



CITY OF PITTSBURG
AMENDED AGENDA

JANUARY 16, 2024

CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA

CLOSED SESSION
6:00 P.M.

REGULAR MEETING
7:00 P.M.

CITY COUNCIL
PITTSBURG ARTS AND COMMUNITY FOUNDATION
PITTSBURG POWER COMPANY
SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II
SUCCESSOR AGENCY

PRESIDING

Juan Antonio Banales, Mayor/Chair
Jelani Killings, Vice- Mayor/Chair
Dionne Adams, Council Member/Board Member
Angelica Lopez, Council Member/Board Member
Shanelle Scales-Preston, Council Member/Board Member

FOR HOUSING AUTHORITY:
S.L. Floyd, Housing Authority Member
Annie Hill Herring, Housing Authority Member

Pittsburg City Council regular meetings are held the first and third Mondays of each month at 7:00 p.m. The Housing Authority meets in conjunction with the City Council on the third Monday of each month. The Pittsburg City Council meets regularly in the Council Chamber at 65 Civic Avenue, unless otherwise noted above. The City Council also sits as the Board of Directors of several other City agencies. The stipends for all agency members conform to state statutes governing compensation amounts. All other Agencies meet on an as needed basis and will be listed above if applicable. Copies of the open session agenda packets, which are distributed to the City Council, are on file in the office of the City Clerk, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning 72 hours in advance, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except from noon to 1:00 p.m. and City holidays). The agenda and reports are also located on the City's website at www.pittsburgca.gov. Additionally, if any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports and documents will also be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

AUDIENCE REMARKS

The Audience Remarks period is for the public to comment on any items scheduled to be heard during the Closed Session portion of the meeting, if applicable.

6:00 P.M. - CONVENE IN CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Section 54956.8:
Property: 4000-4004 Railroad Avenue; City negotiators: Garrett Evans, Maria Aliotti
Negotiating party: Contra Costa County Tax-Defaulted Properties; Under negotiation: Price and terms of payment
2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to Section 54956.9(d)(4):
Number of cases: **One**

7:00 P.M. - CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

3. Martin Luther King Jr. Day
4. Human Trafficking Awareness Month

CITY MANAGER REPORTS/REMARKS

The City Manager may make brief announcements or informal comments at this time and brief the Council on items of interest. (No Action Required)

PUBLIC COMMENTS

Members of the audience who wish to address the City Council or Agency Boards on issues that are not scheduled for the agenda and on any items listed as part of the Consent Calendar should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. (No Action Required)

COMMITTEE REPORTS

Council Members may make a report on their committee assignments at this time. (see attached list of adhoc committees and other public agencies in which Council members participate). (No Action Required)

PUBLIC HEARING

5. Adoption of a City Council Resolution Authorizing Use of the Bond Opportunities for Land Development (“BOLD”) Program and Authorizing the California Municipal Finance Authority to Accept Applications from Property Owners, Conduct Proceedings and Levy Special Taxes Within the Territory of the City of Pittsburg Pursuant to the Mello-Roos Community Facilities Act of 1982, as Amended; and Authorizing Related Actions

The California Municipal Finance Authority (CMFA) works on behalf of its local agency members to facilitate economic development. City staff has been provided information regarding the Bond Opportunities for Land Development (BOLD) Program offered by CMFA that can be used to finance public infrastructure required for new development within the City.

CONFLICT OF INTEREST STATEMENT

City Council/Agency Members may make any conflict of interest declarations pertaining to Consent Calendar items at this time.

COMBINED CITY COUNCIL, PITTSBURG ARTS AND COMMUNITY FOUNDATION, PITTSBURG POWER COMPANY, SUCCESSOR AGENCY AND SOUTHWEST PITTSBURG GHAD II CONSENT CALENDAR

6. Adoption of Two City Council Resolutions to: 1) Accept an OBAG-II Grant; and 2) Accept the Plans and Specifications, Decline to Waive Bid Irregularity, and Award Project 2231-West Leland Road and Loveridge Road Phase II Rehabilitation

The City applied for, and has been awarded, the One Bay Area Grant II (OBAG II) totaling \$2,410,000 for construction of Project 2231-West Leland Road and Loveridge Road Phase II Rehabilitation (the “Project”). The City’s matching fund requirement to the Project is \$276,427. The Project will rehabilitate the pavement at portions of West Leland Road and Loveridge Road.

7. Adoption of a City Council Resolution Accepting Project 5515 - Basin 3 Dredge as Complete and Authorizing the City Engineer to File a Notice of Completion

Project 5515 - Basin 3 Dredge (the “Project”) included dredging of basin 3, the boat launch ramp, and the New York Landing Homeowners Association (NYLHOA) residential channel. This resolution will accept the construction contract as complete and authorize the City Engineer to file a Notice of Completion.

8. Adoption of a City Council Resolution Accepting Project 1802 - Police Department Electric Vehicle Chargers as Complete and Authorizing the City Engineer to File a Notice of Completion

Project 1802 - Police Department Electric Vehicle Chargers (the “Project”) installed six electric vehicle chargers in the Police Department’s secured lot. This resolution will accept the construction contract as complete and authorize the City Engineer to file a Notice of Completion.

9. Adoption of a City Council Resolution Allocating Fiscal Year 2022-2023 Measure M Surplus and Measure M Reserve Funds for the Repair and Replacement of Amusement Rides at Small World Park

The Public Works and Recreation Departments are seeking to allocate Fiscal Year 2022-2023 Measure M Surplus and Measure M Reserve funds for the replacement and repair of amusement rides at Small World Park.

10. Adoption of a Successor Agency Minute Order Approving the July 1, 2024 – June 30, 2025 Recognized Obligation Payment Schedule

The Successor Agency for the Redevelopment Agency of the City of Pittsburgh (Successor Agency) has prepared its Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2024 – June 30, 2025 (ROPS 24-25), pursuant to AB 26x1, also referred to as the “Dissolution Act”.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Council Members may request items to be considered for future agendas. An item will only be brought forward with a majority vote and will appear on a future agenda with staff recommendations for further Council consideration.

COUNCIL MEMBER REMARKS

Council Members may make brief announcements or informal comments at this time. (No Action Required)
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ADJOURNMENT TO FEBRUARY 5, 2024

NOTICE TO PUBLIC

GENERAL INFORMATION

Copies of the open session agenda packets, as distributed to the City Council, are on file in the office of the City Clerk, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning 72 hours in advance, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except City holidays). Full agenda packets are also located on the City's website at www.pittsburgca.gov. If any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports or documents will be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

SPEAKER'S CARD

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the agenda should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given up to three minutes to address the Council unless additional time is allowed as provided for spokespersons. Speakers are not permitted to yield their time to another speaker. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. Pursuant to the Brown Act, no action may be taken by the City Council on items not already scheduled on the agenda; however, the City Council may refer your comments/concerns to staff or request that the item be placed on a future agenda.

PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled residents. Upon request, an agenda for any meeting shall be made available in appropriate alternative formats. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the sound amplifier from the City Clerk for personal use during Council meetings. If you need special assistance to participate in this meeting, or are requesting a specially formatted agenda, please contact the City Clerk at (925) 252-4850. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)

DISRUPTIVE CONDUCT

The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and electronic devices, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

LIVE MEDIA BROADCASTING ADVISEMENT

City Council meetings are webcast live on the City's website at www.pittsburgca.gov on the Agendas and Live Meetings page. Past meetings and approved minutes are also archived on that webpage. Watch the live meeting via the City's webcast (www.pittsburgca.gov - Agendas and Live Meetings), on Comcast Channel 24 Delta TV, AT&T U-Verse Channel 99 Delta TV. Contact the City Clerk's office at (925) 252-4850 for more information

City Council Agency/Liaison/Subcommittee Assignments as of January 5, 2024

OUTSIDE AGENCY BOARDS	COUNCIL MEMBER(S)	TYPE	MEETS	TIME	STAFF
ABAG	Dionne Adams / Jelani Killings Alternate	Standing	Annual		G. Evans
Delta Diablo*	Juan Banales / Shanelle Scales-Preston Alternate	Standing	2nd Wednesday	4:30 PM	J. Samuelson
East Co. Co. County Habitat Conservancy	Angelica Lopez / Juan Banales Alternate	Standing	4th Monday Bi-Monthly	2:00 PM	J. Davis
East County Water Management	Juan Banales / Jelani Killings Alternate	Standing	Annual		J. Samuelson
MCE Clean Energy Board	Shanelle Scales-Preston / Angelica Lopez Alternate	Standing	Quarterly	7:00 PM	D. Buchanan
TRANSPLAN / ECCRFFA	Shanelle Scales-Preston / Juan Banales Alternate	Standing	2nd Thursday	6:30 PM	J. Samuelson
Tri-Delta Transit (2 reps)**	Shanelle Scales-Preston & Dionne Adams / Jelani Killings Alternate	Standing	4th Wednesday	4:00 PM	J. Samuelson
LIAISON TO	COUNCIL MEMBER(S)	TYPE	MEETS	TIME	STAFF
East Bay League of California Cities	Shanelle Scales-Preston / Jelani Killings Alternate	Standing	3rd Thursday		G. Evans
Los Medanos Health Advisory Committee	Shanelle Scales-Preston & Jelani Killings	Ad Hoc	As needed		M. Aliotti
Mayor's Conference	Juan Banales & Jelani Killings Alternate	Standing	1st Thursday	6:30 PM	G. Evans
Pittsburg Police Activities League (PAL)	Shanelle Scales-Preston & Angelica Lopez / Dionne Adams Alternate	Standing	Monthly		S. Albanese
School Districts Committee (2x2)	Jelani Killings & Angelica Lopez / Dionne Adams Alternate	Standing	Quarterly		M. Aliotti
SUBCOMMITTEES	COUNCIL MEMBER(S)	TYPE	MEETS	TIME	STAFF
Budget Sustainability	Juan Banales & Jelani Killings	Ad Hoc	As needed		G. Evans
Community and Economic Development	Jelani Killings & Dionne Adams / Juan Banales Alternate	Standing	TBD		J. Davis
Finance Management	Juan Banales & Jelani Killings / Shanelle Scales-Preston Alternate	Standing	3rd Friday	4:00 PM	P. Rodrigues
Government Performance	Juan Banales & Jelani Killings	Ad Hoc	4th Friday	4:00 PM	J. Brizel
Infrastructure and Transportation	Shanelle Scales-Preston & Dionne Adams / Juan Banales Alternate	Standing	3rd Friday	1:30 PM	J. Samuelson
Life Enrichment	Dionne Adams & Angelica Lopez / Shanelle Scales-Preston Alternate	Standing	3rd Wednesday	5:30 PM	K. Simonton
Pittsburg Arts and Community Foundation	Shanelle Scales-Preston & Jelani Killings	Standing	As needed		K. Simonton
Public Safety	Shanelle Scales-Preston & Angelica Lopez / Jelani Killings Alternate	Standing	1st Wednesday	5:30 PM	S. Albanese
Tobacco, Cannabis, Alcohol Policy Review	Shanelle Scales-Preston & Jelani Killings	Ad Hoc	As needed		G. Evans

*Stipend of \$170 per month

** Stipend of \$100 per month



City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

Proclamation

MARTIN LUTHER KING, JR. DAY

JANUARY 15, 2024

WHEREAS, on January 15, 1929, Martin Luther King, Jr., was born, destined to make our world a greater and more noble one. He dedicated his life to ending the injustice of racism, gracing the world with his vision of a land guided by love instead of hatred and by acceptance instead of intolerance; and

WHEREAS, Dr. King described his goals most eloquently in his famous "I Have a Dream" speech at the historic Civil Rights March on Washington. The impassioned plea that rose from the steps of the Lincoln Memorial that summer day stirred the entire Nation, awakening people everywhere to turn from the scourge of racism to embrace the promise of opportunity and democracy for all. He prophetically described a future in which our children are judged "not by the color of their skin, but by the content of their character." His unparalleled commitment to justice and nonviolence challenged us to look deeply within ourselves to find the roots of racism; and

WHEREAS, throughout his all too brief life, Martin Luther King, Jr. often confronted powerful and even violent opposition, sacrificing his liberty, his personal safety, and ultimately his life for the cause of freedom. Though an assassin's bullet silenced him forever at the young age of 39, Dr. King's words and deeds continue to live on within each of us. We, the inheritors of the fundamental rights he helped to secure, are forever grateful for his legacy.

NOW, THEREFORE, I, Juan Antonio Banales, Mayor, on behalf of the entire City Council of the City of Pittsburg, do hereby proclaim Monday, January 15, 2024 as Martin Luther King, Jr. Day and call upon the residents of this community to join in rededicating ourselves to the principles of justice and equality for all.



Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

Proclamation

HUMAN TRAFFICKING AWARENESS MONTH JANUARY 2024

Whereas, human trafficking is a public health issue and crime that exploits the most vulnerable among us and weakens the health and well-being of individuals, families, and communities across generations; and

Whereas, more than 20 years since the passing of the Trafficking Victims Protection Act, human trafficking still exists—including the forced or fraudulent recruitment, harboring, or transportation of people for labor or commercial sex; and

Whereas, human trafficking can happen to anyone, but certain populations are disproportionately at risk, including people affected by abuse, violence, poverty, unstable living situations, social disconnection, or discrimination; and

Whereas, people can be trafficked in person and online; in industries such as restaurants, domestic work, construction, agriculture, and factories; and by strangers or someone they know, including employers, partners, and family members; and

Whereas, human trafficking can be prevented by building individual, community, and societal understanding and resilience, reducing social inequities, and addressing the conditions that contribute to exploitation; and

Whereas, every individual, family, community, and organization can contribute to enhancing human trafficking awareness, prevention, and response by learning about ways to help.

NOW, THEREFORE, I, Juan Antonio Banales, Mayor, on behalf of the City Council of the City of Pittsburg hereby proclaim January 2024 as HUMAN TRAFFICKING AWARENESS MONTH, and urge all residents to actively participate in the efforts to both raise awareness of and prevent all forms of human trafficking.



Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing Use of the Bond Opportunities for Land Development (“BOLD”) Program and Authorizing the California Municipal Finance Authority to Accept Applications from Property Owners, Conduct Proceedings and Levy Special Taxes Within the Territory of the City of Pittsburg Pursuant to the Mello-Roos Community Facilities Act of 1982, as Amended; and Authorizing Related Actions

MEETING DATE: January 16, 2024

EXECUTIVE SUMMARY

The California Municipal Finance Authority (CMFA) works on behalf of its local agency members to facilitate economic development. City staff has been provided information regarding the Bond Opportunities for Land Development (BOLD) Program offered by CMFA that can be used to finance public infrastructure required for new development within the City.

FISCAL IMPACT

There is no fiscal impact related to the authorization for participation in the BOLD program. Further, there is no future cost to the City related to implementation or administration. All of the costs and expenses related to the formation, issuance of bonds, and ongoing administration for any Community Facilities District (CFD) formed by the BOLD program is the responsibility of CMFA and there is no liability or fiscal impact on the local agency. This action would not establish a CFD or authorize the future establishment of a CFD on existing development.

RECOMMENDATION

Staff recommends the City Council adopt a Resolution authorizing use of the BOLD Program and authorizing related actions.

BACKGROUND

The City is a member of CMFA, a State-wide joint powers authority whose members are numerous public entities throughout California. CMFA has the authority to issue bonds to meet its mission of supporting economic development, job creation and social programs throughout the State.

The BOLD Program offers a means to finance new or continuing construction of infrastructure and public facilities through bonds CMFA issues as an alternative to issuance of land-secured bonds directly by a public entity. The BOLD Program is designed to help local government municipalities and land developers throughout the State work together to cost effectively finance public infrastructure projects and development fees.

Under the BOLD Program, bonds are issued by a CFD formed by CMFA under the Mello-Roos Community Facilities Act of 1982 (California Government Code Section 53311 et seq.) (the “Act”). The Act offers great financing flexibility and is commonly used by cities and other local agencies throughout the State to generate funds for the payment of public facilities, including development fees for facilities.

SUBCOMMITTEE FINDINGS

On June 16, 2023, an overview of the BOLD Program was presented to the Finance Subcommittee. On October 20, 2023, the BOLD Program was again presented to the Finance Subcommittee; while the Finance Subcommittee noted that BOLD provided a potentially beneficial way of completing large infrastructure projects compared to normal assessment districts, the Finance Subcommittee requested additional information regarding the impact on residents of the assessments required to repay the amortized cost compared to privately funded installations which may increase home prices.

On December 15, 2023, the BOLD program was again presented to the Finance Subcommittee, along with a larger presentation on CFDs and assessment districts. During this presentation, Piper Sandler Companies discussed the benefits of utilizing CFDs for both the developer and for homeowners. While not guaranteed, it is often less costly to the homeowner to pay the assessments via a CFD as opposed to the added purchase price of a home resulting from privately funded infrastructure construction, due mainly to the “cost of capital,” or the cost that a developer incurs in borrowing money from creditors or investors through equity financing.

Following this discussion on December 15, the Subcommittee voiced general support and recommended staff to bring the item before the City Council for consideration.

STAFF ANALYSIS

Future residential development will require the City to provide extensive infrastructure and other additional public facilities to accommodate growth. Currently, staff estimates more than 8,000 potential residential units, along with over 5,000,000 square feet of commercial and industrial space could be constructed over the next 20 years. While developers are generally required to provide funding or construct new improvements, these may be delayed as the City awaits additional development that will contribute to project completion. As mentioned above, staff has identified the BOLD Program as a cost-effective opportunity to support the development of infrastructure required to support new development. By working directly with developers, the BOLD Program facilitates financing for infrastructure and fee

obligations of developers, covering a broad range of development cost obligations necessary for new development imposed by municipalities, including both facilities and/or impact fees.

Although the CFD would be formed within the City's jurisdiction, using the BOLD Program alleviates staff time constraints and allows staff to focus on other aspects of processing land development projects, as the BOLD Program is administered by a team of bond industry professionals with significant experience in CFDs in the State. CMFA and its consultant team will form and approve each CFD. CMFA will issue bonds on behalf of the CFD and will utilize the services of a special tax consultant and administrator to create the special tax formula and administer, levy, and collect the special taxes. In addition, if the City desires to use a municipal advisor of its own choosing to review the BOLD Program application and/or other program documents, it may do so, with all related costs payable from bond proceeds.

Formation of the CFD requires the establishment of the annual special tax rates. The formula for computing special tax rates will be included in the resolutions to be adopted as part of the CFD formation proceedings. Typically, the formula will include a basic, undeveloped land tax with an increase in rate and shifting of the tax to developed lands at building permit stage. The total amount of taxes on developed land generally will not exceed 2% of its market value in its completed state, per industry standards.

The City will need to approve the use of a CFD to acquire public facilities and the financing thereof, and enter into an acquisition or similar agreement to receive the bond proceeds, and to meet the general requirements to maintain the tax exemption of interest on the bonds.

Once bond issuance occurs, the City will receive bond proceeds pursuant to an agreement to be entered into between the City and CMFA to ensure bond proceeds are spent in accordance with the Act and other applicable law. The proceeds are held by a bond trustee and are not directly paid to the developer but are available as directed by the developer and approved by the local agency, to be used to meet obligations to the City according to the structure and timing required for development approvals. The City will determine and agree to its role in inspecting and accepting infrastructure and/or payment of financed impact fees.

The CFD may be formed early in the development process, with issuance of bonds at a later time or in multiple series. The following are the typical criteria for bond issuance.

- Minimum 4:1 value-to-debt ratio overlapping (assessed or appraised);
- No discretionary approvals required for build-out of the portion of the CFD directly relating to the bond security;
- Entitlements received that are necessary for phase to be bonded; and
- Financing plan for backbone infrastructure complete or imminent and/or performance bond in place.

In addition, a grant from a portion of the issuance fee is made to the California Foundation for Stronger Communities to fund charities designated by the member communities. A portion of the annual fees received by CMFA are in turn directed to charitable activities within California communities, particularly those of members and participating local government agencies (approximately 25% of the CMFA issuance fee).

ATTACHMENTS: Resolution

Report prepared by: Jordan Davis, Director of Community and Economic Development

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing Use of the Bond Opportunities)
For Land Development ("BOLD") Program)
And Authorizing the California Municipal)
Finance Authority to Accept Applications)
from Property Owners, Conduct)
Proceedings and Levy Special Taxes)
Within the Territory of City of Pittsburg)
Pursuant to the Mello-Roos Community)
Facilities Act of 1982, as Amended; and)
Authorizing Related Actions)

RESOLUTION NO. 24-

WHEREAS, the City seeks to ensure the construction of infrastructure and other public facilities adequate to provide for a growing population; and

WHEREAS, future residential development will require the City to provide extensive infrastructure and other additional public facilities to accommodate growth. Currently, staff estimates more than 8,000 potential residential units, along with over 5,000,000 square feet of commercial and industrial space could be constructed over the next 20 years; and

WHEREAS, while developers are generally required to provide funding or construct new improvements, these may be delayed as the City awaits additional development that will contribute to project completion; and

WHEREAS, the City is a member agency of the California Municipal Finance Authority (CMFA), a State-wide joint powers authority whose members are numerous public entities throughout California; and

WHEREAS, CMFA works on behalf of its local agency members to facilitate economic development; and

WHEREAS, CMFA has the authority to issue bonds to meet its mission of supporting economic development, job creation and social programs throughout the State; and

WHEREAS, the Bond Opportunities for Land Development (BOLD) Program offered by CMFA can be used to finance public infrastructure required for new development within the City. The BOLD Program offers a means to finance new or continuing construction of infrastructure and public facilities through bonds CMFA issues as an alternative to issuance of land-secured bonds directly by a public entity. The BOLD Program is designed to help local government municipalities and land developers throughout the State work together to cost effectively finance public infrastructure projects and development fees; and

WHEREAS, under the BOLD Program, bonds are issued by a community facilities district (CFD) formed by CMFA under the Mello-Roos Community Facilities Act of 1982 (California Government Code Section 53311 et seq.) (the “Act”); and

WHEREAS, staff has identified the BOLD Program as a cost-effective opportunity to support the development of infrastructure required to support new development. By working directly with developers, the BOLD Program facilitates financing for infrastructure and fee obligations of developers, covering a broad range of development cost obligations necessary for new development imposed by municipalities, including both facilities and/or impact fees; and

WHEREAS, authorization of the BOLD Program is exempt from the requirements of the California Environmental Quality Act (CEQA) under the general rule of applicability of the State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question would have a significant negative physical impact on the environment. The BOLD Program is a financing tool that would not authorize any development project; and

WHEREAS, on June 16, 2023, an overview of the BOLD Program was presented to the Finance Subcommittee; and

WHEREAS, on October 20, 2023, the BOLD Program was again presented to the Finance Subcommittee; while the Finance Subcommittee noted that BOLD provided a potentially beneficial way of completing large infrastructure projects compared to normal assessment districts, the Finance Subcommittee requested additional information regarding the impact on residents of the assessments required to repay the amortized cost compared to privately funded installations which may increase home prices; and

WHEREAS, on December 15, 2023, the BOLD program was again presented to the Finance Subcommittee, along with a larger presentation on CFDs and assessment districts. During this presentation, Piper Sandler Companies discussed the benefits of utilizing CFDs for both the developer and for homeowners. While not guaranteed, it is often less costly to the homeowner to pay the assessments via a CFD as opposed to the added purchase price of a home resulting from privately funded infrastructure construction, due mainly to the “cost of capital,” or the cost that a developer incurs in borrowing money from creditors or investors through equity financing; and

WHEREAS, following this discussion on December 15, the Subcommittee voiced general support and recommended staff to bring the item before the City Council for consideration; and

WHEREAS, on or prior to January 11, 2024, a “Notice of Public Hearing” for the January 16, 2024, public hearing on this item was published in the East County Times; was posted at City Hall; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for

such notice; and

WHEREAS, on January 16, 2024, the City Council held a duly noticed public hearing on this item at which time oral and/or written testimony was considered.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburg hereby authorizes use of the BOLD Program, and authorizes CMFA to accept applications from property owners, conduct proceedings, and levy special taxes within the territory of the City pursuant to the Act, as amended.

BE IT FURTHER RESOLVED that the City Council of the City of Pittsburg hereby authorizes the City Manager to authorize CMFA to take related actions to implement the BOLD Program.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 16th day of January 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of Two City Council Resolutions to: 1) Accept an OBAG-II Grant; and 2) Accept the Plans and Specifications, Decline to Waive Bid Irregularity, and Award Project 2231-West Leland Road and Loveridge Road Phase II Rehabilitation

MEETING DATE: January 16, 2024

EXECUTIVE SUMMARY

The City applied for, and has been awarded, the One Bay Area Grant II (OBAG II) totaling \$2,410,000 for construction of Project 2231-West Leland Road and Loveridge Road Phase II Rehabilitation (the "Project"). The City's matching fund requirement to the Project is \$276,427. The Project will rehabilitate the pavement at portions of West Leland Road and Loveridge Road.

FISCAL IMPACT

The total Project budget estimate is \$4,350,000. The estimated budget includes \$2,410,000 from the OBAG II grant and \$1,940,000 of local Road Maintenance and Rehabilitation Account (RMRA) funds, which exceeds the local match requirement.

The proposal from Ghilotti Construction Company, Inc. is \$2,794,872.80 for the base bid and \$469,533.50 for add alternate 1 for a combined total bid amount of \$3,264,406.30.

City staff have been notified by Caltrans that the OBAG II funds that the City was awarded are currently unavailable. Staff recommends awarding the project and only constructing the improvements on Loveridge Road using the RMRA funds currently available. Once Caltrans has released the OBAGII funds to the City, the West Leland Road improvements will commence.

A project budget summary is attached to this report.

RECOMMENDATION

Staff recommends that the City Council adopt the two Resolutions to: 1) accept the \$2,410,000 OBAG II grant; and 2) accept the plans and specifications, decline to waive a bid irregularity, and award a contract with Ghilotti Construction Company, Inc. in the amount of \$3,264,406.30 for construction of the Project.

Staff also recommends that the City Council allocate a construction contingency of \$506,656 for any unanticipated costs and contract change orders. Staff recommends the higher than usual contingency amount to allow for the possibility of constructing as much of the bid alternate 2 scope through change orders.

Staff further recommends that the City Engineer be authorized to approve contract change orders in an amount not to exceed 50% of the construction contingency and the City Manager be authorized to approve change orders in an amount not to exceed the approved project budget.

BACKGROUND

To augment the limited budget available for pavement improvements within the City, Staff seek out grant opportunities to fund necessary projects. Staff applied for the OBAG II grant to acquire funding for the Project. In November of 2015, the Metropolitan Transportation Commission found that the City's Project met all the necessary criteria and was selected as one of the projects to receive funding as part of the OBAG II Program.

The Project includes a 3-inch mill with 3-inch Hot Mix Asphalt (HMA) and an optional additional 3-inch mill with 3-inch HMA on West Leland Road from Broadway Avenue to Serrano Way and from Crestview Drive to Railroad Avenue. The project also includes a 4-inch mill with 4-inch HMA and an optional additional 4-inch mill with 4-inch HMA on Loveridge Road from California Avenue to Pittsburg-Antioch Highway.

On November 18, 2015, the City was awarded the Metropolitan Transportation Commission OBAG II in the amount of \$2,410,000.

On December 21, 2020, the City Council adopted Resolution No. 20-13859 approving an addendum to the 5-year Capital Improvement Program for Fiscal Years 2019/20 through 2023/24, allocating \$300,000 of RMRA Funds to the Project.

On June 20, 2021, the City Council adopted Resolution No. 21-13942, approving the Operating Budget for Fiscal Year 2021/22 allocating \$40,000 of RMRA Funds to the Project.

On September 21, 2021, the City Council adopted Resolution No. 21-13988, allocating \$1,100,000 of RMRA Funds to the Project.

On July 18, 2022, the City Council adopted Resolution No. 22-14125, approving the Five-Year Capital Improvement Program for Fiscal Years 2022/23 through 2026/27 allocating \$500,000 of RMRA Funds to the Project.

On October 20, 2023, staff advertised the project for construction bids.

On November 29, 2023, twelve bids were received for project construction and staff concluded that Ghilotti Construction Company, Inc. was the lowest responsive, responsible bidder with a bid of \$3,264,406.30.

Staff reviewed the bid proposals for arithmetical errors, completeness, and conformance with the bid requirements.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Loveridge Road and West Leland Road are major arterial roads in the city that receive large volumes of traffic. These roads are often traveled by a significant number of heavy vehicles, due to the surrounding businesses and ease of access to the freeway. Over time, the repeated loading of the roads from vehicle travel causes the asphalt to fail. The failure of asphalt causes damage such as cracks, depressions, potholes, pumping, and differential settling, causing harsh road conditions.

The asphalt failures within the Project limits are considered severe and require immediate rehabilitation. This Project will remove and replace the failed asphalt and provide Pittsburg residents with a smoother driving experience.

On November 29, 2023, twelve bids were received for project construction. When the bids were opened, Azul Works Inc. was the apparent low bidder. However, during a review of its bid submittal, mathematical errors were discovered which increased its bid price, making Azul Works Inc. no longer the apparent low bidder. As a result, MCK was determined to be the apparent lowest bidder.

On December 6, 2023, Ghilotti Construction Company, Inc. submitted a bid protest stating MCK did not conform to the bid requirements for supplying a correct bid for Traffic Control. Specification Section 10-1.05 Traffic Control states, "The bid for Traffic Control shall not exceed 5% of the total bid cost." MCK submitted a total bid of \$3,264,062.66, of which five percent (5%) equals \$163,203.13, and submitted a bid item cost for Traffic Control equaling \$172,500.00 which exceeds 5%.

Staff reviewed the bid protest and forwarded it to MCK on December 7, 2023 to provide a response. On December 11, 2023, MCK provided a response stating that they believe the overage of the Traffic Control bid should be deemed a minor irregularity, waived, and they should be awarded the project.

Staff reviewed the bid protest, and the response, and determined that MCK's bid proposal is non-responsive based on the bid requirement for Traffic Control as stated in specification Section 10-1.05. Staff recommends that the City Council decline to waive the irregularity and award the contract to Ghilotti Construction Company, Inc., as the apparent lowest responsive, responsible bidder with a bid of \$3,264,406.30

Since Caltrans has notified the City that the grant funds are currently unavailable, City staff recommends awarding the Project in full to Ghilotti Construction Company, Inc. but City staff will only provide Ghilotti Construction Company, Inc. with a notice to proceed for the work on Loveridge Road. This portion of the Project has \$1,940,000 of local RMRA funds already

allocated to the Project which will cover the cost of construction on Loveridge Road. The remaining work on West Leland Road will be authorized once the grant funds become available.

ATTACHMENTS: Resolution
 Resolution
 Budget Summary
 Bid Protest
 Response to Bid Protest

Report Prepared By: Gabriel Piña, Associate Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Accept an OBAG II Grant for)
Construction of Project 2231-West)
Leland Road and Loveridge Road Phase)
II Rehabilitation)

RESOLUTION NO. 24-

WHEREAS, the City applied for, and has been awarded, the One Bay Area Grant II (OBAG II) totaling \$2,410,000 for the construction of Project 2231-West Leland Road and Loveridge Road Phase II Rehabilitation (the "Project"); and

WHEREAS, the Project will rehabilitate the pavement at portions of West Leland Road and Loveridge Road; and

WHEREAS, the City's matching fund requirement for the Project is \$276,427; and

WHEREAS, staff recommends that the \$2,410,000 OBAG II Grant be accepted and applied to the Project budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburgh hereby accepts the \$2,410,000 OBAG II Grant.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 16th day of January 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Accept the Plans and Specifications,)
Decline to Waive Bid Irregularity, and)
Award a Contract for Project 2231-)
West Leland Road and Loveridge Road)
Phase II Rehabilitation)

RESOLUTION NO. 24-

WHEREAS, Project 2231-West Leland Road and Loveridge Road Phase II Rehabilitation (the "Project") will rehabilitate sections of Loveridge Road and West Leland Road; and

WHEREAS, on November 18, 2015, the City received notice of award of the Metropolitan Transportation Commission One Bay Area Grant II in the amount of \$2,410,000; and

WHEREAS, on December 21, 2020, the City Council adopted Resolution No. 20-13859 approving an addendum to the 5-year Capital Improvement Program Fiscal Years 2019/20 through 2023/24, allocating \$300,000 of RMRA funds to the Project; and

WHEREAS, on June 20, 2021, the City Council adopted Resolution No. 21-13942, approving the Operating Budget for Fiscal Year 2021/22 allocating \$40,000 of RMRA funds to the Project; and

WHEREAS, on September 21, 2021, the City Council adopted Resolution No. 21-13988, allocating \$1,100,000 of RMRA funds to the Project; and

WHEREAS, on July 18, 2022, the City Council adopted Resolution No. 22-14125, approving the Five-Year Capital Improvement Program for Fiscal Years 2022/23 through 2026/27 allocating \$500,000 of RMRA funds to the Project; and

WHEREAS, on October 20, 2023, staff advertised the Project for bids; and

WHEREAS, on November 29, 2023, 12 bids were received; and

WHEREAS, Azul Works Inc. was the apparent low bidder. However, on review of the bid, mathematical errors became apparent, increasing the bid above one or more other bidders; and

WHEREAS, MCK became the apparent low bidder; and

WHEREAS, staff became aware of a lack of conformity of MCK's bid with the bid requirements, and received a bid protest from bidder Ghilotti Construction Company Inc. asserting MCK did not comply with the requirement that the bid for traffic control not exceed five percent of the total bid; and

WHEREAS, staff forwarded the bid protest to MCK, and MCK provided a response seeking the City to deem the matter a minor irregularity, waive it, and award the contract to MCK; and

WHEREAS, staff determined the MCK is non-responsive on the basis that the traffic control portion of the bid exceeds the maximum percentage allowed by the bid requirements, and recommends that the City Council decline to waive the irregularity and award the contract to Ghilotti Construction Company Inc. as the lowest responsive, responsible bidder with a base bid plus bid alternate one total in the amount of \$3,264,406.30; and

WHEREAS, staff recommends that the City Council accept the plans and specifications; and

WHEREAS, staff further recommends establishing a construction contingency in the amount of \$506,656 for unanticipated costs and contract change orders; and

WHEREAS, staff recommends that the City Engineer or his designee be authorized to approve contract change orders for a total amount not to exceed 50% of the contingency and the City Manager be authorized to approve change orders for a total amount not to exceed the approved project budget.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pittsburg hereby accepts the plans and specifications, declines to waive the irregularity in the bid from MCK, and awards a construction contract to Ghilotti Construction Company, Inc.

BE IT FURTHER RESOLVED, that the City Council authorizes a construction contingency in the amount of \$506,656, authorizes the City Engineer or his designee to approve contract change orders for this Project for a total amount not to exceed 50% of the contingency, and authorizes the City Manager to approve change orders for an amount not to exceed the approved project budget.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 16th day of January 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Budget Summary**Project 2231 - West Leland Road and Loveridge Road Phase II Rehabilitation****Project Funding**

Previously allocated RMRA funds	\$1,940,000
OBAG II Grant	\$2,410,000
Funding Total	\$4,350,000

Project Expenditures:

(Code 2122)	Design Consultant	\$447,460
	Subtotal	\$447,460

Miscellaneous:

(Code 1399)	Advertising	\$1,477
	Subtotal	\$1,477

Construction:

Construction	\$3,264,407
Construction Conitngency	\$506,656
Material Testing	\$50,000
Subtotal	\$3,821,063

Staff Time:

(Code 1101)	Staff Costs	\$40,000
	Subtotal	\$40,000

Admin:

(Code 2372)	Overhead Costs	\$40,000
	Subtotal	\$40,000

Estimated Total Expenditures \$4,350,000



December 6, 2023

To: **John Samuelson**
Director of Public Works
City of Pittsburg
65 Civic Avenue
Pittsburg, California 94565
jsamuelson@pittsburgca.gov

Re: Bid Protest
PROJECT #2231, WEST LELAND RD AND LOVERIDGE RD PH II REHAB
Bid Date: Wednesday, November 29, 2023

Dear Mr. Samuelson,

On Wednesday, November 29, 2023, Ghilotti Construction Company, Inc. bid the above referenced project and at the time of bid was the apparent 3rd lowest bidder. This letter serves as a protest of the bid submitted by the now apparent low bidder, MCK Services, Inc. (MCK). Our understanding is that Azul Works, Inc's. bid is no longer being considered for award.

The City must reject MCK's bid as nonresponsive because it failed to comply with the requirements of the project special provisions and specifications.

Section 10-1.05 TRAFFIC CONTROL of the special provisions states the following:

10-1.05 TRAFFIC CONTROL

"Maintaining safe and efficient traffic flow through the work zone is a high priority for the City. For the purpose of this section, traffic relates to cars, trucks, buses, pedestrians, and bicycles. The traffic control described in this section shall be coordinated with other City projects. The Contractor's shall conform to Sections 7-1.03 "Public Convenience," 7-1.04 "Public Safety" and Section 12 "Temporary Traffic Control" of the State Standard Specifications, insofar as they may apply, and these Specifications.

The bid for Traffic Control shall not exceed 5% of the total bid cost."

— Engineering Contractor —

Measurement and Payment

“The contract lump sum price for ***Bid Items 2, 67, & 97, Traffic Control*** includes full compensation for complying with **Section 10-1.05**, furnishing all labor, materials, tools, equipment, and incidentals, and for doing all work involved in the traffic control, including preparation of traffic control plans, complying with the Temporary Traffic Control Plan (TTCP) Check List, providing signs and flaggers, implementing the traffic control system, providing and placing temporary pavement delineation, temporary pedestrian access, construction area signs, no parking signs temporary paving, asphalt tapers and removal of temporary paving, as shown on the Plans, as specified in the State Standard Specifications and these Special Provision Specifications, and as directed by the Engineer. **The bid for Traffic Control shall not exceed 5% of the total bid cost.”**

MCK’s bid for traffic control exceeded the maximum allowable 5% of both the Base Bid + Alternate 1 and the Total Bid (Base Bid + Alternate 1 + Alternate 2). See table below:

	MCK's Bid	NTE 5%	Actual Bid
Base Bid + Alternate 1 (Basis for award)	\$ 3,264,062.66	\$163,203.13	\$ 172,500.00
Total Bid (Base Bid + Alternate 1 + Alternate 2)	\$ 3,692,570.16	\$184,628.51	\$ 225,000.00

In bidding traffic control greater than 5% of the Total Bid, MCK enjoys an advantage other bidding contractors could not – the ability to claim an error and request relief of bid due to this error.

Based on the requirements cited above and MCK’s mistake in bid and failure to comply with the project special provisions, Ghilotti Construction Company, Inc. protests an award of this contract to MCK.

Thank you for considering this matter.

Sincerely,



Thomas Smith
Vice President of Estimating



December 11, 2023

John Samuelson
Director of Public Works
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Re: Project #2231, West Leland Road and Loveridge Road, PH II Rehab

Subject: Reply to Ghilotti Construction Company Bid Protest

Dear Mr. Samuelson:

This letter is in response to the Assistant City Engineer, Mr. Johnson's December 7, 2023 email and Ghilotti Construction Company's December 6, 2023 bid protest of MCK Services, Inc. ("MCK") bid for the above project on the ground that our bid was non-responsive.

The City's Notice to Bidders notified all the bidders that the award would be made to "the lowest responsive and responsible bidder offering the lowest total amount of the Base Bid Items + Bid Alternate 1 in the order they are shown on the Bid Schedule, which are within available budget".

MCK's bid for Base Bid Items + Bid Alternate 1 was \$3,264,062.66, which included \$172,500 for Traffic Control for bid items 2 and 67 for a percentage total of .0529, when rounded to nearest full percentage is 0.5%. MCK believes the .0029 % is a minor irregularity that the City has the discretion to waive pursuant to the Notice to Bidders.

The City Council of the City of Pittsburg reserves the right to reject any or all bids and the right to waive any minor irregularity or informality in the Contract Proposal...

...The foregoing provisions for the resolution of specific irregularities cannot be so comprehensive as to cover every omission, inconsistency, error or other irregularity which may occur in a bid. Any situation not specifically provided for will be determined in the discretion of the City of Pittsburg, and that discretion will be exercised in the manner deemed by the City to best protect the public interest in the prompt and economical completion of the work. The decision of the City respecting the amount of a bid, or the existence or treatment of an irregularity in a bid, shall be final...

The protested error resulted in MCK's bid being higher than had the error not been made. It therefore did not provide MCK with any advantage over Ghilotti Construction Co or any other bidder. Bidding slightly higher than the specified 5% value does not make MCK's bid non-responsive.

In conclusion, MCK respectfully requests the City exercise its discretion and waive the minor irregularity and award the contract to MCK Services, Inc.

Sincerely,



John Moffat
Vice President
MCK Services, Inc.



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Accepting Project 5515 - Basin 3 Dredge as Complete and Authorizing the City Engineer to File a Notice of Completion

MEETING DATE: January 16, 2024

EXECUTIVE SUMMARY

Project 5515 - Basin 3 Dredge (the "Project") included dredging of basin 3, the boat launch ramp, and the New York Landing Homeowners Association (NYLHOA) residential channel. This resolution will accept the construction contract as complete and authorize the City Engineer to file a Notice of Completion.

FISCAL IMPACT

The Project was funded with \$105,000 from the Waterfront Operations Fund (Resolution No. 23-14318) and \$1,500,000 from the Waterfront Grants Fund (Resolution No. 23-14318). The City entered a Reimbursement and Indemnification (R&I) Agreement with the NYLHOA (Resolution No. 23-14334) to be reimbursed for 100% of the cost associated with the dredging of the residential channel, for a total project budget of \$1,605,000 plus any funds that will be reimbursed by the NYLHOA.

After payment of all expenditures for design, construction, release of retention, and project close out, the total anticipated expenditures for the Project are \$2,090,525. The NYLHOA will reimburse the City approximately \$856,569 for the work performed on the residential channel, making the total cost to the City approximately \$1,233,955.

An estimated Project Budget Summary is attached to this staff report.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution accepting the Project as complete and authorizing the City Engineer to execute a Notice of Completion.

BACKGROUND

On May 26, 2023, the Project was advertised for construction.

On June 16, 2023, bids for construction of the Project were opened; The Dutra Group was the only contractor to submit a bid.

On June 19, 2023, the City Council adopted Resolution No. 23-14318 approving the Annual Budget and Five-Year Capital Improvement Program for Fiscal Years 2023/24 through 2027/28 allocating \$105,000 from the Waterfront Operations Fund (Fund 540) and \$1,500,000 from the Waterfront Grants Fund (Fund 541) to the Project.

On June 29, 2023, the City and The Dutra Group were able to reach an agreement on a total bid price of \$2,469,650.

On July 17, 2023, the City Council adopted Resolution No. 23-14334 authorizing the City Manager to execute an R&I Agreement with New York Landing Homeowners Association, accept the plans and specifications, and award a construction contract to the Dutra Group in the amount of \$2,469,650.

On November 28, 2023, the contractor reached substantial completion of the Project, and the one-year warranty period began. Unspent dollars pertaining to the NYLHOA residential channel will be returned to the NYLHOA, and the \$371,044 unspent project funding shall be returned to sources in the following manner: \$105,000 to Fund 540 and \$266,044 returned to Fund 541.

SUBCOMMITTEE FINDINGS

This item was not reviewed by a subcommittee.

STAFF ANALYSIS

Boat traffic, currents, and wildlife causes sediment to spread along the marina floor. Over time, the sediment will continue to settle and will effectively raise the elevation of the sea floor. This rise in the marina's floor elevation can cause damage to vessels traveling through these waterways. In addition, when a vessel is too close to the marina floor, the propeller can create a large amount of debris to be dispersed into the water and possibly get caught in another vessel's impellor. To remedy these potential issues, regular dredging projects are performed to maintain a functional floor elevation. This Project dredged basin 3, the boat launch ramp, and the New York Landing Homeowners Association residential channel to maintain functional travel ways for the boats that utilize these waterways.

During construction, there was a total of one contract change order issued in the amount of -\$687,020 for a total construction contract amount of \$1,782,630.

ATTACHMENTS: Resolution
 Budget Summary

Report Prepared by: Gabriel Piña, Associate Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Accepting Project 5515—Basin 3)
Dredge as Complete and Authorizing)
the City Engineer to File a Notice of)
Completion)

RESOLUTION NO. 24-

WHEREAS, Project 5515 – Basin 3 Dredge (the “Project”) dredged the boat launch, basin 3, and the New York Landing Homeowners Association’s residential channel; and

WHEREAS, on May 26, 2023, the Project was advertised for construction bids; and

WHEREAS, on June 16, 2023, bids for construction of the Project were opened, and The Dutra Group was the only contractor to submit a bid; and

WHEREAS, on June 19, 2023, the City Council adopted Resolution No. 23-14318 approving the Annual Budget and Five-Year Capital Improvement Program for Fiscal Years 2023/24 through 2027/28 allocating \$105,000 from the Waterfront Operations Fund (Fund 540) and \$1,500,000 from the Waterfront Grants Fund (Fund 541) to the Project; and

WHEREAS, on June 29, 2023, the City and the Dutra Group were able to reach an agreement on a total bid price of \$2,469,650; and

WHEREAS, on July 17, 2023, the City Council adopted Resolution No. 23-14334 authorizing the City Manager to execute a Reimbursement and Indemnification Agreement with New York Landing Homeowners Association, accept the plans and specifications, and award a construction contract to the Dutra Group in the amount of \$2,469,650; and

WHEREAS, there was one contract change order in the amount of -\$687,020 for a total contract amount of \$1,782,630; and

WHEREAS, on November 28, 2023, the contractor reached substantial completion and the one-year warranty period began; and

WHEREAS, the total anticipated expenditures for the Project including design, construction, and staff costs are \$2,090,525. After the New York Landing Homeowners Association reimburses the City for the cost of the work performed on the residential channel, the estimated total cost to the City for this project is \$1,233,955. Unspent dollars pertaining to the NYLHOA residential channel will be returned to the NYLHOA, and the \$371,044 unspent project funding shall be returned to sources in the following manner: \$105,000 to Fund 540 and \$266,044 returned to Fund 541.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburgh hereby accepts the Project as complete and authorizes the City Engineer to execute a Notice of Completion and file said document with the Office of the Recorder of the County of Contra Costa, State of California, within 10 days from the date hereof.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 16th day of January 2024 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST BY:

Alice E. Evenson, City Clerk

Budget Summary
Project 5515-Basin 3 Dredge

Project Funding:

Waterfront Operations Fund	\$105,000
Waterfront Grants Fund	\$1,500,000
NYLHOA Reimbursement	\$856,569
Funding Total	\$2,461,569

Project Expenditures:

Design:

(Code 2122)	Design	\$285,350
	Subtotal	\$285,350

Miscellaneous:

(Code 1399)	Advertising	\$600
	Subtotal	\$600

Construction:

(Code 2281)	Biological Training	\$9,545
	Construction	\$1,782,630
	Subtotal	\$1,792,175

Staff Time:

(Code 1101)	Staff Costs	\$6,500
	Subtotal	\$6,500

Admin:

(Code 2372)	Administrative Overhead Costs	\$5,900
	Subtotal	\$5,900

Estimated Total Expenditures \$2,090,525



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Accepting Project 1802 - Police Department Electric Vehicle Chargers as Complete and Authorizing the City Engineer to File a Notice of Completion

MEETING DATE: January 16, 2024

EXECUTIVE SUMMARY

Project 1802 - Police Department Electric Vehicle Chargers (the “Project”) installed six electric vehicle chargers in the Police Department’s secured lot. This resolution will accept the construction contract as complete and authorize the City Engineer to file a Notice of Completion.

FISCAL IMPACT

The Project was funded with \$90,300 of American Rescue Plan Act (ARPA) Funds (Resolution No. 23-14272) for a total approved budget of \$90,300.

After payment of all expenditures for design, construction, release of retention, and project close out, the total anticipated expenditures for the Project are \$85,000. Any unspent funds will be returned to the ARPA Funds.

An estimated Project Budget Summary is attached to this staff report.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution accepting the Project as complete and authorizing the City Engineer to execute a Notice of Completion.

BACKGROUND

On March 13, 2023, proposals for construction of the Project were received, and Bear Electrical Solutions was the lowest, most qualified bidder with a base bid in the amount of \$73,000.

On April 17, 2023, the City Council adopted Resolution No. 23-14272 allocating \$90,300 of ARPA funds to the Project, accepting the plans and specifications, and awarding a construction contract to Bear Electrical Solutions in the amount of \$73,000.

On December 29, 2023, the contractor reached substantial completion and the one-year warranty period began.

SUBCOMMITTEE FINDINGS

This item was not reviewed by a subcommittee.

STAFF ANALYSIS

The Pittsburg Police Department recently purchased six electric vehicles. This Project was vital in providing the infrastructure required for the operation of the upgraded Police Department Fleet.

During construction, there was a total of one contract change order issued in the amount of \$1,661.17 for a total contract amount of \$74,661.17.

ATTACHMENTS: Resolution
 Budget Summary

Report Prepared by: Gabriel Piña, Associate Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Accepting Project 1802 – Police)
Department Electric Vehicle Chargers)
As Complete and Authorizing the City)
Engineer to File a Notice of Completion)

RESOLUTION NO. 24-

WHEREAS, Project 1802 – Police Department Electric Vehicle Chargers (the “Project”) installed six electric vehicle chargers in the Police Department’s secured lot; and

WHEREAS, on March 13, 2023, proposals for construction of the Project were received, and Bear Electrical Solutions was the lowest most qualified bidder with a base bid in the amount of \$73,000; and

WHEREAS, on April 17, 2023, the City Council adopted Resolution No. 23-14272 allocating \$90,300 of American Rescue Plan Act (ARPA) funds to the Project, accepting the plans and specifications, and awarding a construction contract to Bear Electrical Solutions in the amount of \$73,000; and

WHEREAS, there was one contract change order in the amount of \$1,661.17 for a total contract amount of \$74,661.17; and

WHEREAS, on December 29, 2023, the contractor reached substantial completion and the one-year warranty period began; and

WHEREAS, the total anticipated expenditures for the Project, including design, construction, and staff costs are \$85,000, and the estimated remaining balance will be returned to the ARPA funds for future projects.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburg hereby accepts the Project as complete and authorizes the City Engineer to execute a Notice of Completion and file said document with the Office of the Recorder of the County of Contra Costa, State of California, within 10 days from the date hereof.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 16th day of January 2024 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST BY:

Alice E. Evenson, City Clerk

Budget Summary
Project 1802-Police Department Electric Vehicle Chargers

Project Funding:

ARPA Fund	\$90,300
Funding Total	\$90,300

Project Expenditures:

Design: (Code 2122)	Design	\$0
	Subtotal	\$0

Miscellaneous: (Code 1399)	Advertising	\$0
	Subtotal	\$0

Construction: (Code 2281)	Construction	\$78,000
	Subtotal	\$78,000

Staff Time: (Code 1101)	Staff Costs	\$3,500
	Subtotal	\$3,500

Admin: (Code 2372)	Administrative Overhead Costs	\$3,500
	Subtotal	\$3,500

Estimated Total Expenditures \$85,000



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Allocating Fiscal Year 2022-2023 Measure M Surplus and Measure M Reserve Funds for the Repair and Replacement of Amusement Rides at Small World Park

MEETING DATE: January 16, 2024

EXECUTIVE SUMMARY

The Public Works and Recreation Departments are seeking to allocate Fiscal Year 2022-2023 Measure M Surplus and Measure M Reserve funds for the replacement and repair of amusement rides at Small World Park.

FISCAL IMPACT

The total project budget is estimated at \$295,000. Funding for this project is to be provided from Fiscal Year 2022-2023 Measure M Surplus and Measure M Reserves.

RECOMMENDATION

City Council adopt the attached Resolution allocating \$200,00 of Measure M Surplus and \$95,000 of Measure M Reserve funds to repair and replace amusement rides at Small World Park.

BACKGROUND

Owned and operated by the City of Pittsburg Recreation Department, Small World Park is an 8-acre park that features picnic sites, playground structures, a ferris wheel, carousel, whale ride, children's zipline, and a gas-powered train. During the 2023 operating season, the condition of the train's engine, axles and components became beyond repair, and staff determined it to be inoperable for the season. Additionally, the carousel was deemed inoperable due to the need to replace and repair the sweeps and bearings.

SUBCOMMITTEE FINDINGS

This item was presented to the Finance Management Subcommittee on December 15, 2023. The Subcommittee supported staff's recommendation to utilize \$200,000 of Fiscal

Year 2022-2023 Measure M Surplus and \$95,000 from Measure M Reserves for this youth-serving expenditure.

STAFF ANALYSIS

After assessing the condition of the train and carousel, staff contacted the manufacturers of each ride for recommendations on repair options and companies to provide the services. Western Train Company performed diagnostics on both rides and provided options for repair and/or replacement.

Staff explored three options for the train: 1) replace with a newer diesel-powered train; 2) replace with a new electric powered train; or 3) replace with a refurbished train. Regardless of which option, the train cars braking system would also need to be upgraded by removing the antiquated hydraulic system and installing a new air brake system. The new braking system is necessary, safer, easier to service, and requires less maintenance than the current system.

Due to the style and frame of the train, it was determined that a retrofit was not an option. Although a refurbished train option would save some upfront costs, replacement parts are becoming more obsolete and difficult to find. Additionally, having a refurbished train will continue to require consistent on-going maintenance performed by maintenance staff with a specific skillset.

When evaluating the new diesel versus a new electric train, staff considered the differences in cost, maintenance, availability of replacement parts, and contribution to the goal of a zero-emission fleet. The cost of the electric powered train was only \$20,000 more than a diesel-powered, requires less maintenance over time with the major replacement part being a simple battery, and meets the goal of zero-emissions.

The carousel requires the replacement of sweeps and bearings to make it operable again.

The repair and replacement of amusement rides are appropriate uses of Measure M Surplus and Measure M Reserve funds.

ATTACHMENTS: Resolution

Report Prepared By: Kolette Simonton, Director of Recreation

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Allocating Fiscal Year 2022-2023 Measure)
M Surplus and Measure M Reserve Funds)
For the Repair and Replacement of)
Amusement Rides at Small World Park)

RESOLUTION NO. 24-

WHEREAS, the City is owner and operator of Small World Park, an 8-acre park that features picnic sites, playground structures, a ferris wheel, carousel, whale ride, children's zipline, and a gas-powered train; and

WHEREAS, during the 2023 operating season, the condition of the train's engine, axles and components became beyond repair, and staff determined it to be inoperable for the season; and

WHEREAS, in addition to the train, the carousel requires the replacement of sweeps and bearings to make it operable again; and

WHEREAS, the total project budget is estimated at \$295,000 and funding for this project is to be provided from Fiscal Year 2022-2023 Measure M Surplus and Measure M Reserves, which are appropriate uses for these youth serving expenditures.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburgh hereby approves the allocation of \$200,000 of Measure M Surplus and \$95,000 of Measure M Reserve funds for the repair and replacement of amusement rides at Small World Park.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 16th day of January 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Chair and Governing Board Members

FROM: Garrett Evans, Executive Director

SUBJECT: Adoption of a Successor Agency Minute Order Approving the July 1, 2024 – June 30, 2025 Recognized Obligation Payment Schedule

MEETING DATE: January 16, 2024

EXECUTIVE SUMMARY

The Successor Agency for the Redevelopment Agency of the City of Pittsburg (Successor Agency) has prepared its Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2024 – June 30, 2025 (ROPS 24-25), pursuant to AB 26x1, also referred to as the “Dissolution Act”.

FISCAL IMPACT

There is no fiscal impact to adopting ROPS 24-25. Rather, ROPS 24-25 identifies the Successor Agency’s anticipated financial obligations for July 1, 2024 – June 30, 2025. ROPS 24-25 will be reflected in the Successor Agency’s budget that will be considered along with the City’s budget in June 2024 for Fiscal Year 2024-2025.

RECOMMENDATION

Staff recommends that the Successor Agency Governing Board approve ROPS 24-25.

BACKGROUND

On June 29, 2011, the Governor signed into law the Dissolution Act, which automatically suspended redevelopment activities, and on December 29, 2011, the California State Supreme Court upheld the provisions of the Dissolution Act, thereby dissolving all redevelopment agencies on February 1, 2012.

While redevelopment successor agencies may not initiate any new activities nor incur new indebtedness, they are nevertheless required under legislative statute and court order to continue making those payments necessary for day-to-day operations pursuant to contractual commitments/enforceable obligations, regulatory authorities, and indebtedness entered into prior to the enactment of the Dissolution Act.

On June 27, 2012, the Governor signed into law budget trailer bill AB 1484. AB 1484 imposed new requirements on successor agencies with regard to the submittal of the ROPS.

Budget trailer bill SB 107 was approved and signed by the Governor and took immediate effect on September 22, 2015. The primary purpose of SB 107 is to make technical and substantive amendments to the existing Dissolution Act. Health & Safety Code Section 34177, as amended, changed the review of ROPS from semi-annual to annual.

Pursuant to Health and Safety Code Section 34179 (j), on and after July 1, 2018, in each county where more than one oversight board was created, there shall be only one countywide oversight board. As of July 1, 2018, the California Department of Finance (DOF) will only recognize the Contra Costa County Oversight Board (Countywide Oversight Board). The Successor Agency's ROPS and other actions may not be submitted to the DOF without the Countywide Oversight Board's approval.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

ROPS 24-25 consists of debt service related expenses, administrative expenses, and other eligible enforceable obligations. Staff will submit ROPS 24-25 to the Countywide Oversight Board for its consideration on January 29, 2024. Upon receiving Countywide Oversight Board approval, ROPS 24-25 will be submitted to the DOF, the County Auditor-Controller's Office, and the California State Controller's Office on or before February 1, 2024.

ATTACHMENTS: Recognized Obligation Payment Schedule for the period of July 1, 2024 – June 30, 2025

Report Prepared By: Andy Wang, Assistant Finance Director

**Pittsburg ROPS 2024-25 Annual
SUMMARY**

Requested Funding for Obligations		24-25A Total	24-25B Total	ROPS Total
A	Obligations Funded as Follows (B+C+D)	11,000	11,000	22,000
B	Bond Proceeds	-	-	-
C	Reserve Balance	-	-	-
D	Other Funds	11,000	11,000	22,000
E	Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	18,221,448	11,069,550	29,290,997
F	RPTTF	18,011,448	10,859,550	28,870,997
G	Administrative RPTTF	210,000	210,000	420,000
H	Current Period Obligations (A+E)	18,232,448	11,080,550	29,312,997

Pittsburg ROPS 2024-25 Annual						
CASH BALANCE						
A	B	C	D	E	F	G
		Fund Sources				
		Bond Proceeds	Bond Proceeds	Reserve Balance	Other Funds	RPTTF
	ROPS 21-22 Cash Balances (07/01/21 - 06/30/22)	Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, Grants, Interest, etc.	Non-Admin and Admin
1	Beginning Available Cash Balance (Actual 07/01/21) RPTTF amount should exclude A" period distribution amount"	1,509,824	12,738,913	-	64,882	168,326
2	Revenue/Income (Actual 06/30/22) RPTTF amount should tie to the ROPS 21-22 total distribution from the County Auditor-Controller	28,430	25,003	-	-	33,231,050
3	Expenditures for ROPS 21-22 Enforceable Obligations (Actual 06/30/22)	-	-	-	64,882	33,399,376
4	Retention of Available Cash Balance (Actual 06/30/22) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	1,538,253	12,763,916	-	-	-
5	ROPS 21-22 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 21-22 PPA form submitted to the CAC	No entry required				
6	Ending Actual Available Cash Balance (06/30/22) C to F = (1 + 2 - 3 - 4) G = (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ -

Pittsburg ROPS 2024-25 Annual
ROPS CYCLE

ROPS Cycle	ROPS Period Ending	Senior Bonds				Subordinate Bonds			Total Debt Service by ROPS Period	Total Obligations 1RPTTF Debt Service Requirement		
		1999 Tax Allocation Bond	2014 Tax Allocation Refunding Bond	2006 Housing Set Aside Tax Allocation Bond	2016 Housing Set Aside Tax Allocation Refunding Bond	2016A Tax Exempt Refunding Bond	2016B Taxable Refunding Bond	2016C Tax Exempt Refunding Bond (Forward)				
		#2 822	#105 833	#10 844	#118 845	#119 834	? 835	#121 836				
20/21A	12/31/20	5,150,000	6,865,125	508,892	1,112,736	3,002,125	-	12,335,125	28,974,003	15,337,250		20/21A
20/21B	06/30/21		679,125	206,200	194,754	3,002,125	-	158,125	4,240,329	18,045,407		20/21B
21/22A	12/31/21	5,150,000	7,014,125	516,200	1,124,754	9,177,125	-	6,483,125	29,465,329	15,660,250		21/22A
21/22B	06/30/22		520,750	197,968	180,251	2,847,750	-	-	3,746,718	17,730,686		21/22B
22/23A	12/31/22	8,755,000	3,565,750	527,968	1,135,251	14,012,750	-	-	27,996,718	14,012,750		22/23A
22/23B	06/30/23		444,625	189,204	164,073	2,568,625	-	-	3,366,527	16,589,430		22/23B
23/24A	12/31/23	8,750,000	2,784,625	534,204	1,154,073	15,133,625	-	-	28,356,527	15,133,625	15,133,625	23/24A
23/24A	06/30/24		386,125	180,043	146,312	2,254,500	-	-	2,966,980	16,274,460	16,274,460	23/24B
24/25A	12/31/24	8,755,000	2,836,125	540,043	1,176,312	15,464,500	-	-	28,771,980	15,464,500	15,464,500	24/25A
24/25B	06/30/25		324,875	170,483	127,340	1,924,250	-	-	2,546,948	15,944,646	15,944,646	24/25B
25/26A	12/31/25	8,755,000	2,899,875	550,483	1,192,340	15,814,250	-	-	29,211,948	15,814,250		
25/26B	06/30/26		260,500	160,392	106,657	1,577,000	-	-	2,104,550	15,597,099		
26/27A	12/31/26	8,750,000	2,965,500	560,392	1,216,657	16,187,000	-	-	29,679,550	16,187,000		
26/27B	06/30/27		192,875	149,770	84,546	1,211,750	-	-	1,638,941	15,231,133		
27/28A	12/31/27	9,145,000	2,637,875	574,770	1,234,546	16,566,750	-	-	30,158,941	16,566,750		
27/28B	06/30/28		131,750	138,484	57,613	827,875	-	-	1,155,723	14,848,570		
28/29A	12/31/28	9,145,000	2,701,750	588,484	1,257,613	16,967,875	-	-	30,660,722	16,967,875		
28/29B	06/30/29		67,500	126,535	29,509	424,375	-	-	647,919	14,446,463		
29/30A	12/31/29	9,145,000	2,767,500	596,535	1,289,509	17,399,375	-	-	31,197,919	17,399,375		
29/30B	06/30/30		-	114,054	-	-	-	-	114,054	9,868,107		
30/31A	12/31/30	9,145,000	-	609,054	-	-	-	-	9,754,054	-		
30/31B	06/30/31		-	100,909	-	-	-	-	100,909	100,909		