

**ANNOTATED
AGENDA
OVERSIGHT BOARD
TO THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY
ANTIOCH COUNCIL CHAMBERS
THIRD & "H" STREETS**

November 9, 2015 at 6:00 PM

Board Members:

Brian Kalinowski, Chair
Martha Parsons, Vice Chair
Keith Archuleta (**arrived at 6:01 p.m.**)
Tim Forrester
David Fraser
Robert Kratochvil (**absent**)
Forrest Ebbs

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

ITEMS

1. ANNOTATED AGENDA FOR SEPTEMBER 21, 2015

STAFF REPORT

Action: Motion to approve the Annotated Agenda.

APPROVED; 5/0

2. TRANSFER OF SUCCESSOR AGENCY GOVERNMENT PURPOSE PROPERTIES TO THE CITY OF ANTIOCH FOR CONTINUED GOVERNMENT PURPOSE USES

1. **Action:** Motion to adopt a Resolution directing the transfer of 14 Government Purpose parking lots from the Successor Agency to the City of Antioch;
RESOLUTION NO. 2015-03; 6/0

2. **Action:** Motion to adopt a Resolution directing the transfer of one Government Purpose lot, housing both The Lynn House and Roswell Butler Hard House, from the Successor Agency to the City of Antioch.

RESOLUTION NO. 2015-04; 6/0

STAFF REPORT

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

BOARD REPORTS

ADJOURNMENT (6:06 p.m.)

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the Oversight Board to the Successor Agency to the Antioch Development Agency. Materials provided regarding the agenda items will be available at the following website: <http://www.ci.antioch.ca.us/citygov/oversight/default.htm> or at the City of Antioch Community Development Department located on the 2nd floor of City Hall, 3rd and H Streets, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Thursday for inspection and copying (for a fee). The meetings of the Oversight Board are accessible to those with disabilities. Auxiliary aides will be made available upon advance request for persons with hearing or vision disabilities at (925) 779-7009 or TDD (925) 779-7081.

**REPORT TO THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO
THE ANTIOCH DEVELOPMENT AGENCY FOR CONSIDERATION AT THE
MEETING OF NOVEMBER 9, 2015**

Prepared By: Cheryl Hammers, Development Services Technician

Date: October 21, 2015

Subject: Annotated Agenda Approval

RECOMMENDED ACTION

Motion to approve the annotated agenda from the meeting of September 21, 2015.

DISCUSSION

The annotated agenda from the meeting of the Oversight Board on September 21, 2015 is attached for review and approval of the Board.

ATTACHMENT

A. Annotated agenda from the meeting of September 21, 2015

**ANNOTATED
AGENDA
OVERSIGHT BOARD
TO THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY**

**ANTIOCH COUNCIL CHAMBERS
THIRD & "H" STREETS**

September 21, 2015 at 6:00 PM

Board Members:

Brian Kalinowski, Chair **(absent)**
Martha Parsons, Vice Chair **(absent)**
Keith Archuleta
Tim Forrester
David Fraser
Robert Kratochvil **(absent)**
Forrest Ebbs

ROLL CALL

PLEDGE OF ALLEGIANCE

The Board voted Keith Archuleta to serve as temporary Chair for this meeting. **4/0**

PUBLIC COMMENTS

ITEMS

1. ANNOTATED AGENDA FOR FEBRUARY 23, 2015

Action: Motion to approve the Annotated Agenda.

APPROVED; 4/0

2. RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 15-16B)

Action: Motion to adopt a Resolution approving the Recognized Obligation Payment Schedule (ROPS 15-16B).

RESOLUTION NO. 2015-02; 4/0

3. UPDATES FROM CITY STAFF

Action: Receive oral report.

REPORT RECEIVED AND FILED

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

BOARD REPORTS

ADJOURNMENT (6:10 p.m.)

Notice of Availability of Reports

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REPORT TO THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH FOR CONSIDERATION AT THE MEETING OF NOVEMBER 9, 2015

Prepared By: Steve Duran, Executive Director 

Date: November 9, 2015

Subject: Transfer of Successor Agency Government Purpose Properties to the City of Antioch for Continued Government Purpose Uses.

RECOMMENDATION

City Staff recommends that the Oversight Board of the Successor Agency to the Antioch Development Agency (Successor Agency) adopt two resolutions; the first resolution directing the transfer of 14 Government Purpose parking lots from the Successor Agency to the City of Antioch; and the second resolution directing the transfer of one Government Purpose lot, housing both The Lynn House and Roswell Butler Hard House from the Successor Agency to the City of Antioch.

DISCUSSION

On August 20, 2012 the Oversight Board of the Successor Agency adopted a resolution approving the transfer of 19 properties to the City of Antioch finding that the properties were governmental purpose properties in accordance with Health and Safety Code Section 34181(a). The Successor Agency submitted the Oversight Board resolution to the Department of Finance (DOF) which found that only four of the 19 properties were government purpose properties and the remaining 15 properties did not qualify, in DOF's opinion, as government purpose. Following this determination, staff continued to discuss with DOF staff in writing and in person that the remaining properties were government purpose but to no avail.

The definition of government purpose was modified this September with the passage of Senate Bill 107 that made major amendments to the Health and Safety Code sections related to the dissolution of redevelopment and community development agencies. Amendments made to Section 34181(a) now make clear that public parking lots that do not generate more in revenue than the reasonable costs of maintenance and operation qualify as governmental use properties. The parking lots proposed for transfer do not generate any revenues since parking at each of the lots is free of charge. The parking lots thus meet the criteria for a governmental use property in the statutes.

Staff has had discussions with DOF staff regarding our property transfers since the passage of this bill. DOF staff has now indicated that, given the direction and language contained in the new Senate Bill, the above referenced properties meet the government purpose intent.

Properties to be retained for government use are nearly all zoned as Exclusive Parking District (EPD) and are actively utilized as parking for City Hall, the Senior Center, Nick Rodriguez Community Center and Waldie Park Plaza. The Successor Agency is also proposing that the Lynn/Hard house properties be transferred to the City for governmental use. These properties are currently in disrepair and are slated to be used for a public museum and for civic cultural events. The properties do not generate revenue and in fact result in ongoing maintenance costs

that are currently being paid, in part, from the RPTTF. The Lynn House is currently occupied by the Arts & Cultural Foundation, which is largely supported by the City, while the Hard House is the subject of an agreement between the City and the Friends of the Roswell Butler Hard House, an organization that intends to rehabilitate this building for purposes of creating a public museum.

Transfer of the properties to the City as governmental purpose properties will eliminate the need for the Successor Agency to continue to pay maintenance costs associated with these properties. The maintenance costs currently appear on the Successor Agency's ROPS and are funded from the RPTTF.

ATTACHMENTS

1. Resolution, Public Parking Lots
2. Resolution, Lynn House and Roswell Butler Hard House
3. Property List

OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE ANTIOCH
DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH

OB RESOLUTION NO. 2015-

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR
AGENCY FOR THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF
ANTIOCH APPROVING THE TRANSFER OF CERTAIN PROPERTY TO THE
CITY OF ANTIOCH AS A GOVERNMENTAL USE PROPERTIES

WHEREAS, the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

WHEREAS, pursuant to Health and Safety Code Section 34173, the City Council of the City of Antioch (the "City Council") declared that the City of Antioch (the "City"), would act as successor agency (the "Successor Agency") for the dissolved Antioch Development Agency (the "Dissolved RDA") effective February 1, 2012; and

WHEREAS, pursuant to AB 1484 ("AB 1484"), enacted June 27, 2012 to amend various provisions of the Dissolution Act, the Successor Agency is now declared to be a separate legal entity from the City; and

WHEREAS, the Dissolution Act provides for the appointment of an oversight board (the "Oversight Board") with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code Section 34180 and to direct the Successor Agency in certain other actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, upon dissolution of the Former RDA on February 1, 2012, the ownership of all Former RDA properties transferred to the Successor Agency pursuant to Health and Safety Code Section 34175(b); and

WHEREAS, certain properties held by the Successor Agency constitute governmental use properties pursuant to Health and Safety Code Section 34181(a); and

WHEREAS, the Successor Agency is recommending the transfer of those certain properties more particularly described in Exhibit A (the "Properties") all of which are used for public parking available to the public at no charge as a governmental use property in accordance with Health and Safety Code Section 34181(a), which expressly authorizes the transfer to the City of properties that are used for governmental purposes;

WHEREAS, the Oversight Board has duly noticed its consideration of the transfer of the Property in accordance with Health and Safety Code Section 34181(f); and

WHEREAS, by staff report accompanying this Resolution and incorporated into this Resolution by this reference ("Staff Report") the Oversight Board has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency for the Former RDA hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

BE IT FURTHER RESOLVED, that Oversight Board hereby directs the Successor Agency to transfer the Properties to the City upon the effective date of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

ADOPTED _____, 2015 by the Oversight Board of the Antioch Development Agency by the following vote:

AYES :

NOES ::

ABSENT

Chair, Oversight Board

PROPERTY LIST

Properties to be transferred and Retained for Government Use – Proposed Government Use			
Property No.	APN	Address	Existing Use / Proposed Government Use
1	066-052-003	Second Street (NW Corner at E St)	Senior Center parking lot
2	066-053-002	W. Third Street	Nick Rodriguez Community Center parking lot
3	066-061-009	I Street (3rd-4th, West side)	Partially improved parking lot
4	066-061-010	W. Third Street	Partially improved parking lot
5	066-062-016	W. Third Street	Public parking lot
6	066-071-005	W. Second Street	City Hall parking lot and patron parking for the El Campanil Theatre
7	066-072-020	608 W. Third Street	City Hall parking lot
8	066-082-005	101 I Street	Waldie Park Plaza parking lot
9	066-082-006	I Street	Waldie Park Plaza parking lot
10	066-082-007	I Street	Waldie Park Plaza parking lot
11	066-107-001	308 I Street	City Hall parking lot
12	066-107-003	314 I Street	City Hall parking lot
13	066-107-010	807 W. Third Street	City Hall parking lot
14	066-107-011	302 W. I Street	City Hall parking lot

OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE ANTIOCH
DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH

OB RESOLUTION NO. 2015-

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR
AGENCY FOR THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF
ANTIOCH APPROVING THE TRANSFER OF CERTAIN PROPERTY TO THE
CITY OF ANTIOCH AS A GOVERNMENTAL USE PROPERTIES

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WHEREAS, pursuant to AB 1484 ("AB 1484"), enacted June 27, 2012 to amend various provisions of the Dissolution Act, the Successor Agency is now declared to be a separate legal entity from the City; and

WHEREAS, the Dissolution Act provides for the appointment of an oversight board (the "Oversight Board") with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code Section 34180 and to direct the Successor Agency in certain other actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, upon dissolution of the Former RDA on February 1, 2012, the ownership of all Former RDA properties transferred to the Successor Agency pursuant to Health and Safety Code Section 34175(b); and

WHEREAS, certain properties held by the Successor Agency constitute governmental use properties pursuant to Health and Safety Code Section 34181(a); and

WHEREAS, the Successor Agency is recommending the transfer of those certain properties more particularly described in Exhibit A (the "Properties") which are used for civic arts and cultural events and a public museum as a governmental use property in accordance with Health and Safety Code Section 34181(a), which expressly authorizes the transfer to the City of properties that are used for governmental purposes;

WHEREAS, the Oversight Board has duly noticed its consideration of the transfer of the Property in accordance with Health and Safety Code Section 34181(f); and

WHEREAS, by staff report accompanying this Resolution and incorporated into this Resolution by this reference ("Staff Report") the Oversight Board has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency for the Former RDA hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

BE IT FURTHER RESOLVED, that Oversight Board hereby directs the Successor Agency to transfer the Properties to the City upon the effective date of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

ADOPTED _____, 2015 by the Oversight Board of the Antioch Development Agency by the following vote:

AYES

NOES:

ABSENT

Chair, Oversight Board

PROPERTY LIST

Properties to be transferred and Retained for Government Use – Proposed Government Use			
Property No.	APN	Address	Existing Use / Proposed Government Use
1	066-091-015	809 W. First Street	Lynn/Hard House Arts & Cultural Foundation