets will be transferred to the Antioch Historical Society. The Society is providing a meeting place and a place to house the "Friends" records until such time that the Hard House is habitable. The following individuals represent the officers and directors of "Friends of Roswell Butler Hard House":

David Brink, President
Tom Costello, Vice President
Stanford E. Davis, Treasurer
Elizabeth A. Rimbault, Secretary
James Boccio, Sr., Director
Laura Jacques, Director
Dr. Chet Michaels, Director
Phyllis Heibert, Director
Bruce Heibert, Director
Barbara Herendeen, Director

With the fundraising mechanism now in place, we are ready to make our proposal to the City for the restoration and preservation of the Roswell Butler Hard House and enter into negotiations for a positive outcome for both the City, and the citizens of Antioch.

Attached is our report and recommendations for saving the Hard House. Please advise us as to your pleasure for a meeting with the staff and City Attorney to further the negotiations and proposal prior to addressing the City Council. We look forward to hearing from you on this historic property.

Very truly yours,



David S. Brink, Chair,
Antioch Historical Society Hard House Committee
President, Friends of Roswell Butler Hard House
hardhouse@comcast.net
(925) 437-8085 cell

Attached: Committee Report and Recommendations

CC: Dave Sanderson, City Recreation Department
Antioch Historical Society Board of Directors
All Board members of Friends of Roswell Butler Hard House

**Roswell Butler Hard House
Antioch Historical Society Committee
Report and Recommendations**



This report was prepared by The Hard House Committee of the Antioch Historical Society. It is based on a plan prepared for the City of Antioch in 1990 by the architectural firm Architectural Resources Group. Several sections of this report are direct quotes from the earlier report by Architectural Resources Group, in 1990.

Report and Recommendations For The Roswell Butler Hard House

Background:

Roswell Butler Hard was one of the most influential, and by some accounts, most powerful figures in Antioch's early history. He was a county supervisor, Sheriff and the first Mayor (chairman of the town council) of Antioch. In 1869 he built the two story brick home that stands at 815 First Street. At the time it was one of the most beautiful and costly homes in the county. It served as the meeting place for the first board of trustees in the newly incorporated City of Antioch, the first city to be incorporated in the County.

The home was constructed entirely of brick manufactured in Antioch. The home was the first property in Antioch to be listed on the State and Federal Registry of Historic Sites. Following the death of Roswell B. Hard, his widow sold the home and most of its contents and "removed herself" back to San Francisco.

Additions were made to the building in the early 1920's with bathrooms and interior kitchens added and in mid-century the building was converted to a tri-plex (3 units). In 1979 the property was purchased by the City Redevelopment Agency and the parcel is now listed as being combined with the original Lynn House property, APN# 066-091-015. The original reason for the city's purchase was for the restoration and preservation of the historic home.

Over the years, the Lynn House next door, was selected to be restored first and is currently the City art gallery. The Hard House has continued to deteriorate and the property has been boarded up to prevent further damage by vagrants. To local historians dismay, earlier City staff negotiated away the original "cook house" built at the rear of the property, for the Prospect School patio. Since its purchase, periodically the public and the historical society has called for its restoration, however, with various economies at play, a source of funding has not been located by the City to carry out such a project. The property has become both a physical and financial liability to the City of Antioch and the Redevelopment Agency. In the current economic recession, many downtown storefronts are vacant and the Hard House appears doomed to continue a downward spiral.

PRIOR STUDIES AND REPORTS:

Over the years various engineering studies have been commissioned by the City of Antioch with recommendations made to the Councils regarding the cost of restoration as a City owned facility. All of the engineering and architectural studies, plans and recommendations provided by the City have been reviewed by the Hard House Committee of the Antioch Historical Society and the Friends of Roswell Butler Hard House, a new non-profit California corporation. It is believed by the committee, that as long as the Hard House remains in the ownership of the City of Antioch, the costs and governmental restrictions will remain prohibitive to restoration.

PRESERVATION ISSUES:

Issues specific to the Hard House include questions of documentation and interpretation. Documentation of the building's historical appearance includes research into historical records such as photographs, drawings and maps, as well as investigation of physical evidence, both archaeological and in the building's materials themselves. Few documentary photographs appear to exist showing the original appearance of the Hard House, except for the exterior of the front. The rear is undocumented, except for Sanborn Fire Insurance maps. Likewise, any physical evidence of the house's rear was partly destroyed when the present addition was constructed in the 1920's. The interior of the house, however, is fairly

intact and relatively unchanged from its original conditions, except for water related damage. Documentation of the interior finishes must be conducted before commencing any remedial action. This documentation should include paint analysis of each surface, and investigation into other historic finishes, such as wallpaper. The results of this documentation will guide future restoration work, including color and material selection.

The scope and complexity of this type of research and documentation presents an enormous historical project for a City that does not retain sufficient staff to devote such time and energy to such a project.

BUILDING CODE ISSUES:

Building codes applicable to the renovation of the Hard House include the Uniform Building Code (UBC) as adopted by the City of Antioch, and the California State Historical Building Code (SHBC) Title 24, Part 8, of the California Administrative Code. The SHBC is available to the Hard House because, as a designated landmark, it is considered a qualified historical structure. Portions of the Codes are impacted by the ownership and the level of usage of a building. Governmental ownership demands a higher level of compliance, while ownership by a private non-profit with lower usage, has fewer restrictions and less costly compliance.

EXISTING CONDITIONS:

The following analysis is a brief description of existing conditions found on site at the Hard House.

Site/Building Footprint

Landscaping: The landscaping around the hard House is heavily overgrown, with many mature trees and shrubs. Some of the plant materials may be part of the original nineteenth century landscaping. However, the tree that now obscures the area of the original front porch, does not appear in photos of the 1890's Hard House. Further investigation must be done to evaluate the existing landscape materials and make recommendations for their maintenance. A circular cistern, which was probably once the source of water for the house, exists at the southeast corner of the addition, The cistern has been filled with dirt by the city for safety reasons, but could be revitalized to provide landscape watering.

Porch: The original wooden porch and balcony, which once extended across the front of the building, has been removed. Its configuration and profile are indicated by traces on the building walls; the pockets in the walls, which originally held the beams are visible, although now filled with brick rubble. No remaining superficial evidence of the porch's foundation remain. After the porch was removed, a concrete platform and steps were installed at the entry door, an aluminum awning was installed above, and small metal railings were installed over the bottoms of the second floor windows.

Additions: A one-story addition, constructed with brick exterior walls and hipped roof, extends across the rear of the building. That dates back to the 1920's, and was constructed when the house was converted into apartments. The addition is divided into two symmetrical halves. The center of the addition, originally open to the rear, is enclosed by a wood framed wall with a door and wood sash windows.

Exterior

The exterior surfaces of the Hard House show the results of years of lack of maintenance, such as unpainted wood surfaces and deteriorated flashings, gutters and downspouts. This lack of maintenance has caused many problems due to water infiltration, such as deteriorated masonry.

Roof/Rainwater Systems: The building's hipped roof is surfaced with large diamond-shaped cement shingles. These shingles appear to be similar to asbestos-cement shingles commonly used in during the first half of the 20th century. They appear to be in fair condition, although dirty, discolored, and in some locations, loose. The sheet metal flashings, gutters, downspouts, and rainwater leaders are rusted and loose. They are in very poor condition, and in some instances, are missing altogether.

Chimneys: Two brick chimneys are located on the roof. They have not been closely examined, but the flashings appear to be in deteriorated condition, although the masonry appears to be in fair condition.

Cornice: A bracketed wood cornice encircles the building. Like the buildings other wood exterior elements, the cornice has not been painted for years. The lack of protective covering has caused the grain of the wood to become raised in some locations; nails and supporting anchorage has rusted and come loose. One bracket is missing entirely.

Masonry: The exterior walls are constructed of brick, made from soft, locally quarried clays. The brick is laid with a soft lime mortar, which appears to have been partially repointed in the past. The building's masonry surfaces are dirty and discolored because of atmospheric dirt, and water runoff from the deteriorated gutters and downspouts. Moss is growing on the masonry wall surface at one corner of the building, and efflorescence is occurring in several locations on the building's walls. The mortar is abraded and washed away, especially at the corners of the building.

Doors and Windows: The doors and windows are wood, with wood frames and trim. The headers and sills of the windows are solid wood pieces. The entry doors are glazed panel doors, which do not appear to be original. Like the cornice, the doors and windows have not been painted for considerable time, and have deteriorated as a result. The sills, because of their greater exposure to rainwater, are extensively dry-rotted; other wood elements show varying degrees of dry rot, cracking and splitting.

Interior

The historic interior surfaces of the hard House are generally intact. However, they suffer from the results of poor maintenance and fairly extensive water damage. The most damage is located in the two west rooms on the first floor, where significant amounts of plaster are missing along the north wall. Water infiltration has caused erosion of one portion of the brick, bearing wall west of the hall.

Plaster: The interior plaster surfaces of the building are typically flat and unornamented, except for the central hall and two eastern rooms of the first floor, which have run-in-place decorative plaster cornices and decorative cast-plaster ceiling medallions. The wall plaster was originally applied directly to the masonry walls, and on wood lath on frame partition walls. The plaster is cracked in many locations, and as described above, partially missing at locations of water damage.

Flooring: The flooring throughout the house is of wood planks. These appear to be in good condition. Some are covered with linoleum in the first floor hall, the addition, and the existing bathroom and kitchen areas.

Wood Trim: The original wood trim appears to be redwood, except for the stair, which appears to be oak. Wood trim consists of baseboards with moldings, and door and window trim. The door and window casings are heavy moldings, and simple panels are located below the side and rear windows. The front windows extend to the floor. Other areas of wood trim includes the staircase, which has an ornamental newel and simple turned balusters, and three fireplace mantels, which have round-topped openings. The

wood trim appears to be intact and good condition, except for many layers of paint. Two balusters and one newel post are missing from the stairs.

Systems

Mechanical: No environmental systems exist.

Electrical: The existing electrical system is de-energized and unusable.

Plumbing: The existing bathrooms and kitchens were probably added when the building was converted into apartments in the 1920's. The plumbing appears to be in poor condition.

OPTIONS CONSIDERED AND EVALUATED

As initially promised, the historical society committee considered several different options and approaches. Questions to answer were : 1) Can the house be saved or has the deterioration progressed to the point of no return? 2) If not what are the costs of removal to limit City liability of the vacant dwelling? 3) If to be saved, which method is least costly while achieving the desired goals; Demolition and Reconstruction OR Restoration ? 4) What is the best method of financing any of the options ?

Following the thorough inspection and review, the committee was surprised and relieved to see the level of deterioration was not as bad as earlier believed. The worst portion of deterioration is in the 1920 addition, which should be removed to restore the home to its original footprint of 1869. The committee overwhelmingly agrees the home should be saved and that the least costly, and truer path to saving history is through "Restoration".

CONSIDERATIONS TO REHABILITATE THE BUILDING

The following are considerations which will be required to rehabilitate the Hard House. They are arranged according to priority, as described below:

Priority 1: Life Safety: The most urgent need is to correct those conditions which pose immediate or potential hazards to the occupants, legal or otherwise, of the building or to the general public. This life safety issue includes potential threat of fire and damage to the adjacent Lynn House Art Gallery and to the Prospects School to the rear of the property.

Priority 2: Water Protection: Water is the greatest enemy of building materials. It is critical that the protective integrity of the building envelope be maintained, and restored as required.

Priority 3: On-going Deterioration: Additional items which are contributing to the ongoing deterioration of historic materials and finishes must be attended to in a timely manner.

Priority 4: Functional Considerations: Some building defects are less serious, either because they are not causing further deterioration or because they involve less significant building systems or elements. Other work may be included in this category because it is not remedial in nature, but required for the specific use of the building. This category includes recommendations for work which can be accomplished on a gradual basis through on-going maintenance.

SUGGESTED PROJECT PHASING

We suggest that if the Hard House is rehabilitated in phases, no more than three phases should be considered. If the work is divided into too many discrete parts, the inefficiency and duplication inherent in the phasing process, as well as the inconvenience and disruption caused by on-going construction to an operating facility will become too burdensome.

The priorities described below will be used as general guidelines for deciding which work items to complete first. Unquestionably, the building first needs to be made safe and weather tight, so work described in priorities one and two should be accomplished in the first phase. Additionally, exterior work described in priorities three and four should be accomplished in the first phase, where it is necessary to provide access to the building, and if desired, an appearance of completeness. The interior of the building can be restored over time, as can the installation of a new mechanical system. This suggested phasing is summarized below:

Phase 1: Safety, Security and Weatherproofing

- Seal and secure windows, doors and vents
- Remove debris from interior and exterior
- Remove or trim trees and shrubs to prevent further damage
- Install temporary electrical system for construction
- Remove rear addition.

Phase 2: Exterior Restoration

- Repair and repoint masonry
- Replace roofing
- Repair windows and cornice.
- Reconstruct front porch with disabled access
- Construct new rear porch with disabled access.

Phase 3: First Floor Restoration

- Install permanent electrical system
- Document interior finishes
- Remove all kitchen and toilet fixtures and equipment
- Restore flooring on first floor
- Restore staircase
- Repair plaster and wood surfaces

Phase 4: Second Floor Restoration/Functional Requirements

- Repair and repoint masonry
- Restore flooring on second floor
- Repair wallpaper, plaster and wood surfaces
- Install new mechanical system

FINANCIAL CONSIDERATIONS FOR RESTORATION OF THE HARD HOUSE

Given the current economy it is unlikely that the City of Antioch will be financially able to undertake such a renovation of the Hard House in the near future. With a decreased number of employees,

it is also unlikely that the City will have the manpower in the near future to devote to the writing of grants for the preservation of historic buildings. Fund drives are currently being run at the behest of the City to promote a South East city recreation facility and library. Should the City encourage such a fund drive for the purpose of restoring the Hard House, it would weaken the call to support the library efforts and citizens have not been known in the past to outright contribute financially to a City project without receiving major tax relief. (Exception: 10th Street City Park Project run by Citizens).

On the other hand, tax exempt non-profits are known for their ability to raise large amounts of money for community projects as exemplified by the El Campanile Theater, The Antioch Historical Society Museum with the Sports Legends Hall, the two downtown mural projects and the County library mural on east 18th Street, to name a few obvious privately funded projects. Non-profits are known for receiving bequests from estates, tax deductible donations from business, industry and private individuals, holding successful fundraisers and by writing and receiving grants from both the private and governmental sectors. Federal monies are available as grants for historic restorations and in connection with the arts and culture of a community. Federal monies are also available to non-profits via CDBG funds and in Redevelopment Districts. It is believed by the committee that a private non-profit will be more likely and more capable of raising the necessary funds to restore the Hard House due to volunteer efforts, man hours, and sheer desire to see the Hard House restored.

In addition to a non-profits ability to raise funds, typically the money necessary for a project such as this, are less. A governmental project usually demands total or all inclusive bids from general contractors that address all phases of the restoration and are usually known to be higher to address the difficulties of working with governmental bodies. Non-Profit 501 (c) (3) organizations are "charities" that may have a project manager, several volunteer workers, both skilled and unskilled, donated goods and materials and for some technical portions of the project, paid licensed contractors. Non-Profits do not usually experience the delays required for obtaining council approval for additional funding or moving into the next phase of the project.

A prime example of the lesser cost for a non-profit is the Antioch Historical Society Museum at 1500 W. 4th Street. When estimates were gathered by the Riverview Fire District for upgrading and refurbishing the building for continued governmental use, the cost was in excess of 2 million dollars (\$2,000,000.00). Since being in the ownership of the historical society, all of the massive upgrades and restorations made to date to the building are more in the range of 4 to 5 hundred thousand (\$400,000.00 - \$500,000.00) and the money has been raised through private and public grants, donations, bequests and large fundraisers.

Since it's purchase in 1979 by the City or Redevelopment Agency, the Hard House has presented a policing problem, liabilities due to individual's illegal and unauthorized entry onto and into the property and potential fire danger to other surrounding properties. Further, there has clearly been no efforts made to commence the restoration of the property in the last 30 years. So due to the weight of "desire, potential success, and probable financial ability", the committee believes the road to restoration lies with a private non-profit corporation organized for the sole purpose of restoring the Hard House to it's once grand stature.

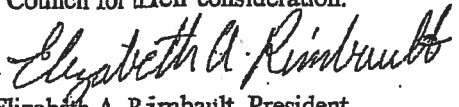
RECOMMENDATIONS FOR THE ROSWELL BUTLER HARD HOUSE

Based on the inspection of the property and all prior studies and reports issued on the house, and further based on the facts and discussions put forth in this report from the Antioch Historical Society Committee, the recommendations of the committee are as follows:

- 1.) The Roswell Butler Hard House should be rehabilitated and restored.
- 2.) That the least invasive, least costly, and highest potential of achieving the goals of a functioning Museum Home, is through "Restoration", not reconstruction.
- 3.) That the house should be restored to it's original footprint and architecture of 1869, thereby removing the 1920 addition.
- 4.) The highest potential of restoring the property will be in the ownership of a private non-profit, 501 (c)(3).
- 5.) That the City of Antioch enter into negotiations with the newly formed private non-profit 501 (c)(3) California Corporation of "FRIENDS OF ROSWELL BUTLER HARD HOUSE", Non-profit number 27-0454042; Tax exempt date: August 5, 2009, for the successful transfer of title of the Hard House and it's original land parcel to the non-profit.
 - A. All negotiations and contracts shall guarantee the property shall be used for the public benefit and that should the non-profit corporation dissolve anytime in the future, the first choice will be the transfer of the real property back to the City of Antioch; or if declined by the City, to the Antioch Historical Society for future protection.

The recommendations stated above have been approved by the Hard House Committee of the Antioch Historical Society, The Board of Directors of the Antioch Historical Society and the Board of Directors of the newly formed none-profit, Friends of Roswell Butler Hard House. Said recommendations are hereby respectfully submitted to the City of Antioch and the Antioch City Council for their consideration.

September 25, 2009


Elizabeth A. Rimbault, President
Antioch Historical Society


David S. Brink, Chair
Hard House Committee of AHS



Friends of Roswell Butler Hard House

1500 West 4th Street, Antioch, CA 94509

Dave Brink

(925) 437-8085

E-Mail: hardhouse@comcast.net

Fax

(925) 757-8953

Non-Profit # 27-0454042



PRELIMINARY PLANS FOR FUNDING THE RESTORATION OF THE ROSWELL BUTLER HARD HOUSE

The Friends of the Roswell Butler Hard House are a nonprofit 501 (c)(3) tax exempt organization dedicated to the restoration of the Hard House in the City of Antioch. The corporation has a minimum of 9 and a maximum of 11 officers and directors but does not have members. The board of directors are responsible for the entire project. Many nonprofits have learned that maintaining a membership or increasing memberships can be time consuming, costly and frequently are not a significant source of funds. Members of the public can become a "Friend" by making a donation and general donations of any size will be solicited, and not limited by a membership fee amount.

The following are proposed sources of funding the restoration project:

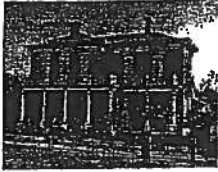
- 1.) A letter Grant request has been submitted to Mirant for \$150,000.00.
A letter from the City of Antioch acknowledging the intent to transfer ownership of the property to the Friends, would greatly assist in moving this request along. However, No grants will be given prior to transfer of ownership.
- 2.) Solicitation of donations from the general public and individuals interested in seeing the restoration of the Hard House. Donation, gifts and bequests may be in any amount and will earn the giver of funds, the title of "Friend" of the Roswell Butler Hard House.
- 3.) Grant applications may be submitted following receipt of ownership to AASLH (American Association of State and Local History), for "Museum Home" restoration projects.
- 4.) Grant applications will be submitted to all applicable State, Federal, and local Grant programs, including the Keller Canyon Mitigation Fund.
- 5.) Application will be made to the City of Antioch CDBG funds for 2010, most likely addressing HVAC and Handicap Restrooms, and Handicap Access to the lower level of the building.
- 6.) Grants will be written for the reconstruction of the Cistern system to conserve water for the landscaping and public restroom. We would also request waiver of water fees from the City of Antioch for the balance of water needed in the dry season.
- 7.) We may seek sponsorships for various rooms, displays or the gardens from local businesses, individuals and industry.
- 8.) Through various business associations and friendships the board members will seek donations of building materials and in-kind services. This may include debris boxes and porta potties from Allied Waste; building materials from contractors; plumbing and electrical services

from retired contractors ; Gardening services from the local Garden club; historical research from the Historical Society; Temporary electrical service from the City's Lynn House; Temporary security alarm installation and permanent services upon completion from Lenhart Alarm; Masonry Contractors Union training of Apprentices; Telephones installed by retired phone installers and antique telephones restored; and others.

- 9.) Pic-nic Barbeque Fundraiser, requiring partial street closure in front of the Hard House, during good weather. Other Private Fundraisers held at individual members homes. Raffles and other fundraisers held in various locations including at the Antioch Historical Society.
- 10.) We may seek limited partnering on special projects with the Antioch Unified School District and Prospects School, which may provide a level of training for students.
- 11.) Through newspaper stories, publicity and outright begging, we WILL receive donations of money, materials and most important in restoration projects, Free labor.

All of the above listed methods of seeking funding for restoration projects have proven successful in several other existing projects in town.

11/19/2009



Friends of Roswell Butler Hard House

1500 West 4th Street, Antioch, CA 94509

Dave Brink
(925) 437-8085

Fax
(925) 757-8953

E-Mail: hardhouse@comcast.net

Non-Profit # 27-0454042



FRIENDS OF ROSWELL BUTLER HARD HOUSE PROPOSED RESTORATION TIME LINE

It is the goal of the Friends to have the restoration project substantially completed within the next 5 (five) years. To that end the following represents our timeline structure proposed:

Phase I. to complete within the first 6 months (with consideration for weather):

Secure the building
Install and monitor alarm system (SAFETY, SECURITY AND
Remove all debris and dangers WEATHER PROOFING)
Clean Yard completely
Demolish rear structure
Clean interior

Phase II. Over a period of 2 Years:

Repair Masonry and Address Structural Issues. (STRUCTURAL)
Foundation issues first, followed by brick and roof issues.

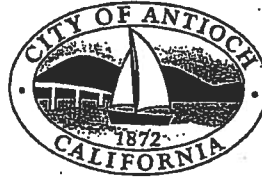
Phase III. Total Exterior Restoration- 3 Years:

Porches, balcony, walls and Gardens restored. (EXTERIOR STREET VIEW)

Phase IV. Interior Restoration Year 5:

All interior walls and finishes.
Restored wooden floors. (INTERIOR FINISH)
Heating and Air Conditioning.
Lighting, Electrical and finished plumbing.

The above proposed timeline does not represent any acquisition of furnishings or guarantee a readiness to open to the public by the end of the 5th year. Predictions based on hoped for funding cannot be absolute.



January 26, 2010

David Brink
Friends of Roswell Butler Hard House
922 Orchid Lane
Antioch, CA 94509

Dear David:

It has been a pleasure talking with you and other members of the Friends of Roswell Butler Hard House Non Profit Organization. It is exciting to think that the Hard House may one day become a treasure of downtown Antioch. To that end, and in an effort to develop criteria which may be used in a future agreement with Friends of Roswell Butler Hard House, staff has the following recommendations.

Structural Integrity: The Hard House is recognized on the National Registry of Historic Buildings, which may subject the renovation of the building to different standards than would otherwise apply. The Hard House has not been occupied nor maintained for many years adding significantly to the renovation work that will be required. To help us all understand the work that will be involved in this project, the City will require that the Friends of Roswell Butler Hard House provide the following information:

- A structural renovation plan, developed by a certified engineer that complies with California historic building code;
- A site work safety plan including rules and requirements for those working in or around the Hard House site; and
- A plan for the removal and disposal of all hazardous material.

Insurance: For the protection of the City of Antioch and the Friends of Roswell Butler Hard House organization, volunteers and paid workers, it is imperative that a dedicated insurance policy be obtained for this project. Therefore, the City will have the following insurance requirements:

- The Friends of Roswell Butler Hard House will obtain, at their sole expense, liability insurance at a minimum of \$5 million;
- The Friends of Roswell Butler Hard House Non Profit will release and indemnify the City of Antioch of any and all liability associated with the Hard House and the renovation project; and
- Insurance coverage will extend to all volunteers and paid workers taking part in the restoration project.

Letter to David Brink, Friends of Roswell Butler Hard House
January 26, 2010
Page 2

Proposed Time Line: The Friends of Roswell Butler Hard House proposed a five year restoration time line consisting of the following. Phase I (6 months) will address safety, security and weather proofing aspects of the project; a very important first step. Phase II (2 years) will address the foundation, masonry and structural issues that will be identified in the structural renovation plan required above. Phase III (3 years) completes the outside exterior street portion of the house including porches, balcony, walls and garden area. Phase IV estimated for completion in year five will address the interior finish and access issues. The City concurs with this proposed timeline and execution of the renovation project. What is needed from the Friends of Roswell Butler Hard House is an estimated budget for all phases of the project outlined above.

Structure of Agreement and Next Steps: After receiving from the Friends of Roswell Butler Hard House a written concurrence with the information requested in this letter, staff will prepare an agenda item for City Council review. This item will seek Council approval to structure and negotiate a Disposition and Development Agreement. The terms and conditions of the development agreement will include, at a minimum, the items outlined in this letter. We understand that the Friends of Roswell Butler Hard House desire to own the property on which the renovation will take place. It will be staff's recommendation to condition transition of ownership upon completion of certain milestones to be outlined in Phases I & II of the renovation project. Those details can be worked on after City Council approval to move forward with the renovation project.

Again I would like to reiterate that staff is excited about the possible renovation of the Roswell Butler Hard House. It is our goal to work with your organization to help make this project a reality. In doing so, we want to ensure that the project is done in a safe manner and the renovation is completed within City building codes.

I look forward to hearing from you in the near future.

Sincerely,



ARLENE MORNICK
Assistant City Manager

Cc: Mayor and City Council
Jim Jakel, City Manager
Lynn Tracy Nerland, City Attorney

David Brink, President
Friends of the Roswell Butler Hard House
c/o 1500 West 4th Street
Antioch, CA 94509

Mayor James Davis and Members Of the Council
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

May 26, 2011



Re: Acquisition of the Hard House by the Friends

Dear Mr. Mayor and Members of the Council,

We have been attempting to return to the Council Chambers, on the agenda for the last few months and feel our efforts are being diverted. This discussion with the Council needs to be continued and resolved.

In the past the Council has seemed concerned with potential uses of the Hard House. We have stated the best and most likely use is that of a Museum Home, which would qualify for various grants from State and National organizations as well as the Federal government. However, within that category a continued use by the City would be expected as a presentation or ceremonial office of the Mayor and Council. In addition there would be nothing precluding it from being used for "Ticket Sales" should the Antioch Ferry become a reality. In fact the potential of rental income from a transportation company would guarantee funds for continued maintenance of the building after the restoration.

In addition we have discussed the potential of letting space upstairs to the Antioch Schools Foundation or partnering with Prospect school to further the connection between the schools and city interests. This building is not seen as a huge potential retail or business concern, but as an interesting historic attraction for downtown.

This last year the City of San Ramon opened the "Glass House" which is located on the South side of Highway 680 in San Ramon. The Glass House is a reverse floor plan of the Hard House and an excellent example of the fully restored structure from the same period. If you have the opportunity to tour the Glass House, some of your concerns might be answered.

Some of you voiced a concern for the size of our bank account. We still have less than \$2,000.00 in the bank, however, our taxes are filed and all the cost of incorporation and qualifying for our non-profit have been paid and we continue to operate with 100% volunteer effort and no debts.

By specific intent, we have not held fundraisers or ask for community donations as yet because history has showed us too many projects in Antioch that sold bricks or held street fairs and never got started. The members of our board all have long histories of past restoration and preservation projects that include The Carnegie Library, The Woman's Club of Antioch, The El Campanile Theater, The Riverview Union High School (Antioch Historical Museum) and the McCoy Cook House. We are all still here in town, know and understand how to keep the trust of the citizens of Antioch, and we know how to raise the funds and volunteer help to complete historic projects.

Further with two of our board members we have significant understanding of the Redevelopment Laws. Elizabeth Rimbault, our secretary, served 6 ½ years on the Council and as the Redevelopment district sub-committee under Mayor Joel Keller. Much of her work was concentrated in this very block and included the land transfer to the school district and the design and construction of Prospect school as well as the completion of restoration of the Lynn house and it's opening. Stanford Davis, our treasurer, served as City Engineer from the 1960's until his retirement and has vast experience with dealing in Redevelopment Law in the City of Antioch.

With this knowledge we proposed a transfer through the Redevelopment Agency that would guarantee a timeline for meeting goals and allowed for consequences if goals were not met. It further guaranteed the property would always be used as a community asset and attraction to the downtown. Our entire mission is the preservation and restoration of the first property in Antioch placed on the State and National Roster of Historic Sites. There is no allowance in our proposal for individual benefit or windfall profits or resale of the site. Under Redevelopment Law the City may make this transfer to the Friends and be relieved of all liability of this currently neglected property and will not be responsible for any of our actions as well. We can guarantee that within the first 18 months of transfer we will meet all of our stage one goals.

However, we cannot even begin with the City now in title. Our best advice received tells us this one parcel can be transferred back to the Redevelopment Agency and then transferred to the Friends and all Redevelopment Law will continue to be in force. We have now been working with the staff and council for 2 years. We have patiently waited for budget sessions to be concluded, only to be set aside for the next item of city urgency and nothing in the City's financial strength or in the stability of the Hard House has changed. We Need to save this wonderful historic asset of downtown Antioch and we cannot do that with the City in ownership of the property.

THE PLUSES: With the Friends in ownership, we can qualify for a number of private grants, fundraisers and community donations. Many citizens are joining our number for volunteer labor to save this property. The City will be relieved of the burden of finance and liability for this property. The City will retain an open agreement for use of the building as a presentation or ceremonial office of the Mayor. The property will go back on the tax roll. Blight will be removed from the neighborhood and the property will be restored and usable. The citizens will gain access to the property and be able to enjoy this historic site.

THE CONS: If we Fail the property remains the same as it is today, unusable blight on the block, just as it has been since the 1970's when the Agency acquired it. No money, no plans and no incentive to improve.

You can take a chance and move forward into bright potential or stay the same and remain paralyzed in finance and politics. What's to loose?

None of us will be here forever and as taxpaying citizens and strong volunteers we believe we are owed a timely good faith response from our cities representatives. We await your response.

Very truly yours,

David Brink, President
Friends of Roswell Butler Hard House