

ANNOTATED AGENDA

for
April 24, 2012

*CITY COUNCIL MEETING
Regular and Special Meeting
Including the Antioch City Council
acting as Successor Agency/Housing Successor
to the Antioch Development Agency*

Order of Council vote: AYES: Council Members Harper, Rocha, Agopian and Mayor Davis

ABSENT: Council Member Kalinowski

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 Davis and Council Members Harper (6:20 p.m.), Agopian and Rocha (Council Member Kalinowski Absent)*

PUBLIC COMMENTS for Closed Sessions – *None*

CLOSED SESSIONS:

- 1) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** —Onita Tuggles v. City of Antioch et al, Ninth Circuit Court of Appeals, Case No. 10-17181; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA. This Closed Session is authorized by California Government Code §54956.9. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case).
Direction given to Staff
- 2) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9: Letter from James H. Colopy of Farella Braun + Martel on behalf of Discovery Builders dated March 13, 2012.
No Action to Report Out
- 3) **PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 City Manager.
No Action to Report Out
- 4) **PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 – City Attorney.
No Action to Report Out

6:38 P.M. ROLL CALL for Council Members/City Council Members acting as Successor Agency/ Housing Successor to the Antioch Development Agency – *Council Member Kalinowski Absent*

PLEDGE OF ALLEGIANCE

STUDY SESSION

1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR GENERAL FUND, RECREATION AND ANIMAL SERVICES SPECIAL REVENUE FUNDS, AND PREWETT PARK ENTERPRISE FUND FOR FISCAL YEARS 2012-2013

Recommended Action: Motion to provide direction and feedback

Direction given to Staff

STAFF REPORT

PROCLAMATION – *Sexual Assault Awareness Month, April 2012*
Arbor Day, April 27, 2012
Be Kind to Animals Week, May 6 - 12, 2012

Approved, 4/0

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

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

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR’S COMMENTS – *Honor for Alissa Friedman as "11th Assembly District Woman of the Year"*

2. **COUNCIL CONSENT CALENDAR**

- A. APPROVAL OF COUNCIL MINUTES FOR APRIL 10, 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. APPROVAL OF TREASURER’S REPORT FOR MARCH 2012

Recommended Action: Motion to approve the report

Approved, 4/0

STAFF REPORT

- D. ORDINANCE AMENDING §9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) PROGRAM *(Continued from 04/10/12)*

Pulled and discussed with Item #4, no action taken

Recommended Action: Motion to adopt the ordinance

STAFF REPORT

- E. RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ANTIOCH AND THE PUBLIC EMPLOYEES’ UNION LOCAL NO. 1

Recommended Action: Motion to adopt the resolution

Reso 2012/22, 4/0

STAFF REPORT

COUNCIL CONSENT CALENDAR — Continued

- F.** RESOLUTION APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500)

Reso 2012/23, 4/0

Recommended Action: Motion to adopt the resolution

STAFF REPORT

- G.** RESOLUTION ESTABLISHING THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2012-13

Reso 2012/24, 4/0

Recommended Action: Motion to adopt the resolution

STAFF REPORT

- H.** CONSIDERATION OF BIDS FOR THE MARKLEY CREEK CULVERT REPLACEMENT (P.W. 141-9)
Approved, 4/0

Recommended Action: Motion to award the project to the low bidder, Platinum Pipeline, Inc. in the amount of \$996,241.00 and authorize the Director of Finance to amend the Capital Improvement Budget to include a transfer of Measure 'J' funds in the amount of \$389,156.20 to the Capital Improvements Projects Fund

STAFF REPORT

STAFF REPORT

- I.** THIRD AMENDMENT TO THE DESIGN CONSULTANT SERVICE AGREEMENT FOR THE MARKLEY CREEK CULVERT REPLACEMENT PROJECT WITH HARRISON ENGINEERING, INC. (P.W. 141-9)

Approved, 4/0

Recommended Action: Motion to approve the Third Amendment to the Design Consultant Service Agreement with Harrison Engineering, Inc. for additional design work, project management and construction support for the Markley Creek Culvert Replacement project

STAFF REPORT

- J.** CONSULTANT SERVICE AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MARKLEY CREEK CULVERT REPLACEMENT PROJECT WITH PARSONS BRINCKERHOFF, INC. (P.W. 141-9)

Approved, 4/0

Recommended Action: Motion to approve the Consultant Service Agreement with Parsons Brinckerhoff, Inc. to perform construction management services for the Markley Creek Culvert Replacement Project

STAFF REPORT

END OF COUNCIL CONSENT CALENDAR

PUBLIC HEARING

3. Z-12-02: PREZONING OF AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA – THE PREZONING IS APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO BY THE CITY AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE. THE PROPOSED PREZONING CONSISTS OF PRIMARILY M-2 (HEAVY INDUSTRIAL) ZONING, WITH M-1 (LIGHT INDUSTRIAL) PROPOSED FOR THE UNINCORPORATED AREA SOUTH OF WILBUR AVENUE, AND OS (OPEN SPACE) PROPOSED FOR THE EXISTING ENDANGERED SPECIES PRESERVE LOCATED ON THE NORTH SIDE OF WILBUR AVENUE. A PREVIOUSLY PREPARED MITIGATED NEGATIVE DECLARATION WILL BE UTILIZED TO ADDRESS ANY ENVIRONMENTAL IMPACTS OF THE PROPOSED PREZONING. *ON MARCH 7, 2012, THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE TO PREZONE THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA (Continued from 04/10/12)*

To 05/08/12 for adoption, 4/0

- Recommendation: 1) Motion to read the ordinance by title only; and
- 2) Motion to introduce an ordinance to prezone Area #1 of the Northeast Antioch Annexation Area

STAFF REPORT

4. RESOLUTION MEMORIALIZING PROCEEDINGS REGARDING PROPOSED CHANGES TO THE GENERAL PLAN AND ANTIOCH MUNICIPAL CODE, INCLUDING BUT NOT LIMITED TO THE ZONING AND SUBDIVISION ORDINANCES AND DEVELOPMENT IMPACT FEES AND APPLICABILITY OF SUCH CHANGES AT THE TIME THAT THE CITY APPROVES A TENTATIVE SUBDIVISION MAP

Reso 2012/25, 4/0

No Action taken on Item #2D

- Recommended Action: Motion to adopt the resolution

STAFF REPORT

COUNCIL REGULAR AGENDA

5. BRENNAN ROSE OF MIKE’S AUTO BODY IS APPEALING THE PLANNING COMMISSION’S DECISION REGARDING LANDSCAPE AMENDMENTS TO THE MIKE’S AUTO BODY PROJECT LOCATED AT 1001 AUTO CENTER DRIVE (APN: 074-160-022)

Council Approved Appeal, 3/1-A

- Recommended Action: Motion to deny the appeal and uphold the Planning Commission’s decision

STAFF REPORT

6. **CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY**

- A. APPROVAL OF SUCCESSOR AGENCY WARRANTS

Approved, 4/0

- Recommended Action: Motion to approve the warrants

STAFF REPORT

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

A. APPROVAL OF HOUSING SUCCESSOR WARRANTS

Recommended Action: Motion to approve the warrants

Approved, 4/0

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 10:50 p.m.

STAFF REPORT TO THE ANTIOCH CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF APRIL 24, 2012

Prepared by: Dawn Merchant, Finance Director

Reviewed by: Jim Jakel, City Manager

Date: April 10, 2012

Subject: Budget Development Fiscal Years 2012-2013

RECOMMENDATION

Provide direction and feedback to staff regarding the budget information provided.

SUMMARY

This study session is the first of several to begin building the fiscal year 2013 budget and review projections for the fiscal year 2014 budget.

BACKGROUND

The purpose of this study session is to start a detailed review of individual division budgets within the General Fund, as well as the Recreation and Animal Services Special Revenue Funds and Prewett Enterprise Fund as subsidies to these programs are integral to the General Fund budget. Projections for fiscal year 2014 are also provided to better analyze where we are headed based on actions to date. While we are not adopting a 2014 budget at this time, based on preliminary estimates Council needs to be aware of the potential for projected General Fund deficits. Even with almost 40% of positions vacant due to attrition and layoffs, adding a second tier to PERS and medical after retirement, employees phasing in significant contributions to PERS, 10% work furloughs of non-sworn staffing and elimination of significant raises from pre-2009 employee contracts, cost reductions still have not been enough.

By 2014, either a broad economic recovery, including housing values, must be underway, a huge economic development breakthrough, or a new revenue measure must be considered. It is not possible to promise a full range of basic services to a community of this size with \$34M in revenue. This is in fact less revenue than our neighbor Brentwood has for services in spite of the fact that Antioch is far larger. Antioch must grow revenues in order to meet community demands for services.

GENERAL FUND

Projections previously provided to Council reflected deficit spending in the General Fund of \$59,881 in FY12 and \$1,781,473 in FY13. While current projections indicate elimination of the FY12 deficit, the FY13 projected deficit has significantly increased due to several factors. A discussion of changes to each fiscal year follows.

June 30, 2012

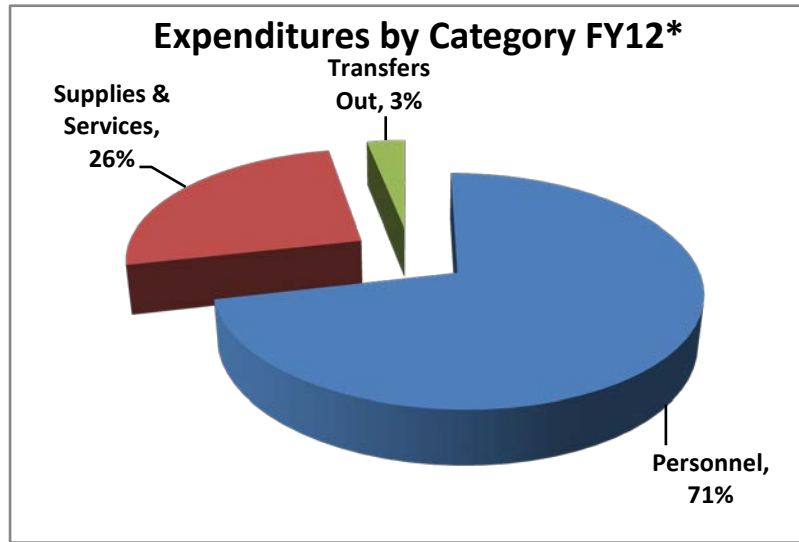
Projected revenues in FY12 have increased from \$34,192,698 to \$34,508,023. The increase of \$315,325 is largely due to an increase in sales tax projections of approximately \$354,000 netted with a culmination of increases and decreases of several other revenue sources. Sales tax in the City of Antioch has experienced an 8.4% increase between March 2011 and 2012, matching a statewide increase of 8.8% over the same period. Revised FY12 projections represent an 11.9% over last year’s actual collections. Increases are projected over the next two fiscal years, and our consultants forecast that the City will return to 2008 sales tax levels of over \$11M in FY16. This is very good news for the budget, and helps negate faltering property tax values.

Projected expenditures in FY12 have increased from \$34,252,162 to \$34,355,447. The increase is mainly attributable to increased subsidies to recreation programs of \$220,000 and animal services of \$60,000 caused by reduced revenue projections in those departments. Projected savings in other areas have reduced the impact of the revised subsidies to \$103,285.

The latest projections for FY12 are presented below.

	June 30, 2012	% Of Budget
Fund Balance July 1, 2011	\$6,785,056	
Revenues:		
Taxes	25,841,861	75%
Licenses & Permits	754,040	>1%
Fines & Penalties	95,000	>1%
Investment Income & Rentals	454,350	>1%
Revenue from Other Agencies	905,151	3%
Current Service Charges	1,758,225	5%
Other Revenue	1,015,913	3%
Transfers In	3,683,483	11%
Total Revenues	\$34,508,023	100%
Expenditures:		
Legislative & Administrative	2,596,969	8%
Finance	1,841,225	5%
Nondepartmental	1,228,658	4%
Public Works	4,830,052	14%
Police Services	23,702,241	69%
Police Services – Animal Support	496,384	1%
Recreation/Community Services	416,295	1%
Community Development	1,187,347	3%
Capital Improvement	246,786	1%
Interfund Charges	(2,190,510)	(6%)
Total Expenditures	\$34,355,447	100%
Net	152,576	
Projected Fund Balance June 30, 2012	\$6,937,632	
Committed for Compensated Absences	94,030	
Unassigned Reserve %	19.83%	

Expenditures can be broken down further as follows:



*Excludes interfund charges

FY12 is now projected to have a surplus of revenues over expenditures of \$152,576. For the last two budget years, General Fund expenditures have come in under budget and projected deficits were not realized. This is not uncommon of the General Fund, even in “good” budget years before the downturn in the economy began. As we quickly approach year end, as of March 31st (and accounting for transfers and known expenses which will occur in June), General Fund expenditures are running approximately 71% of budget to date, which is a 4% savings (\$1.37M) from what is expected (75%). While there is no guarantee that this savings will continue as many projects are seasonal and current savings in other costs such as overtime can change with unexpected incidents, based on past history, there may be more of a surplus than projected. Staff will continue to monitor budgets closely and revise final FY12 projections if need be before brought to Council for adoption on June 26th.

An item that may impact this year’s budget and going forward relates to the City’s water rights. Each year the Department of Boating and Waterways determines if the City can seek reimbursement for “usable river water” days per month for the prior water year. Historically, any reimbursements received have been accounted for in the Water Enterprise Fund. Reimbursements are neither guaranteed nor determinable each year. The budget sub-committee received outside legal opinion that the water rights belong to the City, not the Water Enterprise Fund. The sub-committee has made the recommendation that any future reimbursements be placed in the General Fund. Staff is recommending that reimbursements received in any given year are applied as follows:

- In a budget year that reimbursement is received and there is a budget surplus (i.e., revenues exceed expenditures and undesignated reserves are at least 10%), monies received shall be used to replenish litigation and replacement reserves.

- In a budget year that reimbursement is received and there is a budget deficit (i.e., expenditures exceed revenues and/or undesignated reserves are below 10%), monies received shall be used to offset the deficit.

June 30, 2013

Projected revenues have increased \$220,601 from \$34,041,812 to \$34,262,413. This increase is mainly attributable to the net effect of a 4.8% increase in sales tax over revised FY12 projections and the loss of a revenue source due to the abolishment of redevelopment. In prior years, \$50,000 was transferred to the City Attorney's department from redevelopment. FY12 was the final year of that transfer. Most other revenue sources continue to remain fairly flat. FY12 was the final funding year for the COPS hiring grant, representing a loss of \$738,000 in grant revenue in FY13, but this loss is mitigated by \$800,000 in funds to be received by GenOn related to the northeast annexation agreement.

Projected expenditures have increased \$847,316 from \$35,823,285 to \$36,670,601. This is mainly due to two factors: salaries previously charged to the dissolved redevelopment agency are reverting back to the General Fund in the amount of \$308,000 and raises approved in the APOA Letter of Understanding at a cost of \$511,050 to the FY13 budget.

Assumptions included in FY13 are:

- 2% decrease in property tax.
- 4.8% increase in sales tax.
- \$800,000 in payments from GenOn to be received in July and December 2012. In November 2011, Council directed that \$100,000 of GenOn funds be used to supplement the code enforcement program. As this program is beginning so late in FY12, \$100,000 of the FY13 monies have been directed to code enforcement. \$50,000 has been budgeted in the General Fund in FY13 to pay for 50% of the personnel costs with 50% coming from other funding sources (Abandoned Vehicle, Solid Waste and CDBG). The remaining \$50,000 is reflected as "committed" fund balance to be spent towards second year program funding in FY14.
- Maintain increase in Gas Tax Fund transfer of \$500,000.
- Continue to fund medical after retirement and police supplementary retirement plans on pay as you go basis.
- Continue to fund street light electricity costs out of Gas Tax.
- Council voluntary salary reductions continue.
- Furloughs still in place.
- Continue to fund replacement accounts with non-General Fund sources only.
- No earthquake insurance for Prewett, City Hall or Police Facility.
- Maintain current funded staffing levels.

The following personnel assumptions by bargaining group are in the projections:

- **AP SMA** pays 5% of PERS retirement through beginning of March 2013, increasing to 7% beginning March 2013. MOU calls for wage increase of

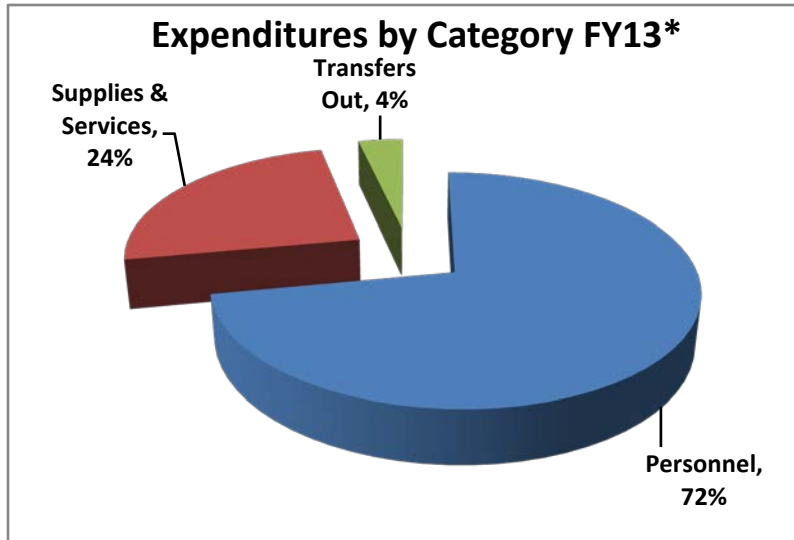
minimum 2%, maximum 6% to bring members into second place of four-city formula. 6% increase assumed in the budget.

- **Local 3** pays 5%/6% of PERS retirement through beginning of March 2013 increasing to 7%/8% beginning March 2013. 3% wage increase effective March 2013.
- **Confidential & Management** pays 5%/6% of PERS retirement through December 31, 2012, increasing to 7%/8% beginning January 1, 2013. 3% wage increase effective January 1, 2013.
- **Local 1** pays 7%/8% of PERS retirement (beginning May 2012). No negotiated wage increases.
- **APOA** pays 8%/9% of PERS retirement. 3% wage increase effective March 2013.

FY13 projections are presented below:

	June 30, 2013	% Of Budget
Projected Fund Balance July 1, 2012	\$6,937,632	
Revenues:		
Taxes	26,188,947	76%
Licenses & Permits	754,040	2%
Fines & Penalties	110,000	>1%
Investment Income & Rentals	462,440	1%
Revenue from Other Agencies	157,000	>1%
Current Service Charges	1,796,570	5%
Other Revenue	1,107,520	3%
Transfers In	3,685,896	11%
Total Revenues	\$34,262,413	100%
Expenditures:		
Legislative & Administrative	2,548,574	7%
Finance	1,328,771	4%
Nondepartmental	1,236,838	3%
Public Works	5,086,242	14%
Police Services	25,379,812	69%
Police Services – Animal Support	542,538	1%
Recreation/Community Services	596,720	2%
Community Development	1,383,101	4%
Capital Improvement	235,687	>1%
Interfund Charges	(1,667,682)	(5%)
Total Expenditures	\$36,670,601	100%
Net	(2,408,188)	
Projected Fund Balance June 30, 2013	\$4,529,444	
Committed for Code Enforcement	50,000	
Committed for Compensated Absences	115,000	
Unassigned Reserve %	12.74%	

Expenditures can be broken down further as follows:



*Excludes interfund charges

June 30, 2014

Although we are seeing sales tax revenue steadily climbing, the overall economy continues to be slow to recover in Antioch, and this is apparent in fiscal year 2014 projections. Expenditures continue to severely outpace available resources and without significant turn-around in revenues or further severe cuts, the General Fund could run out of fund balance in fiscal year 2014 due to possible deficit spending of approximately \$4.85M. Revenues are projected to drop slightly from fiscal year 2013.

Expenditures are expected to climb \$2.14M above FY13, mainly attributable to negotiated salary increases and other payroll factors including PERS rates. While staffing FTE's are maintained at the current funded level, FY14 includes the following payroll assumptions:

- **APOA:** 4% raise in September 2013.
- **Local 1:** 3% raise in April 2014.
- **APSM:** pays 7% of PERS retirement through beginning of March 2014, increasing to 8% beginning March 2014. MOU calls for wage increase of minimum 2%, maximum 6% to bring members into second place of four-city formula. 4% increase assumed in the budget.
- **Local 3:** 3% wage increase in March 2014.
- **Confidential & Management:** no negotiated wage increases.
- 4% non-sworn and 6% sworn cafeteria plan increases - \$160,000
- Work furloughs still maintained.
- Council voluntary reductions still in place.
- 1% increase in City miscellaneous PERS plan (to 22.3%) and 2% increase in City safety PERS plan (to 33.3%) contributions due to new assumptions approved by the CalPERS Board in March 2012. This is approximately a \$335,000 impact to the General Fund. The percentage increase may be more or less once CalPERS determines how to phase in the assumption changes. We will know our exact contribution rates at the end of this calendar year.

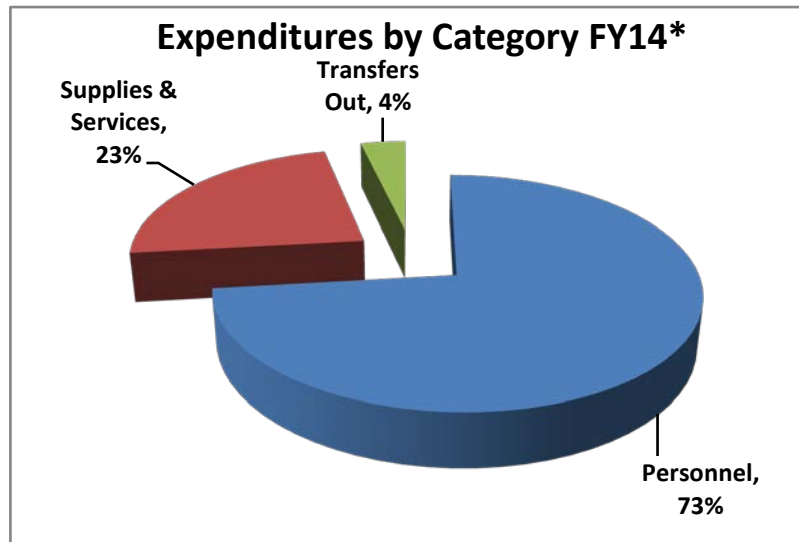
- Continue to fund medical after retirement and police supplementary retirement plan benefits on a pay as you go basis.

Another substantial hit is related to worker's compensation insurance. We received a preliminary estimate that our insurance premium for FY13 will be approximately \$1.07M more than our FY12 premium. This is due to the risk pool's loss history over the last 3 years and a reduction in the discount rate. We knew FY12 was an anomaly with a significant dividend being returned to the City, and had initially budgeted for the insurance premium in FY13 to rise slightly above FY11 premiums to \$700,000. The preliminary estimate is \$545,000 more than anticipated. Departments are charged a pro-rata share of worker's compensation that reimburses the Loss Control Internal Service Fund for premiums paid. Due to surplus "billings" to departments in FY12, the Loss Control Fund will be able to absorb the FY13 premium increase. The news is not so good for FY14. Without any cushion remaining in the Loss Control Fund and projecting a further 5% increase above FY13, approximately an additional \$300,000 of the worker's compensation premium needs to be recovered from the General Fund.

Fiscal year 2014 projections are below.

	June 30, 2014	% Of Budget
Projected Fund Balance July 1, 2013	\$4,529,444	
Revenues:		
Taxes	26,644,175	78%
Licenses & Permits	774,040	2%
Fines & Penalties	125,000	>1%
Investment Income & Rentals	470,690	1%
Revenue from Other Agencies	82,000	>1%
Current Service Charges	1,883,259	5%
Other Revenue	307,520	1%
Transfers In	3,675,319	11%
Total Revenues	\$33,962,003	100%
Expenditures:		
Legislative & Administrative	2,385,731	6%
Finance	1,378,197	3%
Nondepartmental	1,434,340	4%
Public Works	5,190,410	13%
Police Services	27,212,390	70%
Police Services – Animal Support	583,166	1%
Recreation/Community Services	665,750	2%
Community Development	1,406,958	4%
Capital Improvement	244,652	>1%
Interfund Charges	(1,693,065)	(4%)
Total Expenditures	\$38,808,529	100%
Net	(4,846,526)	
Projected Fund Balance June 30, 2014	(\$317,082)	
Designated for Compensated Absences	130,000	
Undesignated Reserve %	(1.32%)	

Expenditures by category are as follows:



*Excludes interfund charges

As you can see, the trend of deficit spending continues and experiences a sharp increase over fiscal year 2013. This is due to several factors: small projected increases in the major sources of revenues; agreed upon salary increases scheduled to take place in FY14; increases in insurance premiums; projected increases in PERS rates. These numbers are what they are though, working baseline estimates for planning purposes. The City needs to use these to chart our course going forward and determine funding priorities. We have many years ahead before we are fully recovered and it is not prudent business practice to continue using reserves and hoping a last minute or one time fix comes through. City staffing is at a shadow of its former levels with only 245 total employees (39% vacancy rate) to run all essential functions of the City. Customer service for our citizens is suffering and existing employees are covering the work of all the vacant positions. We need long term stability. The numbers will continue to be updated throughout fiscal year 2013 as we get more information and we hope for improvement.

OTHER FUNDS

The Recreation Fund, Prewett Park Fund and Animal Services Fund are included in the study session packet attached. These funds receive operating subsidies from the General Fund thus it is important to review them in conjunction with the General Fund. As you will see in the packet, the Animal Services subsidy for FY12 had to be increased by \$60,000 due to reduced revenue projections, and continues to rise in both FY13 and FY14.

During last year's budget study sessions, Council gave the direction to reduce subsidies to the Recreation Fund and Prewett Park Fund with the department having a goal to

gradually reduce the subsidies to zero. With this budget cycle, this is not going to be achieved. The FY12 subsidy to the Prewett Park Fund needs to be increased \$260,000 while the subsidy to the Recreation Fund is being reduced by \$40,000 for a net increase in subsidy to recreation programs of \$220,000. Projections for water park revenues have been significantly reduced and are not enough to cover operations. This is true for the community center going forward as well. In FY12, \$300,000 of funds from GenOn was used to supplement community center operations. Without this money going forward, subsidies continue to rise to \$596,720 in total for FY13 and \$665,750 in FY14. The community center may benefit in the future from the community foundation being established as part of the northeast annexation agreement with GenOn, but it is nothing that can be forecasted at this time.

NEXT STEPS

Staff will be bringing forth budgets for remaining funds of the City for Council deliberation, including the five year capital improvement program. The final budget document incorporating all budgets that have been presented will be brought for Council approval on June 26, 2012.

OPTIONS

1. Provide direction to staff regarding the budget information provided.

ATTACHMENTS

Attachment A - Study Session Workbook
Attachment B – Current Staffing Listing

Budget Study Session



Attachment A

April 24, 2012

**STUDY SESSION – APRIL 24, 2012
GENERAL FUND**

LEGISLATIVE AND ADMINISTRATIVE

LEGISLATIVE AND ADMINISTRATIVE SUMMARY

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 adopted	2011-12 revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
SOURCE OF FUNDS:									
Billings to Departments	\$231,437	\$247,297	\$253,023	\$255,854	\$258,920	\$268,930	4%	\$275,484	2%
Revenue From Other Agencies	334,861	158,550	202,181	102,860	84,868	75,000	-12%	0	-100%
Charges for Services	63,078	16,302	371	0	1,129	0	-100%	0	0%
Miscellaneous Revenue	69,830	2,117	2,061	0	33,484	0	0%	0	0%
Donations	9,700	0	0	0	50,000	0	0%	0	0%
Transfers In	50,000	50,000	50,000	50,000	50,000	0	-100%	0	0%
TOTAL SOURCE OF FUNDS	758,906	474,266	507,636	408,714	478,401	343,930	-28%	275,484	-20%
USE OF FUNDS:									
Personnel	2,395,343	1,733,616	1,442,744	1,290,456	1,290,333	1,396,755	8%	1,509,612	8%
Services & Supplies	2,625,338	1,418,679	949,546	1,109,411	1,306,636	1,151,819	-12%	876,119	-24%
TOTAL USE OF FUNDS	5,020,681	3,152,295	2,392,290	2,399,867	2,596,969	2,548,574	-2%	2,385,731	-6%

Authorized & Funded FTE's:	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
City Council	5.00	5.00	5.00	5.00
City Attorney	3.00	2.50	3.50	3.50
City Manager	3.00	3.40	2.50	(a) 2.50
City Clerk	3.00	3.00	3.00	3.00
City Treasurer	1.15	1.15	1.15	1.15
Human Resources	3.50	3.50	3.50	3.50
Economic Development	3.00	2.50	3.00	(a) 3.00
Total Authorized & Funded FTE's	21.65	21.05	21.65	21.65

(a) A portion of City Manager (.10) and Administrative Analyst (.50) positions were charged to redevelopment in FY12.

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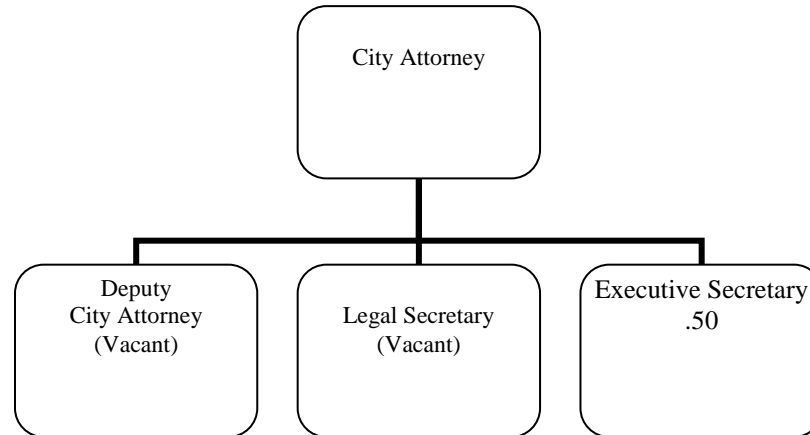
CITY COUNCIL (100-1110) - The City Council acts on all legislative matters concerning the City. As the City policy-making and legislative body, the City Council is responsible to more than 100,000 residents of Antioch for approving all programs and services provided in the City. They approve and adopt all ordinances, resolutions, contracts and other matters regarding overall policy decisions and leadership. The Council appoints the City Manager and the City Attorney, as well as various commissions, boards and other citizen advisory committees.

In reaching policy decisions, the City Council reviews proposals designed to meet community needs and sustain desired service levels; initiates new programs to upgrade existing City services; determines the ability of the City to provide financing for all municipal activities; and adopts the City budget following review and modification of a proposed budget, as submitted by the City Manager. In addition to holding regular and special Council meetings, the members of the City Council also function as directors of the Antioch Development Agency and the Antioch Public Financing Authority.

City Council (100-1110)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	adopted	revised	Proposed	Change	Projected	Change
Use of Funds:									
Personnel	119,358	108,683	123,566	129,550	129,260	133,076	3%	135,900	2%
Services & Supplies	30,150	16,517	16,598	24,368	22,368	23,370	4%	23,370	0%
Total Use of Funds	149,508	125,200	140,164	153,918	151,628	156,446	3%	159,270	2%
Elected Officials	5.00	5.00	5.00	5.00	5.00	5.00		5.00	

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CITY ATTORNEY



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Positions	# Proposed New Positions
3.5	1.5	1.5	2	0

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CITY ATTORNEY (100-1120) – The City Attorney’s Office is responsible for providing and supervising all legal services for the City and Antioch Development Agency. The Office provides advice to Council, Agency, Commissions and staff on the Brown Act, Public Records Acts, conflicts of interests, public contracting, land use, environmental laws, employment and other matters, and other matters; prepares or reviews ordinances, contracts, leases and similar legal documents; is responsible for land acquisition; oversees claims management and litigation matters; and acts as a board member to the joint risk authority (Municipal Pooling Authority).

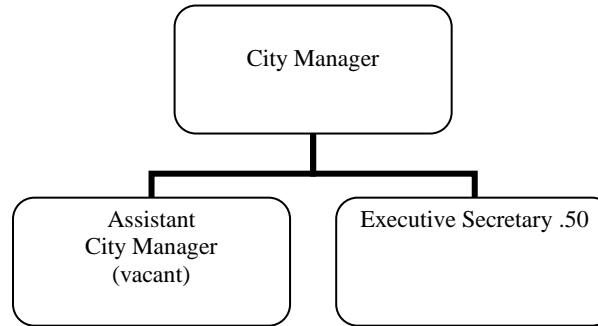
City Attorney (100-1120)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Legal Fees	63,078	16,302	371	0	1,129	0	-100%	0	0%
Other	0	2,117	2,061	0	30,984	0	-100% ¹	0	0%
Transfer in from ADA Area 1	50,000	50,000	50,000	50,000	50,000	0	-100% ²	0	0%
Total Source of Funds	113,078	68,419	52,432	50,000	82,113	0	-100%	0	0%
Use of Funds:									
Personnel	417,093	341,134	356,471	304,572	308,694	323,388	5%	335,795	4%
Services & Supplies	919,240	443,859	30,038	114,726	114,661	115,165	0%	114,465	-1%
Total Use of Funds	1,336,333	784,993	386,509	419,298	423,355	438,553	4%	450,260	3%
Authorized FTE's	3.00	3.00	3.00	2.50	2.50	3.50		3.50	

¹VARIANCE: FY12 other revenue is reimbursements from GenOn for staff time.

²VARIANCE: Redevelopment has been dissolved. Future staff time will be claimed against the administrative allowance of the City as Successor Agency.

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GENERAL FUND**

CITY MANAGER



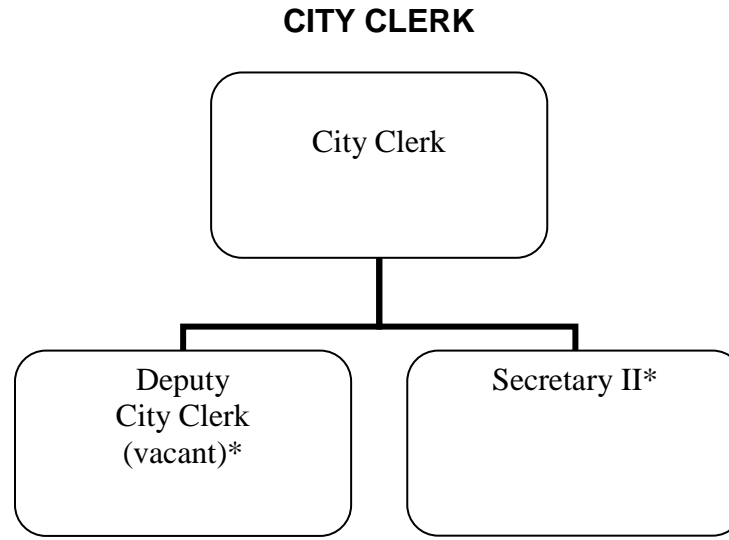
# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Positions	# Proposed New Positions
2.5	1.50	1.50	1	0

The City Manager serves as the administrative head of the City government under the direction of the City Council and is responsible for carrying out the policies and directives of the City Council. The City Manager provides leadership to the City's executive managers and the organization as a whole in meeting the needs of the community and coordinating the provision of a wide range of municipal services. The City Manager also provides administrative policy direction for fiscal planning; intergovernmental relations in responding to state, federal and regional issues with local impacts; and for communications - both internal and with the community at large. The City Manager and staff attend all Council meetings, advising the Council on matters under consideration and makes Council policy recommendations as appropriate.

City Manager (100-1130)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Revenue from Other Agencies	0	37,272	20,191	0	8,126	0	-100%	0	0%
Other	0	0	0	0	2,500	0	-100%	0	0%
Total Source of Funds	0	37,272	20,191	0	10,626	0	-100%	0	0%
Use of Funds:									
Personnel	680,592	516,566	301,330	314,066	312,123	354,347	14% ¹	368,592	4%
Services & Supplies	136,975	39,873	45,345	80,312	63,687	70,552	11%	70,552	0%
Total Use of Funds	817,567	556,439	346,675	394,378	375,810	424,899	13%	439,144	3%
Authorized FTE's	3.00	3.00	2.90	3.40	3.40	2.50		2.50	

¹VARIANCE: In FY12, 10% of City Manager time was charged to redevelopment, which has now been dissolved.

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# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Positions	# Proposed New Positions
3	2	2	1*	0
*Secretary position currently Acting Deputy City Clerk				

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CITY CLERK (100-1140) - The City Clerk is elected to a four-year term of office to preside over the Office of the City Clerk and serves as the records keeper of the official actions of both the City Council and Antioch Development Agency and is responsible for the preparation and accuracy of the agendas, minutes, public hearing notices. The Clerk also serves as the City's historian. The City Clerk serves as Clerk of the Council, conducts municipal elections, acts as the filing officer for the implementation and administration of the Political Reform Act, and is the custodian of the City seal. The position of City Clerk is elective and operates under statutory provision of the California Government Code, the Elections Code, and City ordinances and policies.

The office of the City Clerk receives claims and legal actions against the City; oversees the City's Records Management Program; maintains the Municipal Code; maintains registration/ownership certificates for City vehicles; attests and/or notarizes City documents; conducts bid openings; serves as the liaison to the Board of Administrative Appeals; and interacts with the City Council, City staff, and the general public on all related matters.

City Clerk (100-1140)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Other	11,187	0	0	0	0	0	0%	0	0%
Total Source of Funds	11,187	0	0	0	0	0	0%	0	0%
Use of Funds:									
Personnel	189,510	135,665	128,488	76,243	90,037	112,297	25% ¹	118,345	5%
Services & Supplies	103,487	27,009	77,091	30,140	138,440	108,328	-22% ²	28,328	-74%
Total Use of Funds	292,997	162,674	205,579	106,383	228,477	220,625	-3%	146,673	-34%
Authorized FTE's	2.00	3.00	3.00	3.00	3.00	3.00		3.00	

¹VARIANCE: FY12 included .50 funding of secretary for majority of FY and funding for Deputy for approximately 50% of year. FY13 includes full year of City Clerk and Deputy City Clerk only, no funding for secretary.

²VARIANCE: FY12 includes \$110,000 in election costs while FY13 only includes \$80,000.

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GENERAL FUND**

CITY TREASURER (100-1150) - The City Treasurer is elected to a four-year term of office. The duties of a City Treasurer are to receive and safely keep all money coming into the City; to comply with all laws governing the deposit and securing of public funds and the handling of trust funds in the possession of the City; to pay out money on warrants signed by persons legally designated by the City; to regularly, at least once each month, submit to the City Clerk a written report and accounting of all receipts, disbursements, and fund balances of the City; to call in money from inactive deposits and place it in active deposits as current demands require; and to deposit money for which there is no demand as inactive deposits into active deposit accounts.

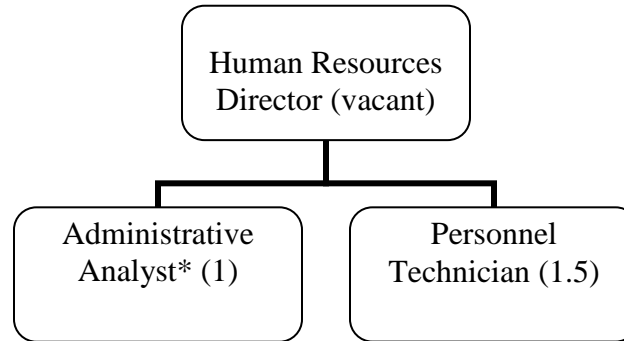
Antioch's City Treasurer reviews all travel expenses to ensure compliance with the City's travel policy; processes interest checks from certificates of deposit; reviews all warrants and field checks issued; processes assessment payoffs, reviews and approves the monthly Investment Report to Council; presides over the quarterly meeting of the advisory Investment Committee; and processes all wire transfers.

City Treasurer (100-1150)

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Billings to Departments	231,437	247,297	253,023	255,854	258,920	268,930	4%	275,484	2%
Total Source of Funds	231,437	247,297	253,023	255,854	258,920	268,930	4%	275,484	2%
Use of Funds:									
Personnel	41,318	38,968	39,824	41,820	41,415	42,972	4%	44,365	3%
Services & Supplies	176,925	190,785	197,226	199,776	199,676	206,973	4%	213,973	3%
Total Use of Funds	218,243	229,753	237,050	241,596	241,091	249,945	4%	258,338	3%
Authorized FTE's	1.15	1.15	1.15	1.15	1.15	1.15		1.15	

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HUMAN RESOURCES



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Positions	# Proposed New Positions
3.5*	2.5	2.5	0	0
*Does not include Administrative Analyst charged to Loss Control Fund 580. Director position currently filled by contract.				

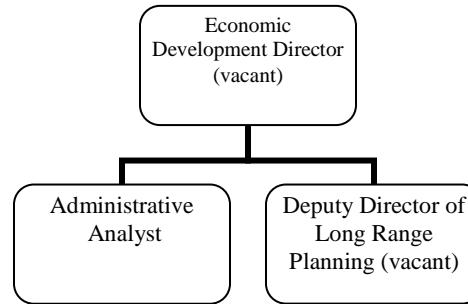
The Human Resources Department is responsible for overseeing the management of personnel services including recruitment, benefit administration, employee relations, labor relations, training, and maintaining the personnel classification system.

Human Resources (100-1160)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Use of Funds:									
Personnel	445,152	407,549	388,572	315,380	295,264	259,390	-12% ¹	329,920	27% ¹
Services & Supplies	178,741	61,249	52,109	105,708	128,423	167,796	31% ¹	120,796	-28% ¹
Total Use of Funds	623,893	468,798	440,681	421,088	423,687	427,186	1%	450,716	6%
Authorized FTE's	3.50	3.50	3.50	3.50	3.50	3.50		3.50	

¹VARIANCE: In FY13, part time help for Human Resources Director will be paid for through a contracted agency thus moved to contractual services. In FY14, part time help for this position moved back into personnel expenditures.

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ECONOMIC DEVELOPMENT



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Positions	# Proposed New Positions
3	1	1	2	0

The Economic Development Department improves the local economy by providing programs to attract, retain, expand and assist business in Antioch. Department goals include promoting a positive business environment, expanding the local tax base, creating opportunities for new jobs, retail shops, employment centers and quality dining experiences.

Economic Development (100-1180)

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Revenue from Other Agencies	334,861	121,278	181,990	102,860	76,742	75,000	-2%	0	-100% ²
Other	58,643	0	0	0	50,000	0	-100% ¹	0	0%
Donations	9,700	0	0	0	0	0	0%	0	0%
Total Source of Funds	403,204	121,278	181,990	102,860	126,742	75,000	-41%	0	-100%
Use of Funds:									
Personnel	502,320	185,051	104,493	108,825	113,540	171,285	51% ³	176,695	3%
Services & Supplies	1,079,820	639,387	531,139	554,381	639,381	459,635	-28% ⁴	304,635	-34% ⁴
Total Use of Funds	1,582,140	824,438	635,632	663,206	752,921	630,920	-16%	481,330	-24%
Authorized FTE's	3.00	3.00	3.00	3.00	3.00	3.00		3.00	

¹VARIANCE: FY12 Other Revenue represents one time monies received to establish the community foundation required with northeast annexation.

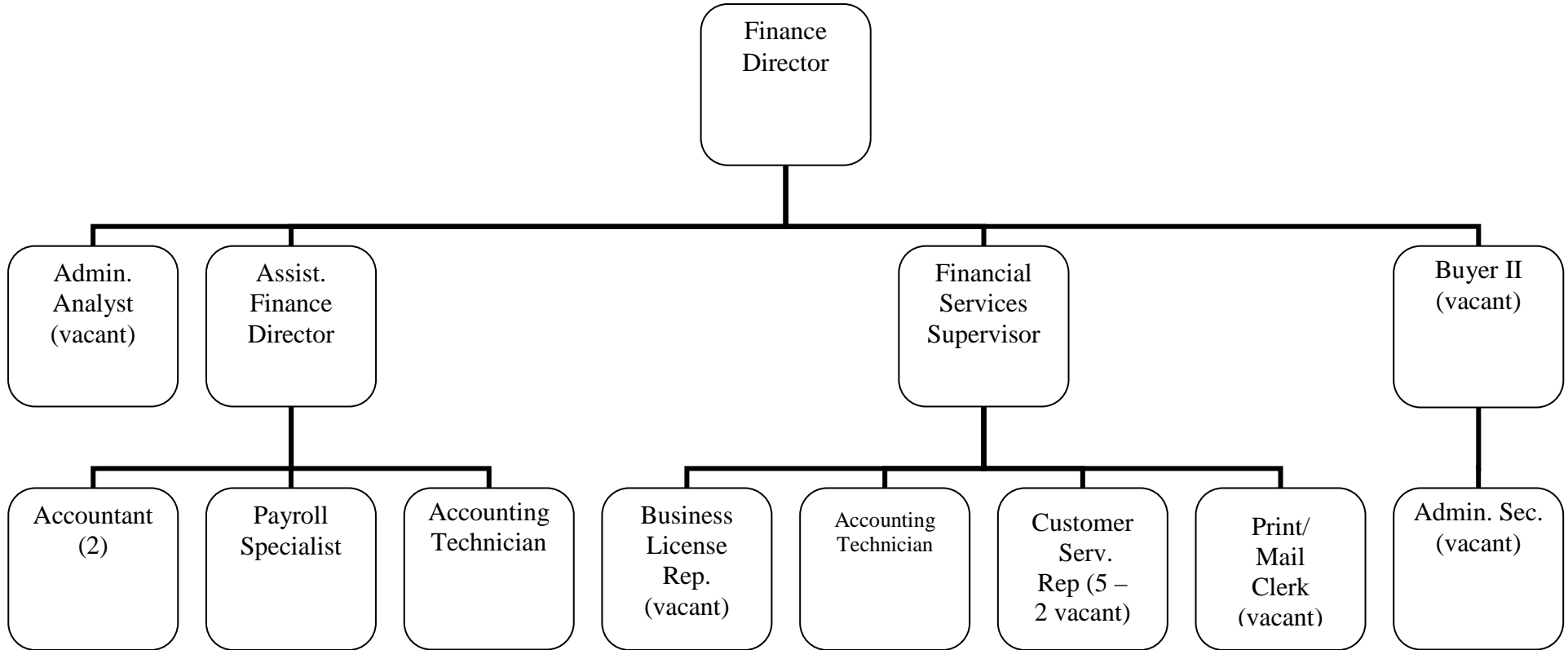
²VARIANCE: No reimbursements expected from eBart or GenOn projects.

³VARIANCE: In FY12, 50% of Administrative Analyst was charged to redevelopment, which has now been dissolved.

⁴VARIANCE: FY13 projected to be last year of sales tax reimbursement to Nokes Auto Center.

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FINANCE DEPARTMENT



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Positions	# Proposed New Positions
18*	12	11**	7	0

*Although 18 actual positions under Finance, some positions split funding as follows (FY13&FY14):

Finance Director - .80 Gen Fund Finance, .05 Gen Fund City Treasurer, .15 Wtr/Swr

Accountant – 1.90 Gen Fund Finance, .10 Gen Fund City Treasurer

Financial Services Supervisor - .15 Gen Fund Finance, .85 Wtr/Swr

Customer Service Rep. - .50 Gen Fund Finance, 4.5 Wtr/Swr

**In the process of recruiting 2 Customer Service Rep. positions, 1 due to pending retirement.

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The Finance Department provides internal support to other City Departments and external support to other government agencies by providing financial information to facilitate their decision making process. The Department administers more than 80 funds in accordance with Generally Accepted Accounting Principles. The Department is also responsible for overseeing the City's Purchasing, Printing, and Mail Services.

Along with the City Treasurer, the Finance Department is responsible for the safekeeping, management and accounting of the City's financial assets. The Department also supplies timely and accurate financial reports to elected and appointed officials and to the State. The Finance Department works with the City Manager to ensure that a sound program of fiscal control is undertaken with respect to developing and implementing the annual budget. The following divisions are in the Finance Department: Administration, Accounting, Operations, Purchasing Services, Printing Services and Mail Services.

FINANCE SUMMARY									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 adopted	2011-12 revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
SOURCE OF FUNDS:									
Billings to Departments	108,728	81,144	38,125	39,000	40,465	43,700	8%	43,700	0%
Administrative Services	95,254	79,300	79,300	79,300	79,300	79,300	0%	79,300	0%
Other	158	256	180	120	120	120	0%	120	0%
TOTAL SOURCE OF FUNDS	204,140	160,700	117,605	118,420	119,885	123,120	3%	123,120	0%
USE OF FUNDS:									
Personnel	1,592,272	1,214,290	1,197,669	1,164,090	1,159,268	765,570	-34%	799,376	4%
Services & Supplies	745,022	677,708	616,930	680,887	681,957	563,201	-17%	578,821	3%
TOTAL USE OF FUNDS	2,337,294	1,891,998	1,814,599	1,844,977	1,841,225	1,328,771	-28%	1,378,197	4%

Authorized & Funded FTE's:	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
Finance Administration	2.00	0.95	0.80	0.80
Finance Accounting	6.00	3.90	3.90	3.90
Finance Operations	9.00	5.00	0.55	0.55
Total Finance Authorized & Funded FTE's	18.00	9.85	5.25	5.25

(a) Total number funded remains the same, but allocation among departments changing beginning in FY13.

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Finance Administration (100-1210)

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Admin Services Mello Roos	40,000	41,200	41,200	41,200	41,200	41,200	0%	41,200	0%
Other	-19	133	54	0	0	0	0%	0	0%
Total Source of Funds	39,981	41,333	41,254	41,200	41,200	41,200	0%	41,200	0%
Use of Funds:									
Personnel	292,177	222,136	202,238	198,505	200,860	172,405	-14% ¹	178,550	4%
Services & Supplies	146,427	114,019	93,380	95,626	95,626	102,698	7%	102,618	0%
Total Use of Funds	438,604	336,155	295,618	294,131	296,486	275,103	-7%	281,168	2%
Authorized FTE's	1.95	1.95	1.95	1.95	1.95	1.80		1.80	

¹VARIANCE: Decrease due to allocation of .15 of Finance Director position to Water and Sewer funds beginning in FY13.

Finance Accounting (100-1220)

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Admin Svcs-Assess. District	55,254	38,100	38,100	38,100	38,100	38,100	0%	38,100	0%
Other	177	123	126	120	120	120	0%	120	0%
Total Source of Funds	55,431	38,223	38,226	38,220	38,220	38,220	0%	38,220	0%
Use of Funds:									
Personnel	516,854	476,030	494,648	517,525	525,643	545,195	4%	570,696	5%
Services & Supplies	263,608	258,809	250,947	263,651	258,791	268,326	4%	279,776	4%
Total Use of Funds	780,462	734,839	745,595	781,176	784,434	813,521	4%	850,472	5%
Authorized FTE's	4.90	4.90	4.90	6.90	6.90	6.90		6.90	

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Finance Operations (100-1230)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Billings to Departments	0	0	0	39,000	40,465	43,700	8%	43,700	0%
Total Source of Funds	0	0	0	39,000	40,465	43,700	100%	43,700	0%
Use of Funds:									
Personnel	524,228	372,478	410,712	448,060	432,765	47,970	-89% ¹	50,130	5%
Services & Supplies	239,147	236,243	196,922	321,610	327,540	192,177	-41% ¹	196,427	2%
Total Use of Funds	763,375	608,721	607,634	769,670	760,305	240,147	-68%	246,557	3%
Authorized FTE's	8.00	8.00	8.00	9.00	9.00	2.65		2.65	

¹VARIANCE: Decrease due to re-allocation of personnel and other expenses directly to Water and Sewer funds previously accounted for in cost allocation. Cost allocation has been reduced for this change.

Finance Purchasing (100-1240)*									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Use of Funds:									
Personnel	194,469	84,057	73,228	0	0	0	0%	0	0%
Services & Supplies	9,828	2,879	1,981	0	0	0	0%	0	0%
Total Use of Funds	204,297	86,936	75,209	0	0	0	0%	0	0%
Authorized FTE's	2.00	2.00	2.00	0.00	0.00	0.00		0.00	

*Purchasing budget consolidated with accounting budget starting in FY12

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Finance Printing Services (100-1310)*									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Billings to Departments	32,249	16,972	7,505	0	0	0	0%	0	0%
Total Source of Funds	32,249	16,972	7,505	0	0	0	0%	0	0%
Use of Funds:									
Personnel	48,332	44,693	12,632	0	0	0	0%	0	0%
Services & Supplies	29,623	17,060	14,607	0	0	0	0%	0	0%
Total Use of Funds	77,955	61,753	27,239	0	0	0	0%	0	0%
Authorized FTE's	0.75	0.75	0.75	0.00	0.00	0.00		0.00	

Finance Mail Services (100-1320)*									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Billings to Departments	76,479	64,172	30,620	0	0	0	0%	0	0%
Total Source of Funds	76,479	64,172	30,620	0	0	0	0%	0	0%
Use of Funds:									
Personnel	16,212	14,896	4,211	0	0	0	0%	0	0%
Services & Supplies	56,389	48,698	59,093	0	0	0	0%	0	0%
Total Use of Funds	72,601	63,594	63,304	0	0	0	0%	0	0%
Authorized FTE's	0.25	0.25	0.25	0.00	0.00	0.00		0.00	

*Print and Mail Services budgets consolidated with Operations budget starting in FY12

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NON-DEPARTMENTAL DEPARTMENT (100-1250) - The Non-Departmental classification is for revenues and expenditures that are not attributed to any one City department or division within the General Fund. Revenue items recognized in Non-Departmental include property taxes, franchise fees, business licenses, sales and use tax and motor-vehicle-in-lieu. Non-Departmental operating expenses include insurance policies and claims, sales tax audits, property tax audits, ABAG and League of California Cities membership dues, and transfers out to fund capital improvement projects.

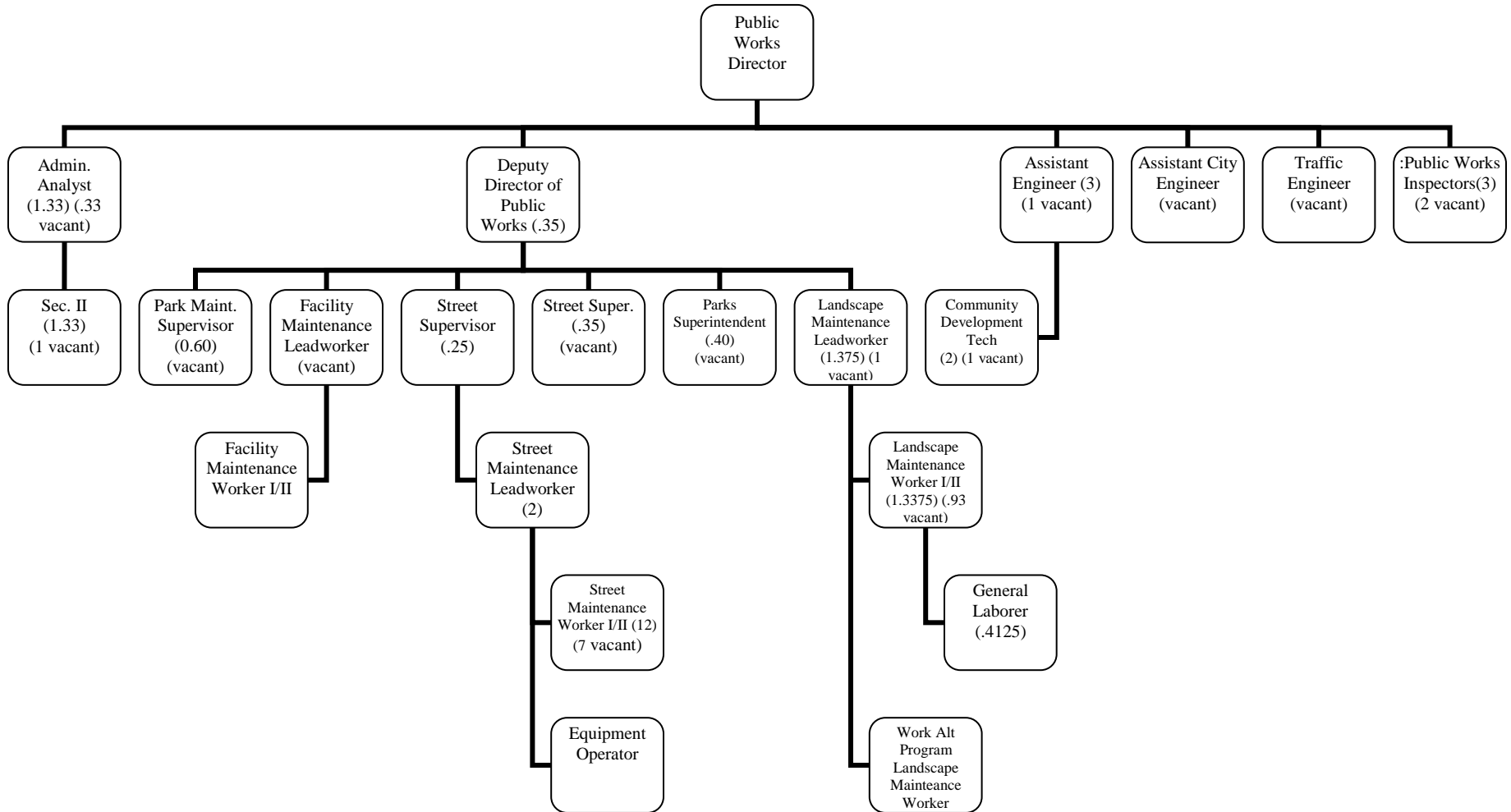
GENERAL FUND NONDEPARTMENTAL (100-1250)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Taxes	30,916,235	26,244,318	25,556,777	25,618,531	25,391,861	25,738,947	1%	26,194,175	2%
Investment Income & Rentals	505,536	357,898	431,132	421,400	454,350	462,440	2%	470,690	2%
Revenue from other Agencies	223,202	140,107	85,985	60,000	70,000	70,000	0%	70,000	0%
Charges for Services	14,591	12,472	13,363	14,500	14,500	14,500	0%	14,500	0%
Other Revenue	47,771	1,211,836	1,218,544	220,000	720,000	1,020,000	42% ¹	220,000	-78% ¹
Transfers In	2,585,628	2,474,419	0	0	0	0	0%	0	0%
Total Source of Funds	34,292,963	30,441,050	27,305,801	26,334,431	26,650,711	27,305,887	2%	26,969,365	-1%
Use of Funds:									
Personnel	9,223	10,535	16,552	17,300	17,300	18,500	7%	19,600	6%
Services & Supplies	1,378,393	1,719,485	1,726,147	1,311,631	1,211,358	1,218,338	1%	1,414,740	16% ²
Total Use of Funds	1,387,616	1,730,020	1,742,699	1,328,931	1,228,658	1,236,838	1%	1,434,340	16%
Authorized FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: Increase in FY13 and decrease in FY14 due to one- time revenues from GenOn.

²VARIANCE: Increase due to estimated increase in liability insurance premium.

**STUDY SESSION – APRIL 24, 2012
GENERAL FUND**

PUBLIC WORKS – GENERAL FUND OPERATIONS



# of Positions Authorized	# of Positions Funded	# of Positions Filled	# Vacant Positions	# Proposed New Positions
36.74*	18.60	18.27	18.61	0

*Does not include Warehouse Storekeeper and Maint. Worker II (.14) because these positions report to the Water Distribution Superintendent

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GENERAL FUND**

PUBLIC WORKS (GENERAL FUND) - The General Fund portion of the Public Works Department consists of administration and supervision, street maintenance, facilities maintenance, park maintenance and median and general landscape. Beginning July 1, 2009, Engineering Services will fall under Public Works as opposed to Community Development. The Public Works Department Summary table provides a composite look at the revenues and expenditures of the department that operates within the General Fund.

PUBLIC WORKS SUMMARY									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	adopted	revised	Proposed	Change	Projected	Change
SOURCE OF FUNDS:									
Charges for Services	131,699	446,889	478,295	354,400	386,715	334,400	-16%	334,400	0%
Other	89,684	94,737	79,883	64,700	83,971	56,700	-48%	56,700	0%
Transfers In	2,081,502	2,820,829	2,939,015	3,096,071	2,986,825	3,017,238	1%	2,970,661	-2%
TOTAL SOURCE OF FUNDS	2,302,885	3,362,455	3,497,193	3,515,171	3,457,511	3,408,338	-1%	3,361,761	-1%
USE OF FUNDS:									
Personnel	2,380,220	2,064,955	1,834,404	1,937,800	1,893,755	1,955,557	3%	2,048,648	5%
Services & Supplies	2,623,282	2,156,848	2,495,347	2,764,921	2,736,674	2,923,773	6%	2,934,602	0%
Transfers Out	290,703	205,500	138,054	199,623	199,623	206,912	4%	207,160	0%
TOTAL USE OF FUNDS	5,294,205	4,427,303	4,467,805	4,902,344	4,830,052	5,086,242	5%	5,190,410	2%

Authorized & Funded FTE's:	Authorized	Funded	Funded	Funded
	FTE's	2011-12	2012-13	2013-14
Maintenance Administration	1.66	1.66	1.66	1.66
Maintenance Supervision	0.75	0.50	0.50	0.50
Street Maintenance	9.00	5.00	5.00	5.00
Striping & Signing	6.00	3.00	3.00	3.00
Facilities Maintenance	2.00	1.00	1.00	1.00
Parks Maintenance	1.12	0.30	0.30	0.30
Work Alternative Program	1.00	1.00	1.00	1.00
Parks Median/General Landscape	3.21	1.00	1.00	1.00
Engineering and Development Svcs	12.00	5.00	5.00	5.00
Warehouse & Central Stores	0.14	0.14	0.14	0.14
Total Public Works Authorized & Funded FTE's	36.88	18.60	18.60	18.60

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Public Works Administration (100-2140)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Use of Funds:									
Personnel	256,569	238,303	245,783	252,420	249,065	253,099	2%	264,764	5%
Services & Supplies	90,105	66,358	45,212	53,756	53,756	55,556	3%	55,556	0%
Total Use of Funds	346,674	304,661	290,995	306,176	302,821	308,655	2%	320,320	4%
Authorized FTE's	1.66	1.66	1.66	1.66	1.66	1.66		1.66	

Public Works General Maintenance Supervision (100-2150)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Use of Funds:									
Personnel	206,953	61,356	61,731	66,380	66,906	69,838	4%	72,064	3%
Services & Supplies	19,935	17,157	17,579	15,639	12,038	24,126	100% ¹	24,496	2%
Total Use of Funds	226,888	78,513	79,310	82,019	78,944	93,964	19%	96,560	3%
Authorized FTE's	2.00	0.50	0.75	0.75	0.75	0.75		0.75	

¹VARIANCE: Increase in division's share of vehicle maintenance fund allocation.

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GENERAL FUND**

Public Works Street Maintenance (100-2160)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Charges for Services	108,072	88,803	116,244	34,400	50,000	14,400	-71% ¹	14,400	0%
Trans in from Gas Tax Fund	510,000	510,000	760,000	1,010,000	1,010,000	1,010,000	0%	1,010,000	0%
Trans in from St Impact Fund	750,000	1,300,000	1,200,000	1,100,000	1,100,000	1,140,000	4%	1,100,000	-4%
Total Source of Funds	1,368,072	1,898,803	2,076,244	2,144,400	2,160,000	2,164,400	0%	2,124,400	-2%
Use of Funds:									
Personnel	624,477	445,307	433,774	446,695	443,840	457,625	3%	480,996	5%
Services & Supplies	699,503	415,006	618,818	753,561	732,644	768,826	5%	771,310	0%
Total Use of Funds	1,323,980	860,313	1,052,592	1,200,256	1,176,484	1,226,451	4%	1,252,306	2%
Authorized FTE's	9.00	9.00	9.00	9.00	9.00	9.00		9.00	

¹VARIANCE: Reimbursement from Bypass Authority for bypass maintenance ceased during FY12

Public Works Signal/Street Lights (100-2170)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Charges for Services	3,238	8,144	0	0	0	0	0%	0	0%
Other	79,846	29,296	23,363	11,000	30,480	18,000	-41% ²	18,000	0%
Trans in from Traffic Safety Fund	150,000	140,000	110,562	140,000	30,000	60,000	100%	80,000	33%
Total Source of Funds	233,084	177,440	133,925	151,000	60,480	78,000	29%	98,000	26%
Use of Funds:									
Personnel	0	0	0	0	2,165	6,390	195% ³	6,405	0%
Services & Supplies	449,164	379,125	453,029	433,265	453,265	511,200	13%	521,200	2%
Total Use of Funds	449,164	379,125	453,029	433,265	455,430	517,590	14%	527,605	2%
Authorized FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

²VARIANCE: FY12 high year of billing for damages to City property.

³VARIANCE: Public Works began charging overtime related to street light repair directly to this division in FY12.

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GENERAL FUND**

Public Works Striping/Signing (100-2180)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Charges for Services	11,033	3,502	14,490	1,000	2,715	1,000	-63%	1,000	0%
Total Source of Funds	11,033	3,502	14,490	1,000	2,715	1,000	-63%	1,000	0%
Use of Funds:									
Personnel	425,042	264,045	266,036	271,765	282,970	285,930	1%	302,445	6%
Services & Supplies	149,597	106,987	145,325	153,372	145,650	165,803	14% ¹	166,500	0%
Total Use of Funds	574,639	371,032	411,361	425,137	428,620	451,733	5%	468,945	4%
Authorized FTE's	6.00	6.00	6.00	6.00	6.00	6.00		6.00	

¹VARIANCE: Increase in division's share of vehicle maintenance fund allocation.

Public Works Facilities Maintenance (100-2190)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed		2013-14 Projected	% Change
Source of Funds:									
Charges for Services	138	0	0	0	0	0	0%	0	0%
Other	263	0	281	0	0	0	0%	0	0%
Transfer In	0	0	19,108	0	0	0	0%	0	0%
Total Source of Funds	401	0	19,389	0	0	0	0%	0	0%
Use of Funds:									
Personnel	190,139	184,916	136,087	181,425	94,100	95,860	2%	101,331	6%
Services & Supplies	322,297	266,268	291,678	314,272	325,728	349,656	7% ²	344,243	-2%
Transfers Out	25,000	5,000	11,111	16,698	16,698	16,911	1%	17,094	1%
Total Use of Funds	537,436	456,184	438,876	512,395	436,526	462,427	6%	462,668	0%
Authorized FTE's	2.00	2.00	2.20	2.20	2.00	2.00		2.00	

²VARIANCE: FY13 includes budget to replace digital thermostats at City Hall.

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GENERAL FUND**

Public Works Parks Maintenance (100-2195)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Miscellaneous Revenue	8,201	4,431	35,265	38,500	43,251	38,500	-11%	38,500	0%
Transfer in from Solid Waste	94,000	94,000	0	0	0	0	0%	0	0%
Transfer in from SLLMDs	193,366	258,447	348,621	287,362	331,196	295,157	-11%	263,401	-11%
Total Source of Funds	295,567	356,878	383,886	325,862	374,447	333,657	-11%	301,901	-10%
Use of Funds:									
Personnel	82,883	16,105	16,010	30,315	36,805	41,665	13%	43,405	4%
Services & Supplies	740,498	630,163	653,002	701,462	692,095	709,145	2%	711,245	0%
Transfer out to Honeywell	0	0	3,943	5,925	5,925	6,001	1%	6,066	1%
Transfer out to SLLMDs	265,703	200,500	123,000	177,000	177,000	184,000	4%	184,000	0%
Total Use of Funds	1,089,084	846,768	795,955	914,702	911,825	940,811	3%	944,716	0%
Authorized FTE's	1.27	0.42	0.97	1.12	1.12	1.12		1.12	

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Public Works Park Median/General Landscape Maintenance (100-2196)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Charges for Services	9,218	0	0	0	0	0	0%	0	0%
Other	0	10,116	9,896	200	240	200	-17%	200	0%
Trans in from SLLMD's	299,412	276,190	247,032	238,316	235,236	230,526	-2%	235,705	2%
Total Source of Funds	308,630	286,306	256,928	238,516	235,476	230,726	-2%	235,905	2%
Use of Funds:									
Personnel	459,227	106,022	108,363	119,465	113,515	114,210	1%	119,380	5%
Services & Supplies	139,777	142,843	196,571	217,756	216,249	223,775	3%	224,082	0%
Total Use of Funds	599,004	248,865	304,934	337,221	329,764	337,985	2%	343,462	2%
Authorized FTE's	5.30	1.85	1.90	3.205	3.205	3.205		3.205	

Public Works Work Alternative Program (100-2198)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Other	1,374	0	0	0	0	0	0%	0	0%
Transfer in from NPDES	68,326	69,316	50,681	64,833	64,833	65,770	1%	65,770	0%
Transfer in from SLLMD Admin	16,398	16,636	12,163	15,560	15,560	15,785	1%	15,785	0%
Total Source of Funds	86,098	85,952	62,844	80,393	80,393	81,555	1%	81,555	0%
Use of Funds:									
Personnel	109,455	96,412	93,170	105,100	108,480	109,230	1%	114,655	5%
Services & Supplies	12,406	11,492	8,191	22,875	17,575	22,575	28%	22,575	0%
Total Use of Funds	121,861	107,904	101,361	127,975	126,055	131,805	5%	137,230	4%
Authorized FTE's	1.00	1.00	1.00	1.00	1.00	1.00		1.00	

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Public Works Warehouse And Central Stores (100-2620)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Use of Funds:									
Personnel	25,475	23,290	11,697	11,965	12,055	12,145	1%	12,943	7%
Total Use of Funds	25,475	23,290	11,697	11,965	12,055	12,145	1%	12,943	7%
Authorized FTE's	0.28	0.28	0.14	0.14	0.14	0.14		0.14	
*This program represents the General Fund portion (7%) - 80% is charged to the Water Fund, 7% to Sewer and 6% to the Vehicle Fund.									

Public Works Engineering And Development (100-5150)									
	2008-09* Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Permits		156,795	145,011	144,000	154,000	144,000	-6%	144,000	0%
Charges for Services		189,645	202,550	175,000	180,000	175,000	-3%	175,000	0%
Other		50,894	11,078	15,000	10,000	0	-100%	0	0%
Transfer In from NPDES		156,240	190,848	240,000	200,000	200,000	0%	200,000	0%
Total Source of Funds		553,574	549,487	574,000	544,000	519,000	-5%	519,000	0%
Use of Funds:									
Personnel		629,199	461,753	452,270	483,854	509,565	5%	530,260	4%
Services & Supplies		121,449	65,942	98,963	87,674	93,111	6%	93,395	0%
Total Use of Funds		750,648	527,695	551,233	571,528	602,676	5%	623,655	3%
Authorized FTE's		12.00	12.00	12.00	12.00	12.00		12.00	

*This division was part of Community Development in fiscal year 2009. See Community Development section for actual for this year.

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GENERAL FUND**

POLICE DEPARTMENT – The Antioch Police Department is charged with the enforcement of local, state, and federal laws and with providing for around-the-clock protection of the lives and property of the public. The Police Department functions as an instrument of public service and as a tool for the distribution of information, guidance and direction.

The organization chart will be provided in the draft budget document. A summary of budget verses actual positions, excluding Animal Services, follows (as of April 5, 2012):

	Positions Authorized	Funded Positions 2011-12	Funded Positions 2012-13 & 2013-14	Filled Positions	Current Vacant Positions**	Proposed New Positions
Police Chief	1.00	1.00	1.00	1.00	0.00	0.00
Captain	2.00	1.00*	2.00*	1.00*	1.00	0.00
Lieutenant	6.00	5.00*	5.00*	5.00*	1.00	0.00
Sergeant	12.00	10.00*	9.00*	9.00*	3.00	0.00
Corporal	7.00	5.00	5.00	5.00	2.00	0.00
Officers	98.00	75.00	75.00	71.00	27.00	0.00
Community Service Officers	20.00	0.00	0.00	0.00	20.00	0.00
Communications/Records Supervisor	1.00	1.00	1.00	0.00	1.00	0.00
Crime Data Technician	1.00	1.00	1.00	1.00	0.00	0.00
Dispatcher Lead	4.00	4.00	4.00	4.00	0.00	0.00
Dispatcher	13.00	11.00	11.00	11.00	2.00	0.00
Secretary	10.00	6.00	6.00	6.00	4.00	0.00
Personnel Technician	.50	.50	.50	.50	0.00	0.00
Grand Total	175.50	120.50	120.50	114.50	61.00	0.00

*1 promotional Captain and Lieutenant position in the process of being filled internally, thus Sgt will promote to Lt and Lt to Captain. Overall total number of funded positions will remain the same. Filled will then be 2 Captains, 5 Lt and 8 Sgt.

**Includes both funded and unfunded positions

**STUDY SESSION – APRIL 24, 2012
GENERAL FUND**

POLICE DEPARTMENT SUMMARY									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 adopted	2011-12 revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
SOURCE OF FUNDS:									
P.O.S.T. Funds	65,464	14,862	20,623	15,000	12,000	12,000	0%	12,000	0%
Federal Grant	5,645	985,144	693,777	730,580	738,123	0	-100%	0	0%
Other Service Charges	12,001	12,362	13,710	16,040	16,040	16,040	0%	16,040	0%
Police Services General	121,713	89,356	43,082	120,000	48,000	48,000	0%	48,000	0%
False Alarm Permit Fees	35,707	36,393	32,049	20,000	25,027	20,000	-20%	20,000	0%
False Alarm Response	39,915	23,608	24,360	25,000	25,000	25,000	0%	25,000	0%
Miscellaneous Revenue	285,415	12,390	13,844	10,000	10,518	2,000	-81%	2,000	0%
Donations	0	0	6,936	2,000	90,000	0	-100%	0	0%
Booking Fee Reimbursements	3,919	6,377	5,221	5,000	5,000	5,000	0%	5,000	0%
Sales Tax Public Safety	447,730	430,153	469,063	450,000	450,000	450,000	0%	450,000	0%
Non-Traffic Fines	47,897	46,921	26,518	30,000	30,000	35,000	17%	40,000	14%
Vehicle Code Fines	166,969	117,882	75,652	100,000	65,000	75,000	15%	85,000	13%
Abatement Fees	200	400	0	0	0	0	0%	0	0%
Police Services 911-Brentwood	584,689	646,399	733,515	683,035	683,035	751,340	10%	826,475	10%
Police Services School District	207,207	207,207	0	0	0	0	0%	0	0%
Transfers in	200,406	438,805	663,133	626,000	646,658	668,658	3%	704,658	5%
Total Source of Funds	2,224,877	3,068,259	2,821,483	2,832,655	2,844,401	2,108,038	-26%	2,234,173	6%
USE OF FUNDS:									
Personnel	24,695,925	23,139,659	21,037,077	20,672,180	20,700,947	22,259,092	8%	24,011,754	8%
Services & Supplies	3,308,663	3,069,256	2,958,667	3,085,868	2,983,028	3,102,220	4%	3,197,165	3%
Transfers Out	524,210	506,979	420,280	454,492	514,650	561,038	9%	601,866	7%
Total Use of Funds	28,528,798	26,715,894	24,416,024	24,212,540	24,198,625	25,922,350	7%	27,810,785	7%

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GENERAL FUND**

POLICE DEPARTMENT SUMMARY (Continued)				
	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
Authorized & Funded FTE'S (General Fund)				
Administration	21.80	10.85	10.85	10.85
Prisoner Custody	7.00	3.00	3.00	3.00
Community Policing	101.30	69.80	69.80	69.80
Traffic Division	4.00	4.00	4.00	4.00
Investigation	14.65	11.65	11.65	11.65
Narcotics	6.25	5.25	5.25	5.25
Communications	17.65	15.65	15.65	15.65
Office of Emergency Services	0.25	0.00	0.00	0.00
Community Volunteers	0.70	0.20	0.20	0.20
Total Police Dept Authorized & Funded FTE's	173.60	120.40	120.40	120.40

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GENERAL FUND**

Police Administration (100-3110)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Revenue from Other Agencies	71,109	14,862	30,616	23,000	12,000	12,000	0%	12,000	0%
Charges for Services	206,860	159,266	113,201	181,040	114,067	109,040	-4%	109,040	0%
Other	14,418	12,369	8,448	10,000	10,518	2,000	-81%	2,000	0%
Transfer In - Byrne Grant	25,000	25,000	25,000	25,000	0	0	0%	0	0%
Total Source of Funds	317,387	211,497	177,265	239,040	136,585	123,040	-10%	123,040	0%
Use of Funds:									
Personnel	2,373,139	2,075,668	1,590,923	1,491,227	1,558,474	1,677,875	8%	1,780,510	6%
Services & Supplies	1,143,696	960,402	911,813	1,015,916	976,773	972,928	0%	987,649	2%
Total Use of Funds	3,516,835	3,036,070	2,502,736	2,507,143	2,535,247	2,650,803	5%	2,768,159	4%
Authorized FTE's	21.05	21.55	21.55	21.55	21.55	21.80		21.80	

Police Reserves (100-3120)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Charges for Services	2,476	2,453	0	0	0	0	0%	0	0%
Total Source of Funds	2,476	2,453	0	0	0	0	0%	0	0%
Use of Funds:									
Personnel	6,447	7,024	1,376	0	434	0	-100%	0	0%
Services & Supplies	150	102	85	250	0	250	100%	250	0%
Total Use of Funds	6,597	7,126	1,461	250	434	250	-42%	250	0%
Authorized FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

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Police Prisoner Custody (100-3130)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Booking Fee Reimbursements	3,919	6,377	5,221	5,000	5,000	5,000	0%	5,000	0%
Total Source of Funds	3,919	6,377	5,221	5,000	5,000	5,000	0%	5,000	0%
Use of Funds:									
Personnel	208,314	184,471	611,974	705,915	583,883	541,465	-7%	587,140	8%
Services & Supplies	32,021	30,069	65,561	64,395	64,395	64,646	0%	64,646	0%
Total Use of Funds	240,335	214,540	677,535	770,310	648,278	606,111	-7%	651,786	8%
Authorized FTE's	3.00	3.00	7.00	7.00	7.00	7.00		7.00	

Police Community Policing (100-3150)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Sales Tax Public Safety	447,730	430,153	469,063	450,000	450,000	450,000	0%	450,000	0%
Fines & Penalties	47,897	46,921	26,518	30,000	30,000	35,000	17%	40,000	14%
Revenue from Other Agency	0	985,144	683,784	722,580	738,123	0	-100% ¹	0	0%
Donations	0	0	6,936	0	90,000	0	-100% ²	0	0%
Other	0	21	4,396	0	0	0	0%	0	0%
Transfer In-SLESF/Wtr/Swr	153,060	366,976	584,971	586,000	646,658	664,658	3%	694,658	5%
Total Source of Funds	648,687	1,829,215	1,775,668	1,788,580	1,954,781	1,149,658	-41%	1,184,658	3%
Use of Funds:									
Personnel	15,652,935	14,325,256	13,109,128	12,709,223	12,759,075	13,834,208	8%	14,992,774	8%
Services & Supplies	719,388	601,236	662,547	703,557	581,223	684,531	18% ³	702,809	3%
Total Use of Funds	16,372,323	14,926,492	13,771,675	13,412,780	13,340,298	14,518,739	9%	15,695,583	8%
Authorized FTE's	104.00	100.50	101.50	101.30	101.30	101.30		101.30	

¹VARIANCE: FY12 is final year of grant funding for COPS grant.

²VARIANCE: FY12 is one-time donation from Tom Nokes.

³VARIANCE: Increase in division's share of vehicle maintenance fund allocation.

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Police Traffic (100-3160)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Vehicle Code Fines	166,969	117,882	75,652	100,000	65,000	75,000	15%	85,000	13%
Charges for Services	200	400	0	0	0	0	0%	0	0%
Total Source of Funds	167,169	118,282	75,652	100,000	65,000	75,000	15%	85,000	13%
Use of Funds:									
Personnel	827,737	877,069	752,008	737,855	789,692	795,260	1%	859,860	8%
Services & Supplies	17,788	11,018	12,518	14,966	9,784	11,602	19%	12,818	10%
Total Use of Funds	845,525	888,087	764,526	752,821	799,476	806,862	1%	872,678	8%
Authorized FTE's	5.00	5.00	4.00	4.00	4.00	4.00		4.00	

Police Investigation (100-3170)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Other	0	0	1,000	0	0	0	0%	0	0%
Total Source of Funds	0	0	1,000	0	0	0	0%	0	0%
Use of Funds:									
Personnel	2,192,922	2,165,421	2,065,417	2,014,117	2,092,092	2,212,752	6%	2,375,790	7%
Services & Supplies	404,744	658,000	547,906	420,317	457,460	478,726	5%	504,355	5%
Total Use of Funds	2,597,666	2,823,421	2,613,323	2,434,434	2,549,552	2,691,478	6%	2,880,145	7%
Authorized FTE's	14.65	15.65	14.65	14.65	14.65	14.65		14.65	

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GENERAL FUND**

Police Narcotics (100-3175)

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Other	3,410	0	0	0	0	0	0%	0	0%
Total Source of Funds	3,410	0	0	0	0	0	0%	0	0%
Use of Funds:									
Personnel	997,434	1,061,624	1,018,704	936,650	975,269	1,027,710	5%	1,121,245	9%
Services & Supplies	32,128	20,050	34,438	48,335	45,363	50,180	11%	51,428	2%
Total Use of Funds	1,029,562	1,081,674	1,053,142	984,985	1,020,632	1,077,890	6%	1,172,673	9%
Authorized FTE's	6.25	6.25	6.25	6.25	6.25	6.25		6.25	

Police Communications (100-3180)

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Police Services 911 Brentwood	584,689	646,399	733,515	683,035	683,035	751,340	10%	826,475	10%
Total Source of Funds	584,689	646,399	733,515	683,035	683,035	751,340	10%	826,475	10%
Use of Funds:									
Personnel	1,931,224	1,865,088	1,817,659	2,022,425	1,885,640	2,111,045	12%	2,230,054	6%
Services & Supplies	240,479	260,716	260,889	268,742	300,242	315,304	5%	325,804	3%
Total Use of Funds	2,171,703	2,125,804	2,078,548	2,291,167	2,185,882	2,426,349	11%	2,555,858	5%
Authorized FTE's	17.90	17.90	17.90	17.90	17.90	17.65		17.65	

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Police Office Of Emergency Management (100-3185)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Donations	0	0	0	2,000	0	0	100%	0	0%
Total Source of Funds	0	0	0	2,000	0	0	100%	0	#DIV/0!
Use of Funds:									
Personnel	64,863	53,834	1,618	0	0	0	0%	0	0%
Services & Supplies	13,304	9,688	7,546	21,007	16,663	12,227	-27% ¹	12,477	2%
Total Use of Funds	78,167	63,522	9,164	21,007	16,663	12,227	-27%	12,477	2%
Authorized FTE's	0.25	0.25	0.25	0.25	0.25	0.25		0.25	

¹VARIANCE: Decrease in division's share of vehicle fund allocation

Police School Resource Officer (SRO) Program (100-3190)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Police Service School District	207,207	207,207	0	0	0	0	0%	0	0%
Total Source of Funds	207,207	207,207	0	0	0	0	0%	0	0%
Use of Funds:									
Personnel	411,654	476,884	0	0	0	0	0%	0	0%
Services & Supplies	702	548	0	0	0	0	0%	0	0%
Total Use of Funds	412,356	477,432	0	0	0	0	0%	0	0%
Authorized FTE's	3.00	3.00	0.00	0.00	0.00	0.00		0.00	

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Police Community Volunteers (100-3195)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Transfer in from Byrne Grant	22,346	46,829	53,162	15,000	0	0	0%	0	0%
Total Source of Funds	22,346	46,829	53,162	15,000	0	0	0%	0	0%
Use of Funds:									
Personnel	29,256	47,320	68,270	54,768	56,388	58,777	4%	64,381	10%
Services & Supplies	15,864	14,255	9,956	22,358	10,100	16,324	62% ¹	17,427	7%
Total Use of Funds	45,120	61,575	78,226	77,126	66,488	75,101	13%	81,808	9%
Authorized FTE's	0.00	0.50	0.50	0.70	0.70	0.70		0.70	

¹VARIANCE: Increase in division's share of vehicle fund allocation.

Police Facilities Maintenance (100-3200)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Other	267,587	0	0	0	0	0	0%	0	0%
Total Source of Funds	267,587	0	0	0	0	0	0%	0	0%
Use of Funds:									
Services & Supplies	688,399	503,172	445,408	506,025	521,025	495,502	-5% ²	517,502	4%
Transfer Out to Honeywell	0	0	12,154	18,266	18,266	18,500	1%	18,700	1%
Total Use of Funds	688,399	503,172	457,562	524,291	539,291	514,002	-5%	536,202	4%
Authorized FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

²VARIANCE: \$25,000 of budget originally slated for FY13 moved to FY12 to pay for needed replacements at dispatch center.

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Police Animal Control Support (100-3320)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Use of Funds:									
Transfer Out to Animal Control	524,210	506,979	408,126	436,226	496,384	542,538	9%	583,166	7%
Total Use of Funds	524,210	506,979	408,126	436,226	496,384	542,538	9%	583,166	7%
Authorized FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

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Parks and Recreation provides the City's residents recreational, preschool, social and meeting space within the community. Recreation programs are accounted for in the Recreation Special Revenue Fund and Prewett Park Enterprise Fund. The divisions within the General Fund account for support given to both of these funds for operations, as well as support of some community services.

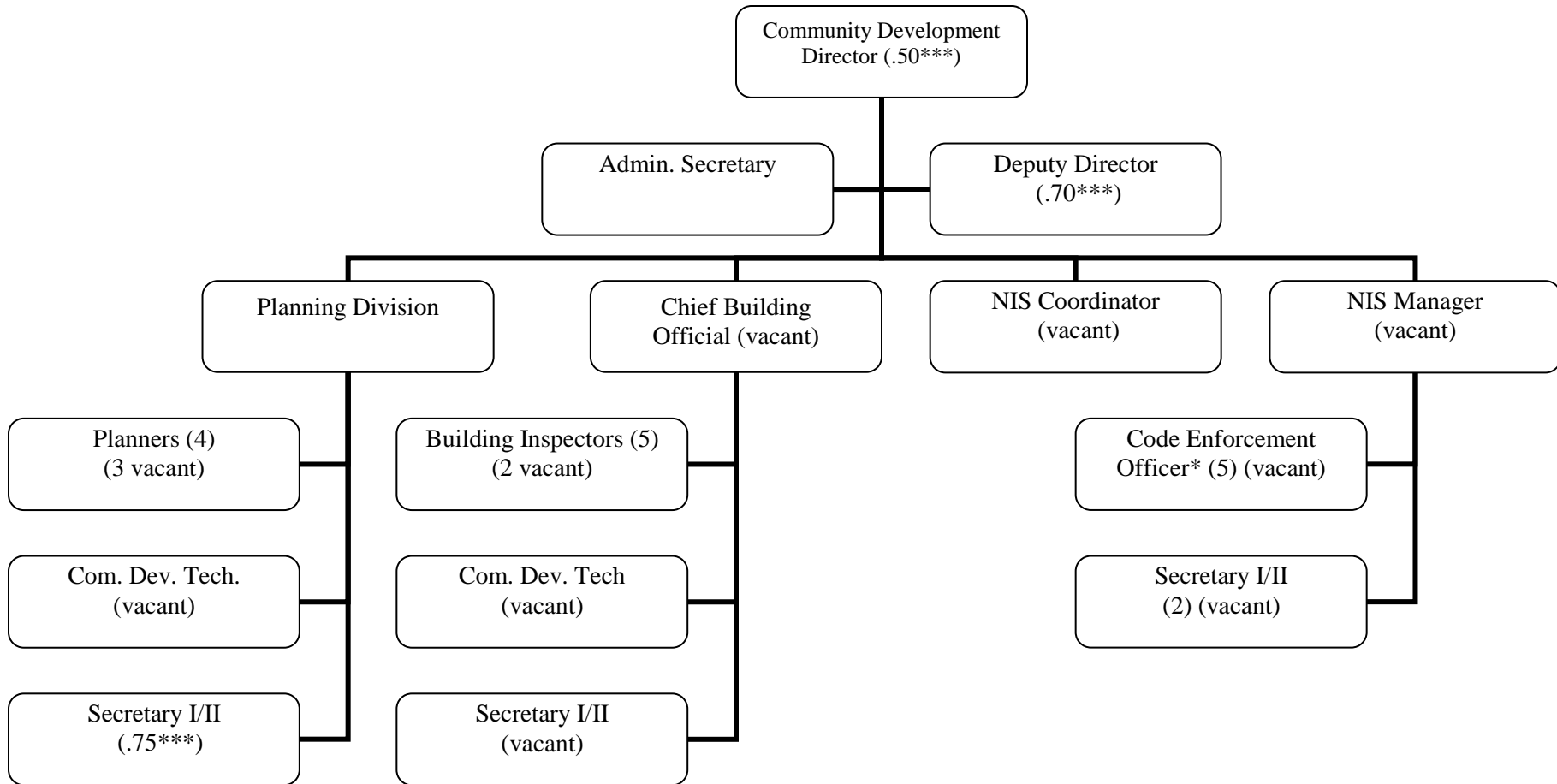
Park & Recreation Administration Support (100-4110)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Use of Funds:									
Transfer Out to Recreation Fund	544,299	395,150	136,038	456,295	116,772	391,720	235% ¹	442,750	13%
Transfer Out to Prewett Prk Fund	630,991	471,282	45,000	40,000	299,523	205,000	-32%	223,000	9%
Total Use of Funds	1,175,290	866,432	181,038	496,295	416,295	596,720	43%	665,750	12%
Authorized FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: In FY12, \$300,000 of funds from GenOn were used to supplement recreation programs.

Park & Recreation Community Services (100-4120)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Donations	19,596	0	0	0	0	0	0%	0	0%
Total Source of Funds	19,596	0	0	0	0	0	0%	0	0%
Use of Funds:									
Services & Supplies	10,492	9,110	510	0	0	0	0%	0	0%
Total Use of Funds	10,492	9,110	510	0	0	0	0%	0	0%
Authorized FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

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GENERAL FUND**

COMMUNITY DEVELOPMENT DEPARTMENT – GENERAL FUND



# of Positions Authorized	# of Positions Funded	# of Positions Filled	# of Vacant Positions	# Proposed New Positions
24.95***	7.95	6.95**	18	0

*A sixth Code Enforcement Officer position is accounted for in the Abandoned Vehicle Fund
 **A recruitment is in process for a Code Enforcement Officer to be funded from General Fund, Abandoned Vehicle, Solid Waste and CDBG
 ***.50 of Director, .10 of Deputy and .25 of Secretary position funded with redevelopment in FY12. Beginning in FY13, will revert back to General Fund due to dissolution of redevelopment and General Fund positions authorized will increase to 25.80.

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GENERAL FUND

COMMUNITY DEVELOPMENT DEPARTMENT – The Community Development Department’s goal is to protect and enhance Antioch’s cultural, environmental and historic resources, while contributing to the development of a healthy economy by conducting modern, community planning, zoning, building inspection, code compliance and housing activities to ensure proper growth and development for the City’s residents.

COMMUNITY DEVELOPMENT SUMMARY									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual*	Actual	Actual	adopted	revised	Proposed	Change	Projected	Change
SOURCE OF FUNDS:									
Building Permits	612,309	699,613	630,600	600,000	600,000	610,000	2%	630,000	3%
Plan Checking Fees	858,639	313,647	254,375	221,000	227,000	230,000	1%	235,000	2%
Planning Fees	42,232	17,844	15,051	13,000	13,000	13,000	0%	13,000	0%
Planning Review-Bldg Permits	50	100	0	0	0	0	0%	0	0%
Inspection Fees	165,579	0	0	0	0	0	0%	0	0%
Pool Safety Fee	0	0	215	50	440	300	-32%	300	0%
Technology Fee	0	46	10,489	10,000	12,000	12,000	0%	12,000	0%
Energy Inspection Fee	0	89	9,898	10,000	8,000	8,000	0%	8,000	0%
Accessibility Fee	0	0	1,486	2,000	2,000	2,000	0%	2,000	0%
Green Bldg Verif & Compliance	0	0	0	0	37,008	40,000	8%	40,000	0%
Federal Grant	78,800	74,501	0	0	0	0	0%	0	0%
General Plan Maintenance Fee	13,822	22,625	16,579	11,600	16,221	11,600	-28%	11,600	0%
Reimbursement Developers	75,038	3,018	22,870	47,000	1,120	2,000	79%	2,000	0%
Assessment Fees	159,791	4,879	933	0	465	2,500	438%	2,500	0%
Rental Inspection Fees	33,617	0	0	0	0	0	0%	0	0%
Rental Registration	9,539	0	0	0	0	0	0%	0	0%
Abatement Fees	47,678	45,986	8,497	10,000	18,000	20,000	11%	20,000	0%
Encroachment Permit	111,165	0	0	0	0	0	0%	0	0%
Wide Veh/Trans Permits	11,607	0	0	0	0	0	0%	0	0%
Sale of Maps & Plans	81	0	0	0	0	0	0%	0	0%
Donations	0	0	750	0	0	0	0%	0	0%
Revenue from Other Agencies	0	0	0	0	160	0	-100%	0	0%
Miscellaneous Revenue	29,552	21,672	18,672	21,700	21,700	21,700	0%	21,700	0%
Transfers In	234,581	15,500	0	0	0	0	0%	0	0%
Total Source of Funds	2,484,080	1,219,520	990,415	946,350	957,114	973,100	2%	998,100	3%
USE OF FUNDS:									
Personnel	3,481,516	1,361,145	806,403	803,939	820,754	1,026,081	25%	1,053,924	3%
Services & Supplies	811,327	272,643	274,567	416,054	366,593	357,020	-3%	353,034	-1%
Total Use of Funds	4,292,843	1,633,788	1,080,970	1,219,993	1,187,347	1,383,101	16%	1,406,958	2%

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GENERAL FUND**

COMMUNITY DEVELOPMENT SUMMARY (Continued)

	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
Authorized & Funded FTE's				
Administration	2.00	1.50	2.00	2.00
Land Planning Services	6.00	1.75	2.00	2.00
Neighborhood Improvement	9.40	1.30	1.40	1.40
Building Inspection	8.40	3.40	3.40	3.40
Total Community Development Authorized & Funded FTE's	25.80	7.95	8.80	(a) 8.80

*FY09 includes Engineering and Development. This program moved under Public Works in FY10.

(a) Director, Deputy and Secretary positions partially funded with redevelopment in FY12. Beginning in FY13, staff time spent on the dissolution of redevelopment will be charged to the administrative allowance for the City as Successor Agency.

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Community Development Administration (100-5110)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Use of Funds:									
Personnel	323,344	473,205	179,763	182,283	190,605	302,060	58% ¹	315,860	5%
Services & Supplies	166,007	121,463	90,224	105,587	102,023	102,302	0%	102,302	0%
Total Use of Funds	489,351	594,668	269,987	287,870	292,628	404,362	38%	418,162	3%
Authorized FTE's	2.00	2.00	2.00	1.50	1.50	2.00		2.00	

¹VARIANCE: Increase due increase in personnel allocation of .50 for Director position funded from redevelopment prior to dissolution.

Community Development Land Planning Services (100-5130)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Charges for Services	544,693	247,616	182,355	140,600	151,221	149,600	-1%	154,600	3%
Revenue from Other Agcy	0	0	0	0	160	0	-100%	0	0%
Other	55,615	3,018	22,870	47,000	1,120	2,000	79%	2,000	0%
Total Source of Funds	600,308	250,634	205,225	187,600	152,501	151,600	-1%	156,600	3%
Use of Funds:									
Personnel	654,719	358,069	171,131	169,591	191,130	199,872	5%	196,440	-2%
Services & Supplies	200,504	65,618	89,467	206,793	157,507	132,876	-16% ²	132,876	0%
Total Use of Funds	855,223	423,687	260,598	376,384	348,637	332,748	-5%	329,316	-1%
Authorized FTE's	8.00	7.00	7.00	5.75	5.75	6.00		6.00	

²VARIANCE: Decrease contractual services.

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GENERAL FUND**

Community Development Neighborhood Improvement Services (100-5140)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2011-12 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Charges for Services	273,834	50,905	9,430	10,000	18,465	22,500	22%	22,500	0%
Revenue from Other Agencies	78,800	74,501	0	0	0	0	0%	0	0%
Donations	0	0	750	0	0	0	0%	0	0%
Other	8,100	2,554	1,995	1,700	1,700	1,700	0%	1,700	0%
Transfers In	31,000	15,500	0	0	0	0	0%	0	0%
Total Source of Funds	391,734	143,460	12,175	11,700	20,165	24,200	20%	24,200	0%
Use of Funds:									
Personnel	736,191	172,739	60,303	49,570	38,609	115,812	200% ¹	120,817	4%
Services & Supplies	77,603	27,318	12,268	18,912	27,333	25,116	-8%	20,636	-18%
Total Use of Funds	813,794	200,057	72,571	68,482	65,942	140,928	114%	141,453	0%
Authorized FTE's	9.00	9.00	9.20	9.20	9.30	9.40		9.40	

¹VARIANCE: .10 more of Deputy position being charged to due dissolution of redevelopment. Personnel costs also include full year of funding 50% of code enforcement officer (assumption that remaining 50% to come from Abandoned Vehicle, Solid Waste and CDBG).

Community Development Engineering and Development (100-5150)*									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2011-12 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Permits	122,772								
Charges for Services	351,472								
Other	28,716								
Transfers In	203,581								
Total Source of Funds	706,541								
Use of Funds:									
Personnel	1,130,119								
Services & Supplies	244,933								
Total Use of Funds	1,375,052								
Authorized FTE's	13.00								

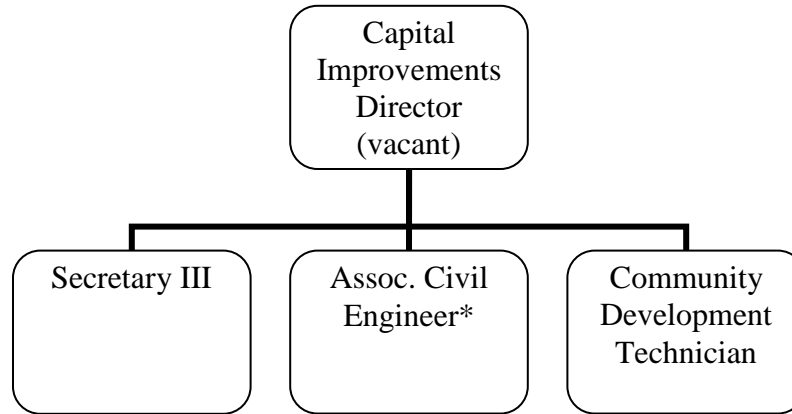
*This division was moved under Public Works beginning in FY10. Please refer to the Public Works section for information on FY10-13 budgets and actuals.

**STUDY SESSION – APRIL 24, 2012
GENERAL FUND**

Community Development Building Inspection (100-5160)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Adopted	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Permits	612,309	699,613	630,600	600,000	600,000	610,000	2%	630,000	3%
Charges for Services	161,029	106,695	125,738	127,050	164,448	167,300	2%	167,300	0%
Other	12,159	19,118	16,677	20,000	20,000	20,000	0%	20,000	0%
Total Source of Funds	785,497	825,426	773,015	747,050	784,448	797,300	2%	817,300	3%
Use of Funds:									
Personnel	637,143	357,132	395,206	402,495	400,410	408,337	2%	420,807	3%
Services & Supplies	122,280	58,244	82,608	84,762	79,730	96,726	0%	97,220	1%
Total Use of Funds	759,423	415,376	477,814	487,257	480,140	505,063	5%	518,027	3%
Authorized FTE's	8.00	8.00	8.40	8.40	8.40	8.40		8.40	

**STUDY SESSION – APRIL 24, 2012
GENERAL FUND**

CAPITAL IMPROVEMENT (CIP) DEPARTMENT



# of Positions Authorized	# of Positions Funded	# of Positions Filled	# Vacant Positions	# Proposed New Positions
4	4	3	1	0
*1 Associate Civil Engineer position charged to Water and Sewer not shown				

**STUDY SESSION – APRIL 24, 2012
GENERAL FUND**

CAPITAL IMPROVEMENTS (CIP) DEPARTMENT – The City of Antioch’s Capital Improvement Program (CIP) primary objectives are to provide professional and technical engineering services and support to all City Departments related to facility expansions and improvements, infrastructure rehabilitation and development, provide leadership in implementing Federal, State and local programs and oversees the City’s rights to appropriate and use the San Joaquin River. Projects within the City’s Capital Improvement Program are allocated over five years using both existing and projected revenue sources. The CIP staff plans for and designs infrastructure, specifications and bid documentations, and project management and oversight during and after construction.

CAPITAL IMPROVEMENT SUMMARY									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 adopted	2011-12 revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
USE OF FUNDS:									
Personnel	665,306	179,729	147,426	192,155	215,134	202,745	-6%	211,710	4%
Services & Supplies	103,911	31,064	34,697	32,022	31,652	32,942	4%	32,942	0%
Total Use of Funds	769,217	210,793	182,123	224,177	246,786	235,687	-4%	244,652	4%

	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
Authorized & Funded FTE'S				
Engineering Administration	2.00	2.00	2.00	2.00
Engineering Services	2.00	2.00	2.00	2.00
Total Capital Improvement Authorized FTE's	4.00	4.00	4.00	4.00

**STUDY SESSION – APRIL 24, 2012
GENERAL FUND**

Capital Improvement Administration (100-5170)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Use of Funds:									
Personnel	300,959	111,380	92,040	112,565	136,404	117,370	-14% ¹	119,370	2%
Services & Supplies	4,850	4,348	4,388	5,305	5,035	5,240	0%	5,240	0%
Total Use of Funds	305,809	115,728	96,428	117,870	141,439	122,610	-13%	124,610	2%
Authorized FTE's	2.00	2.00	2.00	2.00	2.00	2.00		2.00	

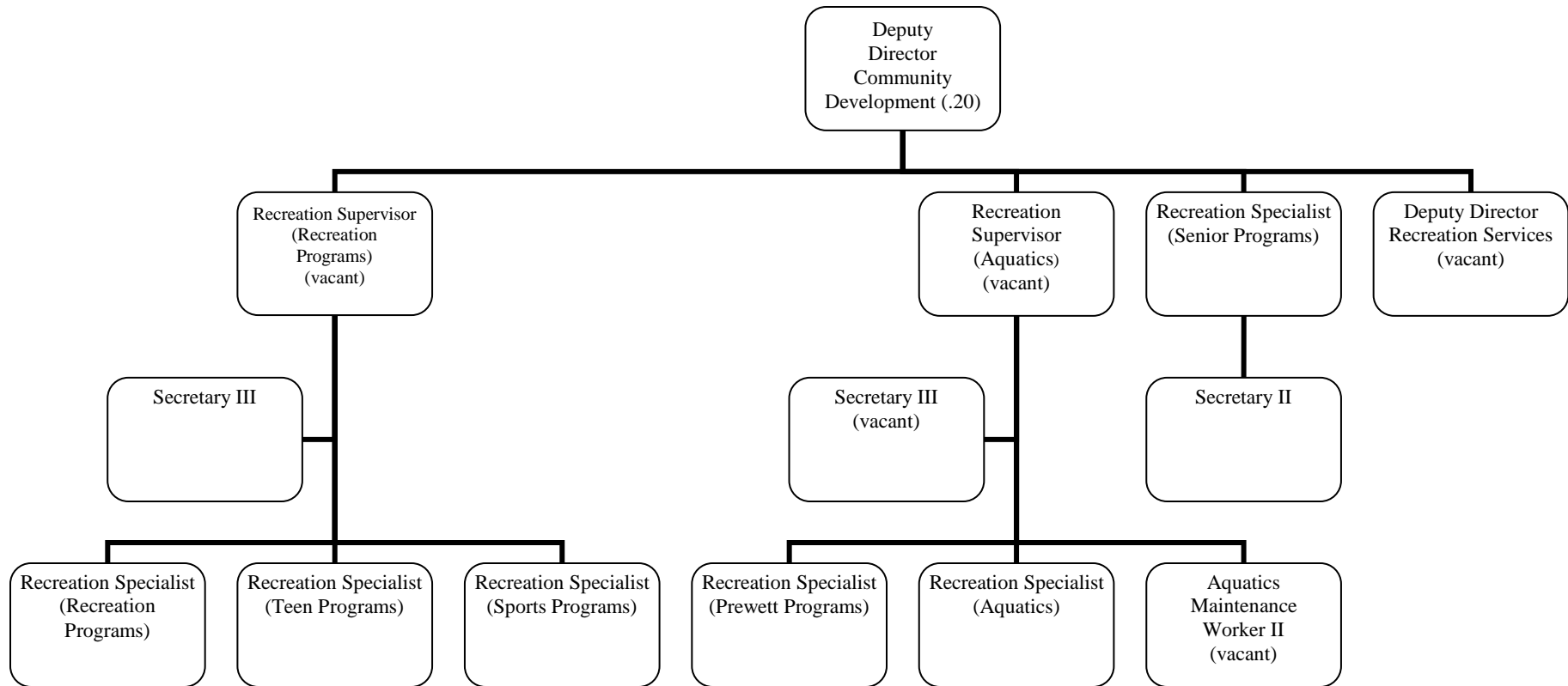
¹VARIANCE: FY12 includes final salary payoff for former Capital Improvement Director.

Capital Improvement Services (5180)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Adopted	Revised	Proposed	Change	Projected	Change
Use of Funds:									
Personnel	364,347	68,349	55,386	79,590	78,730	85,375	8%	92,340	8%
Services & Supplies	99,061	26,716	30,309	26,717	26,617	27,702	0%	27,702	0%
Total Use of Funds	463,408	95,065	85,695	106,307	105,347	113,077	7%	120,042	6%
Authorized FTE's	3.00	3.00	2.00	2.00	2.00	2.00		2.00	

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

RECREATION SERVICES FUND (219)

Recreation Services provides the city’s residents recreational, preschool, social and meeting space within the community. Recreation Services Recreation programs fall under the Community Development Department and are maintained as a Special Revenue Fund within the City’s financial reporting structure.



# of Positions Authorized*	# of Positions Funded	# of Positions Filled	# Vacant Positions	# Proposed New Positions
13.20	6.20	6.20	7	0
*Includes positions included in Prewett Park Enterprise Fund				

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

RECREATION SERVICES (FUND 219)									
Statement of Revenues, Expenditures and Change in Fund Balance									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$126,858	\$63,723	\$44,027	\$67,690	\$67,690	\$75,578		\$68,207	
Revenue Source:									
Investment Income	-805	462	1,427	100	1,500	100	-93%	100	0%
Revenue from Other Agencies	321,344	577,455	724,789	645,894	594,995	12,000	-98%	12,000	0%
Current Service Charges	657,415	644,428	679,883	951,750	927,532	1,027,650	11%	1,027,650	0%
Other	213,558	33,770	56,855	45,000	340,168	38,500	-89%	38,500	0%
Transfer in from General Fund	544,298	395,150	136,038	456,295	116,772	391,720	235%	442,750	13%
Transfer in from RDA Fund	0	200,000	70,000	0	0	0	0%	0	0%
Transfer in from Senior Bus Fund	35,000	35,000	35,000	35,000	35,000	0	-100%	0	0%
Transfer in from Child Care Fund	35,000	35,000	85,000	35,000	35,000	35,000	0%	35,000	0%
Total Revenue	1,805,810	1,921,265	1,788,992	2,169,039	2,050,967	1,504,970	-27%	1,556,000	3%
Expenditures:									
Personnel	1,363,316	1,449,575	1,204,582	1,387,420	1,334,826	784,230	-41%	811,261	3%
Services & Supplies	505,629	491,386	554,221	761,488	698,446	718,178	3%	724,043	1%
Transfer Out to Honeywell	0	0	6,526	9,807	9,807	9,933	1%	10,041	1%
Total Expenditures	1,868,945	1,940,961	1,765,329	2,158,715	2,043,079	1,512,341	-26%	1,545,345	2%
Ending Balance, June 30¹	\$63,723	\$44,027	\$67,690	\$78,014	\$75,578	\$68,207		\$78,862	

¹Fund balance committed for sports field and memorial field maintenance

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

RECREATION SERVICES (Continued)

Authorized & Funded FTE's:	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
Senior Programs	2.00	1.00	1.00	1.00
Leisure Classes	2.00	1.00	1.00	1.00
Sports Programs	1.00	1.00	1.00	1.00
New Community Center	3.10	1.10	1.10	1.10
Total Recreation Authorized & Funded FTE's	8.10	4.10	4.10	4.10

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

Recreation Services Administration (219-4410)

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Investment Income	-805	462	1,427	100	1,500	100	-93%	100	0%
Current Service Charges	42,065	35,114	31,618	20,000	36,000	30,000	-17%	30,000	0%
Other	300	0	0	0	300,000	0	0%	0	0%
Transfer in from General Fund	544,298	251,437	0	302,000	0	210,000	100% ¹	249,700	19%
Transfers in from RDA Fund	0	200,000	70,000	0	0	0	0%	0	0%
Total Source of Funds	585,858	487,013	103,045	322,100	337,500	240,100	-29%	279,800	17%
Use of Funds:									
Personnel	425,832	361,239	133,889	101,210	4,330	6,600	52%	6,460	-2%
Services & Supplies	189,945	185,020	125,403	131,022	58,557	57,895	-1%	57,905	0%
Transfer Out to Honeywell	0	0	6,526	9,807	9,807	9,933	1%	10,041	1%
Total Expenditures	615,777	546,259	265,818	242,039	72,694	74,428	2%	74,406	0%
Authorized FTE'S	3.00	3.00	3.00	3.10	0.00	0.00		0.00	

¹VARIANCE: In FY12, GenOn funds were used to supplement recreation programs.

Recreation Services - Senior Programs (219-4420)

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Revenue from Other Agencies	16,000	16,000	22,504	20,000	18,000	18,000	0%	18,000	0%
Other	197,032	17,573	11,645	25,000	20,500	20,500	0%	20,500	0%
Transfer in from General Fund	0	143,713	136,038	154,295	116,772	181,720	56% ²	193,050	6%
Transfer in from Senior Bus	35,000	35,000	35,000	35,000	35,000	0	-100% ²	0	0%
Total Source of Funds	248,032	212,286	205,187	234,295	190,272	220,220	16%	231,550	5%
Use of Funds:									
Personnel	173,820	176,389	174,634	190,325	182,971	183,500	0%	193,845	6%
Services & Supplies	28,189	35,900	30,553	43,970	36,311	36,720	1%	37,705	3%
Total Use of Funds	202,009	212,289	205,187	234,295	219,282	220,220	0%	231,550	5%
Authorized FTE'S	2.00	2.00	2.00	2.00	2.00	2.00		2.00	

²VARIANCE: Grant agreement with Tri Delta Transit ends in August 2012. No funding will be available for Senior Programs.

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

Recreation Services - Classes (219-4430)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Current Service Charges	323,590	297,253	284,605	350,000	350,000	385,000	10%	385,000	0%
Other		0	0	0	1,224	0	-100%	0	0%
Transfer in from Child Care		0	0	0	0	35,000	100% ¹	35,000	0%
Total Source of Funds	323,590	297,253	284,605	350,000	351,224	420,000	20%	420,000	0%
Use of Funds:									
Personnel	246,949	185,060	178,510	206,025	205,286	221,191	8%	226,610	2%
Services & Supplies	115,596	124,692	103,866	92,085	89,511	93,465	4%	94,730	1%
Total Use of Funds	362,545	309,752	282,376	298,110	294,797	314,656	7%	321,340	2%
Authorized FTE'S	1.00	1.00	1.00	1.00	1.00	2.00		2.00	

¹VARIANCE: Funds were previously transferred to Teen Programs division which is being consolidated with Classes Division beginning in FY13.

Recreation Services - Camps (219-4440)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Current Service Charges	50,216	34,054	21,813	36,000	12,000	20,000	67%	20,000	0%
Other		0	0	0	10	0	-100%	0	0%
Total Source of Funds	50,216	34,054	21,813	36,000	12,010	20,000	67%	20,000	0%
Use of Funds:									
Personnel	16,597	11,383	10,610	16,890	6,160	10,435	69% ²	10,535	1%
Services & Supplies	10,451	9,815	4,612	5,495	4,375	4,935	13%	4,935	0%
Total Use of Funds	27,048	21,198	15,222	22,385	10,535	15,370	46%	15,470	1%
Authorized FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

²VARIANCE: Increase in part time help

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

Recreation Services - Sports Programs (219-4450)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Current Service Charges	198,942	231,936	227,511	285,650	297,532	310,650	4%	310,650	0%
Other		0	0	0	105	0	-100%	0	0%
Total Source of Funds	198,942	231,936	227,511	285,650	297,637	310,650	4%	310,650	0%
Use of Funds:									
Personnel	158,823	152,218	152,874	159,530	164,605	165,721	1%	170,620	3%
Services & Supplies	114,411	98,466	106,794	112,453	110,983	116,100	5%	117,045	1%
Total Use of Funds	273,234	250,684	259,668	271,983	275,588	281,821	2%	287,665	2%
Authorized FTE'S	1.00	1.00	1.00	1.00	1.00	1.00		1.00	

Recreation Services - Teen Programs (219-4461)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Revenue from Other Agencies	313,344	569,455	0	0	0	0	0%	0	0%
Other Service Charges	15,470	11,383	5,891	13,600	2,000	0	-100%	0	0%
Transfer in from Child Care Fund	35,000	35,000	85,000	35,000	35,000	0	-100%	0	0%
Total Source of Funds	363,814	615,838	90,891	48,600	37,000	0	-100%¹	0	0%
Use of Funds:									
Personnel	323,207	544,408	27,989	26,445	9,320	0	-100%	0	0%
Services & Supplies	28,682	18,601	5,175	6,275	2,258	0	-100%	0	0%
Total Use of Funds	351,889	563,009	33,164	32,720	11,578	0	-100%¹	0	0%
Authorized FTE'S	1.00	1.00	1.00	0.20	0.00	0.00		0.00	

¹VARIANCE: Division being consolidated into Classes Division 219-4430 beginning in FY13.

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

Recreation Services – After School Programs (219-4462)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Revenue from Other Agencies	0	0	712,789	633,894	582,995	0	-100%	0	0%
Total Source of Funds	0	0	712,789	633,894	582,995	0	-100%¹	0	0%
Use of Funds:									
Personnel	0	0	459,363	603,823	558,431	0	-100%	0	0%
Services & Supplies	0	0	24,688	25,295	24,752	0	-100%	0	0%
Total Use of Funds	0	0	484,051	629,118	583,183	0	-100%¹	0	0%
Authorized FTE'S	0.00	0.00	0.00	0.80	0.00	0.00	0%	0.00	0%

¹VARIANCE: Contract with AUSD ends in June 2012.

Recreation Services - Special Population (219-4470)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Current Service Charges	3,299	7,378	5,973	10,000	10,000	10,000	0%	10,000	0%
Other	213	184	58	0	329	0	-100%	0	0%
Total Source of Funds	3,512	7,562	6,031	10,000	10,329	10,000	-3%	10,000	0%
Use of Funds:									
Personnel	0	0	293	3,100	3,100	3,100	0%	3,100	0%
Services & Supplies	4,000	400	669	5,800	5,800	5,800	0%	5,800	0%
Total Use of Funds	4,000	400	962	8,900	8,900	8,900	0%	8,900	0%
Authorized FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

Recreation Services - Concessions (219-4480)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Current Service Charges	23,833	27,310	11,288	36,500	20,000	22,000	10%	22,000	0%
Other	13	13	-35	0	0	0	0%	0	0%
Total Source of Funds	23,846	27,323	11,253	36,500	20,000	22,000	10%	22,000	0%
Use of Funds:									
Personnel	9,713	10,666	7,384	11,800	7,455	5,400	-28%	5,560	3%
Services & Supplies	14,355	18,492	8,783	19,055	8,515	9,050	6%	8,500	-6%
Total Use of Funds	24,068	29,158	16,167	30,855	15,970	14,450	-10%	14,060	-3%
Authorized FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

Recreation Services - Nutrition Program (219-4490)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Revenue from Other Agencies	8,000	8,000	12,000	12,000	12,000	12,000	0%	12,000	0%
Total Source of Funds	8,000	8,000	12,000	12,000	12,000	12,000	0%	12,000	0%
Use of Funds:									
Personnel	8,375	8,212	8,579	9,381	11,141	11,191	0%	11,311	1%
Total Use of Funds	8,375	8,212	8,579	9,381	11,141	11,191	0%	11,311	1%
Authorized FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

Recreation Services – New Community Center (219-4495)									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13	%	2013-14	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Current Service Charges	0	0	91,184	200,000	200,000	250,000	25%	250,000	0%
Other	0	0	22,683	0	0	0	0%	0	0%
Total Source of Funds	0	0	113,867	200,000	200,000	250,000	25%	250,000	0%
Use of Funds:									
Personnel	0	0	50,457	58,891	182,027	177,092	-3%	183,220	3%
Services & Supplies	0	0	143,678	320,038	357,384	394,213	10%	397,423	1%
Total Use of Funds	0	0	194,135	378,929	539,411	571,305	6%	580,643	2%
Authorized FTE'S	0.00	0.00	0.00	0.00	3.10	3.10		3.10	

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

PREWETT PARK FUND (641)

Prewett Park is a 100-acre family park complex opened in the spring of 1996 in the Southeast Area of the City. The Antioch Water Park was included in the first phase, which consists of five slides and an activity pool. The slides include a tot pool, a splash pool, a sports pool and an activity pool. All pools are utilized for instructional purposes. Also included in the first phase was the community center, park/picnic area and a natural landscape area. Construction of the park was paid for by Mello Roos funds. The latest addition's are the skate park, memorial tree grove and the inflatable dome over the lap pool for year round programming.

Prewett Park includes the following programs: Administration, Community Aquatics, Water Park, Community Center, and Skate Park.

The Prewett Park Summary provides a combined statement of the revenues and expenditures of these programs.

PREWETT PARK SUMMARY (FUND 641)									
Statement of Revenues, Expenditures and Change in Net Assets									
	2008-09	2009-10	2010-11	2011-12	2011-12	2012-13		2013-14	
	Actual	Actual	Actual	Budget	Revised	Proposed		Projected	Change
Beginning Balance, July 1	\$697	-\$314	\$2,292	\$5,817	\$5,817	\$619		\$260	
Revenue Source:									
Interest Earnings	344	1,461	1,652	300	585	300	-49%	300	0%
Current Service Charges	955,303	927,266	1,039,755	1,176,873	909,861	977,200	7%	977,200	0%
Other Revenue	143,009	92,377	4,622	500	1,032	500	-52%	500	0%
Transfer in from General Fund	630,991	471,282	45,000	40,000	299,523	205,000	-32%	223,000	9%
Transfer in from Child Care Fund	57,000	0	50,000	0	0	35,000	100%	35,000	0%
Transfers In from RDA	0	0	30,000	0	0	0	0%	0	0%
Total Revenue	1,786,647	1,492,386	1,171,029	1,217,673	1,211,001	1,218,000	1%	1,236,000	1%
Expenditures:									
Personnel	1,025,860	869,083	675,519	622,654	601,379	605,675	1%	617,085	2%
Services & Supplies	761,798	620,697	485,782	589,557	605,499	603,244	0%	609,549	1%
Transfers Out	0	0	6,203	9,321	9,321	9,440	1%	9,543	1%
Total Expenditures	1,787,658	1,489,780	1,167,504	1,221,532	1,216,199	1,218,359	0%	1,236,177	1%
Ending Balance, June 30	-\$314	\$2,292	\$5,817	\$1,958	\$619	\$260		\$83	

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

PREWETT PARK SUMMARY (Continued)

	Authorized FTE's	Funded 2011-12	Funded 2012-13	Funded 2013-14
Authorized & Funded FTE's:				
Aquatics	0.40	0.40	0.40	0.40
Water Park	4.70	1.70	1.70	1.70
Total Prewett Authorized & Funded FTE's	5.10	2.10	2.10	2.10

Prewett Administration (641-4610)

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Sources of Funds:									
Investment Income	344	1,461	1,652	300	585	300	-49%	300	0%
Current Service Charges	44,000	48,900	22,000	0	0	0	0%	0	0%
Other	140,868	30,030	4,387	0	155	0	-100%	0	0%
Transfers In	633,491	462,671	125,000	40,000	299,523	240,000	-20% ²	258,000	8% ²
Total Source of Funds	818,703	543,062	153,039	40,300	300,263	240,300	-20%	258,300	7%
Use of Funds:									
Personnel	421,656	366,154	175,456	115,157	112,763	0	-100%	0	0%
Services & Supplies	562,119	454,041	383,289	441,362	475,643	0	-100%	0	0%
Transfers Out	0	0	6,203	9,321	9,321	9,440	1%	9,543	1%
Total Use of Funds	983,775	820,195	564,948	565,840	597,727	9,440	-98%¹	9,543	1%
Authorized FTE's	4.00	4.00	4.10	4.10	4.10	0.00		0.00	

¹VARIANCE: Division being consolidated with Water Park division 641-4430 beginning in FY13.

²NOTE: FY13 & FY14 transfer includes \$35,000 from the Child Care Fund to help offset General Fund subsidy.

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

Prewett Community Aquatics (641-4620)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Current Service Charges	130,060	104,522	155,353	153,000	153,000	153,000	0%	153,000	0%
Other	2,141	1,809	256	500	872	500	-43%	500	0%
Total Source of Funds	132,201	106,331	155,609	153,500	153,872	153,500	0%	153,500	0%
Use of Funds:									
Personnel	146,538	97,227	122,127	111,092	109,792	110,192	0%	112,005	2%
Services & Supplies	4,454	6,043	6,335	6,300	6,213	6,440	4%	7,060	10%
Total Use of Funds	150,992	103,270	128,462	117,392	116,005	116,632	1%	119,065	2%
Authorized FTE's	0.40	0.40	0.40	0.40	0.40	0.40		0.40	

Prewett Water Park (641-4630)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Current Service Charges	531,681	535,491	646,841	766,873	588,200	644,200	10%	644,200	0%
Other	0	38	0	0	661	0	0%	0	0%
Total Source of Funds	531,681	535,529	646,841	766,873	588,861	644,200	9%	644,200	0%
Use of Funds:									
Personnel	358,723	331,917	324,774	319,655	320,815	432,173	35%	440,918	2%
Services & Supplies	53,802	48,055	27,652	37,495	24,243	497,404	1952%	503,089	1%
Total Use of Funds	412,525	379,972	352,426	357,150	345,058	929,577	169%¹	944,007	2%
Authorized FTE's	0.60	0.60	0.60	0.60	0.60	4.70		4.70	

¹VARIANCE: Most administration division expenses consolidated into this division beginning in FY13.

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

Prewett Community Center (641-4640)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Current Service Charges	55,701	52,477	54,720	52,000	40,000	40,000	0%	40,000	0%
Other	0	50,716	0	0	5	0	0%	0	0%
Total Source of Funds	55,701	103,193	54,720	52,000	40,005	40,000	0%	40,000	0%
Use of Funds:									
Personnel	24,614	9,919	10,591	11,650	16,290	16,450	1%	16,930	3%
Services & Supplies	4,651	5,529	964	10,000	5,000	5,000	0%	5,000	0%
Total Use of Funds	29,265	15,448	11,555	21,650	21,290	21,450	1%	21,930	2%
Authorized FTE's	0.00	0.00	0.00	0.00	0.00	0.00	0%	0.00	0%

Prewett Skateboard Park Center (641-4660)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Transfer in from General Fund	54,500	8,611	0	0	0	0	0%	0	0%
Total Source of Funds	54,500	8,611	0	0	0	0	0%	0	0%
Use of Funds:									
Personnel	8,697	3,557	0	0	0	0	0%	0	0%
Services & Supplies	39,993	5,054	0	0	0	0	0%	0	0%
Total Use of Funds	48,690	8,611	0	0	0	0	0%	0	0%
Authorized FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

**STUDY SESSION – APRIL 26, 2011
RECREATION PROGRAM FUNDS**

Prewett Concessions (641-4480)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2010-11 Budget	2010-11 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Current Service Charges	193,861	185,838	160,841	205,000	128,000	140,000	9%	140,000	0%
Other	0	161	-21	0	0	0	0%	0	0%
Total Source of Funds	193,861	185,999	160,820	205,000	128,000	140,000	9%	140,000	0%
Use of Funds:									
Personnel	65,632	60,309	42,571	65,100	41,719	46,860	12%	47,232	1%
Services & Supplies	96,779	101,975	67,542	94,400	94,400	94,400	0%	94,400	0%
Total Use of Funds	162,411	162,284	110,113	159,500	136,119	141,260	4%	141,632	0%
Authorized FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

**STUDY SESSION – APRIL 26, 2011
ANIMAL SERVICES FUND**

ANIMAL CONTROL FUND (214)

In 1978 the citizens of Antioch overwhelmingly voted for Measure A. This measure was for re-establishing, maintain and operating a City animal shelter. Measure A authorized funds to be appropriated annually by the City Council. This fund accounts for revenues and expenditures of the City's animal services program. A portion of the revenues required to operate this function comes from animal licenses and shelter, adoption, handling, and impound fees. The remainder comes from a subsidy from the General Fund.

ANIMAL CONTROL FUND 214 Statement of Revenues, Expenditures and Change in Fund Balance									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Beginning Balance, July 1	\$0	\$0	\$0	\$21,485	\$21,485	\$0		\$0	
Revenue Source:									
Current Service Charges	310,268	290,880	305,737	287,800	231,600	218,600	-6%	218,600	0%
Investment Income	0	0	0	0	28	0		0	
Revenue from Other Agencies	40,000	0	37,000	0	42,000	40,000	0%	40,000	0%
Other Revenue	11,768	12,933	14,268	11,000	11,000	11,000	0%	11,000	0%
Transfers In	524,211	506,979	408,126	436,226	496,384	542,538	9%	583,166	7%
Total Revenue	886,247	810,792	765,131	735,026	781,012	812,138	4%	852,766	5%
Expenditures:									
Personnel	625,716	589,556	542,032	545,344	566,293	565,186	0%	599,105	6%
Services & Supplies	260,531	221,236	201,250	189,134	235,656	246,397	5%	253,100	3%
Transfers Out	0	0	364	548	548	555	0%	561	1%
Total Expenditures	886,247	810,792	743,646	735,026	802,497	812,138	1%	852,766	5%
Ending Balance, June 30	\$0	\$0	\$21,485	\$21,485	\$0	\$0		\$0	
				Authorized FTE's	Funded 2011-12	Funded 2012-13		Funded 2013-14	
Authorized & Funded FTE's				9.85	7.85	7.85		7.85	

**STUDY SESSION – APRIL 26, 2011
ANIMAL SERVICES FUND**

Animal Services (214-3320)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Revised	2012-13 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Current Service Charges	310,268	290,880	305,737	287,800	231,600	218,600	-6%	218,600	0%
Investment Income		0	0	0	28	0		0	
Other	11,768	12,933	14,268	11,000	11,000	11,000	0%	11,000	0%
Transfers In	524,211	506,979	408,126	436,226	496,384	542,538	9%	583,166	7%
Total Source of Funds	846,247	810,792	728,131	735,026	739,012	772,138	4%	812,766	5%
Use of Funds:									
Personnel	625,716	589,556	520,890	545,344	544,808	565,186	4%	599,105	6%
Services & Supplies	250,417	182,702	200,028	189,134	193,656	206,397	7%	213,100	3%
Transfers Out	0	0	364	548	548	555	1%	561	1%
Total Use of Funds	876,133	772,258	721,282	735,026	739,012	772,138	4%	812,766	5%
Authorized FTE'S	9.85	9.85	9.85	9.85	9.85	9.85		9.85	

Maddies Grant (214-3325)									
	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Budget	2011-12 Projected	2012-13 Proposed	% Change	2012-13 Proposed	% Change
Source of Funds:									
Revenue from Other Agencies	40,000	0	37,000	0	42,500	40,000	-6%	40,000	0%
Total Source of Funds	40,000	0	37,000	0	42,500	40,000	-6%	40,000	0%
Use of Funds:									
Personnel		0	21,142	0	21,485	0	-100%	0	0
Services & Supplies	10,114	38,534	1,222	0	42,500	40,000	-6%	40,000	0%
Total Use of Funds	10,114	38,534	22,364	0	63,985	40,000	-37%	40,000	0%
Authorized FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

SUMMARY OF STAFFING CITY WIDE
As of April 10, 2012

	Authorized	Filled	Vacant
GENERAL FUND (100)			
POLICE DEPARTMENT (100-3XXX)			
Personnel Tech (.50 charged to HR 100-1160)	0.50	0.50	-
CSO (1.30 charged to abandoned vehicle fund 228)	18.70	0.00	18.70
Corporal	7.00	5.00	2.00
Dispatcher	13.00	11.00	2.00
Dispatcher Lead	4.00	4.00	-
Police Officers (.5 in fund 331)	97.50	70.50	27.00
Police Sgt	12.00	8.00	4.00
Police Lt. (.10 charged to Animal Svcs)	6.00	5.00	1.00
Police Captain	1.90	1.90	-
Police Communications/Records Supervisor	1.00	0.00	1.00
Police Secretaries	10.00	6.00	4.00
Police Crime Data Tech	1.00	1.00	-
Police Chief	1.00	1.00	-
POLICE DEPARTMENT TOTAL	173.60	113.90	59.70
LEGISLATIVE/ADMINISTRATIVE:			
CITY COUNCIL (100-1110)			
Mayor	1.00	1.00	-
Mayor Pro-Tem	1.00	1.00	-
Council Members	3.00	3.00	-
Sub-total	5.00	5.00	0.00
CITY ATTORNEY (100-1120)			
City Attorney	1.00	1.00	-
Deputy City Attorney	1.00	0.00	1.00
Legal Secretary	0.50	0.50	-
Sub-total	2.50	1.50	1.00
CITY MANAGER (100-1130)			
City Manager	0.90	0.90	-
Assistant City Manager	1.00	0.00	1.00
Legal Secretary	0.50	0.50	-
Executive Secretary	1.00	0.00	1.00
Sub-total	3.40	1.40	2.00
CITY CLERK (100-1140)			
City Clerk (Elected)	1.00	1.00	-
Deputy City Clerk	1.00	0.00	1.00
Secretary II (.50 funded from animal svcs)	1.00	1.00	-
Sub-total	3.00	2.00	1.00
CITY TREASURER (100-1150)			
City Treasurer (Elected)	1.00	1.00	-
Finance Director (0.95 charged to Finance Admin 100-1210)	0.05	0.05	-
Accountant 2 (0.90 charged to Finance Acct 100-1220)	0.10	0.10	-
Sub-total	1.15	1.15	0.00
HUMAN RESOURCES (100-1160)			
Human Resources Director	1.00	0.00	1.00
Administrative Analyst	1.00	1.00	-
Personnel Technician (0.50 funded in Police Admin 100-3110)	1.50	1.50	-
Sub-total	3.50	2.50	1.00
ECONOMIC DEVELOPMENT DEPT (100-1180)			
Economic Development Director	1.00	0.00	1.00
Deputy Director/Long Range Planning	1.00	0.00	1.00
Administrative Analyst	0.50	0.50	-
Sub-total	2.50	0.50	2.00
LEGISLATIVE/ADMINISTRATIVE TOTAL	21.05	14.05	7.00

SUMMARY OF STAFFING CITY WIDE
As of April 10, 2012

	Authorized	Filled	Vacant
FINANCE DEPARTMENT:			
Administration (100-1210)			
Finance Director (0.05 funded in City Treasurer 100-1150)	0.95	0.95	-
Administrative Analyst	1.00	0.00	1.00
Sub-total	1.95	0.95	1.00
Accounting Services (100-1220)			
Assistant Finance Director	1.00	1.00	-
Accountant I & II (0.10 charged to City Treasurer 100-1150)	1.90	1.90	-
Accounting Technician	1.00	1.00	-
Buyer II	1.00	0.00	1.00
Administrative Secretary	1.00	0.00	1.00
Payroll Specialist	1.00	1.00	-
Sub-total	6.90	4.90	2.00
Finance Operations (100-1230)			
Finance Services Supervisor	1.00	1.00	-
Accounting Technician	1.00	1.00	-
Customer Service Rep. I & II	5.00	3.00	2.00
Mail Clerk/Printer Opt.	1.00	0.00	1.00
Business License Representative	1.00	0.00	1.00
Sub-total	9.00	5.00	4.00
FINANCE TOTAL	17.85	10.85	7.00
PUBLIC WORKS DEPARTMENT:			
Administration (100-2140)			
Director Of Public Works	1.00	1.00	-
Administrative Analyst	0.33	0.00	0.33
Secretary I/II	0.33	0.33	-
Sub-total	1.66	1.33	0.33
General Maintenance Supervision (100-2150)			
Deputy Director of Public Works-Operations	0.25	0.25	-
Street Superintendent (.05 to 1002195 & 2196/.4 257/.25 631)	0.25	0.00	0.25
Street Supervisor (.75 reclassified to veh fund 570)	0.25	0.25	-
Sub-total	0.75	0.50	0.25
Street Maintenance (100-2160)			
Street Maint. Leadworker	1.00	1.00	-
Street Maint. Worker I & II	7.00	3.00	4.00
Equipment Operator	1.00	1.00	-
Sub-total	9.00	5.00	4.00
Striping & Signing (100-2180)			
Street Maint. Leadworker	1.00	1.00	-
Street Maint. Worker I & II	5.00	2.00	3.00
Sub-total	6.00	3.00	3.00
Facilities Maintenance (100-2190)			
Facility Maint. Lead worker	1.00	0.00	1.00
Facility Maint. Worker I & II	1.00	1.00	-
Sub-total	2.00	1.00	1.00

SUMMARY OF STAFFING CITY WIDE
As of April 10, 2012

	Authorized	Filled	Vacant
Parks Maintenance (100-2195)			
Deputy Director of Public Works-Operations	0.05	0.05	-
Park Maintenance Superintendent (split among programs)	0.07	0.00	0.07
Park Maintenance Supervisor (split among programs)	0.20	0.00	0.20
Landscape Maintenance Leadworker	0.75	0.25	0.50
Street Superintendent	0.05	0.00	0.05
Sub-total	1.12	0.30	0.82
Median Landscape (100-2196)			
Deputy Director of Public Works-Operations	0.05	0.05	-
Landscape Maint Leadworker	0.625	0.125	0.50
Landscape Maint Worker I/II	1.3375	0.4125	0.93
General Laborer (split among programs)	0.4125	0.4125	-
Street Superintendent	0.05	0.00	0.05
Park Maintenance Superintendent (split among programs)	0.33	0.00	0.33
Park Maintenance Supervisor (split among programs)	0.40	0.00	0.40
Sub-total	3.21	1.00	2.21
Work Alternative Program (100-2198)			
Landscape Maint Worker I/II	1.00	1.00	-
Sub-total	1.00	1.00	0.00
Warehouse & Central Stores (100-2620)			
Storekeeper and Warehouse Maint Worker II are charged: 80%-Water Fund (611-2620); 6%-Veh Fund (570-2610); 7% Gen Fund (100-2620), 7% sewer			
Storekeeper	0.07	0.07	-
Warehouse Maintenance Worker II	0.07	0.07	-
Sub-total	0.14	0.14	0.00
Engineering Services/Land Development (100-5150)			
Assistant City Engineer	1.00	0.00	1.00
Assistant Engineer	1.00	1.00	-
Assistant Engineer w/certificate	2.00	1.00	1.00
Senior Traffic Engineer	1.00	0.00	1.00
Senior Public Works Inspector	1.00	0.00	1.00
Public Works Inspector	2.00	1.00	1.00
Administrative Analyst	1.00	1.00	-
Secretary I/II	1.00	0.00	1.00
Community Dev Technician Associate Level	1.00	1.00	-
Community Dev Technician	1.00	0.00	1.00
Sub-total	12.00	5.00	7.00
PUBLIC WORKS TOTAL	36.88	18.27	18.61
COMMUNITY DEVELOPMENT DEPARTMENT			
Community Development Administration (100-5110)			
Community Development. Director/City Engr	0.50	0.50	-
Administrative Secretary	1.00	1.00	-
Sub-total	1.50	1.50	0.00
Land Planning Services (100-5130)			
Senior Planner	2.00	1.00	1.00
Associate/Junior Planner	1.00	0.00	1.00
Associate Planner	1.00	0.00	1.00
Community Dev Technician	1.00	0.00	1.00
Secretary I & II	0.75	0.75	-
Sub-total	5.75	1.75	4.00
Neighborhood Improvement (100-5140)			
Deputy Director Community Development	0.30	0.30	-
Neighborhood Improvement Coordinator	1.00	0.00	1.00
Neighborhood Improvement Manager	1.00	0.00	1.00
Code Enforcement Officer	5.00	0.00	5.00
Secretary I & II	2.00	0.00	2.00
Sub-total	9.30	0.30	9.00

SUMMARY OF STAFFING CITY WIDE
As of April 10, 2012

	Authorized	Filled	Vacant
Building Inspection (100-5160)			
Deputy Director Community Development	0.40	0.40	-
Chief Building Official	1.00	0.00	1.00
Senior Building Inspector	1.00	0.00	1.00
Building Inspectors I/II w/certificate	4.00	3.00	1.00
Community Development Technician	1.00	0.00	1.00
Secretary I/II	1.00	0.00	1.00
Sub-total	8.40	3.40	5.00
COMMUNITY DEVELOPMENT TOTAL	24.95	6.95	18.00
CAPITAL IMPROVEMENT DEPARTMENT			
Capital Improvement Administration (100-5170)			
Capital Improvements Director	1.00	0.00	1.00
Secretary III	1.00	1.00	-
Sub-total	2.00	1.00	1.00
Engineering Services (100-5180)			
Associate Civil Engineer w/cert	1.00	1.00	-
Community Development Technician Snr Level	1.00	1.00	-
Sub-total	2.00	2.00	0.00
CAPITAL IMPROVEMENT TOTAL	4.00	3.00	1.00
TOTAL GENERAL FUND (Includes Elected Officials)	278.33	167.02	111.31
ANIMAL CONTROL (214-3320)			
Police Captain (.10 charged to Animal Svcs)	0.10	0.10	-
Animal Services Supervisor	1.00	1.00	-
Animal Control Officer	3.00	3.00	-
Animal Care Attendant (permanent part time)	3.75	3.75	-
Customer Service Rep I & II	1.00	0.00	1.00
Secretary I & II (.50 funded from City Clerk)	1.00	0.00	1.00
ANIMAL CONTROL TOTAL	9.85	7.85	2.00
SENIOR BUS (218-4310)			
Senior Bus Driver	2.00	1.00	1.00
SENIOR BUS TOTAL	2.00	1.00	1.00
RECREATION SERVICES (219)			
Recreation New Community Center (219-4495)			
Deputy Director Community Development	0.10	0.10	-
Deputy Director Recreation Services	1.00	0.00	1.00
Recreation Supervisor	1.00	0.00	1.00
Secretary III	1.00	1.00	-
Sub-total	3.10	1.10	2.00
Recreation Services Senior Program (219-4420)			
Recreation Specialist	1.00	1.00	-
Secretary II	1.00	0.00	1.00
Sub-total	2.00	1.00	1.00
Recreation Services - Classes (219-4430)			
Recreation Specialist	1.00	1.00	-
Sub-total	1.00	1.00	0.00
Recreation Services - Sports Programs (219-4450)			
Recreation Specialist	1.00	1.00	-
Sub-total	1.00	1.00	0.00
Recreation Services - Teen Programs (219-4461)			
Recreation Specialist	1.00	0.00	1.00
Sub-total	1.00	0.00	1.00
RECREATION FUND TOTAL	8.10	4.10	4.00
SOLID WASTE FUND (226)			
Solid Waste (226-5225)			
Administrative Analyst	0.34	0.34	-
Recycling Assistant	1.00	0.00	1.00
SOLID WASTE FUND TOTAL	1.34	0.34	1.00

SUMMARY OF STAFFING CITY WIDE
As of April 10, 2012

	Authorized	Filled	Vacant
LOW/MODERATE INCOME HOUSING (227)			
Community Development Director	0.25	0.25	-
Deputy Director Community Development	0.10	0.10	-
Secretary I & II	0.25	0.25	-
LOW/MODERATE FUND TOTAL	0.60	0.60	0.00
ABANDONED VEHICLE FUND (228)			
Code Enforcement Officer	1.00	0.00	1.00
Community Services Officer (.70 funded in PD Admin)	1.30	0.00	1.30
ABANDONED VEHICLE FUND TOTAL	2.30	0.00	2.30
NPDES FUND (229)			
Channel Maintenance Operations (229-2585)			
Street Maintenance Leadworker	1.00	0.00	1.00
Landscape Maintenance Worker II	1.00	1.00	-
Administrative Analyst	0.17	0.17	-
Pipefitter I/II	1.00	0.00	1.00
NPDES FUND TOTAL	3.17	1.17	2.00
SLLMD FUNDS (Spread among funds)			
Landscape Maintenance Leadworker	1.625	1.625	-
Landscape Maintenance Worker II	2.5875	2.5875	-
General Laborer	0.5875	0.5875	-
SLLMD FUNDS TOTAL	4.800	4.80	-
SLLMD ADMIN FUND (257)			
Deputy Director of Public Works - Operations	0.40	0.40	-
Street Maintenance Superintendant	0.40	0.00	0.40
Parks Maintenance Superintendant	0.60	0.00	0.60
Parks Maintenance Supervisor	0.40	0.00	0.40
SLLMD ADMIN FUND TOTAL	1.80	0.40	1.40
PREWETT PARK CIP FUN (312)			
Project Manager	1.00	0.00	1.00
PREWETT CIP FUND TOTAL	1.00	0.00	1.00
ADA PROJECT AREA #1 (331)			
City Manager	0.10	0.10	-
Community Development Director	0.25	0.25	-
Administrative Analyst	0.50	0.50	-
Police Officer	0.50	0.50	-
ADA PROJECT AREA #1 TOTAL	1.35	1.35	0.00
VEHICLE MAINTENANCE FUND (570)			
Fleet Supervisor	1.00	0.00	1.00
Fleet Services Technician	1.00	0.00	1.00
Equipment Mechanic II	3.00	2.00	1.00
Streets Supervisor	0.75	0.75	-
Warehouse Maintenance Worker II	0.06	0.06	-
Storekeeper	0.06	0.06	-
VEHICLE MAINTENANCE FUND TOTAL	5.87	2.87	3.00
INFORMATION SYSTEMS FUND (573)			
Information Systems (573-1410)			
Director of Information Systems (.25 to Network, .05 to tele)	0.70	0.70	-
Information Systems Project Manager	1.00	0.00	1.00
Network Administrator (.60 to Network)	0.40	0.40	-
Sub-total	2.10	1.10	1.00
Network Support & PCs (573-1420)			
Director of Information Systems (.70 to info sys, .05 to tele)	0.25	0.25	-
Network Administrator (.40 to Info Sys)	0.60	0.60	-
Computer Technician III (.10 to tele)	1.90	0.90	1.00
Computer Technician I	1.70	1.00	0.70
Sub-total	4.45	2.75	1.70

SUMMARY OF STAFFING CITY WIDE
As of April 10, 2012

	Authorized	Filled	Vacant
Telephone System (573-1430)			
Director of Information Systems	0.05	0.05	-
Computer Technician III	0.10	0.10	-
Computer Technician I	0.30	0.00	0.30
Sub-total	0.45	0.15	0.30
GIS Support Services (573-1435)			
GIS Coordinator	1.00	0.00	1.00
Com Dev Tech Asst Level	1.00	1.00	-
Com Dev Tech Jr	1.00	1.00	-
Secretary II	1.00	1.00	-
Sub-total	4.00	3.00	1.00
INFORMATION SERVICES FUND TOTAL			
	11.00	7.00	4.00
LOSS CONTROL FUND (580)			
Administrative Analyst III	1.00	0.00	1.00
LOSS CONTROL FUND TOTAL			
	1.00	0.00	1.00
WATER FUND (611)			
Water Supervision (611-2310)			
Water Treatment Plant Superintendent	1.00	1.00	-
Water Treatment Plant Supervisor	1.00	1.00	-
Water Distribution Superintendent	1.00	0.00	1.00
Water Distribution Supervisor	1.00	0.00	1.00
Water Quality Analyst	1.00	1.00	-
Secretary I/II	0.34	0.34	-
Administrative Analyst	0.67	0.33	0.34
Sub-total	6.01	3.67	2.34
Water Production (611-2320)			
Water Treatment Plant Operator with Certificate	4.00	2.00	2.00
Water Treatment Plant Operator	1.00	1.00	-
Water Treatment Maintenance Worker with Certificate	2.00	2.00	-
Water Treatment Maintenance Worker	1.00	1.00	-
Water Treatment Plant Instrument Tech I/II	1.00	1.00	-
Laboratory Assistant	1.00	1.00	-
Water Treatment Plant Trainee	1.00	0.00	1.00
Sub-total	11.00	8.00	3.00
Water Distribution (611-2330)			
Pipefitter Leadworker	5.00	3.00	2.00
Cross Connection Control Specialist Leadworker	1.00	1.00	-
Cross Connection Control Specialist II	1.00	1.00	-
Equipment Operator	2.00	1.00	1.00
Pipefitter I	5.00	3.00	2.00
Pipefitter II	6.50	6.50	-
Street Maintenance Worker I & II (.50 to Sewer)	0.50	0.50	-
General Laborer	1.00	0.00	1.00
Sub-total	22.00	16.00	6.00
Warehouse & Central Stores (611-2620)			
Storekeeper (.06 to Veh Fd; 14 to Gen Fd)	0.80	0.80	-
Warehouse Maintenance Worker II	0.80	0.80	-
Sub-total	1.60	1.60	0.00
Water Meter Reading (611-2340)			
Pipefitter I/II	2.00	2.00	-
Sub-total	2.00	2.00	0.00
Water Capital Projects (611-2550)			
Public Works Inspector	1.00	1.00	-
Associate Civil Engineer w/Certificate	0.50	0.50	-
Sub-total	1.50	1.50	0.00
WATER FUND TOTAL			
	44.11	32.77	11.34

SUMMARY OF STAFFING CITY WIDE
As of April 10, 2012

	Authorized	Filled	Vacant
SEWER FUND (621)			
Wastewater Supervision (621-2210)			
Collection Systems Superintendent	1.00	0.00	1.00
Collection Systems Supervisor	1.00	0.00	1.00
Secretary I/II	0.33	0.33	-
Administrative Analyst	0.49	0.16	0.33
Sub-total	2.82	0.49	2.33
Wastewater Collection (621-2220)			
Pipefitter Leadworker	1.00	0.00	1.00
Pipefitter I	1.00	1.00	-
Pipefitter II	6.50	4.50	2.00
Equipment Operator	2.00	1.00	1.00
Street Maintenance Worker I & II (.50 to Water)	0.50	0.50	-
Storekeeper	0.07	0.07	-
Warehouse Maintenance Worker II	0.07	0.07	-
General Laborer	2.00	1.00	1.00
Sub-total	13.14	8.14	5.00
Sewer Capital Projects (621-2570)			
Associate Civil Engineer w/Certificate	0.50	0.50	-
Sub-total	0.50	0.50	0.00
SEWER FUND TOTAL	16.46	9.13	7.33
MARINA FUND (631)			
Marina Administration (631-2410)			
Harbormaster	1.00	0.00	1.00
Deputy Director of Public Works - Operations	0.25	0.25	-
Street Maintenance Superintendant	0.25	0.00	0.25
Marina Secretary/Attendant	1.00	1.00	-
Sub-total	2.50	1.25	1.25
Marina Maintenance (631-2420)			
Marina Maintenance Worker I/II	1.00	1.00	-
Landscape Maintenance Worker	0.075	0.00	0.075
Sub-total	1.075	1.00	0.075
MARINA FUND TOTAL	3.575	2.25	1.325
PREWETT PARK (641)			
Prewett Park Administration (641-4610)			
Deputy Director Community Development	0.10	0.10	-
Recreation Supervisor	1.00	0.00	1.00
Recreation Specialist	1.00	1.00	-
Aquatics Maintenance Worker I/II	1.00	0.00	1.00
Secretary III	1.00	0.00	1.00
Sub-total	4.10	1.10	3.00
Prewett Aquatics (641-4620)			
Recreation Specialist	0.40	0.40	-
Sub-total	0.40	0.40	0.00
Prewett Water Park (641-4630)			
Recreation Specialist	0.60	0.60	-
Sub-total	0.60	0.60	0.00
PREWETT PARK FUND TOTAL	5.10	2.10	3.00
Total Non-General Fund Employees	123.425	77.73	45.695
Total General Fund Employees (Includes Elected Officials)	278.325	167.02	111.305
GRAND TOTAL CITY EMPLOYEES	401.75	244.75	157.00
General Fund Reconciliation			
Total Elected Officials	7.00	7.00	-
Total General Fund Non-Police Employees	97.725	46.12	51.61
Total General Fund Police Employees	173.60	113.90	59.70
	278.325	167.02	111.31
Total Police Department Employees (All Funds)	175.50	114.50	61.00

ANTIOCH CITY COUNCIL

Regular Meeting
7:00 P.M.

April 10, 2012
Council Chambers

5:45 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. This Closed Session is authorized pursuant to California Government Code §54957.6.
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** —Onita Tuggles v. City of Antioch et al, Ninth Circuit Court of Appeals, Case No. 10-17181; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA. This Closed Session is authorized by California Government Code §54956.9. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case).
- 3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9: Letter from James H. Colopy of Farella Braun + Martel on behalf of Discovery Builders dated March 13, 2012.
- 4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Initiation of Litigation pursuant to subdivision (c) of §54956.9 (1 case)
- 5. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 City Manager.
- 6. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS** – This Closed Session is authorized by California Government Code §54957 – City Attorney.

Mayor Davis called the meeting to order at 7:17 P.M., and City Clerk Skaggs called the roll.

Present: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor Davis

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 gave the following report: **#1 CONFERENCE WITH LABOR NEGOTIATOR**, direction was given to the Labor Negotiator, **#3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, direction was given to staff, **#4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**, by a 4/0 vote the City Council had authorized disclosure of the fact that they had agreed to not file an unlawful detainer action against Humphrey's Restaurant on the Delta before May 12, 2012. She announced the City Council would go back into Closed Session and the end of the Public Session to hear the remaining Closed Session items.

A

04/24/12

PROCLAMATIONS

Bay Area Hunger Walk, April 28 – 29, 2012

On motion by Councilmember Rocha, seconded by Councilmember Harper, the Council unanimously approved the proclamation.

Mayor Davis presented the proclamation proclaiming April 28 – 29, 2012, to Brian and Vicki McCoy, who thanked the City for the recognition.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Mike Pollard announced the Mayor's Prayer Breakfast would be held on May 3, 2012, at the Lone Tree Golf Course and Event Center. Contact information was provided.

Mayor Davis thanked Mr. Pollard for coordinating the program.

Martha Parsons and members of the *Keep Antioch Beautiful Day* Committee announced the *Keep Antioch Beautiful Day* event would be held from 8:30 -11:00 A.M. on April 21, 2012. Contact information was provided.

Mayor Davis thanked Ms. Parsons for organizing the event.

Julie Haas-Wajdowicz, as a participant in the Air District's Spare the Air Resource Team, announced the Transit to Trails Program would be holding a Transit to Trails Workshop on May 19, 2012, at the Concord Library. Contact information was provided. She reminded the public that May 10, 2012 was Bike-to-Work Day.

Mayor Davis thanked Ms. Haas-Wajdowicz for her enthusiasm.

PUBLIC COMMENTS - None

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Rocha reported on her attendance at the Fresh and Easy ribbon cutting ceremony, the Mello Roos Board subcommittee meeting, and the Antioch Unified School District/City subcommittee meeting.

Councilmember Harper reported on his attendance at the Antioch Unified School District/City Council subcommittee meeting.

MAYOR'S COMMENTS

Honor for Alissa Friedman as "11th Assembly District Woman of the Year"

Mayor Davis announced Ms. Friedman was unable to attend this evening therefore this item would be continued to April 24, 2012.

Mayor Davis welcomed Boy Scout Troop #28 in attendance this evening.

- 1. COUNCIL CONSENT CALENDAR**
 - A. APPROVAL OF COUNCIL MINUTES FOR MARCH 27, 2012**
 - B. APPROVAL OF COUNCIL WARRANTS**
 - C. ORDINANCE AMENDING §9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION (RDA) PROGRAM**

City Attorney Nerland announced it was staff's recommendation the Council continued Item C to April 24, 2012.

On motion by Councilmember Rocha, seconded by Councilmember Kalinowski, the Council unanimously approved the Council Consent Calendar including staff's recommendation to continue item 1C to April 24, 2012.

PUBLIC HEARING

- 2. Z-12-02: PREZONING OF AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA – THE PREZONING IS APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO BY THE CITY AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE. THE PROPOSED PREZONING CONSISTS OF PRIMARILY M-2 (HEAVY INDUSTRIAL) ZONING, WITH M-1 (LIGHT INDUSTRIAL) PROPOSED FOR THE UNINCORPORATED AREA SOUTH OF WILBUR AVENUE, AND OS (OPEN SPACE) PROPOSED FOR THE EXISTING ENDANGERED SPECIES PRESERVE LOCATED ON THE NORTH SIDE OF WILBUR AVENUE. A PREVIOUSLY PREPARED MITIGATED NEGATIVE DECLARATION WILL BE UTILIZED TO ADDRESS ANY ENVIRONMENTAL IMPACTS OF THE PROPOSED PREZONING. ON MARCH 7, 2012, THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE TO PREZONE THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA**

Staff recommended the City Council continue this item to April 24, 2012.

City Attorney Nerland reported on the dais was a letter the City received right before 5:00 P.M. this evening authored by Kristina Lawson, representing West Coast Homebuilders and Albert Seeno, regarding this matter. She noted, in the letter, Ms. Lawson asked that they be provided with staff reports prior to the Council and public receiving them. She stated she was not aware of what

legal authority there would be for Ms. Lawson as the Attorney for Mr. Seeno to receive staff reports before this City Council or the public. She further noted staff reports would be made publicly available, in due course, before the April 24, 2012 City Council meeting.

On motion by Councilmember Kalinowski, seconded by Councilmember Agopian, the Council unanimously continued Z-12-02 to April 24, 2012.

3. EXTENSION OF THE INTERIM URGENCY ZONING ORDINANCE PROHIBITING THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR CONSTRUCTION, ESTABLISHMENT OR OPERATION OF COMPUTER GAMING AND INTERNET ACCESS BUSINESSES WITHIN THE CITY ON AN INTERIM BASIS

Community Development Director Wehrmeister presented the staff report dated April 5, 2012 recommending the City Council 1) Motion to read the ordinance by title only; and, 2) Motion to adopt the ordinance extending interim urgency zoning ordinance.

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

ORDINANCE 2056-C-S

On motion by Councilmember Harper, seconded by Councilmember Agopian, the Council unanimously 1) Read the ordinance by title only; and, 2) Adopted the ordinance extending interim urgency zoning ordinance.

COUNCIL REGULAR AGENDA

4. HOUSING ELEMENT IMPLEMENTATION ISSUES AND OPTIONS REPORT

Community Development Director Wehrmeister and Consultant Vivian Kahn, FAICP, Dyett & Bhatia, presented the staff report dated March 26, 2012, recommending the City Council provide direction to staff.

Following discussion, Council consensus agreed with the Planning Commission recommendations, as contained within the staff report and presented this evening.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the Oversight Board appointments for the Redevelopment Successor Agencies had been completed and they were in the process of scheduling the initial meeting. He reported a tentative date for the State of the City Luncheon was June 4, 2012, and the next Council meeting on April 24, 2012, would include a Budget Study Session. He stated he would be contacting District Attorney Mark Peterson to determine if it would be more appropriate for the City Council or Antioch Unified School District to host his presentation. He reminded the City Council it would be going back into Closed Session to address the remaining items.

COUNCIL COMMUNICATIONS

Councilmember Harper indicated he would like to agendize the renaming of "L" and "A" Streets for a future meeting. There was Council concurrence to place this item on a future agenda.

Councilmember Agopian indicated he would like to agendize restricting serving times and hours of operations in bars, for a future meeting. There was Council concurrence to place this item on a future agenda.

Mayor Davis adjourned to closed session at 8:25 P.M.

CLOSED SESSION – *Continued*

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION —Onita Tuggles v. City of Antioch et al, Ninth Circuit Court of Appeals, Case No. 10-17181; Santeya Danyell Williams, Mary Ruth Scott, Karen Latreece Coleman, Priscilla Bunton, Alyce Denise Payne, v. City of Antioch et al., Northern District Court Case No. C08-02301 SBA. This Closed Session is authorized by California Government Code §54956.9. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential case).

5. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS – This Closed Session is authorized by California Government Code §54957 City Manager.

6. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS – This Closed Session is authorized by California Government Code §54957 – City Attorney.

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, no action to report out, **#5 PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS**, no action to report out, and **#6 PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS**, no action to report out.

ADJOURNMENT

With no further business, Mayor Davis adjourned the meeting at 9:52 P.M. to the next regular Council meeting on April 24, 2012.

Respectfully submitted:

DENISE SKAGGS, City Clerk

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 APRIL 5 - 18, 2012
 FUND/CHECK#

100 General Fund

Non Departmental

132798 BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	708.00
132842 POHL, MELISSA	DEPOSIT REFUND	80.00
132872 BONWELL, JIM	DEPOSIT REFUND	60.00
132881 CONTRA COSTA WATER DISTRICT	TREATED WATER CAPACITY FEE	22,427.60
132882 CONTRA COSTA WATER DISTRICT	CCWD FACILITY RESERVE FEES	97,880.00
132884 DAVIDSON, KEVIN	DEPOSIT REFUND	2,000.00
132890 ECC REG FEE AND FIN AUTH	ECCRFFA-RTDIM	149,392.00
132897 GREENAN PEFFER SALLANDER & LALLY	LEGAL SERVICES	342.00
132931 SUTTER HEALTH	DEPOSIT REFUND	2,615.00

City Council

132843 PERS	COUNCIL PAYMENT	259.78
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City Attorney

132800 CONTINUING EDUCATION OF THE BAR	AUTOMATIC UPDATE	200.02
132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	89.31
132911 LEXISNEXIS MATTHEW BENDER	ONLINE LEGAL RESEARCH	75.00
132924 PERS	PAYROLL DEDUCTIONS	0.32

City Manager

132792 BANK OF AMERICA	MEETING EXPENSES	108.88
132822 JARVIS FAY AND DOPORTO LLP	LEGAL SERVICES	1,391.25
132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	89.30
132924 PERS	PAYROLL DEDUCTIONS	0.33
201410 COSTCO	MEETING EXPENSE	97.74

City Clerk

132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	270.63
132891 EIDEN, KITTY J	MINUTES CLERK	500.00

City Treasurer

132811 GARDA CL WEST INC	ARMORED CAR PICK UP	204.00
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Human Resources

132848 RGH GROUP, THE	PROFESSIONAL SERVICES	1,600.00
132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	270.63

Economic Development

132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	92.01
917066 BERNICK, MICHAEL	PROFESSIONAL SERVICES	3,300.00

Finance Administration

132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	541.24
132863 XEROX CORPORATION	COPY USAGE	271.84

Finance Accounting

132791 AT AND T MCI	PHONE	476.49
132919 OFFICE MAX INC	OFFICE SUPPLIES	77.03

Finance Operations

132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	270.63
132858 TYLER TECHNOLOGIES	MONTHLY INSITE FEES	680.00
132863 XEROX CORPORATION	COPY USAGE	3,254.69
132937 UNITED STATES POSTAL SERVICE	PO BOX SERVICE FEES	550.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 APRIL 5 - 18, 2012
 FUND/CHECK#

Non Departmental

132840 PANADERIA EL PUEBLO	BUS LIC OVERPAYMENT REFUND	273.22
132886 DELTA DIABLO SANITATION DISTRICT	GOLF COURSE WATER	23,382.55
132917 MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	18,518.87
132943 XTREME BURGER	BUS LIC DUP PYMT REFUND	457.41
201526 ILUSIONES	BUS LIC APP FEE REFUND	30.00
201527 REDBOX AUTOMATED RETAIL LLC	BUS LIC APP FEE REFUND	30.00
201528 COAST BUILDING PRODUCTS	BUS LIC APP FEE REFUND	30.00
201529 DVR CONSULTING	BUS LIC APP FEE REFUND	30.00
201530 GLOBAL CELLULAR METRO PCS	BUS LIC APP FEE REFUND	30.00
201611 CROWN FLEXO GRAPHICS INC	BUS LIC STICKER FEE REFUND	5.00
201612 HENDRICKSON PLASTERING	BUS LIC STICKER FEE REFUND	5.00

Public Works Maintenance Administration

132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	24.35
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Public Works General Maintenance Services

132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	64.95
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Public Works Street Maintenance

132869 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	1,676.14
201594 MSA	SEMINAR-BECHTHOLDT	20.00

Public Works-Signal/Street Lights

132839 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	9.53
132903 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	3,568.33
132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	4,790.72

Public Works-Striping/Signing

132805 DELTA FENCE CO	GUARD RAIL REPAIR	1,540.00
132807 FASTENAL CO	SUPPLIES	190.75
132829 LOWES COMPANIES INC	SUPPLIES	56.45
132830 MANERI SIGN COMPANY	DECALS	27.06
132854 SHERWIN WILLIAMS CO	PAINT SUPPLIES	339.47
132883 CRESCO EQUIPMENT RENTALS	EQUIPMENT RENTAL	260.20
132889 EAST BAY WELDING SUPPLY	TORCH	17.20
132895 FLINT TRADING INC	WHITE THERMO	527.10
132913 MANERI SIGN COMPANY	SIGNS	345.86

Public Works-Facilities Maintenance

132829 LOWES COMPANIES INC	SUPPLIES	152.90
132862 WESCO RECEIVABLES CORP	SUPPLIES	308.38
132865 ACE HARDWARE, ANTIOCH	REPAIR PARTS	18.74
132903 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	213.32
132919 OFFICE MAX INC	OFFICE SUPPLIES	29.91
132921 PACIFIC GAS AND ELECTRIC CO	GAS	10,922.51
917084 THYSSEN KRUPP ELEVATOR CORP	ELEVATOR SERVICE	1,283.90

Public Works-Parks Maint

132839 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	95.65
132854 SHERWIN WILLIAMS CO	PAINT SUPPLIES	81.19
132873 BSN SPORTS	SPORT SUPPLIES	110.24
132903 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	944.01

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 APRIL 5 - 18, 2012
 FUND/CHECK#

132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	624.09
Public Works-Median/General Land		
132857 STEWARTS TREE SERVICE	TREE REMOVAL	1,050.00
132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,391.05
132932 TARGET SPECIALTY PRODUCTS	ROUND UP CHEMICAL	1,288.22
Public Works-Work Alternative		
132838 ORCHARD SUPPLY HARDWARE	SUPPLIES	97.51
Police Administration		
132789 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	635.00
132794 BARNETT MEDICAL SERVICES INC	EVIDENCE DESTRUCTION	110.00
132797 BROWNELLS INC	HEARING PROTECTORS	535.00
132799 COMMUNITY GRANTS ASSOCIATES INC	GRANT WRITING	1,000.00
132801 CONTRA COSTA COUNTY	TRAINING-SIMONELLI/NORRIS	398.00
132802 CCC POLICE CHIEFS ASSOC	LECTURE FEES	225.00
132833 MT DIABLO SILVERADO COUNCIL	CHARTER RENEWAL	120.00
132837 OFFICE MAX INC	OFFICE SUPPLIES	323.00
132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	1,353.13
132876 CONCORD UNIFORMS LLC	BODY ARMOR	744.94
132919 OFFICE MAX INC	OFFICE SUPPLIES	277.66
132926 RISSAS, MAUD	PERMIT FEE REFUND	33.00
132941 VERIZON WIRELESS	AIR CARDS	82.37
917067 COMPUTERLAND	PORT SWITCH	35.72
917080 MOBILE MINI LLC	STORAGE CONTAINERS	315.28
Police Prisoner Custody		
132908 LAMOTHE CLEANERS	DRY CLEANING	24.00
Police Community Policing		
132795 BENZLER, BLAIR J	COURT SERVICE	132.33
132815 HARGER, MATTHEW J	DOG ALLOWANCE	150.00
132823 JOANNIDES, JASON M	DOG ALLOWANCE	150.00
132841 PERKINSON, JAMES A	DOG ALLOWANCE	150.00
132860 VALLIERE, CHRISTOPHER J	DOG ALLOWANCE	150.00
201469 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	99.90
Police Investigations		
132803 COURT SERVICES INC	PRISONER TRANSPORTATION	250.00
132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	270.62
Police Communications		
132867 AMERICAN TOWER CORPORATION	TOWER RENTAL	216.12
Police Facilities Maintenance		
132829 LOWES COMPANIES INC	SUPPLIES	282.11
132844 RANGE MAINTENANCE SERVICES LLC	RANGE MAINTENANCE	2,250.00
132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	13,651.01
Community Development Administration		
132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	194.85
Community Development Neighborhood Improvement		
132934 TURNAGE II, KEN	ABATEMENT SERVICE	849.86
201435 CONTRA COSTA COUNTY	LIEN RELEASE FEES	72.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
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PW Engineer Land Development

132853 SHARP BUSINESS SYSTEMS HARD DRIVE REPLACEMENTS 75.77

Community Development Engineering Services

132919 OFFICE MAX INC OFFICE SUPPLIES 190.14

212 CDBG Fund

CDBG

132901 HOUSE, TERI CONSULTANT SERVICES 5,225.00

132905 KENNEDY, JANET CONSULTANT SERVICES 1,050.00

CDBG NSP

132905 KENNEDY, JANET CONSULTANT SERVICES 1,710.00

213 Gas Tax Fund

Streets

132921 PACIFIC GAS AND ELECTRIC CO ELECTRIC 21,872.38

132922 PB AMERICAS INC PROFESSIONAL SERVICES 7,384.44

214 Animal Control Fund

Animal Control

132817 HILLS PET NUTRITION ANIMAL FOOD 303.10

132821 INTERVET INC MICROCHIPS 3,996.00

132827 KOEFRAN SERVICES INC ANIMAL DISPOSAL SERVICES 1,850.00

132845 RCR GRAPHICS INC SIGNS 192.10

132921 PACIFIC GAS AND ELECTRIC CO ELECTRIC 718.47

917079 HAMMONS SUPPLY COMPANY SUPPLIES 161.91

219 Recreation Fund

Non Departmental

132814 GONZALEZ, LETICIA DEPOSIT REFUND 670.00

132892 ESPOSITO, ANDREW DEPOSIT REFUND 500.00

132933 TOP PACER TRACK CLUB DEPOSIT REFUND 500.00

Recreation Admin

132790 AT AND T MCI PHONE 62.85

132921 PACIFIC GAS AND ELECTRIC CO GAS 1,154.65

Senior Programs

132921 PACIFIC GAS AND ELECTRIC CO GAS 769.76

Recreation Classes/Prog

132856 STARGAZERS/TRACI MARTIN CONTRACTOR PAYMENT 932.00

132912 LIPPE, PATRICIA CONTRACTOR PAYMENT 520.20

132916 MUIR, ROXANNE CONTRACTOR PAYMENT 153.51

132942 WE ARE ONE PRODUCTIONS CONTRACTOR PAYMENT 1,344.00

201562 MSA CLASS REFUND 49.00

201563 SANDOVAL, MARGARET CLASS REFUND 65.00

201564 CORDOVA, BLANCA CLASS REFUND 56.00

201565 STAHL, CRYSTAL CLASS REFUND 45.00

201566 BIRKLAND, JENNIFER CLASS REFUND 56.00

201567 MOSES, CLOANN CLASS REFUND 37.00

201570 MOHAMED, DEBBIE CLASS REFUND 90.00

201571 STRAIT, PATRICIA CLASS REFUND 78.00

CITY OF ANTIOCH
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Recreation Sports Programs

132873 BSN SPORTS	SPORT SUPPLIES	936.81
132874 CALIF USSSA	REGISTRATION FEES	646.00
132885 DELTA DAWGS BASEBALL CLUB	FIELD REFUND	360.00
132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,701.94
201568 ORIA, JACKIE	CLASS REFUND	97.00
201569 ARCE, ROSA	CLASS REFUND	49.00

Rec After School/AUSD

132871 BANK OF AMERICA	SUPPLIES	905.30
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Recreation-New Comm Cntr

132829 LOWES COMPANIES INC	SUPPLIES	272.84
132839 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	5,237.05
132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	270.62
132856 STARGAZERS/TRACI MARTIN	CONTRACTOR PAYMENT	200.00
132862 WESCO RECEIVABLES CORP	SUPPLIES	147.77
132914 MARLIES CLEANING SERVICE	CLEANING SERVICE	270.00
132919 OFFICE MAX INC	OFFICE SUPPLIES	103.85
917073 HAMMONS SUPPLY COMPANY	SUPPLIES	1,415.82

221 Asset Forfeiture Fund

Non Departmental

132819 HOWARD, CHRISTIAN	EVIDENCE RETURN	280.00
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223 Child Care Fund

Child Care

132870 ANTIOCH UNIFIED SCHOOL DIST	EXTENDED LIBRARY HOURS	5,000.00
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229 Pollution Elimination Fund

Channel Maintenance Operation

132829 LOWES COMPANIES INC	TOOLS	63.85
132831 MCCAMPBELL ANALYTICAL INC	SAMPLE TESTING	304.20
132877 CONTRA COSTA COUNTY	INSPECTION	316.00
917077 BIG SKY ENTERPRISES INC	RECYCLE SERVICE	287.25

Storm Drain Administration

132906 KIDS FOR THE BAY	TRAINING	4,000.00
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236 CDBG Revolving Loan Fund

CDBG

132939 US DEPT OF HOUSING AND URBAN DEV	INTEREST EARNINGS FY10/11	511.69
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251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 1

132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	616.99
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Lonetree Maintenance Zone 2

132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	561.64
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Lonetree Maintenance Zone 3

132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,011.67
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Lonetree Maintenance Zone 4

132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	288.75
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CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
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252 Downtown SLLMD Fund		
Downtown Maintenance		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 261.58
253 Almondridge SLLMD Fund		
Almondridge Maintenance		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 179.54
254 Hillcrest SLLMD Fund		
Hillcrest Maintenance Zone 1		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 521.11
Hillcrest Maintenance Zone 2		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 618.17
Hillcrest Maintenance Zone 4		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 517.46
255 Park 1A Maintenance District Fund		
Park 1A Maintenance District		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 68.31
256 Citywide 2A Maintenance District Fund		
Citywide 2A Maintenance Zone 3		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 64.54
Citywide 2A Maintenance Zone 4		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 234.24
Citywide 2A Maintenance Zone 5		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 336.93
Citywide 2A Maintenance Zone 6		
132903	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES 316.42
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 184.63
Citywide 2A Maintenance Zone 8		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 234.29
Citywide 2A Maintenance Zone 9		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 404.12
Citywide 2A Maintenance Zone 10		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 93.24
257 SLLMD Administration Fund		
SLLMD Administration		
132804	CRESO EQUIPMENT RENTALS	EQUIPMENT RENTALS 361.18
201595	STAPLES	OFFICE SUPPLIES 61.63
259 East Lone Tree SLLMD Fund		
Zone 1-District 10		
132921	PACIFIC GAS AND ELECTRIC CO	ELECTRIC 23.13
311 Capital Improvement Fund		
Measure WW		
132824	KARSTE CONSULTING INC	CONSULTING SERVICES 600.00
Public Buildings & Facilities		
132824	KARSTE CONSULTING INC	CONSULTING SERVICES 5,880.00

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
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416 Honeywell Capital Lease Fund

Non Departmental

132944 BANK OF AMERICA INTEREST DUE APR12 42,131.57

570 Equipment Maintenance Fund

Non Departmental

132820 HUNT AND SONS INC FUEL 14,691.11

Equipment Maintenance

132788 ANTIOCH AUTO PARTS AUTO PARTS STOCK 829.60
 132834 MUNICIPAL MAINT EQUIPMENT INC BEARINGS 3,397.47
 132835 MUNICIPAL POOLING AUTHORITY INSURANCE PREMIUM 156.10
 132853 SHARP BUSINESS SYSTEMS HARD DRIVE REPLACEMENTS 29.77
 132861 WALNUT CREEK FORD FUEL PUMP 1,205.22
 132868 ANTIOCH AUTO PARTS PULL CORD 1,421.61
 132880 CONTRA COSTA HOSE AND FITTINGS HOSE ASSEMBLY 481.36
 132888 EAST BAY TIRE CO REPAIR SERVICE 65.52
 132910 LEHR AUTO ELECTRIC VEHICLE EQUIPMENT 640.14
 132921 PACIFIC GAS AND ELECTRIC CO ELECTRIC 372.81
 132935 TUTTS TRUCK OUTFITTERS REPAIR SERVICE 1,260.69
 201600 UNITED STATES POSTAL SERVICE INSTALLATION SERVICE 80.00
 917068 ECONOMY AUTO PAINTING & BODYWORK BODY SHOP SERVICES 1,000.00

573 Information Services Fund

Non Departmental

132793 BANK OF AMERICA EE COMPUTER PURCHASE 2,917.04
 132796 BEST BUY EE COMPUTER PURCHASE 532.96
 132812 GIS PLANNING INC ANNUAL RENEWAL 4,000.00

Network Support & PCs

132806 DIGITAL SERVICES WEBSITE MAINTENANCE 2,926.00
 132875 COMCAST INTERNET SERVICE 78.27
 132918 NUMARA SOFTWARE LICENSE & SUPPORT 3,297.01

Telephone System

132790 AT AND T MCI PHONE 162.61
 201493 AMERICAN MESSAGING PAGER 11.17

GIS Support Services

132812 GIS PLANNING INC ANNUAL RENEWAL 2,000.00
 917069 ESRI INC ARCVIEW SOFTWARE 9,832.13

578 Post Retirement Medical-Misc Fund

Non Departmental

917072 RETIREE MEDICAL AFTER RETIREMENT 301.44

579 Post Retirement Medical-Mgmt Fund

Non Departmental

132945 RETIREE MEDICAL AFTER RETIREMENT 961.20

611 Water Fund

Non Departmental

132813 GOLOGO PROMOTIONS UNIFORM SCREEN PRINT 119.62
 132837 OFFICE MAX INC OFFICE SUPPLIES 1,654.93
 132850 ROBERTS AND BRUNE CO SUPPLIES 2,963.74

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 Finance Accounting

CITY OF ANTIOCH
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132866 AMERICAN TEXTILE AND SUPPLY INC	RAGS	753.66
132893 FASTENAL CO	SUPPLIES	496.75
132900 HORIZON	SUPPLIES	1,153.57
Water Supervision		
132851 RT LAWRENCE CORP	LOCKBOX PROCESSING FEE	1,361.26
Water Production		
132790 AT AND T MCI	PHONE	125.72
132809 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	206.78
132810 FLOW SCIENCE INCORPORATED	PROFESSIONAL SERVICES	2,265.00
132816 HI-VOLTAGE SPLICING CO	EMERGENCY SERVICES	39,929.43
132818 HOT LINE CONSTRUCTION INC	PUMP STATION SERVICE	3,076.90
132829 LOWES COMPANIES INC	SUPPLIES	25.04
132843 PERS	PAYROLL DEDUCTIONS	99.54
132847 REINHOLDT ENGINEERING CONSTR	DIESEL TANK INSPECTION	980.00
132859 UNIVAR USA INC	CAUSTIC	6,869.80
132862 WESCO RECEIVABLES CORP	FUSES	3,061.29
132863 XEROX CORPORATION	COPIER LEASE	68.05
132865 ACE HARDWARE, ANTIOCH	SUPPLIES	31.13
132868 ANTIOCH AUTO PARTS	SUPPLIES	48.44
132898 HACH CO	LAB SUPPLIES	1,577.63
132902 HUNT AND SONS INC	FUEL	5,035.81
132909 LAW OFFICE OF MATTHEW EMRICK	LEGAL SERVICES	4,357.50
132921 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	107,058.82
132924 PERS	PAYROLL DEDUCTIONS	99.54
917070 GENERAL CHEMICAL CORP	ALUM	9,697.12
917071 GRAINGER INC	TUBING	114.41
917074 IDEXX LABORATORIES INC	LAB SUPPLIES	2,198.74
917075 AIRGAS SPECIALTY PRODUCTS	AMMONIA	1,274.15
917082 SIERRA CHEMICAL CO	CHLORINE	4,055.37
Water Distribution		
132825 KAY PARK AND REC CORP	PICNIC TABLES	8,946.70
132832 MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	87.30
132837 OFFICE MAX INC	OFFICE SUPPLIES	174.08
132850 ROBERTS AND BRUNE CO	SUPPLIES	1,052.56
132852 SABRE BACKFLOW INC	BACKFLOW TEST KIT	867.08
132853 SHARP BUSINESS SYSTEMS	HARD DRIVE REPLACEMENTS	75.78
132865 ACE HARDWARE, ANTIOCH	SUPPLIES	9.13
132893 FASTENAL CO	SUPPLIES	446.50
132894 FASTLANE TEK INC	CONSULTING SERVICE	12,715.00
132896 FOSTER, GARY A	BOOTS REIMBURSEMENT	190.00
132915 MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	192.68
132919 OFFICE MAX INC	OFFICE SUPPLIES	87.32
132927 ROBERTS AND BRUNE CO	PIPE & FITTINGS	3,502.33
917078 COMPUTERLAND	PRINTER	665.74
Water Meter Reading		
917076 BADGER METER INC	RENEWAL 4/2012-4/2013	989.04

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 Finance Accounting

CITY OF ANTIOCH
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Public Buildings & Facilities

132899 HANSON BRIDGETT LLP LEGAL SERVICES 2,607.94
612 Water Line Expansion Fund

Water Systems

917083 TESTING ENGINEERS INC TESTING SERVICES 1,440.00
621 Sewer Fund

Sewer-Wastewater Supervision

132853 SHARP BUSINESS SYSTEMS HARD DRIVE REPLACEMENTS 75.78

Sewer-Wastewater Collection

132865 ACE HARDWARE, ANTIOCH SUPPLIES 41.86
 132915 MT DIABLO LANDSCAPE CENTERS INC CONCRETE MIX 128.29

Wastewater Collection

132846 READY PRINT DOCUMENT REPRODUCTION 233.60
 132849 RMC WATER AND ENVIRONMENT PROFESSIONAL SERVICES 2,773.75

631 Marina Fund

Marina Administration

132829 LOWES COMPANIES INC SUPPLIES 55.73
 132855 SHIELDS HARPER AND CO FUEL ALARM REPAIR 200.60
 132864 XEROX CORPORATION COPIER LEASE 68.05
 132921 PACIFIC GAS AND ELECTRIC CO GAS 2,302.56
 201596 DEPARTMENT OF MOTOR VEHICLES LIEN APPLICATION 8.00
 201597 UNITED STATES POSTAL SERVICE POSTAGE 17.25

Marina Maintenance

132829 LOWES COMPANIES INC SUPPLIES 52.91

Major Projects

132903 ICR ELECTRICAL CONTRACTORS ELECTRICAL SERVICES 3,393.00

641 Prewett Water Park Fund

Rec - Prewett Admin

132826 KNORR SYSTEMS INC CARBON DIOXIDE 519.03
 132829 LOWES COMPANIES INC SUPPLIES 24.83
 132853 SHARP BUSINESS SYSTEMS HARD DRIVE REPLACEMENTS 270.63
 132887 DELTA LOCK KEY AND SAFE LOCK REPAIR 105.00
 132907 KNORR SYSTEMS INC CARBON DIOXIDE 269.13
 132921 PACIFIC GAS AND ELECTRIC CO ELECTRIC 8,743.59
 132930 SUNSHINE CARPET AND TILE CLEANERS CARPET CLEANING 505.00

Recreation Aquatics

201382 WALMART SUPPLIES 6.24
 201383 MENDOZA, LEISE SEASON PASS REFUND 90.00
 201384 WALMART SUPPLIES 99.75

Recreation Water Park

132871 BANK OF AMERICA SUPPLIES 68.85
 132904 INTERSTATE GRAPHICS OF MORRISTOWN BROCHURES 1,725.00
 132925 RICO VISUALS BROCHURE DESIGN 450.00

Rec Prewett Concessions

132871 BANK OF AMERICA SUPPLIES 482.65

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
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721 Employee Benefits Fund

Non Departmental

132828 EMPLOYEE	DEDUCTION REPLACEMENT	74.20
132843 PERS	PAYROLL DEDUCTIONS	259,602.31
132878 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
132879 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
132920 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	600.30
132923 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	92.66
132924 PERS	PAYROLL DEDUCTIONS	257,488.86
132928 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	36.40
132929 STATE OF FLORIDA DISBURSEMENT UNIT	PAYROLL DEDUCTIONS	150.00
132936 UNION BANK OF CALIF	PAYROLL DEDUCTIONS	3,742.32
132938 US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	295.46
132940 VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,687.48
917081 NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	22,925.07

736 APFA Lone Diamond Reassessment 1998 Fund

Non Departmental

132836 NBS LOCAL GOVERNMENT SOLUTIONS	DISTRICT ADMINISTRATION	8,797.27
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STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF APRIL 24, 2012

SUBMITTED BY: Donna Conley, City Treasurer
DATE: April 18, 2012
SUBJECT: Treasurer's Report – MARCH 2012

RECOMMENDATION: Review and file.

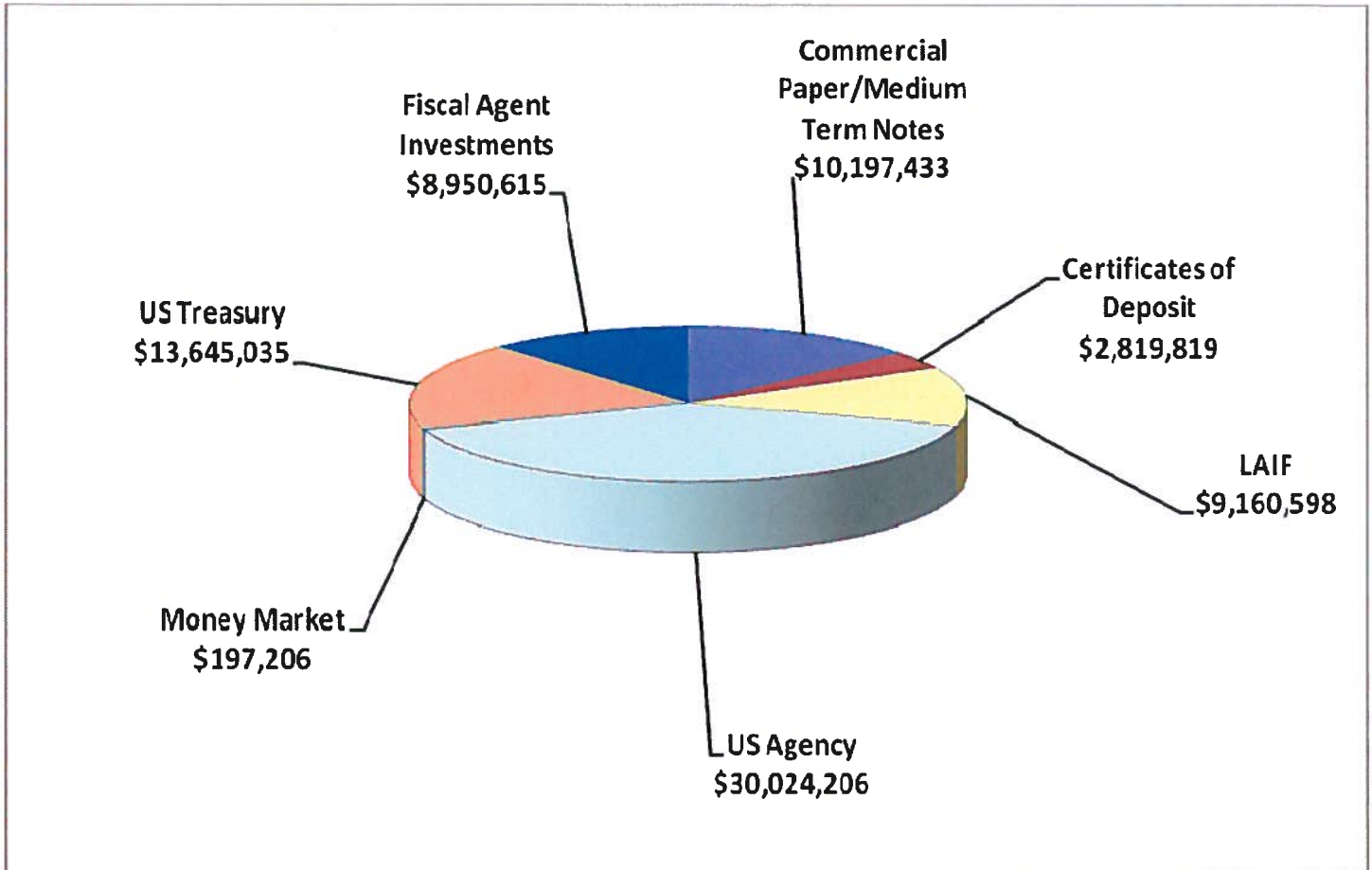
BACKGROUND: City of Antioch's portfolio as of March 2012 is in Compliance with The City's current Investment Policy. Based on the Portfolio as of March 2012 the City of Antioch is able to meet its expenditure requirements for the next six months.

C

4-24-2012

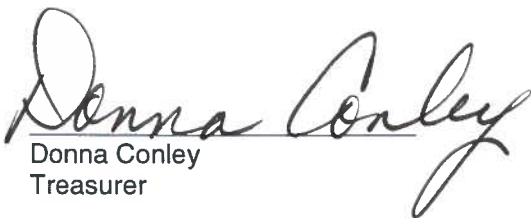
CITY OF ANTIOCH
SUMMARY REPORT ON THE CITY'S INVESTMENTS

MARCH 31, 2012



Total of City and Fiscal Agent Investments = \$74,994,912

All City investments are shown above and conform to the City Investment Policy. All investment transactions during this period are included in this report. As Treasurer of the City of Antioch and Finance Director of the City of Antioch, we hereby certify that sufficient investment liquidity and anticipated revenue are available to meet the next six (6) months' estimated expenditures.


Donna Conley
Treasurer


Dawn Merchant
Finance Director

**Summary of Fiscal Agent Balances by
Debt Issue**

	<u>Amount</u>
Antioch Public Financing Authority 2003 Water Revenue Bonds	1,358,987
Antioch Public Financing Authority 2002 Lease Revenue Bonds	8,756
Antioch Public Financing Authority 1998 Reassessment Revenue Bonds	6,921,236
Antioch Development Agency 2009 Tax Allocation Bonds	146,025
Antioch Development Agency 2000 Tax Allocation Bonds	83,020
ABAG Lease Revenue Bonds	<u>432,592</u>
	<u><u>\$8,950,615</u></u>



CITY OF ANTIOCH, CA - 04380500

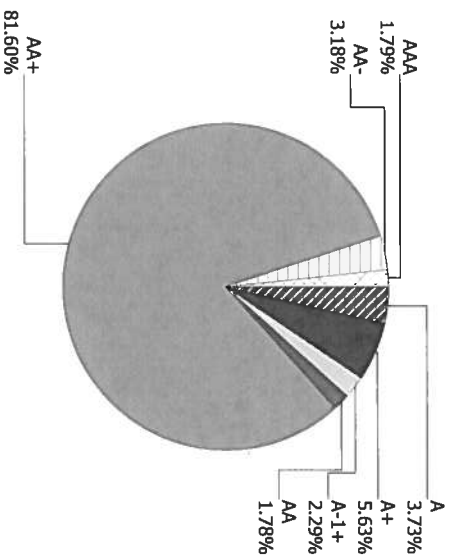
Managed Account Issuer Summary

For the Month Ending March 31, 2012

Issuer Summary

Issuer	Market Value of Holdings	Percent
BANK OF NEW YORK	1,038,129.75	1.83
BERKSHIRE HATHAWAY INC	861,352.60	1.52
CATERPILLAR INC	533,849.25	0.94
DEERE & COMPANY	508,942.50	0.90
FANNIE MAE	16,113,660.53	28.39
FEDERAL HOME LOAN BANKS	3,022,302.00	5.33
FREDDIE MAC	10,438,965.01	18.40
GENERAL ELECTRIC CO	2,220,478.75	3.91
IBM CORP	1,128,479.78	1.99
JOHNSON & JOHNSON	1,017,290.00	1.79
JP MORGAN CHASE & CO	1,076,677.17	1.90
PROCTER & GAMBLE CO	501,532.50	0.88
ROYAL BANK OF CANADA	1,299,760.42	2.29
SAN FRANCISCO CALIF CITY & CNTY (AMBAC)	593,940.70	1.05
UNITED STATES TREASURY	13,641,380.06	24.03
WAL-MART STORES INC	414,790.47	0.73
WELLS FARGO & COMPANY	1,030,783.00	1.82
WESTPAC BANKING CORP NY	1,305,109.00	2.30
Total	\$56,747,423.49	100.00%

Credit Quality (S&P Ratings)



PFM Asset Management LLC



CITY OF ANTIPOCH, CA - 04380500

Managed Account Detail of Securities Held

For the Month Ending March 31, 2012

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note												
US TREASURY NOTES	DTD 03/31/2009 1.750% 03/31/2014	912828KJ8	3,000,000.00	AA+	Aaa	10/27/11	10/31/11	3,098,085.94	0.39	143.44	3,081,178.14	3,083,202.00
US TREASURY NOTES	DTD 05/16/2011 1.000% 05/15/2014	912828OM5	4,550,000.00	AA+	Aaa	03/27/12	03/29/12	4,610,074.22	0.38	17,250.00	4,609,842.78	4,609,718.75
US TREASURY NOTES	DTD 07/15/2011 0.625% 07/15/2014	912828OU7	575,000.00	AA+	Aaa	11/02/11	11/07/11	579,492.19	0.33	760.22	578,827.86	577,785.30
US TREASURY NOTES	DTD 09/15/2011 0.250% 09/15/2014	912828RG7	1,150,000.00	AA+	Aaa	10/12/11	10/14/11	1,140,701.17	0.53	132.81	1,142,177.44	1,144,608.80
US TREASURY NOTES	DTD 12/15/2011 0.250% 12/15/2014	912828RV4	1,200,000.00	AA+	Aaa	01/05/12	01/06/12	1,195,312.50	0.38	885.25	1,195,685.42	1,192,780.80
US TREASURY N/B	DTD 02/15/2012 0.250% 02/15/2015	912828SE1	1,500,000.00	AA+	Aaa	02/22/12	02/27/12	1,492,207.03	0.43	473.90	1,492,451.09	1,489,218.00
US TREASURY N/B	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	1,550,000.00	AA+	Aaa	03/13/12	03/15/12	1,544,792.97	0.49	268.51	1,544,872.66	1,544,066.41
Security Type Sub-Total								13,660,666.02	0.41	19,914.13	13,645,035.39	13,641,380.06
Municipal Bond / Note												
SAN FRANCISCO CITY & CNTY GO MUNI NOTES	DTD 11/30/2011 5.000% 06/15/2014	797646PU4	230,000.00	AA	Aa2	11/10/11	11/30/11	254,994.10	0.68	3,865.28	251,711.70	253,227.70
SAN FRANCISCO CITY & CNTY GO MUNI NOTES	DTD 11/30/2011 5.000% 06/15/2015	797646PV2	300,000.00	AA	Aa2	11/10/11	11/30/11	341,313.00	1.03	5,041.67	337,453.40	340,713.00
Security Type Sub-Total								596,307.10	0.88	8,906.95	589,165.10	593,940.70
Federal Agency Bond / Note												
FHLMC NOTES	DTD 02/04/2011 0.750% 03/28/2013	3137EACS6	850,000.00	AA+	Aaa	03/25/11	03/28/11	848,351.00	0.85	53.13	849,178.90	854,285.70



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending **March 31, 2012**

CITY OF ANTIPOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	Federal Agency/ Bond / Note	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
FLMFC GLOBAL NOTES	DTD 03/04/2010 1.625% 04/15/2013		3137EAC6	2,135,000.00	AA+	Aaa	03/03/10	03/04/10	2,132,011.00	1.67	15,997.67	2,133,981.35	2,165,387.46
FLMFC GLOBAL REFERENCE NOTES	DTD 03/14/2008 3.500% 05/29/2013		3137EAB7	575,000.00	AA+	Aaa	03/19/10	03/22/10	604,854.00	1.81	6,820.14	586,078.47	596,581.48
FNMA NOTES	DTD 06/17/2011 0.500% 08/09/2013		3135G0BR3	2,980,000.00	AA+	Aaa	11/16/11	11/17/11	2,983,129.00	0.44	2,152.22	2,982,458.29	2,987,551.32
FNMA NOTES (CALLABLE)	DTD 09/19/2011 0.500% 09/19/2013		3135G0DE0	2,300,000.00	AA+	Aaa	09/01/11	09/19/11	2,300,000.00	0.50	383.33	2,300,000.00	2,300,064.40
FANNIE MAE GLOBAL NOTES	DTD 08/06/2010 1.000% 09/23/2013		31398A2S0	1,825,000.00	AA+	Aaa	03/02/11	03/03/11	1,820,182.00	1.11	405.56	1,822,198.95	1,842,253.55
FREDDIE MAC GLOBAL NOTES	DTD 10/20/2011 0.500% 10/15/2013		3134G23H3	1,845,000.00	AA+	Aaa	10/20/11	10/21/11	1,844,372.70	0.52	4,125.63	1,844,512.64	1,845,107.01
FNMA GLOBAL BENCHMARK NOTES	DTD 09/26/2003 4.625% 10/15/2013		31359MTG8	2,775,000.00	AA+	Aaa	07/29/11	08/03/11	3,020,687.40	0.57	59,180.73	2,947,189.44	2,957,153.78
FNMA GLOBAL NOTES	DTD 02/01/2011 1.250% 02/27/2014		3135G0AP8	1,900,000.00	AA+	Aaa	03/17/11	03/18/11	1,903,876.00	1.18	2,243.06	1,902,528.12	1,934,359.60
FNMA GLOBAL NOTES	DTD 02/01/2011 1.250% 02/27/2014		3135G0AP8	3,450,000.00	AA+	Aaa	11/28/11	11/30/11	3,499,990.50	0.60	4,072.92	3,492,541.95	3,512,389.80
FNMA NOTES	DTD 07/18/2011 0.875% 08/28/2014		3135G0BY8	575,000.00	AA+	Aaa	09/29/11	09/30/11	578,588.00	0.66	461.20	577,973.56	579,888.08
FLMFC NOTES	DTD 08/12/2011 0.500% 09/19/2014		3134G2Y15	1,600,000.00	AA+	Aaa	09/20/11	09/21/11	1,597,863.68	0.55	266.67	1,598,237.76	1,599,086.40
FREDDIE MAC GLOBAL NOTES	DTD 08/05/2011 0.750% 09/22/2014		3134G2WG3	910,000.00	AA+	Aaa	09/28/11	09/30/11	911,820.00	0.68	170.63	911,515.47	915,015.01
FREDDIE MAC GLOBAL NOTES	DTD 08/05/2011 0.750% 09/22/2014		3134G2WG3	2,450,000.00	AA+	Aaa	08/30/11	08/31/11	2,462,838.00	0.58	459.38	2,460,405.89	2,463,501.95
FHLB NOTES	DTD 11/08/2010 0.875% 12/12/2014		313371PC4	3,000,000.00	AA+	Aaa	01/19/12	01/19/12	3,028,170.00	0.55	7,947.92	3,026,239.92	3,022,302.00
Security Type Sub-Total				29,170,000.00					29,536,733.28	0.74	104,740.19	29,435,040.71	29,574,927.54



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending March 31, 2012

CITY OF ANTIPOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note												
GENERAL ELECTRIC CAPITAL CORP (FLOAT) NT		36962GZ49	1,080,000.00	AAA+	Aa2	01/19/10	01/22/10	1,056,457.08	1.22	1,218.33	1,075,995.57	1,081,551.96
WELLS FARGO & COMPANY GLOBAL SR NOTES	DTD 11/01/2006 0.677% 11/01/2012	949746NV3	1,000,000.00	A+	A2	01/20/11	01/25/11	1,058,400.00	1.42	7,413.19	1,024,276.51	1,030,783.00
BANK OF NEW YORK MELLON SR NOTES	DTD 08/27/2008 5.125% 08/27/2013	06406HBK4	625,000.00	A+	Aa3	04/05/11	04/08/11	678,912.50	1.43	3,025.17	656,979.59	662,677.50
JOHN DEERE CAPITAL CORP NOTE	DTD 03/03/2011 1.600% 03/03/2014	24422ERA9	500,000.00	A	A2	02/28/11	03/03/11	499,505.00	1.63	622.22	499,680.10	508,942.50
CATERPILLAR FINANCIAL SE CORP NOTE	DTD 04/01/2011 1.650% 04/01/2014	14912L4T5	250,000.00	A	A2	03/24/11	04/01/11	250,197.50	1.62	2,062.50	250,132.73	254,749.00
WAL MART STORES INC. CORP NOTES	DTD 04/18/2011 1.625% 04/15/2014	931142DA8	405,000.00	AA	Aa2	04/11/11	04/18/11	403,906.50	1.72	3,034.69	404,248.60	414,790.47
IBM CORP GLOBAL NOTES	DTD 05/12/2011 1.250% 05/12/2014	459200GW5	815,000.00	A+	Aa3	05/09/11	05/12/11	814,233.90	1.28	3,933.51	814,457.21	825,070.96
JOHNSON & JOHNSON GLOBAL NOTE	DTD 05/20/2011 1.200% 05/15/2014	478160AX2	1,000,000.00	AAA	Aaa	05/17/11	05/20/11	998,830.00	1.24	4,533.33	999,163.81	1,017,290.00
CATERPILLAR FINANCIAL SE NOTES	DTD 05/20/2011 1.375% 05/20/2014	14912L4V0	275,000.00	A	A2	05/17/11	05/20/11	274,854.25	1.39	1,375.95	274,895.62	279,100.25
JP MORGAN CHASE & CO NOTES	DTD 05/18/2009 4.650% 06/01/2014	46625HHN3	1,010,000.00	A	Aa3	12/19/11	12/22/11	1,062,853.30	2.43	15,655.00	1,057,050.83	1,076,677.17
PROCTER & GAMBLE CO CORP NOTES	DTD 08/15/2011 0.700% 08/15/2014	742718DU0	500,000.00	AA-	Aa3	08/10/11	08/15/11	497,945.00	0.84	447.22	498,370.91	501,532.50
BERKSHIRE HATHAWAY INC (FLOATING) NOTES	DTD 08/15/2011 1.203% 08/15/2014	084670BA5	850,000.00	AA+	Aa2	08/10/11	08/15/11	850,000.00	0.98	1,306.16	850,000.00	861,352.60
GENERAL ELEC CAP CORP GLOBAL NOTES	DTD 01/09/2012 2.150% 01/09/2015	36962G5M2	1,115,000.00	AA+	Aa2	01/04/12	01/09/12	1,113,840.40	2.19	5,460.40	1,113,926.07	1,138,926.79



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending **March 31, 2012**

CITY OF ANTIPOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note												
IBM CORP GLOBAL NOTES	DTD 02/06/2012 0.550% 02/06/2015	459200HB0	305,000.00	A+	Aa3	02/01/12	02/06/12	303,508.55	0.72	256.28	303,583.83	303,408.82
BANK OF NEW YORK MELLON (CALLABLE) NOTES	DTD 02/21/2012 1.200% 02/20/2015	06406HCC1	375,000.00	A+	Aa3	02/13/12	02/21/12	374,658.75	1.23	500.00	374,671.20	375,452.25
Security Type Sub-Total			10,105,000.00					10,238,102.73	1.50	50,843.95	10,197,432.58	10,332,305.77
Certificate of Deposit												
ROYAL BANK OF CANADA NY CERT DEPOS	DTD 02/10/2012 0.490% 02/08/2013	78009NDY9	1,300,000.00	A-1+	P-1	02/08/12	02/10/12	1,300,000.00	0.49	902.42	1,300,000.00	1,299,760.42
WESTPAC BANKING CORP NY (FLOAT) CD	DTD 02/16/2012 1.448% 02/14/2014	96121TLT3	1,300,000.00	AA-	Aa2	02/14/12	02/16/12	1,300,000.00	1.47	2,352.35	1,300,000.00	1,305,109.00
Security Type Sub-Total			2,600,000.00					2,600,000.00	0.98	3,254.77	2,600,000.00	2,604,869.42
Managed Account Sub-Total			55,930,000.00					56,631,809.13	0.81	187,659.99	56,466,673.78	56,747,423.49
Securities Sub-Total			\$55,930,000.00					\$56,631,809.13	0.81%	\$187,659.99	\$56,466,673.78	\$56,747,423.49
Accrued Interest												\$187,659.99
Total Investments												\$56,935,083.48





Managed Account Security Transactions & Interest

For the Month Ending March 31, 2012

CITY OF ANTIPOCH, CA - 04380500

Transaction Type	Settle	Security Description	CUSTP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
BUY										
03/13/12	03/15/12	US TREASURY N/B	912828SK7	1,550,000.00	(1,544,792.97)	0.00	(1,544,792.97)			
		DTD 03/15/2012 0.375% 03/15/2015								
03/27/12	03/29/12	US TREASURY NOTES	912828OM5	4,550,000.00	(4,610,074.22)	(16,875.00)	(4,626,949.22)			
		DTD 05/16/2011 1.000% 05/15/2014								
Transaction Type Sub-Total					6,100,000.00	(6,154,867.19)	(16,875.00)	(6,171,742.19)		
INTEREST										
03/01/12	03/01/12	MONEY MARKET FUND	MONEY0002	0.00	0.00	0.19	0.19			
03/03/12	03/03/12	JOHN DEERE CAPITAL CORP NOTE	24422ERA9	500,000.00	0.00	4,000.00	4,000.00			
		DTD 03/03/2011 1.600% 03/03/2014								
03/15/12	03/15/12	US TREASURY NOTES	912828RG7	1,150,000.00	0.00	1,437.50	1,437.50			
		DTD 09/15/2011 0.250% 09/15/2014								
03/19/12	03/19/12	FHLMC NOTES	3134G2YJ5	1,600,000.00	0.00	4,000.00	4,000.00			
		DTD 08/12/2011 0.500% 09/19/2014								
03/19/12	03/19/12	FNMA NOTES (CALLABLE)	3135G0DE0	2,300,000.00	0.00	5,750.00	5,750.00			
		DTD 09/19/2011 0.500% 09/19/2013								
03/22/12	03/22/12	FREDDIE MAC GLOBAL NOTES	3134G2WG3	2,450,000.00	0.00	9,187.50	9,187.50			
		DTD 08/05/2011 0.750% 09/22/2014								
03/22/12	03/22/12	FREDDIE MAC GLOBAL NOTES	3134G2WG3	910,000.00	0.00	3,412.50	3,412.50			
		DTD 08/05/2011 0.750% 09/22/2014								
03/23/12	03/23/12	FANNIE MAE GLOBAL NOTES	31398A250	1,825,000.00	0.00	9,125.00	9,125.00			
		DTD 08/06/2010 1.000% 09/23/2013								
03/28/12	03/28/12	FHLMC NOTES	3137EAC56	850,000.00	0.00	3,187.50	3,187.50			
		DTD 02/04/2011 0.750% 03/28/2013								
03/31/12	03/31/12	US TREASURY NOTES	912828K8	3,000,000.00	0.00	26,250.00	26,250.00			
		DTD 03/31/2009 1.750% 03/31/2014								
Transaction Type Sub-Total					14,585,000.00	0.00	66,350.19	66,350.19		
SELL										



PFM Asset Management LLC



Managed Account Security Transactions & Interest

For the Month Ending **March 31, 2012**

CITY OF ANTIOCH, CA - 04380500

Transaction Type	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
SELL										
03/13/12	03/15/12	FHLMC NOTES DTD 02/04/2011 0.750% 03/28/2013	3137EAC56	1,000,000.00	1,005,240.00	3,479.17	1,008,719.17	7,180.00	6,249.06	SPEC LOT
03/13/12	03/15/12	US TREASURY NOTES DTD 01/31/2011 0.625% 01/31/2013	912828PR5	550,000.00	551,955.08	415.52	552,370.60	1,675.78	1,831.21	SPEC LOT
03/27/12	03/29/12	FHLB GLOBAL NOTES DTD 07/21/2011 0.500% 08/28/2013	313374Y61	2,075,000.00	2,080,872.25	893.40	2,081,765.65	8,756.50	7,816.05	SPEC LOT
03/27/12	03/29/12	FNMA NOTES DTD 07/09/2010 1.250% 08/20/2013	31398AX31	2,500,000.00	2,533,000.00	3,385.42	2,536,385.42	21,600.00	26,313.15	SPEC LOT
Transaction Type Sub-Total				6,125,000.00	6,171,067.33	8,173.51	6,179,240.84	39,212.28	42,209.47	
Managed Account Sub-Total				16,200.14	57,648.70	73,848.84	39,212.28	42,209.47		
Total Security Transactions				\$16,200.14	\$57,648.70	\$73,848.84	\$39,212.28	\$42,209.47		



**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 24, 2012**

Prepared by: Mindy Gentry, Senior Planner *MA*
Approved by: Tina Wehrmeister, Director of Community Development *TW*
Date: April 5, 2012
Subject: RDA Ordinance Extension (Z-12-01)

RECOMMENDATION

It is recommended the City Council adopt the attached 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.

BACKGROUND INFORMATION

This item was continued on April 10, 2012. The ordinance was introduced by the Council on March 13, 2012. The Council made no changes to the ordinance at this meeting.

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.

FINANCIAL IMPACT

None.

OPTIONS

The recommended action is consistent with the City Council's introduction of the ordinance on March 13, 2012.

ATTACHMENTS

None.

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

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 13th day of March 2012 and passed and adopted at a regular meeting thereof, held on 24th day of April 2012, 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 MAYOR AND CITY COUNCIL FOR CONSIDERATION AT
THE COUNCIL MEETING OF APRIL 24, 2012**

FROM: Deborah McHenry, Human Resources

DATE: April 17, 2012

**SUBJECT: RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF ANTIOCH AND THE PUBLIC EMPLOYEES'
UNION LOCAL NO. 1**

RECOMMENDATION

Adopt resolution approving Memorandum of Understanding between the City of Antioch and the Public Employees' Union Local No. 1.

BACKGROUND

Staff is bringing to the City Council for its consideration a three year Memorandum of Understanding between the City of Antioch and the Public Employees' Union Local No. 1.

As authorized by City Council, City Representatives have met with the Public Employees' Union Local No. 1, and together all parties recognized the need to accomplish the same economic goal. The term of the Memorandum of Understanding will be from April 1, 2012 through March 31, 2015.

Important Points:

- Term – April 1, 2012 to March 31, 2015 (3years)
- 11.1 Salaries
 - Effective the first full pay period after the adoption of the agreement by the City Council, salaries shall be increased by 3.0%.
 - April 2013 – No salary increase.
 - Effective the first full pay period after April 1, 2014, salaries shall be increased by 3.0%.
- 13.1 Retirement
 - Effective the first full pay period after the adoption of the agreement by the City Council, the employee shall pay an additional 4.0% of the City's PERS contributions in a tax deferred manner. (Total 8.0%/7.0%)
 - If at any time during the life of this agreement it becomes unlawful for the employer to pay any or all of the employee's share of PERS, the employee shall pay 100% of the employee's contribution and the employee will not make any contributions towards the City's share of retirement.
- 12.1 Flexible Benefits (Cafeteria Plan)
 - B.
 - Update date to January 1, 2012
 - Update amount to \$112.00

E
04/24/12

- 12.8 Flexible Benefits (Cafeteria Plan)
 - Upon written notice by either party, no sooner than August 2013, either party may reopen the agreement to discuss the employer's medical contribution.
 - Effective the first full pay period after the adoption of the agreement by the City Council, the City shall increase its contribution to the Flexible Benefits Plan on behalf of represented employees:
 - For each represented employee who is eligible for employee only medical coverage, the City shall contribute \$ 419.49 per month.
 - For each represented employee who is eligible for two (2) party medical coverage, the City shall contribute \$811.54 per month.
 - For each represented employee who is eligible for family medical coverage, the City shall contribute \$ 1070.78 per month.
- 11.2 Shift Differential
 - Second Shift – Represented employees who are assigned to the Second Shift (with a start time Monday – Thursday of 9:30 am or later) shall receive an additional 5.0% of their base rate of pay as Shift Differential Pay for all hours worked on the Second Shift, including all overtime hours that are an extension of such shift.
 - Represented employees who are regularly scheduled to work on Saturdays and Sundays shall receive an additional 5% of their base rate of pay for all hours worked on Saturdays and Sundays, including all overtime hours that are worked on Saturdays and Sundays.
- 11.XX Certification Pay
 - A labor/management committee shall be established to develop the criteria for certification pay. The criteria shall include the following:
 - An effective date for the Certification Pay Incentive of the first full pay period after July 1, 2012.
 - The maximum incentive an employee can receive is 5.0%.
 - The qualification for the incentive shall be based on:
 - The certification must exceed the certificate necessary to perform the duties of the position.
 - The certificate must be related to the employee's employment.
 - Reimbursement for test/certificate fees shall be done in accordance with Section 26.14 Test/Certificate Fees of the MOU.
 - If an employee does not maintain a certificate, they will no longer be eligible for the Certificate Incentive.

FINANCIAL IMPACT – FY 12

3% Cola Increase:	\$25,690
PERS Savings:	<u>\$20,820</u>
Difference:	\$ 4,870

3% Cola Increase: \$31,870 (FY 14)

OPTIONS

- Approve the attached Resolution.
- Take no action.

ATTACHMENTS

Resolution

RESOLUTION NO. 2012/

**RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF ANTIOCH AND THE
PUBLIC EMPLOYEES' UNION LOCAL NO. 1**

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

That the Memorandum of Understanding, regarding wages and fringe benefits for members of the Public Employees' Union Local No. 1, 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 24th day of April, 2012, by the following vote:

AYES:

NOES:

ABSENT:

CITY CLERK OF THE CITY OF ANTIOCH

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 24, 2012**

Prepared by: Philip L. Hoffmeister, Administrative Analyst *PH*

**Reviewed and
Approved by:** Ron Bernal, Director of Public Works/City Engineer *REB*

Date: April 11, 2012

Subject: Resolution Approving Consolidated Engineer's Report and Declaring Intention to Levy and Collect Assessments for the Hillcrest, Citywide, Downtown, Almondridge, Lone Tree, and East Lone Tree Landscape Maintenance Districts, and Setting Public Hearing (PW 500)

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution approving the Engineer's Report and setting June 12th, 2012 as the date for the Public Hearing.

BACKGROUND INFORMATION

In Fiscal Year (FY) 2001-02 a Proposition 218 ballot to create one citywide Street Light and Landscape Maintenance District (SLLMD), subdivided into four benefit zones, failed by a 70% margin. Following that ballot, Council approved the Engineer's Report for the "existing" or "base assessment" Assessment District. That report, as does this year's, assesses only properties that are subject to assessments that were previously imposed by petition of the developer of the parcel.

The 1972 Street Light and Landscape Maintenance District Act requires that a Registered Civil Engineer prepare an Engineer's Report annually prior to rate setting by the City Council.

The attached Engineer's Report presents maintenance cost estimates based on FY 2012-13 budgets and approximately \$1,988,179 in collected assessments. None of the assessments exceed their respective maximum base rate. Based on previous direction by Council, assessments have been allocated first to cover costs of administration, then to local landscaping, and finally arterials and medians. Any shortfalls are shown as a contribution by the General Fund.

The action of the Council tonight is to approve the receipt of the Engineer's Report and to set a Public Hearing to consider it fully on June 12th, 2012. At that time, staff will recommend that Council confirm the levy of assessments and certify them to the County.

OPTIONS

Two options are presented for Council:

- 1) Approve the receipt of the Engineer's Report and set the public hearing; or
- 2) Not approve the receipt of the Engineer's Report.

If Option 1 is selected, a public hearing will be set for June 12th, 2012 to fully consider the report and levy the assessments.

If Option 2 is selected, not approving the Engineer's Report may cause delays in schedule to submit the levy of assessments to the County Auditors Office. As such, financial penalties would be applied for a late submission.

FISCAL IMPACTS

Street Light and Landscape Maintenance District assessment revenues for FY 2012-13 are estimated at approximately \$1,988,179

Maintenance costs for FY 2012-13 are estimated at approximately \$3,096,021.

ATTACHMENTS

A: Engineer's Report

B: Street Light and Landscape Maintenance District Boundary Map

RESOLUTION NO. 2012/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE CONSOLIDATED ENGINEER'S REPORT AND DECLARING THE
INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST,
CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE
LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING
(PW 500)**

WHEREAS, the City Council has ordered the formation of the Hillcrest, Citywide, Downtown, Almondridge, Lone Tree Way, and East Lone Tree Landscape Maintenance Districts; and

WHEREAS, Streets & Highway Code §22620 et seq and Proposition 218 provide the procedures for the levy of annual assessments and the formation of such assessment districts; and

WHEREAS, the engineer of work has filed a report with the City Clerk, setting out the matters required by state law; and

WHEREAS; the City Council hereby approves the Consolidated Engineer's Report as submitted;

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

The City Council hereby approves the Consolidated Engineer's Report as submitted and declares its intention to levy and collect assessments within the Hillcrest, Citywide, Downtown, Almondridge, Lone Tree, and East Lone Tree Landscape Maintenance Districts for the fiscal year 2012-2013.

1. The improvements in each District include maintenance of public landscaping, including but not limited to roadside and medians on collector streets, cul-de-sacs, landscaped trails and open space. No substantial changes are proposed to be made regarding the existing improvements, except the maintenance of new facilities that have been constructed since the last Engineer's Report.
2. The Hillcrest Landscape Maintenance District generally encompass the subdivisions abutting or in the area of Hillcrest Avenue. The Downtown District generally encompasses the commercial downtown area of the City. The Almondridge District generally encompasses the Almondridge subdivision. The Lone Tree District generally encompasses the subdivisions in the area south of Lone Tree Way. The East Lone Tree District generally encompasses the subdivisions in the area east of Vista Grande Drive and west of Empire Avenue. The Citywide District encompasses the remainder of the City, which is not included in one of the above-mentioned districts.

RESOLUTION NO. 2012/**

April 24, 2012

Page 2

3. Reference is made to the Consolidated Engineer's Report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment districts, and any zones therein, and the proposed assessments upon assessable lots and parcels within those districts.
4. Notice is hereby given that the City Council will conduct a public hearing on the matter of the levy and collection of assessments as described herein at 7:00 p.m. on June 12th, 2012 at the City Council Chambers, City Hall, Third and "H" Streets, Antioch, California. Public testimony will be allowed at this public hearing regarding the proposed levy and collection of assessments as described herein.
5. The City of Antioch is proposed to be assessed for its proportional street frontage in Downtown District 4, Zone 1, as well as for other city-owned residential parcels.
6. Separate written protests may be filed with the City Clerk, City Hall, Third and "H" Streets, P.O. Box 5007, Antioch, California, 94531-5007 at any time prior to the conclusion of the public hearing on June 12th, 2012. Protests must state all grounds of objection. A protest filed by a property owner must contain the address of the affected property. The City Council will also receive oral testimony and objections.
7. The City Clerk is hereby directed to publish a public hearing notice in the Contra Costa Times, as required by law.
8. None of the proposed assessments are proposed to be increased over the amounts authorized by the ballot measure.

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.

A copy of the Engineer's Report is available for inspection at the Community Development, Engineering and Development Services Division, 2nd Floor, City Hall, Third and "H" Streets, Antioch, California. Written statements in favor of, or in opposition to this matter, may be filed with the City Clerk, City Hall, Third and "H" Streets (P.O. Box 5007), Antioch CA 94531-5007, at any time prior to the hearing and to be heard thereon. The meeting facility is accessible to the handicapped. Auxillary aides will be made available, upon request in advance, for persons with hearing or vision disabilities.

RESOLUTION NO. 2012/**
April 24, 2012
Page 3

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof; held on the 24th day of April, 2012 by the following vote:

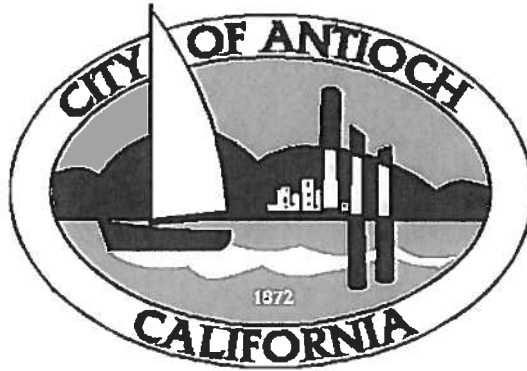
AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

ATTACHMENT "A"



CITY OF ANTIOCH
CONTRA COSTA COUNTY, CALIFORNIA

CONSOLIDATED ENGINEER'S REPORT
FOR THE
CITY OF ANTIOCH
STREET LIGHT AND LANDSCAPE MAINTENANCE
DISTRICT NUMBERS 1, 2A, 4, 5, 9, AND 10
AND THE
LEVY OF THE ANNUAL ASSESSMENT
FOR THE 2012/13 FISCAL YEAR

City of Antioch

As presented to Council on
April 24th 2012

Prepared by
City of Antioch
City Engineer
Rowland E. Bernal Jr., P.E.
Philip Hoffmeister, Administrative Analyst



Rowland E. Bernal Jr.

STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT
NUMBERS 1, 2A, 4, 5, 9, AND 10
(Pursuant to the Landscaping and Lighting Act of 1972 and Proposition 218)

The undersigned respectfully submits the enclosed Engineer's Report as directed to the City Council.

Dated _____

By Rowland E. Bernal Jr.
Rowland E. Bernal Jr., P.E.
License Expires 12/31/13



I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the ____ day of _____, 2012.

Denise Skaggs, City Clerk
City of Antioch
Contra Costa County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Antioch, California on the ____ day of _____, 2012.

Denise Skaggs, City Clerk
City of Antioch
Contra Costa County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Contra Costa, California on the ____ day of _____, 2012.

Denise Skaggs, City Clerk
City of Antioch
Contra Costa County, California

By _____

Date _____

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I. INTRODUCTION

A. Preamble

In March 2001, Council considered a “reorganized” Street Light and Landscape Maintenance District (SLLMD) that would have created a single citywide District, subdivided into multiple benefit zones. In accordance with Proposition 218, ballots were sent to property owners for their approval/disapproval of that reorganized district. The result of that election was a majority “No” vote defeating the proposal. At its meeting on June 26, 2001, Council voted to approve the “Existing Light and Landscape Maintenance District”, and that assessments could be levied only up to the “base assessments” for each parcel as recorded in Fiscal Year (FY) 2000-2001, (Resolution 2001/63). Since June 2001, new districts and zones have been formed that established a base rate plus an inflationary adjustment equal to the San Francisco Consumer Price Index (CPI) increase for the preceding twelve-month period.

As indicated in previous Engineer’s Reports, most districts and zones did not collect sufficient assessments to finance estimated maintenance costs. Shortfalls were covered by contributions by the City General Fund. In FY 2003-04 Staff presented Council options for increasing assessments to their maximum base rates to reduce those shortfalls. In June 2003, Council decided to increase assessments to their respective maximum base assessments over a 3-year period. The final increment was approved by Council for FY 2005-06; however, some shortfalls remain. Those shortfalls continue to shown as paid by a contribution from the General Fund.

This Annual Consolidated Street Light and Landscape Maintenance Districts Engineer’s Report continues with Council direction and presents maintenance costs for the existing lighting and landscaping districts and zones and assessments.

B. Enabling Legislation

Prior to November 1996, the City of Antioch Street Light and Landscape Maintenance Districts were governed only by the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500, and following) which allows a municipality or other local public agency to establish a special assessment district to raise funds for installing, maintaining and servicing public lighting, landscaping, park and recreational facilities. The revenue to pay for these improvements came from special assessments levied on the land benefiting from the improvements. The local legislative body set the assessment each year after receiving an Engineer’s Report and holding a public hearing. The assessments were collected as a separately stated item on the county tax bill.

During that period, the City Council took five basic steps to levy the assessment:

- Adopt a Resolution Directing Filing of Annual Engineer’s Report
- Preliminarily Approve the Engineer’s Report
- Adopt a Resolution of Intention to Order Improvements
- Conduct a Public Hearing

- Adopt a Resolution Confirming the Diagram and Assessment and Levying the Annual Assessment.

A certified copy of the Engineer's Report and a computer data tape containing the assessment roll were then submitted to the Contra Costa County Auditor for collection of the approved assessments.

With the passage of Proposition 218 in November of 1996, additional actions were required to impose new, or increase existing, assessments. Proposition 218 also exempted "Any assessment imposed pursuant to a petition signed by persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed." For the City of Antioch, the City Attorney has determined that the base amount of assessment that was in effect at the time a new development petitioned for annexation into the district is excluded from the provisions of Proposition 218.

C. Consolidated Engineer's Report

This Consolidated Engineer's Report recommends an assessment for parcels within each of the six Districts in the City of Antioch that are subject to an assessment, up to the base amount. The recommended assessments are based on estimates of the benefits to be received by each assessable parcel for District landscaping and recreational improvements. The benefit estimates are used to apportion costs to each assessable parcel, up to the maximum amount each parcel may be assessed without exceeding the base amount.

The 1972 Act does not specify a method or formula for apportioning costs. The assessment may be apportioned by any formula or method that fairly distributes the costs among all assessable lots or parcels.

This report summarizes the proposed assessment methods and the resulting assessments recommended. The report includes the following:

- Assessment Diagram
- Description of Improvements
- Estimate of Operation and Maintenance costs for FY 2012/2013
- Description of Assessment Methodology
- Summary of Recommended Assessments
- Assessment Roll

II. ASSESSMENT DIAGRAM

A. Assessment Districts

This Consolidated Engineer's Report covers each of the six Street Lighting and Landscape Maintenance Districts within the City of Antioch. Collectively, these six

Districts encompass the entire area of the City that benefits from the improvements to be maintained. The Number and common name of each District is listed below:

**TABLE 1
DISTRICT NUMBERS AND COMMON NAMES**

District Number	Common Name
1	Hillcrest Avenue
2A	Antioch or City-wide
4	Downtown
5	Almondridge
9	Lone Tree Way
10	East Lone Tree Way

District boundaries are depicted on the Assessment Diagram on file with the City of Antioch. The Assessment Diagram shows District boundaries, benefit zone boundaries, and City streets. For a description of lines and dimensions of each lot or parcel within the District, the reader is referred to the Assessor's parcel maps on file at the County Assessor's office. The Assessor's parcel maps are incorporated by reference into the Assessment Diagram. The Assessor's parcel number is adopted as the distinctive designation of each lot or parcel.

B. Zone Boundaries

The Districts are subdivided into one or more benefit zones. These benefit zones indicate areas within which parcels of similar use receive approximately equivalent benefits from District improvements. The dividing lines between benefit zones coincide with major arterial streets or other major facilities (i.e. canal, freeway). Refer to the Assessment Diagram for a description of the zone boundaries.

III. DESCRIPTION OF IMPROVEMENTS

This Section describes the public improvements to be installed, operated, serviced and maintained by the District.

District improvements are generally described as operating, servicing, maintaining, repairing and replacing the following: public landscaping, including improvements for standard City of Antioch cul-de-sacs; public medians, rights-of-way and park sites; weed abatement for publicly owned open space parcels.

PARKS: The cost of contract maintenance and/or City work for maintenance of the neighborhood and community parks listed in Table 2. Park improvements to be maintained include, but are not limited to, tot lots, picnic facilities, landscaping and lighting, and the cost of utilities serving the park.

LOCAL LANDSCAPING: Includes the costs of pruning, irrigation, maintenance planting, debris removal and clean up along the City's trails, cul-de-sac bulbs, and local and collector streets. It also includes both contract and City work associated with weed abatement and the maintenance of firebreaks. Localized landscaping improvements including planters, trees in the public right-of-way, sound walls and entry signs are also maintained under this class of improvement.

MAJOR MEDIAN AND ROADSIDE LANDSCAPING: Includes the costs of pruning, irrigation, maintenance planting, debris removal and clean up along the City's arterial roadway system. Roadways included in this system are A Street, Buchanan Road, Contra Loma Boulevard, Dallas Ranch Road, Davison Drive, Deer Valley Road, Delta Fair Boulevard, East Eighteenth Street, Hillcrest Avenue, James Donlon Boulevard, L Street, Laurel Avenue, Lone Tree Way, Prewett Ranch Road, Somersville Road, West Fourth Street, West Tenth Street, and Wilbur Avenue.

PROGRAM ADMINISTRATION: Includes the costs of acquiring and maintaining equipment necessary to operate the program and conduct maintenance activities and the work of management staff that provide program oversight, scheduling, budgeting and coordination for special work groups.

**TABLE 2
NEIGHBORHOOD AND COMMUNITY PARKS**

District Number	Common Name
1-1	Hillcrest Park
	Nelson Ranch Park
1-2	Country Manor Park
	Deerfield Park
	Knoll Park
	Prewett Community Park
1-4	Meadow Creek Park
2A-1	Barbara Price
	Contra Loma Estates Park
	Fairview Park
	Prosserville Park
2A-2	City Park
2A-3	Jacobsen Park
	Meadowbrook Park
2A-4	Harbour Park
	Mountaire Park
2A-5	Chichibu Park
2A-6	Canal Park
	Gentrytown Park

2A-6	Mira Vista Park
	Village East Park
2A-7	Marchetti Park
2A-8	Antioch Community Park
	Mira Vista Hills Park
2A-9	Eaglesridge Park
2A-10	Markley Creek Park
4-1	--
5-1	Almondridge Park
9-1	Williamson Ranch Park
	Chaparral Park
9-2	Diablo West Park
9-3	Hansen Park
	Dallas Ranch Park
9-4	Heidorn Park
10	--

IV. COST ESTIMATES

Cost estimates for operating, maintaining, servicing, installing, repairing, replacing and upgrading lighting, landscaping, parks and recreational improvements are provided by the City of Antioch. Tables 3 through 22 present cost estimates for each benefit area.

Table 3
COST ESTIMATE -- 2012/2013
District 1, Zone 1 -- Hillcrest Avenue District

The following schedule shows the allocation of costs to be spread to this District/Zone (254-4541)

		Base Rate Benefit Units 1,681																															
	Total Cost	District Need	Assessments Applied																														
MAINTENANCE AND SERVICES:																																	
Parks	\$47,071	\$31,144	\$15,927																														
Arterial Medians and Roadside	\$21,316	\$0	\$21,316																														
Local Landscaping, Trails, Open Space	\$173,826	\$0	\$173,826																														
Administration	\$63,994	\$0	\$63,994																														
SUBTOTAL:	\$306,207	\$31,144	\$275,063																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 15%; text-align: center;">535</td> <td style="width: 25%;">Parcels Assessed at</td> <td style="width: 10%; text-align: right;">\$216</td> <td style="width: 20%;">per unit =</td> <td style="width: 30%; text-align: right;">\$115,560</td> </tr> <tr> <td style="text-align: center;">413</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$190</td> <td>per unit =</td> <td style="text-align: right;">\$78,470</td> </tr> <tr> <td style="text-align: center;">283</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$165</td> <td>per unit =</td> <td style="text-align: right;">\$46,695</td> </tr> <tr> <td style="text-align: center;">207</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$94</td> <td>per unit =</td> <td style="text-align: right;">\$19,458</td> </tr> <tr> <td style="text-align: center;">131</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$64</td> <td>per unit =</td> <td style="text-align: right;">\$8,384</td> </tr> <tr> <td style="text-align: center;">112</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$58</td> <td>per unit =</td> <td style="text-align: right;">\$6,496</td> </tr> </tbody> </table>				535	Parcels Assessed at	\$216	per unit =	\$115,560	413	Parcels Assessed at	\$190	per unit =	\$78,470	283	Parcels Assessed at	\$165	per unit =	\$46,695	207	Parcels Assessed at	\$94	per unit =	\$19,458	131	Parcels Assessed at	\$64	per unit =	\$8,384	112	Parcels Assessed at	\$58	per unit =	\$6,496
535	Parcels Assessed at	\$216	per unit =	\$115,560																													
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207	Parcels Assessed at	\$94	per unit =	\$19,458																													
131	Parcels Assessed at	\$64	per unit =	\$8,384																													
112	Parcels Assessed at	\$58	per unit =	\$6,496																													
TOTAL ASSESSED:			\$275,063																														
Ending FY11/12 Fund Balance (Estimated):			\$279,906																														
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0																														

District/Zone Benefits:

Parks: Hillcrest, Nelson Ranch

Arterial Landscaping: Hillcrest Avenue

Roadway Landscaping: Larkspur Drive, Wild Horse Road and cul-de-sac bulbs

Miscellaneous: Open space and trails

Table 3A
 District 1, Zone 1
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
1-1	California Terrace	7222	123	165	165	165
1-1	Hillcrest Subd Un 1	5653	221	190	190	190
1-1	Hillcrest Subd Un 2	6067	83	190	190	190
1-1	Hillcrest Subd Un 3	6068	61	190	190	190
1-1	Nelson Ranch I	6893	102	216	216	216
1-1	Nelson Ranch II	8850	128	216	216	216
1-1	Nelson Ranch III	8851	138	216	216	216
1-1	Northwood Downs 1	6429	81	58	58	58
1-1	Northwood Downs 2	6564	31	58	58	58
1-1	Northwood Downs 3	6565	76	64	64	64
1-1	Ridgeview Un 1	6262	48	190	190	190
1-1	Ridgeview Un 2	6264	55	64	64	64
1-1	Viera Ranch 1-1	6855	172	94	94	94
1-1	Viera Ranch 1-2	7180	116	165	165	165
1-1	Viera Ranch 1-3	7181	69	216	216	216
1-1	Viera Ranch 2-1	6925	44	165	165	165
1-1	Viera Ranch 2-2	7219	49	216	216	216
1-1	Viera Ranch 2-3	7220	49	216	216	216
1-1	Viera Ranch 3	6943	35	94	94	94
Total:			1,681			275,063

Note: Values in the "FY 12-13 Assessment" column are for the forthcoming Fiscal Year. Assessments for the previous year (FY 11-12) are included for comparison.

Table 4
COST ESTIMATE -- 2012/2013
District 1, Zone 2 -- Hillcrest Avenue District

The following schedule shows the allocation of costs to be spread to this District/Zone (254-4542)

		Base Rate Benefit Units 3,237	
MAINTENANCE AND SERVICES:	Total Cost	District Need	Assessments Applied
Parks	\$106,008	\$50,737	\$55,271
Arterial Medians and Roadside	\$68,726	\$0	\$68,726
Local Landscaping, Trails, Open Space	\$166,391	\$0	\$166,391
Administration	\$72,838	\$0	\$72,838
SUBTOTAL:	\$413,963	\$50,737	\$363,226

882	Parcels Assessed at	\$216.00	per unit =	\$190,512
88	Parcels Assessed at	\$158.00	per unit =	\$13,904
1290	Parcels Assessed at	\$82.00	per unit =	\$105,780
53	Parcels Assessed at	\$76.00	per unit =	\$4,028
184	Parcels Assessed at	\$69.00	per unit =	\$12,696
52	Parcels Assessed at	\$56.00	per unit =	\$2,912
64	Parcels Assessed at	\$151.20	per unit =	\$9,676
458	Parcels Assessed at	\$42.00	per unit =	\$19,236
166	Parcels Assessed at	\$27.00	per unit =	\$4,482

TOTAL ASSESSED: \$363,226

Ending FY11/12 Fund Balance (Estimated): \$85,496

GENERAL FUND PORTION OF MAINTENANCE COST: \$0

District/Zone Benefits:

Parks: Country Manor, Deerfield Mini, Knoll, Prewett Water Park

Arterial Landscaping: Hillcrest Avenue, Lone Tree Way and Deer Valley Road

Roadway Landscaping: Via Dora, Country Hills, Asilomar Drive and cul-de-sac bulbs

Miscellaneous: open space and trails

Table 4A
District 1, Zone 2
Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
1-2	Bear Ridge Un 1	7145	93	216	216.00	216.00
1-2	Bear Ridge Un 2	7251	79	216	216.00	216.00
1-2	Country Hills	6800	243	82	82.00	82.00
1-2	Country Manor Un 1	5891	69	69	69.00	69.00
1-2	Country Manor Condos	6657	233	82	82.00	82.00
1-2	Country Manor Un 2	6178	54	69	69.00	69.00
1-2	Country Manor Un 3	6179	61	69	69.00	69.00
1-2	Country Manor Un 4	6180	71	82	82.00	82.00
1-2	Country Manor Un 5	6181	18	82	82.00	82.00
1-2	Country Manor Un 6	6256	19	82	82.00	82.00
1-2	Country Manor Un 7R	6653	101	82	82.00	82.00
1-2	Deer Park Un 1	6899	204	42	42	42.00
1-2	Deer Park Un 4	7569	38	216	216.00	216.00
1-2	Deer Park Un 5	7847	38	216	216.00	216.00
1-2	Deer Park Un 6	7848	34	216	216.00	216.00
1-2	Deer Park Un 7	7281	35	216	216.00	216.00
1-2	Deerfield Un 1	6732	113	27	27	27.00
1-2	Deerfield Un 2	6733	53	27	27	27.00
1-2	Deerfield Un 3	6818	138	82	82.00	82.00
1-2	Deerfield Un 4	6817	150	82	82.00	82.00
1-2	Deerfield Un 5	6908	32	42	42	42.00
1-2	Deerfield Un 6	7283	53	76	76.00	76.00
1-2	Deerfield Un 7	7281	67	216	216.00	216.00
1-2	Deerfield Un 8	7286	60	216	216.00	216.00
1-2	Deerfield Un 9	7284	47	158	158.00	158.00
1-2	Deerfield Un 10	7285	52	56	56	56.00
1-2	Deerfield Un 11	7282	71	216	216.00	216.00
1-2	Hillcrest View Apts	-	64	151.20	151.20	151.20
1-2	Ho Property Un 1	7973	41	158	158.00	158.00
1-2	Ho Property Un 2	7974	65	216	216.00	216.00
1-2	Ho Property Un 8	8230	79	216	216.00	216.00
1-2	Ho Property Un 9	8231	80	216	216.00	216.00
1-2	Ho Property Un 10	8232	54	216	216.00	216.00
1-2	Parkside Un 1	6975	158	82	82.00	82.00
1-2	Parkside Un 2	7104	101	42	42	42.00
1-2	Shelbourne Un 1	7019	121	42	42	42.00
1-2	Shelbourne Un 2	7218	89	216	216.00	216.00
1-2	Sterling Gate Un 1	6616	76	82	82.00	82.00
1-2	Sterling Gate Un 2	6928	83	82	82.00	82.00

Total: 3237 363,226.80

Table 5
COST ESTIMATE -- 2012/2013
District 1, Zone 4 -- Hillcrest Avenue District

The following schedule shows the allocation of costs to be spread to this District/Zone (254-4544)

		Base Rate Benefit Units 1,607																															
		District Need	Assessments Applied																														
MAINTENANCE AND SERVICES:																																	
Parks	\$19,480	\$10,453	\$9,027																														
Arterial Medians and Roadside	\$23,272	\$0	\$23,272																														
Local Landscaping, Trails, Open Space	\$103,576	\$0	\$103,576																														
Administration	\$49,946	\$0	\$49,946																														
SUBTOTAL:	\$196,274	\$10,453	\$185,821																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="padding-left: 40px;">350</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$193.00</td> <td>per unit =</td> <td style="text-align: right;">\$67,550</td> </tr> <tr> <td style="padding-left: 40px;">119</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$167.00</td> <td>per unit =</td> <td style="text-align: right;">\$19,873</td> </tr> <tr> <td style="padding-left: 40px;">344</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$216.00</td> <td>per unit =</td> <td style="text-align: right;">\$74,304</td> </tr> <tr> <td style="padding-left: 40px;">117</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$44.00</td> <td>per unit =</td> <td style="text-align: right;">\$5,148</td> </tr> <tr> <td style="padding-left: 40px;">225</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$38.00</td> <td>per unit =</td> <td style="text-align: right;">\$8,550</td> </tr> <tr> <td style="padding-left: 40px;">452</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$23.00</td> <td>per unit =</td> <td style="text-align: right;">\$10,396</td> </tr> </tbody> </table>				350	Parcels Assessed at	\$193.00	per unit =	\$67,550	119	Parcels Assessed at	\$167.00	per unit =	\$19,873	344	Parcels Assessed at	\$216.00	per unit =	\$74,304	117	Parcels Assessed at	\$44.00	per unit =	\$5,148	225	Parcels Assessed at	\$38.00	per unit =	\$8,550	452	Parcels Assessed at	\$23.00	per unit =	\$10,396
350	Parcels Assessed at	\$193.00	per unit =	\$67,550																													
119	Parcels Assessed at	\$167.00	per unit =	\$19,873																													
344	Parcels Assessed at	\$216.00	per unit =	\$74,304																													
117	Parcels Assessed at	\$44.00	per unit =	\$5,148																													
225	Parcels Assessed at	\$38.00	per unit =	\$8,550																													
452	Parcels Assessed at	\$23.00	per unit =	\$10,396																													
TOTAL ASSESSED:				\$185,821																													
Ending FY11/12 Fund Balance (Estimated):			\$107,423																														
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0																														

District/Zone Benefits:

Parks: Meadow Creek Estates

Arterial Landscaping: Hillcrest Avenue and Lone Tree Way

Roadway Landscaping: Laurel Road, Country Hills Drive and cul-de-sac bulbs

Miscellaneous: Open space and trails

Table 5A
 District 1, Zone 4
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
1-4	Canada Hills Un 1	6898	147	23	23	23
1-4	Canada Hills Un 2	7130	99	23	23	23
1-4	Canada Hills Un 3	7341	111	38	38	38
1-4	Canada Hills Un 4	7458	47	193	193	193
1-4	Canada Hills Un 5	7761	40	193	193	193
1-4	Canada Hills Un 6	7460	81	193	193	193
1-4	Canada Hills Un 7	7459	122	193	193	193
1-4	Hidden Glen Un1	6909	89	23	23	23
1-4	Hidden Glen Un 2	7505	81	216	216	216
1-4	Hidden Glen Un 3	8387	75	216	216	216
1-4	Hidden Glen Un 4	8388	126	216	216	216
1-4	Meadow Crk Est. 1	6930	117	23	23	23
1-4	Meadow Crk Est. 2	7123	114	38	38	38
1-4	Meadow Crk Est. 3	7124	117	44	44	44
1-4	Meadow Crk Est. 4	7125	119	167	167	167
1-4	Meadow Crk Est. 5	7867	60	193	193	193
1-4	Viera Ranch 2-2	7219	18	216	216	216
1-4	Viera Ranch 2-3	7220	44	216	216	216
Total:			1,607			185,821

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Table 6
COST ESTIMATE -- 2012/2013
District 2A, Zone 1 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4561)

		Base Rate Benefit Units	
		0	
		District	Assessments
		Need	Applied
MAINTENANCE AND SERVICES:		Total Cost	
Parks		\$49,946	\$0
Arterial Medians and Roadside		\$23,011	\$0
Local Landscaping, Trails, Open Space		\$0	\$0
Administration		\$0	\$0
SUBTOTAL:		\$72,957	\$0
TOTAL ASSESSED:			\$0
Ending FY11/12 Fund Balance (Estimated):			\$0
GENERAL FUND PORTION OF MAINTENANCE COST:			\$72,957

District/Zone Benefits:

Parks: Barbara Price, Contra Loma, Fairview, Prosserville
 Arterial Somersville Road, L Street, Fourth Street, West Tenth Street
 Roadway Landscaping: Sycamore Drive, G Street and cul-de-sac bulbs
 Miscellaneous: open space and trails

Table 7
COST ESTIMATE -- 2012/2013
District 2A, Zone 2 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4562)

		Base Rate Benefit Units	
		0	
MAINTENANCE AND SERVICES:	Total Cost	District Need	Assessed
Parks	\$20,328	\$20,328	\$0
Arterial Medians and Roadside	\$4,787	\$4,787	\$0
Local Landscaping, Trails, Open Space	\$0	\$0	\$0
Administration	\$0	\$0	\$0
SUBTOTAL:	\$25,115	\$25,115	\$0
TOTAL ASSESSED:			\$0
Ending FY11/12 Fund Balance (Estimated):			\$0
GENERAL FUND PORTION OF MAINTENANCE COST:			\$25,115

District/Zone Benefits:

Parks: City Park

Arterial: A Street

Roadway Landscaping: Merrill Drive, G Street and Cavallo Road roadside and cul-de-sac bulbs

Miscellaneous: open space and trails

Table 8
COST ESTIMATE -- 2012/2013
District 2A, Zone 3 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4563)

		Base Rate Benefit Units 230	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$25,175	\$25,175	\$0
Arterial Medians and Roadside	\$12,518	\$12,518	\$0
Local Landscaping, Trails, Open Space	\$18,425	\$18,425	\$0
Administration	\$20,811	\$6,315	\$14,496
SUBTOTAL:	\$76,929	\$62,433	\$14,496
			\$12,408
188 Parcels Assessed at \$66.00 per unit =			\$12,408
36 Parcels Assessed at \$22 per unit =			\$792
6 Parcels Assessed at \$216 per unit =			\$1,296
TOTAL ASSESSED:			\$14,496
Ending FY11/12 Fund Balance (Estimated):			\$15,320
GENERAL FUND PORTION OF MAINTENANCE COST:			\$47,113

District/Zone Benefits:

- Parks: Jacobsen, Meadowbrook
- Arterial: East 18th Street and Wilbur Avenue
- Roadway Landscaping: Cavallo Road and cul-de-sac bulbs
- Miscellaneous: open space and trails

Table 8A
District 2A, Zone 3
Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
2A-3	Lakeshore Apt.	6770	188	66	66	66
2A-3	Terrace Gardens	5582	36	22	22	22
2A-3	Bermuda Way	8848	6	216	216	216

Total: 230 14,496

Table 9
COST ESTIMATE -- 2012/2013
District 2A, Zone 4 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4564)

		Base Rate Benefit Units 337	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$50,723	\$50,723	\$0
Arterial Medians and Roadside	\$30,562	\$30,562	\$0
Local Landscaping, Trails, Open Space	\$16,856	\$9,143	\$7,713
Administration	\$5,203	\$0	\$5,203
SUBTOTAL:	\$103,344	\$90,428	\$12,916
			\$12,916
171 Parcels Assessed at \$60 per unit =			\$10,260
166 Parcels Assessed at \$16 per unit =			\$2,656
TOTAL ASSESSED:			\$12,916
Ending FY11/12 Fund Balance (Estimated):			\$1,129
GENERAL FUND PORTION OF MAINTENANCE COST:			\$89,299

District/Zone Benefits:

Parks: Harbour, Mountaire

Arterial: Lone Tree Way, Davison Drive and Hillcrest Avenue

Roadway Landscaping: Cul-de-sac bulbs

Miscellaneous: open space and trails

Table 9A
 District 2A, Zone 4
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
2A-4	Hillcrest Estates	5494	54	60	60	60
2A-4	Hillcrest Estates Un 2	6184	53	60	60	60
2A-4	Brookside Estates	7155	166	16	16	16
2A-4	Shelbourne Un 3	7294	64	60	60	60
Total:			337			12,916

Table 10
COST ESTIMATE -- 2012/2013
District 2A, Zone 5 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4565)

		Base Rate Benefit Units 13	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$28,669	\$28,669	\$0
Arterial Medians and Roadside	\$31,925	\$31,925	\$0
Local Landscaping, Trails, Open Space	\$35,986	\$35,986	\$0
Administration	\$28,095	\$26,603	\$1,492
SUBTOTAL:	\$124,675	\$123,183	\$1,492
			\$556
			\$936
TOTAL ASSESSED:			\$1,492
Ending FY11/12 Fund Balance (Estimated):			\$10,103
GENERAL FUND PORTION OF MAINTENANCE COST:			\$113,080

District/Zone Benefits:

Parks: Chichibu

Arterial: Lone Tree Way, James Donlon Boulevard, Contra Loma Boulevard

Roadway Landscaping: Cul-de-sac bulbs

Miscellaneous: open space and trails

Table 10A
 District 2A, Zone 5
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
2A-5	Wilhelm Sub'd	7121	4	139	139	139
2A-5	Wilhelm Sub'd	7412	9	104	104	104
Total:			13			1,492

Table 11
COST ESTIMATE -- 2012/2013
District 2A, Zone 6 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4566)

		Base Rate Benefit Units 274																
	Total Cost	District Need	Assessments Applied															
MAINTENANCE AND SERVICES:																		
Parks	\$105,310	\$105,310	\$0															
Arterial Medians and Roadside	\$38,740	\$38,740	\$0															
Local Landscaping, Trails, Open Space	\$36,139	\$15,361	\$20,778															
Administration	\$7,804	\$0	\$7,804															
SUBTOTAL:	\$187,993	\$159,411	\$28,582															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">148</td> <td style="width: 30%;">Parcels Assessed at</td> <td style="width: 10%; text-align: right;">\$139</td> <td style="width: 10%;">per unit =</td> <td style="width: 30%; text-align: right;">\$20,572</td> </tr> <tr> <td style="text-align: center;">18</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$103</td> <td>per unit =</td> <td style="text-align: right;">\$1,854</td> </tr> <tr> <td style="text-align: center;">108</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$57</td> <td>per unit =</td> <td style="text-align: right;">\$6,156</td> </tr> </table>				148	Parcels Assessed at	\$139	per unit =	\$20,572	18	Parcels Assessed at	\$103	per unit =	\$1,854	108	Parcels Assessed at	\$57	per unit =	\$6,156
148	Parcels Assessed at	\$139	per unit =	\$20,572														
18	Parcels Assessed at	\$103	per unit =	\$1,854														
108	Parcels Assessed at	\$57	per unit =	\$6,156														
TOTAL ASSESSED:			\$28,582															
Ending FY11/12 Fund Balance (Estimated):			\$19,753															
GENERAL FUND PORTION OF MAINTENANCE COST:			\$139,658															

District/Zone Benefits:

Parks: Canal, Gentrytown, Mira Vista, Village East

Arterial: Somersville Road, Buchanan Road, James Donlon Boulevard, Contra Loma Boulevard

Roadway Landscaping: Putnam Street, Johnson Drive and Cul-de-sac bulbs

Miscellaneous: open space and trails

Table 11A
 District 2A, Zone 6
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
2A-6	California Gables	7105	148	139	139	139
2A-6	Centennial Park	6812	108	57	57	57
2A-6	Mira Vista Un 11	7034	18	103	103	103
Total:			274			28,582

Table 12
COST ESTIMATE -- 2012/2013
District 2A, Zone 7 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4567)

		Base Rate Benefit Units	
		0	
MAINTENANCE AND SERVICES:	Total Cost	District Need	Assesments Applied
Parks	\$19,144	\$19,144	\$0
Arterial Medians and Roadside	\$12,718	\$12,718	\$0
Local Landscaping, Trails, Open Space	\$0	\$0	\$0
Administration	\$0	\$0	\$0
SUBTOTAL:	\$31,862	\$31,862	\$0
TOTAL ASSESSED:			\$0
Ending FY11/12 Fund Balance (Estimated):			\$0
GENERAL FUND PORTION OF MAINTENANCE COST:			\$31,862

District/Zone Benefits:

- Parks: Marchetti
- Arterial: Somersville Road, Delta Fair Boulevard
- Roadway Landscaping: None
- Miscellaneous: open space and trails

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Table 13
COST ESTIMATE -- 2012/2013
District 2A, Zone 8 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4568)

	Base Rate Benefit Units 426		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$135,011	\$135,011	\$0
Arterial Medians and Roadside	\$23,163	\$10,518	\$12,645
Local Landscaping, Trails, Open Space	\$38,709	\$0	\$38,709
Administration	\$23,412	\$0	\$23,412
SUBTOTAL:	\$220,295	\$145,529	\$74,766

261	Parcels Assessed at	\$216.00	per unit =	\$56,376
120	Parcels Assessed at	\$129	per unit =	\$15,480
5	Parcels Assessed at	\$118	per unit =	\$590
40	Parcels Assessed at	\$58	per unit =	\$2,320

TOTAL ASSESSED:	\$74,766
Ending FY11/12 Fund Balance (Estimated):	\$7,267
GENERAL FUND PORTION OF MAINTENANCE COST:	\$138,262

District/Zone Benefits:

- Parks: Mira Vista Hills, Antioch Community Park
- Arterial: James Donlon Boulevard
- Roadway Landscaping: Cul-de-sac bulbs
- Miscellaneous: open space and trails

Table 13A
 District 2A, Zone 8
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
2A-8	Mira Vista Hills	4420	5	118	118	118
2A-8	Mira Vista Hills, Un 10	6472	78	129	129	129
2A-8	Mira Vista Hills, Un 12	6744	40	58	58	58
2A-8	Mira Vista Hills, Un 13	6708	95	216	216	216
2A-8	Mira Vista Hills, Un 14	6824	42	129	129	129
2A-8	Mira Vista Hills, Un 15	6920	79	216	216	216
2A-8	Mira Vista Hills, Un 16	6921	87	216	216	216
Total:			426			74,766.00

Table 14
COST ESTIMATE -- 2012/2013
District 2A, Zone 9 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4569)

		Base Rate Benefit Units 1,379	
MAINTENANCE AND SERVICES:	Total Cost	District Need	Assessments Applied
Parks	\$20,511	\$20,511	\$0
Arterial Medians and Roadside	\$41,713	\$16,025	\$25,688
Local Landscaping, Trails, Open Space	\$60,648	\$0	\$60,648
Administration	\$29,656	\$0	\$29,656
SUBTOTAL:	\$152,528	\$36,536	\$115,992

68	Parcels Assessed at	\$144	per unit =	\$9,792
174	Parcels Assessed at	\$135	per unit =	\$23,490
442	Parcels Assessed at	\$108	per unit =	\$47,736
122	Parcels Assessed at	\$107	per unit =	\$13,054
34	Parcels Assessed at	\$74	per unit =	\$2,516
539	Parcels Assessed at	\$36	per unit =	\$19,404

TOTAL ASSESSED:	\$115,992
Ending FY11/12 Fund Balance (Estimated):	\$55,725
GENERAL FUND PORTION OF MAINTENANCE COST:	\$0

District/Zone Benefits:

Parks: Eaglesridge

Arterial: Lone Tree Way, Deer Valley Road

Roadway Landscaping: Ridgerock Drive, Asilomar, Country Hills Drive and cul-de-sac bulbs

Miscellaneous: Open space and trails

Table 14A
 District 2A, Zone 9
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Assmnt	FY 11-12 Assmnt	FY12-13 Assessment
2A-9	Eagles Ridge Un 1	5614	116	36	36	36
2A-9	Eagles Ridge Un 2	6162	151	36	36	36
2A-9	Eagles Ridge Un 3	6163	122	36	36	36
2A-9	Eagles Ridge Un 4	6164	150	36	36	36
2A-9	Deer Park Un 2	7290	68	144	144	144
2A-9	Deer Park Un 3	7291	94	135	135	135
2A-9	Lone Tree Est. Un 1	7079	122	107	107	107
2A-9	Lone Tree Est. Un 1A	7880	5	108	108	108
2A-9	Lone Tree Est. Un 2	7691	80	135	135	135
2A-9	Lone Tree Est. Un 3	7900	75	108	108	108
2A-9	Lone Tree Est. Un 4	8020	46	108	108	108
2A-9	Lone Tree Est. Un 5	8120	62	108	108	108
2A-9	Lone Tree Est. Un 6	8366	99	108	108	108
2A-9	Ho Sub'd, Un 3	7999	34	74	74	74
2A-9	Ho Sub'd, Un 4	8025	47	108	108	108
2A-9	Ho Sub'd, Un 5	8045	61	108	108	108
2A-9	Ho Sub'd, Un 6	8102	47	108	108	108
Total:			1,379			115,992

Table 15
COST ESTIMATE -- 2012/2013
District 2A, Zone 10 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4572)

		Base Rate Benefit Units	
		286 Residential 4 Commercial	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$20,872	\$5,026	\$15,846
Arterial Medians and Roadside	\$10,881	\$0	\$10,881
Local Landscaping, Trails, Open Space	\$71,958	\$0	\$71,958
Channel Maintenance	\$20,000	\$0	\$20,000
Administration	\$15,608	\$0	\$15,608
SUBTOTAL:	\$139,319	\$5,026	\$134,293
		286 Parcels Assessed at \$463.08 per unit = \$132,441	
		1 Commercial Parcel Assessed at \$463.08 per benefit unit = \$1,852	
TOTAL ASSESSED:			\$134,293
Ending FY11/12 Fund Balance (Estimated):		\$55,615	
GENERAL FUND PORTION OF MAINTENANCE COST:		\$0	

District/Zone Benefits:

- Parks: Markley Creek
- Arterial: James Donlan, Somersville
- Roadway Landscaping: cul-de-sac bulbs

Table 15A
 District 2A, Zone 10
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Assmnt	FY 11-12 Assmnt	FY12-13 Assesment
2A-10	Black Diamond Ranch Un 1	7487	58	492.15	463.08	463.08
2A-10	Black Diamond Ranch Un 2	8585	117	492.15	463.08	463.08
2A-10	Black Diamond Ranch Un 3	8586	111	492.15	463.08	463.08
2A-10	Commerical Parcel	-	4	492.15	463.08	463.08

Total: 290 134,293

Table 16
COST ESTIMATE -- 2012/2013
District 4, Zone 1 -- Downtown District

The following schedule shows the allocation of costs to be spread to this District/Zone (252-4521)

	Base Rate Benefit Units		
	0		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$0	\$0	\$0
Arterial Medians and Roadside	\$0	\$0	\$0
Local Landscaping, Trails, Open Space	\$73,566	\$73,566	\$0
Administration	\$10,405	\$10,405	\$0
SUBTOTAL:	\$83,971	\$83,971	\$0
TOTAL ASSESSED:			\$0
Ending FY11/12 Fund Balance (Estimated):			\$18,815
GENERAL FUND PORTION OF MAINTENANCE COST:			\$65,156

District/Zone Benefits:

Roadway Landscaping: Waldie Plaza, Rivertown Promenade, public parking lots, A Street extension, train station

Table 17
COST ESTIMATE -- 2012/2013
District 5, Zone 1 -- Almondridge District

The following schedule shows the allocation of costs to be spread to this District/Zone (253-4531)

	Base Rate Benefit Units 479	
	District Need	Assessments Applied
MAINTENANCE AND SERVICES:	Total Cost	
Parks	\$43,473	\$3,610
Arterial Medians and Roadside	\$0	\$0
Local Landscaping, Trails, Open Space	\$62,942	\$61,802
Administration	\$26,014	\$26,014
SUBTOTAL:	\$132,429	\$91,426
463 Parcels Assessed at \$190.00 per unit =		\$87,970
16 Parcels Assessed at \$216.00 per unit =		\$3,456
TOTAL ASSESSED:		\$91,426
Ending FY11/12 Fund Balance (Estimated):		\$41,705
GENERAL FUND PORTION OF MAINTENANCE COST:		\$0

District/Zone Benefits:

Parks: Almondridge

Arterial: None

Roadway Landscaping: Viera Avenue, Willow Avenue and cul-de-sac bulbs

Miscellaneous: open space and trails

Table 17A
 District 5, Zone 1
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
5-1	Almondridge West	6621	25	190	190	190.00
5-1	Almondridge Un 1	6109	93	190	190	190.00
5-1	Almondridge Un 2	6454	35	190	190	190.00
5-1	Almondridge Un 3	6788	50	190	190	190.00
5-1	Almondridge Un 4	6869	52	190	190	190.00
5-1	Almondridge Un 5	7190	96	190	190	190.00
5-1	Almondridge Un 6	7411	48	190	190	190.00
5-1	Almondridge Un 9	7673	35	190	190	190.00
5-1	Almondridge Un 11	7901	25	190	190	190.00
5-1	Almondridge Un 12	8065	4	190	190	190.00
5-1	Oakley Knolls	8501	16	216	216	216.00
Total:			479			91,426

Table 18
COST ESTIMATE -- 2012/2013
District 9, Zone 1 -- Lone Tree District

The following schedule shows the allocation of costs to be spread to this District/Zone (251-4511)

		Base Rate Benefit Units 1,200	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$45,267	\$45,267	\$0
Arterial Medians and Roadside	\$25,461	\$19,638	\$5,823
Local Landscaping, Trails, Open Space	\$95,352	\$0	\$95,352
Administration	\$46,825	\$0	\$46,825
SUBTOTAL:	\$212,905	\$64,905	\$148,000
			\$80,500
			\$67,500
TOTAL ASSESSED:			\$148,000
Ending FY11/12 Fund Balance (Estimated):			\$65,261
GENERAL FUND PORTION OF MAINTENANCE COST:			(\$356)

District/Zone Benefits:

Parks: Chapparal, Williamson Ranch

Arterial: Hillcrest Avenue, Lone Tree Way, Deer Valley Road, Prewett Ranch

Roadway Landscaping: Lone Tree Way, Deer Valley Road, Dallas Ranch Road, Prewett Ranch Road

Miscellaneous: open space and trails

Table 18A
 District 9, Zone 1
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
9-1	Diablo East Un 1	7121	177	108	108	108
9-1	Diablo East Un 2	7400	44	108	108	108
9-1	Diablo East Un 3	7401	21	140	140	140
9-1	Diablo East Un 4	8038	39	140	140	140
9-1	Diablo East Un 5	8052	39	140	140	140
9-1	Diablo East Un 6	8079	34	140	140	140
9-1	Diablo East Un 7	8122	52	140	140	140
9-1	Diablo East Un 8	8164	77	140	140	140
9-1	Diablo East Un 9	8191	71	140	140	140
9-1	Williamson Ranch 1	7114	20	108	108	108
9-1	Williamson Ranch 2	7258	166	108	108	108
9-1	Williamson Ranch 3	7587	86	108	108	108
9-1	Williamson Ranch 4	7606	93	108	108	108
9-1	Williamson Ranch 5	7618	39	108	108	108
9-1	Williamson Ranch 6	7619	75	140	140	140
9-1	Williamson Ranch 7	7620	82	140	140	140
9-1	Williamson Ranch 8	7826	85	140	140	140

Total: 1,200 148,000

Table 19
COST ESTIMATE -- 2012/2013
District 9, Zone 2 -- Lone Tree Way District

The following schedule shows the allocation of costs to be spread to this District/Zone (251-4512)

	Base Rate Benefit Units 2,024		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$14,369	\$6,908	\$7,461
Medians and Roadside	\$30,521	\$0	\$30,521
Local Landscaping, Trails, Open Space	\$121,200	\$0	\$121,200
Administration	\$37,980	\$0	\$37,980
SUBTOTAL:	\$204,070	\$6,908	\$197,162

229	Parcels Assessed at	\$216.00	per unit =	\$49,464
1149	Parcels Assessed at	\$93.00	per unit =	\$106,857
29	Parcels Assessed at	\$88.00	per unit =	\$2,552
45	Parcels Assessed at	\$83.00	per unit =	\$3,735
38	Parcels Assessed at	\$216.00	per unit =	\$8,208
460	Parcels Assessed at	\$51.00	per unit =	\$23,460
74	Parcels Assessed at	\$39.00	per unit =	\$2,886

TOTAL ASSESSED:	\$197,162
Ending FY11/12 Fund Balance (Estimated):	\$111,530
GENERAL FUND PORTION OF MAINTENANCE COST:	\$0

District/Zone Benefits:

Parks: Diablo West

Arterial: Lone Tree Way, Deer Valley Road, Dallas Ranch Road, Prewett Ranch Road

Roadway Landscaping: Lone Tree Way, Deer Valley Road, Dallas Ranch Road, Prewett Ranch Road

Miscellaneous: open space and trails

Table 19A
District 9, Zone 2
Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
9-2	Black Dia. Knolls 1	7201	29	51	51	51
9-2	Black Dia. Knolls 2	7498	45	51	51	51
9-2	Black Dia. Knolls 3	7554	28	51	51	51
9-2	Black Dia. Knolls 4	7592	36	51	51	51
9-2	Black Dia. Knolls 5	7499	64	51	51	51
9-2	Black Dia. Knolls 6	7593	24	51	51	51
9-2	Black Dia. Knolls 7	7594	31	93	93	93
9-2	Black Dia. Knolls 8	7825	26	83	83	83
9-2	Black Dia. Knolls 9	8008	19	83	83	83
9-2	Black Dia. Knolls 10	7824	29	88	88	88
9-2	Black Dia. Knolls 11	7500	48	93	93	93
9-2	Black Dia. Knolls 12	7823	26	93	93	93
9-2	Black Dia. Knolls 13	7822	32	93	93	93
9-2	Black Dia. Knolls 14	8110	43	93	93	93
9-2	Black Dia. Knolls 15	8181	53	93	93	93
9-2	Black Dia. Knolls 16	8182	42	93	93	93
9-2	Black Dia. Knolls 17	8183	45	93	93	93
9-2	Black Dia. Knolls 18	8324	56	93	93	93
9-2	Black Dia. Knolls 19	8325	89	93	93	93
9-2	Black Dia. Knolls 20	8326	64	93	93	93
9-2	Black Dia. Knolls 21	8466	49	216	216	216
9-2	Black Dia. Knolls 22	8467	64	216	216	216
9-2	Black Dia. Knolls 23	8525	27	216	216	216
9-2	Black Dia. Knolls 24	8526	89	216	216	216
9-2	Black Dia. Knolls 25	8528	38	216	216	216
9-2	Diablo West Un 1	7128	74	39	39	39
9-2	Diablo West Un 2	7469	119	51	51	51
9-2	Diablo West Un 3	7616	115	51	51	51
9-2	Diablo West Un 4	8243	71	93	93	93
9-2	Diablo West Un 5	8244	56	93	93	93
9-2	Diablo West Un 6	8245	81	93	93	93
9-2	Diablo West Un 7	8312	99	93	93	93
9-2	Diablo West Un 8	8313	46	93	93	93
9-2	Diablo West Un 9	8314	106	93	93	93
9-2	Lone Tree Glen	7275	161	93	93	93

Total: 2,024 197,162

Table 20
COST ESTIMATE -- 2012/2013
District 9, Zone 3 -- Lone Tree Way District

The following schedule shows the allocation of costs to be spread to this District/Zone (251-4513)

	Base Rate Benefit Units 1,953		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$55,845	\$5,725	\$50,120
Arterial Medians and Roadside	\$16,737	\$0	\$16,737
Local Landscaping, Trails, Open Space	\$99,386	\$0	\$99,386
Administration	\$49,426	\$0	\$49,426
SUBTOTAL:	\$221,394	\$5,725	\$215,669

129	Parcels Assessed at	\$216.00	per unit =	\$27,864
860	Parcels Assessed at	\$139.00	per unit =	\$119,540
519	Parcels Assessed at	\$95.00	per unit =	\$49,305
120	Parcels Assessed at	\$93.00	per unit =	\$11,160
25	Parcels Assessed at	\$216.00	per unit =	\$5,400
300	Parcels Assessed at	\$8.00	per unit =	\$2,400

TOTAL ASSESSED: \$215,669

Ending FY11/12 Fund Balance (Estimated): \$83,555

GENERAL FUND PORTION OF MAINTENANCE COST: \$0

District/Zone Benefits:

Parks: Hansen and Dallas Ranch Park

Arterial: Lone Tree Way, Dallas Ranch Road

Roadway Landscaping: Prewett Ranch Road, Golf Course Road, Frederickson Lane and cul-de-sac bulbs

Miscellaneous: Open space and trails

Table 20A
 District 9, Zone 3
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
9-3	Black Dia. Est. Un 1	7515	31	95	95	95
9-3	Black Dia. Est. Un 2	7644	41	139	139	139
9-3	Black Dia. Est. Un 3	8064	54	139	139	139
9-3	Black Dia. Est. Un 4	8194	64	139	139	139
9-3	Black Dia. Est. Un 5	8076	55	139	139	139
9-3	Black Dia. Est. Un 6	8317	56	139	139	139
9-3	Black Dia. Est. Un 7	8318	73	139	139	139
9-3	Black Dia. Est. Un 8	8319	47	216	216	216
9-3	Black Dia. Est. Un 9	8320	49	216	216	216
9-3	Black Dia. Est. Un 10	8472	33	216	216	216
9-3	Black Dia. Est. Un 11	8567	25	216	216	216
9-3	Dallas Ranch Un 1	7380	58	95	95	95
9-3	Dallas Ranch Un 2	7859	50	95	95	95
9-3	Dallas Ranch Un 3	7860	34	95	95	95
9-3	Dallas Ranch Un 4	7198	138	95	95	95
9-3	Dallas Ranch Un 5	7376	122	95	95	95
9-3	Dallas Ranch Un 6	7966	45	95	95	95
9-3	Dallas Ranch Un 7	7377	187	139	139	139
9-3	Dallas Ranch Un 8	7378	54	139	139	139
9-3	Dallas Ranch Un 9	8107	34	139	139	139
9-3	Dallas Ranch Un 10	8108	63	139	139	139
9-3	Dallas Ranch Un 11	8109	120	93	93	93
9-3	Diamond Ridge Un 1	7317	179	8	8	8
9-3	Diamond Ridge Un 2	7536	86	8	8	8
9-3	Diamond Ridge Un 3	7537	41	95	95	95
9-3	Diamond Ridge Un 4	7627	35	8	8	8
9-3	Sandhill I	8247	75	139	139	139
9-3	Sandhill II	8410	104	139	139	139
Total:			1,953			215,669

Table 21
COST ESTIMATE -- 2012/2013
District 9, Zone 4 -- Lone Tree Way District

The following schedule shows the allocation of costs to be spread to this District/Zone (251-4514)

	Base Rate Benefit Units 435		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$13,123	\$9,692	\$3,431
Arterial Medians and Roadside	\$9,538	\$0	\$9,538
Local Landscaping, Trails, Open Space	\$46,226	\$0	\$46,226
Administration	\$10,405	\$0	\$10,405
SUBTOTAL:	\$79,292	\$9,692	\$69,600
435 Parcels Assessed at \$160.00 per unit =			\$69,600
TOTAL ASSESSED:			\$69,600
Ending FY11/12 Fund Balance (Estimated):			\$95,364
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0

District/Zone Benefits:

Park: Heidorn

Arterial: Lone Tree Way, Hillcrest Avenue

Roadway Landscaping: Vista Grande Drive and cul-de-sac bulbs

Miscellaneous: Open space and trails

Table 21A
 District 9, Zone 4
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
9-4	Meadow Crk. Village 1	7862	55	216	160	160
9-4	Meadow Crk. Village 2	7947	77	216	160	160
9-4	Meadow Crk. Village 3	7967	108	216	160	160
9-4	Meadow Crk. Village 4	7971	98	216	160	160
9-5	Meadow Crk. Village 5	7897	97	216	160	160
Total:			435			69,600

Table 22
COST ESTIMATE -- 2012/2013
District 10, Zone 1 -- East Lone Tree Way District

The following schedule shows the allocation of costs to be spread to this District/Zone (259-4591)

		Base Rate Benefit Units 660.5																					
		District Need	Assessments Applied																				
MAINTENANCE AND SERVICES:																							
Parks	\$0	\$0	\$0																				
Arterial Medians and Roadside	\$8,179	\$8,179	\$0																				
Local Landscaping, Trails, Open Space	\$76,915	\$42,645	\$34,270																				
Channel Maintenance	\$15,000	\$0	\$15,000																				
Administration	\$10,405	\$0	\$10,405																				
SUBTOTAL:	\$110,499	\$50,824	\$59,675																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">462 Parcels Assessed at</td> <td style="width: 15%; text-align: right;">\$101.58</td> <td style="width: 45%;">per unit =</td> <td style="width: 10%; text-align: right;">\$46,930</td> </tr> <tr> <td>152 Multi Family Res</td> <td style="text-align: right;">\$69.54</td> <td>per unit =</td> <td style="text-align: right;">\$10,570</td> </tr> <tr> <td>12.6 Comm. Parcel</td> <td style="text-align: right;">\$56.94</td> <td>per unit =</td> <td style="text-align: right;">\$717</td> </tr> <tr> <td>33.9 Bus. Park parcel</td> <td style="text-align: right;">\$43.00</td> <td>per unit =</td> <td style="text-align: right;">\$1,458</td> </tr> <tr> <td colspan="3">TOTAL ASSESSED:</td> <td style="text-align: right;">\$59,675</td> </tr> </table>				462 Parcels Assessed at	\$101.58	per unit =	\$46,930	152 Multi Family Res	\$69.54	per unit =	\$10,570	12.6 Comm. Parcel	\$56.94	per unit =	\$717	33.9 Bus. Park parcel	\$43.00	per unit =	\$1,458	TOTAL ASSESSED:			\$59,675
462 Parcels Assessed at	\$101.58	per unit =	\$46,930																				
152 Multi Family Res	\$69.54	per unit =	\$10,570																				
12.6 Comm. Parcel	\$56.94	per unit =	\$717																				
33.9 Bus. Park parcel	\$43.00	per unit =	\$1,458																				
TOTAL ASSESSED:			\$59,675																				
Ending FY11/12 Fund Balance (Estimated):			\$75,084																				
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0																				

District/Zone Benefits:

Park: None

Arterial: Lone Tree Way

Roadway Landscaping: Country Hills Drive, Canada Valley Road, Vista Grande, and cul de sacs

Miscellaneous: Open space and trails

Table 22A
District 10
Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 11-12 Assmnt	FY12-13 Assessment
10-1	Sand Creek Ranch 1	8114	57	388	101.58	101.58
10-1	Sand Creek Ranch 2	8958	27	388	101.58	101.58
10-1	Sand Creek Ranch 4	8640	97	388	101.58	101.58
10-1	Sand Creek Ranch 5	8885	42	388	101.58	101.58
10-1	Sand Creek Ranch 6	8886	31	388	101.58	101.58
10-1	Sand Creek Ranch 7	8948	52	388	101.58	101.58
10-1	Sand Creek Ranch 8	8951	156	388	101.58	101.58
10-1	Multi-Family Apts	-	152	271	69.54	69.54
10-1	Commercial parcel	-	12.6	225	56.94	56.94
10-1	Business Park	-	33.9	175	43.00	43.00
Total:			660.5			59,675

Table 23

Summary of Costs, Benefits and Assessments by Zone -- Fiscal Year 2012/2013

District/ Zone	Benefit Units	Ending Bal FY11/12	Est. Cost of Maintenance	Estimated Assessments	Zone Deficit	Assessment per BU
1-1	1,681	\$279,906	\$306,207	\$275,063	\$0	\$58 to \$216
1-2	3,237	\$85,496	\$413,963	\$363,226	\$0	\$27 to \$216
1-4	1,607	\$107,423	\$196,274	\$185,821	\$0	\$23 to \$216
2A-1	0	\$0	\$72,957	\$0	(\$72,957)	\$0
2A-2	0	\$0	\$25,115	\$0	(\$25,115)	\$0
2A-3	230	\$15,320	\$76,929	\$14,496	(\$47,113)	\$22 to \$216
2A-4	337	\$1,129	\$103,344	\$12,916	(\$89,299)	\$16 to \$60
2A-5	13	\$10,103	\$124,675	\$1,492	(\$113,080)	\$104 to \$139
2A-6	274	\$19,753	\$187,993	\$28,582	(\$139,658)	\$57 to \$139
2A-7	0	\$0	\$31,862	\$0	(\$31,862)	\$0
2A-8	426	\$7,267	\$220,295	\$74,766	(\$138,262)	\$58 to \$216
2A-9	1,379	\$55,725	\$152,528	\$115,992	\$0	\$36 to \$144
2A-10	290	\$55,615	\$139,319	\$134,293	\$0	\$463.08
4-1	0	\$18,815	\$83,971	\$0	(\$65,156)	\$0
5-1	479	\$41,705	\$132,429	\$91,426	\$0	\$190 to \$216
9-1	1,200	\$65,261	\$212,905	\$148,000	\$356	\$108 to \$140
9-2	2,024	\$111,530	\$204,070	\$197,162	\$0	\$39 to \$216
9-3	1,953	\$83,555	\$221,394	\$215,669	\$0	\$8 to \$216
9-4	435	\$95,364	\$79,292	\$69,600	\$0	\$160
10-1	660.5	\$75,084	\$110,499	\$59,675	\$0	\$43 to \$101.58
Totals		\$1,129,051	\$3,096,021	\$1,988,179	(\$722,146)	

V. ASSESSMENT METHODS

Proposition 218 provides that assessments imposed by petition signed by persons owning all of the parcels subject to assessment are exempt from the requirements of Prop. 218 insofar as the amount of such assessments are not increased over the amount in effect at the time of the petition. These assessments are known as the "base amount" or "base assessments".

A large number of parcels fall within this situation and have base assessments in place. Those parcels are the subjects of this Engineer's Report. The base assessment amounts vary, depending upon when the petition was filed with the City and the scope of improvements in place at the time that were being maintained by assessment. In preparing this Report, the Engineer determined the maximum base assessment that is assessable against each parcel, the improvements that are being maintained within the benefit zone, the cost of maintaining the improvements, and the total amount generated by the relevant base assessments. In instances where the cost of maintaining the improvements is less than the maximum assessable amount, the base assessments were proportionally reduced.

The assessment method suggested was to increase assessments to the maximum base rates over a 3-year period beginning in Fiscal Year 2003-04. The final increment was reached in FY 2005-06. Allocation of assessments has been applied first to administration costs; followed by local landscaping, trails, and open space; and finally arterials medians and roadside landscaping. Park costs continue to be shown; however, they also are shown as being paid by those districts and zones that can afford it. Remaining costs are shown as a contribution from the General Fund.

VI. SUMMARY OF ASSESSMENTS

The methods described in Section V are applied to estimate the benefits received by each assessable parcel, in every District and benefit zone, from the improvements described in this report.

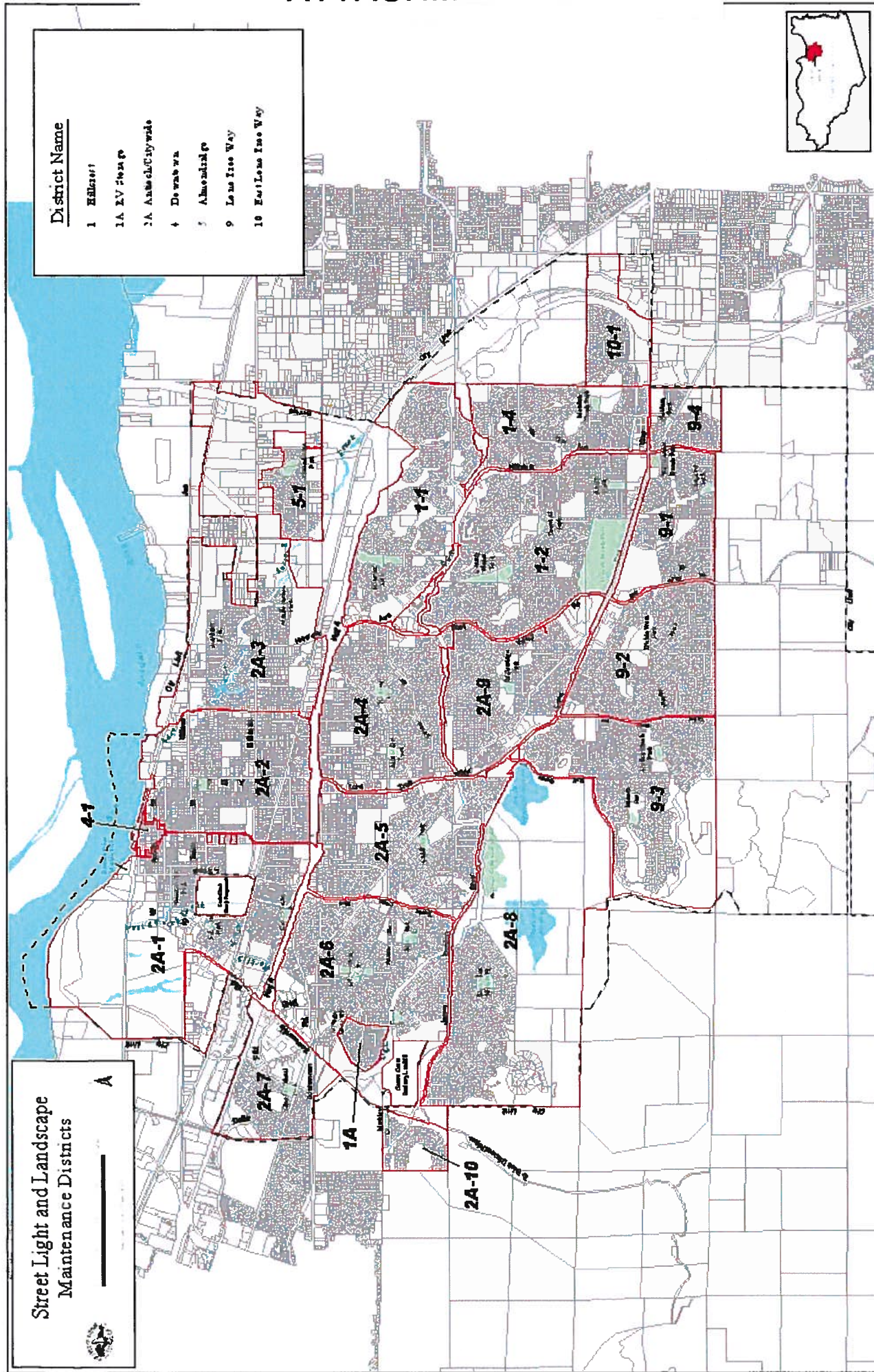
Table 23, Summary of Costs, Benefits and Assessments by Zone, presents a summary of assessments for each District and benefit zone.

VII. ASSESSMENT ROLL

The Assessment Roll is a listing of all assessable parcels of land within the District. Because of its large size, the Assessment Roll is presented under separate cover and is incorporated by reference into this report. The Assessment Roll can be inspected at the office of the City Engineer during regular working hours.

The Assessment Roll lists each parcel in the District by its distinctive designation, the Assessor's Parcel Number, and includes the Assessment amount for each parcel.

ATTACHMENT "B"



**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 24, 2012**

Prepared By: Phil Hoffmeister, Administrative Analyst

Reviewed By: Tina Wehrmeister, Director of Community Development *TW*

Approved By: Ron Bernal, Director of Public Works/City Engineer *REB*

Date: March 28, 2012

Subject: Resolution Establishing the National Pollution Discharge Elimination System Rate per Equivalent Runoff Unit for FY 2012-13

RECOMMENDATION

It is recommended that the City Council adopt the resolution establishing a rate of twenty-five dollars (\$25) per equivalent runoff unit (ERU) for fiscal year (FY) 2012-13. That rate will generate the funds used to maintain storm water quality as mandated by the Clean Water Act.

BACKGROUND INFORMATION

At its March 9, 1993 meeting, the City Council adopted Resolution 93/49 authorizing the establishment of an annual parcel assessment for drainage maintenance and the National Pollution Discharge Elimination System (NPDES) program. That action set the fee for fiscal year 1993-94 at \$20 per ERU per year and established a maximum rate of \$25 per ERU per year. At its April 12, 1994 meeting, the Council concurred with budget revisions proposed by staff and reduced that fee for fiscal year 1994-95 to \$17 per ERU per year. By subsequent actions, City Council set the rate for fiscal years 1995-96 through 2001-02 at \$17 per ERU per year.

At the April 9, 2002 Council meeting, in preparation for permit revisions and increased costs by the State Water Resources Control Board, staff presented alternatives to raising the ERU from \$17 to the maximum of \$25 over a 3-year period to meet projected increased costs. Staff recommended raising the ERU to \$21 in 2002-03, and proposed increasing the fee per ERU to \$23 in 2003-04 and \$25 in 2004-05. Council approved those increases respectively. The City is required by May 1st to determine the cost to be assigned to the ERU for the forthcoming fiscal year. The resolution submitted with this report meets that condition.

With the many uncertainties of future regulations and the cost to implement and administer these mandates, it is difficult to provide completely accurate projections. However, based on the City's current NPDES permit requirements and financial data

and estimates for revenue and expenditures to meet those provisions, a revised zero fund balance is expected at the end of 2013-14.

Any rate above the maximum of \$25 requires a Proposition 218 vote. According to the Central Valley Regional Water Quality Control Board (CVRWQCB), the City's storm water program is currently operating at an acceptable level.

OPTIONS

Options include setting the ERU rate from \$0 to \$25. Any rate set below \$25 per ERU will cause a reduction in Clean Water efforts planned under the upcoming budget. Based upon current estimates, setting the rate at \$25 per ERU this coming fiscal year would provide adequate funding to keep the fund balance from going to zero until approximately the end of FY 2013-14.

FINANCIAL IMPACT

The adoption of the NPDES rate of \$25 per ERU for FY 2012-13 will generate approximately \$1,100,000. The City of Antioch will receive approximately \$850,000 of that revenue to provide services and administer the NPDES program as mandated by the Clean Water Act. The remaining \$250,000 reflects the City's share of County Clean Water Program costs. Such costs are allocated over all participating agencies on a population basis.

ATTACHMENTS

None.

RESOLUTION NO. 2012/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2012/13 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PROGRAM

WHEREAS, under the Federal Clean Water Act, prescribed discharges of storm water require a permit from the appropriate California Regional Water Quality Control Board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Antioch (CITY) did apply for, and did receive, a NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

WHEREAS, it is the intent of the CITY to utilize funds received from its Storm Water Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, at the request of the CITY, the Contra Costa County Flood Control & Water Conservation District (DISTRICT) has completed the process for formation of a SUA, including the adoption of the Storm Water Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs Payment agreement between CITY and DISTRICT requires the CITY, by May 1st, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Antioch does determine that the rate to be assigned to a single ERU for FY 2012/13 shall be set at twenty-five dollars (\$25.00).

BE IT FUTHER RESOLVED, that the City Council does hereby request the DISTRICT to adopt SUA levies based on said amount.

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 24th day of April, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 24, 2012**

PREPARED BY: Scott Buenting, Associate Engineer

REVIEWED BY: Ron Bernal, Director of Public Works/City Engineer

DATE: April 17, 2012

SUBJECT: Consideration of Bids for the Markley Creek Culvert Replacement, (P.W. 141-9)

RECOMMENDATION

It is recommended City Council award the project to the low bidder, Platinum Pipeline, Inc. in the amount of \$996,241.00 and authorize the Director of Finance to amend the Capital Improvement Budget to include a transfer of Measure 'J' funds in the amount of \$389,156.20 to the Capital Improvements Projects Fund.

BACKGROUND INFORMATION

As part of the conditions of approval for the Black Diamond Ranch Subdivision (formerly known as Sky Ranch), Discovery Builders was required to pay all costs associated with the design, permitting and City construction of a culvert crossing Somersville Road for Markley Creek. Discovery Builders initially indicated their desire to complete the project themselves rather than reimburse the City for the work. A dispute arose regarding the delay in the construction of the improvements that resulted in the City being tasked with constructing this project in accordance with the terms of the 2009 Amendment to Settlement Agreement (Settlement Agreement) between the City and Discovery Builders.

On April 17, 2012, seven (7) bids were received and opened as shown on the attached tabulation. The low bid was submitted by Platinum Pipeline, Inc. of Dublin in the amount of \$996,241.00. The bids have been checked and found to be without any errors or omissions.

This project will replace the existing 72-inch diameter corrugated steel pipe (CSP) culvert that routes Markley Creek through the existing Somersville Road embankment with a new 96-inch diameter reinforced concrete pipe (RCP). This facility is designed to convey storm water from a 100-year flood event and span the width of a widened Somersville Road. As part of this project, a secondary 60-inch RCP culvert will be constructed to route water from the detention basin for the Black Diamond Ranch development directly to Markley Creek on the eastern side of Somersville Road.

FINANCIAL IMPACT

On March 22, 2011, the City Council authorized amending the CIP Budget to include the Markley Creek Culvert Crossing project and transferred \$1,000,000.00 from Antioch Development Agency Project Area #1 to the Capital Improvements Projects Fund for design, permitting and construction of this project. A total of \$219,340.20 will be expended during the design and permitting process and an additional \$173,575.00 is expected to be utilized for project management and engineering support during construction. The remaining \$607,084.80 is available for the construction of the project.

Discovery Builders is responsible for reimbursing the City for all costs associated with the design, permitting and construction of this project. Prior to receiving reimbursement, a combination of Antioch Development Agency Project Area #1 funds of \$607,084.80 and Measure 'J' funds of \$389,156.20 will be utilized to fund the project.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

A: Tabulation of Bids

SB:lm

**CITY OF ANTIOCH
TABULATION OF BIDS**

JOB TITLE: Markley Creek Culvert Replacement
(P.W. 141-9)

BIDS OPENED: April 17, 2012 ~ 2:00 p.m.
City Council Chambers

	Engineer's Estimate	Platinum Pipeline, Inc. Dublin	JMB Construction, Inc. S. San Francisco	Hess Concrete Construction Co. American Canyon	Mountain Cascade, Inc. Livermore	Tidelands Construction Co. Brentwood
TOTAL BID PRICE	\$1,250,000.00	\$996,241.00	\$1,022,547.80	\$1,109,422.70	\$1,115,286.00	\$1,139,831.00

<i>Platinum Pipeline, Inc.</i>	<i>JMB Construction, Inc.</i>	<i>Hess Concrete Construction Co.</i>	<i>Mountain Cascade, Inc.</i>	<i>Tidelands Construction Co.</i>
<u>Striping</u> Striping Grafics <u>Paving</u> O'Grady Paving <u>Concrete</u> R.E. Maher <u>Erosion Control</u> Freedlun Hydroseeding <u>Traffic Control</u> Highway Technologies <u>Fencing</u> Labat's Tree Care	<u>Traffic Markings</u> Sierra Marking Traffic <u>Erosion Control</u> Nitta Erosion Control <u>Rebar</u> Harris Salinas <u>Fencing</u> Central Fence Co.	<u>Striping</u> Striping Graphics <u>Erosion Control</u> Freedlun Hydroseeding <u>Concrete</u> R.E. Maher <u>Fencing</u> Central Fence Co.	<u>Striping</u> Bayside Stripe & Seal <u>Fencing</u> Labat's Tree Care <u>Rebar</u> Mission City Rebar <u>Earthwork</u> MCI Engineering	<u>Striping</u> Compass Engineering <u>Rebar</u> Allbright Steel <u>Concrete</u> R.E. Maher <u>Erosion Control</u> Freedlun Hydroseeding <u>Fencing</u> AAA Fence

**CITY OF ANTIOCH
TABULATION OF BIDS**

JOB TITLE: Markley Creek Culvert Replacement
(P.W. 141-9)

BIDS OPENED: April 17, 2012 ~ 2:00 p.m.
City Council Chambers

	Engineer's Estimate	Bay Pacific Pipelines Inc. Novato	Ghilotti Construction Co. Santa Rosa			
TOTAL BID PRICE	\$1,250,000.00	\$1,165,306.80	\$1,307,699.00			

<i>Bay Pacific Pipelines, Inc.</i>	<i>Ghilotti Construction Co.</i>			
<u>Trench Backfill</u> Cell Crete Corp. <u>Striping</u> Chrisp Co.	<u>Striping</u> Striping Graphics <u>Fencing</u> Central Fence Co. <u>Rebar</u> Gamma Rebar			

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 24, 2012**

PREPARED BY: Scott Buenting, Associate Engineer *SB*
REVIEWED BY: Ron Bernal, Director of Public Works/City Engineer *RAB*
DATE: April 16, 2012
SUBJECT: Third Amendment to the Design Consultant Service Agreement for the Markley Creek Culvert Replacement Project with Harrison Engineering, Inc. (P.W. 141-9)

RECOMMENDATION

It is recommended that Council approve the Third Amendment to the Design Consultant Service Agreement with Harrison Engineering, Inc. for additional design work, project management and construction support for the Markley Creek Culvert Replacement project.

BACKGROUND INFORMATION

On May 5, 2011, staff mailed letters to three (3) civil engineering firms requesting proposals for performing a constructability review of plans Discovery Building had prepared for the Markley Creek Culvert Project. The services requested included providing a complete constructability review of the culvert replacement plans and retaining wall structure details designed by Isakson and Associates and CLA Engineers (Isakson plans) and to develop a complete set of project specifications for the public bidding of the construction of the culvert crossing in accordance with the Isakson plans. Proposals were received from Brown and Caldwell, Inc. of Walnut Creek, Harrison Engineering, Inc. (HEI) of Pleasant Hill and Pakpour Consulting Group, Inc. of Pleasanton. Based on the content of the proposals and discussions with the consultants, staff selected Harrison Engineering, Inc. to perform the work and negotiated a contract in the amount of \$12,500.00.

The constructability review performed by HEI revealed several omissions and utility conflicts that made the Isakson plans unsuitable, as they were, for public bidding. Staff requested proposals from HEI and Isakson and Associates to perform the revision necessary to make the plans acceptable for public bidding. The proposal from HEI was accepted and the Design Consultant Service Agreement was amended to include surveying, redesign of the culvert crossing plans and cost estimating services at a cost of \$36,700.00.

During the redesign of the culvert crossing, it was determined that additional information was required to clarify existing soil characteristics and the locations of existing underground utilities. A second amendment to HEI's Design Consultant Service Agreement was executed to include performing exploratory excavations of the existing underground utilities and providing geotechnical consulting services at a cost of \$13,300.00.

Staff is recommending a third amendment to HEI's Design Consultant Service Agreement that includes additional design services, construction support, biological monitoring and contractor training, construction staking and geotechnical observation at a cost not to exceed \$44,277.00. These tasks are necessary for the construction of the facilities and fulfillment of the project's permit requirements. Staff believes that HEI's familiarity with this project makes them best suited to provide engineering support during construction.

FINANCIAL IMPACT

The approval of this amendment will increase the total contract amount to \$106,777.00. Discovery Builders is responsible for reimbursing the City for all costs associated with the design, permitting and construction of this project. Prior to receiving reimbursement, Antioch Development Agency Project Area #1 funds will be utilized to fund this agreement. The contract amount for this work has been accounted for in the overall budget for the Markley Creek Culvert Replacement project being considered for award by Council under a separate agenda item at the April 24, 2012 meeting.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

A: Third Amendment to the Design Consultant Service Agreement

ATTACHMENT "A"

AMENDMENT NO. 3 TO AGREEMENT FOR DESIGN CONSULTANT SERVICES FOR THE MARKLEY CREEK CULVERT REPLACEMENT PROJECT (P.W. 141-9)

THIS THIRD AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES is entered into this 25th day of April 2012, by and between the CITY OF ANTIOCH, a municipal corporation ("CITY") and HARRISON ENGINEERING, INC., their address is 399 Taylor Blvd., Suite 100, Pleasant Hill, CA 94523 ("Consultant").

RECITALS

WHEREAS, on June 15, 2011, CITY and HARRISON ENGINEERING, INC. entered into an Agreement for Professional Consultant Services for Markley Creek Culvert Replacement Project ("Agreement") in the amount of \$12,500.00; and

WHEREAS, the City has amended the original contract agreement to increase the compensation terms in the amount of \$49,200.00 to an amount not to exceed \$62,500.00; and

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

1. **COMPENSATION. Section 2 of the Agreement:**

CITY shall increase the compensation for Harrison Engineering, Inc. for actual costs in the amount of \$44,277.00 bringing the total compensation to an amount not to exceed \$106,777.00.

2. **SERVICES. Section 1 of the Agreement:** is amended to include the following provision:

Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein.

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

CITY OF ANTIOCH:

Harrison Engineering, Inc.

By: _____
Jim Jakel, City Manager

By: _____
Randell T. Harrison, P.E., President

APPROVED AS TO FORM:

By: _____
Lynn Tracy Nerland, City Attorney

AI

EXHIBIT "A"



April 10, 2012

Mr. Scott Buenting
City of Antioch
Capital Improvements Department
P.O. Box 5007
Antioch, CA 94531-5007

**Re: Markley Creek Culvert Replacement Project – Amendment No. 3
Additional Design Work, Project Management, and Construction Support**

Dear Mr. Buenting,

Harrison Engineering Inc. (HEI) is submitting this budget amendment request No. 3 to our original engineering services proposal for the Markley Creek Culvert Replacement Project. The services covered by this amendment include additional design services required for utility coordination and subsequent modifications to the design plans and specifications to accommodate the existing utilities crossing the project, plus additional construction support services that were identified for the project.

Task 1- Additional Design Services and Construction Support (HEI)

The unanticipated utility coordination and redesign work specifically includes the following tasks:

- Incorporation of special requirements for Venoco Inc. and Kinder-Morgan into special provisions and plans.
- Field meetings with utility companies including ATT, PG&E and Venoco.
- Redesign of culvert grades to provide additional clearance for the Venoco line.
- Extended coordination with PG&E for their gas line relocation, still unresolved.
- Coordination with Venoco for repair of their line.
- In addition, we had not originally anticipated calculating the earthwork for each stage of the project, which we provided to improve clarity and constructability of the project.
- Increase the construction support task to include management of subconsultant team and assist with increased number of issues not initially identified in the project.

HEI proposes to perform this work on a time and materials basis. Our estimated budget to perform this work is not to exceed \$20,000.

Task 2 – Biological Monitoring and Contractor Training (Wood Biological Consulting)

The permits for the project require that the City hire a biologist to perform training to the contractor and their employees regarding biological issues. Also, preconstruction biological surveys are required for the project. A detailed proposal from Wood Biological Consulting is attached.

Wood Biological Consulting proposes to perform this work on a time and materials basis. The estimated budget to perform this work is not to exceed \$7,000.

Task 3 – Construction Staking (Quiet River Land Services)

The contract documents for the project require that the City provide construction staking for the contractor. A detailed proposal from Quiet River Land Services is attached.

Quiet River Land Services proposes to perform this work on a time and materials basis. The estimated budget to perform this work is not to exceed \$9,800.

Task 4 – Geotechnical Observation (Cornerstone Earth Group)

The project involves excavation into in-situ materials that may be unsuitable as bedding or foundation support for walls and pipes without modification. Cornerstone Earth Group was hired during the design phase to make recommendations for appropriate treatment measures and should be retained to make recommendations once the subgrade materials are exposed. A detailed proposal from Cornerstone Earth Group is attached.

Cornerstone Earth Group proposes to perform this work on a time and materials basis. The estimated budget to perform this work is not to exceed \$5,270.

Total Fee Estimate for Amendment 3

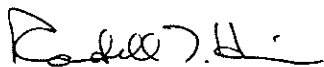
Our total fee estimate for this Amendment 3 is summarized as follows:

Task	Description	Fee
1	Design Changes and Construction Support Services (HEI)	\$20,000.00
2	Biological Monitoring and Contractor Training (Wood)	\$7,000.00
3	Construction Staking (Quiet River Land Services)	\$9,800.00
4	Geotechnical Observation (Cornerstone Earth Group)	\$5,270.00
	Subconsultant Markup (10%)	\$2,207.00
	Total	\$44,277.00

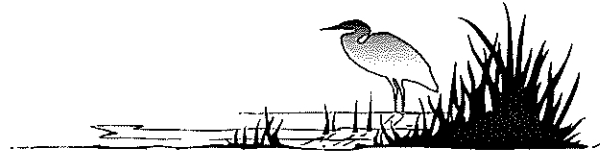
If you have any question, please feel free to call.

Sincerely,

HARRISON ENGINEERING INC.



Randell T. Harrison, PE, President



WOOD BIOLOGICAL CONSULTING

65 Alta Hill Way
Walnut Creek, CA 94595
Tel: (925) 899-1282
Fax: (925) 939-4026
e-mail: mike@wood-biological.com

April 10, 2012

Mr. Randell Harrison
Harrison Engineering
399 Taylor Boulevard, Suite 100
Pleasant Hill, CA 94523

Proposal: Biological Consulting Services, Markley Creek Culvert Project, Antioch

Dear Randell,

Thank you for the opportunity to assist you with this project. I have reviewed the regulatory permits and site plans; this proposal is based solely on the information contained therein. Based on these materials, the biological services required include 1) the performance of a preconstruction survey for nesting bird and California red-legged frog, 2) preparation and presentation of a contractor environmental sensitivity training program, and 3) performance of biological monitoring during site clearing. A detailed description of these tasks is presented below.

Task 1. Preconstruction Bird and Amphibian Survey

In conformance to Condition #2 of the Biological Opinion (BO) issued by the U.S. Fish and Wildlife Service (USFWS, revised July 27, 2009), a service-approved biologist shall survey the work site two weeks before construction. The results of the preconstruction surveys will be summarized in a brief letter report and submitted to the USFWS. Trapping and relocation of either of these species, if required, is not included in this scope of services; if necessary, we would perform this work on a Time-and-Materials basis. This work must be performed by a biologist in possession of a federal 10(a)(1)(A) permit.

In conformance with CDFG Permit Condition 2.4, a qualified biologist shall conduct a preconstruction survey for migratory birds in and adjacent to the work area. Surveys for birds shall be conducted no more than two weeks prior to the commencement of ground-disturbing activities scheduled to occur during the bird breeding season (*i.e.*, between February 15 and September 1). If nesting migratory birds are discovered, a no-construction buffer area shall be established with either a 50-foot radius (passerines) or 300-foot radius (raptors). I will provide you with a memo summarizing my observations and recommendations. It is assumed that this survey can be conducted at the same time as the CRF preconstruction survey discussed above; a total of eight (8) hours is budgeted for this task.

AC

Please note that if work within any designated no-construction buffer zones cannot be delayed, it will be necessary to monitor the nest sites to look for signs of distress exhibited by the adult birds; nest monitoring is not included in this scope of work. If there are no signs of distress, work may continue. However, if project activities within the no-construction buffer threaten are likely to cause nest abandonment, a violation of the Migratory Bird Treaty Act, work must cease and the California Department of Fish and Game (CDFG) and/or the U.S. Fish and Wildlife Service (USFWS) Migratory Bird Permit Office should be contacted and a response plan developed.

Task 1 Cost: \$1000

Task 2. Contractor Environmental Sensitivity Training Program

In conformance with CDFG Permit Condition #2.5 and Condition #2 of the (BO), a qualified biologist shall develop and conduct a contractor environmental sensitivity training program prior to the start of construction or staging of equipment and materials. I will tailor the program to address special-status species of concern for the Black Diamond Mines area (e.g., California red-legged frog, migratory birds). The program will consist of a brief presentation of the biology and legislative protection of the species of concern. The program will include the following: a description of the species and their habitat requirements; species occurrences in the project vicinity; an explanation of the status of the species and their protection under the Federal and California Endangered Species Acts, California Fish and Game Code and CEQA; a list of measures to avoid impacts; procedures to be followed if the species are observed; and implications of violations of species protection laws. I will prepare fact sheets conveying this information for distribution to all participants. Participants will sign an attendance sheet. I will submit a brief summary of the program presentation, to include the attendance sheet. The program should be attended by all construction personnel that will be working or operating equipment in and adjacent to Markley Creek; a total of eight (8) hours is budgeted for this task.

Task 2 Cost: \$1000

Task 3. Biological Monitoring During Site Clearing

In conformance with Condition #4 of the (BO), a qualified biologist shall be present at the work site until such time as all habitat disturbances have been completed. This is typically assumed to mean that a biological monitoring shall be on site during site clearing and grubbing, and to ensure that wildlife exclusionary fencing (per Condition #10) has been properly installed. For purposes of this project, we have assumed that site clearing will take no more than two (2) days. This scope of work includes the performance of site monitoring during clearing and a single follow-up inspection once the wildlife barrier fencing has been installed. A memorandum will be prepared documenting all observations. A total of 20 hours are budgeted for this task.

Task 3 Cost: \$2450

Task 4. Biological Monitoring During Construction

To ensure conformance to all permit conditions regarding the avoidance of impacts to California red-legged frog, periodic monitoring and inspections of the work area by the project biologist are warranted. Inspections are warranted during Phase 1 (site clearing, construction of the downstream culverts and wingwalls, and detour road) to ensure proper maintenance of the wildlife barrier

fencing and site cleanliness, prior to commencement of Phase II (backfilling of the detour road), immediately prior to commencement of Phase III (construction of upstream culverts and wingwalls, restoration of roadway), and prior to the removal of the detour road.

In conformance with Condition #4 of the (BO), a qualified biologist shall be present at the work site until such time as all habitat disturbances have been completed. This is typically assumed to mean that a biological monitoring shall be on site during site clearing and grubbing, and to ensure that wildlife exclusionary fencing (per Condition #10) has been properly installed. For purposes of this project, we have assumed that site clearing will take no more than two (2) days. This scope of work includes the performance of site monitoring during clearing and a follow-up inspection once the wildlife fencing has been installed. A memorandum will be prepared documenting all observations. A total of eight (20 hours are budgeted for this task.

Task 3 Cost: \$2550

The total cost to provide these services is \$7,000; this fee includes other direct costs. This proposal is valid for 60 days. If you have any questions or would like to discuss this proposal further, please call me at (925) 899-1282. If you wish to authorize me to proceed with this work, please sign below and return. Thank you again for the opportunity to submit this proposal.

Sincerely,



Michael Wood

Attachment: 2012 Schedule of Fees

AUTHORIZATION TO PROCEED
Biological Consulting Services
Markley Creek Culvert Project, Antioch
Not-to-Exceed \$7,000

Signature

Name and Title

Date

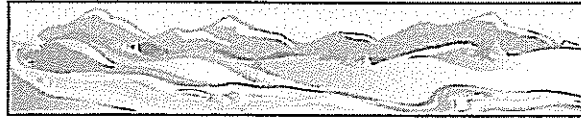
At6

WOOD BIOLOGICAL CONSULTING
2012 FEE SCHEDULE

<u>TITLE</u>	<u>HOURLY RATE</u>
Senior Biologist	\$115 *
Wetland Specialist	\$115
Permitting Specialist	\$115
Wildlife Biologist	\$95-105
Wildlife Biologist with federal 10(a)(1)(A) permit.....	\$125
Fisheries Specialist	\$120
Botanist	\$90-115
Restoration Ecologist.....	\$115
CEQA Specialist	\$155
GIS Specialist	\$90
Staff – non-technical assistant	\$55

-
- Reimbursable Expenses/Other Direct Costs are billed at cost plus ten percent (10%).
 - Mileage is charged at \$0.555/mile.
 - A *per diem* rate of \$130 is charged for projects requiring overnight accommodations.
 - Hourly rates are subject to change at the beginning of each calendar year.
 - Rates to provide expert testimony for depositions or trials are 1.5 times those rates shown above.

* indicates staff included on the current proposal.



QUIET RIVER
— Land Services Inc. —

April 9, 2012

Randell Harrison, PE
Harrison Engineering Inc.
Corporate Office
399 Taylor Boulevard, Suite 100
Pleasant Hill, CA 94523
P: (925) 691-0450 x 101
C: (925)525-9555

RE: City of Antioch – Markley Creek Culvert Replacement Project - City Project 141-9
Proposal for Surveying and Construction Staking Services.

Dear Randell,

Thank you for calling on *Quiet River Land Services, Inc.* (QRLS) for your surveying and construction staking needs. As requested, I have prepared this proposal of services for the Markley Creek Culvert Replacement Project on Somersville Road. Please note that this proposal is based on the receipt and review of a set of plans that are presumed to be complete and *Approved for Construction* design plans.

The Services to be provided are listed below:

1.) Scope of Work: Surveying and Construction Staking services as required to establish actual and offset points for the construction of the two new culvert pipes (96”RCP and 60”RCP), headwall, endwall and temporary construction road. The proposed management, phasing and schedule of the project has been established using the Phasing Plan shown on the plan sheets forwarded to our office.

A.) Project set-up research and computations: Set-up project, coordination with City of Antioch and Harrison Engineering; obtain and review Digital AutoCAD plan set from Harrison Engineering; compute actual and offset points, alignments, locations and elevations for the points, items and offsets to be staked in the field.....\$ **1,000**

B.) Control Survey - Project Setup: Control points and benchmarks for this project have already been established and will be utilized for construction staking. IN the event that the control points are destroyed before QRLS mobilizes, then additional fees may be required to re-establish useful control.....\$ **0.0**

2340 Santa Rita Road Suite #1 Pleasanton, California 94566
Phone: (925) 734-6788
Fax: (925) 734-6732

A8

Quiet River Land Services, Inc.

Randell Harrison; HE Inc. Proposal for Construction Staking – City of Antioch
Markley Creek
April 9, 2012

C.) Field Survey – Construction Staking - Setting Specific Construction Points:
This proposal is based on an estimate of three distinct trips to the site. Set-up of Caltrans required traffic work safety zone as needed; On-site field survey crew at Prevailing Wage/Union Rates with Apprentice, as required; Setting actual and offset points with both horizontal and vertical information.

Survey Field Crew Daily Fee.....(8-hour day \$ 1,600)

1.) **Phase 1:** Setting some actual and specific offset points for the construction of Endwall, bank slope points and both Culverts alignment offset points on east side using the LOL. (12 hours Survey Crew)..... \$ 2,400

2.) **Phase 2:** Setting actual and offset points Layout the temporary detour road utilizing offset stakes along the easterly side of the detour road based on the D-line, with offsets cuts/fills to the edges and centerline of the road as needed, layout of K-rail placement and alignment. (12 hours Survey Field Crew).....\$ 2,400

3.) **Phase 3:** Setting actual and offset points for Layout of new manhole, headwall & alignment points for the two culverts on west side, a few limited points on Somersville Road reconstruct, if needed, using the LOL and S-line. (8 hours Survey Field Crew).....\$ 1,600

4.) **Supplemental Survey Crew Day :** Staking any remaining or additional required items as needed, and due to complications, equipment or materials in work space, work delays, other unforeseen items. (8 hours field survey crew).....\$ 1,600

5.) **Construction Staking Notes:** Construction stakes will be provided within 72 hours of an approved construction staking request. Contractor shall coordinate the work activities to correspond with the staking requests. This survey and staking work does not include the staking of sawcut lines. All stakes are to set once. Any re-stake requests will generate additional fees. If construction stakes are not provided per the approved request, the Contractor may request addition time for delays, but no monetary compensation will be allowed therefore. There is a 4-hour minimum charge for survey crew show-up and staking.

6.) **Construction Staking Fees– Estimated hours of Construction Staking Services in Right of Way**..... \$ 6,400
Plus Contingent Staking IF needed \$ 1,600
TOTAL\$ 8,000

A9

Quiet River Land Services, Inc.

Randell Harrison; HE Inc. Proposal for Construction Staking – City of Antioch
Markley Creek
April 9, 2012

D.) Office Support: Support of field crew, preparation and distribution of Cut-sheets and Post-staking analysis of field points by technicians and Professional Land Surveyor.
Two hours office per day of field work x 4 days \$ 800

E.) Summary of Fees:

- 1.) Computations, Horizontal and Vertical Control survey; up to 4 Days Construction Staking, and Office Work A, B, C, & D above:
Project TOTAL including optional survey work.....\$ 9,800

Pricing reflects the items described in the Scope of Work as presented above and does **not** include property boundary determinations, setting property corners or street monuments, any mapping work, meetings, bonds, or permits fees. IF additional construction days/hours are required they will be billed at usual rates as listed hereon. There is a 4-hour minimum charge for any field survey work.

Prevailing Wage Statement: Quiet River Land Services, Inc. is a Union survey firm signatory to the labor agreement contract established between Operating Engineers - Local 3 and the Northern California and Nevada Engineers and Land Surveyors Association. Prevailing wage rates for each district of California are set by the State using the negotiated wage and benefit rates as established by the various unions. Prior to the start of any survey work on this project, Quiet River Land Services will check prevailing wage rates for the survey activities related to this project to insure that our wage rates meet or exceed those published wage rate minimums for this district.

Deliverables: Deliverables include:

- a.) Cut sheets
- b.) simple drawings as needed/as required

End of Proposal

Quiet River Land Services, Inc.

Randell Harrison; HE Inc. Proposal for Construction Staking – City of Antioch

Markley Creek

April 9, 2012

Randell, I hope I have covered all the features you require. If you have any questions or concerns, please do not hesitate to call.

Quiet River Land Services, Inc is a fully licensed, insured and outfitted California Corporation. We employ top-quality surveyors, drafters and staff. We enjoy serving the Municipal and land development industry and believe strongly in providing excellent teamwork and mapping services to our valued clients. Should you ever have a question or a problem, please contact me directly.

Respectfully,

Quiet River Land Services Inc.

A handwritten signature in black ink, appearing to read 'Kevin M. McGuire', written in a cursive style.

Kevin M. McGuire

President

California Registered Professional Land Surveyor #6437

kvnmm@quiet-river.com

Date: April 6, 2012
Proposal No.: P2908
Prepared For: Mr. Randell Harrison
HARRISON ENGINEERING
399 Taylor Boulevard, Suite 100
Pleasant Hill, California 94523
Re: Geotechnical Observation and
Testing Services
Somerville Road Culvert Extension
Somerville Road
Antioch, California

The Agreement

Thank you for requesting Cornerstone Earth Group to prepare and submit this agreement for geotechnical observation services during construction. The following describes our understanding of the project and presents our proposed scope of work and our estimated cost and schedule for completing the work. This document will serve as our agreement to work together.

The Project

The project site is located at the Markley Creek undercrossing at Somerville Road in Antioch, California. Somerville Road at Markley Creek is currently a two-lane road that is flanked by residential development to the west and undeveloped land and a former landfill to the east. The existing 72-inch diameter CMP culvert crossing will be replaced with a 96-inch diameter RCP pipe. The culvert will also be extended upstream and downstream approximately 35 and 90 feet, respectively, and new reinforced concrete headwall and endwall are planned to be designed in accordance with Caltrans Standard Plan D90 (2006).

In addition, a portion of the existing 60-inch diameter storm drain pipe that flows south and connects to the existing 72-inch storm drain will be removed and replaced. The new 60-inch diameter pipe will connect to the existing culvert at a new manhole to the north, cross under Somerville Road and discharge at the new endwall on the east side of Somerville Road. Riprap armoring will be required at the upstream and downstream ends of the culvert for erosion and scour protection. We understand that work will be completed in two phases for the east and west ends of the culvert extension.

The Requested Services

We will provide consultation and part-time observation as necessary of the geotechnical aspects of the project, including the following geotechnical construction tasks:

- Attend Pre-Construction Meeting (one meeting at 3 hours)
- Culvert Headwall Footing Excavation Observation (four visits at 4 hours per visit)
- Creek Over-Excavation Observation at Pipe Bedding (four visits at 4 hours per visit)



In addition to our observations of the geotechnical aspects of the above construction activities, we will also provide consultation, project management and correspondence, as needed for the project. All site earthwork is assumed to occur within normal working hours Monday through Friday. Please note that our estimate does not include time for services performed due to problems or delays that may be encountered during construction, and includes only part-time observation.

Fee and Terms

We will perform our services on a time and expense basis not-to-exceed **\$5,270**. Hours or tests less than or greater than those shown in this proposal will proportionately reduce or increase our costs. Please note that our estimate depends to a great extent on the site conditions, the efficiency of the prime and sub-contractors, and the weather. Our services will be provided in accordance with the attached terms and conditions and hourly rate schedule. If unforeseen conditions are encountered, or if we experience delays or circumstances beyond our control, we will notify you immediately to discuss modifications to the scope of services and/or project fees. Payment for services shall be due upon receipt of Cornerstone Earth Group's Invoice. Additional services that are not outlined in this proposal shall be charged on a time-and-expense basis.

Responsibilities

The presence of our field representatives will be for the purpose of providing observation and testing services. Our work will not include supervision or direction of the actual work of the contractor. The contractor should be informed that neither the presence of our field representatives nor the observation by our firm shall excuse him in any way for defects discovered in his work. It is also understood that our firm will not be responsible for job or site safety.

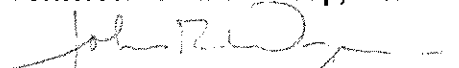
Authorization

Please acknowledge your receipt of and agreement with the terms and conditions contained in this agreement by forwarding a copy of the standard terms and conditions previously negotiated with our firm.

We thank you for this opportunity and look forward to continuing our work with you on this important project. Should you have any questions regarding this proposal, or if we may be of further service, please contact us at your convenience.

Sincerely,

Cornerstone Earth Group, Inc.


John R. Dye, P.E., G.E. 2582
Principal Engineer

Copies: Addressee (1 by email)

Attachments: Schedule of Hourly Rates

A13



Hourly Fee Rates and Equipment Charges

Through December 31, 2012

Senior Principal Engineer or Geologist	\$220
Principal Engineer or Geologist	\$200
Senior Risk Assessor	\$195
Senior Project Engineer or Geologist	\$175
Project Engineer or Geologist	\$150
Construction Services Manager	\$150
Senior Staff Engineer or Geologist	\$130
Senior Supervisory Technician	\$130
Staff Engineer or Geologist	\$117
Supervisory Technician	\$117
Technical Illustrator/CAD Operator	\$100
Engineering Technician II	\$91
Dispatcher/Engineering Technician I	\$86
Technical Editor	\$80

Charges for personnel will be made in accordance with the above rates. For field engineers, geologists and technicians, regular rates are normal workday construction hours (Monday through Friday). For time spent over 8 hours in a day, time spent after 5 p.m., time spent on swing shifts, and time spent on Saturdays by field personnel, overtime rates will be charged at 1.5 times the hourly rate. Work on Sundays and holidays and work in excess of 12 hours in one day will be charged at 2.0 times the hourly rate. Field rates are based on a 48 hour notice. For less than a 48 hour notice, a 10 percent surcharge will be added. All field personnel, vehicle and equipment charges are portal to portal. Reproduction of project documents will be charged as a project expense. The hourly rate for professional staff to attend legal proceedings will be 2.0 times the hourly rate specified above.

Equipment Charges		Geotechnical Laboratory Tests	
Vehicle	\$14 per hour	Tests Run During Normal Workday Hours	Tests Run Outside Workday Hours
Nuclear Density Gauge	\$7 per test	Compaction Curve	\$290 each
Slope Inclinator	\$150 per day	Plasticity Index	\$210 each
GPS Unit	\$30 per day	Hydrometer	\$210 each
Hand Auger Equipment	\$45 per day	Moistures	\$20 each
Power Auger	\$100 per day	#200 Wash	\$50 each
PDR-1000 Dust Meter	\$150 per day or \$400 per week	Sieve < 3/4 inch Liner (small)	\$110 each
Organic Vapor Meter	\$125 per day	Sieve > 3/4 inch Bucket (Large)	\$190 each
Benkelman Beam	\$150 per day		
Double Ring Infiltrometer	\$100 per day		
Dynamic Cone	\$100 per day		
Insulated Sample Carrier	\$5 per day		
Depth Sounder	\$40 per day		
Liners	\$7 each		
Core N One Sampler	\$15 each		
Core N One Handle	\$50 each		
Modeling Software	\$20 per hour		
Plotter	\$5 per plot		
55-gallon Drum	\$55 each		

Direct Expenses

Reimbursement for the direct expenses listed below incurred in connection with the Work will be billed at cost plus 17 percent.

- 1) Drillers, utility locators, laboratories, contractors, hygienists, and consultants
- 2) Rented vehicles, public transportation, tolls, and air flights
- 3) Permits and special fees, insurances and licenses required to perform Work
- 4) Computer programs and rented field equipment
- 5) Large volume copying of project documents
- 6) Maps, photographs, and environmental databases
- 7) Overnight or same day delivery charges
- 8) Copying or production of over-sized figures and plans

If personnel are assigned to a project 100 miles or more from an office, \$125 per diem per person allowance will be charged.

Unless mutually agreed in writing, Cornerstone will hold samples collected during the performance of the Work no longer than thirty (30) calendar days after their date of collection; project samples requested to be held greater than thirty (30) calendar days will be billed at \$100 per every ninety (90) calendar days. If payment not received within 30 days of invoice date, the samples will be discarded.

Payment

Payment for Work completed is due upon receipt of Cornerstone's statement. Fixed fee or lump sum services will be billed for the agreed fixed fee. A service charge of 1.5 percent per month will be charged on accounts not paid within 30 days.

Prevailing Wage

Client must notify Cornerstone in writing if the Work is subject to "prevailing wage" under local, state or federal laws. If a "prevailing wage" obligation exists, Cornerstone's hourly rates for technicians and staff engineers and geologists will increase by 20 percent.

A14

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 24, 2012**

PREPARED BY: Scott Buenting, Associate Engineer *SB*
REVIEWED BY: Ron Bernal, Director of Public Works/City Engineer *REB*
DATE: April 16, 2012
SUBJECT: Consultant Service Agreement for Construction Management Services for the Markley Creek Culvert Replacement Project with Parsons Brinckerhoff, Inc. (P.W. 141-9)

RECOMMENDATION

It is recommended that Council approve the Consultant Service Agreement with Parsons Brinckerhoff, Inc. to perform construction management services for the Markley Creek Culvert Replacement project.

BACKGROUND INFORMATION

Parsons Brinckerhoff, Inc. (Parsons) provided construction management services to the City during the Markley Creek Remediation project that was located directly downstream of the Somersville Road crossing of Markley Creek. This project required intensive monitoring and inspection due to the sensitivity of performing landfill remediation within a creek environment. During this project, Parsons and particularly, their Resident Engineer, Michael Scott, provided extensive documentation of the extent of the landfill and the construction techniques utilized to perform the work. In an effort to capitalize on knowledge of the area, staff solicited a proposal from Parsons to provide construction management services for the Markley Creek Culvert Replacement project. As part of the agreement, staff has required that Michael Scott be involved in oversight of the culvert replacement project. It is recommended that Council approve the proposal submitted by Parsons Brinckerhoff, Inc. to manage this project at a cost not to exceed \$129,298.00.

FINANCIAL IMPACT

The total contract amount for this work is \$129,298.00. Discovery Builders is responsible for reimbursing the City for all costs associated with the design, permitting and construction of this project. Prior to receiving reimbursement, Antioch Development Agency Project Area #1 funds will be utilized to fund this agreement. The contract amount for this work has been accounted for in the overall budget for the Markley Creek Culvert Replacement project being considered for award by Council under a separate agenda item at the April 24, 2012 meeting.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

A: Consultant Service Agreement

SB:lm

4-24-12

RESOLUTION NO. 2012/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING AN AGREEMENT WITH PARSONS BRINCKERHOFF, INC.
FOR CONSULTANT SERVICES FOR THE MARKLEY CREEK CULVERT
REPLACEMENT (P.W. 141-9)**

BE IT RESOLVED by the City Council of the City of Antioch that the City Manager is hereby authorized and directed to sign the Agreement with Parsons Brinckerhoff, Inc. for consultant services for the Markley Creek Culvert Replacement project, a true copy of which is on file in the Office of the City Clerk.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the City Council of the City of Antioch, California, at a regular meeting thereof held on the 24th day of April, 2012 by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

ATTACHMENT "A"

CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF ANTIOCH AND PARSONS BRINCKERHOFF, INC FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MARKLEY CREEK CULVERT REPLACEMENT PROJECT (P.W. 141-9)

THIS AGREEMENT for consulting services is made by and between the City of Antioch ("City") and Parsons Brinckerhoff, Inc. ("Consultant") as of April 25, 2012.

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

- 1.1 **Term of Services.** The term of this Agreement shall begin on the date first noted above and shall end on December 31, 2012, and Consultant shall complete the work described in Exhibit A prior to that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8.
- 1.2 **Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession.
- 1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.
- 1.4 **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agrees to pay Consultant a sum not to exceed \$129,298.00.00 (One Hundred Twenty Nine Thousand Two Hundred Ninety-Eight dollars), notwithstanding any contrary indications that may be contained in Consultant's proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit B, regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth below. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

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

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

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

2.2 Payment Schedule.

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

2.2.2 City shall pay the last 10% of the total sum due pursuant to this Agreement within sixty (60) days after completion of the services and submittal to City of a final invoice, if all services required have been satisfactorily performed.

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

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

2.4 Hourly Fees. Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the following fee schedule: See Exhibit B.

2.5 Reimbursable Expenses. Reimbursable expenses are specified below, and shall not exceed One Hundred Twenty Nine Thousand Two Hundred Ninety-Eight dollars (\$129,298.00). Expenses not listed below are not chargeable to City. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.

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

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

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

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

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

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

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

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General requirements. Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, combined

single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

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

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

- a. City and their officers, employees, agents, and volunteers shall be covered as insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, including the insured's general supervision of Consultant; products and completed operations of Consultant; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City or their officers, employees, agents, or volunteers.
- b. The insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- c. An endorsement must state that coverage is primary insurance with respect to the City and their officers, officials, employees and volunteers, and that no insurance or self-insurance maintained by the City shall be called upon to contribute to a loss under the coverage.
- d. Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.
- e. An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
- f. The policy must contain a cross liability or severability of interest clause.

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

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

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

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

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

4.4 All Policies Requirements.

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

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

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

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

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

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

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

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES

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

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

5.3. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This

indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

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

Section 6. STATUS OF CONSULTANT.

- 6.1 **Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.
- 6.2 **Consultant No Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

- 7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.
- 7.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.
- 7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.
- 7.4 **Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.

7.5 Nondiscrimination and Equal Opportunity. Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

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

Section 8. TERMINATION AND MODIFICATION.

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

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

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

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

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

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

- 8.5 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.
- 8.6 **Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City remedies shall include, but not be limited to, the following:
- 8.6.1 Immediately terminate the Agreement;
 - 8.6.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement; and/or
 - 8.6.3 Retain a different consultant to complete the work described in Exhibit A not finished by Consultant in which case the City may charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

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

Section 10 **MISCELLANEOUS PROVISIONS.**

- 10.1** **Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.
- 10.2** **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 10.3** **No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.4** **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.5** **Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.6** **Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*
- Consultant shall not employ any official of City in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*
- Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Consultant was an employee, agent, appointee, or official of City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.
- 10.7** **Inconsistent Terms.** If the terms or provisions of this Agreement conflict with or are inconsistent with any term or provision of any attachment or Exhibit attached hereto, then the terms and provisions of this Agreement shall prevail.
- 10.8** **Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.9 Contract Administration. This Agreement shall be administered by Ron Bernal ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

10.10 Notices. Any written notice to Consultant shall be sent to:

Bart Littell, Vice President
Parsons Brinckerhoff, Inc.
3260 Lone Tree Way, Suite 104
Antioch, CA 94509

Any written notice to City shall be sent to:

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

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

CITY:

CONSULTANT:

CITY OF ANTIOCH

PARSONS BRINCKERHOFF, INC.

Jim Jakel, City Manager

Bart Littell, Vice President

Attest:

Denise Skaggs, City Clerk

Approved as to Form:

Lynn Tracy Nerland, City Attorney

EXHIBIT A

**Parsons Brinckerhoff, Inc.
Scope of Services
Construction Management
Markley Creek Culvert Replacement Project**

3260 Lone Tree Way
Suite 104
Antioch, CA 94509
Main: +1-925-756-2381
Fax: +1-925-756-2385

www.pbworld.com

1. Assist with bidder inquiries as requested by City during bid process. Bid management to be performed by City
2. Act as construction project coordinator and the point of contact for communications and interaction with the contractor, City, designer, utility companies, and affected third parties.
3. Perform all applicable Resident Engineer functions as required by Caltrans Standard Specifications, City Standard Plans/specifications the project Special Provisions, and applicable sections of the Caltrans Construction Manual.
4. Perform field inspection activities, monitor contractor's performance versus requirements of applicable specifications, and contract drawings.
5. Participate in a partnering relationship to be developed between the City, affected local agencies and the contractor.
6. Conduct a pre-construction conference.
7. Review and monitor the construction schedule. Prepare weekly reports documenting the progress of construction. Take photographic recordings of the construction progress on a regular basis.
8. Schedule, manage, perform and document all field and laboratory testing services. Materials testing shall conform to the requirements and frequencies as defined in the Caltrans Construction Manual and the Caltrans Materials Testing Manuals.
9. Evaluate, negotiate, recommend, and prepare change orders.
10. Process submittals and monitor design consultant review activities.
11. Prepare and recommend progress payments.
12. Identify potential claims and make recommendations to resolve said claims.

EXHIBIT A

**Parsons Brinckerhoff, Inc.
Scope of Services
Construction Management
Markley Creek Culvert Replacement Project**

13. Perform construction administrative activities, including correspondence and document control.
14. Oversee the design clarification process.
15. Oversee quality acceptance materials testing.
16. Review Contractors detours and staging plans
17. Prepare "Red-Line" Record Drawings in accordance with the Caltrans Construction Manual. Provide Red-Line Record Drawings to designer for preparing CADD files.
18. Provide final inspections services and project closeout activities, including preparation of the final construction project report.
19. Turn construction documents over to the City.
20. Provide office space for PB's CM staff in PB's Antioch office located at 3260 Lone Tree Way, Suite 104.

EXHIBIT B

PAGE 1 of 5

COST PROPOSAL

FOR

Construction Management Services - Markley Creek Culvert Replacement Project

From:

PARSONS BRINCKERHOFF, INC.

Approved:


Bart Littell, Vice President

To:

City of Antioch

Friday, March 30, 2012

Basis For Estimate

- 1) PB services to start May 29, 2012 and end October 15, 2012.
Assume construction contract to start June 1, 2012 and end October 10, 2012 (90 working days).
- 2) Full-time field personnel expected to average 152 hours per month.
- 3) Overtime Inspection, if necessary, will include premium time for non-exempt employees.
- 4) Annual labor escalations of 3.5% to be effective in August.

A14

COST PROPOSAL SUMMARY

1) BURDENED LABOR COSTS (Includes Profit)

REGULAR TIME	\$117,097	
OVERTIME		
PREMIUM TIME		
		<hr/>
	SUBTOTAL	\$117,097

2) SUBCONSULTANTS:

Materials Testing	\$0	
Construction Staking	\$0	
Biological Monitoring	\$0	
Subconsultant Administrative Fee (5%)	\$0	
		<hr/>
	SUBTOTAL	\$0

3) EXPENSES:

	\$11,620	
Markup 5%	\$581	
		<hr/>
	SUBTOTAL	\$12,201

TOTAL CONTRACT AMOUNT: \$129,298

A15

STAFFING SCHEDULE

YEAR:			2011							2012												TOTAL HOURS	
										Pre Con						Construction			Post Con				
Week Beginning:			J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
POSITION	NAME	FIRM	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19		
Resident Engineer	Craig Carney, PE	PB												16	48	48	48	48	32			240	
Civil Inspector	Bill Speed	PB													152	152	152	152	48			656	
Office Engineer	Andre Antonio, PE	PB												16	8	8	8	8	16			64	
Construction Manager	Michael Scott, PE	PB												4	4	4	4	4	4			24	
																							984


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ESTIMATED EXPENSES

	UNIT	QTY	UNIT COST (\$)	SUBTOTAL (\$)
<u>A) OFFICE</u>				
RE Office	Months			
Janitorial Service	Months			
Utilities	Months			
Fax Machine	LS			
Copier	Months			
Office Furniture	LS			
Telephone Services	Months			
Computer	LS			
Printer	LS			
B) VEHICLES, VEHICLE O&M, CELL PHONES, FIELD EQUIP, SAFETY EQUIPMENT, SURVEY EQUIPMENT	Hours	920	\$11	\$10,120
<u>B) OFFICE SUPPLIES</u>				
Initial Supply	LS	1	500	\$500
Office Supplies	Months	5	100	\$500
Shipping for Bid Mgt	LS	0	0	\$0
Advertising for Bid Mgt	LS	0	0	\$0
Postage/Express Mail	Months	5	100	\$500
 ESTIMATED EXPENSES				 <u>\$11,620</u>

A18

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDER AT THE MEETING OF APRIL 24, 2012**

Prepared by: Victor Carniglia, Consultant for the City of Antioch 

Date: April 24, 2012

Subject: Rezoning for Area 1 of the Northeast Antioch Annexation Area consisting of approximately 470 acres located primarily north of Wilbur Avenue and west of Hwy 160

RECOMMENDATION

1. Motion to read the Ordinance by title only;
2. Motion to introduce the Ordinance Rezoning Area #1 of Northeast Antioch Area.

BACKGROUND INFORMATION

On March 27, 2012, the City Council considered the subject rezoning. Included as Attachment "B" are the minutes from that meeting. As noted in the minutes, late in the day of the City Council meeting, the City received a letter (Attachment "C") from Kristina Lawson of the Manatt law firm representing Albert Seeno/West Coast Home Builders alleging a number of inadequacies with the environmental documentation prepared for the rezoning. At the March 27, 2012 Council meeting, staff noted that upon review of this correspondence, staff considered the comments on the environmental documentation to be both not timely and not applicable to the action being considered by the City. Nevertheless, staff recommended that Council continue the rezoning to allow time to memorialize a response on the record to the comments received. City Council continued the item to the April 10, 2012 Council meeting, which was then further continued to the April 24, 2012 Council meeting due to scheduling issues. On April 10, 2012, City staff received additional correspondence from Kristina Lawson on behalf of Albert Seeno/West Coast Home Builders (Attachment "D") requesting that City staff provide West Coast Homebuilders with a copy of the City Council staff report at least one week prior to the City Council meeting. The City responded verbally to the request at the City Council meeting, and in writing subsequently (Attachment "E").

ANALYSIS

The previously prepared staff report for the March 27, 2012 Council meeting is attached for the City Council's reference (Attachment "F"). In this staff report, the letter received from Kristina Lawson on behalf of Albert Seeno/West Coast Home Builders on March 27, 2012 is addressed in the following sections.

Standing to Comment and Timing of Comments:

CEQA does not limit or restrict who has "standing" or the right to make comments on an environmental document, such as a Mitigated Negative Declaration. Anyone is free to comment, regardless of interest or motivation, as long as the comments are received by the City during the appropriate time frame. The Mitigated Negative Declaration was published by the

4-24-12

City on March 17, 2010. This publishing initiated a 20 day public comment period, which was extended to conclude on April 19, 2010. During this extended public review period, comments were received from two parties. No comments were received from Kristina Lawson, Albert Seeno or West Coast Home Builders. The City prepared responses to the two comments received, and included these comments and City responses in the Final Mitigated Negative Declaration. The City then filed a Notice of Determination (NOD), which limits the legal challenge period to 30 days from the date the NOD is filed. The comments from West Coast Home Builders were received by the City over eighteen months after the comment periods closed.

In terms of historical background, it is worth noting that there was an earlier Negative Declaration that was prepared in 2007 for the subject rezoning and annexation. That earlier environmental document was subsequently updated due largely to ensuing changes in CEQA requirements. The 2010 Mitigated Negative Declaration that is currently being utilized is in effect the update of the earlier 2007 environmental document. It should be pointed out that during the public review period of that previous environmental document, no comments about the adequacy of the document were received from Albert Seeno, West Coast Home Builders or their affiliated companies.

Comments/Allegations Contained in Letter:

It's difficult to respond in detail to the comments raised in the March 27, 2012 letter (Attachment "C"), as the letter appears to be addressing the area being rezoned as if it were completely "unzoned" and undeveloped, similar to what would occur on vacant, "greenfield" land located at the City's urban edge. This is clearly not the case as most people familiar with the Northeast Antioch Area know. Despite this challenge, staff has prepared the following responses to questions in order to ensure that the public record is clear, and to avoid possible misunderstandings that might occur from interested parties reading the March 27, 2012 letter from Kristina Lawson on behalf of Albert Seeno/West Coast Home Builders.

In addition, the March 27, 2012 letter suggests repeatedly that the City is prohibited from relying on an environmental document that is almost two years old. No legal authority is provided for such a proposition and the City is unaware of any. As with all projects, the City is concerned regarding the timeliness of the environmental documentation, but does not find that to be an issue with this Mitigated Negative Declaration, which is less than two years old.

Proposed City Rezoning: The proposed "Project" before City Council is the rezoning of Area 1. This is the Project that the Mitigated Negative Declaration is addressing under CEQA. In evaluating the potential environmental impacts of a Project like this, it is necessary under CEQA to determine what the impacts of the proposed Project would be. This requires taking into account the current development status and zoning status of the property in question. In other words, how is the proposed project changing the status quo, and what are the physical impacts on the environment of those changes?

What the commenter failed to note in the letter dated March 27, 2012 is the fact that all of Area 1 is currently zoned Heavy Industrial under the County, and has currently or had heavy industrial uses on it. The changes the City is proposing to the existing County zoning as part of the rezoning action are: 1) to designate the existing Federal Wildlife Preserve as Open Space as opposed to the County designations of Heavy Industrial, and 2) to utilize Light Industrial Zoning as a buffer between the Heavy Industrial Zoning Designations and the existing residential units located on Santa Fe Avenue. City staff determined as part of the CEQA review

that these zoning changes would reduce potential possible environmental impacts as compared to the existing County zoning. Specifically, in the case of the Wildlife Preserve, the use of Open Space zoning helps to protect these areas from development pressure, which could be developed with Heavy Industrial uses under the current County zoning designations. The City proposal to use Light Industrial zoning reduces the potential impact of heavy industrial uses on the existing homes adjacent to Area 1.

If hypothetically the City was proposing to designate the existing Wildlife Preserve as Heavy Industrial (as compared to the actual proposed Open Space zoning), then a number of the comments received in the March 27, 2012 letter might be valid. However, the opposite situation is the case.

Specific Comments Raised in Letter: The following are responses to specific comments raised in the March 27, 2012 letter from Kristina Lawson on behalf of Albert Seeno/West Coast Home Builders:

- **“An EIR is required if a fair argument is presented that a project may have a significant impact on the environment.”** *City Response: City staff does not consider that a fair argument has been presented that the rezoning has any significant physical impact on the environment. A fair argument could be made that the proposed rezoning actually reduces potential environmental impacts as compared to the existing County zoning as explained in the previous section.*
- **“The proposed CEQA document is not based on a single technical environmental study.”** *City Response: This statement is incorrect. The CEQA document included analysis consistent with the level of the actions being considered, which include rezoning and annexation. Technical analysis in the CEQA document focused primarily on the City’s ability to provide services to the area, including an analysis of the City’s water and sewer systems.*
- **“The Project Description is inadequate and unlawfully segments the project.”** *City Response: Staff considers the Project Description to be both clear and adequate. The environmental document clearly identifies and describes the “Project” on pages 2 and 3 of the analysis, and the City actions covered by the analysis are clearly shown in Table 1 on page 10. The comment letter also asserts that the environmental document unlawfully segments the project. The City disagrees as the environmental document addresses all the actions being considered at the appropriate level of detail. As noted in the environmental analysis, when at some future date specific development projects are proposed, then appropriate project level environmental analysis will be conducted.*
- **“The Project Description Fails to Describe the Construction of the Municipal Utilities to the Reorganized Area.”** *City Response: The Negative Declaration was not intended to address the actual construction of the utilities to the area. The environmental document states in a number of areas that additional environmental review would be required for the actual construction of infrastructure, as previously noted in this staff report.*
- **“The City must analyze the whole of the actions, including development or other activities that will result from the rezoning.”** *City Response: As noted previously in this staff report, the area in question is already zoned with heavy industrial designations in the County. The City rezoning in effect replicates the County designations, with the exception*

of changes previously noted. Given this, it should be clear that the City's actions will not allow anything new that isn't already permitted by the County. This comment might be applicable if the City were proposing to rezone vacant and agriculturally zoned land at the City's edge for industrial development. This is clearly not the case.

- **“Substantial evidence exists that unmitigated significant impacts will result from the whole project. Such impacts include Aesthetics, Agricultural Resources, Biological Resources, Geology and Soils, Hazardous Materials, Noise, Population and Housing, Public Services, and Utilities and Service Systems.”** *City Response: The underlying problem with this series of comments, as with the majority of the comments contained in the letter, is that the comments ignore the salient fact that the area is already zoned for heavy industrial uses and that most if not all of the land is developed or has been developed in the past with industrial uses. The following are responses to the specific issues raised under this heading:*
 - **Aesthetics:** **The Commenter contends 1) that light and glare from future streetlights need to be analyzed, and 2) that it is “baseless” to contend that improvements to the streetscape would improve the visual character of the area.** *City Response: The action being considered by the City is rezoning, and any infrastructure improvements such as streetlights would require additional environmental review as noted in the environmental document. In terms of visual character, the City's requirements for the landscaping of arterials and collectors would almost certainly improve the visual character of the area, unless the commenter is disputing the fact that the addition of street trees and landscaping would enhance the area's visual character.*
 - **Agricultural Resources:** **The Commenter contends that the rezoning and annexation would significantly increase the likelihood that existing agricultural uses would be converted to industrial uses.** *City Response: The development pressure on the agricultural uses is already present given the existing County industrial zoning. Aside from this fact, the majority of the existing agricultural uses are grapevines located within PG&E powerline easements. PG&E generally prohibits development within its easements irrespective of the zoning status of the easements.*
 - **Biological Resources:** **The Commenter argues that the rezoning and eventual annexation will negatively impact existing biological resources in the area, including the existing Federal Wildlife Preserve.** *City Response: As previously noted, the existing County zoning for the Federal Wildlife Preserve is Heavy Industrial. The City's proposed rezoning would designate the Wildlife Preserve as Open Space. Such an action would clearly help to protect the Wildlife Preserve, not harm it as alleged by the Commenter. The balance of the rezoning would have no net negative impact on biological resources as it is consistent with the County zoning.*

- **Geology and Soils:** The Commenter argues that the City's rezoning and related annexation will result in the construction of significant infrastructure improvements, and that given the likelihood of a major earthquake, the environmental document should analyze the impacts of such an earthquake on the infrastructure. In addition the commenter indicates that the soils in the area will result in subsidence, and therefore the environmental document should contain a soils report. *City Response: As noted previously, the Mitigated Negative Declaration makes it clear in a number of places in the document that additional detailed environmental analysis will need to be done at such time as the City is in a position to construct infrastructure to serve the area. For example, on page 28 the Mitigated Negative Declaration clearly states, "Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review". Any such future environmental analysis would utilize site specific information. Construction standards will be implemented to meet whatever site specific seismic requirements are applicable.*

- **Hazards and Hazardous Materials:** The Commenter in this section alleges that Heavy Industrial Uses (including power plants) may generate adverse impacts on Health and Safety, and therefore this issue needs to be addressed in the environmental document. *City Response: This comment, along with many others already noted, would be appropriate if the area was currently "unzoned" and undeveloped. As already noted numerous times this is not the case, and the inescapable fact is that the area is already zoned Heavy Industrial, and that the bulk of it has been or is developed with heavy industrial uses. For the record, the review of power plants over 50 megawatts is the responsibility of the State and not the local City or County jurisdiction.*

- **Noise:** The Commenter appears perplexed that a detailed noise analysis was not prepared to evaluate the construction of new Heavy Industrial uses. *City Response: As with other comments, the area is already zoned and developed with Heavy Industrial Uses, and nothing the City is proposing aggravates or worsens that situation from an environmental perspective.*

- **Population and Housing:** The Commenter makes the point that the development of industrial uses and the related creation of jobs increases the demand for housing, and that the environmental document should have addressed this increased housing demand. *City Response: The City's position is that the City action on the rezoning is doing nothing to increase this potential impact that already exists under the County zoning. The fact that the City is proposing less industrial zoning than currently exists with the County zoning would actually lessen any such impact.*

- **Public Services:** The Commenter contends that the information on Public Services in the environmental document is out of date in relation to Police Services and is therefore invalid. *City Response: The Commenter is ignoring the detailed fiscal analysis prepared and referenced in the environmental documentation. This fiscal analysis clearly shows that given the projected assessed value in the area of well over a billion dollars, the tax revenues from the area will greatly exceed the City costs to provide services, including Public Safety costs. The result is that the rezoning and annexation will have a positive effect on the City's ability to provide services.*

- **Utility and Service Systems:** The Commenter notes that there is no detailed project level environmental analysis of the various infrastructure improvements, including the 15 inch sewer line in Area 1 and improvements to the Bridgehead Pump Station. *Response: As previously noted the environmental document states that more detailed environmental analysis will be prepared when and if the City decides to construct specific infrastructure improvements.*

FISCAL IMPACTS

Based on the fiscal analysis prepared the annexation of Area 1 will have a significant net fiscal benefit to the City. Adoption of the rezoning will further the annexation process.

OPTIONS

The City Council could deny the rezoning, which would effectively terminate or at the very least delay the annexation process.

ATTACHMENTS

- A: Ordinance
- B: City Council meeting minutes dated 3/27/12
- C: Letter from Kristina Lawson on behalf of Albert Seeno/West Coast Home Builders dated March 27, 2012
- D: Letter from Kristina Lawson on behalf of Albert Seeno/West Coast Home Builders dated April 10, 2012
- E. Letter from the Antioch City Attorney to Kristina Lawson representing Albert Seeno/West Coast Home Builders dated April 17, 2012
- F: Staff report dated 3/27/12

ATTACHMENT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH INTRODUCING THE PREZONING FOR THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE

SECTION 1. Findings.

- A. The City Council in June 2007 adopted a resolution directing City staff to submit to the Local Agency Formation Commission (LAFCO) an annexation application for Area #1 of the Northeast Antioch Area. This application was subsequently submitted by City staff to LAFCO in September 2007. Area #1 is located within the City's Sphere of Influence and is also located within the City's Urban Limit Line (ULL) as approved by Antioch voters.
- B. Prezoning is required by State law prior to an annexation being considered for action by LAFCO.
- C. In processing the annexation as initiated by City Council in June 2007, concurrence was not reached between the City and the County on the key provisions of the Tax Exchange Agreement until January 2012. This concurrence has allowed the prezoning process to move forward.
- D. The City Council has considered the previously prepared Final Mitigated Negative Declaration for the Northeast Antioch Area Reorganization, dated April 2010 and previously adopted by the City Council in June of 2010 (the "Final MND"), and has considered all comments received both during and after the close of the public comment period on the Final MND. Reaffirming its previous findings on the Final MND, the City Council hereby finds that, as of the date of this Ordinance, the Final MND reflects the City Council of the City of Antioch's independent judgment and analysis, and that, on the basis of the entire record before it, including but not limited to the Final MND, including the associated initial study, and the comments received thereon, there is no substantial evidence in the record that the prezoning of Area #1 as described in the Staff Report and the MND and as would be implemented by this Ordinance would have a significant effect on the environment.
- E. The City Council finds that the previously prepared Mitigated Negative Declaration as adopted by the City Council in June of 2010 adequately addresses the environmental impacts of the prezoning.
- F. The City Council finds that prezoning is consistent with the City of Antioch General Plan, and with the General Plan land use designations as contained in the "Eastern Waterfront Employment Focus Area".
- G. The City Council finds that prezoning is consistent with the requirements of the Transportation Sales Tax Initiative, Measure J.
- H. The prezoning consists of primarily the (M-2) "Heavy Industrial" zoning district, with (M-1) "Light Industrial" zoning district for an area south of Wilbur Avenue, and (OS) "Open

Space" proposed for the existing Federal Wildlife Preserve located on the north side of Wilbur Avenue. The geographic locations of the proposed rezoning districts are depicted in Exhibit 1.

- I. The Planning Commission on March 7, 2012 recommended that City Council adopt the rezoning by a 6-0 vote.

SECTION 2. The Final MND, attached hereto as Exhibit 2 and the associated Mitigation Monitoring and Reporting Program (the "MMRP") and attached hereto as Exhibit 3, are hereby adopted to comply with the requirements of the California Environmental Quality Act and support the rezoning of Area #1, as described and introduced by this Ordinance. These documents, together with the remaining materials constituting the record of proceedings for the Rezoning of Area #1, and the adoption of the Final MND and MMRP are available for inspection and review at City Hall, 2nd Floor, Community Development Department located at the corner of 3rd and "I" Street, Antioch CA. The rezoning of Area #1, which consists of the zoning districts as depicted in Exhibit 1 of this Ordinance and defined in the Antioch Municipal Code, is hereby introduced.

SECTION 3. This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be published once within fifteen (15) days upon passage and adoption in the East County Times, a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

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 _____ and passed and introduced at a regular meeting thereof, held on the ____ day of _____, 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

EXHIBIT 1



✓

FINAL MITIGATED NEGATIVE DECLARATION

Prepared for
The City of Antioch

**Northeast Antioch Area
Reorganization**

Prepared by



135 Main Street, Suite 1600
San Francisco, CA 94105

April 2010

INTRODUCTION

On March 17, 2010, the City of Antioch published a Draft Initial Study and Mitigated Negative Declaration (IS/MND) which analyzed potential impacts of the proposed annexation of three subareas totaling approximately 678 acres into both the City as well as the Delta Diablo Sanitation District. A 20-day public review and comment period commenced, and was extended to conclude on April 19, 2010. During the public comment period, two public agencies provided a comment letter: the Local Agency Formation Commission (LAFCO) and the Delta Diablo Sanitation District (DDSD). These comment letters are included in **Appendix E** along with specific responses to the issues raised.

This Final MND includes edits, corrections, and items of clarification made in response to comments received on the Draft IS/MND. In this Final MND, new text is shown in **bold-underline** and deleted text is shown in ~~strikeout~~.

This Final MND includes the following four revisions:

- Page 10: The word “County” is deleted from Contra Costa Local Agency Formation Commission
- Page 54: The word “County” is deleted from Contra Costa Local Agency Formation Commission
- Page 54: Clarifying text is added to define future sewage flow routing, i.e., “**Portions of the reorganization area would have sewage flow routed through the DDSD Antioch Pump Station, as shown in Figure 7.**”
- Figure 7 is revised to correctly depict the proposed sewage flow routing.



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Please recycle!

Northeast Antioch Area Reorganization Project Mitigated Negative Declaration

Project Description

1. *Project Title:* Northeast Antioch Area Reorganization
2. *Lead Agency Name and Address:* City of Antioch, Community Development Department, Planning Division, 3rd and H Streets, P.O. Box 5007, Antioch, CA 94531
3. *Contact Person and Phone Number:* Victor Carniglia, Deputy Director of Community Development, (925) 779-7036
4. *Project Location and Existing Land Uses*

Three areas in Contra Costa County are being considered for reorganization (annexation or incorporation) into the City of Antioch (City) and the Delta Diablo Sanitation District (DDSD). The three areas (referred to in this study as Areas 1, 2a, and 2b) are located generally along the San Joaquin River and in the vicinity of Wilbur Avenue. **Figure 1** shows the project location within the region as well as the three subareas.

Area 1 is an approximately 481 acre area predominantly occupied by heavy industrial uses. Area 1 is generally located south of the San Joaquin River, west of State Route 160 and north of the Burlington Northern Santa Fe (BNSF) railroad.

Area 2a is a 94 acre area located between Area 1 and the Antioch Bridge (State Route 160). Area 2a is currently occupied by predominantly marina and storage uses.

Area 2b is about 103 acres in area south of Wilbur Avenue and roughly centered on Viera Avenue. Area 2b contains 120 existing residential uses, nearly all of which obtain water from individual domestic wells and dispose of wastewater in individual domestic septic systems. The area also includes limited commercial and industrial areas, but is predominantly residential.

5. *Surrounding Land Uses*

As shown in **Figure 1**, the northern edges of Areas 1 and 2a are bounded by the San Joaquin River. Lands south of Area 1 but west of Area 2b are all within the City of Antioch and are currently developed with a mix of industrial/commercial and residential uses.

Lands south of Area 1 and east of Area 2b are also in the City of Antioch and currently include agricultural, institutional, and commercial uses between the BNSF railroad to the

north and East 18th Street to the south.

Lands east of Area 2a are in the City of Oakley and are currently in recreational and aquatic related uses.

6. *Project Sponsor's Name and Address:*

City of Antioch
Community Development Department
PO Box 5007
Antioch, CA 94531-5007

7. *Contra Costa County General Plan Designations:*

The County land use designations are shown in detail on **Figure 2**.

Area 1: Heavy Industrial (HI) and Open Space (OS).

Area 2a: Heavy Industrial (HI) and Delta Recreation and Resources (DR).

Area 2b: Several designations, including Heavy Industrial (HI), Light Industrial (LI), Open Space (OS), Parks and Recreation (PR), Public and Semi-Public (PS), Single-Family Residential High-Density (SH), and Single-Family Residential Medium-Density (SM).

8. *Contra Costa County Zoning Designations:*

The County zoning designations are shown in detail on **Figure 3**.

Area 1: Heavy Industrial

Area 2a: Heavy Industrial

Area 2b: Several designations, including: R-10 Single Family Residential, D-1 Two-Family Residential, A-2 General Agriculture, R-40 Single Family Residential, C-M Controlled Manufacturing, LI Light Industrial

9. *City of Antioch General Plan Designations:*

Areas 1, 2a, and 2b are within the City of Antioch's sphere of influence and as such, have been assigned land use designations in the City of Antioch General Plan. These designations are shown in detail on **Figure 4**. As the lands are currently within the jurisdiction of Contra Costa County, the City's assignment of General Plan designations are to be considered *advisory*.

Area 1: Eastern Waterfront Employment Area; designations include General Industrial, Rail-Served Industrial, and Open Space.

Area 2a: Eastern Waterfront Employment Area: designations include

Marina/Support Uses and Commercial.

Area 2b: Medium Low Density Residential; Medium Density Residential; Open Space; Business Park.

10. Description of Project:

The project under CEQA review involves a number of City actions that would lead to the reorganization (annexation) of the three subareas into both the City as well as the DDSD. The term “reorganization” is preferred over “annexation” insofar as a “reorganization” means two or more changes of organization initiated in a single proposal. It can include two or more changes to the same agency, or to more than one agency. In contrast, an “annexation” refers to a boundary change involving only one agency or jurisdiction. In this case, the proposed project would expand the current boundaries of both the City and the DDSD, hence the use of the term “reorganization.”

Background: The three subareas have been within the City’s sphere of influence for over 30 years. The City’s 2003 General Plan shows these areas generally within the “Eastern Waterfront Employment Focus Area.” Starting in 2005, the City began a concerted effort to reorganize portions of this Focus Area. A 2005 Strategic Plan examined background issues related to the possible reorganization of Areas 1, 2a, and 2b into the City and the DDSD and is included as **Appendix B**. In July 2007, the City formally initiated reorganization efforts, leading to preparation of an application to LAFCO and a draft Negative Declaration covering only Area 1. While the City adopted the Negative Declaration in March 2008, the reorganization application did not move forward with LAFCO, due largely to the need for a tax transfer agreement between the City and the County.

The City is now considering the reorganization of Area 1 along with Areas 2a and 2b in an effort to improve public services and utilities in all three areas. The actual annexation (reorganization) of these areas may be undertaken as separate LAFCO application processes, but this environmental document examines the potential effects of the possible reorganization of all three areas, and evaluates the connection and provision of municipal services and utilities (potable water, storm drain, emergency services, sewer service, and street lighting), with the latter utilities and service examinations being programmatic in nature. As a condition of approval of a reorganization application, LAFCO will require all service providers to document an intent to serve the subject properties. The provision of City services, including police services, would be extended to the project area upon reorganization; the provision of municipal infrastructure such as water and wastewater

connections may be limited and would be phased in over a longer period of time, based primarily on funding. The priority would be given to the infrastructure most critical to health and safety, such as sewer and water services.

Mirant Marsh Landing, LLC (Mirant) is pursuing the development of a new power plant that would be located on a portion of Area 1. In accordance with state laws as specified in the Warren-Alquist Act, California Public Resources Code section 25500, et seq., Mirant has independently initiated a separate permit and environmental review process with the California Energy Commission (CEC). The California Legislature established the CEC in 1975 as part of a comprehensive program to site new power plants across the state. The Legislature gave the CEC exclusive and pre-emptive approval and licensing authority for thermal energy plants producing energy equal to or greater than 50 megawatts (MW). Mirant's proposed plant for Area 1 would produce up to 760 MW of electricity. Although the CEC has pre-emptive authority over local laws, the CEC will typically ensure that projects achieve compliance with local laws, ordinances, regulations, standards, plans, and policies. The CEC's environmental review process is a certified regulatory program under CEQA; the CEC's process yields substantially similar analysis as would the CEQA process. The CEC process differs in that CEC staff will produce several environmental and decision documents instead of an Environmental Impact Report (EIR). Mirant initiated the approval and licensing process with the CEC by submitting an application and supplemental materials. The CEC is reviewing Mirant's application materials and is expected to make a determination in the case in 2010.

Proposed Actions: The project involves the City undertaking actions consistent with LAFCO reorganization requirements and Government Code Section 56668 et seq, including pre-zoning and provision of municipal infrastructure, as described below.

A. General Plan Amendment: The project includes an amendment to the General Plan text:

- **Text Amendment:** The proposed reorganization would result in a potential conflict with two General Plan policies related to the future provision of a trail along the San Joaquin River.

Policy "I" in Section 4.4.6.3 of the General Plan Land Use Element states:

As a condition of new development or redevelopment of properties along the San Joaquin River between Rodgers Point and the existing marina at the SR 160 freeway, require dedication and improvement of a riverfront trail and linear park.

In addition, policy “c” of Section 10.3.2 of the Resource Management Element states:

Maintain the shoreline of the San Joaquin River as an integrated system of natural (wetlands) and recreation (trails and viewpoints) open space as set forth in the Land Use Element and Public Services and Facilities Element.

Should the CEC approve the proposed Mirant power plant, the implementation of the public access requirements in policy “1” and policy “c” above may be inconsistent with this industrial use. The project therefore includes a proposed amendment to the Land Use Element that would allow the City Council to modify the riverfront public access requirement if fulfilling the requirement would result in substantial risks to public health and/or safety.

The City thus proposes that the following additional language (shown in underlined text) be added to Policy 4.4.6.3.1:

As a condition of new development or redevelopment of properties along the San Joaquin River between Rodgers Point and the existing marina at the SR 160 freeway, require dedication and improvement of a riverfront trail and linear park. If the land uses proposed along the San Joaquin River Waterfront are incompatible with a riverfront trail and linear park based upon safety, security, or other reasons as determined by the City Council, the trail may instead be located along existing public roadways near any such property in question. The dimensions of this trail along with necessary landscaping, irrigation and other streetscape improvements shall be determined by the City.

In addition, the City proposes the following additional language (shown in underlined text) to be added to policy “c” of Section 10.3.2 of the Resource Management Element:

Maintain the shoreline of the San Joaquin River as an integrated system of natural (wetlands) and recreational (trails and viewpoints) open space as set forth in the Land Use Element and Public Services and Facilities Element except where the City Council finds that land uses along the waterfront are incompatible with a riverfront trail and/or viewpoints based upon safety, security, or related reasons. The dimensions of any such trail along with necessary landscaping, irrigation and other streetscape improvements shall be determined by the City.

B. Pre-zoning: The project includes pre-zoning the land to be reorganized into the City and DDSD, consistent with LAFCO requirements. **Figure 5** shows the City’s proposed pre-zoning designations. In addition to applying City zoning designations to the three areas, the City also proposes, as part of the project, minor modifications to various zoning regulations. These modifications are fully discussed below.

Area 1: The majority of Area 1 (with the exception of the Antioch Dunes National

Wildlife Refuge (ADNWR)) is proposed to be zoned “M-2 Heavy Industrial District.” This proposed designation is consistent with the existing County zoning designation of “Heavy Industrial”.

Area 2a: The City proposes two zoning designations for this area. Lands from the San Joaquin River, approximately 1,200 linear feet south towards Wilbur Avenue would have a WF Urban Waterfront District designation. North of Wilbur Avenue, to the WF Waterfront area, the City proposes C-3 Service Commercial District zoning. This proposed designation represents a change from the existing County zoning designation of “Heavy Industrial”.

Area 2b: The City recognizes that many properties in this area are inconsistent with its current residential zoning requirements. The City thus proposes to pre-zone this area as Study Zoning District (S). The City would maintain the County’s existing zoning regulations for this area, including land use, density, and height, until such time in the future that the City considers different land use designations for this area.

As part of the project, the City proposes a number of modifications to the M-2 zoning regulations that would apply to M-2 zoned lands Citywide. These changes are:

- A new section (**Section 9-5.3835 Power Plants**) would be added to the Antioch Municipal Code to provide further information regarding power plants and the California Energy Commission’s review, approval, and oversight practices. The proposed new Section 9-5.3835 Power Plants will state “Thermal power plants over 50 Megawatts are subject to the review and authority of the California Energy Commission as specified in the Warren-Alquist Act, California Public Resources Code section 25500, et seq. All Power Plants will have to adhere to the City’s Laws, Ordinances, Regulations, and Standards.¹ Projects subject to the California Energy Commission’s exclusive licensing authority shall also adhere to such Laws, Ordinances, Regulations, and Standards as determined to be applicable by the California Energy Commission.”

¹ California Public Resources Code §25523 requires the CEC to make a determination whether a particular facility conforms to local regulatory requirements. To the extent there is not compliance with a local regulation, the CEC is required to meet with the local jurisdiction in an effort to correct or eliminate the non-compliance. However, if the non-compliance cannot be avoided, the CEC can nevertheless approve the facility if it can make certain findings regarding its public necessity. Thus, the City’s proposed use permit requirement on thermal power plants producing 50 MW or greater could be overridden by the CEC.

- Section 9-5.3803 – Table of Land Use Regulations of the Antioch Municipal Code summarizes permitted and conditionally permitted uses in all zoning districts citywide. The City proposes to modify this section by adding “Power Plants under 50 MW” and “Power Plants over 50 MW”, under Industrial Uses with reference to the proposed new Section, 9-5.3835 Power Plants. Both Power Plants under and over 50 MW that are not subject to the California Energy Commission’s exclusive licensing authority will require a Use Permit (UP) in the M-2 zoning designation. This section would also be modified to state that any other type of power generating facility would require “U” Use Permit approval.
- Height limit: Section 9-5.601 of the Antioch Municipal Code governs height limits in zoning districts citywide. This section’s limits regarding the M-2 district would be modified. The current M-2 height limit of 70 feet would not be applicable to exhaust stacks and similar industrial equipment associated with a Power Plant under or over 50 MW in capacity.
- Section 9-5.1001 of the Antioch Municipal Code sets forth landscaping requirements citywide. The City proposes to modify the landscape requirements concerning M-2 zoned areas (Section 9-5.1001 to 9-5.1005) and Parking Lot Landscaping (Section 9-1716) to be applicable only to areas of the site that are located within the required landscape setback from a public road right of way as specified in Section 9-5.601 and areas that are accessible by the public such as parking lots.
- The Antioch Dunes National Refuge is proposed to be zoned “OS” Open Space/Public Use District.

C. Providing municipal utilities and public services to the reorganized area. Both LAFCO and the Government Code stipulate that annexations or reorganizations should be completed in order to better and more efficiently provide services. In the present case, the three subareas are almost entirely surrounded by incorporated cities (Antioch and Oakley). As such, the provision of public services (such as police protection) to these areas would be more efficiently achieved by local agencies versus County agencies.

In addition, the three areas are known to have substantial utility deficiencies. For instance, several streets in Area 2b are unpaved. Moreover, residences in Areas 2a and 2b rely on well water for drinking and also utilize individual septic systems within close proximity, thus posing risk of cross-contamination and attendant public health and safety concerns. Reorganization into DDSD would allow for municipal waste water service to

replace individual septic systems. Reorganization into the City would allow for the provision of treated water.

Figure 6 shows existing water, sewer, and storm drain utilities in the project area. As part of the reorganization process, the City has conducted a study of the infrastructure improvements needed to bring Areas 1, 2a, and 2b up to City standards. Illustrations from this study are described below and are included as **Figures 7 through 10**. **Figure 7** shows the water, sewer, and storm drain improvements necessary within the project area to bring the subject properties up to City infrastructure standards. **Figure 8** shows needed electrical utility improvements to bring the subject properties up to City standards. **Figure 9** shows proposed street improvements needed to meet current City standards. Finally, **Figure 10** shows needed right-of-way acquisitions in order to provide the utility and street improvements.

Concurrent with the infrastructure study, the City also prepared a fiscal impact analysis, studying the cost of the proposed infrastructure improvements relative to anticipated tax revenues associated with the subject properties. The summary of this study is included as **Appendix C**, and concludes that while anticipated tax revenues for Areas 1, 2a, and 2b would cover the ongoing cost of providing City services, such as public safety, substantial additional investment would be required to make the necessary improvements and service extensions.

This environmental document examines the full extent of all proposed infrastructure improvements for Areas 1, 2a, and 2b. The improvements shown on Figures 7 through 10 should be considered diagrammatic. As funding is available to implement various infrastructure improvements, the City, prior to construction, will develop more detailed drawings depicting the proposed improvements. At such time that more detailed drawings are developed, the City will determine if any additional CEQA review is required.

If reorganized into the City, the reorganization area is ultimately anticipated to receive municipal water service from the City of Antioch. This initial study examines the potential impacts of this proposed change, including a review of the adequacy of available municipal water to serve the project area.

In addition, following reorganization, the project area would receive other municipal services from the City similar to any other area of the City. Such services include policing and maintenance services. The project's potential environmental impacts

related to these municipal services are addressed in this initial study.

D. Additional Actions

Tax Transfer Agreement - The City and Contra Costa County are in the process of negotiating a tax transfer agreement. The agreement will stipulate how future revenues will be shared between the two jurisdictions. This agreement has no physical impact and is not subject to CEQA. It is identified here as part of the possible agency actions related to the annexation project.

Out of Agency Service Agreement – If necessary, the city may seek approval from LAFCO for an Out of Agency Service Agreement (agreement), which would allow the City to provide services to the Mirant Marsh Landing Generating Station for a specific period of time while the annexation process is completed. If needed, the agreement would allow the city to provide the same services on a temporary basis that are contemplated by the proposed annexation. This environmental document would therefore also support the agreement, should it be deemed necessary. The agreement is identified here as part of the possible agency actions related to the annexation project.

10. *Requested Actions:*

Table 1 lists the discretionary and ministerial approvals requested for the proposed project.

Table 1. Project Approvals

Agency/Provider	Permit/Approval
City of Antioch	Adoption of Negative Declaration Approval of Pre-Zoning(s)
Delta Diablo Sanitation District	Provision of “Intent to Serve” Statement(s)
City of Antioch and Contra Costa County	Tax Transfer Agreement(s)
Contra Costa County Local Agency Formation Commission	Approval of Reorganization(s) Out of Agency Service Agreement

Source: CirclePoint, 2010.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages. Mitigation measures have been provided for each potential significant impact, reducing all to a less than significant level.

- | | |
|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology & Water Quality |
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population & Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation & Circulation | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | |

Compliance with New CEQA Guidelines

This environmental impact checklist incorporates proposed text changes to the CEQA guidelines to address the analysis of greenhouse gas emissions. The new CEQA guidelines also require a discussion of forest resources and incorporate modifications to the significance criteria for transportation and circulation impacts.

In regards to greenhouse gas emissions, Senate Bill 97, passed in 2008, directed the Office of Planning and Research (OPR) to prepare, develop, and transmit to the Resources Agency by July 1, 2009, guidelines for the feasible mitigation of GHG emissions or their effects. OPR issued draft guidelines on April 13, 2009. The CEQA guidelines were approved by OPR in December 2009 and will formally take effect on March 18, 2010.

This mitigated negative declaration (MND) is being published before March 18, 2010, and is not therefore legally required to address these new CEQA checklist questions. However, this MND does include analysis in compliance with the proposed new guidelines and changes to Appendix G of the CEQA Guidelines in **Appendix A**. **Appendix A** includes the new checklist questions and analysis related to Agricultural and Forest Resources and Transportation and Circulation, as well as the quantified evaluation of greenhouse gas emissions per the new Greenhouse Gas Emission environmental checklist.

Determination

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that the proposed project COULD have a significant effect on the environment, but mitigations identified in this Initial Study will reduce these impacts to a less than significant level, and a MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigates pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Mindy Gentry

Mindy Gentry
Associate Planner

4/28/10

Date

ENVIRONMENTAL IMPACT CHECKLIST

I. Aesthetics

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Have a substantial adverse effect on a scenic vista?

No Impact. The City's General Plan identifies views of Mt. Diablo, ridgelines, and the San Joaquin River as important visual resources. There are existing intermittent views of Mt. Diablo and the San Joaquin River from various locations in the project area. As neither development nor construction would immediately result from project implementation, the project would do nothing to alter existing limited views of these scenic resources. The reorganization of the project area into the City and the DDSA would result in no change to any view of Mt. Diablo or the San Joaquin River.

The existing County zoning for all of Area 1 and 2a is Heavy Industrial (Figure 3). The County's Heavy Industrial zone district does not include *any* height limit for development². The City is proposing to reduce the acreage of land zoned for Heavy Industrial uses, and would also limit the height of industrial development on that land to 70 feet, with the

² Contra Costa County Zoning Code, Section 84-62.602 Lot, height, yard – Regulations – “There are no lot area, height, or side yard regulations or limitations in the H-I district.” (Heavy Industrial).

exception of exhaust stacks and similar industrial equipment associated with a Power Plant. The city's M-2 zone district imposes requirements related to lot coverage and minimum building site that would further restrict the density and massing of future development. The project would therefore reduce potential obstruction of views by restricting the height, location, and density of future industrial development.

All city lands currently zoned M-2 are located adjacent to or in close proximity to the project area³; thus the proposed height exception in the M-2 zone district for exhaust stacks and similar industrial equipment associated with a Power Plant would be limited to the project area and the immediate vicinity. The project would not adversely affect scenic vistas from other locations within the city. No mitigation is required.

b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. According to the California Department of Transportation (Caltrans), there are no state or county designated scenic highways in the City nor in eastern Contra Costa County as a whole. Moreover, there are no rock outcroppings or historic buildings in the vicinity of the project site. Therefore, there project would result in no impact to scenic resources within a state scenic highway. No mitigation is required.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The project involves a series of procedural actions and would not introduce any new construction or development that would degrade the existing visual character or quality of the site or its surroundings.

In terms of potential changes associated with future development, Area 1 and 2a would change from all heavy industrial zoning under County designations, to a mixture of heavy industrial, open space, urban waterfront, and service commercial uses. The City's intention for Area 2b is to identify zoning that most closely matches the existing pattern of development. The visual character and quality of the site would therefore be similar to or less industrial than what is already envisioned by the County's zoning and general plan land use designations. Over time, as City standards are implemented, it is reasonable to assume that streetscape improvements would improve the area's existing visual character and quality, particularly such portions of the project area that lack paved roads and/or streetlights. No mitigation is required.

³ Lands between McElheny Road and Fulton Shipyard Road, approximately 1/8 mile west of the western boundary of Area 1, also have an M-2 zoning designation.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. As discussed above, implementation of the proposed project would allow for street improvements, including new street lighting per City standards. The timing, locations, and extent of such lighting improvements are not known at this time. At such time that the City has the resources to move forward with such improvements, separate environmental review would be required to document any environmental impacts. Any future new development in the project area would be required to comply with City of Antioch lighting standards as articulated in Section 9-5.1715 of the Antioch Municipal Code. The project would result in no light or glare impact. No mitigation is required.

II. Agricultural Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

No Impact. The California Department of Conservation maintains the Farmland Mapping and Monitoring Program (FMMP) which produces maps and other data showing California's agricultural resources. The FMMP maps show Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, based on ratings that take into account soil quality and irrigation status, using the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) soil survey data.

Under CEQA, conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is considered a significant impact.

The project site contains approximately 28.6 acres of Farmland of Statewide Importance, as shown in Figure 11.⁴ Of the total 28.6 acres of Farmland of Statewide Importance, about 21.5 acres are within Area 1 and 7.1 acres are within Area 2b. As of October 2009, all of

⁴ California Department of Conservation. (June 2009). Contra Costa County Important Farmland 2008. <<ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2008/con08.pdf>>.

these lands are in agricultural use. (The project site also contains approximately 26.2 acres of Farmland of Local Importance, which is not considered a protected category of agricultural lands under CEQA.)

Implementation of the project will not change the existing agricultural uses on site. Section 5-3809 of the Antioch Municipal Code allows for pre-existing agricultural uses to be continued when a new land use designation is imposed, and all of the lands currently in agricultural use would remain in agricultural production following the reorganization. As the project would not include any change to existing land uses on the ground, the project would not result in the conversion of Farmland of Statewide Importance to non-agricultural uses. Any future construction or development in Areas 1 and 2b would be subject to separate environmental review where any potential changes to designated Farmlands would be analyzed. Therefore, the project would not convert and designated Farmland to a non-agricultural use. No mitigation is required.

Additional consideration of agricultural lands pursuant to LAFCO regulations

LAFCO defines prime agricultural land in the California Government Code as land that has not been developed for a use other than an agricultural use and that meets any of the following qualifications (*emphasis added*):

- a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA NRCS land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible;
- b) Land that qualifies for rating 80 through 100 Storie Index Rating;
- c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the USDA;
- d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Under LAFCO regulations, the 28.6 acres of Farmland of Statewide Importance would be considered "Prime." In addition, the project site also contains approximately 26.2 acres of Farmland of Local Importance, which is not considered a protected category of agricultural

lands under CEQA, but some or all of which LAFCO may consider "Prime" pursuant to the LAFCO regulations discussed above.

No other lands within the three areas appear to meet LAFCO definitions of prime farmland insofar as all other lands have been developed for uses other than agricultural use.

In terms of future development and possible conversion of agricultural uses, any development in Areas 1 and 2b would be subject to environmental review where any potential changes to designated Farmlands would be analyzed.

Regarding Area 1, the reorganization does not increase the likelihood of conversion of agricultural lands as the County's General Plan and zoning already identifies the lands in Area 1 for Heavy Industrial development. The City's proposed Industrial designations would be consistent with the existing General Plan and zoning classifications.

Regarding Area 2b, the reorganization does not increase the likelihood of conversion of agricultural lands as the County's General Plan already identifies the lands for public space and open space, not agricultural use. The City of Antioch is proposing a General Plan designation of open space for these lands, which is consistent with the existing County land use designations. [The existing County zoning for this acreage is single family residential (R-10) and controlled manufacturing (C-M)].

Furthermore, the proposed annexation would not result in any change to the existing land uses. As discussed above, all of the lands currently in agricultural use would remain in agricultural production following the reorganization. As the project would not include any change to existing land uses on the ground, the project would not result in the conversion of Farmland of Statewide Importance or Farmland of Local Importance to non-agricultural uses.

b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?

No Impact. No portion of the project site is under a Williamson Act contract. However, approximately 16.4 acres of Area 2b is currently zoned for agricultural uses (H-1) by Contra Costa County. Implementation of the proposed project would pre-zone Area 2b under the City of Antioch's S Study Zoning District. This designation would allow the City to maintain the County's existing zoning regulations for this area, including land use, density, and height, until such time in the future that the City considers different land use designations for this area. Therefore, the project would result in no conflict with either a Williamson Act contract or existing zoning for an agricultural use. No mitigation is required.

c) Involve other changes in the existing environment which due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?

Less Than Significant Impact. The project site contains approximately 28.6 acres of Farmland of Statewide Importance in Areas 1 and 2b. Implementation of the proposed project would result in these areas receiving City of Antioch General Plan and zoning designations and would also allow for the extension of City services (potable water, storm drain, sewer service, and street lighting) to the existing residences and businesses currently located on the project site. As noted above, the project would not result in any change of an existing land use on the ground; moreover, Antioch Municipal Code Section 5-3809 allows for the continuation of existing agricultural uses on a site when that site's zoning designation may be changed. The extension of urban services throughout the project area may result in an increased likelihood that existing agricultural lands in the project area are under greater pressure from market forces to convert to a non-agricultural use. However, the timing and extent of actual infrastructure improvements in the project area is not known. Therefore, consideration of possible future conversions of Farmland would be speculative. As noted above, the reorganization does not increase the likelihood of conversion of agricultural lands in Area 1, as the County's General Plan already identifies the lands in Area 1 for Heavy Industrial development. Regarding Area 2b, both the County General Plan and the City's proposed General Plan designations indicate open space or public space for the majority of these lands. In summary, the project would result in a less than significant impact in terms of other environmental changes that could affect Farmland.

III. Air Quality

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan or Congestion Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a), b), c), and d) Impacts related to emissions/air quality standards/criteria pollutants?

No Impact. A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the regional growth assumptions, in terms of population, employment, or regional growth in Vehicle Miles Traveled (VMT). The proposed project would not result in population growth or result in any emissions since the project is comprised of procedural actions and would not result in any new development that could have an air quality impact. Any future construction or development in Areas 1, 2a, and 2b, including the new power plant, would be subject to a separate environmental review process in which any potential air quality impacts associated with the specific land use

would be identified. Therefore, the project would not conflict with or prevent attainment of the applicable Air Quality Attainment Plan, violate any air quality standards, or substantially increase criteria pollutant concentrations, and no impact related to emissions would occur. No mitigation is required.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Implementation of the proposed project would allow for existing residences on the project site to connect to City sewer services over time, as funds are available to develop necessary trunk lines, and lateral connections are installed. Over a long-term time frame, this would be a beneficial improvement that could reduce odors in the project area resulting from any existing malfunctioning septic systems. Additionally, future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review to consider potential odor impacts. Therefore, the proposed project would result in a less than significant impact in creating objectionable odors. No mitigation is required.

IV. Biological Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to: marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, Regional, or state habitat Conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a), b), c) Impacts to habitat, natural community, sensitive or special-status species, or migratory species?

No Impact. The Antioch Dunes National Wildlife Refuge is located within Area 1 of the project site and is considered an important natural community. No change in ownership, management, surrounding land uses, or control of the project site would result from implementing the proposed reorganization, and therefore there would be no impact on habitat, natural community, sensitive or special-status species, or migratory species that may or may not exist on the project site. Any future construction or development in Areas 1, 2a, or 2b would be subject to separate environmental review to identify any potential impacts to potential biological resources. No mitigation is required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. The project involves a series of procedural actions and would not introduce any new construction or development that would alter existing conditions.

Furthermore, the project area is surrounded by industrial and otherwise developed uses to the south and west, which preclude major wildlife movement. While some agriculture and undeveloped lands occur to in the project area and to the southeast of Areas 1 and 2b, this land is bordered by heavily traveled thoroughfares. The BNSF railroad bisects Area 1 and Area 2b, State Route 4 is less than 1 mile south of the project site, and State Route 160 borders Area 2a to the east. Existing wildlife movement opportunities are therefore heavily constrained under existing conditions.

The San Joaquin River is located immediately to the north of Area 1 and 2a and does provide an important movement corridor for fish. As noted above, the project would not result in any physical impact to this resource. The potential construction of a new power plant is not part of this project and would be subject to separate environmental review that would evaluate potential impacts to the San Joaquin River. No mitigation is required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The project site may contain biological resources that are protected by ordinance at the City or County levels, such as protected trees. However, the proposed project consists of a series of procedural actions and does not include any construction or development activities. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review to identify any potential impacts to potential biological resources protected by City or County ordinances. No mitigation is required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, Regional, or state habitat Conservation plan?

No Impact. There is no operative habitat conservation plan in the City of Antioch. The closest habitat conservation plan is the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCCHCP). The City is not within the ECCCHCP area, although the ECCCHCP does include the City of Oakley. Area 2a is bordered by the City of Oakley to the east; however, the existing uses in Area 2a are highly industrial and are not identified in the ECCCHCP as significant resource areas. Therefore, the project would not result in conflict with any habitat conservation plan or natural community conservation plan. No mitigation is required.

V. Cultural Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource, pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource, site, or unique geologic features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

No Impact. The City of Antioch's General Plan EIR includes an inventory of historical resources within the City and the City's SOI. There are no mapped historical resources on the project site; however, the General Plan EIR lists the "Marsh Landing" as a historical resource located near the Antioch Bridge (PG&E site). This resource is not mapped.

The proposed project includes a series of procedural actions and would not result in construction or development activities. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review that would evaluate impacts to known historical resources. Mirant Marsh Landing, LLC, is independently initiating a separate environmental review process for the proposed new power plant that would be located on a portion of Area 1 and would be required by CEQA to identify a substantial adverse change to the significance of any known historical resources located on the power plant project site. Therefore, the proposed project would result in no adverse change in the significance of any historical resource. No mitigation is required.

b), c), and d) Impacts to archaeological resources, paleontological resources, and human remains?

No Impact. According to the City's General Plan EIR, numerous paleontological resources have been recorded within the City limits, particularly near the San Joaquin River. Although the project site is located adjacent to the San Joaquin River, there would be no potential to encounter these resources since the project would not result in construction or development activities. The proposed project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b involving ground disturbance would be subject to separate environmental review to identify any potential impacts to unknown archaeological resources, human remains, and paleontological resources. No mitigation is required.

VI. Geology and Soils

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslide?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project result in substantial soil erosion or the loss of topsoil?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in table 18-1b of the Uniform Building Code (1994), creating substantial risks to life or property?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Expose people or structures to potential substantial adverse effects including the risk of loss, injury or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

No Impact. No evidence of active or recent faulting has been observed on the project site; no active faults or Earthquake Fault Zones (Alquist-Priolo Special Studies Zones) are located on the project site or within the City.⁵ However, the San Francisco Bay region is considered to be seismically active and subject to the effects of future earthquakes. Four major, historically active faults are located within 30 miles of the project site:

- Hayward Fault (approximately 26 miles west);
- Calaveras fault (approximately 17 miles southwest);
- Concord-Green Valley fault (approximately 13 miles west);
- Marsh Creek-Greenville fault (7 miles southwest).

The San Andreas Fault, which is the largest regional fault, is located approximately 45 miles west of the City.⁶ However, the proposed project would not result in construction or development activities that could increase risks related to fault rupture; rather, the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. As there are no known active faults on the project site or in the immediate vicinity, there would be no impact regarding the risk of fault rupture. No mitigation is required.

ii) Strong seismic ground shaking?

No Impact. The project site will likely experience seismic ground shaking similar to other areas in the seismically active San Francisco Bay Area region. Earthquakes along several active faults in the region, as discussed above, could result in moderate to strong ground shaking at the project site. The intensity of earthquake ground motions would depend on the characteristics of the generating fault, distance to the fault and rupture zone, earthquake magnitude, earthquake duration, and site-specific geologic conditions. However, the proposed project would not result in any immediate construction or development activities since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b involving ground disturbance would be subject to

⁵ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. pg. 4.5-16

⁶ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. pg. 4.5-10

separate environmental review that would address potential impacts from seismic ground shaking. Therefore, implementation of the proposed project would result no impact related to seismic ground shaking. No mitigation is required.

iii) Seismic-related ground failure, including liquefaction?

No Impact. Liquefaction is a phenomenon in which saturated soils lose their strength and stiffness as a result of seismic-related ground shaking.⁷ According to the City's General Plan EIR, the project site is mostly located within an area that is considered a "Moderate" area of susceptibility to liquefaction, with a limited portion of Area 1 and Area 2a designated as a "High" area susceptible to liquefaction near the San Joaquin River.⁸ However, the proposed project would not result in any construction or development activities that would require the classification of subsurface materials to determine soil stability. Rather, the project consists of a series of procedural actions that will not increase any risk of seismic related ground failure, including liquefaction. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review where soil classification would be required prior to issuance of any grading or building permits. There would be no impact related to seismic related ground failure. No mitigation is required.

iv) Landslides?

No Impact. The majority of the project site consists of flat or gently sloping topography. According to the City's General Plan EIR, the project site is located within areas that are considered "Very Stable," with areas of 0 to 5 percent slope that are not underlain by landslide deposits, "Generally Stable," with areas of 5 to 15 percent slope that are not underlain by landslide deposits, and "Generally Stable to Marginally Stable," with areas of greater than 15 percent slope that are not underlain by landslide deposits or bedrock units susceptible to landsliding.⁹ However, the proposed project consists of a series of procedural actions and thus would not result in construction or development. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review where soil classification would be required prior to issuance of any grading or building permits. Therefore, there would be no impact related to landslides. No mitigation is required.

b) Would the project result in substantial soil erosion or the loss of topsoil?

No Impact. The proposed project consists of a series of procedural actions and would not result in construction or development activities. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review where any potential

⁷ Saturated soils are soils in which the space between individual soil particles is completely filled with water.

⁸ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. (Figure 4.5.4)

⁹ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. (Figure 4.5.5)

impacts resulting in soil erosion or loss of topsoil would be analyzed. Therefore, implementation of the proposed project would not result in any impact related to soil erosion or loss of topsoil. No mitigation is required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

and

d) Be located on expansive soil, as defined in table 18-1b of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact. The proposed project would not result in construction or development activities since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review where any potential impacts related to construction on unstable or expansive soils would be analyzed and mitigation measures incorporated. Therefore, implementation of the proposed project would not result in any impact related to unstable or expansive soil conditions. No mitigation is required.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Less Than Significant Impact. Existing residential units in Area 2b currently use septic tanks as do the existing marinas in Area 2a and the existing industrial uses in Area 1. Most of these residential units are within Area 2b. Implementation of the proposed project would allow the project area to be connected to the City's sanitary sewer system, potentially allowing for some or all of the residences using septic systems to be connected to the municipal sewer system. Moreover, the project consists of a series of procedural actions and does not include construction or development activities. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. The project would result in a less than significant impact related to septic tanks. No mitigation is required.

VII. Hazards and Hazardous Materials

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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evacuation plan?

h) Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

and

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact. Because most of Area 1 is zoned for industrial uses, hazardous materials are most likely used and stored in this area. Additionally, the residential units currently on the project site (mostly in Area 2b) could be using small volumes of common household hazardous materials, such as cleaning agents.

A record search of hazardous materials releases and management sites (e.g., locations of above ground storage tanks) reported by federal, state, and local agencies was conducted for Areas 1, 2a, and 2b.¹⁰ The report lists at least one record for each of 22 sites for Area 1 and seven sites for Area 2a and indicates that all sites are either closed or actively managed. No records were returned for Area 2b. There would be no new sources of hazardous waste generation, hazardous material use, or sources of hazardous exposure associated with implementing the proposed project since the project consists of a series of procedural actions; the project does not include construction or development. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. Therefore, implementation of the proposed project would not result in any impact related to the routine use, transport, or disposal of significant quantities of hazardous materials or the upset and accidental conditions involving hazardous materials. No mitigation is required.

¹⁰ Environmental Data Resource, Inc. (EDR). December 2007. The EDR Radius Map with Geocheck: The Northeast Antioch Reorganization.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. Delta Christian College, Cornerstone Christian School, and Shining Star Christian Academy are currently located within one-quarter mile south of the project site. These schools are closest to Area 2b which consists of mainly residential uses. However, as noted above, the proposed project would not involve the use, transport, or disposal of hazardous materials, and would not create a significant hazard to the public or the environment since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. No impact would occur and no mitigation is required.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment?

No Impact. The project site was not identified as a hazardous materials site on any of the local or state regulatory agency database lists pursuant to Government Code Section 65962.5. Therefore, no impact would occur and no mitigation is required.

e) and f) Proximity to Airport/Private Airstrip?

No Impact. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast; Buchanan Field is about 15 miles to the west. The closest private airstrip to the project site is the Funny Farm Airport, located 8 miles to the east beyond the City of Brentwood. The distance from airports and private airstrips ensures that the project would not be adversely affected by airport operations. Furthermore, no impact would occur since the project consists of a series of procedural actions. No mitigation is required.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The project site is currently under the jurisdiction of the Contra Costa County Fire Prevention District (CCCFPD), which serves extensive areas within both unincorporated and incorporated Contra Costa County. The proposed project consists of a series of procedural actions, would not introduce any new construction or development that would alter existing conditions, and therefore would result in no impact that would impair or physically interfere with the provision of emergency services or existing emergency evacuation plans. No mitigation is required.

h) Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project site is surrounded by industrial uses, residential development, agricultural uses, and open space areas, and is not located in the vicinity of areas that could be characterized as wildlands. Additionally, the proposed project consists of a series of procedural actions; any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. No impact would occur and no mitigation is required.

VIII. Hydrology and Water Quality

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage patterns of the site or area including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) and f) Impacts to water quality?

Less than Significant Impact. Facilities located on the project site are either on septic tanks or do not have a registered septic utility. Many of these existing septic tanks are believed to be older and are thus vulnerable to failure. The Contra Costa Environmental Health Division reviewed the conditions, specifically on properties within Area 2b, and noted that 50 to 75 percent of the septic systems were on the verge of failing.¹¹ The proposed reorganization itself would not result in any immediate water quality changes, but over time, as connections to City services are implemented, it is reasonable to assume that the impact on water quality would be beneficial because the existing septic systems could be replaced with facility connections to the City and DDSD wastewater infrastructures.

Consequently, the potential for contamination of groundwater wells would be reduced due to the proposed reorganization. The project would therefore result in a beneficial impact that would be considered less than significant. No mitigation is required.

¹¹ Contra Costa County Local Agency Formation Commission. December 2007. *Water and Wastewater Services Municipal Services Review for East Contra Costa County.*

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?

No Impact. The project itself would not result in any immediate water groundwater impact in that the proposed reorganization involves a series of procedural actions. However, over time, as residential properties currently drawing water from private wells are connected to the municipal water system, it is reasonable to assume that the impact on groundwater would be beneficial. With each connection to the municipal water system, water production from private wells drawing upon groundwater would be expected to decrease. In all, the project would result in a less than significant (beneficial) impact. No mitigation is required.

c), d) e) Impacts to drainage patterns?

Less than Significant Impact. The project would result in the reorganization of the project area into the City and DDS. There would be no substantial adverse change to drainage flow as a result of implementation of the proposed reorganization, as no construction or development is associated with the project.

If the project area is reorganized into the City and DDS, the City's stormwater drainage requirements would apply and it is anticipated that these requirements would be implemented over time as new development occurs. As these City requirements are implemented, it is reasonable to assume that a beneficial impact to drainage patterns would occur, insofar as the project area is currently lacking any formal system to control stormwater drainage. Therefore, implementation of the proposed project would result in a beneficial and thus less than significant impact to project area drainage patterns. No mitigation is required.

g), h), and i) Flooding or other hazards?

No Impact. According to maps prepared by the Federal Emergency Management Agency (FEMA), the portions of the land adjacent to the San Joaquin River of Area 1 and Area 2a are located within the 100-year flood hazard zone.¹² The Contra Loma Dam is the closest dam to the project site. The City-wide inundation map for the failure of Contra Loma Dam and Dike No. 2 indicates that the project site is not located in the areas that would be impacted by this dam failure.¹³ Furthermore, implementation of the proposed project involves a series of procedural actions and would not introduce any new construction or

¹² Federal Emergency Management Agency. (June 16, 2009). *Federal Insurance Rate Map No.06013C0143F, No.06013C0144F, Contra Costa County.*

¹³ City of Antioch. (November 2003). *City of Antioch General Plan.* (Figure 4.7.3).

development that would alter existing conditions in the area. Future development within the project area would be subject to separate CEQA review to determine if such development could result in an increased risk of flooding and related hazards. Future development within the 100-year flood plain would be required to implement improvements to remove proposed development from the flood zone. The project would result in no impact related to increased flood risk. No mitigation is required.

j) Inundation by seiche, tsunami, or mudflow?

No Impact. The project site is located over 40 miles from the Pacific Ocean. Tsunamis typically affect coastlines and areas up to ¼ mile inland. Due to the project's distance from the coast, potential impacts related to a tsunami are minimal. As neither steep slopes nor volcanoes are located in close proximity to the project site, the possibility of inundation by landslides or volcanic mudflows is remote. The project site is located adjacent to the San Joaquin River. However, implementation of the proposed project involves a series of procedural actions, would not introduce any new construction or development that would alter existing conditions in the area and would therefore result in no impact related to the risk of inundation by seiche, tsunami, or mudflow. No mitigation is required.

IX. Land Use and Planning

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Physically divide an established community?

No Impact. The project site is mainly bordered by land under the City of Antioch’s jurisdiction. Implementation of the proposed project would remove the political distinctions currently existing between the project area and the surrounding City of Antioch. The project includes no physical changes that could divide any established community. No mitigation is required.

b) Conflict with relevant land use plan, policy, or regulation?

Less than Significant Impact. Areas 1, 2a, and 2b are located in unincorporated Contra Costa County, and are also located within the City’s SOI; therefore, both the County and City have adopted land use designations for these lands.

Pre-Zoning: As shown on **Figure 5**, the City proposes pre-zoning that is consistent with the City’s current General Plan land use designations.

Area 1: As a part of the proposed reorganization, the City intends to pre-zone Area 1 as Heavy Industrial (M-2), except for the Antioch Dunes National Wildlife Refuge which would be pre-zoned Open Space (OS).

Area 2a: The northern portion of Area 2a would be pre-zoned as Urban Waterfront (WF) while the southern portion of Area 2a would be pre-zoned Regional Commercial (C-3).

Area 2b: The City would pre-zone Area 2b as a Study Zone (S), allowing the existing County zoning designation to remain until the City adopts its own land use designations, to be determined at such time in the future. The proposed reorganization is consistent with the City and County general plans, and the City and DDSD 5-year CIPs.

General Plan: In 2003, the City Council adopted General Plan land use designations for the project area as part of the General Plan update. The proposed pre-zoning would be consistent with the current General Plan land use designations for the project site.

LAFCO: LAFCO policies discourage the creation of islands through annexation. The proposed reorganization of Areas 1, 2a, and 2b would unify the area into the City's jurisdiction, and would remove the existing island of County land that currently exists within the City limits.

Furthermore, LAFCO policies and the City's General Plan require areas to be annexed or reorganized must be pre-zoned by the City and as appropriate, proof of necessary service, facility capacity, and an indication of intent to serve must be provided. As noted above, the City intends to pre-zone all subareas to be consistent with existing General Plan designations.

The only change to the current land use associated with the proposed reorganization would be a formal adoption of this zoning and a 2-year freeze on rezoning of that property after completion of the reorganization, pursuant to Government Code §56375. Thus, the project would not conflict with any existing land use plans or policies. No mitigation is required.

c) Conflict with any applicable habitat conservation plan?

No Impact. There is no operative habitat conservation plan in the City of Antioch. The closest habitat conservation plan is the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCCHCP). The City is not within the ECCCHCP area, although the ECCCHCP does include the City of Oakley. Area 2a is bordered by the City of Oakley to the east; however, the existing uses in Area 2a are highly industrial and are not identified in the ECCCHCP as significant resource areas. Therefore, the project would not result in conflict with any habitat conservation plan or natural community conservation plan. No mitigation is required.

X. Mineral Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) and b) Result in the loss of availability of a known mineral resource and/or the availability of a locally important mineral resource recovery site?

No Impact. According to the Contra Costa County General Plan, the project site is not classified or designated within a mineral resource zone. Furthermore, the City's General Plan EIR states that none of the areas identified in the General Plan for redevelopment contain mineral resources that would be of value to the region and residents of the state. In sum, the proposed project would have no impact to mineral resources. No mitigation is required.

XI. Noise

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of the other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a), b), c) and d) Impacts related to temporary and permanent noise levels, ground borne noise levels and ground borne vibration levels?

No Impact. Implementation of the proposed project would not create new sources of noise since there would be no change to the existing uses of Areas 1, 2a, and 2b. The

project consists of a series of procedural actions. If and when any infrastructure improvements are implemented within the project area, temporary noise impacts could occur during installation. If and when detailed engineering plans for portions of the overall infrastructure improvement plan are developed for the project area, the City will make a determination of the potential for such improvements to result in temporary noise impacts.

A potential increase in permanent noise levels on the project site would be based on land use changes or transportation changes. There are no land use or transportation changes associated with the project since the project consists of a series of procedural actions.

Mirant Marsh Landing, LLC, has initiated a separate environmental review for the proposed power plant that would be located on a portion of Area 1. This environmental review would include an analysis of potential permanent noise impacts and mitigation measures associated with a new power plant. All future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review which would identify potential impacts and mitigation measures related to temporary and permanent increases in noise levels. Therefore, the proposed project would not result in any temporary or permanent increase in noise levels, ground-borne noise levels, or ground-borne vibration levels. No mitigation is required.

e) and f) Located within an airport land use plan/vicinity of a private airstrip?

No Impact. The project area is not located within an airport land use plan, within two miles of an airport, nor within the vicinity of any private airstrip. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast and Buchanan Field is about 15 miles to the west. The nearest private airstrip, Funny Farm Airport, is located 8 miles to the southeast. Due to the project's distance from and the flight path orientation of these airports, there is no impact with regard to the noise impacts from aircraft noise sources. No mitigation is required.

XII. Population and Housing

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly, (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Induce substantial population growth?

Less Than Significant Impact. Although the project could create the opportunity to potentially extend infrastructure and improve roads within Areas 1, 2a, and 2b, the project would not induce population growth since these areas are currently developed with existing uses. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. In most cases the City and County General Plan designations are in agreement, and the proposed city pre-zoning matches the land uses envisioned by the County General Plan. Notable exceptions include the following:

- A portion of Area 2a is currently designated by the County for heavy industrial uses. The City's General Plan envisions commercial and marina uses. The City's proposed pre-zoning indicates Urban Waterfront (WF) and Service Commercial uses (C-3).
- The County General Plan includes a wide mix of General Plan designations for Area 2b, including Heavy Industrial, Open Space, Public Space, and Single-Family Residential. The City's General Plan largely follows the intent of these designations, although the City's General Plan proposes a Business Park in lieu of Heavy Industrial along East 18th Street.

Notably, Areas 1 and 2a comprise substantial portions of the "Eastern Employment Area"

within the City's General Plan. Most of Area 2b was not included within the Eastern Employment area, but its potential buildout as residential was assumed within the City's General Plan/EIR. Please refer to Tables 3.A and 3.B of the City's General Plan EIR (attached).

Development of Areas 1, 2a, and 2b pursuant to the City's planned land use designations could result in an intensification of development and traffic. However, the City's 2003 General Plan EIR included the aforementioned program-level evaluation of development of the unincorporated areas, assuming more than 7 million square feet of new business park development within the Eastern Employment Focus Area. As shown in Table 3.B, the General Plan EIR also conservatively assumed development of up to about 300 new residential units in unincorporated areas outside the Eastern Employment Focus Area (such as Area 2b); however, Area 2b is already developed and its incorporation would not result in "new" residential development.

Therefore, the environmental impacts of the pre-zoning proposed as part of the Northeast Antioch Area Reorganization has already been analyzed at a programmatic level. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate project-level environmental review once the specific components and extent of each project is known.

The project would slightly increase the City's population by adding the residents currently located in unincorporated areas to the City of Antioch. According to the California Department of Finance, the estimated 2009 population of the City of Antioch is 100,957 persons.¹⁴ The addition of the 273 residents of the project area to the City of Antioch would result in an approximately 0.3% increase to the City's estimated population.¹⁵ Furthermore, as this population already resides in the area, using local streets, shops, parks, schools, and other amenities, this increase in population is found to be less than significant in terms of growth. No mitigation is required.

b) and c) Displace housing or people?

No Impact. The proposed project would not result in construction or development activities since the project consists of a series of procedural actions. The reorganization of the project area into the City and the DDSD would not displace any people or housing. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. Thus, the project would not result in the displacement of any homes or businesses. No mitigation is required.

¹⁴ California Department of Finance. May 2009. *E-1 population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2008 and 2009.*

¹⁵ Gruen Gruen and Associates. 2009. *The Fiscal Impacts of the Northeast Antioch Annexation.* January. (Table I-1)

XIII. Public Services

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection impacts?

No Impact. The Contra Costa County Fire Protection District (CCCFPD) currently provides fire and emergency services to residents of the City as well as other incorporated and unincorporated areas of the County. The CCCFPD already provides services to the

project site and implementation of the proposed project would not result in any changes to fire and emergency service provision. No impact to fire services would occur. No mitigation is required.

ii) Police protection impacts?

Less Than Significant Impact. Implementation of the proposed project would allow Areas 1, 2a, and 2b to receive City services, including police protection from the Antioch Police Department (APD). The project site is located in the City's SOI and is currently surrounded on 2 sides by existing areas within the City of Antioch and would be near other areas currently served by APD. The Antioch General Plan establishes a response time goal of 7 to 8 minutes for "Priority 1" (emergency) calls. As of 2009, the APD reports that the average response time for a Priority 1 call is seven minutes and 22 seconds. To this end, the APD currently meets its response time goal set forth by the General Plan.

The APD is currently staffed with 107 sworn officers, which represents a staffing ratio of approximately 1.060 officers per 1,000 residents.¹⁶ The Antioch General Plan provides a service ratio goal of 1.2 to 1.5 officers per 1,000 residents. The City provides the APD with sufficient budget to achieve this service ratio goal. With implementation of the proposed project, the staffing ratio would change from 1.060 officers per 1,000 residents to approximately 1.057 officers per 1,000 residents. However, according to the Antioch Police Department, this minor increase in the City's population would not significantly worsen the ratio of police staff to population or adversely affect response time in the near term.¹⁷ Furthermore, based on the fiscal data contained in the analysis of the annexation (See **Appendix C**), the net revenue generated by the annexation of Areas 1, 2a, and 2b would be sufficient to offset public safety and other service costs. Implementation of the project would therefore not create significant additional demands on police services such that construction or expansion of new facilities would be required and would result in a less than significant impact. No mitigation is required.

iii) School impacts?

No Impact. Implementation of the proposed project would not increase the enrollment in area schools since existing residents in the project area are within the attendance boundaries of the Antioch Unified School District. School-aged children within the project area already attend schools in the Antioch Unified School District. Therefore, reorganization of Areas 1, 2a, and 2b would have no impact to area schools. No mitigation is required.

¹⁶ Allan Cantando, Captain, Antioch Police Department. Personal Communication, October 20, 2009.

¹⁷ Allan Cantando, Captain, Antioch Police Department. Personal Communication, October 20, 2009.

iv) and v) Park and other public facility impacts?

No Impact. As discussed in **Section XI, Population and Housing**, the project would slightly increase the City's population by adding the residents currently located on the project site to the City's population count that were previously considered under the County's population. However, the approximate 0.3% increase in the City's population is not considered significant. Given proximity of City of Antioch park facilities to the project area, it is quite likely that residents of the project area already use City parks. Implementation of the project would therefore not create significant additional demand on existing parks and other public facilities near the project site such that construction or expansion of new facilities would be required. No impact would occur and no mitigation is required.

XIV. Recreation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Increase use of existing facilities?

and

b) Include/require construction of new facilities?

No Impact. As discussed in **Section XI, Population and Housing**, the project would slightly increase the City's population by adding residents currently located in Contra Costa County. However, this approximate 0.3% increase in the City's population is not considered significant, as residents of the project area currently utilize City of Antioch recreational facilities and programs to the extent such facilities and programs do not require one to be a resident of the City. Implementation of the project would therefore not create significant additional demands on existing recreational parks and facilities near the project site such that construction or expansion of new facilities would be required. No impact would occur to recreational facilities in the area and no mitigation is required.

XV. Transportation and Traffic

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

and

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

No Impact. The city utilizes level of service standards to evaluate the performance of the circulation system. Although the project could potentially extend roads and infrastructure to Areas 1, 2a, and 2b, the project would not induce population growth or result in any change to the existing uses on the project site. No increase in traffic would result from implementation of the proposed project since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. The project would not adversely affect level of service standards and would not conflict with any applicable city plan, ordinance, or policy. No mitigation is required.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The project site is not located within an airport land use plan. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast; Buchanan Field is about 15 miles to the west. Owing to this distance, implementation of the project would have no impact on air traffic patterns. No mitigation is required.

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The proposed project consists of a series of procedural actions. These include the imposition of City of Antioch street standards on all public roadways in the project area. At present, many existing roadways in the project area lack improvements such as pavement, crosswalks, sidewalks, and similar features that reduce transportation hazards. Over the long term, as properties within the project area are developed, the City would impose improvements to the public rights of way as conditions of approval to comply with the City of Antioch street standards in effect at that time. Therefore, the project would have a long term beneficial impact with regard to design hazards; for the purposes of this evaluation, the project is assumed to have a less than significant impact. No mitigation is required.

e) Result in inadequate emergency access?

No Impact. The project site is currently under the jurisdiction of the Contra Costa County Fire Prevention District (CCCFPD), which serves extensive areas within Contra Costa County. Implementation of the proposed project would not change the existing emergency access to the site since the proposed project consists of a series of procedural actions. Over the long term, as properties within the project area are developed, the City would conduct separate environmental review and would require any new development to comply with City and CCCFPD emergency access standards. However, the project would not introduce any new construction or development that would alter existing conditions, and therefore would result in no impact to emergency access. No mitigation is required.

f) Result in inadequate parking capacity?

No Impact. The proposed project consists of a series of procedural actions and would not affect existing parking capacity on the project site. Over the long term, as properties within the project area are developed, the City would require each development to adhere to City of Antioch parking capacity requirements. However, the project would not introduce any new construction or development that would alter existing conditions, and therefore would result in no impact to parking capacity. No mitigation is required.

g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Less Than Significant Impact. The proposed project consists of a series of procedural actions. These include the imposition of City of Antioch alternative transportation standards on all public roadways in the project area. At present, many existing roadways in the project area lack improvements such as bus turnouts for public bus routes. Over the long term, as properties within the project area are developed, the City would impose improvements to the public rights of way as conditions of approval to adhere to the City of Antioch alternative transportation standards in effect at that time. Therefore, the project would have a long term beneficial impact with regard to compliance with alternative transportation plans; for the purposes of this evaluation, the project is assumed to have a less than significant impact. No mitigation is required.

XVI. Utilities and Service Systems

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a), b), and e) Wastewater impacts?

Less than Significant Impact. The proposed reorganization would bring unincorporated areas into the City and DDS D service areas. The DDS D wastewater system infrastructure includes a conveyance system (i.e., pumping stations, equalization basins, and trunk lines) in the City and surrounding areas and a wastewater treatment plant, recycled water facility, and discharge facilities on the Pittsburg-Antioch border. DDS D updates its comprehensive 5-year capital improvement program annually to plan system upgrades and improvements. The only system upgrade that is planned in the project area is the expansion of the Bridgehead Pump Station.¹⁸ This upgrade would serve Areas 1 and 2a.

The project includes conceptual plans for a new 15-inch sewer line that would extend west along Wilbur Avenue and would serve Areas 1 and 2b. Proposed 8-inch sewer lines within Area 2b would serve existing residences in the area, as shown in **Figure 7**. An 8-inch sewer line is proposed for Area 2a that would feed into the planned 15-inch sewer line along Wilbur Avenue. All proposed sewer lines would provide connections to existing lines in the area that are served by the existing sewer system.

No new treated water or wastewater treatment facilities would be required as a result of a reorganization of Areas 1, 2a, and 2b. The City and DDS D are planning for a population increase of approximately 1 percent annually through 2025 in their respective service areas; the addition of the residents in Areas 2a and 2b would fall within the anticipated population increase.¹⁹ The recently expanded Bridgehead Pump Station would serve Areas 1, 2a and likely 2b, if and when trunk lines are **constructed**, depending upon residents/property owner's interest in connecting to municipal facilities). **Portions of the reorganization area would have sewage flow routed through the DDS D Antioch Pump Station, as shown in Figure 7.**

No other upgrades or extensions to the wastewater conveyance planning would be necessary as a result of the proposed project. Furthermore, any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. Therefore, implementation of the proposed project would result in a less than significant impact related to wastewater. No mitigation is required.

c) Stormwater facility impacts?

No Impact. The project consists of a series of procedural actions, including the adoption of conceptual plans to improve infrastructure in the project area, including stormwater catch basins and conveyance systems. As more detailed plans for these facilities are developed,

¹⁸ Contra Costa County Local Agency Formation Commission. December 2007. *Water and Wastewater Services Municipal Services Review for East Contra Costa County*.

¹⁹ City of Antioch. March 2008. *Initial Study and Negative Declaration: Northeast Antioch Reorganization*.

including the precise timing, location and other details, the City will examine whether the construction of these facilities could have a significant environmental impact. Therefore, the present project would result in no impact to stormwater facilities. No mitigation is required.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less than Significant Impact. The City of Antioch's 2005 Urban Water Management Plan (UWMP) examines water demand through the year 2025 and is included as **Appendix D**. The UWMP shows Areas 1, 2a, and 2b are located within pressure Zone II which serves primarily residential and commercial users within the City. UWMP assumes some new industrial uses in Zones I & II. Residential uses were assumed to exist in most other areas of the UWMP. Since Areas 1, 2a, and 2b are located within the City' Sphere of Influence, the UWMP included these areas in the growth assumptions for its projections of new water demand through 2025.

Although some properties in Areas 1, 2a, and 2b have had wells or other sources of water besides the City of Antioch, the UWMP assumed development and water use in these areas consistent with City zoning. Figure 2-2 in the UWMP shows Areas 1 and 2a with an industrial zoning classification; Area 2b is shown to have residential and park zoning.

With these land use assumptions and ABAG Projections, UWMP predicted total water demand in the City by horizon year of 2025. UWMP examined various rainfall scenarios -- normal, single dry year, multiple dry year, etc. -- and concluded that in all examined scenarios, City water supply would significantly exceed anticipated demand, even in multiple dry year scenarios. Therefore, the City of Antioch has sufficient water supplies available to serve the project from existing entitlements and resources through at least the year 2025 and the project would have a less than significant impact on water supply. No mitigation is required.

f) and g) Landfill and solid waste impacts?

No Impact. Implementation of the proposed project would not result in any changes to the land uses currently in the project area since the project involves a series of procedural actions, and therefore, would not introduce any new construction or development that would alter existing conditions in the area. The project would not introduce any reasonably foreseeable change to the amount of solid waste generated by existing uses. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. Solid waste management hauling and disposal services would continue as currently conducted and no impact to solid waste and landfill capacity would occur. No mitigation is required.

XVII. Mandatory Findings of Significance

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have the potential to degrade quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Have the potential to degrade quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

No Impact. The proposed project consists of a series of procedural actions and would not result in any impacts to biological resources or cultural resources. Any future construction

or development in the project area would be subject to separate environmental review. Therefore, the project would not have the potential to degrade the quality of the environment; affect habitat, fish, and wildlife species; or cultural resources.

b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

No Impact. The proposed project would result in impacts of less than significant levels and no mitigation is required. The proposed reorganization was included in the overall growth assumptions in the City’s SOI and the impacts of buildout of the City was disclosed and analyzed as part of the General Plan and General Plan EIR. Therefore the project would not result in any cumulatively considerable impacts that were not already identified in the General Plan EIR.

c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact. The proposed project involves a series of procedural actions and would have no adverse effect on human beings.

The following studies and reports were prepared specifically for the project and are included as appendices to this mitigated negative declaration. Appendix A and Appendix E are included in this document. Copies of the other appendices are available from the city upon request.

Appendix A: CirclePoint (2010). *CEQA Guidelines Amendments. Appendix G - Environmental Checklist.*

Appendix B: Loewke, Richard T. (2005) Northeast Antioch Annexation Feasibility Study: Strategic Plan for Phased Annexation.

Appendix C: Gruen Gruen and Associates. (2009) The Fiscal Impacts of the Northeast Antioch Annexation.

Appendix D: Brown and Caldwell. (2006) City of Antioch Urban Water Management Plan Update: Final Report.

Appendix E: Responses to comment letters received on the Draft IS/MND

All Sources Consulted

Allen Cantando, Captain, Antioch Police Department. Personal Communication, October 13, 2009.

California Department of Conservation. (June 2009). Contra Costa County Important Farmland 2008. <<ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2008/con08.pdf>>.

California Department of Finance. May 2009. *E-1 population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2008 and 2009.*

City of Antioch. July 2003. *City of Antioch General Plan Update EIR.*

City of Antioch. November 2003. *City of Antioch General Plan.*

Contra Costa ~~County~~ Local Agency Formation Commission. December 2007. Water and Wastewater Services Municipal Services Review for East Contra Costa County. December.

East Contra Costa County Habitat Conservation Plan Association. October 2006. *The Final East Contra Costa County Habitat Conservation Plan/Natural Conservation Plan.*

Federal Emergency Management Agency. June 16, 2009. Federal Insurance Rate Map No.06013C0143F, No.06013C0144F, Contra Costa County.

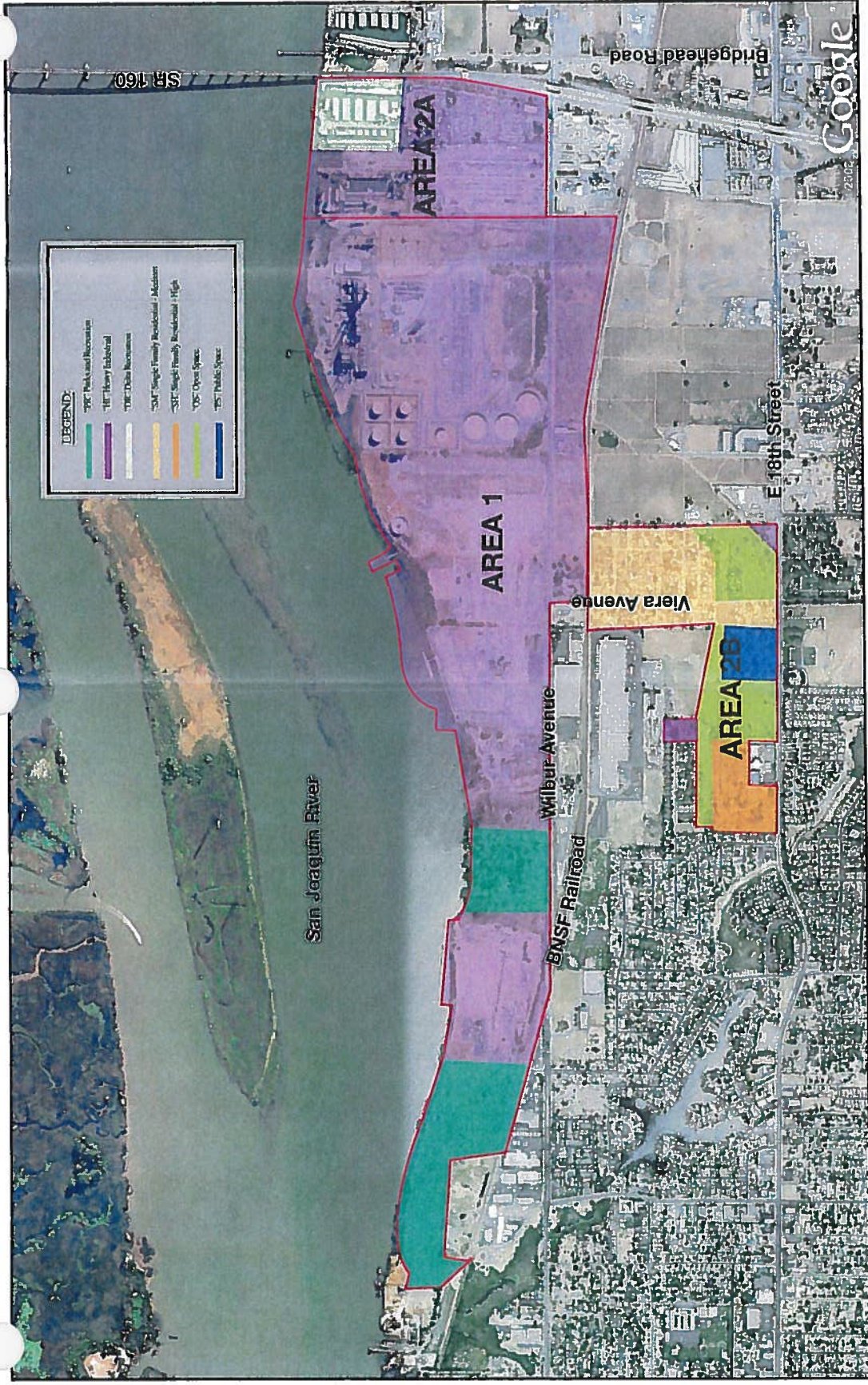
Gruen Gruen and Associates. January 2009. *The Fiscal Impacts of the Northeast Antioch Annexation.*

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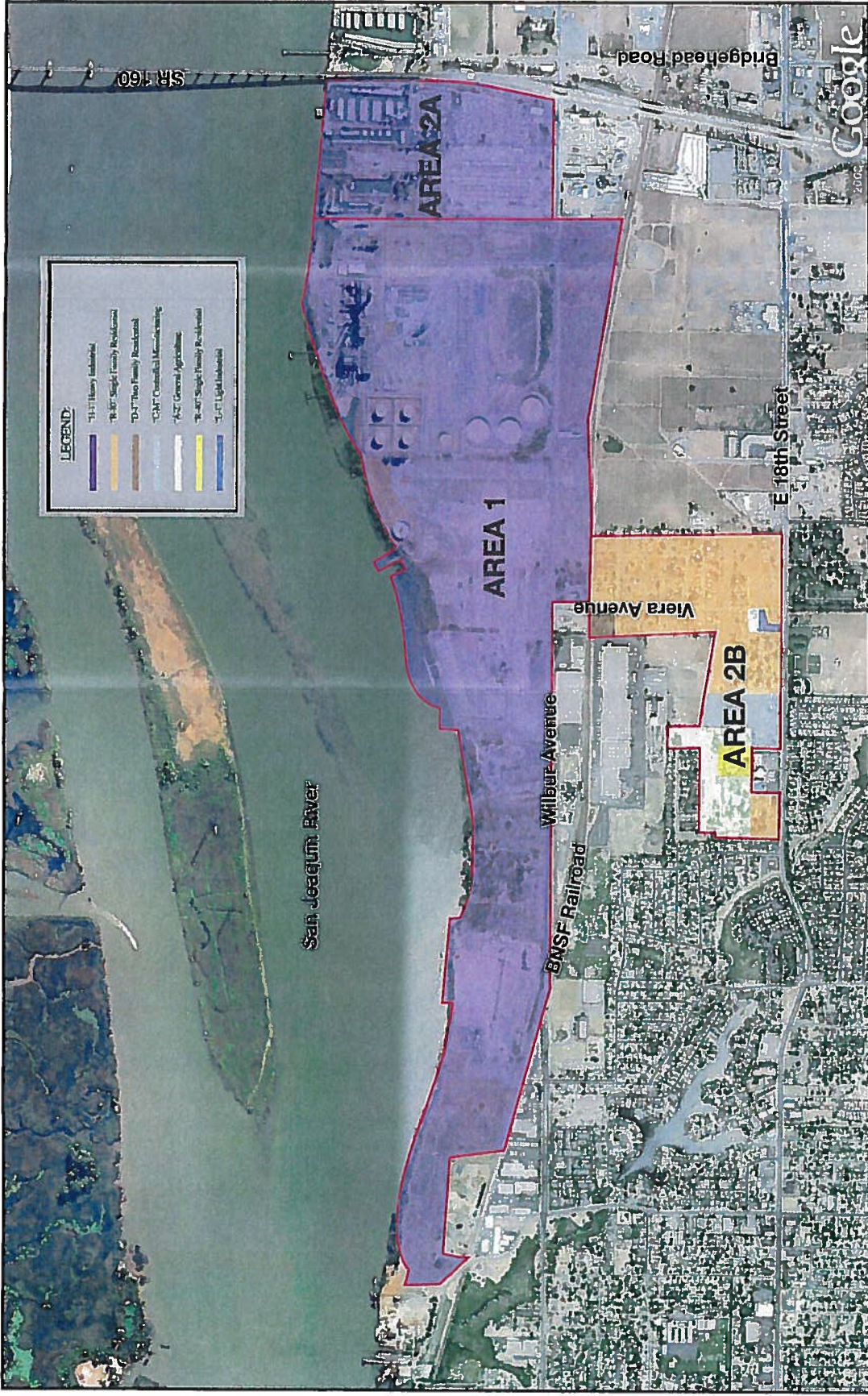


FIGURE 1
Project Location

A64



A65



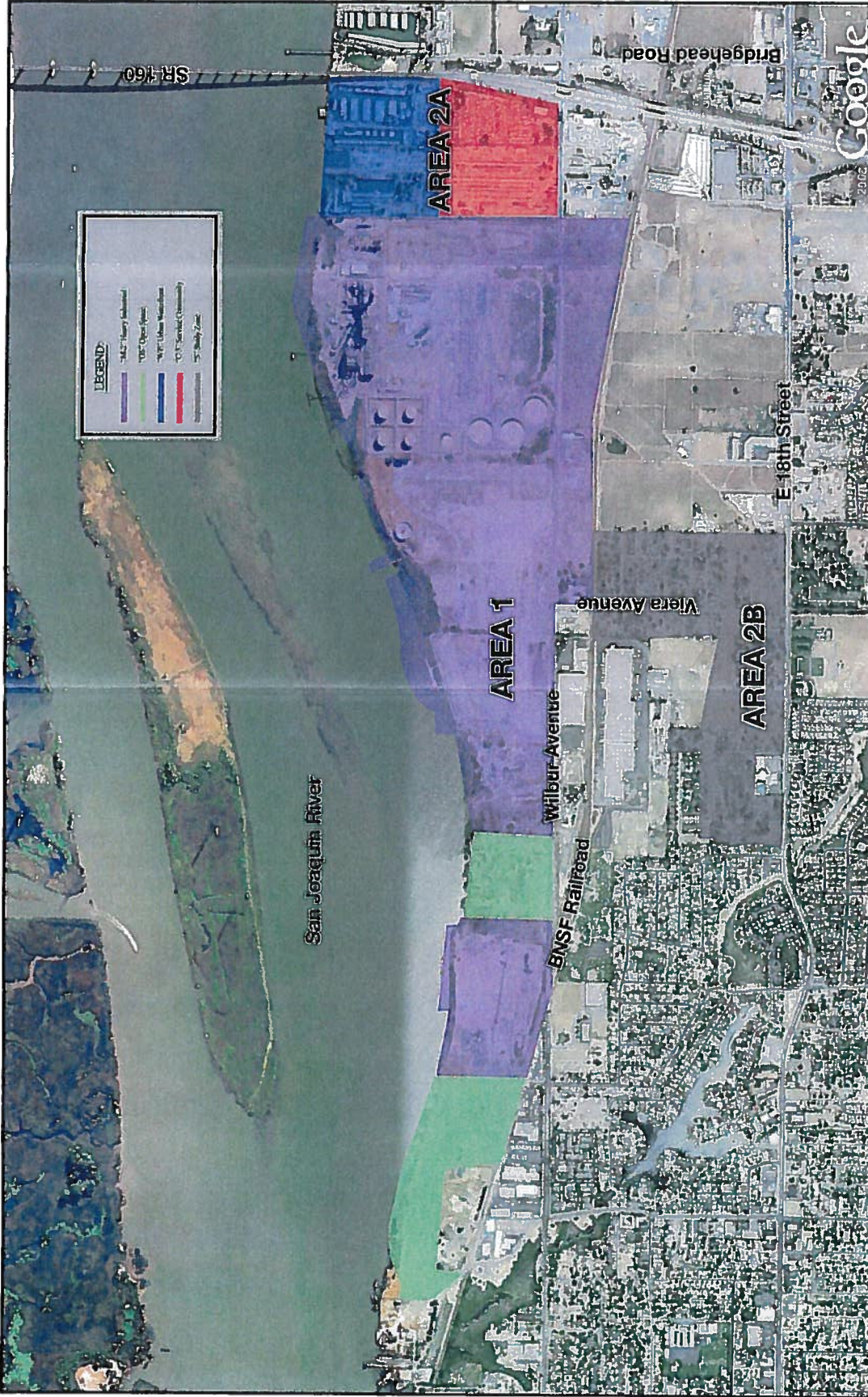
LEGEND:

[Purple Box]	H-1 Heavy Industrial
[Orange Box]	R-1 Single Family Residential
[Light Blue Box]	R-2 Two Family Residential
[Light Green Box]	CM General Commercial
[Light Yellow Box]	AG General Agriculture
[Light Purple Box]	R-3 Single Family Residential
[Light Blue Box]	L-1 Light Industrial

A66



A67



AL68

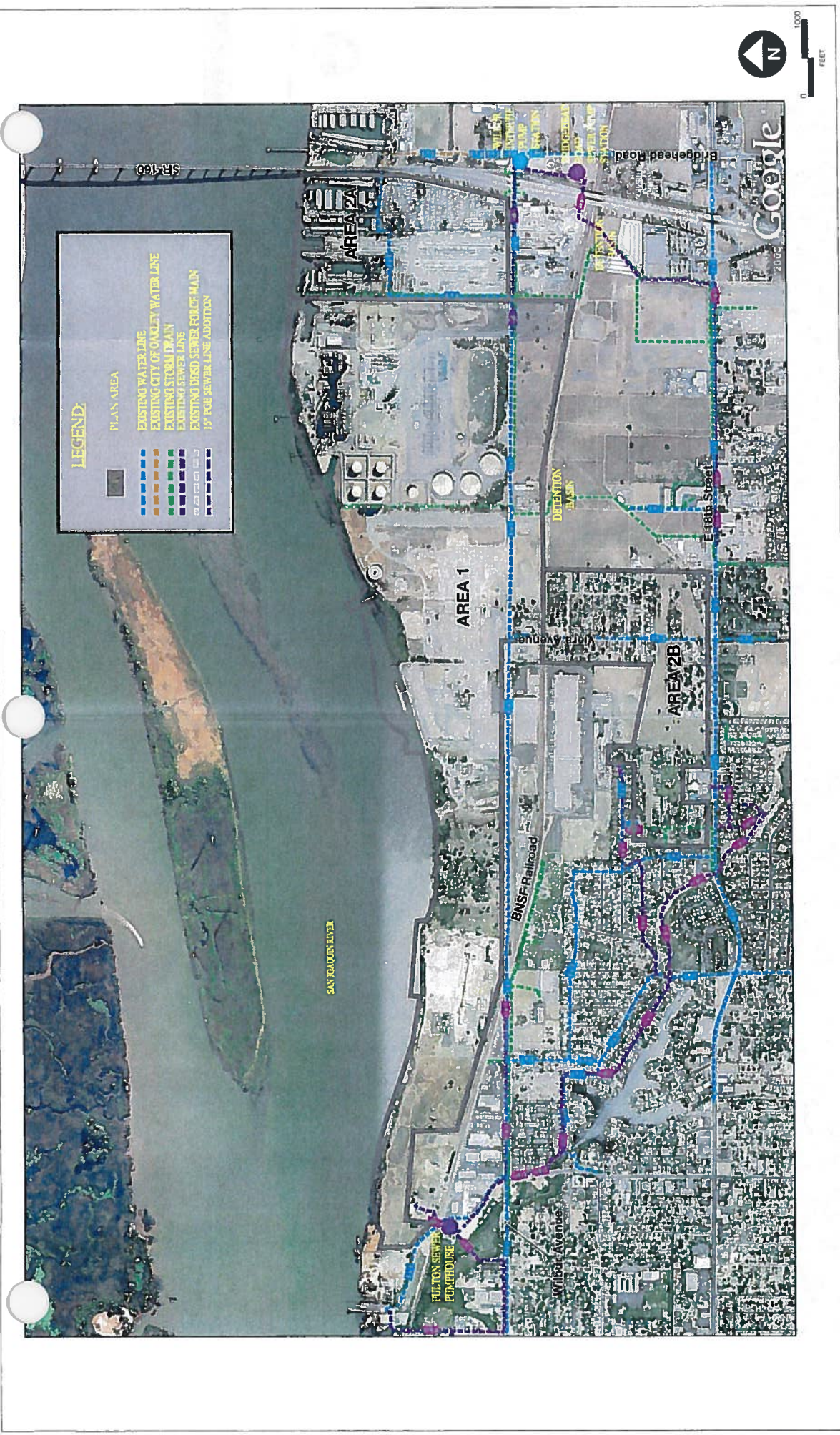
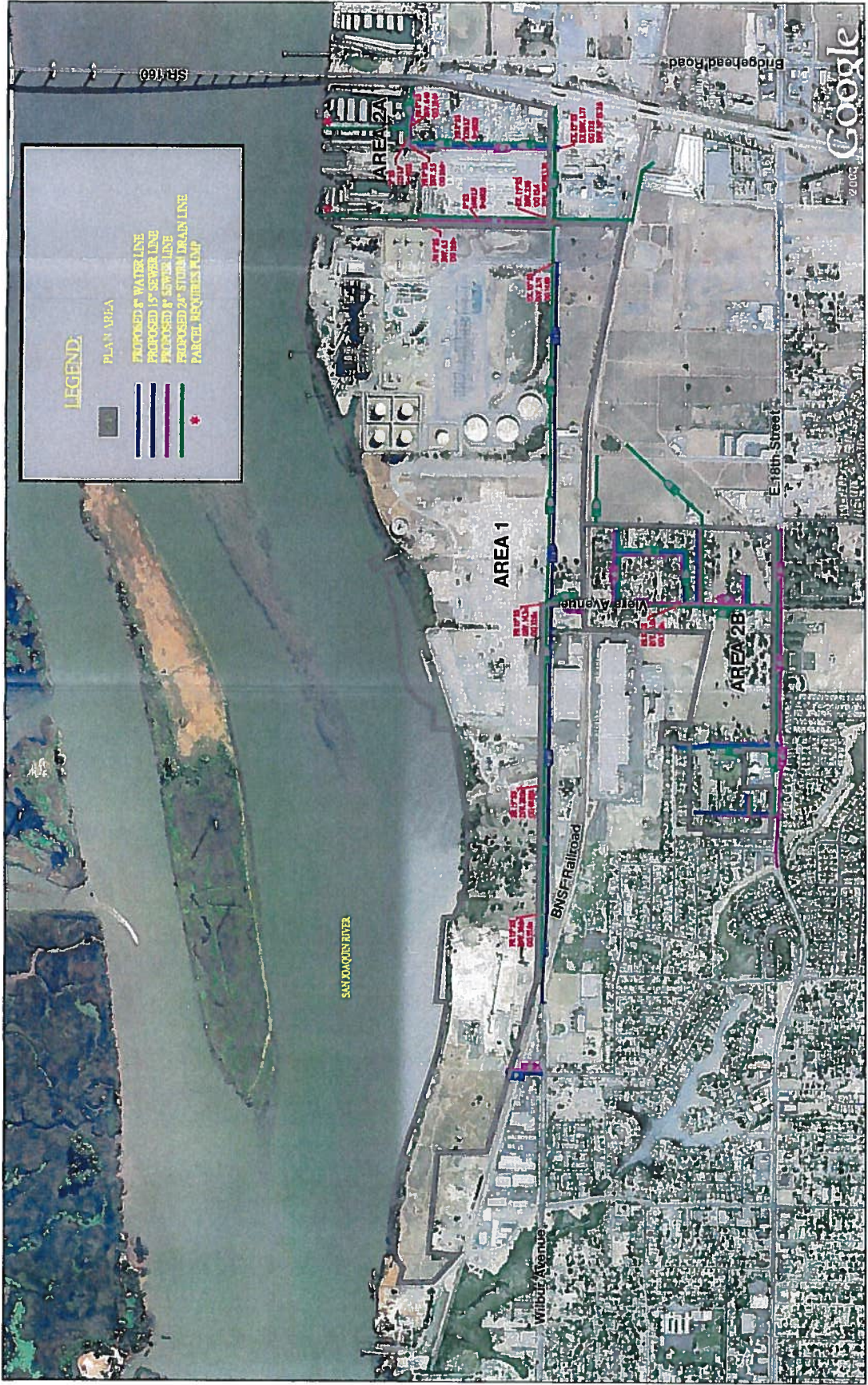


FIGURE 6
Existing Utilities
Source: Carlson, Barbee & Gibson, Inc. 2009

A69



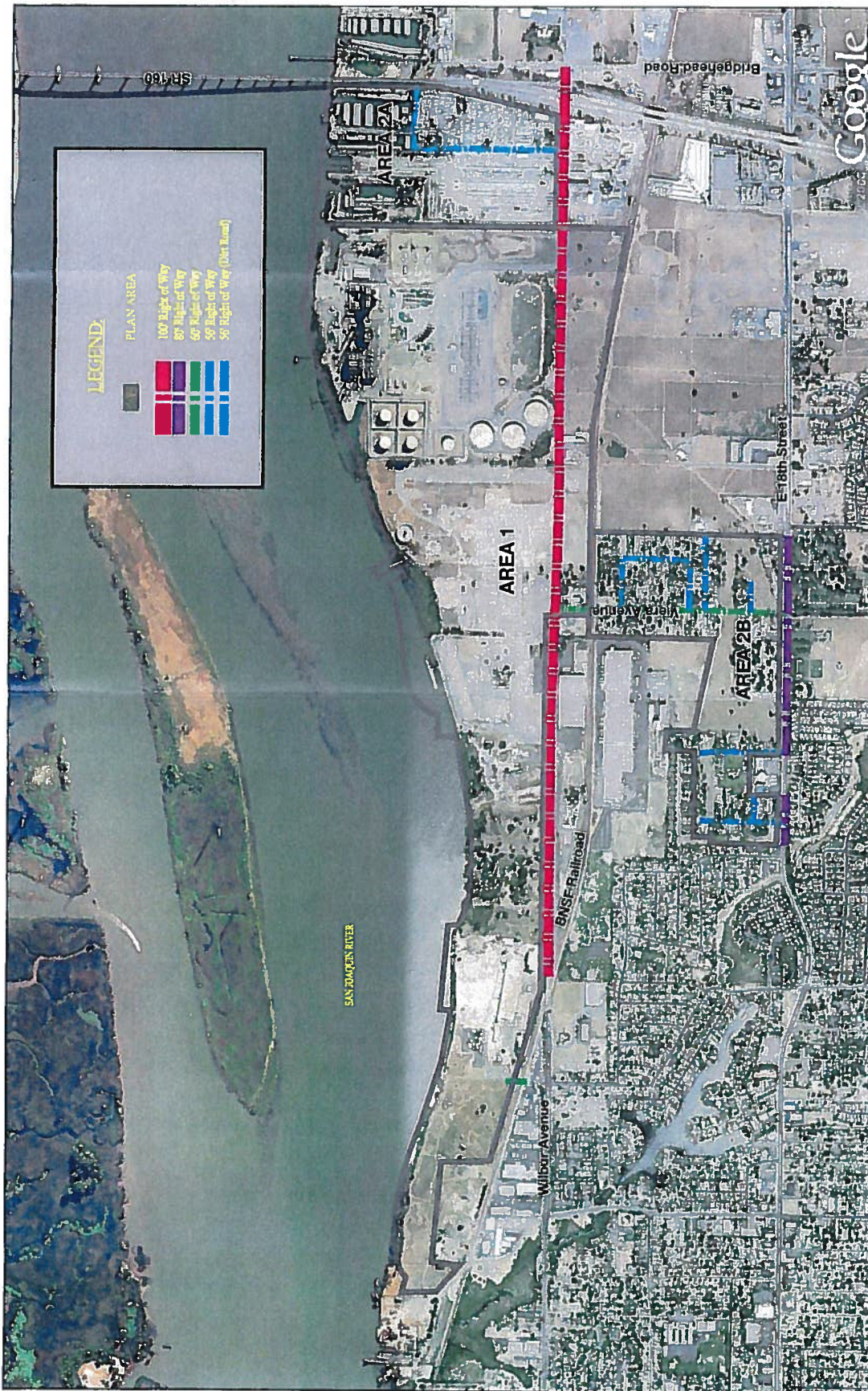
A70



Proposed Electrical Utility Improvements **8**

Source: Carlson, Barber & Gibson, Inc. 2009

A71



LEGEND:

PLAN AREA

- 100 Right of Way
- 80 Right of Way
- 60 Right of Way
- 50 Right of Way
- 50 Right of Way (Other Road)

FIGURE 9

Potential Street Improvements

Source: Carlson, Barbee & Glason, Inc., 2009.

A7Z

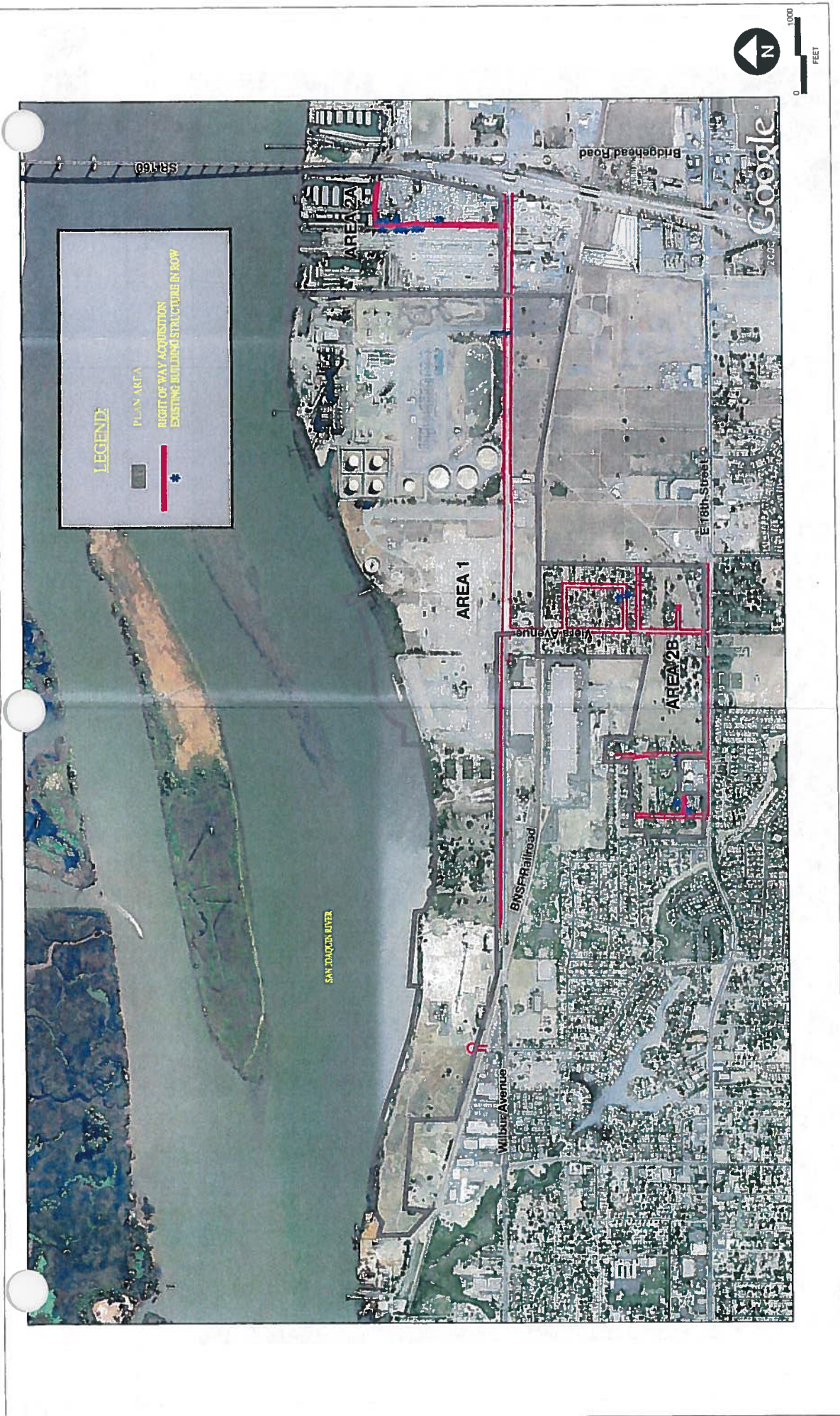
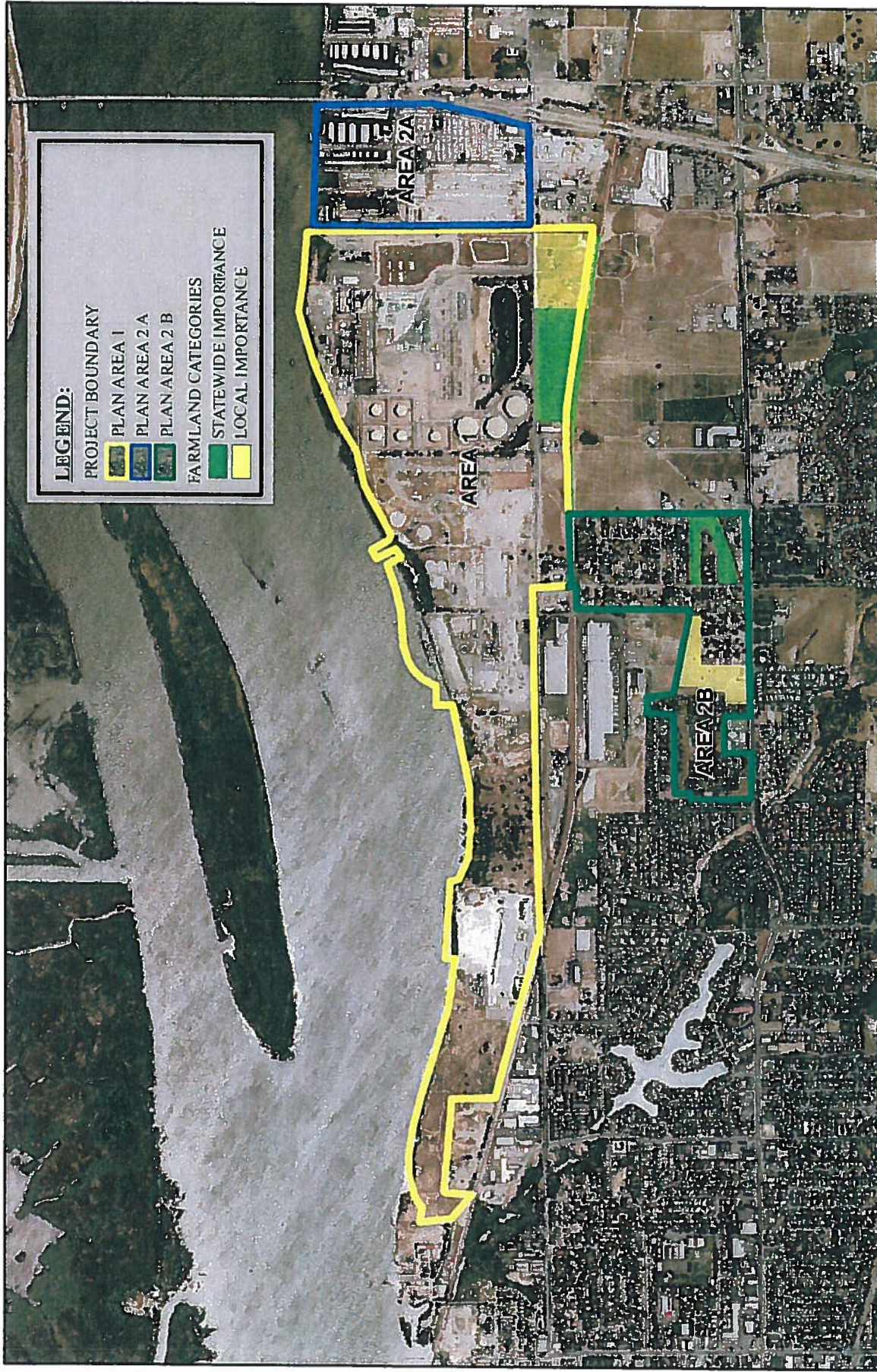
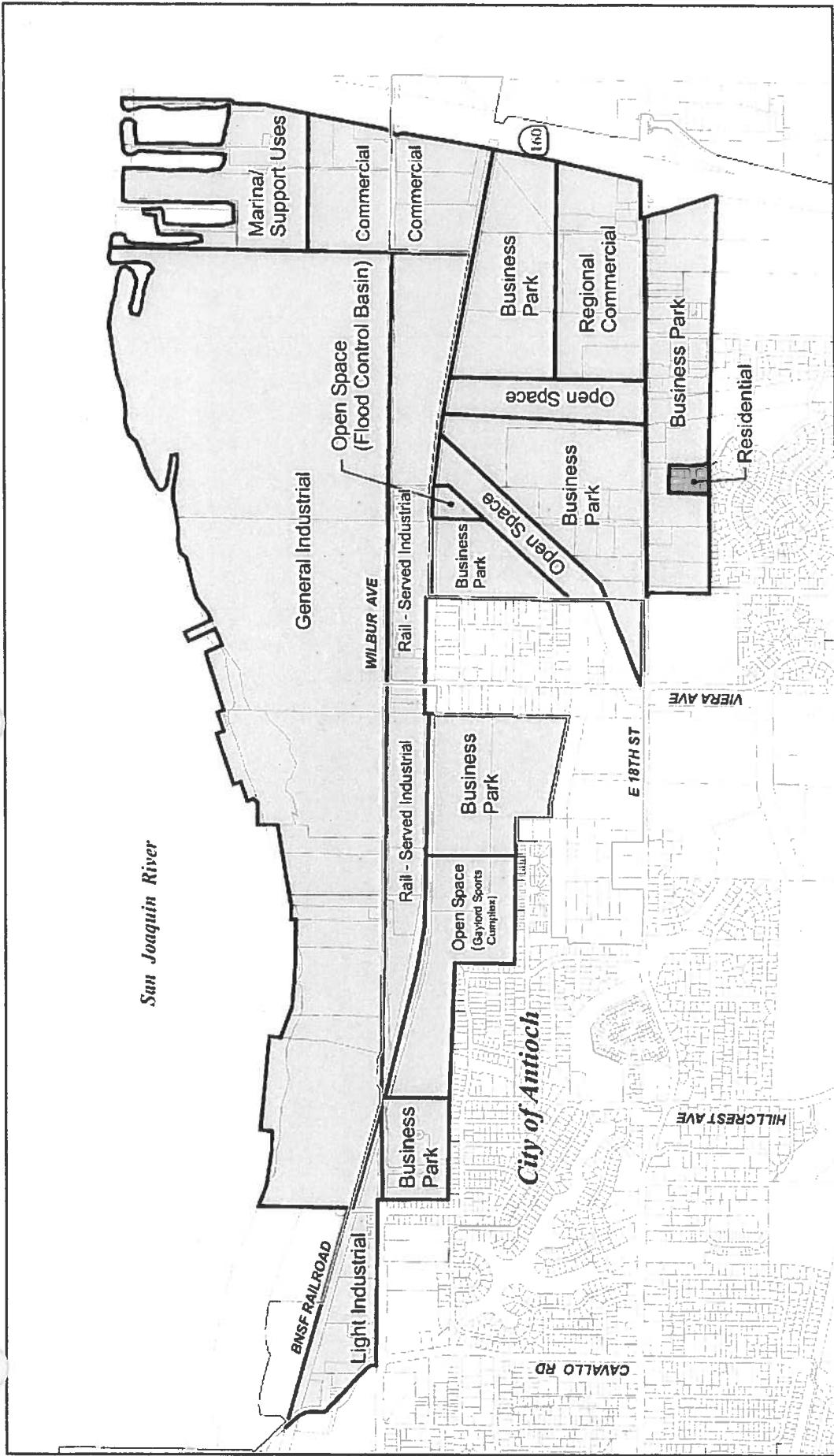


FIGURE 10
Potential Right of Way Acquisitions
 Source: Carlson, Barbee & Gibson, Inc. 2009

A73



274



LEGEND:

- EMPLOYMENT FOCUS AREA
- ANTIOCH CITY LIMITS



A75

Appendix A

CEQA Guidelines Amendments.
Appendix G – Environmental Checklist.

APPENDIX A
CEQA Guidelines Amendments
Appendix G – Environmental Checklist
Effective March 18, 2010

This analysis incorporates the text changes to Appendix G of the CEQA Guidelines pursuant to the CEQA Guidelines Amendments (adopted December 2009), which formally take effect on March 18, 2010. This analysis incorporates the new checklist questions for Agricultural and Forestry Resources, Greenhouse Gas Emissions, and Transportation and Circulation. Changes to the environmental checklist since the January 2010 CEQA Guidelines are highlighted, with text additions shown in underline and text deletions shown in ~~strikeout~~.

A-I Agricultural and Forestry Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <u>Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <u>Result in the loss of forest land or conversion of forest land to non-forest use?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use <u>or conversion of forest land to non-forest use?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

No Impact. Please refer to **Section II. Agricultural Resources** for a discussion of the conversion of farmland.

b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?

No Impact. Please refer to **Section II. Agricultural Resources** for a discussion of conflicts with existing zoning for agricultural use or a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

No Impact. The project site is not zoned for forest land or timberland use, nor is it under a Williamson contract. The project would therefore not conflict with existing zoning for forest land, timberland, Timberland Production. No mitigation is required.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site does not contain any forest land and the project would not therefore cause forest land to be converted to non-forest use. No mitigation is required.

e) Involve other changes in the existing environment which due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Less Than Significant Impact. Please refer to **Section II. Agricultural Resources** for a discussion of a loss in Farmland to non-agricultural use. The project site does not contain any forest land and so there would be no conversion of forest land to non-forest use.

A-II Greenhouse Gas Emissions

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) <u>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <u>Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Potentially Significant Impact. The General Plan EIR (2003) considered the effects of build out of the project area as part of its programmatic analysis of growth throughout the city. The city envisions the project area as a job center, and defined a focus area called the “Eastern Employment Area”, which included land within the city as well as the unincorporated land contained in Area 1 and 2a (Figure 12). The General Plan and EIR designate properties within Area 2b as residential and open space uses according to the existing pattern of development.

The General Plan EIR analyzed the anticipated build out of the Eastern Employment Area according to a total of 13 million square feet (msf) of Business Park/Industrial development: approximately 7.1 msf in Areas 1 and 2a, and approximately 5.9 msf in the incorporated area south of the BNSF railroad.

However, while other sections of this analysis have relied upon the Final EIR for the General Plan, prepared in 2003, with regard to potential impacts associated with the project, the State of California, in 2003, did not require any analysis of greenhouse gas emissions for CEQA analysis. Therefore, the Final EIR for the General Plan did not analyze the potential greenhouse gas emissions that might be associated with development of the Eastern Employment Area (nor any other portion of the City or its sphere of influence).

The City acknowledges that the regulatory environment has changed considerably since 2003 with regard to greenhouse gases. Key legislative policy changes are discussed in greater detail in item “b”

below. While the project (the proposed reorganization) would not lead to any land use change and thus no change in greenhouse gas emissions above present levels, this environmental document is looking at the issue in a programmatic manner.

As of January 2010, the City of Antioch has embarked on the preparation of a City-wide climate action plan. The plan, expected to be completed by late 2010, is anticipated to comprise a series of policies and actions that would allow the city to meet GHG reduction targets in compliance with state regulations, including AB 32.

As the specific policies to be included in the climate action plan have yet to be established, this analysis seeks to quantify anticipated greenhouse gas emissions associated with development of the Eastern Employment Area and provide appropriate mitigation measures.

Greenhouse gas emissions have been quantified for the project area using the URBEMIS2007 air quality model. **Table A-II-1** shows the construction and annual greenhouse gas emissions associated with build out of Areas 1, 2a, and 2b based on the proposed General Plan designations shown in Figure 4. To be conservative, the assumed service population is based on an area average of 2.0 employees per 1,000 square feet of industrial development. (Using a higher population such as might be associated with office or other uses would result in a lower per capita rate of emissions.)

Table A-II-1. Greenhouse Gas Emissions (in CO₂e)

Construction Emissions	Annual Greenhouse Gas Emissions	Annual Emissions Per Service Population
12,528 Metric Tons	67,825 Metric Tons/Year	4.69 Metric Tons/Year

Note: CO₂e stands for CO₂ equivalent. Source: CirclePoint, 2010.

In its proposed draft CEQA Guidelines Update (2009), the Bay Area Air Quality Management District establishes project-level thresholds for greenhouse gas emissions. Development of business park/industrial land uses could generate greenhouse gas emissions from both mobile sources (primarily automobile and vehicular traffic to and from the site) as well as from stationary sources (such as industrial heating/cooling equipment, exhaust pipes, etc). For stationary sources, BAAQMD proposes a GHG emissions threshold of 10,000 metric tons of CO₂ equivalent gases per year. For projects other than stationary sources, BAAQMD proposes a tri-part threshold:

- * compliance with a qualified climate action plan, or
- * an emission level of 1,100 metric tons of CO₂ equivalent per year, or
- * an emission level of 4.6 metric tons of CO₂ equivalent per year per service population (residents + employees).

As the City has no qualified climate action plan in place, the first threshold cannot be utilized for this project. As shown in **Table A-II-1**, the resulting GHG emissions from the potential build out of the project located in the Eastern Employment Area exceed BAAQMD's draft thresholds for

both stationary and non-stationary source projects set by BAAQMD, and also slightly exceeds the 4.6 metric tons of CO₂ equivalent per year per service population (residents + employees). This exceedance, at the programmatic level, is considered potentially significant.

Mitigation Measure A-II-1: All future discretionary applications for development within the project area must comply with one or both of the following requirements:

1. If the application is subject to CEQA, the CEQA analysis shall include an analysis of greenhouse gas impacts consistent with state, regional and local regulations in place at that time. This analysis would be expected to include a quantification of potential greenhouse gas emissions associated with a proposed action, a determination of significance and, if necessary, identification of emission reducing design elements pursuant to adopted guidance and emission reduction factors in effect at that time.
2. Upon the City's adoption of a Climate Action Plan, future project proponents shall demonstrate how their project(s) conform with the relevant goals, policies, and objectives of the Climate Action Plan

Implementation of **Mitigation Measure A-II-1** would ensure that no substantial increase in greenhouse gas emissions would occur within the project area, and that future development would comply with a qualified climate action plan. These actions would reduce the potentially significant impact of GHG emissions to a less than significant level. No further mitigation is required.

b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The City of Antioch has not adopted any plans, policies or regulations for the purpose of reducing the emissions of greenhouse gases. Applicable legislation on reducing the emissions of greenhouse gases is at the state level and is summarized below:

State of California Executive Order S-3-05

In June 2005, the Governor of California signed Executive Order S-3-05, which identified CalEPA as the lead coordinating State agency for establishing climate change emission reduction targets in California. The "Climate Action Team", a group of state agencies, was set up to implement Executive Order S-3-05. Under this order, the State plans to reduce greenhouse gas emissions to 80 percent below 1990 levels by 2050. GHG emission reduction strategies and measures to reduce global warming were identified in the 2006 Climate Action Team Report.

Assembly Bill 32 - The California Global Warming Solutions Act of 2006

In 2006, the governor of California signed AB 32, the Global Warming Solutions Act, into law. The Act requires California to cap its greenhouse gas emissions at 1990 levels by 2020. This legislation requires the California Air Resources Board (CARB) to establish a program for statewide GHG

emissions reporting, and monitoring/enforcement of that program. CARB recently published a list of discrete GHG emission reduction measures that can be implemented immediately. CARB was also required to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. CARB's Early Action Plan identified regulations and measures that could be implemented in the near future to reduce GHG emissions.

Many of the measures to reduce GHG emissions from transportation will come from CARB. AB 1493, the Pavley Bill, directed CARB to adopt regulations to reduce emissions from new passenger vehicles. CARB's AB32 Early Action Plan released in 2007 included a strengthening of the Pavley regulation for 2017 and included a commitment to develop a low carbon fuel standard (LCFS). Current projections indicate that with implementation of a strengthened Pavley Regulation, including LCFS, California will still fall short of the 1990 level targets for transportation emission reductions. Under the Bush Administration, the U.S. EPA blocked California's efforts to implement an LCFS, however, the Obama Administration has directed the U.S. EPA to reconsider its action. Nonetheless, the earlier U.S. EPA action and pending legal challenges by the automotive industry could continue to delay California's efforts to achieve emission reduction targets.

CARB is targeting other sources of emissions. The main measures to reduce GHG emissions will be contained in the AB32 Scoping Plan. A draft of that plan was released in June 2008 and was approved by CARB in December 2008. This plan includes a range of GHG reduction actions. Central to the draft plan is a cap and trade program covering 85 percent of the state's emissions. This program will be developed in conjunction with the Western Climate Initiative, comprised of seven states and three Canadian provinces, to create a regional carbon market. The plan also proposes that utilities produce a third of their energy from renewable sources such as wind, solar and geothermal, and proposes to expand and strengthen existing energy efficiency programs, such as building and appliance standards. The plan also includes full implementation of the Pavley standards to provide a wide range of less polluting and more efficient cars and trucks to consumers who will save on operating costs through reduced fuel use. The plan also calls for development and implementation of the Low Carbon Fuel Standard, which would require oil companies to make cleaner, domestically produced fuels. The regulatory process begins in 2009 to implement the plan. The details in regulating emissions and developing targeted fees to administer the program would be developed through this process. This would last two years and measures must be enacted by 2012.

Senate Bill 375 - California's Regional Transportation and Land Use Planning Efforts

California enacted legislation (SB 375) to expand the efforts of AB 32 by controlling indirect GHG emissions. SB 375 would develop emission-reduction goals around which regions could apply to planning activities. SB 375 provides incentives, such as transportation funding, for local governments and developers to implement new conscientiously planned growth patterns. This includes incentives for creating attractive, walkable and sustainable communities and revitalizing existing communities. The legislation also allows developers to bypass certain environmental reviews under CEQA if they build projects consistent with the new sustainable community strategies.

Development of more alternative transportation options that would reduce vehicle trips and miles traveled, along with traffic congestion, would be encouraged. SB 375 enhances CARB's ability to reach the AB 32 goals by directing the agency to develop regional GHG emission reduction targets to be achieved from the transportation sector for 2020 and 2035. CARB would work with the metropolitan planning organizations (e.g., ABAG and MTC) to align their regional transportation, housing and land use plans to reduce vehicle miles travelled and demonstrate the region's ability to attain its GHG reduction targets.

The proposed project would not directly generate greenhouse gas emissions since the project is comprised of procedural actions and does not involve any new construction or development. Current land uses and traffic patterns on the project site would not change under the proposed project and there would be no generation of greenhouse gases relative to existing conditions. Implementation of Mitigation Measure AQ-1 would ensure that any future development proposed for the project area complies with all pertinent legislative requirements pertinent to greenhouse gas emissions. No actual development could proceed until such conformance is demonstrated. Therefore the project would not conflict with AB 32, SB 375, and Executive Order S-3-05 and no impact would occur.

As of January 2010, the Bay Area Air Quality Management District (BAAQMD) is revising its CEQA Guidelines to provide its member agencies with specific recommendations and guidance in determining the significance of greenhouse gas emissions and identifying emission reducing project design elements. The City further anticipates that these new guidelines will include clear direction to cities and project proponents on how individual development proposals can avoid or minimize the production of new greenhouse gas emissions. The City anticipates BAAQMD will adopt these new CEQA Guidelines in 2010.

A-III Traffic and Transportation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project: ¹				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) <u>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, <u>a Conflict with an applicable congestion management project, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹ The transportation and traffic analysis is consistent with the December 2009 CEQA Guidelines, Appendix G, which take effect March 18, 2010.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
fg) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highway and freeways, pedestrian and bicycle paths, and mass transit?

and

b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No Impact. The city utilizes level of service standards to evaluate the performance of the circulation system. Although the project could potentially extend roads and infrastructure to Areas 1, 2a, and 2b, the project would not induce population growth or result in any change to the existing uses on the project site. No increase in traffic would result from implementation of the proposed project since the project consists of a series of procedural actions. Any future construction or development in Areas 1, 2a, and 2b would be subject to separate environmental review. The project would not adversely affect level of service standards and would not conflict with any applicable city plan, ordinance, or policy. No mitigation is required.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The project site is not located within an airport land use plan. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast; Buchanan Field is about 15 miles to the west. Owing to this distance, implementation of the project would have no impact on air traffic patterns. No mitigation is required.

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The proposed project consists of a series of procedural actions. These include the imposition of City of Antioch street standards on all public roadways in the project area. At present, many existing roadways in the project area lack improvements such as pavement, crosswalks, sidewalks, and similar features that reduce transportation hazards. Over the long term, as properties within the project area are developed, the City would impose improvements to the public rights of way as conditions of approval to comply with the City of Antioch street standards in effect at that time. Therefore, the project would have a long term beneficial impact with regard to design hazards; for the purposes of this evaluation, the project is assumed to have a less than significant impact. No mitigation is required.

e) Result in inadequate emergency access?

No Impact. The project site is currently under the jurisdiction of the Contra Costa County Fire Prevention District (CCCFPD), which serves extensive areas within Contra Costa County. Implementation of the proposed project would not change the existing emergency access to the site since the proposed project consists of a series of procedural actions. Over the long term, as properties within the project area are developed, the City would conduct separate environmental review and would require any new development to comply with City and CCCFPD emergency access standards. However, the project would not introduce any new construction or development that would alter existing conditions, and therefore would result in no impact to emergency access. No mitigation is required.

f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. The proposed project consists of a series of procedural actions. These include the imposition of City of Antioch alternative transportation standards on all public roadways in the project area. At present, many existing roadways in the project area lack improvements such as bus turnouts for public bus routes. Over the long term, as properties within the project area are developed, the City would impose improvements to the public rights of way as conditions of approval to adhere to the City of Antioch alternative transportation standards in effect at that time. Therefore, the project would have a long term beneficial impact with regard to compliance with alternative transportation plans; for the purposes of this evaluation, the project is assumed to have a less than significant impact. No mitigation is required.

Appendix E

Responses to Comment Letters Received on the Draft IS/MND



April 5, 2010

Mindy Gentry, Associate Planner
Department of Community Development
City of Antioch
Third and "H" Streets
Antioch, CA 94509

**SUBJECT: Proposed Initial Study/Mitigated Negative Declaration
Northeast Antioch Area Reorganization**

Dear Mindy:

Thank you for including the Contra Costa Local Agency Formation Commission (LAFCO) in the environmental review process for the above project. We have reviewed the Draft Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration ("MND") for this project.

LAFCO's actions and decisions are guided by its own locally adopted policies and statutory requirements and procedures as set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH", California Government Code §56000 et seq.). The CKH and local policies charge LAFCO with encouraging the orderly formation of local agencies and the logical and efficient extension of municipal services. And as a Responsible Agency, as defined in the California Environmental Quality Act (CEQA), LAFCO may need to rely on the City's MND in its consideration of any subsequent boundary change application [e.g., annexation, reorganization, etc.] relating to this project.

LAFCO is an independent agency with discretion to approve or disapprove, with or without amendment, wholly, partially or conditionally, changes of organization or reorganization. LAFCO is required to consider a variety of factors when evaluating a project, including, but not limited to, the proposed project's potential impacts on agricultural land and open space, the provision of municipal services, the timely and available supply of water, adequate and proximate affordable housing, etc..

With regard to the MND, we offer the following comments and questions:

- 1. Please correct the document to reflect Contra Costa ~~County~~ LAFCO (delete "County").
- 2. Page 5 provides a brief description of the power plant project and that it will undergo a separate environmental review. What is the status/timing of this separate environmental review process?
- 3. Page 10 notes that the city may seek approval from LAFCO for an out of agency service agreement to serve the Mirant Marsh Landing Generating Station. Would the City seek out of agency service from both DDS and the City of Antioch? What is the anticipated timing of such a request to LAFCO? Please explain.

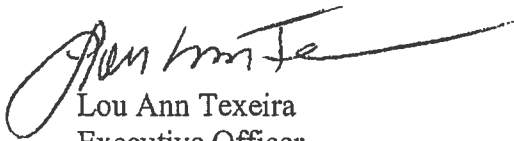
1.1
1.2
1.3

We acknowledge that the analysis contained in this document assumes no significant changes in or intensification of land uses or development beyond what would be permitted under current General Plan and zoning regulations, and recognizes that future development would be subject to additional environmental review.

Finally, we thank and commend the City of Antioch for taking a comprehensive approach to the Northeast Antioch area, and recognizing the critical service and boundary issues associated with Areas 1, 2a and 2b.

Thank you for your consideration of our comments. Please contact the LAFCO office if you have any questions.

Sincerely,



Lou Ann Texeira
Executive Officer

c: LAFCO Planner

RESPONSES TO COMMENTS

Letter 1 – Local Agency Formation Commission

Response to comment 1.1

Comment noted. The MND is revised on page 10 and page 54 to remove the word "County"

Response to comment 1.2

As noted in the Draft MND, the California Energy Commission (CEC) is currently processing an application by Mirant Marsh Landing, LLC, for certification to construct and operate a new power plant. A CEC staff assessment is expected to be issued for public review in April 2010. Following a 30-day public review period, the CEC will consider approval of the application based on the technical assessments prepared by staff and any public comments received. Hearings have not yet been scheduled but will likely be held in June 2010.

Response to comment 1.3

The City has initiated the annexation process for the area in question, which includes the site on which the Mirant Marsh Landing Power Plant is proposed. It is the City's expectation that the annexation process will be completed well in advance of Mirant Marsh Landing Power Plant being approved, constructed, and in need of utility hook ups for operation. However, in the unlikely event that the annexation process is not finalized by the time Mirant Marsh Landing is in need of water and sewer connections, it is possible that the City will request from LAFCO an Out of Agency Agreement to provide such services for Mirant Marsh Landing until such time as the annexation is completed. Any such request for an Out of Agency Agreement by the City would also include Delta Diablo Sanitation District along with the City of Antioch. The City currently has a similar Out of Agency Agreement with PG&E for the Gateway Power Plant, which is located adjacent to the site on which the Mirant Marsh Landing Facility is proposed.



Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373
 : (925) 756-1900 ADMIN. FAX: (925) 756-1961 MAINT. FAX: (925) 756-1963 OPER. FAX: (925) 756-1962 TECH. SVCS. FAX: (925) 756-1960
 www.ddsd.org

April 5, 2010

Ms. Mindy Gentry, Associate Planner
 Economic Development Department
 City of Antioch
 P.O. Box 5007
 Antioch, CA 94531

SUBJECT: NORTHEAST ANNEXATION DRAFT MITIGATED NEGATIVE
 DECLARATION

Dear Ms. Gentry:

Thank you for providing the District with the opportunity to review the subject Draft Mitigated Negative Declaration. The draft study includes a review of the potential environmental impacts for the proposed reorganization (annexation) of three subareas totaling 678 acres into both the City of Antioch (City) and the Delta Diablo Sanitation District (District). As noted by the study, subarea 1 is an approximately 481 acre area predominantly occupied by heavy industrial uses and generally located south of the San Joaquin River, west of State Route 160, and north of the BNSF railroad. Subarea 2a is a 94 acre area currently occupied primarily by storage and marina and located between Area 1 and the Antioch Bridge (State Route 160). Area 2b is approximately 103 acres located south of Wilbur Avenue in the vicinity of Viera Avenue. Area 2b currently contains 120 existing residential uses that are served primarily by well water and private septic systems. The subareas, Area 1; Area 2a; and area 2b are located within the sphere of influence of the City and the District.

The following summarizes our comments/concerns related to recycled water, wastewater conveyance through District facilities, and wastewater treatment.

Wastewater Conveyance and Treatment

The existing DDSD sewer forcemain shown conceptually in Figure 6 consists of two separate sewer forcemains. One District sewer forcemain is 24 inches in diameter and the second forcemain is 14 inches in diameter. The 14 inch diameter forcemain joins with the 24 inch diameter force main just east of the Wilbur Avenue Bridge overcrossing of BNSF railroad. Both forcemains are necessary for conveyance of projected buildout flows from Bridgehead Pump Station. The pipeline corridor within the Wilbur Avenue public right of way is congested as it accommodates not only the two existing DDSD forcemains but also a number of gas transmission mains as well as a potable water transmission main. Page 9 of the draft mitigated negative declaration correctly identifies the need to obtain additional right of way along Wilbur Avenue not only for traffic, but also for future utility purposes.

It should be clarified on page 54 of the study that portions of the proposed reorganization area will have sewage flows routed through the DDSD Antioch Pump Station rather than the DDSD Bridgehead Pump Station. The conceptual sewer plan shown in Figure 7 is inconsistent with

2.1

draft District master plans for sewage flow routing of a portion of area 1 and a portion of area 2b in that portions are planned/ modeled as flowing directly to the District's Antioch Pump Station facility located on Fulton Shipyard Road to the west rather than as depicted to the Bridgehead Pump Station to the east. Attached is a District staff markup of Figure 6 delineating the areas currently programmed in District hydraulic models as tributary to Bridgehead Pump Station. It is recommended that the conceptual illustration of the 15 inch sewer in Wilbur west of Viera Avenue and the 8 inch sewer in East 18th Street west of Viera Avenue be revised to illustrate an alternate routing of flows through new City trunk lines in the westerly direction so that it is consistent with current District planning. If the western routing is determined to be undesirable to the City, the District is open to performing a special hydraulic review at the time of City trunk line predesign for the areas west of Viera Avenue. It is our understanding that it will be several years or more before funding for all the City sewer trunk lines identified in the Mitigated Negative Declaration is available and that the City will perform the necessary project-level environmental review of pipeline/utility construction impacts once more detailed plans for these facilities are developed.

2.1
(cont.)

Recycled Water

Delta Diablo Sanitation District (DDSD) and the City of Antioch are working jointly to complete construction of a recycled water transmission main which will supply recycled water to the City of Antioch for various municipal parks and the Lone Tree Golf Course. This pipeline is sized to provide for future recycled water demands, including possible industrial recycled water use in the proposed reorganization area. The ability of DDSD to provide recycled water to the proposed reorganization area is dependent on a detailed evaluation of the demands, as well as a hydraulic analysis of the transmission and associated distribution system

2.2

If you have any questions, or need further clarification, please feel free to contact me at (925) 756-1939.

Sincerely,



Patricia Chapman
Associate Engineer

PC:cg

Enclosure

cc: Phil Harrington, City of Antioch
Victor Carneglia, City of Antioch
Caroline Quinn, Engineering Services Director, DDSD
Dean Eckerson, Principal Engineer, DDSD
Amanda Roa, Environmental Compliance Engineer, DDSD
DEV.03-DEVDOC-818
Chron File



DDSD Markup - 4/15/10

Area Tributary to Bridgedhead Pump Station

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RESPONSES TO COMMENTS

Letter 2 – Delta Diablo Sanitation District

Response to comment 2.1

Comment noted. Figure 7 of the MND is revised to more accurately reflect future planning for waste water treatment in the proposed annexation area.

Response to comment 2.2

Comment noted.

**NORTHEAST ANTIOCH AREA REORGANIZATION PROJECT
MITIGATION MONITORING REPORTING PROGRAM**

MITIGATION MEASURE	IMPLEMENTATION - RESPONSIBLE AGENCY	MONITORING - RESPONSIBLE AGENCY	TIMING	INITIALS
SECTION A-1. AGRICULTURE AND FORESTRY RESOURCES				
<p>Mitigation Measure AII-1: All future discretionary applications for development within the project area must comply with one or both of the following requirements:</p> <ol style="list-style-type: none"> <li data-bbox="641 772 1063 1375"> <p>If the application is subject to CEQA, the CEQA analysis shall include an analysis of greenhouse gas impacts consistent with state, regional, and local regulations in place at that time. This analysis would be expected to include a quantification of potential greenhouse gas emissions associated with a proposed action, a determination of significance and, if necessary, identification of emission reducing design elements pursuant to adopted guidance and emission reduction factors in effect at that time.</p> <li data-bbox="641 1375 1063 1837"> <p>Upon the City's adoption of a Climate Action Plan, future project proponents shall demonstrate how their project(s) conform with the relevant goals, policies, and objectives of the Climate Action Plan.</p> 	<p>City of Antioch</p>	<p>City of Antioch Community Development Department</p>	<p>Prior to project entitlements.</p>	

A95

ATTACHMENT "B"

ANTIOCH CITY COUNCIL
SUCCESSOR AGENCY/
HOUSING SUCCESSOR
Regular Meeting
March 27, 2012

Page 4 of 9

- E. APPOINTMENTS BY THE MAYOR TO THE OVERSIGHT BOARD FOR THE CITY OF ANTIOCH AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY
- F. RESOLUTION NO. 2012/20 APPROVING THE ALLOCATION OF PROPOSITION 1B BOND FUNDING FOR THE DEER VALLEY ROAD AND DAVISON DRIVE PAVEMENT REHABILITATION PROJECT (P.W. 392-28)
- G. SHOPPING CARTS RECOVERY – Motion to approve the revised abandoned shopping carts letter to businesses
- H. RESOLUTION NO. 2012/21 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CONTRA COSTA TRANSPORTATION AUTHORITY REGARDING RELEASE OF A DEFERRED IMPROVEMENT AGREEMENT (SKYLAND PROPERTIES) FOR FREEWAY WIDENING PURPOSES
- I. CONSULTING SERVICES AGREEMENT WITH MUNICIPAL RESOURCE GROUP LLC

City Attorney Nerland clarified the City Council had received revisions for Consent Calendar Items A (Minutes) and G (revised shopping cart letter) which were under consideration. She noted Item D would be continued until after Closed Session following the public session this evening.

On motion by Councilmember Harper, seconded by Councilmember Kalinowski, the Council unanimously approved the Council Consent Calendar with the exception of Item D which was continued until after the Closed Session following the public session this evening.

PUBLIC HEARING

- 2. **Z-12-02: PREZONING OF AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA – THE PREZONING IS APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO BY THE CITY AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE. THE PROPOSED PREZONING CONSISTS OF PRIMARILY M-2 (HEAVY INDUSTRIAL) ZONING, WITH M-1 (LIGHT INDUSTRIAL) PROPOSED FOR THE UNINCORPORATED AREA SOUTH OF WILBUR AVENUE, AND OS (OPEN SPACE) PROPOSED FOR THE EXISTING ENDANGERED SPECIES PRESERVE LOCATED ON THE NORTH SIDE OF WILBUR AVENUE. A PREVIOUSLY PREPARED MITIGATED NEGATIVE DECLARATION WILL BE UTILIZED TO ADDRESS ANY ENVIRONMENTAL IMPACTS OF THE PROPOSED PREZONING. ON MARCH 7, 2012, THE PLANNING COMMISSION RECOMMENDED TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE TO PREZONE THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA**

Planning Consultant Carniglia presented the staff report dated March 15, 2012. He reported since the publication of the staff report, the City had received a letter from West Coast Builders that afternoon, which asserted the environmental document for the pre-zoning was inadequate. He spoke to the relevance and accuracy of the letter and suggested the City Council open the public hearing and continue to April 10, 2012, to allow staff time to prepare a written response.

City Attorney Nerland clarified that the letter before Council was authored by Kristina Lawson of Manatt, Phelps and Phillips LLP, on behalf of West Coast Builders and Albert Seeno. She noted Mr. Seeno had no interest or ownership interest in the property subject to the pre-zoning or in the surrounding vicinity. She further noted taking two weeks to respond fully in writing would not affect the timing of the project and would give the City the opportunity to create a record.

Mayor Davis opened the Public Hearing.

The following individuals provided oral and written comment indicating the consensus of the Sportsman's Yacht Club membership opposed the annexation of their property into the City of Antioch: Don Wilson, Bill Worrell, Casey Curry, Kay Power and Darlene Dawson.

On motion by Councilmember Kalinowski, seconded by Councilmember Agopian, the Council unanimously continued the public hearing to April 10, 2012.

Planning Consultant Carniglia reported the Sportsman's Yacht Club property was not in the annexation area subject to the rezoning.

COUNCIL REGULAR AGENDA – *Continued*

4. BILLBOARD PROPOSAL ON CITY-OWNED PROPERTY - DELTA FAIR AND CENTURY BOULEVARDS (APN 074-080-029)

Economic Development Analyst Nunnally presented the staff report dated March 21, 2012 recommending the City Council provide direction to Staff on the proposal by Mesa Outdoor to erect and maintain a billboard on City-owned property.

Mike McCoy briefly described design details and location for the proposed monument sign and stated they looked forward to entering into a new market in Antioch.

Councilmember Kalinowski stated he cannot support moving forward with this project due to the potential for having too many digital display billboards in one area.

In response to Councilmember Kalinowski, City Manager Jakel stated he believed the project would be subject to Design Review approval.

ATTACHMENT "C"

manatt
manatt | phelps | phillips

Kristina Lawson
Manatt, Phelps & Phillips, LLP
Direct Dial: (415) 291-7555
E-mail: KLawson@manatt.com

March 27, 2012

Client-Matter: 45715-030

VIA E-MAIL [DSKAGGS@CL.ANTIOCH.CA.US]
AND FACSIMILE [925-779-7007] TO CITY CLERK

Honorable Mayor James D. Davis
and Members of the City Council
City of Antioch
P.O. Box 5007
Antioch, CA 94531

Re: March 27, 2012 City Council Meeting Agenda Item 2 (Public Hearing):
Prezoning of Area #1 of the Northeast Antioch Annexation Area

Dear Honorable Mayor Davis:

This firm represents West Coast Home Builders, Inc. ("West Coast") in connection with the City's proposal to prezone, and eventually annex, approximately 470 acres of unincorporated land generally referred to by the City as Area #1 of the Northeast Antioch Annexation Area (the "Proposed Prezoning and Annexation"). The prezoning is the last discretionary action the City must take before Contra Costa LAFCO can consider the City's pending annexation request.¹ On behalf of West Coast, we have carefully reviewed the staff report prepared for next Tuesday's public hearing, as well as the Final Mitigated Negative Declaration (the "Proposed MND") prepared for the Northeast Antioch Area Reorganization almost two years ago in April 2010. Based on this review, we have determined the Proposed MND is not legally adequate, as set forth in detail below.

1. The Proposed CEQA Document Does Not Comply With CEQA, And Further CEQA Review Must Be Conducted Before the Proposed Prezoning and Annexation Can Be Approved

The California Environmental Quality Act ("CEQA"; Public Resources Code, §§ 21000 et seq) provides a clear threshold for preparing an Environmental Impact Report ("EIR") in lieu of a negative declaration or mitigated negative declaration. (See e.g., Santa Teresa Citizen Action Group v. City of San Jose (2003) 114 Cal.App.4th 689.) As set forth in the CEQA Guidelines: "if a lead agency is presented with a fair argument that a project may have a

¹ As indicated in the staff report for the March 27, 2012 public hearing, the annexation of Area #1 was initiated by the City Council in June 2007.

Honorable Mayor James D. Davis and Members of the City Council
March 27, 2012
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significant effect on the environment, the lead agency *shall* prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.” (See CEQA Guidelines, § 15064(f)(1); No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68.) Negative declarations are appropriate only when there is no evidence in the initial study or the record before the lead agency that a project or any of its aspects may have a significant environmental impact. (See CEQA Guidelines, §§ 15063(b), 15064(f).) Abuse of discretion is established where there is substantial evidence supporting a fair argument that the project will significantly impact the environment, and the lead agency refused to require preparation of an EIR. (Architectural Heritage Assn. v. County of Monterey (2004) 122 Cal.App.4th 1095, 1109.)

(a) Summary of CEQA Document Deficiencies

(i) The Proposed CEQA Document Is Not Based On A Single Technical Environmental Study

The City purports to satisfy CEQA’s mandatory environmental review requirements by relying on the Proposed MND, which was prepared almost two years ago and has not been updated.² The Proposed MND is based on an initial study that contains erroneous determinations, false assumptions, and baseless conclusions. We note that no project and area specific technical environmental studies were conducted as part of the City’s environmental review process for this Proposed Rezoning and Annexation. In fact, the only “studies” on which the Proposed MND relies relate to whether or not the Proposed Rezoning and Annexation will generate sufficient revenues for the City. Whereas the Proposed MND is almost two years old, the Feasibility Study (MND, Appendix B) and the fiscal analysis (MND, Appendix C) are even older and more outdated.

(ii) The Proposed Project Description in the CEQA Document is Inadequate and Unlawfully Segments the Project

One of the basic purposes of CEQA is to inform governmental decision-makers and the public about the potentially significant environmental impacts of a project. (CEQA Guidelines, § 15002(a).) In order to achieve this basic purpose, an accurate, stable, and consistent project description is required. A curtailed, vague, or distorted project description may stultify the objectives of the public disclosure and review process. (See County of Inyo v. City of Los

² The City’s March 27, 2012 public hearing is the *first* time the Proposed MND is being considered for adoption in connection with a project since its preparation in April 2010. Because the Proposed MND was not considered with a project when it was “adopted” by the City in June of 2010, it is not eligible for the streamlined CEQA process for updating previously adopted environmental documents set forth in section 15162 of the CEQA Guidelines. (See CEQA Guidelines, § 15074.)

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Angeles (1977) 71 Cal.App.3d 185; *see also* City of San Jose v. Great Oaks Water Co. (1987) 192 Cal.App.3d 1005, 1017 [“Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefits against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal...”].)

As set forth in section 15378 of the CEQA Guidelines, the “project” that must be described for CEQA purposes is “the whole of an action.” A single project may not be divided into smaller individual projects in order to avoid the lead agency’s responsibility to consider the environmental impacts of the project as a whole. (Orinda Assn. v. Board of Supervisors (1986) 182 Cal.App.3d 1145, 1171.)

In this case, the Proposed Rezoning and Annexation is described as a series of three actions that would lead up to a “reorganization (annexation)”: (1) a General Plan Amendment, (2) rezoning and (3) provision of municipal utilities and public services to the reorganized area, for three subareas in Northeast Antioch. For Area #1, which is the subject of the March 27, 2012 public hearing, the project description provides that the majority of the area will be rezoned M-2 (Heavy Industrial), with the exception of the Antioch Dunes National Wildlife Refuge. (Proposed MND, pp. 6-7.) The Proposed MND provides that sanitary sewer service, police protection, municipal water service, maintenance service, and other municipal services will be provided to the area by the City of Antioch following annexation.

(1) The Project Description Fails To Describe Construction Of The Municipal Utilities To The Reorganized Area.

Curiously, the Proposed MND states that it “examines the full extent of all proposed infrastructure improvements for Area[] 1” and that “the project’s potential environmental impacts related to these municipal services are addressed in this initial study.” We find it difficult to understand how the Proposed MND can claim to fully examine the potential environmental impacts of the extension of public services to the 470 acre Area #1 without any reference to the construction that will be required to provide these services and the associated impacts that will result from the construction. For example, sewer and water service cannot be extended to Area #1 without, at a minimum, the construction of various water, sewer, and storm drain lines. (See Proposed MND, Figure 7.) Notwithstanding the identification of the forthcoming improvements, nowhere in the Proposed MND are the necessary construction and the associated impacts identified or described. As a result, the impacts associated with this major public works endeavor are neither identified nor addressed in the Proposed MND.

The glaring omission of project construction from the Proposed MND’s project description results in the City’s failure to provide the public an opportunity to completely understand the scope of the Proposed Rezoning and Annexation. Reviewing courts have found

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environmental review that fails to describe or analyze the construction of infrastructure necessary for a project legally inadequate under CEQA. (San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus (1994) 27 Cal.App.4th 713 [holding that an EIR for a housing project was legally inadequate because the project description did not include construction of sewer lines and expansion of a wastewater treatment plant to serve the project]; see also Santiago County Water Dist. v. County of Orange (1981) 118 Cal.App.3d 818, 830 [finding a project description legally inadequate because it failed to describe or analyze the construction of water pipelines to serve the project].)

(2) The City Must Analyze The Effects Of The Whole Of The Action, Including Development Or Other Activities That Will Result From The Rezoning

It is clear from the administrative record that the Proposed Rezoning and Annexation is part of a larger plan to expand existing industrial plants and develop entirely new industrial facilities in Northeast Antioch Area #1. (See MND, Appendix B, p. A-6 (Northeast Antioch Annexation Feasibility Study, January 2005).) The Feasibility Study included as part of the MND expressly identifies the area's undeveloped and underutilized land as "available for future development." (MND, Appendix B, p. A-9.) Area #1 is noted to contain 62% of the "available future development potential" in northeast Antioch (Id., p. A-45), and the Feasibility Study notes that development of the area is necessary in order to achieve an overall positive fiscal impact for the annexation. In other words, the Proposed Rezoning and Annexation is merely the first step toward the future industrial development of Area #1.

The rezoning of Area #1 is the last discretionary step the City must take in the annexation process. Once the City rezones the property, Contra Costa LAFCO will proceed to evaluate the City's pending request to annex Area #1. In Bozung v. Local Agency Formation Commission (1975) 13 Cal.3d 263, 278-282, the California Supreme Court observed that "an annexation is an irrevocable step as far as [a] public agency is concerned" and that annexations can serve as the impetus for particular development projects. Like the City of Camarillo in the Bozung case, here the City of Antioch desires to rezone and annex Area #1 to facilitate its development. In fact, the fiscal analyses prepared for the City *require* development in order for the annexations to make financial sense for the City. The failure of the City to analyze the entire project, including the infrastructure construction, and eventual development of Area #1, is an example of unlawfully "piecemealing" a project to avoid consideration of the project's true environmental impacts.³ (Orinda Ass'n v. Board of Supervisors, supra, 182 Cal.App.3d at 1171.)

³ Contra Costa LAFCO has also indicated that environmental documents for proposed annexations should assume maximum buildout of the proposed annexation area, and corresponding service needs. Additionally, Contra Costa LAFCO's position as of January 2011 was that any proposed environmental review for an annexation request must

Honorable Mayor James D. Davis and Members of the City Council
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The City cannot pretend that the Proposed Rezoning and Annexation will not facilitate the future development of Area #1.

(iii) Substantial Evidence Exists That Unmitigated Significant Impacts Will Result From The Whole Project

Because the project description is inadequate for the reasons set forth above, it is impossible for the public to determine whether the potentially significant impacts of the Proposed Rezoning and Annexation have been properly identified, analyzed, and mitigated. Numerous environmental impacts have been omitted from the Proposed MND because the project description is woefully inadequate. In addition to these identified deficiencies, our review and analysis of the Proposed MND reveals that the impact findings described in the perfunctory environmental checklist provided as part of the Proposed MND, are marked by bare conclusions, incorrect assumptions, and are not supported by any evidence in the record.

A lead agency has a duty to fully investigate all potentially significant environmental impacts, and not simply assume that significant impacts will not occur. (Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296.) The determination whether a project may have a significant impact on the environment requires that the lead agency determine whether the project will result in a substantial, or potentially substantial, adverse change in the environment. (Pub. Resources Code, § 21068.) CEQA's strong presumption in favor of preparing an EIR requires a lead agency to prepare an EIR whenever there is substantial evidence in the record supporting a fair argument that a project may have a significant impact on the environment (Laurel Heights Improvement Ass'n v. Regents of the University of California (1993) 6 Cal.4th 1112; No Oil, Inc. v. City of Los Angeles, supra, 13 Cal.3d 68; Friends of "B" Street v. City of Hayward (1980) 106 Cal.App.3d 988.)

The Proposed MND gives the environment short shrift in its impact analysis. We have identified the following substantial evidence that the project may cause a significant impact on the environment. Because no mitigation measures have been proposed to mitigate these potentially significant impacts, the proposed negative declaration is inadequate.

(I) Aesthetics

With respect to the aesthetics impacts of the Proposed Rezoning and Annexation, the Proposed MND expressly states that the Proposed Annexation "would allow for street improvements, including new street lighting..." (Proposed MND, p. 15.) The impact narrative then states that "[t]he project would result in no light or glare impact[]" because the City doesn't

address certain factors set forth in section 56668 of the Government Code. We can find no reference to these factors in the Proposed MND.

Honorable Mayor James D. Davis and Members of the City Council
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currently have the resources to move forward with the improvements. (Id.) It is well-established that environmental review must take into account all of the future development potential of a project. (City of Redlands v. County of San Bernardino (2002) 96 Cal.App. 4th 398, 409.) CEQA mandates a complete review of the project's potential to impact the environment. New street lights where none currently exist have the potential to create a new source of substantial light or glare which would adversely affect views in the area. This impact cannot be summarily dismissed.

The Proposed MND also states that following the project approval, the visual character and quality of the Area #1 site will be "similar to or less industrial" than what already exists, and that it is "reasonable to assume that streetscape improvements would improve the area's existing visual character and quality." There is no supporting data or analysis to support these baseless conclusions and assumptions. Rather, based on statements in the Feasibility Study, it is more reasonable to assume that the area will include new heavy industrial end-users that will substantially impact area aesthetics. (See Proposed MND, Appendix B., p. A-6.)

(2) Agricultural Resources

The Agricultural Resources section of the Proposed MND is similarly deficient. Specifically, this section erroneously bases its less-than-significant impact finding on the assumption that "the reorganization does not increase the likelihood of conversion of agricultural lands in Area 1." (Proposed MND, p. 19.) Nothing could be further from the truth. The purpose of the Proposed Rezoning and Annexation is to improve public services and utilities in the area (Proposed MND, p. 4), because the area is "known to have substantial utility deficiencies." (Proposed MND, p. 8.) This reorganization will substantially increase the likelihood of conversion of agricultural lands because it will provide certainty that municipal services will be provided to the area. (See Bozung v. Local Agency Formation Commission, supra, 13 Cal. 3d at 281 [recognizing that the purpose of a proposed annexation of agricultural land was to facilitate development].) Again, the City is required to provide data or evidence supporting the Proposed MND's environmental findings. (Citizens Assn for Sensible Dev. v. County of Inyo (1985) 172 Cal.App.3d. 151, 171.) It is not enough to provide a superficial analysis like the City has provided here.

(3) Biological Resources

The Proposed MND's analysis of potential biological resources impacts is arguably the most deficient section in the document in that it finds no possibility the Proposed Annexation will have any impact on biological resources. To reiterate, the purpose of the project is to provide municipal utilities and public services to Area #1 (Proposed MND, p. 8) so that the City can coordinate the delivery of services to future development projects. (Proposed MND,

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Appendix B, p. A-6.) A portion of Area #1 includes the Antioch Dunes National Wildlife Refuge. The Antioch Dunes National Wildlife Refuge was the first national wildlife refuge in the country established to protect endangered plants and insects. It was established in 1980, and provides protection for three endangered species: Lange's Metalmark butterfly, Antioch Dunes evening primrose, and the Contra Costa wallflower. The refuge and a few acres of surrounding lands contain most of the remaining habitat for these three species, and are all that remain of a nine kilometer stretch of sand dunes formed during glaciation periods. Isolation of the sand dune habitat resulted in the development of a unique assemblage of plants, insects, and reptiles. Due to the sensitivity of the habitats and the endangered species, the refuge is not open to the public. Potential impacts to this refuge that will result from development of Area #1 have not been discussed or identified.

Because the Proposed Rezoning and Annexation is expressly intended to facilitate future development in Area #1, and includes significant public works construction, the biological resources impacts of the project cannot be ignored.⁴ The need for environmental review and mitigation of these impacts was also identified by representatives from Friends of the Antioch Dunes at the Planning Commission's March 7, 2012 meeting. Moreover, because of the sensitive nature of the habitat, it is likely that consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Game is required under the Endangered Species Act of 1973 (16 U.S.C., §§ 1531-1544) and the California Endangered Species Act (Fish & Game Code, §§ 2050-2115.5).

In addition to potential species issues, Area #1 is adjacent to the San Joaquin River and the Proposed Annexation may have potentially significant environmental impacts on wetlands, waters of the U.S., and waters of the State, which have not been identified or analyzed.

(4) Geology and Soils

In its Geology and Soils section, the project is again erroneously referred to as "a series of procedural actions." (Proposed MND, p. 28.) As we noted above, this directly contradicts the statement on page 8 of the Proposed MND that the project includes "providing municipal utilities and public services to the reorganized area." This inconsistent project description fails CEQA's most basic requirement. (County of Inyo v. City of Los Angeles, supra, 71 Cal.App.3d at 197.)

⁴ In the Biological Resources section of the Proposed MND, the project is referred to as "a series of procedural actions." (MND, p. 23.) Not only was this approach to environmental review of annexation proposals rejected more than 30 years ago in Bozung, this reference is also contrary to the Project Description section of the Proposed MND, which describes the project as: (1) General Plan Amendment, (2) Pre-zoning, and (3) Providing municipal utilities and public services to the reorganized area. (MND, p. 8.) The project description is therefore inconsistent and prevents the Proposed MND from serving as a vehicle for intelligent public participation in the decision-making process. (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 197.)

Honorable Mayor James D. Davis and Members of the City Council
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In addition, this approach to environmental review of annexation proposals was rejected more than 30 years ago by the California Supreme Court. (Bozung v. Local Agency Formation Commission, supra, 13 Cal. 3d 263.)

With respect to the impact findings, it is especially curious that the City has concluded that the Proposed Rezoning and Annexation will not be subject to any earthquake related impacts. On the one hand, the Proposed Rezoning and Annexation includes a massive public works undertaking in an area extremely prone to earthquakes, and on the other hand, the City denies that the project is anything but a procedural matter. For CEQA purposes, it cannot be both.

Due to the location of the project adjacent to the San Joaquin River, it is very likely that other geotechnical issues exist. The area is known to be characterized by bay mud, which makes construction very challenging, particularly in the utility context. Because of the likelihood that the surrounding ground will settle over time, there is a high likelihood of damage to utilities and utility connections. We find it striking that the Proposed MND does not include any soils study or analysis, or any characterization of the soils and geology underlying Area #1.

(5) Hazards and Hazardous Materials

The Hazards and Hazardous Materials section includes the same deficiencies as the other sections of the Proposed MND – the project description is inconsistent, and the Proposed MND repeatedly denies the true scope of the project. As a result, we believe that an identification and analysis of numerous potentially significant environmental impacts has been omitted from the Proposed MND. Regarding this section, we note the following:

- Page 5 of the MND provides that Mirant Marsh Landing, LLC is pursuing the development of a new power plant in Area #1. Power plants are known to involve hazardous materials and also create hazards.
- The Feasibility Study attached to the MND as Appendix B states that “the City of Antioch has received interest from private companies for expansion of existing industrial plants, or development of entirely new facilities within the currently unincorporated area north of the Wilbur Avenue/Burlington Northern Railroad corridor.” (MND, Appendix B, p. A-6.) Industrial plants are known to involve hazardous materials and also create hazards.

The City must analyze the potentially significant environmental impacts associated with power and other industrial plants in Area #1.

Honorable Mayor James D. Davis and Members of the City Council
March 27, 2012
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We note that not one report or study supports the conclusions in the Hazards and Hazardous Materials section of the MND. Further, the Proposed Rezoning and Annexation includes rezoning this area to M-2 (Heavy Industrial). As set forth in section 9-5.301(K) of the Antioch Municipal Code, uses allowed in the M-2 zone are as follows:

This district allows heavy industrial uses which may generate adverse impacts on health or safety. This zone applies primarily to existing heavy industrial uses. The district is consistent with the General and Rail-Served Industrial General Plan Designations. Uses include production of and extraction of metals or chemical products from raw materials, steel works and finishing mills, chemical or fertilizer plants, petroleum and gas refiners, paper mills, lumber mills, asphalt, concrete and hot mix batch plants, power generation plants, glassworks, textile mills, concrete products manufacturing and similar uses.

(Emphasis added.) By its very definition the Proposed Rezoning and Annexation could have a potentially significant impact in the area of hazards and hazardous resources.

(6) Noise

The Proposed MND states that the Proposed Rezoning and Annexation will have no noise impacts whatsoever. We are unclear as to how the City reached this conclusion, as no acoustical analysis or noise study is referenced in the analysis. Moreover, we are unaware of any construction activities that do not generate any noise whatsoever.

(7) Population and Housing

The Proposed Rezoning and Annexation is described as a series of three actions that would lead up to a "reorganization (annexation)": (1) a General Plan Amendment, (2) rezoning and (3) provision of municipal utilities and public services to the reorganized area, for three subareas in Northeast Antioch. On page 44 of the Proposed MND (Population and Housing), the original project description is modified such that the project apparently does not include the provision of municipal utilities and public services but only "create[s] the opportunity to potentially extend infrastructure and improve roads." In either case, the City cannot ignore the development potential that will result from the Proposed Rezoning and Annexation, and the environmental impacts of the "whole of the action" must be properly analyzed.

With respect to population and housing, the extension of infrastructure is intended to facilitate development, create new jobs, and necessitate new housing. The Proposed MND

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utterly fails to analyze the potentially significant impacts associated with the Proposed Annexation, and is therefore legally inadequate.

(8) Public Services

The Public Services impact conclusions are based on outdated information and must be therefore be updated to ensure the conclusions are accurate. For example, at the time the Proposed MND was prepared, the Antioch Police Department was staffed with 107 sworn officers. (Proposed MND, p. 47.) The Proposed MND concluded that there would be a "less than significant" impact to police services back in 2010.

Today, the City has almost 25% less sworn officers. On March 23, 2012, the Contra Costa Times reported that the Antioch Police Department currently has only 92 sworn officers, and nine of those sworn officers aren't currently working. The Contra Costa Times also reported that because of specialized duties, only 48 officers are available to patrol the City every day. As the MND describes, the Proposed Annexation area is more than 400 acres, and will need to be patrolled by the Antioch Police Department. Because of the substantial change in police department staffing, we are unable to determine whether the conclusions set forth in the Proposed MND are correct. We are able to conclude that the Public Services impact analysis is based on outdated and inaccurate data.

The Law Enforcement Municipal Services Review conducted by Contra Costa LAFCO also noted that police service levels were expected to further diminish based on budget cutbacks. (Law Enforcement MSR, p. 66.) This document was published in September of 2011, and its findings must be considered by the City and addressed in the Proposed MND.

(9) Utilities and Service Systems

The Utility and Service Systems section contains additional inconsistencies in the Project Description, to the point of creating significant confusion in the mind of any reader of the MND.

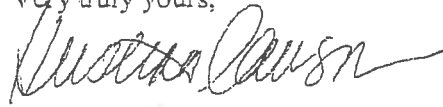
For the first time in the Proposed MND, we learn in this section that a specific infrastructure project is planned in Area #1 – the expansion of the Bridgehead Pump Station by the Delta Diablo Sanitation District. (Proposed MND, p. 54.) The project also apparently includes conceptual plans for a new 15-inch sewer line in Area #1, and the adoption of conceptual plans for stormwater catch basins and conveyance systems. (Id.) Notwithstanding that this project is apparently a key component of the Proposed Annexation, the Proposed MND only generally describes the project, and provides no environmental analysis of this specific project.

Honorable Mayor James D. Davis and Members of the City Council
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* * *

In light of the substantial evidence presented above, in addition to the numerous other legal deficiencies identified, the City's reliance on the Proposed MND as CEQA compliance for the Proposed Rezoning would constitute an abuse of discretion. It would also be an abuse of discretion for LAFCO to rely on the Proposed MND in processing the Proposed Annexation. Until such time as complete and proper environmental review has been conducted, the proposed action on the rezoning and subsequent action by Contra Costa LAFCO on the annexation may not proceed.

Very truly yours,



Kristina Lawson

KXL:kl

cc: Lynn Tracy Nerland, City Attorney

301717181.3

ATTACHMENT "D"

manatt
manatt | phelps | phillips

Kristina Lawson
Manatt, Phelps & Phillips, LLP
Direct Dial: (415) 291-7555
E-mail: KLawson@manatt.com

April 10, 2012

Client-Matter: 45715-030

**BY E-MAIL [DSKAGGS@CI.ANTIOCH.CA.US]
AND FACSIMILE [925-779-7007] TO CITY CLERK**

Honorable Mayor James D. Davis
and Members of the City Council
City of Antioch
P.O. Box 5007
Antioch, CA 94531

Re: April 10, 2012 City Council Meeting Agenda Item 2 (Public Hearing): Rezoning
of Area #1 of the Northeast Antioch Annexation Area

Dear Honorable Mayor Davis:

This firm represents West Coast Home Builders, Inc. ("West Coast") in connection with the above-referenced matter. We have reviewed the agenda for tonight's scheduled City Council meeting, and have noted that the staff recommendation for agenda item 2 (Public Hearing) is to continue the item to April 24, 2012. We further note that the staff report prepared for this item similarly states that "[s]taff is requesting that the public hearing on the rezoning be continued to the City Council meeting of April 24, 2012 at 7:00 p.m. due to scheduling constraints."

Both the agenda and the staff report expressly indicate that this matter will be continued to April 24, 2012. We request that we be provided copies of the staff report and all associated documents related to this matter at least one week in advance of the April 24, 2012 meeting to allow us sufficient time to review.

For further reference, we have attached and are resubmitting our March 27, 2012 correspondence explaining the legal and policy grounds as to why the proposed MND is not legally adequate to support Council action on the proposed rezoning.

Very truly yours,

Kristina Lawson/P.T.

Kristina Lawson

KXL:kl

cc: Lynn Tracy Nerland, City Attorney

302067456.2

ATTACHMENT "E"



April 17, 2012

Ms. Kristina Lawson
Manatt, Phelps & Phillips, LLP
One Embarcadero Center, 30th Floor
San Francisco, CA 94111

Re: **April 24, 2012 Public Hearing**

Dear Ms. Lawson:

Your letter dated April 10, 2012 to the Mayor and City Council was referred to me for a response.

In your letter, you are requesting documents related to the public hearing noticed and scheduled for April 24, 2012 before they are finalized, made available to the Antioch City Council or made publicly available. I am aware of no legal authority, and none is provided in your letter, that supports your contention that you and your client Albert Seeno/West Coast Home Builders are entitled to these documents earlier than others.

The documents will be provided to you when they are publicly available. The City's website also has the staff reports for the City Council meetings and can be accessed at: <http://www.ci.antioch.ca.us/CityGov/agendas/>.

Sincerely yours,


A handwritten signature in cursive script that reads "Lynn Tracy Nerland".

LYNN TRACY NERLAND
City Attorney

c: Mayor and City Council Members
Jim Jakel, City Manager
Tina Wehrmeister, Community Development Director
City Clerk's Office

ATTACHMENT "F"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF MARCH 27, 2012

Prepared by: Victor Carniglia, Planning Consultant 
Date: March 15, 2012
Subject: Z-12-02: Rezoning of Area #1 of the Northeast Antioch Area

RECOMMENDATION

1. Motion to read the ordinance by title only;
2. Motion to introduce an ordinance rezoning Area #1 of the Northeast Antioch Area.

REQUEST

The City of Antioch is initiating the rezoning of Area #1. This rezoning involves approximately 470 acres of unincorporated land, referred to by the City as Area #1 of the Northeast Antioch Annexation Area, which is generally located adjacent to and/or in close proximity to Wilbur Avenue. The proposed rezoning consists of primarily M-2 (Heavy Industrial) zoning, with M-1 (Light Industrial) proposed for the area south of Wilbur Avenue adjacent to existing single family homes, and OS (Open Space) proposed for the Federally owned wildlife preserve located on the north side of Wilbur Avenue. The location of these rezoning designations is shown on the map included as Exhibit 1 to the proposed ordinance. Also attached is a description of the proposed rezoning designations as taken from the City's Zoning Ordinance included as Attachment "B".

ENVIRONMENTAL

A Mitigated Negative Declaration, which addresses the environmental impacts of rezoning Area #1, was previously prepared. This Mitigated Negative Declaration was adopted by the City Council in June 2010, a copy of which is available on the City's web site, with a hard copy available at City Hall at the Community Development Counter.

ANALYSIS

Background: In order for an area to be annexed to the City, it first must be rezoned. The term "rezoning" refers to the City zoning districts that will become applicable once the area in question is annexed to the City. In effect, the City's rezoning designations will replace the County's existing zoning upon annexation. The annexation of Area #1 was initiated by the City Council in June 2007. The almost five year period from the time City Council initiated the annexation until now, can be largely attributed to the challenges the City has faced in reaching an agreement with the County on the terms of a document known as a Tax Transfer Agreement. The Tax Transfer Agreement determines how existing and future tax revenues will be split between the City and the County after annexation.

3-27-12

FI

In January 2012, the City and County reached concurrence on the major terms of the Tax Transfer Agreement, thereby allowing the prezoning process to move forward. The actual Tax Exchange Agreement has been drafted and is being reviewed by the legal staff of both the City and the County. Staff anticipates bringing the Tax Exchange Agreement to City Council for action on April 10, 2012, and to the Board of Supervisors the following week.

City staff held an information meeting concerning the prezoning with property and business owners from Area #1 on February 23, 2012. A number of property/business owners attended this meeting, with the primary concern raised being the fiscal implications of annexation on their properties. This issue of fiscal implications is discussed later in this staff report.

The Planning Commission on March 7, 2012 recommended adoption of the prezoning by a 6-0 vote. A copy of the Planning Commission minutes are included as Attachment "C".

It should be noted that the proposed prezoning addresses Area #1, and not the other properties in the Northeast Antioch Area, namely Area 2a (the existing marinas) and Area 2b (the Viera residential area). If and when annexation is initiated by the City Council for either of these two areas, then prezoning applications would be prepared by staff and brought to City Council for action.

Description of Prezoning: The attached map (Exhibit 1 of the Ordinance) shows the geographic location of the proposed zoning districts. The majority of the land in Area #1 is proposed to be prezoned with the (M-2) "Heavy Industrial" district, which is consistent with the majority of existing and previous uses. (OS) "Open Space" zoning is proposed for the land that forms the existing Federal Wildlife Preserve. There is also an area designated (M-1) "Light Industrial District" south of Wilbur Avenue that backs up to existing single family homes.

These proposed zoning districts are consistent with the City's General Plan, which designates Area #1 as part of the "Eastern Waterfront Employment Focus Area". The proposed zoning designations are also largely consistent with the existing County zoning, which consists of (H-1) Heavy Industrial for all of Area #1. The exceptions are 1) the proposed Open Space zoning for the Federal Wildlife Preserve, which staff feels, is a better fit than the County's Heavy Industrial District, and 2) the use of Light Industrial versus Heavy Industrial in the area south of Wilbur Avenue adjacent to the existing single family homes, which are located on Santa Fe Avenue just south of Area #1.

Other Issues: A common concern with property and business owners with annexation and annexation related steps such as prezoning is "what will the impact be on my property/business". It is the City's intent to minimize any such impacts, which can generally be grouped into two categories, namely 1) impacts due to changing land use regulations and 2) fiscal impacts.

Potential Land Use Impacts: In terms of land use regulations, the City is attempting to minimize any impacts by "mirroring" the existing County zoning to the extent practical.

- Aside from the Federal Wildlife Preserve previously discussed, the only instance where the City is looking at zoning that differs from the County is the approximately 10 acre area south of Wilbur Avenue that "backs up" to existing single family homes on Santa Fe Avenue. The current County zoning in this location is Heavy Industrial and the City is proposing Light Industrial. Staff feels that the use of Light Industrial zoning in this location will act as a buffer to the adjacent single family homes that border this area to the south. This area adjacent to

the existing single family homes is currently vacant. As a result, no existing buildings or uses would be impacted by the use of Light Industrial Zoning.

- Another land use concern raised by property owners is the question of how the rezoning will effect whether existing County land uses will conform to the new City zoning. As mentioned the City intends to utilize a Heavy Industrial zoning designation which is very similar to and consistent with the County's existing Heavy Industrial Zone. For example the existing fueling station located on the south side of Wilbur Avenue received use permit approval when it was constructed in the County several years ago. The City zoning designation also allows fueling facilities with a use permit; therefore, a separate City use permit would not be required upon annexation.

Potential Fiscal Impacts: Concerning fiscal impacts, the potential differences in the land being in the City or the County involve a number of factors including the cost of a business license in the City versus the County, the costs of special funding districts such as landscape lighting maintenance districts, and police service districts. These issues are discussed below:

- The City business license is based on "gross receipts" while the County's business license is based on the number of employees. As a result of this "apples and oranges" difference in methodology, it's not possible to generalize whether the City or the County business license fee is higher or lower from a business owner perspective, and would need to be determined case by case.
- Area #1 is currently within a County L100 landscape district in which a property tax levy is being collected for landscaping and streetlight maintenance. This levy, which totals approximately \$2000/year for all of Area #1, will be passed on to the City upon annexation. As a result, annexation will have no impact on property owners in terms of this levy. The City may at some point in the future consider implementing a streetlight landscape maintenance district for Area #1. Such a district would require the majority vote of property owners within Area #1 based on benefit units. Currently there is little in the way of streetlights and landscaping to maintain.
- Area #1 is currently in a County Police Services District in which additional funds are raised as part of the annual property tax bill. This levy would be passed on to the City upon annexation, the same as the L100 landscape funds, and therefore would not have a fiscal impact on property owners.
- Annexation to the City in both the short and the long term should enhance property values in Area #1, as the ability to utilize City sewer and water services will increase the type and intensity of uses that could be located in the area.

The question of the net fiscal impact of the rezoning and subsequent annexation of Area #1 on the City will be addressed in the context of the Tax Transfer Agreement. As stated in the "Background" section of this staff report, the Tax Transfer Agreement will be considered by the City Council in the near future, with a tentative date being the April 10, 2012 City Council meeting. The fiscal analysis completed to date as part of the Tax Transfer Agreement process clearly shows that the projected City tax revenues from Area #1 will exceed by a significant amount the costs of the City providing services to Area #1.

OPTIONS:

The City Council could either deny or delay action on the rezoning, which would delay the annexation process at LAFCO. The annexation application requires approval of the rezoning

and the Tax Transfer Agreement prior to LAFCO considering the annexation. The rezoning does not go into effect until the annexation process is complete.

FISCAL IMPACTS:

As stated in the preceding section, the annexation will have a significant net positive fiscal benefit to the City, with the exact amount of that benefit being determined through the Tax Exchange Agreement process. The rezoning is an important step forward toward annexation.

ATTACHMENTS

- A: Ordinance
- B: Description of proposed rezoning districts
- C: Planning Commission minutes March 7, 2012

ATTACHMENT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH INTRODUCING THE PREZONING FOR THE APPROXIMATELY 470 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREA #1 OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED ADJACENT TO AND/OR IN CLOSE PROXIMITY TO WILBUR AVENUE

SECTION 1. Findings.

- A. The City Council in June 2007 adopted a resolution directing City staff to submit to the Local Agency Formation Commission (LAFCO) an annexation application for Area #1 of the Northeast Antioch Area. This application was subsequently submitted by City staff to LAFCO in September 2007. Area #1 is located within the City's Sphere of Influence and is also located within the City's Urban Limit Line (ULL) as approved by Antioch voters.
- B. Prezoning is required by State law prior to an annexation being considered for action by LAFCO.
- C. In processing the annexation as initiated by City Council in June 2007, concurrence was not reached between the City and the County on the key provisions of the Tax Exchange Agreement until January 2012. This concurrence has allowed the prezoning process to move forward.
- D. The City Council finds that the previously prepared Mitigated Negative Declaration as adopted by the City Council in June of 2010 adequately addresses the environmental impacts of the prezoning.
- E. The City Council finds that prezoning is consistent with the City of Antioch General Plan, and with the General Plan land use designations as contained in the "Eastern Waterfront Employment Focus Area".
- F. The City Council finds that prezoning is consistent with the requirements of the Transportation Sales Tax Initiative, Measure J.
- G. The prezoning consists of primarily the (M-2) "Heavy Industrial" zoning district, with (M-1) "Light Industrial" zoning district for an area south of Wilbur Avenue, and (OS) "Open Space" proposed for the existing Federal Wildlife Preserve located on the north side of Wilbur Avenue. The geographic locations of the proposed prezoning districts are depicted in Exhibit 1.
- H. The Planning Commission on March 7, 2012 recommended that City Council adopt the prezoning by a 6-0 vote.

SECTION 2. The prezoning of Area #1, which consists of the zoning districts as depicted in Exhibit 1 of this Ordinance and defined in the Antioch Municipal Code, is hereby introduced.

SECTION 3. This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be published once within fifteen (15) days upon passage and adoption in the East County Times, a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

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 _____ 2012 and passed and introduced at a regular meeting thereof, held on ___ day of _____ 2012, by the following vote:

AYES:

NOES:

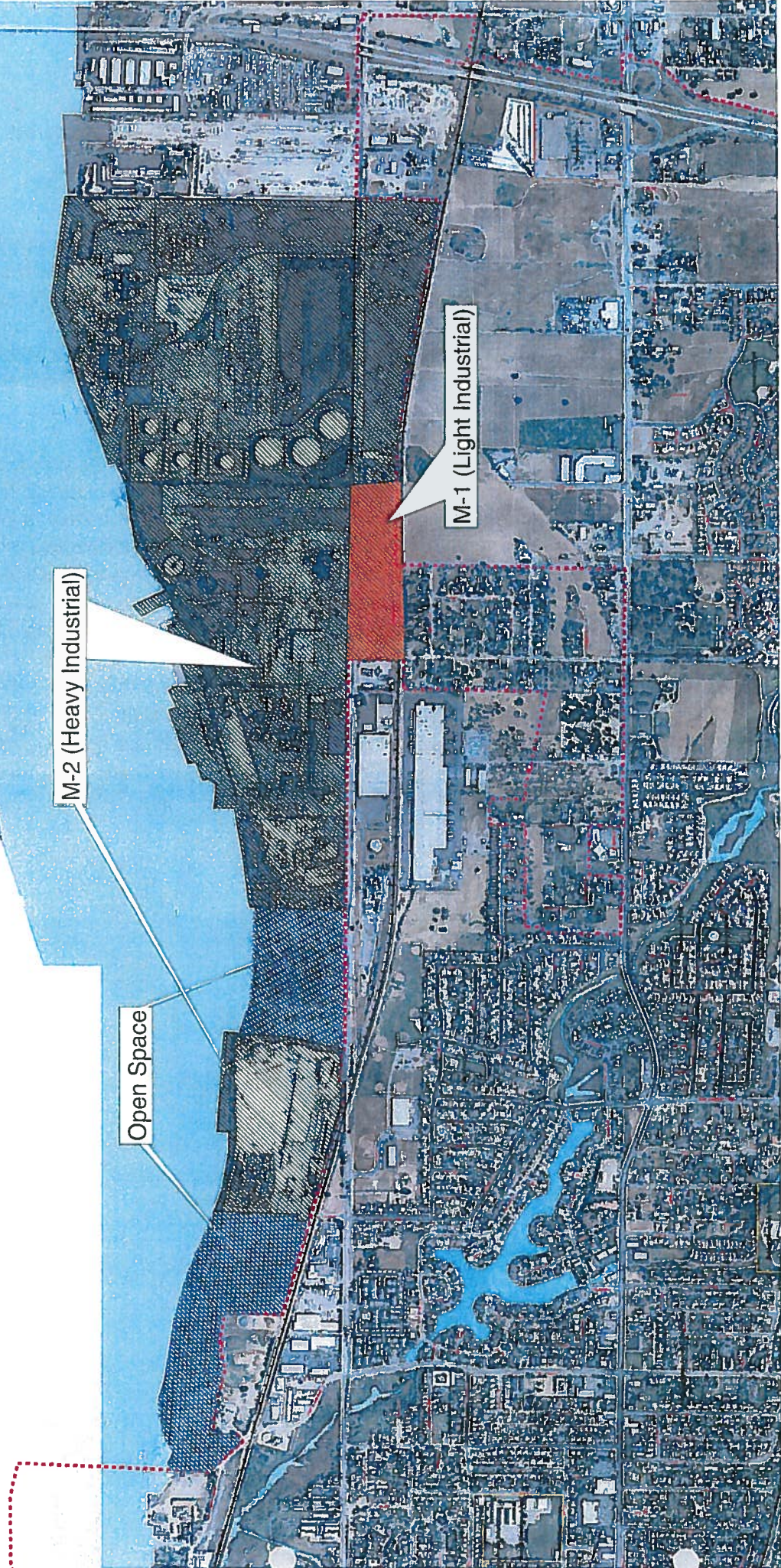
ABSENT:

James D. Davis, Mayor of the City of Antioch

ATTEST:

Denise Skaggs, City Clerk of the City of Antioch

F6 AZ



Description of Zoning (Prezoning) Districts Applicable to Annexation Area #1

(J) *M-1 Light Industrial District.* This district allows light industrial uses and excludes those heavy industrial uses with potentially hazardous or negative effects. This district is consistent with the Business Park, Light Industrial, and Rail-Served Industrial General Plan Designations, as well as with the Eastern Waterfront, SR-4/SR-160 Business Park, and East Lone Tree Focused Planning Areas. Uses include the fabrication, assembly, processing, treatment, or packaging of finished parts or products from previously prepared materials typically within an enclosed building.

(K) *M-2 Heavy Industrial District.* This district allows heavy industrial uses which may generate adverse impacts on health or safety. This zone applies primarily to existing heavy industrial uses. The district is consistent with the General and Rail-Served Industrial General Plan Designations. Uses include production of and extraction of metals or chemical products from raw materials, steel works and finishing mills, chemical or fertilizer plants, petroleum and gas refiners, paper mills, lumber mills, asphalt, concrete and hot mix batch plants, power generation plants, glassworks, textile mills, concrete products manufacturing and similar uses.

(P) *OS Open Space/Public Use District.* This district allows undeveloped public open space and areas for public use where shown on the General Plan and in Specific Plans. This zone also can apply to public utility easements for electrical lines, gas lines and canals to prevent encroachment by urban development. This district is consistent with the Public/Institutional and Open Space General Plan Designations, as well as within Focused Planning Areas.

CONSENT CALENDAR

1. Approval of Minutes: February 1, 2012

On motion by Commissioner Azevedo, and seconded by Vice Chair Baatrup, the Planning Commission approved the Minutes of February 1, 2012.

AYES: Westerman, Baatrup, Azevedo, and Bouslog
NOES: None
ABSTAIN: Langford and Travers
ABSENT: Douglas-Bowers

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

2. Z-12-01 – The City of Antioch is proposing to amend Municipal Code Section 9-5.4012 of the Residential Development Allocation Ordinance to extend the ordinance sunset date to May 1, 2013.

Senior Planner Gentry provided a summary of the staff report dated March 1, 2012.

Chairman Westerman clarified with staff that nothing was being changed and that this was just an extension to allow review of issues City Council wanted looked at.

OPENED PUBLIC HEARING

City Attorney Nerland stated that there are only two items on the agenda tonight, the RDA extension and the rezoning of Area 1. She said that there are yellow speaker cards in the back to be filled out by anyone wishing to speak on either item. She stated that low income housing was previously considered by the Planning Commission, that it was not on before the Planning Commission tonight, and that it would be going to City Council.

A Realtor in Antioch, who was in the audience, stated that she thought the Planning Commission would be speaking on the housing issues tonight to which CA Nerland stated she was not sure how that information was put out there but that this was not an item on tonight's agenda.

CLOSED PUBLIC HEARING

RESOLUTION NO. 2012-**

On Motion by Vice Chair Baatrup and seconded by Commissioner Langford, the Planning Commission recommended that the City Council approve an amendment to Section 9.5-4012 of the Antioch Municipal Code in order to extend the sunset date of the ordinance to May 1, 2013 (Z-12-01).

AYES: *Westerman, Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Douglas-Bowers*

3. **Z-12-02 – The City of Antioch** will be considering rezoning approximately 470 acres of unincorporated land, referred to by the City as Area #1, which is generally located adjacent to and/or in close proximity to Wilbur Avenue.

Planning Consultant, Victor Carniglia provided a summary of the staff report dated March 1, 2012. He stated that on the dais this evening are two communications which were received: an e-mail from Randy Christ, the owner of a fueling station with concerns about sewer and water and being able to utilize his well and septic system and a fax from Albert Snell who has a building near completion and would like the ability to hook up to City services prior to annexation occurring.

Commissioner Langford stated that there are quite a few other areas under the County as well and clarified with PC Carniglia that there are two other areas referred to as 2a and 2b totaling 150 acres. He said that City Council has only authorized annexation of area 1 and that if they authorize the other areas, those will be brought forward as well.

CA Nerland stated that given the overhead screen is not working to provide a map for people to look at that she has provided her copy for review.

Chairman Westerman clarified with staff that the only residential unit involved was one residence associated with a business.

Commissioner Travers questioned staff about time estimates to which PC Carniglia said that an agreement has been reached on all major issues and that a tax sharing agreement has been completed and is being reviewed.

Commissioner Azevedo clarified with staff that Mr. Christ's parcel was a fueling station approved under the County as commercial business with offices but no residential, and was constructed approximately five years ago.

OPENED PUBLIC HEARING

Sandra Kelly, board member of the Friends of the Antioch Dunes, stated that the Antioch Dunes is home to several endangered species including two plants with a third just recently discovered. She said that while Industry is there to stay, she would like the Planning Commission to consider the impact this has on the endangered species. She invited everyone to visit the dunes and stated that they do public tours on the second Saturday of every month on Fulton Shipyard Road at 10:00 a.m. She passed out magnets to the Planning Commissioners in lieu of a business card.

Michael Krieg, Director of Friends of the Antioch Dunes, spoke to say their purpose is to draw attention of the Commissioners and staff to the nature of wildlife refuge and would like to point out that this open space is different than parks due to the eco system. He said that he would like to mitigate any negative impacts due to the fragile habitat.

Commissioner Azevedo asked staff if the zoning designations are the same as they are currently to which PC Carniglia said that this area is in the City's sphere of influence, that it is largely heavy industrial, that the zoning is mirroring what is in the General Plan, and the County zoning for the area is also heavy industrial. PC Carniglia went on to say that although there are no current development applications, any uses proposed there will have environmental reviews and will look at impacts on the wildlife reserve.

Karri Campbell, representative of Calpine Corporation, stated that they have a leasehold interest in property, will be extending that lease and are looking forward to working with the City. He said that while they don't see any negative impacts to them other than establishing a relationship with a new jurisdiction, they would want to be notified of any future hearings and be placed onto a mailing list.

Commissioner Travers asked about the type of plant to which Mr. Campbell said that they use natural gas, that they are connected to Delta Diablo Sewer and that their well serves their purpose. He went on to say that that they burn natural gas very cleanly, that they generate resources for the State and when sister plants go down, their plant helps fill that deficit.

City Attorney Nerland asked Mr. Campbell to leave his contact information to be sure they are put onto a mailing list.

CLOSED PUBLIC HEARING

Commissioner Azevedo stated that he sees this as an opportunity to bring land under our sphere of influence for tax revenue for this community and that it doesn't make sense to leave in the County.

Chairman Westerman agreed with Commissioner Azevedo.

RESOLUTION NO. 2012-**

On Motion by Commissioner Travers and seconded by Commissioner Azevedo, the Planning Commission recommended to the City Council approval of the draft ordinance to prezone the approximately 470 acres of unincorporated land, referred to as Area #1 of the Northeast Antioch Annexation Area, which is generally located adjacent to and/or in close proximity to Wilbur Avenue.

AYES: *Westerman, Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Douglas-Bowers*

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

Chairman Westerman said that there was an invitation to ground breaking for the next segment of State Route 4 on Friday at 10:00 a.m.

COMMITTEE REPORTS

Commissioner Azevedo said that Transplan met in February and although they received an update on the litigation with the City of Pittsburg, he has nothing to report out at this time.

Commissioner Azevedo stated that the RDA Committee did meet earlier this month, that this evening's action was a result of that meeting, that they got update regarding direction we want to go and that this is more to come.

CA Nerland informed the Planning Commission that the City Council has adopted an Urgency Ordinance to prohibit any additional computer gaming and internet access businesses and adopted regulations for operation of those businesses including hours of operation and use. She said that the City Council has also initiated a study whether amendment to the Zoning Code should come before the Planning Commission and ultimately adopted by the City Council. She went on to say that staff is looking at that and that the zoning aspect of it could come back to the Planning Commission.

CA Nerland suggested given the number of people still in the audience that the Chair make sure there are no further speakers before adjourning.

Chairman Westerman announced the last chance for anyone wishing to speak.

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 24, 2012**

Prepared by: Tina Wehrmeister, Director of Community Development 

Date: April 19, 2012

Subject: Resolution Memorializing Proceedings Regarding Proposed Changes to the General Plan and Antioch Municipal Code, Including but Not Limited to the Zoning and Subdivision Ordinances and Development Impact Fees and Applicability of such Changes at the Time that the City Approves a Tentative Subdivision Map

RECOMMENDATION

Motion to adopt the resolution.

BACKGROUND / DISCUSSION

In 1998 Measure U was approved as an advisory measure in response to the community's rapid growth. Details about that rapid growth are set forth in the attached proposed resolution. Measure U states:

Shall the City of Antioch, when considering approval of residential development, be instructed to phase the rate through land-use planning with concurrent financial planning to provide adequate schools, street improvements and highway 4 improvements for a sustained high quality of life, by making new growth pay its own way through maximizing fees, assessment districts, matching fund programs and any other means effective to expedite the construction of needed infrastructure.

In response, the City adopted the Residential Development Allocation Ordinance (Article 40 of Chapter 5 of Title 9 of the Antioch Municipal Code) which meters the rate of residential growth. Measure U was also incorporated into the Growth Management Element of the General Plan.

Since 2007 the Community Development Department has issued 672 new residential building permits despite the housing market decline and national recession. The City has also experienced a 26 percent reduction in General Fund revenues due largely to decreased sales tax and decreased property values and corresponding decreased property taxes. This has resulted in cut backs to City services and a 30 – 50% reduction in staffing levels depending on the department. The net result is that the City does not have sufficient funds to meet municipal service standards set forth in the General Plan and by policy of the City Council.

In response to this unprecedented situation, the City Council has previously directed staff to do the following: 1) prepare a Development Impact Fee Study in order to ensure that future development pays for its fair share of infrastructure costs; 2) address municipal service standards and growth control measures, including amendments to the Residential Development Allocation Ordinance as appropriate; and 3) consider any other necessary Municipal Code or General Plan amendment in order to preserve and maintain the health, safety and welfare of the community. Due to staffing levels, these efforts have taken longer than anticipated.

The attached resolution memorializes the above direction and formally initiates proceedings. Pursuant to Government Code section 66474.2, fees, codes, and policies adopted under these proceedings will apply to subdivision applications at time of map approval rather than date of complete application.

FISCAL IMPACT

There is no direct fiscal impact associated with the adoption of this resolution other than staff time to carry out the City Council's direction. The City Council previously approved a budget and contract for the consultant preparing the Development Impact Fee Study and for associated legal review.

If the Council does not adopt the proposed resolution, tentative maps, including those for residential subdivisions, could be submitted that would not be subject to future development impact fees if adopted by the City Council.

OPTIONS

1. Adopt a moratorium on residential development pursuant to California Government Code section 65858. Staff believes that having the policies and regulations in effect at the time of approval or disapproval of a subdivision map, as provided by and pursuant to Government Code section 66474.2, as opposed to the earlier time when the map application is deemed complete, will allow the City to continue to consider residential applications while addressing the public health, safety and welfare threats requiring the update of the current General Plan and Municipal Code.
2. Adopt the RDA extension ordinance introduced on March 13, 2010 (separate item on the consent calendar)

ATTACHMENTS

None.

RESOLUTION NO. 2012/**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH MEMORIALIZING PROCEEDINGS REGARDING PROPOSED CHANGES TO THE GENERAL PLAN AND ANTIOCH MUNICIPAL CODE INCLUDING BUT NOT LIMITED TO THE ZONING AND SUBDIVISION ORDINANCES AND IMPACT FEES AND APPLICABILITY OF SUCH CHANGES AT THE TIME THAT THE CITY APPROVES OR DISAPPROVES A TENTATIVE SUBDIVISION MAP

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

WHEREAS, the City's current growth control ordinance, Antioch Municipal Code section 9-5.4001 (Article 40 of Chapter 5 of Title 9), was adopted in 2002 in response to the Antioch electorate's approval of Measure U in 1998, which stated: "Shall the City of Antioch, when considering approval of residential development, be instructed to phase the rate through land-use planning with concurrent financial planning to provide adequate schools, street improvements and highway 4 improvements for a sustained high quality of life, by making new growth pay its own way through maximizing fees, assessment districts, matching fund programs and any other means effective to expedite the construction of needed infrastructure"; and

WHEREAS, Measure U has been incorporated into the City's current General Plan as part of the Growth Management Element of the General Plan; and

WHEREAS, the U.S. Census Bureau has reported that Antioch's population more than doubled between 1970 and 1990 from 28,060 to 63,062 residents and then increased another 30% percent in ten years to 90,532 residents in 2000, and increased another 12% in ten years to 102,372 residents in 2010; and

WHEREAS, the number of households in Antioch also increased from 1990 by 55% to 33,090 households in 2005, with the U.S. Census Bureau reporting that there were 35,252 households in Antioch in 2010, a 9% increase since 2000; and

WHEREAS, ABAG (Association of Bay Area Governments) Projections 2009 also indicated that the number of persons living in a household was higher in Antioch than the rest of Contra Costa County as a whole due to a larger percentage of households with children, which can cause strain on the public school district both as to facilities and providing educational services, as well as City recreational programs and spaces; and

WHEREAS, from 1989 to 1998 there were 7,197 new single family residential units constructed in Antioch; in the prior RHNA ("Regional Housing Needs Allocation") cycle from 1999 to 2006, 4,937 new residential units were constructed in Antioch (4,390 single family units and 547 multi-family units) and in the current RHNA cycle of 2007 -

2013, 672 new residential uses were constructed despite the unprecedented housing market collapse and economic recession; and

WHEREAS, the housing market collapse and national economic recession contributed to median housing prices in Antioch falling by 36% to 68% between 2006 and 2010 with median single-family home prices now \$175,000 or \$199,000 (depending on the source of information for median home pricing); over 500 Antioch homeowners per month receiving notices of default for several years; and as of December 2007, Antioch having the most foreclosure filings in Contra Costa County; and

WHEREAS, there remains plenty of available housing stock available in Antioch, with approximately half of the single family homes being built since 1989; and

WHEREAS, the Contra Costa Transportation Authority in "The 2000 Update, Contra Costa Countywide Comprehensive Transportation Plan" indicated that in 1990 that the "out commute" from East Contra Costa County along State Route 4 was 44,000 persons, in 2000 was 54,000 persons, and was expected to grow to 77,000 persons in 2010;

WHEREAS, "The 2009 Update, Contra Costa Countywide Comprehensive Transportation Plan" indicated that State Route 4 in Antioch would experience a 77% traffic volume increase and other areas in Antioch would experience over a 100% increase in traffic volume; and

WHEREAS, although improvements to State Route 4 are occurring, they are not complete and it continues to be a highly congested freeway, which means greater congestion on local roads as commuters look for shortcuts to Highway 4, as well as the congestion of more drivers returning to more homes in Antioch; and

WHEREAS, as set forth in State Assembly Bill 32 (2006) and State Senate Bill 375 (2008), increased traffic volumes and congestion increase greenhouse gases and other toxic air emissions leading to health and climate change concerns; and

WHEREAS, with the economic recession and decline in property tax revenues, the City of Antioch's budget has been reduced by one-third and staffing levels from 30-50% depending on department and thus property tax revenues from new residential uses are not sufficient to cover the cost of municipal services and facilities at the level provided in 2002 and standards set forth in the General Plan and in Council policy; and

WHEREAS, as indicated in the adoption of Residential Development Allocation Ordinance in 2002, the City has had, and continues to have, difficulty in funding sufficient police resources to keep pace with the rapidly-expanding population and as recently pointed out in a letter from housing developer West Coast Home Builders, the Antioch Police Department now has only 92 sworn officers, down from 107 in 2010 [and

approximately 126 sworn officers in 2006] raising questions regarding the City's ability to meet police service levels for new residents and residential developments; and

WHEREAS, the City's General Plan calls for police staffing between 1.2 and 1.5 for every 1000 residents and with a current population of approximately 100,000 residents, the City is not meeting this service level in the City's General Plan; and

WHEREAS, the current Municipal Code provisions in Article 40 of Chapter 5 of Title 9 of the Antioch Municipal Code (Residential Development Allocation), in Chapter 4 of Title 9 of the Antioch Municipal Code (subdivision ordinance) and in Title 3 of the Antioch Municipal Code regarding impact fees allowed under California Government Code section 66010 specifically fail to fully take into account the impacts to the City related to the construction and development of new residential uses and the related public health, safety, and welfare concerns, including but not limited to the impacts they may have on traffic, public facilities and services, the environment, parking and the community; and

WHEREAS, the provisions of the General Plan and the Antioch Municipal Code (including the Zoning Ordinance at Chapter 5 of Title 9 of the Antioch Municipal Code) that regulate the construction and development of new residential uses are inadequate and need review, study, and revision including but not limited to:

1. The extent to which existing General Plan and Municipal Code provisions establish services and infrastructure standards designed to ensure the public health, safety and welfare;
2. The extent to which the existing General Plan and Municipal Code do not adequately establish funding sources to meet such performance standards and the nature and extent of current and immediate threats to public health, safety and welfare posed by the inability to meet such performance standards including but not limited to:
 - a. Crime due to shortage of police sworn and unsworn personnel,
 - b. Inadequate infrastructure including transportation, facilities and utilities, and
 - c. Quality of life due to shortfalls in park, recreation and open space facilities; and

WHEREAS, the City has received and anticipates additional requests for the construction and development of new residential uses within the City; and

WHEREAS, since 2010, the City has been re-examining and considering proposals to revise the Residential Development Allocation program, including the incorporation of impact fees into the program, to better achieve the goals of Measure U and the Growth Management Element of the City's General Plan, particularly as the

Residential Development Allocation program is currently set to expire on May 1, 2012; and

WHEREAS, these proposals have been addressed at Planning Commission meetings on March 3, 2010, February 16, 2011 and March 7, 2012 and City Council meetings on January 26, 2010, February 2, 2010, March 9, 2010, March 23, 2010, March 8, 2011, March 22, 2011 and March 13, 2012 with the staff reports and minutes available on the City's website and incorporated into these findings; and

WHEREAS, the dramatic decrease in City staffing and resources has caused the review and implementation of these proposals to take a longer period of time than expected; therefore, the City will be unable to complete this undertaking, with appropriate outreach to stakeholders and required, noticed meetings, before the expiration of the Residential Development Allocation program in May 2012; and

WHEREAS, the City has considered adopting a moratorium on residential development pursuant to California Government Code section 65858, but finds that having the policies and regulations in effect at the time of approval or disapproval of a subdivision map as provided by and pursuant to Government Code section 66474.2, as opposed to the earlier time when the map application is deemed complete, will allow the City to continue to consider residential applications in furtherance of the goals in the City's Housing Element and RHNA allocations while addressing the public health, safety and welfare threats requiring the update of the current General Plan and Municipal Code, including but not limited to provisions in Article 40 of Chapter 5 of Title 9 of the Antioch Municipal Code (Residential Development Allocation), in Chapter 4 of Title 9 of the Antioch Municipal Code (subdivision ordinance) and in Title 3 of the Antioch Municipal Code regarding impact fees allowed under California Government Code section 66010; and

WHEREAS, this Resolution 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 either a direct physical change in the environment, or a reasonably foreseeable indirect change in the physical environment, but in the event that this Resolution is found to be a project under CEQA, it is subject to the exemption from environmental review under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of the Resolution may have a significant effect on the environment, because its duration is temporary; its purpose is to preserve the status quo, maintain the existing environment, and preserve and maintain the health, safety and welfare of the community; and, accordingly, it does not permit and will not result in any physical changes in the environment;

NOW THEREFORE BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANTIOCH THAT:

1. The current General Plan and Municipal Code, including provisions in Chapters 4 (Subdivision) and 5 (Zoning) of Title 9 and Title 3 of the Antioch Municipal Code are in need of updating to, among other things, assess the City's current performance standards and policies and establish adequate funding sources to ensure that such performance standards and policies can be met and to address the current and immediate threats to the public health, safety, and welfare described in this Resolution, including but not limited to impacts of new residential uses and potential increases in crime, impacts on traffic, public services and facilities and parking availability, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods.
2. Approval of additional residential units under existing policies and regulations would exacerbate these current and immediate threats to the public health, safety, and welfare due to continued, inadequately-controlled residential development and the lack of sufficient funding to provide the services, facilities and infrastructure needed to meet existing and future City standards.
3. The City needs additional time to study, prepare, adopt and implement reasonable policies and regulations relating to new residential development so that such policies and regulations can be applied in a nondiscriminatory manner. The City's staff is hereby directed to continue to study and evaluate the proposed changes to the City's Residential Development Allocation Program and the proposed adoption of new impact fees, as described in the foregoing recitals. Staff is further directed to initiate additional proceedings to study potential changes to the General Plan and to Chapters 4 (Subdivisions) and 5 (Zoning) of Title 9 and Title 3 of the City's Municipal Code, to address the current and immediate threats to the public health, safety and welfare described herein by assessing, developing, adopting and implementing changes to the City's existing performance standards and policies and the City's existing revenue sources.
4. In order to preserve and maintain the health, safety and welfare of the community and prevent the frustration of these contemplated policies and regulations, the City Council memorializes its intent to apply the ordinances, policies and standards enacted or instituted as a result of the ongoing proceedings to revise the General Plan and Municipal Code, including but not limited to revising the Residential Allocation Program and adopting new impact fees, and to apply the ordinances, policies, and standards enacted or instituted as a result of the proceedings instituted by this resolution to study potential changes to the General Plan and the Municipal Code, to the City's

approval or disapproval of all tentative subdivision maps, pursuant to Government Code section 66474.2. Otherwise, applying those policies and regulations in effect at the time that an application for a tentative map is deemed complete would impair the orderly and effective implementation of contemplated General Plan and Municipal Code amendments.

* * * * *

I HEREBY CERTIFY that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Antioch on the 24th day of April 2012, by the following vote:

AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 24, 2012**

Prepared by: Mindy Gentry, Senior Planner *MS*
Approved by: Tina Wehrmeister, Director of Community Development *TW*
Date: April 19, 2012
Subject: AR-10-04 – Mike’s Auto Body Landscape Amendment Appeal

RECOMMENDATION

It is recommended the City Council uphold the Planning Commission’s decision and deny the appeal.

An alternative resolution has been provided and discussed under the Options section of the staff report.

REQUEST

Brennan Rose of Mike’s Auto Body is appealing the Planning Commission’s decision to approve some but not all of the as-built landscape plan amendments for Mike’s Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**).

BACKGROUND INFORMATION

The subject site has been the location of several auto dealerships throughout the years and on July 21, 2010, the Planning Commission recommended approval of a rezone, a minor subdivision/final development plan, and design review to the City Council subject to conditions of approval. On August 10, 2010, the City Council approved the rezone, minor subdivision/final development plan, and design review.

On September 21, 2010, a building permit was pulled for the tenant improvements that were proposed for the Mike’s Auto Body building and site. During the construction process there was some minor changes that were approved by the Zoning Administrator, which included the addition of a wash rack on the east side of the building.

On June 21, 2011, staff conducted a site inspection and observed that the planting was not compliant with the approved landscape plan. Staff informed the applicant of the discrepancies between the approved plan and the actual plantings. The applicant advised staff that they preferred to keep the landscape modifications, so staff reviewed the proposed plan with the Zoning Administrator, who made the determination that the modifications were considered a substantial change that would be required to go back to the Planning Commission for review (Attachment “B”).

On April 4, 2012, the applicant's proposed landscaping plan amendment was heard before the Planning Commission (Attachment "C"). Staff and the applicant provided a summary of the changes from the approved plan. The Planning Commissioners questioned the applicant as to why they did not consult City staff on the changes, to which the applicant responded that they believed they were upgrading the site through these changes. The Planning Commission reiterated to the applicant the conditions on the project are there for a reason and not following those conditions and not requesting the desired changes have placed the Commission in a difficult position.

The Planning Commission made a motion to approve the landscape plan amendments, but to delete conditions requiring the additional approved trees and shrubs, which would leave the synthetic turf, but require the installation of the swales along Tenth Street and Auto Center Drive. This motion did not pass due to the Commission's split on the synthetic turf as a landscaping material. The second motion made by the Planning Commission deleted the conditions requiring the additional approved trees, but required the installation of the swales as well as replacement of the synthetic turf with shrubs and groundcover. The Planning Commission approved the landscape plan amendments with the conditions of approval to maintain the majority of the landscaping as it was originally proposed and approved.

On April 9, 2012, Brennan Rose of Mike's Auto Body filed an appeal of the Planning Commission's decision on the landscape plan amendment (Attachment "D").

ENVIRONMENTAL

The project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts projects that involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

ANALYSIS

Issue #1: Project Overview

As mentioned earlier, the applicant is seeking approval of modifications to their originally approved landscape plan. Two sets of plans have been provided to the Council for this project. There is a plan marked "approved", which is the landscaping plan that was before both the Planning Commission and City Council, which the entitlements were based upon. The other plan is marked "proposed", which reflects the current as-built environment at Mike's Auto Body.

The proposed modifications or the differences between the two plans are as follows:

1. Groundcover and shrubs were replaced with synthetic turf. The removed shrubs consist of approximately 100 African Iris, Bottle Brush, and Lily of the Nile. The removed groundcover consists of Star Jasmine and Wild Strawberry.
2. Irrigation was not installed to the areas where synthetic turf was installed.

3. A small strip planter was installed between the retaining wall on Tenth Street and the drive aisle. The planter contains Dwarf Rosemary.
4. Newport Dwarf Escallonia was removed along the back wall in the southeast corner in order to accommodate the trash area.
5. The Chinese Hackberry tree on the southern side of the southern driveway on Auto Center Drive was switched to a California Fan Palm.
6. The approved addition of the wash rack made the following changes. The landscape planter area east of the eastern driveway on Tenth Street was modified. A landscape strip was added along the eastern property line and planted with Star Jasmine. This modification also removed three trees along the eastern wall and the Argentine Trumpet vines were not planted.
7. The vines along the south wall were not planted and neither were the Japanese Privets.
8. The planting area on the northwest corner of the building adjacent to the path of travel was modified by replacing the African Iris with Star Jasmine. The two Queen Palms in this landscape area were also not planted.
9. The planting area to the north of the building, adjacent and east of the handicap parking stalls was modified. Additional concrete took the place of landscaping and two California Fan Palms were not planted.
10. At the corner of Auto Center Drive and Tenth Street a California Fan Palm was not planted.
11. The trash enclosure was never constructed.

There are two main concerns from a staff perspective regarding the proposed changes. The first concern regarding the above items is the lack of installation of the swales along Auto Center Drive and Tenth Street and the addition of synthetic turf. The purpose of the swale was to have the storm water from the project site drain into the swale, and have the landscaping act as biofiltration for the storm water. Subsequently, the water would flow through a pipe which connected to the public storm drain system.

By not installing the swale it resulted in project being out of compliance with the conditions of approval. The condition of approval states:

38. That the parking lot shall include a minimum 10' wide landscape setback from the property line on Auto Center Drive and a minimum 5' landscape setback from the property line on the corner of West Tenth Street and storm water shall be collected and conveyed in a landscape swale within those areas. Swales shall be terminated at a catch basin that is connected to the public drain system.

Synthetic turf is considered an impervious surface and as the frontage is currently designed and installed, the existing grade is such that the storm water will drain from the parking lot through the inlets in curb and pond behind the sidewalk, ultimately sheeting across the City sidewalk (Attachment "E"). While the project is exempt from the C.3 storm water requirements, the purpose and intent of the condition of approval was to not only filter the storm water but to mitigate the drainage issue and prevent water from sheeting across the sidewalk. Furthermore, the synthetic turf is not mentioned in the City's Design Guidelines as an approved landscaping material and the

addition of the turf has resulted in a reduction of plant variety and color to the site. If the synthetic turf is allowed to remain, this could set a precedent within the City for future commercial and residential developments in regards to landscaping.

The second concern is not having a trash enclosure for the refuse containers, which consist of a compactor and bailer. Per the City's Zoning Code, an enclosure is required for all commercial sites containing dumpsters and compactors. The design shall adhere to the requirements of the Zoning Ordinance.

Further details on the items listed above are discussed in the Planning Commission staff report (Attachment "C").

FINANCIAL IMPACT

None.

OPTIONS

1. Deny the appeal and uphold the Planning Commission's decision.
2. Approve the appeal and accept all of the modifications as proposed by the applicant or add conditions of approval which the Council feels would satisfactorily address the concerns.
3. Continue the item and provide direction to the applicant and staff regarding the project and/or request additional information.

ATTACHMENTS

- A: Aerial Photograph
- B: Applicant's Summary
- C: April 4, 2012 Planning Commission Staff Report and Minutes
- D: Applicant's Appeal Letter
- E: Graphic of Synthetic Turf Drainage

RESOLUTION NO. 2012/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH UPHOLDING
THE PLANNING COMMISSION'S DECISION AND DENYING AN APPEAL OF
AMENDMENTS TO THE LANDSCAPE PLAN FOR MIKE'S AUTO BODY**

WHEREAS, the City of Antioch received a request from Brennan Rose for an amendment to the approved landscape plan for Mike's Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**); and,

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

WHEREAS, the Planning Commission on April 4, 2012, duly held a hearing, received, and considered evidence, both oral and documentary and approved some but not all of the as-built landscape amendments, and

WHEREAS, the Planning Commission Resolution 2012-05, from April 4, 2012 is attached as Exhibit A.

WHEREAS, the City of Antioch on April 9, 2012 received an appeal from Brennan Rose of the Planning Commission's decision; and

WHEREAS, the City Council on April 24, 2012, duly held a hearing, received, and considered evidence, both oral and documentary; and

NOW THEREFORE BE IT RESOLVED the City Council of the City of Antioch does hereby **DENY** the appeal of the landscape plan amendment and upholds the Planning Commission decision attached as Exhibit A to this resolution (AR-10-04).

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Antioch, at a regular meeting thereof held on the 24th day of April, 2012.

AYES:

NOES:

ABSENT:

DENISE SKAGGS, City Clerk

EXHIBIT A

CITY OF ANTIOCH PLANNING COMMISSION RESOLUTION NO. 2012-05

RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION APPROVING AN AMENDMENT TO THE LANDSCAPE PLAN FOR MIKE'S AUTO BODY

WHEREAS, the City of Antioch received a request from Brennan Rose for an amendment to the approved landscape plan for Mike's Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**); and,

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, the Planning Commission on April 4, 2012, duly held a public hearing, received, and considered evidence, both oral and documentary, and

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **APPROVE** amendments to the landscape plan (AR-10-04), subject to the following conditions:

PROJECT SPECIFIC CONDITIONS

1. This approval expires two years from the date of approval (Expires April 4, 2014), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
2. The project shall be compliant with all conditions of approval contained within Planning Commission Resolution 2010-24 and City Council Resolution 2010/57, except as modified by the Planning Commission.
3. Per condition number 38 of City Council Resolution 2010/57, the applicant shall install the swales along Auto Center Drive and Tenth Street where storm water shall be collected and conveyed in a landscaped swale within those areas. The swales shall be terminated at a catch basin that is connected to the public storm drain system.
4. The native grasses, shrubs and irrigation shall be installed along Auto Center Drive and Tenth Street as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.

5. The Argentine Trumpet vines and the Creeping Fig vines shall be installed along the southern property line and the eastern property line as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.
6. Four Japanese Privets shall be installed within the landscape planters on the southern property line as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010. Two Japanese Privets shall be planted in the northeastern landscape strip to accommodate the removal of two London Plane trees.
7. DELETED.
8. Three Queen Palms or other accents trees approved by staff shall be installed. One shall be installed in the landscape area on the north side of the building adjacent and east of the handicapped parking stalls as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010. Two Queen Palms shall be planted in the landscaping areas on both sides of the path of travel, as approved by staff.
9. DELETED.
10. A trash enclosure shall be constructed to contain both the cardboard baler and compactor onsite. It also shall be large enough to accommodate recycling bins if deemed necessary by staff. The design shall adhere to Section 9-5.1401 of the Zoning Code and be subject to staff approval.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 4th day of April 2012.

AYES: Baatrup, Azevedo, Bouslog, Langford and Travers
NOES: None
ABSTAIN: None
ABSENT: Westerman and Douglas-Bowers

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

RESOLUTION NO. 2012/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING AN APPEAL OF AN AMENDMENT TO THE LANDSCAPE PLAN FOR
MIKE'S AUTO BODY**

WHEREAS, the City of Antioch received a request from Brennan Rose for an amendment to the approved landscape plan for Mike's Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**); and,

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

WHEREAS, the Planning Commission on April 4, 2012, duly held a hearing, received, and considered evidence, both oral and documentary and approved some but not all of the as-built landscape amendments, and

WHEREAS, the City of Antioch on April 9, 2012 received an appeal from Brennan Rose of the Planning Commission's decision; and

WHEREAS, the City Council on April 24, 2012, duly held a hearing, received, and considered evidence, both oral and documentary; and

NOW THEREFORE BE IT RESOLVED the City Council of the City of Antioch does hereby **APPROVE** the appeal of the landscape plan amendment (AR-10-04), subject to the following conditions:

PROJECT SPECIFIC CONDITIONS

1. This approval expires two years from the date of approval (Expires April 24, 2014), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
2. The project shall be compliant with all conditions of approval contained within Planning Commission Resolution 2010-24 and City Council Resolution 2010/57 except as modified by the City Council at the April 24, 2012 hearing.
3. Wet stamped engineered as-built drawings shall be submitted to the City for review and approval.

RESOLUTION NO. 2012/**

April 24, 2012

Page 2

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I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Antioch, at a regular meeting thereof held on the 24th day of April, 2012.

AYES:

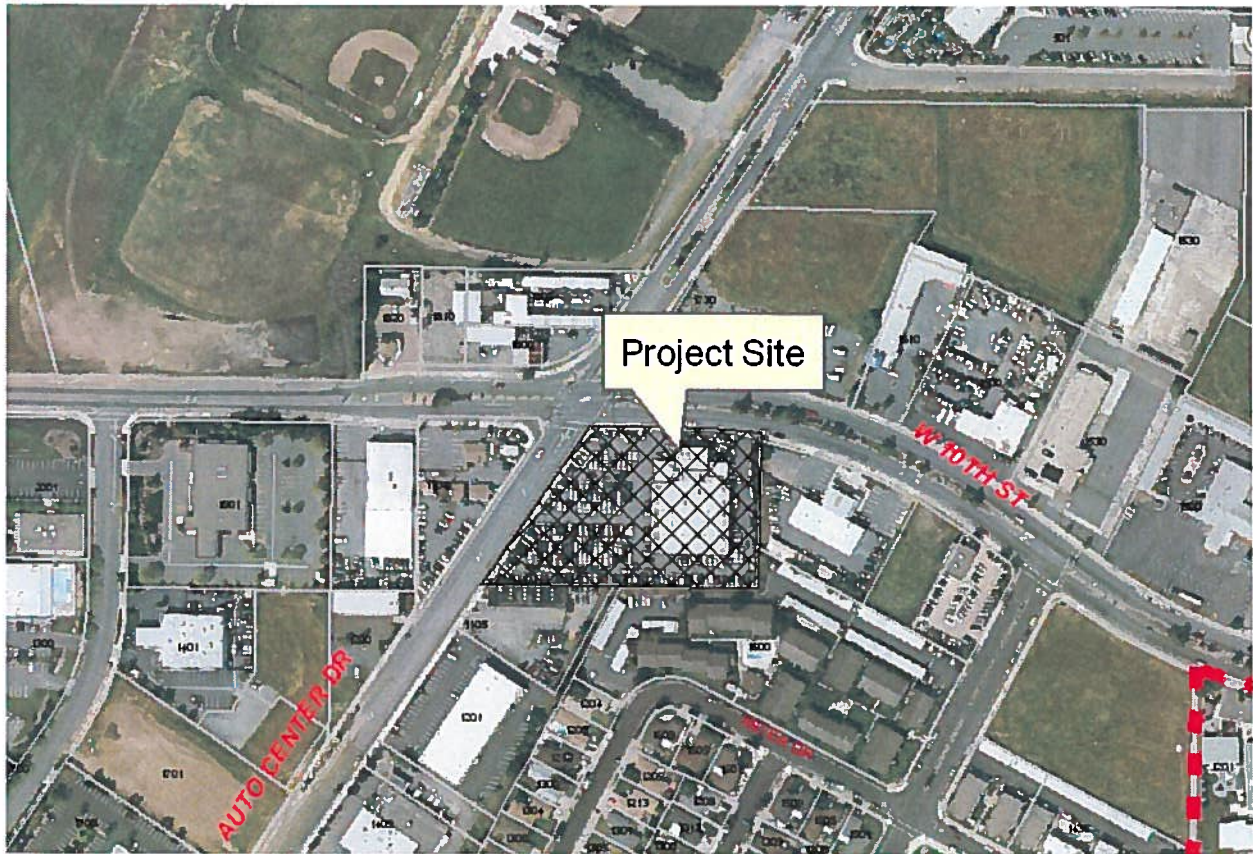
NOES:

ABSENT:

DENISE SKAGGS, City Clerk

ATTACHMENT "A"

Aerial Photo





ATTACHMENT "B"

151 N. Norlin Street
Sonora, CA 95370
209.532.2856 office
209.532.9510 fax
www.knoxla.com

Transmittal

To: Mindy Gentry **Date:** February 14, 2012
Address: City of Antioch Planning Dept. **Phone:** 925-779-6133
 200 H Street
 Antioch, CA. 94509 **Job No:** 10-1348
Re: Mike's Auto Body **From:** Tom Holloway
 KLA, Inc.

Via: FedEx UPS Next Day Priority Mail US Mail OnTrac
 Per your request For your records For your review

Enclosed please find:

<u>Copies</u>	<u>Date</u>	<u>Description</u>
4	7-31-11	Revised Planting Plans (L2-L3)
10		11x17 reductions of the above planting plans
10		11x17 photographs of the site
1		Electronic version of the above plans will be sent via e-mail

Hi Mindy – Attached are copies of the landscape plans that reflect the installed modifications of the planting at Mike's Auto Body. My client would like to pursue Design Review approval of the installed landscape. The attached plans reflect the landscape as installed (that deviated from the originally approved landscape plans). The following are the main differences:

1. The shrubs and groundcover were planted substantially compliant with the plans with a few noted changes that will be described below. We are happy with the shrub changes.
2. The groundcover along Auto Center Dr. and 10th Street was replaced with synthetic turf. The shrub hedge at the parking lot remains. Only the groundcover was changed. KLA has no issue with this change. The water use of the landscape is actually reduced by the use of synthetic turf and it offers an aesthetic benefit to the site.
3. The owner created a continuous planter in the narrow gap between the driveway and the retaining wall along 10th Street sidewalk. Trailing Rosemary has been planted to trail over the wall. This is in addition to what was shown on the plans.

B1

4. There were some sidewalk changes at the NW corner of the building that required some modification of the shrub layout. KLA is good with the modifications.
5. The curb line changed on the east side of the project with the parking and gates removed. Curbs were revised. The broadleaf trees were not planted (two trees), but there is a continuous row of large evergreen Star Jasmine vines on the upgraded masonry wall.
6. Broadleaf trees were not installed in the planters on the southeast side of the site (five trees) as this is a back of house, car storage area. Shrubs were planted per plan. Vines were not planted as the wall has been upgraded and is fenced off during non-business hours.
7. Additional shrubs were planted along the property line west of this area – the planter was extended west.
8. The species and quantities of palms throughout the site is the same, but some species were switched such as a Fan Palm planted where a Queen Palm was shown on the plan and vise-versa. The overall function of the palms is the same from place to place, so we have no issue with this change.
9. The planting details and General Notes on Sheet L3 did not change, but are included with this e-mail.
10. The irrigation system was installed per the plans with the exception of no irrigation being provided in the synthetic turf areas.

The changes made during installation (and reflected on the attached plan) only improve the water-efficient landscape ordinance calculations. The site meets (and exceeds) the aesthetic qualities that we had designed. Overall KLA is pleased with the installation and feel that while the owner made changes they were not detrimental to the project and in several areas are improvements to the project.

Please let me know if there is anything else that needs to be provided in order to get on the next available Planning Commission/Design Review meeting.

Please give us a call if you have any questions or need any additional information.

Tom Holloway, ASLA, LEED AP

CC:

KLA, Inc.
151 N. Norlin St.
Sonora, CA 95370
(209)532-2856 (209)532-
9510fax

www.knoxla.com

ATTACHMENT "C"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF APRIL 4, 2012

Prepared by: Mindy Gentry, Senior Planner *MG*

Date: March 29, 2012

Subject: AR-10-04 – Mike's Auto Body Landscape Plan Amendment

RECOMMENDATION

A resolution for approval and a resolution for denial have been provided to the Planning Commission for consideration.

REQUEST

Brennan Rose, the applicant, requests the approval of an amendment to the approved landscape plan at Mike's Auto Body. The project is located at 1001 Auto Center Drive (APN: 074-160-022).

BACKGROUND

The subject site has been the location of several auto dealerships throughout the years and on July 21, 2010, the Planning Commission recommended approval of a rezone, a minor subdivision/final development plan, and design review to the City Council subject to the conditions of approval (Attachment B). Subsequently, on August 10, 2010, the City Council approved the rezone, minor subdivision/final development plan, and design review (Attachment C).

On September 21, 2010, a building permit was pulled for the tenant improvements that were proposed for the Mike's Auto Body building and site. During the construction process there were some minor changes that were approved by the Zoning Administrator, which included the addition of a wash rack on the east side of the building.

On June 21, 2011, staff conducted a site inspection and observed that the planting was not compliant with the approved landscape plan. Staff informed the applicant of the discrepancies between the approved plan and the actual plantings. The applicant advised staff that they preferred to keep the landscape modifications, so staff reviewed the proposed plan with the Zoning Administrator, who made the determination that the modifications were considered a substantial change that would be required to go back to the Planning Commission for review. Attachment D is the applicant's summary of the proposed changes.

ENVIRONMENTAL

The project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts projects that involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

ANALYSIS

Issue #1: Project Overview

As mentioned earlier, the applicant is seeking approval of landscape modifications from their originally approved landscape plan. Two plans have been provided to the Commission for this project. There is a plan marked “approved”, which is the landscaping plan that was before both the Planning Commission and City Council, which the entitlements were based upon. The other plan is marked “proposed”, which reflects the current as-built environment at Mike’s Auto Body. The proposed modifications or the differences between the two plans are as follows:

1. Groundcover and shrubs were replaced with synthetic grass. The removed shrubs consist of approximately 100 African Iris, Bottle Brush, and Lily of the Nile. The removed groundcover consists of native grasses and Wild Strawberry.
2. Irrigation was not installed to the areas where synthetic turf was installed.
3. A small strip planter was installed between the retaining wall on Tenth Street and the drive aisle. The planter contains Dwarf Rosemary.
4. Newport Dwarf Escallonia was removed along the back wall in the southeast corner in order to accommodate the trash area.
5. The Chinese Hackberry tree on the southern side of the southern driveway on Auto Center Drive was switched to a California Fan Palm.
6. The addition of the wash rack made the following changes. The landscape planter area east of the eastern driveway on Tenth Street was modified. A landscape strip was added along the eastern property line and planted with Star Jasmine. This modification also removed three threes along the eastern wall and the Argentine Trumpet vines were not planted.
7. The vines along the south wall were not planted and neither were the Japanese Privets.
8. The planting area on the northwest corner of the building adjacent to the path of travel was modified by replacing the African Iris with Star Jasmine. The two Queen Palms in this landscape area were also not planted.
9. The planting area to the north of the building, adjacent and east of the handicap parking stalls, was modified. Additional concrete took the place of landscaping and two California Fan Palms were not planted.
10. At the corner of Auto Center Drive and Tenth Street a California Fan Palm was not planted.
11. A third Windmill Palm was not planted in the middle landscaping area in northern portion of the parking lot, even though it was shown on both sets of plans.
12. The trash enclosure was never constructed.

There are several problematic issues from a staff standpoint regarding some of the proposed changes. Staff has added conditions of approval to the approval resolution to help alleviate these issues. The major concern from the aforementioned items is the synthetic turf and the lack of irrigation provided to the area along Auto Center Drive and Tenth Street. The installation of the synthetic turf resulted in noncompliance with City Council Resolution 2010/57 condition of approval number 38. The condition states:

38. That the parking lot shall include a minimum 10' wide landscape setback from the property line on Auto Center Drive and a minimum 5' landscape setback from the property line on the corner of West Tenth Street and storm water shall be collected and conveyed in a landscape swale within those areas. Swales shall be terminated at a catch basin that is connected to the public drain system.

The swales were never installed and synthetic turf replaced the native grasses which were to act as biofiltration for the storm water runoff, as well as to prevent the site's storm water from sheeting across City sidewalks. Furthermore, the synthetic turf is not mentioned in the City's Design Guidelines as an approved landscaping material and the addition of the turf resulted in a reduction of plant variety and color to the site. Staff is recommending that condition number 38 be upheld and the swales be installed along with the irrigation and the plantings reflected in the approved plan set.

Staff is supportive of items numbered 3 through 5. For items number 6 and 7, the vines identified on the approved landscape plan should be planted and a condition has been added reflecting this change. The City's Design Guidelines support this condition by requiring 2/3 of flat wall surfaces to be covered by landscaping. Even though these areas are behind a gate, portions of the walls are still visible from Auto Center Drive and Tenth Street. Also, for item 7, the Japanese Privets should be planted along the southern property line to soften the wall as well as to provide a landscape buffer between the adjacent residential uses and a commercial use, which is outlined in the City's Design Guidelines.

For items 8 and 9, three Queen Palms or other accent trees should be planted on either side of the path of travel adjacent to the building in the northwest corner as well as the landscape strip adjacent to the handicapped parking on the north side of the building. The City's Design Guidelines state, "Landscape areas are used to frame and soften structures, to define site functions, to enhance the quality of the environment, and to screen undesirable views." They further state, "Landscaping around buildings, particularly at entrances, is encouraged to soften the edge between the parking lot and the structure. Irrigated pots and planters are encouraged for this purpose." Item 10, the California Fan Palm on the corner of Auto Center Drive and Tenth Street, should also be planted. To further support the planting of the additional trees, the Design Guidelines also discusses landscaped areas incorporating a multi-tiered planting design system which includes: grasses and groundcovers, shrubs, and trees. The additional Windmill Palm in item 11 should be planted.

Lastly, the trash enclosure shown on the approved plan was never constructed. The City's Zoning Ordinance requires all commercial uses to construct trash enclosures for

dumpsters and compactors. A trash enclosure shall be constructed to contain the compactor and baler onsite. The design shall adhere to the requirements of the Zoning Ordinance. A condition of approval has been added regarding this item.

ATTACHMENTS

- A: Aerial Photo
- B: Staff Report, Resolution, and Minutes from the July 21, 2010 Planning Commission Hearing
- C: Staff Report, Resolution, and Minutes from the August 10, 2010 City Council Hearing
- D: Applicant's Summary of Changes
- E: Landscaping Photos

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2012-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING AN AMENDMENT TO THE LANDSCAPE PLAN FOR MIKE'S AUTO
BODY**

WHEREAS, the City of Antioch received a request from Brennan Rose for an amendment to the approved landscape plan for Mike's Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**); and,

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, the Planning Commission on April 4, 2012, duly held a public hearing, received, and considered evidence, both oral and documentary, and

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **APPROVE** amendments to the landscape plan (AR-10-04), subject to the following conditions:

PROJECT SPECIFIC CONDITIONS

1. This approval expires two years from the date of approval (Expires April 4, 2014), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
2. The project shall be compliant with all conditions of approval contained within Planning Commission Resolution 2010-24 and City Council Resolution 2010/57.
3. Per condition number 38 of City Council Resolution 2010/57, the applicant shall install the swales along Auto Center Drive and Tenth Street where storm water shall be collected and conveyed in a landscaped swale within those areas. The swales shall be terminated at a catch basin that is connected to the public storm drain system.
4. The native grasses, shrubs and irrigation shall be installed along Auto Center Drive and Tenth Street as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.

- 5. The Argentine Trumpet vines and the Creeping Fig vines shall be installed along the southern property line and the eastern property line as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.
- 6. Four Japanese Privets shall be installed within the landscape planters on the southern property line as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010. Two Japanese Privets shall be planted in the northeastern landscape strip to accommodate the removal of two London Plane trees.
- 7. A Windmill Palm shall be installed in the middle landscape area in the northern portion of the parking lot as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.
- 8. Three Queen Palms or other accents trees approved by staff shall be installed. One shall be installed in the landscape area on the north side of the building adjacent and east of the handicapped parking stalls as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010. Two Queen Palms shall be planted in the landscaping areas on both sides of the path of travel, west of the building as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.
- 9. The California Fan Palm on the corner of Auto Center Drive and Tenth Street shall be planted as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.
- 10. A trash enclosure shall be constructed to contain both the cardboard baler and compactor onsite. It also shall be large enough to accommodate recycling bins if deemed necessary by staff. The design shall adhere to Section 9-5.1401 of the Zoning Code and be subject to staff approval.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 4th day of April 2012.

AYES:
NOES:
ABSTAIN:
ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2012-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
DENYING AN AMENDMENT TO THE LANDSCAPE PLAN FOR MIKE'S AUTO BODY**

WHEREAS, the City of Antioch received a request from Brennan Rose for an amendment to the approved landscape plan for Mike's Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**); and,

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, the Planning Commission on April 4, 2012, duly held a public hearing, received, and considered evidence, both oral and documentary, and

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **DENY** amendments to the landscape plan (AR-10-04).

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 4th day of April, 2012, by the following vote:

AYES:

NOES:

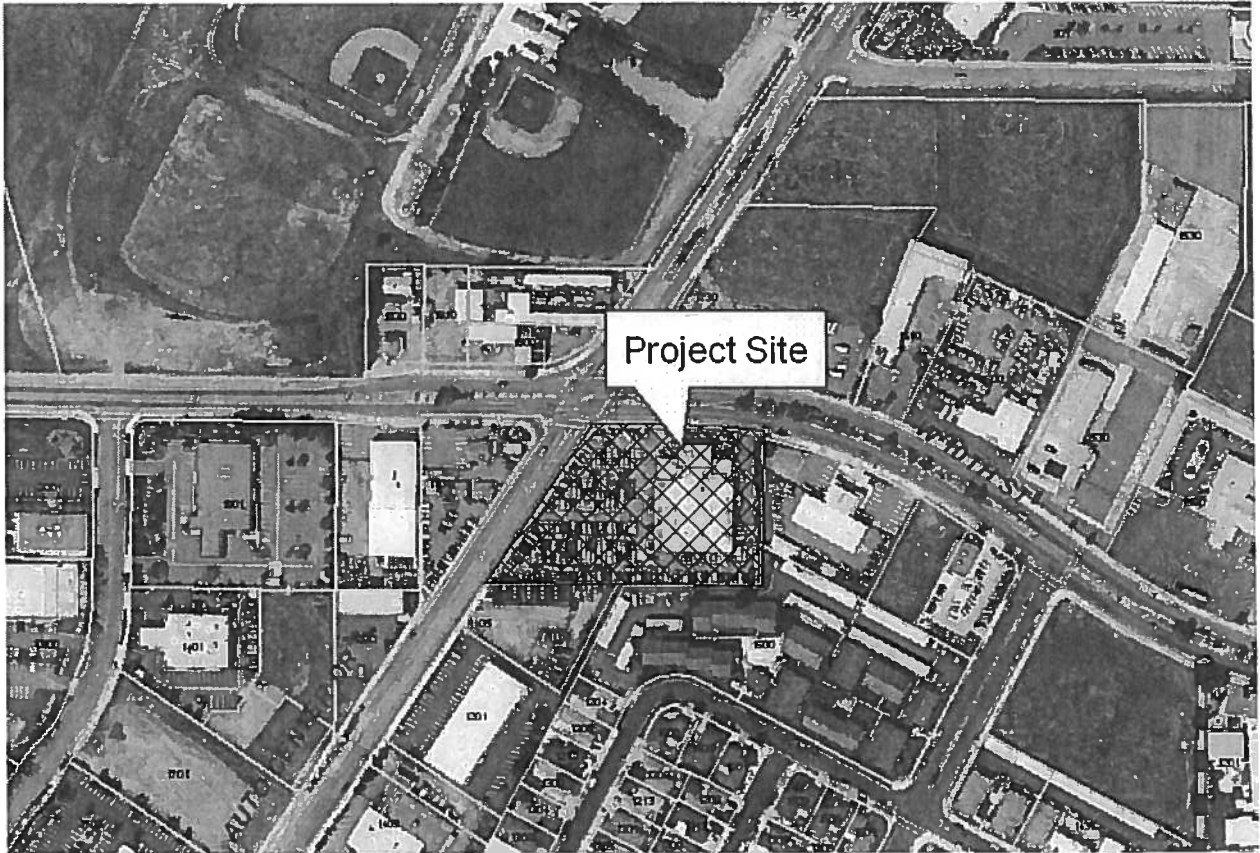
ABSENT:

ABSTAIN:

TINA WEHRMEISTER, Secretary to the
Planning Commission

ATTACHMENT "A"

Aerial Photo



Atco

ATTACHMENT "B"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF JULY 21, 2010

Prepared by: Alexis Morris, Senior Planner
Reviewed by: Tina Wehrmeister, Community Development Director
Date: July 15, 2010
Subject: PD-10-01, AR-10-04, PW 357-301-10 – Mike's Auto Body

RECOMMENDATION

It is recommended that the Planning Commission take the following actions:

1. Approve the resolution recommending approval of an ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).
2. Approve the resolution recommending approval of a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval.

REQUEST

Brennan Rose, Mike's Auto Body, requests approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022) (Attachment A).

BACKGROUND

The subject property is the former location of several auto dealerships. The property has been vacant for a number of years and has been routinely vandalized. The applicant recently took over ownership of the subject property and is making an effort to repair broken windows, paint over graffiti and secure the property until it can be occupied. The applicant operates seven locations in Contra Costa County, including one across the street from the subject property. The applicant intends to relocate to this location if approved.

ENVIRONMENTAL

This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning.

ANALYSIS

Issue #1: Project Overview

The proposed project consists of an exterior and interior remodel, a minor subdivision into two parcels, and a Planned Development (PD) rezone on the site of the former auto dealership located at 1725 West 10th Street. The existing building on site will be used for auto body repair and offices. In addition to the remodel of the existing building, the parking lot will be restriped, landscaping will be added and a new trash enclosure will be constructed. A trash compactor, a baler and storage are also proposed at the rear of the site.

The minor subdivision will create two new parcels: Parcel A will be 72,777 s.f. and will contain the Mike's Auto Body building, and Parcel B will be 31,504 s.f. and will be the site of a future commercial building. The applicant does not intend to develop this building at this time; therefore the future building on Parcel B will be required to apply separately for design review approval.

The General Plan designation for the site is Commercial and the Zoning Designation is Neighborhood/Community Commercial (C-2). The surrounding land uses and Zoning designations are:

North: Car Rental, Tire Store / Neighborhood/Community Commercial (C-2)
East: Vacant Commercial Building / Neighborhood/Community Commercial (C-2)
South: Auto service, apartment complex / Neighborhood/Community Commercial (C-2), High Density Residential (R-20)
West: Auto sales and services / Planned Business Center (PBC)

Issue #2: Architecture and Signage

Overall, staff is pleased with the proposed remodel of the existing building. The remodel includes a new color scheme, new materials and finishes, and new architectural elements. The proposed color scheme includes light- and medium-beige wall colors and dark red trim. The building currently has a rock-finish, which will be replaced with a stucco finish. The applicant is adding tower elements and cornices to the building to vary the roof height and provide visual interest. Façade improvements to the north elevation include the new tower elements and arches in front of new sliding glass doors. The wall surfaces will be broken up by faux columns, arches, metal grids and painted patterns in the stucco.

Please note that the elevations show gridlines in the stucco of the west elevation. Subsequent to submitting the elevations, the applicant learned from contractors that they will not be able to create that effect after all due to the wall's existing rock surface. The applicant is instead proposing a smooth wall with the painted diamond or a diamond with a stripe painted off each point of the diamond. Staff recommends that these areas feature only the painted diamond, similar to what is shown on the proposed elevations. This change has been included as a condition of approval.

The design of the proposed project was not peer reviewed by an outside architect. The Community Development Director has the discretion to determine when a project should be subject to the peer review process. Given that the proposed project is not new construction, and given the constant vandalism and theft that occurs at the site, the Director determined that it was appropriate to forgo peer review for this project in order to expedite the processing of the application.

The project is subject to the Citywide Design Guidelines, whether or not it goes through the peer review process. The following is a partial list of some of the Commercial Design Guidelines the project is consistent with:

- 3.1.10. Commercial Building/Center Rehabilitation (P. 3-22):
 - A.2.c: Adding a new centrally located common use entry drive and reducing the number of multiple entry driveways.
 - A.2.f: Restriping the parking lot to provide a more efficient vehicle circulation pattern.
 - B.2: Large buildings or centers shall incorporate changes in vertical and horizontal planes to break up a monolithic appearance.
 - B.5: Each building shall have a definable base (wainscot/bulkhead), roofline (or parapet cap detail), and entry.
- 3.2.12 Automotive Repair and Smog Services (P. 3-47):
 - A.2: Vehicle drop-off areas shall be provided to prevent vehicle overflow onto adjacent streets.
 - A.3: The interior of work bays shall not be visible from a public street, any adjacent residential buildings, or designated open space.

The building features wall signs on the north and west elevations. The signs feature individually mounted, dark red letters, a silhouette of Mount Diablo, and a rose logo. The plans show a monument sign at the corner of the site, but a design for the sign has not yet been developed. Staff has included a condition requiring the design of the monument sign to be reviewed and approved by the Zoning Administrator prior to installation.

Issue #3: Landscaping and Walls

The site currently has no landscaped setback from Auto Center Drive or W. 10th Street, which is typical of other properties in the vicinity. The applicant is proposing to add a minimum ten foot landscaped area on Auto Center Drive and a new landscaped area on W. 10th Street east of the intersection. The project is not subject to provision C.3 of the City's NPDES permit, but the addition of landscaping adjacent to Auto Center Drive will help prevent much of the site's storm water from flowing across City sidewalks. As mentioned above, many of the properties in the vicinity have little to no landscaped setbacks; therefore, the addition of landscaped setbacks on this property will help improve the appearance of this parcel as well as improve the appearance of the intersection. Landscaped areas with trees and shrubs are also being added to the parking lot.

The planting plan includes a wide variety of drought-tolerant trees, shrubs and ground covers. Several varieties of palm trees will be planted adjacent to the building and in the parking lot. The site of the future building on Parcel B will be hydro seeded with native grasses.

The applicant is proposing to construct a six-foot, beige masonry wall on the southern property line where it abuts the apartment complex and a portion of the eastern property line, which is required by the Zoning Ordinance. The exact design of the wall has not been finalized; therefore staff has included a condition that the final design be subject to the approval of the Zoning Administrator. The rest of the perimeter will utilize the existing chain link fence. Wrought iron gates will be constructed in the parking lot to the south and east of the building to screen and secure cars that are temporarily stored on site.

Issue #4: Parking Lot/Site Improvements

The applicant will be re-striping the parking lot to include a new circulation pattern and a total of 144 parking spaces. The proposed parking exceeds Zoning Code requirements for auto body and commercial uses. The site currently has two sub-standard driveways on West 10th Street to the west of the building. These driveways will be reconfigured into one driveway that meets City standards. The driveway to the east of the building will remain as-is.

A shared parking and access agreement is required to ensure the right of each property to park on the other property and to ensure shared access to the trash enclosure on Parcel A, as well as maintenance of the parking lot and landscaping. A condition to this effect is included in the attached resolution.

Issue #5: Zoning and Planned Development Standards

The subject property is located within the Somersville Road Focus Policy Area of the General Plan. The General Plan designation for the site is Commercial and the Zoning Designation is Neighborhood/Community Commercial (C-2). The General Plan allows auto body repair in the Commercial designation, however it is not a permitted use in the C-2 Zoning designation. Therefore, the applicant is requesting a rezone to Planned Development District (PD) in order to allow uses more consistent with the General Plan designation, such as auto body repair, on the site and to create a list of permitted uses for future tenants of the commercial building on Parcel B.

The applicant's requested PD District standards and regulations are provided as Attachment "B". The PD zone as proposed by the applicant would permit the following types of uses by right:

- Convenience retail uses
- Services uses
- Banks and financial institutions

- Professional offices
- Automotive uses

The following types of uses would require a conditional use permit (CUP):

- Carwash
- On- or off-sale liquor establishments
- Restaurants with or without a drive thru
- Nursery and day care centers
- Other uses as determined by the Zoning Administrator

Staff would recommend one change to the proposed list of uses. Restaurants are permitted by right in most commercial zones. Staff recommends that a traditional restaurant be permitted by right and that only a restaurant with drive-thru or with a bar and live entertainment be required to obtain a CUP. This recommendation is reflected in the attached resolution.

Proposed PD-District Development Standards

Standard	Standard C-2 Zoning	Proposed PD Zoning
Minimum Lot Size	20,000 sq. ft.	20,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet	Interior lot: 60 feet Corner lot: 65 feet
Minimum Front Yard Setbacks	30 feet	0 to 10 feet
Minimum Side Yard Setbacks	Interior: 0 feet Street Side (Corner lot): 30 feet	Interior: 0 feet Street Side: 10 feet (reserved for landscaping only)
Minimum Rear Yard Setbacks	10 feet	0 feet
Maximum Building Height	35 feet	30 feet
Maximum Lot Coverage	35%	35%
Parking	By use, per requirements of Section 9-5.1703.1	144 spaces

ATTACHMENTS

- A: Vicinity Map
- B: Proposed PD-District Development Standards

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**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2010/23**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING APPROVAL OF AN ORDINANCE TO REZONE
APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD/
COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT (PD-
10-01)**

WHEREAS, the City of Antioch did receive a request from Brennan Rose, Mike's Auto Body, for approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022); and,

WHEREAS, This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and,

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, on July 21, 2010, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission makes the following findings required for approval of the proposed zone change:

1. That the public necessity requires the proposed zone change. The General Plan designation for the site is Commercial and the Zoning Designation is Neighborhood/Community Commercial (C-2). The General Plan allows auto body repair in the Commercial designation, however it is not a permitted use in the C-2 Zoning designation. Therefore, a rezone to Planned Development District (PD) will create a Zoning designation that is more consistent with the General Plan designation.
2. That the subject property is suitable to the use permitted in the proposed zone change. The subject property is previously developed land adjacent to existing commercial development and is suitable to the proposed commercial land uses in the Planned Development District.
3. That said permitted use is not detrimental to the surrounding property. The proposed project is consistent with the adjacent commercial development to the north, east and west, and the project will construct improvements that will benefit surrounding properties.

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4. That the proposed zone change is in conformance with the Antioch General Plan. The project conforms to the requirements of the General Plan Somersville Road Focus Policy Area.

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend to the City Council APPROVAL of the draft Ordinance (Exhibit A) to rezone the approximately 2.5 acre project site (APN 074-160-022), located at 1725 West 10th Street from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).

* * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Antioch, at a regular meeting thereof, held on the 21st day of July, 2010 by following vote:

AYES: Langford, Johnson, Westerman, Baatrup, Azevedo and Manuel
NOES: None
ABSTAIN: None
ABSENT: Travers

TINA WEHRMEISTER
SECRETARY TO THE PLANNING COMMISSION

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EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE ORDINANCE TO REZONE APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT (PD-10-01)

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

SECTION 1:

The City Council determined on _____ that, pursuant to Section 15183 of the Guidelines of the California Environmental Quality Act that the project is exempt from the provisions of CEQA.

SECTION 2:

At its regular meeting of July 21, 2010, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01).

SECTION 3:

The real property described in Exhibit A, attached hereto, is hereby rezoned from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01), and the zoning map is hereby amended accordingly.

SECTION 4:

The development standards, as defined below, for the subject property (**APN 074-160-022**), known as the Mike's Auto Body project, are herein incorporated into this ordinance, and are binding upon said property.

Development Standards for the Proposed Planned Development District

Standard	Proposed PD Zoning
Minimum Lot Size	20,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet
Minimum Front Yard Setbacks	0 to 10 feet
Minimum Side Yard Setbacks	Interior: 0 feet Street Side: 10 feet (reserved for landscaping only)
Minimum Rear Yard Setbacks	0 feet
Maximum Building Height	30 feet
Maximum Lot Coverage	35%
Parking	144 spaces

SECTION 5:

That permitted uses for Parcels A and B include:

- Convenience retail uses
- Service uses

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- Banks and financial institutions
- Professional offices
- Automotive uses
- General Restaurants
- Other similar uses as determined by the Zoning Administrator

Conditionally permitted uses for Parcels A and B include:

- Carwash
- Liquor stores and other on- or off-sale liquor establishments
- Fast food restaurants with a drive thru, restaurants with bar and live entertainment
- Nursery and day care centers
- Other uses as determined by the Zoning Administrator

SECTION 6:

The City Council finds that the public necessity requires the proposed zone change, that the subject property is suitable to the use permitted in the proposed zone change, that said permitted use is not detrimental to the surrounding property, and that the proposed zone change is in conformance with the Antioch General Plan.

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

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

AYES:
NOES:
ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

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EXHIBIT A
LEGAL DESCRIPTION

**PLANNING COMMISSION
RESOLUTION NO. 2010/24**

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
RECOMMENDING APPROVAL OF A MINOR SUBDIVISION/FINAL DEVELOPMENT
PLAN (PW 357-301-10) AND DESIGN REVIEW (AR-10-04) FOR THE MIKE'S AUTO
BODY PROJECT**

WHEREAS, the City of Antioch did receive a request from Brennan Rose, Mike's Auto Body, for approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022); and

WHEREAS, This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and,

WHEREAS, on July 21, 2010, the Planning Commission recommended approval of a rezone from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01); and,

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, on July 21, 2010, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission makes the following required findings for approval of a Final Development Plan:

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each parcel has its own independent parking and access. The uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to the General Plan designations for the project site.
2. The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project is on previously developed land already served by existing improvements and utility service.

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3. Any commercial component of the project is justified. The project is located in a commercial designation in the General Plan, is the site of a previous commercial use and is surrounded by commercial uses.
4. Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted. The project is substantially in conformance with the Planned Development District development standards established for the project site and will construct improvements on the property that will improve the appearance of the property.
5. The area surrounding the PD district can be planned and zoned in coordination and substantial compatibility with the proposed development because the proposed development is consistent with the General Plan and the area around the project will also be required to develop according to the General Plan policies for the Somersville Road Focus Policy Area.
6. The Project and the PD District conform to the General Plan of the City in that the proposed commercial uses are consistent with the General Plan designations of Commercial in the Somersville Road Focus Policy Area.

BE IT FURTHER RESOLVED that the Planning Commission does determine:

1. That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations. The site is designated Commercial and is zoned Planned Development and the subdivision will accommodate uses that are consistent with the General Plan on each of the lots created by the subdivision; and
2. That the subdivision proposed by the Parcel Map complies with the rules, regulations, standards and criteria of the City's Subdivision Regulations. The proposed subdivision meets the City's criteria for the parcel map. The City's Planning and Engineering staff have reviewed the Parcel Map and evaluated the effects of the subdivision proposed and have determined that the Parcel Map complies with and conforms to all the applicable rules, regulations, standards, and criteria of the City's Subdivision Regulations.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby recommend **APPROVAL** of a minor subdivision/final development plan and design review (PW 357-301-10, AR-10-04) for the Mike's Auto Body project on an approximately 2.5 acre parcel located at 1725 West 10th Street (APN 074-160-022), subject to the following conditions:

STANDARD CONDITIONS

1. That the project shall comply with Antioch Municipal Code.
2. That conditions required by the City Council, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the City Council and the standards of the City.
3. That this approval expires two years from the date of approval (Expires July 21, 2012), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
4. That City Staff inspect the site for compliance with conditions of approval prior to final building inspection.
5. That the lots and improvements within the development comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
6. That the applicant obtain an encroachment permit for all work done within the public right-of-way.
7. That the use of construction equipment be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved by the City Engineer.
8. That standard dust control methods and designs be used to stabilize the dust generated by construction activities.
9. That the project be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
10. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement and shall enter into an agreement to effectuate this condition of approval as required by the City.
11. That any revisions to the building exterior materials, paint colors, and/or overall color scheme shall require a new application and shall be subject to Design Review approval.

Fees:

12. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments and any other payments that are due.
13. That the developer pay all fees required by the City Council.
14. That the developer pay any required East Contra Costa Regional Traffic Mitigation fees prior to receiving a building permit for structures within this development.
15. That the developer pay any required Drainage Area fees prior to the issuance of any building permits for this project.
16. That the developer pay all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.
17. That the developer pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of permit issuance.

NPDES / Conservation:

18. That all areas used for washing, steam cleaning, maintenance, repair or processing, discharge into the sanitary sewer as approved by the City Engineer.
19. That efficient irrigation, appropriate landscape design and proper maintenance be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
20. That, to the extent practicable, drainage from paved surfaces be routed through grassy swales, buffer strips or sand filters prior to discharge to the storm drain system.

Property Maintenance:

21. That a parking lot sweeping program be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
22. That any undeveloped areas on-site be maintained in an attractive manner which ensures fire safety.
23. That the site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

24. That the project shall comply with Property Maintenance Ordinance Section 5-1.204 and enter into a joint maintenance agreement with the shopping center property owners for landscaping maintenance of the entire site. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in Section 5-1.204 (G).

Landscaping:

25. That all trees be a minimum 15-gallon size with six (6) trees on the west and north side enlarged to 24" box and that all shrubs be a minimum 5-gallon size.
26. That landscape show immediate results.
27. That there be a minimum of five feet (5') clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten feet (10') to such concrete or asphalt paving shall use approved root guards.
28. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans.

Site Design:

29. That all on-site curbs, gutters and sidewalks be constructed of Portland cement concrete.
30. That all access driveways be constructed to City standards, subject to review and approval by the City Engineer.
31. That all damaged sidewalks be removed and replaced as required by the City Engineer.
32. That masonry trash enclosures shall be provided to screen dumpsters from public view. Trash enclosures shall have a roof and shall be plumbed to the sanitary sewer. Enclosures shall not be located within any easement areas.
33. That all mechanical equipment be screened from public view.
34. That all parking lot dimensions and striping shall meet minimum City standards.
35. That all parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.

PROJECT SPECIFIC CONDITIONS

- 36. That the future building on Parcel B shall be subject to a separate design review application and approval prior to construction.
- 37. That a six foot masonry wall shall be constructed on the southern and eastern property lines between the subject property and the apartment complex. The wall shall be beige in color to match the building and shall feature columns and a decorative cap. The final design of the signage shall be brought back to the Planning Commission for approval.
- 38. That the parking lot shall include a minimum 10' wide landscape setback from the property line on Auto Center Drive and a minimum 5' landscape setback from the property line on the corner of West Tenth Street and storm water shall be collected and conveyed in a landscaped swale within those areas. Swales shall be terminated at a catch basin that is connected to the public storm drain system.
- 39. That a landscape, trash enclosure and parking lot access and maintenance agreement be recorded to ensure future access, use and maintenance of the parking lots, trash enclosure and landscaped areas.
- 40. Prior to Certificate of Occupancy for any habitable structure constructed on Parcel B, a separate water service and sanitary sewer connection shall be provided to that structure. An easement across Parcel A shall be reserved on this Parcel Map to allow future connection of Parcel B to the sewer main in West Tenth Street.
- 41. That the existing aboveground electrical equipment on the Auto Center Drive sidewalk shall be relocated, subsurface mounted below grade or moved 15' back from the property line and screened with landscaping.
- 42. That the design of the monument sign at the corner of Auto Center Drive and West 10th Street shall be reviewed and approved by the Zoning Administrator prior to installation.
- 43. That the two stucco areas on the west elevation shown with a painted diamond and grid shall instead feature smooth textured stucco with a painted diamond in "Garnet Evening (DEA-147) or equivalent color as per plans on the finish

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 21st day of July, 2010.

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AYES: Langford, Johnson, Westerman, Baatrup, Azevedo and Manuel
NOES: None
ABSTAIN: None
ABSENT: Travers

Tina Wehrmeister
Secretary to the Planning Commission

NEW PUBLIC HEARING

3. **Z-10-03, AR-10-04 – Brennan Rose** requests approval of an exterior remodel, lot split, and rezone to Planned Development District (PD) for a new auto body repair business located in an existing building at 1725 West 10th Street (**APN 074-160-022**).

Alexis Morris, Senior Planner, provided a summary of the staff report dated July 15, 2010.

Commissioner Azevedo clarified with staff that Attachment A was provided by staff and Attachment B was provided by the applicant and that in the ordinance attached to the staff report, the bullet list is more brief and not as detailed.

OPENED PUBLIC HEARING

Applicant, Brennan Rose, Mike's Auto Body gave an overview of the business. He stated that Mike's Auto Body has been a family run business for 37 years in the East Bay, that they lease space on West Tenth Street for the past 5 years and that they do a fairly good business. He went on to say that he hoped to fix the property up as it is in pretty bad disarray and is trying to arrange a car give away at Christmas this year. Applicant stated that Don Sterling and Tom Halway were present to answer any questions.

Don Sterling of Sterling Architects stated that he was excited to have the project move forward and he thanked Alexis and Tina for their help to expedite. Mr. Sterling then presented a Power Point presentation showing the broken windows and graffiti, the change in color and parapet height, the landscaping plan, and the changes in the context of the building with recesses, pop outs and the decorative elements to make the site look a lot nicer. He stated that the site was currently a big massive parking lot and that they would be getting rid of impervious surface and adding landscaping. He went on to say that although there is currently two access points on West Tenth Street, staff has asked to make one access. Mr. Sterling stated that he had two concerns with the conditions, project specific condition #41 moving the transformer box 15 feet away from the property line rather than 30 feet and project specific condition #43 for 2 diamond sheet items on the front of the building to be built as shown with stucco screen rather than painted.

Tom Halway with Landscaping Architects stated that they have been able to incorporate a lot of landscaping into the architectural elements to create seamless quality and to soften up the southwest corner with a mix of palms, shade trees and low maintenance nice quality landscaping.

Chairman Johnson clarified with applicant that the landscaping would be done in a single phase with 15 gallon box sizes along the driveway.

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Commissioner Baatrup stated that there was a significant amount of parking on Auto Center Drive and clarified with applicant that the repairing of cars and all wrecked cars would be in the back of the site, that employee parking is along the front side and that customers would be able to park in front for walk in estimates.

Chairman Johnson asked applicant about the PG&E transformer box location to which applicant Rose responded that the Power Point showed the box sits 2 feet off the curb and said that they have talked to PG&E about moving the box or putting in a vault at the curb with the City's approval depending on the Planning Commission's decision.

Commissioner Azevedo clarified with applicant that although the condition of the pavement in the parking lot is fair, they will need to trench to bring fire sprinklers to the building and for landscaping and will patch, reseal and restripe the entire lot including the back lot.

Commissioner Langford clarified with the architect that the building would be all smooth stucco and that the west side would be stucco screen with foam cut grids that attach to the wall. Commissioner Langford discussed with the architect the size and placement of the trees and clarified that the trees closer to the street on Auto Center Drive could be larger. Commissioner Langford then questioned if the irrigation was an automatic system to which the architect stated that it was and that the system can run all together or can be separated into two to meet water efficient landscape requirements.

Chairman Johnson then asked if anyone in the audience wished to speak against the project and City Attorney Nerland clarified anyone wishing to speak for the project as well.

Chairman Johnson then asked Senior Planner Morris to speak to applicant's concern regarding Condition 41 to which she stated that the typical set back is thirty feet from a major arterial, that the project is already nonconforming with the set back and that the main thing is to get it out of the right of way and be screened.

Chairman Johnson then confirmed that Senior Planner Morris is ok with the proposal for Condition 43.

CLOSED PUBLIC HEARING

Commissioner Langford stated that although he is overall happy with the project and applicant's ability to move quickly and improve that particular corner, he is concerned about the extent of the stucco given that the design guidelines intend to bring in more materials for variation. He went on to say that in regards to Condition 37, signs are generally brought back for design review instead of going to the zoning administration but that this will probably be brought up later in the agenda.

Commissioner Baatrup had no comments.

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Commissioner Westerman concurred with Commissioner Langford and believed that the project would be a tremendous improvement to that corner and was happy to see it come in.

Commissioner Manuel stated that he was very pleased with the project and believed applicant has done a good job and given the size of the building has created variety and landscaping to soften the corner making it a nice view for both Auto Center Drive and Tenth Street. He thanked the applicant for bringing the project forward.

Commissioner Azevedo stated that he appreciated that the applicant was making this investment given these economic times and given a few adjustments, he would be able to support this project.

Chairman Johnson added for the record that he did have an opportunity to meet with Mr. Rose but that nothing was discussed at that meeting that was not discussed here. He went on to say that this project is something Antioch needs and that he trusts that applicant will not cut corners with regards to signage.

RESOLUTION NO. 2010-23

On Motion by Commissioner Langford and seconded by Commissioner Azevedo, the Planning Commission recommends to the City Council APPROVAL of the draft Ordinance (Exhibit A) to rezone the approximately 2.5 acre project site (APN 074-160-022), located at 1725 West 10th Street from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).

AYES: Langford, Johnson, Westerman, Baatrup, Azevedo, and Manuel
NOES: None
ABSTAIN: None
ABSENT: Travers

Commissioner Azevedo and Commissioner Langford briefly discussed Condition 43 to clarify in the event the applicant is not able to construct per the drawings if this is something that should be brought back to staff or to the Planning Commission. Senior Planner Morris stated that it would be appropriate to do either.

City Attorney Nerland then clarified that Condition 37 for the masonry wall would come back to Planning Commission and that as to Condition 42, the monument sign approval should come back to Planning Commission.

RESOLUTION NO. 2010-24

On Motion by Commissioner Langford and seconded by Commissioner Manuel, the Planning Commission recommends APPROVAL of a minor subdivision/final development plan and design review (PW 357-301-10, AR-10-04) for the Mike's Auto Body project on an approximately 2.5 acre parcel located at 1725 West 10th

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Street (APN 074-160-022), subject to the following:

- **Standard Conditions 1-24 as written.**
- **Standard Condition 25 changed to read “That all trees be a minimum 15-gallon size with six (6) trees on the west and north side be enlarged to 24” box and that all shrubs be a minimum 5-gallon size”.**
- **Standard Conditions 26 through 35 as written.**
- **Specific Condition 36 as written.**
- **Specific Condition 37, the last sentence be changed to read “The final design of the signage shall be brought back to the Planning Commission for approval”.**
- **Specific Conditions 38 through 40 as written.**
- **Specific Condition 41 be changed to read “That the existing aboveground electrical equipment on the Auto Center Drive sidewalk be relocated, subsurface mounted below grade or moved 15’ back from the property line and screened with landscaping.**
- **Specific Condition 42 as written.**
- **Addition to Specific Condition 43 “as per plans on the finish”.**

AYES: Langford, Johnson, Westerman, Baatrup, Azevedo, and Manuel
NOES: None
ABSTAIN: None
ABSENT: Travers

NEW ITEMS:

4. **AR-10-05 – Deer Valley Business Park Tech Building Canopy and Pick-Up and Drop-Off Area** – Steve Kieke of M.S. Walker requests design review approval of an additional canopy and pick-up and drop-off area as part of the technology building within Deer Valley Business Park (**APN: 055-071-111**).

Mindy Gentry, Associate Planner, provided a summary of the staff report dated July 15, 2010.

Commissioner Westerman questioned staff whether the dialysis center on Buchanan was co-operated to which Associate Planner Gentry stated that applicant would have that answer.

Commissioner Langford clarified with staff that even with putting in the columns that the sidewalk would still meet the requirement of ADA and that drawings of the elevations were provided to the Commission on the flash drive in their packets.

OPENED PUBLIC HEARING

Applicant, Steve Kieke, stated that he has reviewed all of the conditions, that he has no exceptions to any of them, and that although the medical corporation has centers all over the country, that he did not believe they operate the other facility in Antioch.

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ATTACHMENT "C"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF AUGUST 10, 2010

Prepared by: Alexis Morris, Senior Planner
Approved by: Tina Wehrmeister, Director of Community Development
Date: August 4, 2010
Subject: PD-10-01, AR-10-04, PW 357-301-10 – Mike's Auto Body

RECOMMENDATION

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

1. Adopt the ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).
2. Adopt the resolution approving a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval.

REQUEST

Lennan Rose, Mike's Auto Body, requests approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022) (Attachment "A").

BACKGROUND INFORMATION

The Planning Commission recommended approval of the project on July 21, 2010. The Planning Commission staff report, which describes the proposed project in detail, is proved as Attachment "B". The Commission recommended minor changes to the conditions of approval for the project, which are discussed in more detail below.

ENVIRONMENTAL

This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning.

ANALYSIS

Issue #1: Planning Commission Recommendation

The Planning Commission recommended approval of the proposed project and made the following minor changes to the conditions of approval:

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- Standard Condition number 25 was modified to require the applicant to plant a total of six, 24 inch box trees, rather than the 15 gallon trees proposed.
- Condition number 41 was changed at the applicant's request to allow the mechanical equipment to be placed a minimum of 15 feet from the property line, rather than the 30 feet suggested by staff.
- Condition number 42 was changed to require the monument sign to go back to the Planning Commission for approval, rather than to the Zoning Administrator as suggested by staff.
- Condition number 43 was changed at the applicant's request to require the two stucco areas on the west elevation to be constructed as they are shown on the elevations or with an alternate design if that construction technique is not technically feasible, subject to the approval of Community Development Department staff.

Issue #2: Planned Development Rezone Ordinance

Staff recommended one change to the applicant's proposed list of uses, which was to allow a traditional restaurant to be permitted by right and that only a restaurant with drive-thru or with a bar and live entertainment be required to obtain a conditional use permit. This recommendation is reflected in the attached ordinance. Staff also inadvertently left the applicant's proposed descriptions of each land use out of the draft ordinance reviewed by the Planning Commission. That error was brought to the Commission's attention and has been corrected in the attached ordinance.

FINANCIAL IMPACT

The expansion project should increase the value of the property, which would result in additional property tax revenue for the City. The new location has the capacity to serve more customers, which may result in an increase in sales tax.

OPTIONS

1. Approve the proposal.
2. Deny the proposal.
3. Continue the item and provide direction to staff and/or request additional information.

ATTACHMENTS

- A: Vicinity Map
 B: July 27, 2010 Planning Commission Staff Report

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT (PD-10-01)

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

SECTION 1:

The City Council determined on August 10, 2010, that, pursuant to Section 15183 of the Guidelines of the California Environmental Quality Act that the project is exempt from the provisions of CEQA.

SECTION 2:

At its regular meeting of July 21, 2010, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01).

SECTION 3:

The real property described in Exhibit A, attached hereto, is hereby rezoned from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01), and the zoning map is hereby amended accordingly.

SECTION 4:

The development standards, as defined below, for the subject property (**APN 074-160-022**), known as the Mike's Auto Body project, are herein incorporated into this ordinance, and are binding upon said property.

Development Standards for the Proposed Planned Development District

Standard	Proposed PD Zoning
Minimum Lot Size	20,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet
Minimum Front Yard Setbacks	0 to 10 feet
Minimum Side Yard Setbacks	Interior: 0 feet Street Side: 10 feet (reserved for landscaping only)
Minimum Rear Yard Setbacks	0 feet

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Standard	Proposed PD Zoning
Maximum Building Height	30 feet
Maximum Lot Coverage	35%
Parking	144 spaces

SECTION 5:

That permitted uses for Parcels A and B include:

- Convenience retail uses such as a bakery, pastry shop, bookstore, candy store, florist, newsstand, stationary/ gift shop, ice cream parlor, supermarket, drugstore and similar uses.
- Service uses such as Laundromat, laundry or dry cleaning pickup station, shoe repair, beauty and barber shop.
- Financial institutions.
- Professional Offices.
- Automotive uses: Such as Auto body, auto repair/service, motor and transmission shops, auto rental, and auto sales.
- Convenience banking center, automatic teller machine, a full service bank.
- Similar uses subject to the approval of the zoning administrator.
- General restaurants.

Conditionally permitted uses for Parcels A and B include:

- Carwash, on-sale or off-sale liquor establishments;
- Fast food restaurants with a drive thru; restaurants with bar and live entertainment.
- Nursery, child care, day care center, meeting hall or fraternal hall, community center, health club facilities.
- Other uses that the zoning administrator determines, because of type of operation, material stored or sold, or other special circumstances require special consideration and regulations through the conditional use permit procedure.

SECTION 6:

The City Council finds that the public necessity requires the proposed zone change, that the subject property is suitable to the use permitted in the proposed zone change that said permitted use is not detrimental to the surrounding property, and that the proposed zone change is in conformance with the Antioch General Plan.

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after

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the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 10th of August and passed and adopted at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

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EXHIBIT A
LEGAL DESCRIPTION

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RESOLUTION NO. 2010/57

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A MINOR SUBDIVISION/FINAL DEVELOPMENT PLAN (PW 357-301-10) AND DESIGN REVIEW (AR-10-04) FOR THE MIKE'S AUTO BODY PROJECT

WHEREAS, the City of Antioch did receive a request from Brennan Rose, Mike's Auto Body, for approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022); and,

WHEREAS, This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and,

WHEREAS, on July 21, 2010, the Planning Commission recommended approval of a rezone from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01) and recommended approval of a minor subdivision and design review approval of an exterior remodel; and,

WHEREAS, the City Council duly gave notice of public hearing as required by law; and,

WHEREAS, on August 10, 2010, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the City Council makes the following required findings for approval of a Final Development Plan:

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each parcel has its own independent parking and access. The uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to the General Plan designations for the project site.
2. The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project is on previously developed land already served by existing improvements and utility service.
3. Any commercial component of the project is justified. The project is located in a commercial designation in the General Plan, is the site of a previous commercial use and is surrounded by commercial uses.
4. Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan, which offer certain unusual redeeming features to compensate for any deviations that may be permitted. The project is substantially in conformance with the Planned Development District development standards established for the project site and will construct improvements on the property that will improve the appearance of the property.


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5. The area surrounding the PD district can be planned and zoned in coordination and substantial compatibility with the proposed development because the proposed development is consistent with the General Plan and the area around the project will also be required to develop according to the General Plan policies for the Somersville Road Focus Policy Area.
6. The Project and the PD District conform to the General Plan of the City in that the proposed commercial uses are consistent with the General Plan designations of Commercial in the Somersville Road Focus Policy Area.

BE IT FURTHER RESOLVED that the City Council does determine:

1. That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations. The site is designated Commercial and is zoned Planned Development and the subdivision will accommodate uses that are consistent with the General Plan on each of the lots created by the subdivision; and
2. That the subdivision proposed by the Parcel Map complies with the rules, regulations, standards and criteria of the City's Subdivision Regulations. The proposed subdivision meets the City's criteria for the parcel map. The City's Planning and Engineering staff have reviewed the Parcel Map and evaluated the effects of the subdivision proposed and have determined that the Parcel Map complies with and conforms to all the applicable rules, regulations, standards, and criteria of the City's Subdivision Regulations.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby **APPROVE** a minor subdivision/final development plan and design review (PW 357-301-10, AR-10-04) for the Mike's Auto Body project on an approximately 2.5 acre parcel located at 1725 West 10th Street (APN 074-160-022), subject to the following conditions:

STANDARD CONDITIONS

1. That the project shall comply with Antioch Municipal Code.
2. That conditions required by the City Council, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the City Council and the standards of the City.
3. That this approval expires two years from the date of approval (Expires August 10, 2012), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.

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RESOLUTION NO. 2010/57

August 10, 2010

Page 3

4. That City Staff inspect the site for compliance with conditions of approval prior to final building inspection.
5. That the lots and improvements within the development comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
6. That the applicant obtains an encroachment permit for all work done within the public right-of-way.
7. That the use of construction equipment be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved by the City Engineer.
8. That standard dust control methods and designs be used to stabilize the dust generated by construction activities.
9. That the project be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
10. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement and shall enter into an agreement to effectuate this condition of approval as required by the City.
11. That any revisions to the building exterior materials, paint colors, and/or overall color scheme shall require a new application and shall be subject to Design Review approval.

Fees:

12. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments and any other payments that are due.
13. That the developer pays all fees required by the City Council.
14. That the developer pays any required East Contra Costa Regional Traffic Mitigation fees prior to receiving a building permit for structures within this development.
15. That the developer pays any required Drainage Area fees prior to the issuance of any building permits for this project.
16. That the developer pays all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.
17. That the developer pays the Contra Costa County Fire Protection District Fire Development Fee in place at the time of permit issuance.

NPDES / Conservation:

18. That all areas used for washing, steam cleaning, maintenance, repair or processing discharge into the sanitary sewer as approved by the City Engineer.

C-9
C38

19. That efficient irrigation, appropriate landscape design and proper maintenance be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
20. That, to the extent practicable, drainage from paved surfaces be routed through grassy swales, buffer strips or sand filters prior to discharge to the storm drain system.

Property Maintenance:

21. That a parking lot sweeping program be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
22. That any undeveloped areas on-site be maintained in an attractive manner which ensures fire safety.
23. That the site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
24. That the project shall comply with Property Maintenance Ordinance Section 5-1.204 and enter into a joint maintenance agreement with the shopping center property owners for landscaping maintenance of the entire site. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in Section 5-1.204 (G).

Landscaping:

25. That all trees be a minimum 15-gallon size and that all shrubs be a minimum 5-gallon size with the exception of a total of six trees on the west and north side of the site which shall be enlarged to 24" box.
26. That landscape show immediate results.
27. That there be a minimum of five feet (5') clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten feet (10') to such concrete or asphalt paving shall use approved root guards.
28. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans.

Site Design:

29. That all on-site curbs, gutters and sidewalks be constructed of Portland cement concrete.
30. That all access driveways be constructed to City standards, subject to review and approval by the City Engineer.
31. That all damaged sidewalks be removed and replaced as required by the City Engineer.

C10
039

32. That masonry trash enclosures shall be provided to screen dumpsters from public view. Trash enclosures shall have a roof and shall be plumbed to the sanitary sewer. Enclosures shall not be located within any easement areas.
33. That all mechanical equipment be screened from public view.
34. That all parking lot dimensions and striping shall meet minimum City standards.
35. That all parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.

PROJECT SPECIFIC CONDITIONS

36. That the future building on Parcel B shall be subject to a separate design review application and approval prior to construction.
37. That a six foot masonry wall shall be constructed on the southern and eastern property lines between the subject property and the apartment complex. The wall shall be beige in color to match the building and shall feature columns and a decorative cap. The final design shall be subject to the approval of the Zoning Administrator.
38. That the parking lot shall include a minimum 10' wide landscape setback from the property line on Auto Center Drive and a minimum 5' landscape setback from the property line on the corner of West Tenth Street and storm water shall be collected and conveyed in a landscaped swale within those areas. Swales shall be terminated at a catch basin that is connected to the public storm drain system.
39. That a landscape, trash enclosure and parking lot access and maintenance agreement be recorded to ensure future access, use and maintenance of the parking lots, trash enclosure and landscaped areas.
40. Prior to Certificate of Occupancy for any habitable structure constructed on Parcel B, a separate water service and sanitary sewer connection shall be provided to that structure. An easement across Parcel A shall be reserved on this Parcel Map to allow future connection of Parcel B to the sewer main in West Tenth Street.
41. That the existing aboveground electrical equipment on the Auto Center Drive sidewalk shall be relocated subsurface (below grade) or moved a minimum of 15 feet back from the property line and screened with landscaping.
42. That the design of the monument sign at the corner of Auto Center Drive and West 10th Street shall be reviewed and approved by the Community Development Department staff prior to installation.

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C40

43. That the two stucco areas on the west elevation shown with a painted diamond and grid shall be constructed as they are shown on the proposed elevations dated March 22, 2010, or shall be constructed with an alternate design if that construction technique is not technically feasible subject to the approval of Community Development Department staff.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Antioch, County of Contra Costa, State of California, at a regular meeting thereof held on the 10th day of August, 2010.

AYES: Council Members Rocha, Moore, Parsons and Mayor Davis

NOES: None

ABSENT: Council Member Kalinowski

L. JOLENE MARTIN, City Clerk

~~C12~~
C41

I. CITY COUNCIL TO AUTHORIZE USE OF CITY LOGO FOR SHOP ANTIOCH PROGRAM

J. BANKING SERVICES CONTRACT

Item J – Mayor Davis pulled #J from the Consent Calendar noting he was an employee of Bank of the West and would recuse himself from voting on the item. He clarified he did not participate in the negotiation of the contract.

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the Council approved the Council Consent Calendar with the exception of item J which was removed for further discussion. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons, Davis

Absent: Kalinowski

Mayor Davis handed the gavel over to Mayor Pro-Tem Rocha and left the dais.

Item J – On motion by Councilmember Parsons, seconded by Councilmember Moore, the City Councilmembers seated approved item J. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons

Absent: Kalinowski

Recused: Davis

Mayor Davis returned to the dais.

PUBLIC HEARINGS

3. TRIENNIAL REPORT ON WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS

Director of Public Works Bernal presented the staff report dated July 12, 2010, recommending the City Council receive the report and provide an opportunity for public comment.

Lori Sardi, Water Quality Analyst, reported the water was tested extensively at the Water Treatment Plant as well as throughout the distribution system.

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

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council received and filed the report. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons, Davis

Absent: Kalinowski

4. MIKE'S AUTO BODY/ BRENNAN ROSE REQUESTS APPROVAL OF AN EXTERIOR REMODEL, LOT SPLIT, AND REZONE FOR A NEW AUTO BODY REPAIR BUSINESS LOCATED AT 1725 WEST 10TH STREET (APN 074-160-022) FILE: PD-10-01, AR-10-04, P.W. 357-301-10

C13
C4Z

Senior Planner Morris presented the staff report dated August 4, 2010, recommending the City Council: 1) Adopt the resolution approving an ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01), and 2) Adopt the resolution approving a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval.

Mayor Davis opened the public hearing.

PROPONANTS

Brennan Rose, representing Mikes Auto Body, gave a brief background of his business.

Don Stirling, Project Architect, gave a brief overhead presentation of the proposed project. Speaking to project specific condition #42, he requested the City Council reconsider the Planning Commissions' direction and allow the Zoning Administrator to approve the monument sign.

Marty Fernandez, Antioch resident, spoke in support of the project; however, based on the arguments made by a majority of Councilmembers opposing the Walmart expansion, he questioned how they could approve another Body Shop in Antioch which may cause similar businesses in the area to close, causing blight.

Mayor Davis closed the public hearing,

In response to Councilmember Moore, Director of Community Development Wehrmeister reported it was an existing business that would replace their location across the street.

Councilmembers Moore, Parsons, and Rocha disclosed they were customers of Mike's Auto Body.

The Council commended the applicant for providing much needed improvements to a blighted area of Antioch.

RESOLUTION NO. 2010/57

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council: 1) Introduced the ordinance by title only, 2) Introduced the ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01); and 3) Adopted the resolution approving a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval, deleting project specific condition #42 requiring the monument sign to be subject to staff approval. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons, Davis

Absent: Kalinowski

PUBLIC COMMENTS – None

AT4
C43

Transmittal

RECEIVED

To: Mindy Gentry **Date:** February 14, 2012
Address: City of Antioch Planning Dept. **Phone:** 925-779-6133
 200 H Street
 Antioch, CA. 94509 **Job No:** 10-1348
Re: Mike's Auto Body **From:** Tom Holloway
 KLA, Inc.

FEB 22 2012
 CITY OF ANTIOCH
 COMMUNITY DEVELOPMENT

Via: FedEx UPS Next Day Priority Mail US Mail OnTrac
 Per your request For your records X For your review

Enclosed please find:

<u>Copies</u>	<u>Date</u>	<u>Description</u>
4	7-31-11	Revised Planting Plans (L2-L3)
10		11x17 reductions of the above planting plans
10		11x17 photographs of the site
1		Electronic version of the above plans will be sent via e-mail

Hi Mindy – Attached are copies of the landscape plans that reflect the installed modifications of the planting at Mike's Auto Body. My client would like to pursue Design Review approval of the installed landscape. The attached plans reflect the landscape as installed (that deviated from the originally approved landscape plans). The following are the main differences:

1. The shrubs and groundcover were planted substantially compliant with the plans with a few noted changes that will be described below. We are happy with the shrub changes.
2. The groundcover along Auto Center Dr. and 10th Street was replaced with synthetic turf. The shrub hedge at the parking lot remains. Only the groundcover was changed. KLA has no issue with this change. The water use of the landscape is actually reduced by the use of synthetic turf and it offers an aesthetic benefit to the site.
3. The owner created a continuous planter in the narrow gap between the driveway and the retaining wall along 10th Street sidewalk. Trailing Rosemary has been planted to trail over the wall. This is in addition to what was shown on the plans.

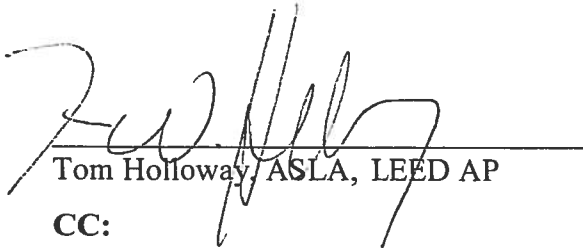
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C44

4. There were some sidewalk changes at the NW corner of the building that required some modification of the shrub layout. KLA is good with the modifications.
5. The curb line changed on the east side of the project with the parking and gates removed. Curbs were revised. The broadleaf trees were not planted (two trees), but there is a continuous row of large evergreen Star Jasmine vines on the upgraded masonry wall.
6. Broadleaf trees were not installed in the planters on the southeast side of the site (five trees) as this is a back of house, car storage area. Shrubs were planted per plan. Vines were not planted as the wall has been upgraded and is fenced off during non-business hours.
7. Additional shrubs were planted along the property line west of this area – the planter was extended west.
8. The species and quantities of palms throughout the site is the same, but some species were switched such as a Fan Palm planted where a Queen Palm was shown on the plan and vice-versa. The overall function of the palms is the same from place to place, so we have no issue with this change.
9. The planting details and General Notes on Sheet L3 did not change, but are included with this e-mail.
10. The irrigation system was installed per the plans with the exception of no irrigation being provided in the synthetic turf areas.

The changes made during installation (and reflected on the attached plan) only improve the water-efficient landscape ordinance calculations. The site meets (and exceeds) the aesthetic qualities that we had designed. Overall KLA is pleased with the installation and feel that while the owner made changes they were not detrimental to the project and in several areas are improvements to the project.

Please let me know if there is anything else that needs to be provided in order to get on the next available Planning Commission/Design Review meeting.

Please give us a call if you have any questions or need any additional information.



Tom Holloway, ASLA, LEED AP

CC:

KLA, Inc.
151 N. Norlin St.
Sonora, CA 95370
(209)532-2856 (209)532-
9510fax

www.knoxla.com

Page 2
CLA #3589

02 -
C45

ATTACHMENT "E"

Mike's Autobody – Landscape Photos

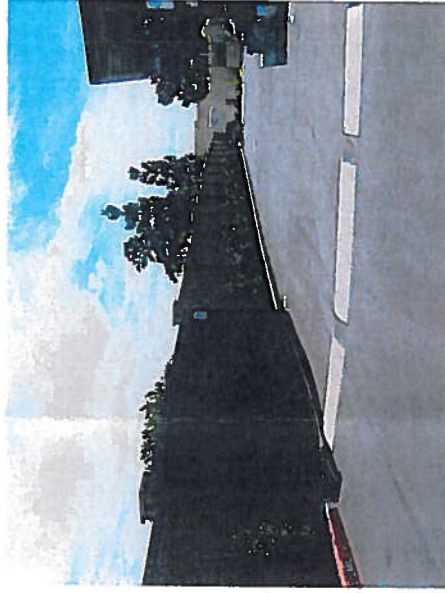
Photos taken on August 15, 2011



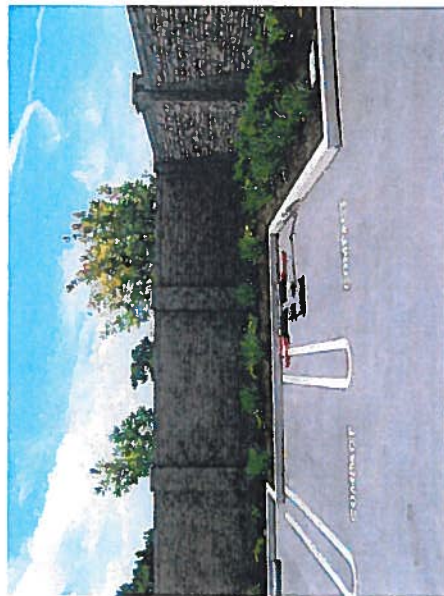
10th Street Frontage



10th Street Frontage



East Property Line wall



North Property line wall



West Side of Autobody Shop – Looking North



West side of Autobody Shop – Looking East

Mike's Autobody – Landscape Photos

Photos taken on August 15, 2011



Auto Center Drive Frontage – Looking North



10th Street – Looking East



Corner of 10th and Auto Center Drive



Corner of Auto Center Drive – Looking Southeast toward Mike's Autobody.

1:00 a.m. and if complaints are received, the Community Development Director has the authority to eliminate this portion of the condition. Funerals and weddings will be conducted as needed. All activities outside the designated hours of operation can be approved by staff through an administrative use permit.

AYES: *Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman and Douglas-Bowers*

NEW ITEMS:

- 3. AR-10-04** – Brennan Rose requests the approval of an amendment to the approved landscape plan at Mike's Auto Body. The project is located at 1001 Auto Center Drive (APN: 074-160-022).

Senior Planner Gentry provided a summary of the staff report dated March 29, 2012. She said that there was also a memo on the dais this event eliminating Project Specific Condition No. 7.

Commissioner Travers questioned staff about putting a cement barrier on the grass edging to which SP Gentry said that there is a curb there now with inlets cut to allow runoff but in the event those inlets are plugged she is not sure of the direction of runoff and that looking at the slope and given that it is a higher grade than the sidewalk, the water would pond over the sidewalk.

Commission Langford asked staff if this was part of C.3 requirements to which SP Gentry answered that this project is exempt from C.3 but that a condition was added for nonconforming uses to comply. Commissioner Langford then asked why the trash enclosure issue was not picked up prior to the Certificate of Occupancy to which SP Gentry stated that the project has not been finalled yet because of the lack of the conditions.

Vice Chair Baatrup questioned staff about the synthetic turf and asked if native grasses were put in would they be irrigated to which SP Gentry said that if the turf is removed, drought tolerate landscaping would be put in.

Commissioner Azevedo clarified with staff that although irrigation is not needed for the synthetic turf, native grasses would not necessarily need irrigation.

Vice Chair Baatrup clarified with staff that there is one row of shrubbery along Auto Center Drive with irrigation.

Commissioner Travers asked staff if tenant could cut out areas of the synthetic turf and put in shrubbery to which SP Gentry said that staff is recommending that the landscape plan be as approved.

Vice Chair Baatrup stated that the original plan showed a hedge to screen parking in between the palms, that it appears that this has been done and that between the hedge and the sidewalk is synthetic turf. SP Gentry confirmed that there is a row of shrubbery next to the synthetic turf.

Commissioner Travers asked staff is there was anything to permit the synthetic turf to which SP Gentry said that there was nothing stated but that this was not an approved landscaping material under the Design Guidelines.

OPENED PUBLIC HEARING

Applicant, Brennan Rose, one of the owners of Mike's Auto Body spoke to say that he is frustrated, that they have made some changes on the site for the better and that it cost them a lot of money to put in the synthetic turf to cut down on landscape costs. He went on to say that they did not need to comply with C.3 and that the water runs through the turf and goes back into the earth. He said that the site has a containment unit with recycling on site, that it is a sealed unit, that the roof would have to be sixteen to eighteen feet in the air and that they are looking for flexibility due to the present economy. Mr. Rose stated that he brought his landscape architect, Tom Holloway, and that this parcel was an old auto dealership with no landscaping. He said that as far as the drainage component, the curb cuts provide for gravel filled dry wells with 18" cut into the curb to pick up nuisance water. He said that the synthetic turf is considered to be a landscape element and that they view this as an upgrade to the site. He clarified that on the original plans, along the Auto Center frontage there was to be a curb, a hedge and star jasmine, not native grasses. He said that that the synthetic turf replaced the ground cover star jasmine and that irrigation is not needed for the turf. He went on to say that they did not install some trees given the existing trees on the neighboring property and the handicapped stalls needing more concrete and less planter space. He said that the perimeter wall on the South and the East have been upgraded to a textured color wall.

Commissioner Azevedo asked the applicant why he made changes to 25% of the specific and standard conditions without contacting the City to find out whether these were acceptable changes. Applicant said that this was their fault, that they made a snap decision but that in their eyes, the synthetic turf was drought resistant with no maintenance.

Commissioner Azevedo clarified with the architect that the changes to synthetic turf double the cost, that the change to the wall was a substantial upgrade and that the use of the palm trees is also very costly.

Mr. Brennan said that they own all of their properties and that they want them to look nice but that they should have called the City.

Commissioner Bouslog agreed and stated his concern that if applicant was allowed to not follow the plan that the next person may request that also and where does it stop to which applicant replied that he could understand that if they had done bad things but has a hard time with that given what they have done and that while they are willing to bend they want to be reasonable.

Commissioner Travers told the applicant that they did a tremendous job, that they are here because they said they would do one thing and then did what was not approved and the Planning Commission is trying to protect the City and is concerned that the next person may do a lousy job. He went on to say that there is no wiggle room for the trash enclosure given the code.

The architect stated that although they screwed up and to please not close their minds to what has been presented just because it was not what was installed. He said that they have no intention to do a bait and switch and would like the Planning Commission to look at it as a new project that is acceptable and beneficial to the community.

Commissioner Travers asked the architect to elaborate on the switch.

The architect said that on the original plan there is a zone along the sidewalk with planted ground cover and 2" bark mulch incorporated in and stated that whole zone would have bark put right up to the sidewalk which would look great in a couple of years.

Vice Chair Baatrup stated that while he can get over the removal of some trees, that although synthetic turf saves water and helps with maintenance, turf is not as attractive as native grasses and feels it degrades the appearance of the site.

City Attorney Nerland interjected that the Commission may want to close the public hearing, bring the discussion to the dais and let the applicant sit down to which Commissioner Azevedo said that the Commission has not closed the public hearing.

Commissioner Langford asked the applicant where the garbage is kept to which Mr. Rose said that there is a twenty yard garbage compactor on site and bins separating recycled material and then the garbage put into the compactor which is picked up once a month.

Vice Chair Baatrup clarified with applicant that the compactor is a sealed unit.

Commissioner Azevedo clarified with applicant that they use compactors at six of their eight facilities.

CLOSED PUBLIC HEARING

Commissioner Langford asked staff about the compactor being sealed to which SP Gentry said that compactors should be self contained but they do leak. She said that a roof structure prevents runoff from the garbage from getting into the storm drains but that it is not required to be plumbed to the sanitary sewer.

Commissioner Azevedo stated that conditions are put in for a reason, changes may or may not end up being beneficial, that guidelines are put in place for a reason, that it appears the applicant decided it better to ask for forgiveness instead of permission, that staff has made reasonable requests and that he is not a big fan of synthetic turf.

Commissioner Langford stated that while he loves what applicant has done with the building and that it is an asset to the City, it has put the Commission in a hard spot and he hopes it works out that there are things that the applicant can live with.

Vice Chair Baatrup stated that there are two options and it was decided that the Commission would take a short recess.

Roll call was taken with all Commissioners present.

Commissioner Azevedo made a motion with the following changes to Project Specific Conditions:

2. Delete.
3. Leave in.
4. Delete.
7. Delete.
8. Delete last part of last sentence "west of the building as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010 and replace with "as approved by staff".
9. Delete.

All other conditions to remain the same.

Commissioner Travers seconded.

Vice Chair Baatrup interjected that he has been advised by counsel that four affirmative votes would be needed to pass this item.

AYES:	<i>Azevedo, Bouslog and Travers</i>
NOES:	<i>Baatrup and Langford</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Westerman and Douglas-Bowers</i>

Vote did not pass.

Commissioner Langford clarified with Commissioner Azevedo keeping Project Specific Condition 10 for the trash enclosure pursuant to this being a code item. Commissioner Langford clarified with staff that trash enclosures are required any time there is a compactor on site for commercial uses.

Applicant said that this would create a giant eyesore for the neighbors.

Commissioner Langford commented that he can go along with the trees, that he has a problem with the synthetic turf and would prefer changing the turf out to natural landscaping.

SP Gentry asked the applicant to come forward and asked if they could use smaller containers to which Mr. Rose said that they have already been purchased.

SP Gentry stated that compactors do leak, and that per the code roofs are required and that possible solutions would be to move them inside, or to relocate them.

Commissioner Azevedo asked staff about secondary containment to which SP Gentry said that it could be plumbed to the sewer.

REOPEN HEARING

Applicant stated that changing out the compactor was not a pliable option.

Commissioner Azevedo asked applicant if it could be plumbed to which applicant responded that it could not.

SP Gentry stated that a sanitary sewer lateral could be put in with a curb and drain in the slab but that their paved parking lot would be torn up.

Applicant stated that the compactor is a seal unit and leakage is so minimal to which Commissioner Azevedo responded that there is rain water and that when moisture gets in there it rusts, corrodes and creates small leaks. Applicant said that at that point, it would not be compliant with garbage requirements.

Vice Chair Baatrup stated that given the limited resources of the City, it is difficult to police property owners for full compliance absent what is required by the code and property facilities would need to be put in.

SP Gentry interjected that the code states that existing facilities can be required to be plumbed but at a minimum a roof is required over the top. She said that Costco has the same compactor with a tall roof. She said a potential suggestion for applicant to consider would be to move parking to the south side of the building and build the structure on the south side which would blend in better.

The applicant stated that the truck would not have access to get in.

Commissioner Langford stated that pursuant to the drawing, it appears to be a straight shot and asked the applicant if a tall roof could be placed over it. Applicant responded that it could but would be a giant eyesore.

Commissioner Bouslog questioned the architect about suggestions to make synthetic turf more eye appealing to which architect responded that he would recommend taking the row of rocks out which would make the areas blend better. He also suggested to maintain a swale in the shrub area and that pulling out the synthetic turf and redoing it would be expensive and putting in medium range plants to soften.

RECLOSE HEARING

Commissioner Azevedo stated that he did not think four votes could be obtained for the synthetic turf.

Commissioner Travers asked if the applicant would have the ability to decide to go along with what the Planning Commission decided, to which CA Nerland said that they have appeal rights. She said that a motion could be made, that a clear record could be given to City Council and if there are not four votes to deny, existing approval stands.

Vice Chair Baatrup made a motion with changes to Specific Conditions as follows:

2. Leave in with addition: "except as modified by the Planning Commission".
3. Leave in.
4. Leave in.
7. Delete.
8. Delete latter half of second sentence "west of the building as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010, and insert "as approved by staff."
9. Delete.
10. Leave in.

RESOLUTION NO. 2012-**

On Motion by Commissioner Baatrup and seconded by Commissioner Langford, the Planning Commission Approved amendments to the landscape plan (AR-10-04), subject to the following:

7. Delete.
8. Delete latter half of second sentence "west of the building as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010", and insert "as approved by staff".
9. Delete.

AYES: *Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman and Douglas-Bowers*

4. **S-12-01** – Brennan Rose, the applicant, requests the approval of a monument sign at Mike's Auto Body. The project is located at 1001 Auto Center Drive (APN: 074-160-022).

Senior Planner Gentry provided a summary of the staff report dated April 1, 2012.

Commissioner Azevedo clarified with staff that staff has concerns with this proposal which need to be addressed.

Commissioner Travers asked staff if this was stone or brick to which SP Gentry stated it was stone veneer.

OPENED PUBLIC HEARING

The applicant, Brennan Rose, spoke to say that driving down the street they want you to see their sign and if the existing sign encroaches, they have no problem pulling it back but an eight foot sign doesn't do much good.

Commissioner Travers clarified with the applicant that they are amenable to moving back four feet or so into the parking lot.

Vice Chair Baatrup clarified with applicant that their request was for a 16' sign which is larger than the 8' maximum height.

Commissioner Travers asked the applicant if they were amenable to putting brick or stone on the bottom of the sign to which applicant said that there is no brick on the building, that it is currently stuccoed to match the building but if stone is requested, they are not opposed. Commissioner Travers clarified with SP Gentry that design guidelines do require it.

Commissioner Langford stated that he doesn't have a problem with matching the stucco on the building but he is concerned that the footing of the sign be engineered to support a sign of this size and suggested putting in an additional concrete base.

CLOSED PUBLIC HEARING

Commissioner Langford stated that in past tall signs this height have not been allowed, saying yes to a 16' sign is a tough decision but that he liked the design of it if they agree to push it back out of the right of way.

Commissioner Travers stated that given the other car dealerships down the street that it

ATTACHMENT "D"

RECEIVED

APR 09 2012

CITY OF ANTIOCH
CITY CLERK

April 9th, 2012

Mayor James Davis and Members of the City Council
City of Antioch
3rd and 'H' Street
Antioch, CA 94509

Re: Appeal of Planning Commission Agenda Item #3 – April 4th, 2012 -
Resolution for denial of Mike's Auto Body Landscape Plan Amendment
(AR-10-04)

Dear Mayor Davis and Members of the City Council:

In accordance with Section 9-5.2509 of the Antioch Municipal Code please consider this letter my appeal of the Planning Commission decision on April 5th, 2012 to deny my request for a Landscape Plan Amendment. I request that my appeal be scheduled for consideration by the City Council at the next available City Council meeting.

Please do not hesitate to contact me directly should you have any questions.

Sincerely,



Brennan Rose

CITY OF ANTIOCH
925-779-7055

RECH: 00494719 4/09/2012 3:43 PM
OPER: FV3 TERM: 003
REFN: 073223

cc: Mindy Gentry, Associate Planner
Denise Skaggs, City Clerk

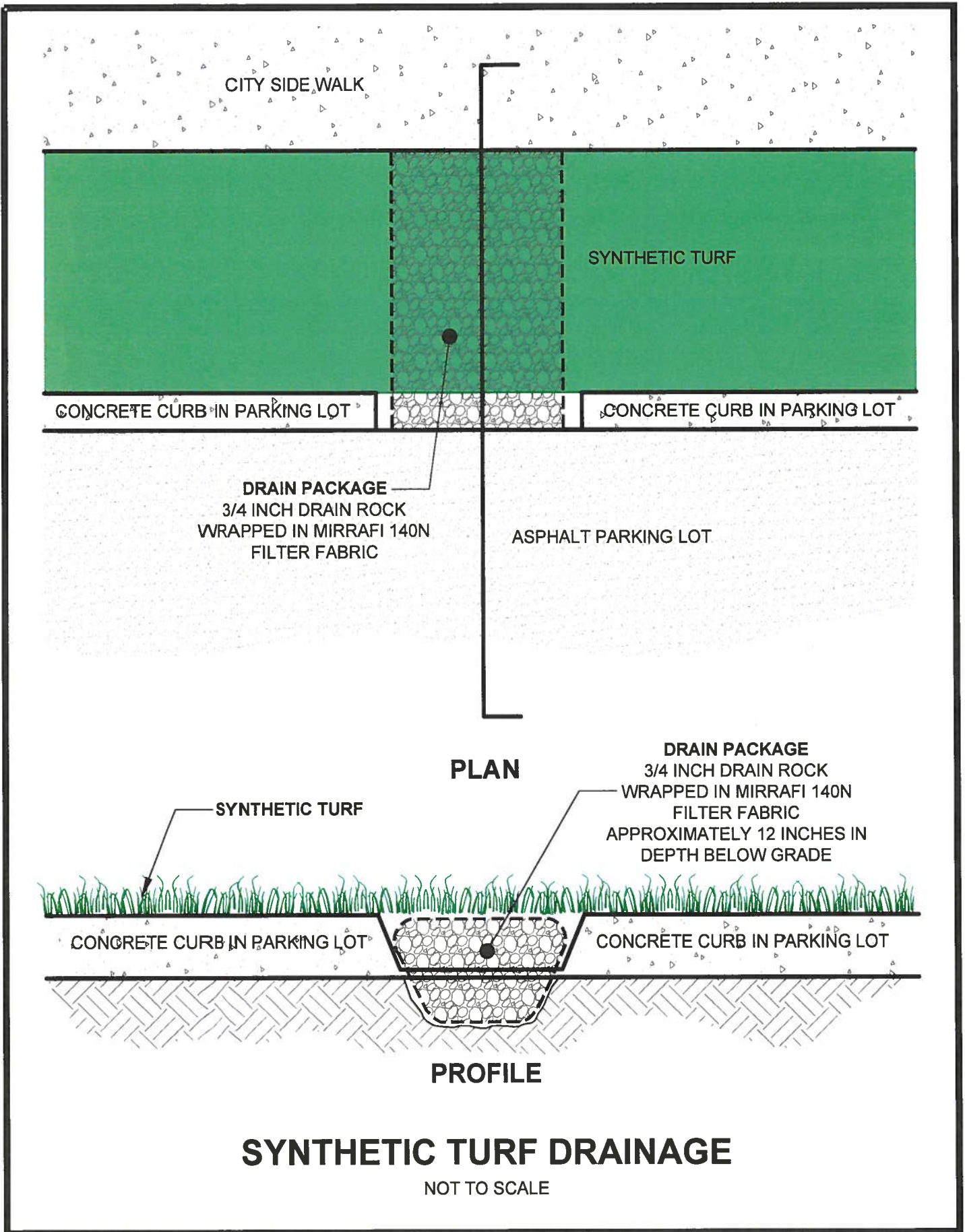
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APPEAL AR1004
MIKES AUTO BODY
Other Service Chrg 50.00CR

TENDERED: 50.00 CHECK
APPLIED: 50.00-

CHANGE: ----- 0.00

D1

ATTACHMENT "E"



CITY OF ANTIOCH AS SUCCESSOR AGENCY TO
THE ANTIOCH DEVELOPMENT AGENCY
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
MARCH 22-APRIL 18, 2012
FUND/CHECK#

331 Redevelopment Obligation Retirement Fund (for former Project Area #1)

132808	FEDERAL ADVOCATES INC	ADVOCACY SERVICES	5,000.00
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CITY OF ANTIOCH AS HOUSING SUCCESSOR TO
THE ANTIOCH DEVELOPMENT AGENCY
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
MARCH 22-APRIL 18, 2012
FUND/CHECK#

227 Housing Fund

132905 KENNEDY, JANET	CONSULTANT SERVICES	840.00
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