



**CITY OF PITTSBURG
AGENDA**

AUGUST 05, 2024

**CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA**

**SPECIAL MEETING
YOUTH COMMISSION INTERVIEW
6:00 P.M.**

**CLOSED SESSION
6:01 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.

6:00 PM - SPECIAL MEETING FOR COMMISSION INTERVIEW

1. Youth Commission Interview

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.

6:01 PM - CONVENE IN CLOSED SESSION

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Section 54956.8
Property: 1000 Center Drive (APN 086-100-037); City Negotiators: Garrett Evans, Maria Aliotti, Jordan Davis
Negotiating Party: Discovery Builders, Inc.; Under negotiation: Price and terms of payment
3. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to Section 54956.9(d)(4)
Number of cases: one

7:00 PM - CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

4. National Night Out

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 Amending the 2040 General Plan (Chapter 14) by Adopting Updates to the 2023-2031 Housing Element

This is a public hearing on a City-initiated update of the Pittsburg Housing Element (2040 General Plan, Chapter 14) for the reporting period of 2023-2031 (2023-2031 Housing Element). At the conclusion of the hearing, the City Council will be asked to adopt amendments to the 2023-2031 Housing Element, to reflect revisions in response to comments received from the State Housing and Community Development Department (HCD). On May 28, 2024, the Planning Commission adopted Resolution No.10249, recommending City Council approval of the amendments as presented.

CONSIDERATION

6. Adoption of a City Council Minute Order Appointing Candidates to the Youth Advisory Commission

The Youth Advisory Commission shall be composed of minimum of nine and a maximum of 13 youth members and three youth alternates. The term of office is two years commencing August 1st and terminating May 31st or until their successors are appointed.

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, SOUTHWEST PITTSBURG GHAD II AND SUCCESSOR AGENCY CONSENT CALENDAR

7. Minutes of July 1, 2024 and July 15, 2024
8. Adoption of a City Council Minute Order Approving a City Council Recess for Labor Day Holiday

Historically, the City Council takes a recess during the summer months to allow for both staff and City Council vacations. The recess dates are at the discretion of the City Council.

9. Adoption of a City Council Resolution Designating a Voting Delegate and an Alternate for the League of California Cities 2024 Annual Conference and Expo

Every year, the League of California Cities (Cal Cities) convenes a member-driven General Assembly at the Annual Conference and Expo. The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policies. City Council must appoint a voting a delegate and an alternate.

10. Adoption of a City Council Resolution Accepting the Plans and Specifications and Awarding Project 2028-Crestview Drive Safety Improvements

Project 2028-Crestview Drive Safety Improvements (the “Project”) is for the installation of pavement markings, raised medians, and pedestrian crossings at six intersections along Crestview Drive at Nina Place, Alta Vista Circle, Kingsberry Place, Atherton Avenue, William Way and Crestview Lane. If adopted, this resolution will accept the Project plans and specifications and award a construction contract to RK Engineering, Inc.

11. Adoption of a City Council Resolution Approving the Fiscal Year 2025 Business Improvement District Contract with the Pittsburgh Chamber of Commerce

Since the inception of the City's Business Improvement District (BID) in the early 1970's, the City has long partnered with the Pittsburgh Chamber of Commerce (Chamber) to help achieve goals and objectives pertaining to the usage of BID funds and broader economic development goals. The City proposes to continue this partnership with the Chamber by allocating BID funds to achieve specifically-outlined objectives that align with the City's BID municipal code and Economic Development Strategic Plan goals. The Fiscal Year (FY) 2025 agreement calls for the Chamber to conduct the following activities; social media outreach and promotion, in-person networking events, e-commerce guidance and assistance, and ribbon-cutting events. The City will work closely with the Chamber to help achieve these mutual objectives.

12. Adoption of a City Council Resolution Authorizing the City Manager to Execute an Agreement Between the City of Pittsburgh and WBA Consulting & Investigative Services

The Resolution will authorize the City Manager to execute an agreement with WBA Consulting & Investigative Services to conduct audio and video redaction services for the Police Department.

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 AUGUST 19, 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 June 17, 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	2nd Wednesday	5:00 PM	J. Davis
Facilities Rental and Usage	Jelani Killings & Dionne Adams	Ad Hoc	As needed		G. Evans
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
Green Empowerment Zone	Dionne Adams/ Jelani Killings Alternate	Standing	3rd Friday monthly	9:30 AM	J. Davis
Infrastructure and Transportation	Shanelle Scales-Preston & Dionne Adams / Juan Banales Alternate	Standing	4th Thursday	5:30 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

NATIONAL NIGHT OUT 2024

August 6, 2024

WHEREAS, National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, better places to live; and

WHEREAS, the 41st Annual National Night Out provides a unique opportunity for the City of Pittsburg to join forces with thousands of other communities across the county in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community. Furthermore, it provides a great opportunity to bring police and neighbors together under positive circumstances; and

WHEREAS, a celebration is planned at Small World Park on Tuesday, August 6, 2024 from 4:00 pm to 8:00 pm; and

WHEREAS, it is essential that all Pittsburg residents come together with police and work together to build a safe and caring community;

NOW, THEREFORE, I, Juan Antonio Banales, on behalf of the City Council of the City of Pittsburg, do hereby encourage all citizens of Pittsburg to celebrate the "41st Annual National Day Out" on August 6, 2024.

Juan Antonio Banales, Mayor

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 Amending the 2040 General Plan (Chapter 14) by Adopting Updates to the 2023-2031 Housing Element

MEETING DATE: August 5, 2024

EXECUTIVE SUMMARY

This is a public hearing on a City-initiated update of the Pittsburg Housing Element (2040 General Plan, Chapter 14) for the reporting period of 2023-2031 (2023-2031 Housing Element). At the conclusion of the hearing, the City Council will be asked to adopt amendments to the 2023-2031 Housing Element, to reflect revisions in response to comments received from the State Housing and Community Development Department (HCD).

On May 28, 2024, the Planning Commission adopted Resolution No.10249, recommending City Council approval of the amendments as presented.

FISCAL IMPACT

There are no fiscal impacts as a result of the adoption of the General Plan amendment.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution to: 1) amend the General Plan (Chapter 14) to incorporate the recommended amendments to the 2023-2031 Housing Element (Attachment 2-Exhibit A).

BACKGROUND

Pursuant to State Government Code Section 65300, cities and counties are required to prepare and adopt general plans to guide them in the long-range development of their communities. General plans must include eight mandatory, internally consistent elements including land use, environmental justice, circulation, conservation, open space, safety, noise and housing. Only the housing element is reviewed and certified by the State.

State law requires that each housing element accommodate and facilitate the development of housing to meet a city's or county's fair share of housing needs. The housing element must also identify and address the housing needs of special needs groups, mitigate potential constraints or barriers to housing, and contain a detailed implementation plan of how the city intends to meet its housing needs. The current housing element cycle extends from 2023-2031.

Following an extensive public outreach since the Summer of 2021, the City has held a number of public meetings and workshops to encourage public participation by all segments of the community on the Housing Element. Public workshops were held in person and via Zoom and City staff facilitated several discussions about housing issues during these meetings and also utilized a variety of methods to advertise the Housing Element, engage the community, and solicit input on the Housing Element.

All of the public input that was collected during this period culminated in the March 2023 version of the Draft Housing Element (Initial Draft Housing Element). This Initial Draft Housing Element was released for public review on March 1, 2023. Staff on March 20, 2023, held a joint City Council/Planning Commission workshop and two community workshops (one via Zoom and one in person) on March 29, 2023, to receive comments on the Initial Draft Housing Element. Based on the comments received, revisions were incorporated into a revised draft (Updated Draft Housing Element).

On May 16, 2023, the Planning Commission held a public hearing on the Updated Draft Housing Element. At this meeting, one public comment was received which related to affordable housing. Staff was able to sufficiently respond to the concern, after which the Commission voted unanimously to recommend that the City Council amend the General Plan to incorporate the Updated Draft Housing Element as the revised Housing Element of the General Plan.

On May 22, 2023, the City Council held a public hearing and voted unanimously to adopt Resolution No. 23-14301, amending the General Plan to incorporate the Updated Draft Housing Element. In accordance with State law, the adopted Housing Element was submitted to HCD for review and certification.

On August 5, 2023, HCD provided comments on the adopted 2023-2031 Housing Element, finding that the Housing Element addresses many statutory requirements; however, revisions would be necessary to substantially comply with State Housing Element Law. HCD was primarily concerned about Housing Needs, Resources, Constraints, Housing Programs, and Quantified Objectives. HCD requested the City make minor changes and clarifications to the policies and programs related to serving special needs, protected, and disadvantaged populations. Also, HCD requested that the City add specific language including actions and incentives related to increasing housing choices and affordability in higher opportunity or higher income areas, promoting housing mobility, place-based strategies for revitalization and conservation and addressing displacement risk.

Planning staff and our consultant (DeNovo Planning) have met with HCD staff on several occasions to discuss the concerns and administrative changes to the Housing Element. After several meetings with HCD staff, City staff submitted a comprehensive set of proposed updates and amendments to the Housing Element for an informal review.

This informal review was very productive and intended to ensure that HCD did not have any further comments or recommendations for additional revisions. Staff also prepared a matrix which outlines the changes and amendments to the Housing Element for ease of review and tracking once submitted for final certification. This is included as Attachment 5 to this report.

On May 28, 2024, the Planning Commission held a public hearing on the proposed updates and amendments to the 2023-2031 Housing Element, and unanimously adopted Resolution No. 10249 recommending that the City Council adopt the proposed amendments to the 2023-2031 Housing Element.

Proposed Project: The proposed project consists of amendments to the adopted 2023-2031 Housing Element to ensure compliance with State law. These amendments incorporate revisions based on comments received from HCD. Specific amendments to the 2023-2031 Housing Element include:

- Chapter 5, Section A, of the Background Report was updated to identify additional stakeholders, including those serving special needs, protected, and disadvantaged populations that were included in the Housing Element Update outreach process and to describe the pop-up and community outreach events, including activities specific to the downtown and central areas of the City, and to identify the census tract of each event. Input received via the Stakeholders Survey was summarized and added to Section A.
- Chapter 5, Section 3, was updated to discuss trends, patterns, and concentrations in specific areas of the City and coincidence with other fair housing components, including access to opportunity, disproportionate housing needs, and lower and higher income levels.
- The local data and knowledge section has been expanded to address information unique to the City, including historical land use and development patterns and trends and investments in the community.
- Input from local and regional advocates and stakeholders is summarized in Section A of Chapter 5. A section discussing the community and stakeholder information that has been collected is added to the local data and knowledge section. A discussion of data sources is also added to the local data and knowledge section.
- Additional analysis of the City's sites identified to accommodate the Regional Housing Needs Allocation (RHNA) in relation to Affirmatively Furthering Fair Housing (AFFH) factors has been provided in Chapter 5, Section 3. Table 76 and associated text has been added to the element to compare various AFFH factors to the location of sites to accommodate the RHNA (by census tract and block group).
- Background Report Chapter 2 was updated to provide the additional information identified for seniors, persons with a disability, farmworkers, female-headed households, large households, and extremely low-income households
- Background Report Chapter 5, including Table 62, was updated to provide more information regarding projects; 253 of the lower income units were completed following submittal of the Housing Element to HCD.

- The Emergency Shelters discussion has been updated to include more information on sites in the Service Commercial District (CS) zone, as well as discuss low barrier navigation sites that provide additional opportunities to provide shelter for unhoused persons.

A clean version of these proposed updates and amendments is included as Attachment 2 - Exhibit A of this report. Additional zoning and text amendments related to proposed programs identified in the Housing Plan Background Report will be needed to implement housing element policies and advance housing opportunities for all income groups; however, those zoning and text amendments will be brought to the Planning Commission and City Council for recommendation and adoption, respectively, at a later date.

Required Findings: Under Government Code Section 65358, the legislative body (City Council) of a local government may amend its General Plan, in whole or in part, if it finds that the amendment would be in the public interest. No more than four General Plan amendments to each element may be adopted within one calendar year. During this calendar year, the City Council has adopted no General Plan Amendments to the Housing Element.

California Government Code and the Pittsburg Municipal Code (PMC) identify the Planning Commission as the advisory body to the City Council on amendments to the General Plan. In accordance with Government Code section 65353 and 65355, the Planning Commission and City Council must conduct at least one public hearing each prior to making a recommendation and decision on a General Plan amendment.

Environmental: This amendment to the Housing Element for the 2023-2031 reporting period is essentially an updated Housing Element which is prepared as part of the requirements under State Law and HCD regulations. None of the updates or changes proposed as part of the 2023-2031 Housing Element would result in substantial changes to the existing General Plan policies. No specific development projects are proposed as part of the 2023-2031 Housing Element. The City currently has adequate housing sites zoned to meet its Regional Housing Needs Allocation (RHNA). As a result, staff determined that this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question (2023-2031 Housing Element) may have a significant effect on the environment (14 CCR 15061(b)(3)).

State Housing Law (Government Code Section 65580, et. seq.) mandates that local governments must adequately plan to meet the existing and projected housing needs of all economic segments of the community, including accommodating its assigned RHNA number as determined by the Association of Bay Area Government and approved by HCD. Adoption of the 2023-2031 Housing Element with the amendments discussed above complies with the State-mandated requirements for the Housing Element of the General Plan. Because no development project or other physical change to the environment would be approved by the adoption of the 2023-2031 Housing Element, it can be seen with certainty that there is no possibility that 2023-2031 Housing Element adoption may have a significant effect on the environment, and therefore is not subject to CEQA.

Public Notice: On or prior to July 26, 2024, in accordance with PMC section 18.14.010, a “Notice of Public Hearing” for the August 5, 2024, public hearing on this item was published as a 1/8-page legal advertisement in the East County Times; was delivered for posting at the Pittsburg Library; was posted at City Hall and on the “Public Notices” section of the City’s website; and was mailed via first class or electronic mail to individuals and organizations who either attended a previous housing element workshop, responded to the public survey, previously filed written request for such notice, or otherwise expressed interest in the project in accordance with Government Code section 65090.

SUBCOMMITTEE FINDINGS

This item was not reviewed by a subcommittee.

STAFF ANALYSIS

Pursuant to State law, the Housing Element must contain analysis, policies, and programs intended to maintain, preserve, improve and develop housing opportunities for all segments of the community. HCD is the reviewing agency enlisted to determine if the City’s Housing Element meets statutory requirements. Staff has reviewed HCD comments on the City’s 2023-2031 Housing Element. HCD has requested non-substantive changes to certain programs and requested text updates to proposed plans to ensure implementation. Also, these non-substantive changes have been reviewed for internal consistency with other elements of the 2040 General Plan and have been found to be consistent.

As discussed previously in this report, key input from the community workshops conducted during the update process and comments from major stakeholders have been incorporated into the 2023-2031 Housing Element. With these proposed changes and amendment to the 2023-2031 Housing Element, staff believes that the City has met the statutory requirements for certification of the Housing Element as outlined in HCD’s original comment letter.

Staff believes that the City Council can make the finding that it is in the public interest to adopt the amendments to the 2023-2031 Housing Element; and, that the Housing Element sufficiently reflects the City’s and community’s goals with regard to the development of housing for all income groups.

ATTACHMENTS:

1. City Council Resolution
2. Exhibit A: Amended 2023-2031 Housing Element
3. Adopted Planning Commission Resolution No. 10223
4. HCD Letter dated
5. Matrix and Responses to HCD Letter
6. Public Hearing Notice

Report Prepared By: John Funderburg, Asst. Dir. of Community and Economic Development

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending the 2040 General Plan (Chapter 14))
By Adopting Amendments to the)
2023-2031 Housing Element)

RESOLUTION NO. 24-

WHEREAS, pursuant to State Government Code section 65300, cities and counties are required to prepare and adopt general plans to guide them in the long-range development of their communities. General plans must include eight mandatory, internally consistent elements including land use, circulation, conservation, open space, safety, noise, environmental justice, and housing. Only the housing element is reviewed and certified by the State Department of Housing and Community Development (HCD); and

WHEREAS, State Housing Element Law (Government Code Section 65580 et seq.) requires that the City of Pittsburgh adopt a Housing Element for the eight-year period 2023-2031 (6th Cycle) to accommodate the Regional Housing Needs Allocation (RHNA) of 2,052 housing units in various income levels; and

WHEREAS, the 6th Cycle Housing Element (Project) has been prepared to meet the requirements of State law; and

WHEREAS, the 6th Cycle Housing Element is consistent with and supports the guiding principles of the General Plan to prioritize residential development within City limits; to promote infill development and support a compact urban form; to promote downtown as a residential and commercial node; to focus development in areas in close proximity to transit and commercial and public services; and, to support a diversity of housing types for a range of income types; and

WHEREAS, public workshops were held on November 30, 2022, in person and via Zoom. City staff also facilitated discussions about housing issues during several community pop-up events and outreach meetings conducted between October 2022 and March 2023; and

WHEREAS, a public survey was also made available on the City's website in English and Spanish from October 3, 2022, to January 24, 2023. The survey was announced by way of social media, on the City's website and Facebook pages, at the Pittsburgh Library, at the Pittsburgh Senior Center and was directly emailed to major stakeholders and community-based organizations that operate within the City. A total of 146 individuals, including 134 residents of Pittsburgh (92%), responded to the survey, which focused on home maintenance, affordability, home type, living conditions and homelessness; and

WHEREAS, all of the public input that was collected between October 2022 and January 2023 culminated in the March 2023 initial draft Housing Element (Initial Draft Housing Element). The Initial Draft Housing Element was released for public review on March 1, 2023. Staff on March 20, 2023, held a joint City Council/Planning Commission

workshop and two community workshops (one via Zoom and one in person) on March 29, 2023, to receive comments on the Initial Draft Housing Element; and

WHEREAS, based on the comments received, revisions were incorporated into a revised draft (Updated Draft Housing Element) which was submitted to HCD for review and comment, considered at a Planning Commission public hearing on March 16, 2023, and considered and adopted at a City Council public hearing on May 22, 2023; and

WHEREAS, HCD reviewed the adopted Housing Element and had comments regarding the City's Affirmatively Furthering Fair Housing initiatives and projected residential development during the 6th Cycle and therefore the City updated the adopted Housing Element and made it available for public review for a 7-day comment period between April 24, 2024, and May 1, 2024, in accordance with State law; and

WHEREAS, the City Planning Staff worked with De Novo Planning Group, the City's consultant, to review HCD's comments and incorporated the recommended changes and considered public comments received; and

WHEREAS, the amended 2023-2031 Housing Element is consistent with and supports the guiding principles of the 2040 General Plan to prioritize residential development within City limits; to promote infill development and support a compact urban form; to promote downtown as a residential and commercial node; to focus development in areas in close proximity to transit and commercial and public services; and, to support a diversity of housing types for a range of income types; and

WHEREAS, none of the updates proposed as part of the 2023-2031 Housing Element would result in substantial changes to the existing General Plan policies. No specific development projects are proposed as part of the 2023-2031 Housing Element. The City currently has adequate zoned housing sites to meet its RHNA number of 2,052 housing units; and

WHEREAS, City staff has determined that the 2023-2031 Housing Element is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question (2023-2031 Housing Element) may have a significant effect on the environment (14 CCR 15061(b)(3)); and

WHEREAS, under Government Code section 65358, the legislative body (City Council) of a local government agency may amend its General Plan, in whole or in part, if it finds that the amendment would be in the public interest. No more than four General Plan amendments to each element may be adopted within one calendar year, and during this calendar year, the City Council has adopted no General Plan Amendments to the Housing Element; and

WHEREAS, State law and the Pittsburg Municipal Code (PMC) identify the Planning Commission as the advisory body to the City Council on amendments to the General Plan; and

WHEREAS, in accordance with Government Code section 65353 and 65355, the Planning Commission and Council must conduct at least one public hearing each prior to making a recommendation and decision on a General Plan amendment; and

WHEREAS, on May 28, 2024, the Planning Commission held a noticed public hearing on the amendments to the 2023-2031 Housing Element, at which time oral and/or written testimony was considered, and adopted Resolution No. 10249 recommending that the City Council amend the General Plan to incorporate the 2023-2031 Housing Element as the revised Chapter 14 (Housing Element) of the 2040 General Plan; and

WHEREAS, on or prior to July 26, 2024, in accordance with PMC section 18.14.010, a "Notice of Public Hearing" for the August 5, 2024, public hearing on this item was published as a 1/8-page legal advertisement in the East County Times; was delivered for posting at the Pittsburg Library; was posted at City Hall and on the "Public Notices" section of the City's website; and was mailed via first class or electronic mail to individuals and organizations who either attended a previous housing element workshop, responded to the public survey, previously filed written request for such notice, or otherwise expressed interest in the Project in accordance with Government Code section 65090; and

WHEREAS, on August 5, 2024, the City Council held a noticed public hearing on the 2023-2031 Housing Element, at which time oral and/or written testimony was considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council based on the entire record of proceedings, including the oral and written staff reports and all public comments and testimony:

1. Finds the recitals above are true and correct and incorporated herein by reference.
2. Finds that the Project (2023-2031 Housing Element) is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question (2023-2031 Housing Element) may have a significant effect on the environment (14 Cal. Code Regs., Section 15061(b)(3).) State Housing Law (Government Code Section 65580, et. seq.) mandates that local governments must adequately plan to meet the existing and projected housing needs of all economic segments of the community, including accommodating its assigned RHNA number as determined by the Association of Bay Area Government and approved by HCD. Adoption of the 2023-2031 Housing Element with the amendments discussed above complies with the State-mandated requirements for the Housing Element of the General Plan. Because no development project or other physical change to the environment would be approved by the adoption of the 2023-2031 Housing Element, it can be seen with certainty that there is no possibility that 2023-2031 Housing Element adoption may have a significant effect on the environment, and therefore is not subject to CEQA.
3. Finds that the 2023-2031 Housing Element substantially complies with Housing Element Law, as provided in Government Code Sections 65580 et seq., and includes all provisions required by Housing Element Law.

4. Finds that amending the General Plan by adopting the 2023-2031 Housing Element as Chapter 14 (Housing Element) is in the public interest in that it is required by State law, and the 2023-2031 Housing Element incorporates the City's goals, quantified objectives, and policies to affirmatively further fair housing, and for the maintenance, preservation, improvement, and development of housing pursuant to Government Code Section 65583(b).
5. Finds that the 2023-2031 Housing Element is consistent and compatible with the other elements of the 2040 General Plan.
6. Finds that the 2023-2031 Housing Element has been revised to substantially comply with State law and to address the comments provided by HCD in its letter dated August 3, 2023.
7. Directs staff to transmit the adopted, updated 2023-2031 Housing Element, and any other necessary documents, to HCD for its review and certification of the 2023-2031 Housing Element.
8. Authorizes and directs the City Manager, including pursuant to the authority in PMC section 2.12.020(A)(15), to make minor and technical revisions, corrections, and clarifications to the 2023-2031 Housing Element to address any additional HCD comments and in order to obtain HCD certification of the 2023-2031 Housing Element. The modifications authorized herein shall be limited to those necessary to comply with HCD's comments and recommendations. Any substantial changes that significantly alter the content or intent of the 2023-2031 Housing Element shall be brought back to the City Council for review and approval. The City Manager shall keep the City Council informed of any modifications and provide a summary report upon obtaining HCD certification.
9. Amends the 2040 General Plan (Chapter 14) by adopting the 2023-2031 Housing Element as shown in the attached Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 5th day of August 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Exhibit A
Housing Element Update for the 2023-2031 Reporting Period (6th Cycle)
(AP-23-0021(GP))



Draft Housing Element available online at

[Housing Element Adoption Draft - City Council 2024](#)

ATTACHMENT 3

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Recommending that the City Council	)	
Amend the Housing Element of the	)	Resolution No. 10249
General Plan for the 6 th Cycle	)	
<u>(2023-2031)</u>	)	

The Planning Commission DOES Resolve as follows:

Section 1. Background

- A. Pursuant to State Government Code section 65300, cities and counties are required to prepare and adopt general plans to guide them in the long-range development of their communities. General plans must include eight mandatory, internally consistent elements including land use, circulation, conservation, open space, safety, noise, housing, and environmental justice. Only the housing element is reviewed and certified by the State Department of Housing and Community Development (HCD).
- B. State Housing Element Law (Government Code Section 65580 et seq.) requires that the City of Pittsburgh adopt for the eight-year period 2023-2031 to accommodate the Regional Housing Needs Allocation ("RHNA") of 2,052 housing units.
- C. Public workshops were held on November 30, 2022, in person and via Zoom. City staff also facilitated discussions about housing issues during several community pop-up events and outreach meetings conducted between October 2022 and March 2023.
- D. A public survey was also made available on the city's website in English and Spanish from October 3, 2022, to January 24, 2023. The survey was announced by way of social media, on the city's website and Facebook pages, at the Pittsburgh Library, at the Pittsburgh Senior Center and was directly emailed to major stakeholders and community-based organizations that operate within the city. A total of 146 individuals, including 134 residents of Pittsburgh (92%), responded to the survey, which focused on home maintenance, affordability, home type, living conditions and homelessness.
- E. All of the public input that was collected between October 2022 and January 2023 culminated into the March 2023 version of the Draft Pittsburgh Housing Element. This initial draft was released for public review on March 1, 2023. Staff on March 20, 2023, held a joint City Council/Planning Commission workshop and

two community workshops (one via Zoom and one in person) on March 29, 2023, to receive comments on the Draft Housing Element.

- F. The revised Draft 6th Cycle Housing Element was submitted to the HCD for review and comment, considered at a Planning Commission public hearing on March 16, 2023, and was considered and adopted at a City Council public hearing on May 22, 2023.
- G. HCD reviewed the Draft 6th Cycle Housing Element and had comments regarding the City's Affirmatively Furthering Fair Housing initiatives and projected residential development during the 6th Cycle and therefore the City updated the 6th Cycle Housing Element (2nd Draft) and made it available for public review for a 7-day comment period between April 24, 2024, and May 1, 2024, in accordance with State law.
- H. The City worked with De Novo Planning Group, the City's consultant, to review HCD's comments and incorporated the recommended changes and considered public comments received.
- I. On May 8, 2024, staff presented the final draft to the Community and Economic Development Department Subcommittee to review all the changes that have been made to date, and now the final draft of the Pittsburg Housing Element is attached to this report for consideration by the Planning Commission.
- J. After consideration by the Planning Commission, the Adoption Draft (6th Cycle Housing Element) will be presented to the City Council for readoption on June 17, 2024. Once the City Council adopts the 6th Cycle Housing Element, staff will submit the document to HCD for final certification.
- K. The final 6th Cycle Housing Element is consistent with and supports the guiding principles of the General Plan to prioritize residential development within City limits, to promote infill development and support a compact urban form; to promote downtown as a residential and commercial node; to focus development in areas in close proximity to transit and commercial and public services; and, to support a diversity of housing types for a range of income types.
- L. None of the updates proposed as part of the 6th Cycle Housing Element Update would result in substantial changes to the existing General Plan policies. No specific development projects are proposed as part of the 2023-2031 Draft Housing Element. The city currently has adequate housing sites to meet its Regional Housing Needs Allocation (RHNA). As a result, staff determined that this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under General Rule Exception (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15061(b)(3)).

- M. Under Government Code section 65358, the legislative body (City Council) of a local government agency may amend its general plan, in whole or in part, if it finds that the amendment would be in the public interest. No more than four General Plan amendments to each element may be adopted within one calendar year. During this calendar year, the City Council has adopted two General Plan amendments to the General Plan.
- N. California Government Code and the Pittsburg Municipal Code identify the Planning Commission as the advisory body to the City Council on amendments to the General Plan. Government Code section 65353(a) and PMC section 18.48.030, require that the Commission conduct at least one public hearing prior to making its recommendation on a General Plan amendment.
- O. On May 17, 2024 in accordance with PMC section 18.14.010, a “Notice of Public Hearing” for the May 28, 2024 public hearing on this item was published as a 1/8-page legal advertisement in the East County Times; was delivered for posting at the Pittsburg Library; was posted at City Hall and on the “Public Notices” section of the city’s website; and was mailed via first class or electronic mail to individuals and organizations who either attended a previous housing element workshop, responded to the public survey, previously filed written request for such notice, or otherwise expressed interest in the project in accordance with Government Code section 65090.
- P. On May 28, 2024, the Planning Commission held a public hearing on this project, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, “Housing Element Update for the 2023-2031 Reporting Period,” dated May 28, 2024, and based on all the information contained in the Planning Division files on the project, adopted, and incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the Planning Commission finds that:
 - 1. All recitals above are true and correct and incorporated herein by reference.
 - 2. This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under General Rule Exception (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15061(b)(3). State Housing Law (Government Code Section 65580 [et. seq.]) mandates that local governments must adequately plan to meet the existing and projected housing needs of all economic segments of the community, including accommodating its assigned Regional Housing Needs Allocation (RHNA) as determined by the Association of Bay Area Government and approved by the State Department of

Housing and Community Development.

The purpose of the Project is to comply with the State-mandated requirements for the Housing Element of the General Plan.

3. Amending the General Plan to incorporate the Draft Housing Element as the revised Chapter 13 (Housing Element) of the General Plan is in the public interest in that it is required by State law, and in that the proposed Housing Element reflects the City and community's goals with regard to the development of housing for all income groups.
4. The 6th Cycle Housing Element has been revised to substantially comply with State law and to address the findings provided by HCD in its letter dated August 3, 2023.

Section 3. Recommendation

- A. Based on the findings set forth above, the Planning Commission hereby recommends that the City Council amend the General Plan to incorporate the 6th Cycle Housing Element (Exhibit A) as the revised Chapter 13 (Housing Element) of the General Plan and to authorize the Director of the Community and Economic Development or his or her designee to make minor amendments to the Housing Element to address HCD comments.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Foster, seconded by Commissioner Popova, the foregoing resolution was passed and adopted the 28th day of May, 2024, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Foster, Gordon, Kobata, Popova, Smith, Stokes

NAYES:

ABSTAIN:

ABSENT: Robinson

I hereby certify that the above Resolution was adopted by the Planning Commission of the City of Pittsburg on May 28, 2024.

A handwritten signature in cursive script, reading "John L. Funderburg".

JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



August 3, 2023

John Funderburg, Assistant Director of Planning
Community and Economic Development Department
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Dear John Funderburg:

RE: City of Pittsburg's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Pittsburg's (City) draft housing element received for review on May 5, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from David Kellogg pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq.). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due January 31, 2023. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Sohab Mehmood, of our staff, at Sohab.Mehmood@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF PITTSBURG

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))*

Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)

Outreach: While the element included some information on public engagement and outreach efforts to address outreach requirements of AB 686 (Chapter 958, Statutes of 2018), the element must describe meaningful, frequent, and ongoing public participation with the community including key stakeholders. The element should describe any specific outreach efforts to organizations that represent special needs populations or members of protected classes. The element could also describe targeted efforts to engage specific communities that are experiencing several fair housing issues (central and eastern portions of the City).

Integration and Segregation: While the element includes data on race, income and familial status, the analysis must analyze trends, patterns, concentrations in specific areas of the City and coincidence with other fair housing components (e.g., access to opportunity, disproportionate housing needs, etc.). For income, the analysis must also identify and evaluate trends beyond those relating to lower-income households (e.g., higher-income households).

Access to Opportunity: While the element includes some data on transportation, the analysis is generally insufficient. The element should be revised to provide a complete analysis of local trends and patterns for disparities in access to

transportation opportunities. The analysis could consider additional factors such as access to regional transportation (Bay Area Rapid Transit). Lastly, the analysis of environmental opportunities indicated that some census tracts experience more positive environmental outcomes compared to other parts of the city. The element should analyze these differences including coincidences with other fair housing factors (e.g., access to opportunity, disproportionate housing needs, etc.,).

Disproportionate Housing Needs: While the element included some general information on housing conditions, persons experiencing homelessness and displacement risks, it should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For housing conditions, it should discuss any areas of potentially higher needs of rehabilitation and replacement. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis. For persons experiencing homelessness, the element should examine patterns of need or areas with higher concentrations of persons experiencing homelessness, including access to transportation and services.

Displacement Risk: The element stated that most of City is not considered a sensitive community and has committed to study and evaluate displacement risks throughout the planning period. However, HCD's fair housing data viewer indicates that several census tracts on the eastern side of the City are considered high to extreme risk of displacement. The element should consider additional data sources and evaluate the impact and patterns throughout the City.

Local Data and Knowledge and Other Relevant Factors: The element included some high-level information on housing choice vouchers and racial covenants. However, the element did not discuss how this data relates, supports, or supplements the existing analysis, fair housing conclusions, neighborhoods with concentration of fair housing issues, or contributing factors. The element must consider other relevant factors that have contributed to certain fair housing conditions. This analysis must consider information that is unique to the City or region, such as governmental and nongovernmental actions, historical land use and zoning practices, development trends, disparities in investment to specific communities, or other relevant information. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates, public comments, and service providers.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): While the element included a high-level discussion about the location of sites and general impacts, a full analysis must quantify identified sites with respect to location, the number of sites and units by all income groups and how that effects the existing patterns for all components of the assessment of fair housing. Additionally, the element should also discuss any isolation of the Regional Housing Needs Allocation (RHNA) by income group, magnitude of the impact on existing concentrations of socio-economic characteristics and discuss how the sites improve or exacerbate fair housing conditions. The analysis should be supported by local data and

knowledge and other relevant factors and programs should be added or modified as appropriate to promote inclusive and equitable communities.

Contributing Factors to Fair Housing Issues: Upon a complete AFFH analysis, the element must assess and prioritize contributing factors to fair housing issues and add or modify programs as appropriate.

2. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

The element includes data and a general discussion of housing challenges faced by special needs households. However, the element must be revised to include an analysis of the existing needs and resources for each special need group including seniors, farmworkers, large households, and extremely low-income (ELI) households. For example, the element should discuss the existing resources to meet housing needs (availability of shelter beds, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The City has a RHNA of 2,052 housing units, of which 812 units are for lower-income households. To address this need, the element relies on pipeline projects, accessory dwelling units (ADU) and vacant sites. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Parcel Listing: The element must identify the number of units that can be realistically accommodated on each site (Gov. Code, § 65583.2, subd. (c).). The element could identify the maximum number of units allowed under the current zoning and include a column identifying the realistic number of units for each site.

Suitability of Nonvacant Sites: Based on HCD's review, the element does not currently rely on nonvacant sites to meet the RHNA; however, if future versions of the housing element utilize nonvacant sites, the element must demonstrate the potential for additional development. The methodology for demonstrating additional development on nonvacant sites must discuss existing uses, development trends, and policies and programs to encourage additional residential development.

Progress in Meeting the RHNA: As you know, the City's RHNA may be reduced by the number of new units built since July 1, 2022; however, the element must demonstrate their availability in the planning period. The element has identified

3,786 units including 428 units for lower-income households that are either pending, approved or under construction. The element states that all projects are anticipated to be under construction during this planning period. However, the element must include an analysis to support this assumption. To demonstrate the availability of units within the planning period, the element could analyze infrastructure schedules, City's past completion rates on pipeline projects, outreach with project developers, describe any expiration dates on entitlements, anticipated timelines for final approvals, and any remaining steps for projects to receive final entitlements. Lastly, given the element's reliance on pipeline projects, the element must include programs with actions that commit to facilitating development and monitoring approvals of the projects (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals, etc.).

AB 725: For jurisdictions that are considered Metropolitan, the element must identify at least 25 percent of the remaining moderate and above-moderate RHNA on sites that allow at least four units of housing (e.g., four plex or greater). (Gov. Code, § 65583.2, subd. (c)(4).).

Realistic Capacity: The element identifies sites in zones that allow nonresidential uses. The element must analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow 100 percent nonresidential uses. This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/analysis-sites-and-zoning>.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within one or three years. The element included Program 4 (Housing Inventory) committing to allow uses on these sites by-right for projects with at least 20 percent of the units affordable to lower-income households; therefore, meeting part of the statutory requirements for reusing sites. However, the element needs to clarify or denote which sites in the inventory are being reused from the prior planning periods. Additionally, the element should clarify if these sites meet the density requirements for housing for lower-income households ((Gov. Code, § 65583.2, subd. (c).). Based on a complete evaluation, the element may need to add or modify a program committing to rezoning in compliance with the statutory requirements.

Water and Sewer Priority: Water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should discuss compliance with these requirements and if necessary, add or modify programs to establish a written procedure by a date early in the planning period.

For additional information and sample cover memo, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/priority-water-and-sewer>.

Environmental Constraints: While the element generally describes environmental conditions within the City (pg. 91-93), it must evaluate any known environmental constraints that could impact or preclude housing development in the planning period and relate those constraints to the actual sites identified in the inventory. (Gov. Code, § 65583.2, subd. (b).). For example, the element should evaluate projects and sites that have been identified within Fire Hazard Severity zones that include lower- moderate-income units. The analysis could also consider appropriate mitigation measures, compliance with building codes, and other local efforts or policies including the City's Safety Element. Based on a completed analysis, the element may need to add or modify programs to address any identified constraints.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Sites with Zoning for a Variety of Housing Types:

- **Emergency Shelters:** The element must demonstrate that permit processes, development, and management standards are objective and in accordance with Government Code section 65583, subdivision (a)(4). For example, the element states emergency shelters are required to be a minimum of 300 ft. apart from each other; however, state law only allows a maximum of 300 ft separation requirement.

For your information, as of March 31, 2023, AB 2339 (2022) is now applicable to the City. AB 2339 (2022) specifies how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. While the element has addressed most requirements under this provision, it still should analyze the adequacy of sites identified in zones to accommodate emergency shelters without discretionary action. Specifically, the analysis should address the types of sites (e.g., vacant or nonvacant) in this zone. If sites are generally nonvacant, the analysis must address the extent existing uses impede additional development. For example, to demonstrate the potential for redevelopment, the analysis could evaluate a sample of representative sites, the existing uses and reuse opportunities. Additionally, while the element included a high-level statement that sites in the Service Commercial zone are near existing services, the element must analyze the suitability and habitability of this zone. For example, the element should discuss the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability.

For additional information and timing requirements, please see HCD's memo at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf>.

The element should describe compliance with these requirements or include programs as appropriate.

- *Mobilehomes/Manufactured Housing:* The element identifies zoning constraints for mobilehomes and manufactured housing and references Program 15 (Zoning Ordinance Amendments – Housing Constraints) to remove these constraints. However, no corresponding actions could be found in the program section. The element should be revised to add or modify a program to address constraints on this housing type.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: While the element included a description of land use controls (pg. 39-48), it must also analyze them independently and cumulatively with all other relevant land use controls for potential impacts on providing a variety of housing types and achieving maximum allowable densities. The analysis should specifically address requirements related to parking, heights, lot coverage, open space, and limits on allowable densities. For example, the element should clarify if the City imposes minimum unit size requirements.

Additionally, the element notes that multifamily housing is required to provide two spaces per unit, including one covered space and an additional 0.5 spaces for each unit with two or more bedrooms (Table 47). HCD finds that requiring smaller bedroom types (e.g., studio and one-bedroom units) to provide two parking spaces is considered a constraint. The element must analyze covered parking requirements for impacts on cost, supply, housing choices, affordability and achieving maximum densities. In addition, the element must include a program committing to reducing parking requirements for smaller bedroom types.

Local Processing and Permit Procedures: The element should address public comments on this draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

Locally Adopted Ordinances – Inclusionary Ordinance: The element generally mentions the City’s inclusionary zoning ordinance including alternatives for compliance and available incentives; however, it must also analyze the City’s inclusionary housing requirements for impacts on the development of housing for all income levels. For example, the analysis must identify and evaluate the relationship with State Density Bonus Law, required in-lieu fees, and any other factors that may impact housing costs.

Constraints on Housing for Persons with Disabilities:

- *Definition of Family* – Zoning should implement a barrier-free definition of family. While the element noted the City’s definition of family, it must analyze it for potential constraints on housing for persons with disabilities and include programs as necessary.
- *Reasonable Accommodation* – The City requires that property owners are noticed within 300 feet of the property requesting a reasonable accommodation. While the analysis committed to addressing this requirement, there was no corresponding program with a firm commitment to remove this constraint. The element must be revised to add or modify programs addressing this constraint.

B. Housing Programs

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A4, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Program 4 (Housing Inventory and RHNA Accommodation): This program includes an action to update the Zoning Ordinance to allow by-right approval for housing developments that include 20 percent or more of its units affordable to lower-

income households. However, no timeframe for completion was provided and the element should be revised accordingly.

Additionally, since the City failed to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), rezones to accommodate the RHNA must be completed no later than one year from the statutory deadline.

Program 7 (Accessory Dwelling Units and Junior Accessory Dwelling Units): This program commits to various actions to facilitate the development of ADUs. However, given the City's reliance on ADUs, the element must include a commitment to adjusting projected assumptions if the number of units and affordability do not actualize during the planning period. Specifically, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then the element must commit to amending the housing element, identifying additional sites, and rezoning within a timely manner (e.g., within six months).

2. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding A3, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:

Program 15 (Zoning Ordinance Amendments – Housing Constraints): The element references Program 15 to increase densities of zoning districts, specifically in the RM, RMD, RH, and RHD zones (pg. 41). However, no corresponding action was found in Program 15, and the element should be revised accordingly.

3. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

Goals, Priorities, Metrics, and Milestones: As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. For example, many of the actions do not have appropriate geographic targeting to address the four required program areas

(e.g., increasing housing choices and affordability in higher opportunity or higher income areas, promoting housing mobility, place-based strategies for revitalization and conservation and addressing displacement risks). Programs should be revised based on a complete assessment of fair housing, address the required program areas, include appropriate geographic targeting and quantified metrics that target beneficial impacts for people, households, and neighborhoods (e.g., number of people or households assisted, number of housing units built, number of parks or infrastructure projects completed).

C. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

While the element includes quantified objectives for new construction and rehabilitation by income level, it currently targets no objectives for conservation and should be revised accordingly. For example, quantified objectives could incorporate numerical targets from anticipated outcomes of Programs 12 (Conservation of Existing Affordable Housing).

D. Consistency with General Plan

The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)

While the element described how consistency was achieved, it must discuss how it will be maintained throughout the planning period. For example, to maintain internal consistency, the element could include a program to conduct an internal consistency review of the general plan as part of the annual general plan implementation report required by Government Code section 65400. The annual report can also assist future updates of the housing element. For additional information and a sample program, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/analysis-consistency-general-plan.shtml>.

ATTACHMENT 5

Response to HCD Findings on Draft 6th Cycle (2023-2031) Housing Element

Finding	How the Comment Was Addressed	P. #
A. HOUSING NEEDS, RESOURCES, AND CONSTRAINTS		
<i>1. Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))</i> <i>Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)</i>		
<u>Outreach:</u> While the element included some information on public engagement and outreach efforts to address outreach requirements of AB 686 (Chapter 958, Statutes of 2018), the element must describe meaningful, frequent, and ongoing public participation with the community including key stakeholders. The element should describe any specific outreach efforts to organizations that represent special needs populations or members of protected classes. The element could also describe targeted efforts to engage specific communities that are experiencing several fair housing issues (central and eastern portions of the City).	Chapter 5, Section A, of the Background Report was updated to identify additional stakeholders, including those serving special needs, protected, and disadvantaged populations, that were included in the Housing Element Update outreach process and to describe the pop-up and community outreach events, including activities specific to the downtown and central areas of the City, and to identify the census tract of each event. Input received via the Stakeholders Survey was summarized and added to Section A.	Pp. HBR-123, 125-127
<u>Integration and Segregation:</u> While the element includes data on race, income and familial status, the analysis must analyze trends, patterns, concentrations in specific areas of the City and coincidence with other fair housing components (e.g., access to opportunity, disproportionate housing needs, etc.). For income, the analysis must also identify and evaluate trends beyond those relating to lower-income households (e.g., higher-income households).	Chapter 5, Section 3, was updated to discuss trends, patterns, and concentrations in specific areas of the City and coincidence with other fair housing components, including access to opportunity, disproportionate housing needs, and lower and higher income levels.	Pp. HBR-142-146, 165-169, 171-176
<u>Access to Opportunity:</u> While the element includes some data on transportation, the analysis is generally insufficient. The element should be revised to provide a complete analysis of local trends and patterns for disparities in access to transportation opportunities. The analysis could consider additional factors such as access to regional transportation (Bay Area Rapid	Chapter 5, Section 3, was updated to provide more information regarding access to regional transportation and to discuss environmental opportunities in relation to other fair housing factors.	Pp. HBR-136-138, 16, 169

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Finding	How the Comment Was Addressed	P. #
Transit). Lastly, the analysis of environmental opportunities indicated that some census tracts experience more positive environmental outcomes compared to other parts of the city. The element should analyze these differences including coincidences with other fair housing factors (e.g., access to opportunity, disproportionate housing needs, etc.,).		
<u>Disproportionate Housing Needs:</u> While the element included some general information on housing conditions, persons experiencing homelessness and displacement risks, it should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For housing conditions, it should discuss any areas of potentially higher needs of rehabilitation and replacement. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis. For persons experiencing homelessness, while the element described areas of higher concentrations, it should also evaluate access to transportation and services.	Chapter 5, Section 3, was updated to provide more analysis of disproportionate housing needs, including needs, impacts, and patterns within the City.	Pp. HBR-171-176
<u>Displacement Risk:</u> The element stated that most of City is not considered a sensitive community and has committed to study and evaluate displacement risks throughout the planning period. However, HCD's fair housing data viewer indicates that several census tracts on the eastern side of the City are considered high to extreme risk of displacement. The element should consider additional data sources and evaluate the impact and patterns throughout the City.	Chapter 5, Section 3, was updated to provide more analysis of displacement risk, including needs, impacts, and patterns within the City.	Pp. HBR-173,174
<u>Local Data and Knowledge and Other Relevant Factors:</u> The element included some high-level information on housing choice vouchers and racial covenants. However, the element did not discuss how this data relates, supports, or supplements the existing analysis, fair housing conclusions, neighborhoods with concentration of fair housing issues, or contributing factors. The	The local data and knowledge section has been expanded to address information unique to the City, including historical land use and development patterns and trends and investments in the community. Input from local and regional advocates and stakeholders is summarized in Section A of Chapter 5. A section discussing the community and stakeholder information that has been collected is added to the local data and knowledge	Pp. HBR-136-139

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Finding	How the Comment Was Addressed	P. #
element must consider other relevant factors that have contributed to certain fair housing conditions. This analysis must consider information that is unique to the City or region, such as governmental and nongovernmental actions, historical land use and zoning practices, development trends, disparities in investment to specific communities, or other relevant information. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates, public comments, and service providers.	section. A discussion of data sources is also added to the local data and knowledge section.	
<u>Identified Sites and Affirmatively Furthering Fair Housing (AFFH):</u> While the element included a high-level discussion about the location of sites and general impacts, a full analysis must quantify identified sites with respect to location, the number of sites and units by all income groups and how that effects the existing patterns for all components of the assessment of fair housing. Additionally, the element should also discuss any isolation of the Regional Housing Needs Allocation (RHNA) by income group, magnitude of the impact on existing concentrations of socio-economic characteristics and discuss how the sites improve or exacerbate fair housing conditions. The analysis should be supported by local data and knowledge and other relevant factors and programs should be added or modified as appropriate to promote inclusive and equitable communities.	Additional analysis of the City's sites identified to accommodate the RHNA in relation to AFFH factors has been provided in Chapter 5, Section 3. Table 76 and associated text has been added to the element to compare various AFFH factors to the location of sites to accommodate the RHNA (by census tract and block group).	PP. HBR-182-184
<u>Contributing Factors:</u> Upon a complete AFFH analysis, the element must assess and prioritize contributing factors to fair housing issues and add or modify programs as appropriate.	The Housing Plan and Background Report Table 77 were updated to identify additional programs to address fair housing issues.	Pp. HP-12-13,19-20, 25-33, 35, 37; HBR-187-189
<i>2. Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)</i>		
The element includes data and a general discussion of housing challenges faced by special needs households. However, the	Background Report Chapter 2 was updated to provide the additional information identified for seniors, persons with a disability, farmworkers,	Pp. HBR-12-24

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Finding	How the Comment Was Addressed	P. #
element must be revised to include an analysis of the existing needs and resources for each special need group including seniors, farmworkers, large households, and extremely low-income (ELI) households. For example, the element should discuss the existing resources to meet housing needs (availability of shelter beds, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.	female-headed households, large households, and extremely low-income households.	
<i>3. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)</i>		
The City has a RHNA of 2,052 housing units, of which 812 units are for lower-income households. To address this need, the element relies on pipeline projects, accessory dwelling units (ADU) and vacant sites. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:		
<u>Parcel Listing</u> : The element must identify the number of units that can be realistically accommodated on each site (Gov. Code, § 65583.2, subd. (c).). The element could identify the maximum number of units allowed under the current zoning and include a column identifying the realistic number of units for each site.	Appendix A is revised to identify the maximum capacity of each site.	Appendix A

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Finding	How the Comment Was Addressed	P. #
<u>Suitability of Nonvacant Sites:</u> Based on HCD’s review, the element does not currently rely on nonvacant sites to meet the RHNA; however, if future versions of the housing element utilize nonvacant sites, the element must demonstrate the potential for additional development. The methodology for demonstrating additional development on nonvacant sites must discuss existing uses, development trends, and policies and programs to encourage additional residential development.	Noted – changes to the element did not include addition of nonvacant sites to the inventory.	-
<u>Progress in Meeting the RHNA:</u> As you know, the City’s RHNA may be reduced by the number of new units built since July 1, 2022; however, the element must demonstrate their availability in the planning period. The element has identified 3,786 units including 428 units for lower-income households that are either pending, approved or under construction. The element states that all projects are anticipated to be under construction during this planning period. However, the element must include an analysis to support this assumption. To demonstrate the availability of units within the planning period, the element	Background Report Chapter 5, including Table 62, is updated to provide more information regarding projects; 253 of the lower income units were completed following submittal of the Draft Housing Element to HCD.	HBR-102-106

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Finding	How the Comment Was Addressed	P. #
could analyze infrastructure schedules, City's past completion rates on pipeline projects, outreach with project developers, describe any expiration dates on entitlements, anticipated timelines for final approvals, and any remaining steps for projects to receive final entitlements. Lastly, given the element's reliance on pipeline projects, the element must include programs with actions that commit to facilitating development and monitoring approvals of the projects (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals, etc.,).		
<u>AB 725</u> : For jurisdictions that are considered Metropolitan, the element must identify at least 25 percent of the remaining moderate and above-moderate RHNA on sites that allow at least four units of housing (e.g., four plex or greater) (Gov. Code, § 65583.2, subd. (c)(4)).	An analysis of consistency with AB 725 requirements is added to Chapter 4, Inventory of Residential Sites and Housing Resources, of the Background Report.	Background Report pp. HBR 110
<u>Realistic Capacity</u> : The element identifies sites in zones that allow nonresidential uses. The element must analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow 100 percent nonresidential uses. This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development. For additional information, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/analysis-sites-and-zoning .	Chapter 4, Inventory of Residential Sites and Housing Resources, in the Background Report is updated to include analysis of the City's development trends on sites that allow non-residential uses, as well as a description of specific sites included in the inventory that allow nonresidential uses.	Background Report pp. HBR-108-109
<u>Sites Identified in Prior Planning Periods</u> : Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within one or three years. The element included Program 4 (Housing Inventory) committing to allow uses on these sites by-right for projects with at least 20 percent of the	Appendix A is revised to identify sites used in 4 th /5 th Cycle planning periods to accommodate the need for lower income households.	Appendix A

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Finding	How the Comment Was Addressed	P. #
units affordable to lower-income households; therefore, meeting part of the statutory requirements for reusing sites. However, the element needs to clarify or denote which sites in the inventory are being reused from the prior planning periods. Additionally, the element should clarify if these sites meet the density requirements for housing for lower-income households ((Gov. Code, § 65583.2, subd. (c)). Based on a complete evaluation, the element may need to add or modify a program committing to rezoning in compliance with the statutory requirements.		
<u>Water and Sewer Priority:</u> Water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should discuss compliance with these requirements and if necessary, add or modify programs to establish a written procedure by a date early in the planning period. For additional information and sample cover memo, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/priority-water-and-sewer .	Program 20 is added to the Housing Plan to address compliance with Government Code Section 65589.7.	-
<u>Environmental Constraints:</u> While the element generally describes environmental conditions within the City (pg. 91-93), it must evaluate any known environmental constraints that could impact or preclude housing development in the planning period and relate those constraints to the actual sties identified in the inventory. (Gov. Code, § 65583.2, subd. (b)). For example, the element should evaluate projects and sites that have been identified within Fire Hazard Severity zones that include lower-moderate-income units. The analysis could also consider appropriate mitigation measures, complainece with building	Background Report Chapter 3 is updated to provide additional analysis of constraints, including wildfire hazards, hazardous materials, flooding, geologic and seismic, conservation easements, and parcel size and shape.	Pp. HBR-95-99

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Finding	How the Comment Was Addressed	P. #
codes, and other local efforts or policies including the City's Safety Element. Based on a completed analysis, the element may need to add or modify programs to address any identified constraints.		
<u>Electronic Sites Inventory:</u> For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.	Noted.	-
<u>Sites with Zoning for a Variety of Housing Types:</u>		
<i>Emergency Shelters:</i> The element must demonstrate that permit processes, development, and management standards are objective and in accordance with Government Code section 65583, subdivision (a)(4). For example, the element states emergency shelters are required to be a minimum of 300 ft. apart from each other; however, state law only allows a maximum of 300 ft separation requirement. For your information, as of March 31, 2023, AB 2339 (2022) is now applicable to the City. AB 2339 (2022) specifies how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. While the element has addressed most requirements under this provision, it still should analyze the adequacy of sites identified in zones to accommodate emergency shelters without discretionary action. Specifically, the analysis should address the types of sites (e.g., vacant or nonvacant) in this zone. If sites are generally nonvacant, the analysis must address the extent existing uses impede additional development. For example, to demonstrate the potential for	The Emergency Shelters discussion has been updated to include more information on sites in the CS zone, as well as discuss low barrier navigation sites that provide additional opportunities to provide shelter for unhoused persons. None of the sites anticipated to accommodate an emergency shelter are occupied or nonvacant, so comments related to the existing uses and reuse potential are not applicable.	Pp. HBR-59-60

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Finding	How the Comment Was Addressed	P. #
redevelopment, the analysis could evaluate a sample of representative sites, the existing uses and reuse opportunities. Additionally, while the element included a high-level statement that sites in the Service Commercial zone are near existing services, the element must analyze the suitability and habitability of this zone. For example, the element should discuss the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. For additional information and timing requirements, please see HCD's memo at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf. The element should describe compliance with these requirements or include programs as appropriate.		
<i>Mobilehomes/Manufactured Housing:</i> The element identifies zoning constraints for mobilehomes and manufactured housing and references Program 15 (Zoning Ordinance Amendments – Housing Constraints) to remove these constraints. However, no corresponding actions could be found in the program section. The element should be revised to add or modify a program to address constraints on this housing type.	Program 15 is revised to remove constraints to mobilehomes and manufactured housing.	P. HP-20
<i>5. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)</i>		
<u>Land-Use Controls:</u> While the element included a description of land use controls (pg. 39-48), it must also analyze them independently and cumulatively with all other relevant land use controls for potential impacts on providing a variety of housing types and achieving maximum allowable densities. The analysis	Additional analysis has been provided to address parking requirements, lot coverage, open space, and allowable densities.	Pp. HBR-42, 50,51

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Finding	How the Comment Was Addressed	P. #
should specifically address requirements related to parking, heights, lot coverage, open space, and limits on allowable densities. For example, the element should clarify if the City imposes minimum unit size requirements. Additionally, the element notes that multifamily housing is required to provide two spaces per unit, including one covered space and an additional 0.5 spaces for each unit with two or more bedrooms (Table 47). HCD finds that requiring smaller bedroom types (e.g., studio and one-bedroom units) to provide two parking spaces is considered a constraint. The element must analyze covered parking requirements for impacts on cost, supply, housing choices, affordability and achieving maximum densities. In addition, the element must include a program committing to reducing parking requirements for smaller bedroom types.		
<u>Local Processing and Permit Procedures:</u> The element should address public comments on this draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.	The City has addressed all public comments on the Draft Housing Element. Additional information regarding compliance with the Permit Streamlining Act and CEQA has been provided in Background Report Chapter 3.	Pp. HBR-75,76
<u>Locally Adopted Ordinances – Inclusionary Ordinance:</u> The element generally mentions the City’s inclusionary zoning ordinance including alternatives for compliance and available incentives; however, it must also analyze the City’s inclusionary housing requirements for impacts on the development of housing for all income levels. For example, the analysis must identify and evaluate the relationship with State Density Bonus Law, required in-lieu fees, and any other factors that may impact housing costs.	The analysis in Background Report Chapter 3 has been revised to clarify the application of State Density Bonus Law to projects with inclusionary units and to address the inclusionary requirement’s impact on development of housing for all income levels.	Pp. HBR-67-71
<u>Constraints on Housing for Persons with Disabilities:</u>		
<i>Definition of Family</i> – Zoning should implement a barrier-free definition of family. While the element noted the City’s	Chapter 3 has been updated to provide additional analysis of the City’s definition of family.	Pp. HBR-71

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Finding	How the Comment Was Addressed		P. #
definition of family, it must analyze it for potential constraints on housing for persons with disabilities and include programs as necessary.			
<i>Reasonable Accommodation</i> – The City requires that property owners are noticed within 300 feet of the property requesting a reasonable accommodation. While the analysis committed to addressing this requirement, there was no corresponding program with a firm commitment to remove this constraint. The element must be revised to add or modify programs addressing this constraint.	Program 25 has been modified accordingly.		Pp. HP-38
B. HOUSING PROGRAMS			
<i>1. Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)</i>			
As noted in Finding A4, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:	-		-
<u>Program 4 (Housing Inventory and RHNA Accommodation)</u> : This program includes an action to update the Zoning Ordinance to allow by-right approval for housing developments that include 20 percent or more of its units affordable to lower-income households. However, no timeframe for completion was provided and the element should be revised accordingly. Additionally, since the City failed to adopt a compliant housing element within 120 days of the statutory deadline (January 31,	Program 4 has been revised to specify a timeline for rezoning.		P. HP-9

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Finding	How the Comment Was Addressed	P. #
2023), rezones to accommodate the RHNA must be completed no later than one year from the statutory deadline.		
<u>Program 7 (Accessory Dwelling Units and Junior Accessory Dwelling Units):</u> This program commits to various actions to facilitate the development of ADUs. However, given the City's reliance on ADUs, the element must include a commitment to adjusting projected assumptions if the number of units and affordability do not actualize during the planning period. Specifically, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then the element must commit to amending the housing element, identifying additional sites, and rezoning within a timely manner (e.g., within six months).	Program 7 has been modified accordingly.	P. HP-13
<i>2. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)</i>		
As noted in Finding(s) A3, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.		
<u>Program 15 (Zoning Ordinance Amendments – Housing Constraints):</u> The element references Program 15 to increase densities of zoning districts, specifically in the RM, RMD, RH, and RHD zones (pg. 41). However, no corresponding action was found in Program 15, and the element should be revised accordingly.	Program 15, Paragraph L, has been revised to increase densities in the RM, RMD, RH, and RHD zones to be consistent with the 2040 General Plan.	P. HP-20
<i>3. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)</i>		
<u>Goals, Priorities, Metrics, and Milestones:</u> As noted in Finding B1, the element must include a complete assessment of fair	Program 21 has been revised to provide more specificity regarding commitments, timeframe, geographic, and metrics. Program 21 has been	Pp. HP-26-32

Response to HCD Findings on Draft 6th Cycle (2023-2031) Housing Element

Finding	How the Comment Was Addressed	P. #
housing. Based on the outcomes of that analysis, the element must add or modify programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. For example, many of the actions do not have appropriate geographic targeting to address the four required program areas (e.g., increasing housing choices and affordability in higher opportunity or higher income areas, promoting housing mobility, place-based strategies for revitalization and conservation and addressing displacement risks). Programs should be revised based on a complete assessment of fair housing, address the required program areas, include appropriate geographic targeting and quantified metrics that target beneficial impacts for people, households, and neighborhoods (e.g., number of people or households assisted, number of housing units built, number of parks or infrastructure projects completed).	expanded to include additional components to encourage housing mobility, provide approaches to increase access to higher opportunity/higher income areas, and to improve the City's opportunity scores.	
C. QUANTIFIED OBJECTIVES		
<i>Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)</i>		
While the element includes quantified objectives for new construction and rehabilitation by income level, it currently targets no objectives for conservation and should be revised accordingly. For example, quantified objectives could incorporate numerical targets from anticipated outcomes of Programs 12 (Conservation of Existing Affordable Housing).	Table 2 is revised to identify conservation objectives.	P. HP-39
D. CONSISTENCY WITH GENERAL PLAN		
<i>The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)</i>		
While the element described how consistency was achieved, it must discuss how it will be maintained throughout the planning	Additional information regarding maintaining General Plan consistency is added to the Background Report.	P. HBR-215

Response to HCD Findings on Draft 6th Cycle (2023-2031) Housing Element

Finding	How the Comment Was Addressed	P. #
period. For example, to maintain internal consistency, the element could include a program to conduct an internal consistency review of the general plan as part of the annual general plan implementation report required by Government Code section 65400. The annual report can also assist future updates of the housing element. For additional information and a sample program, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/analysis-consistency-general-plan.shtml.		

ATTACHMENT 6

NOTICE OF PUBLIC HEARING FOR SPECIAL MEETING

The Pittsburg City Council will hold a public hearing on:

Date: August 5, 2024

Time: 7:00 p.m.

Place: City Council Chambers of City Hall,
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Housing Element Update for the 2023-2031 Reporting Period (AP-23-0021(GP))

This is a City-Initiated update of the City's Housing Element for the reporting period of 2023-2031. At this meeting, the City Council is being asked to adopt amendments to the Housing Element, as revised according to comments received from the State Housing and Community Development Department (HCD).

Environmental Determination: This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under General Rule Exception (14 CCR 15061(b)(3). State Housing Law (Government Code Section 65580 [et. seq.]) mandates that local governments must adequately plan to meet the existing and projected housing needs of all economic segments of the community, including accommodating its assigned Regional Housing Needs Allocation (RHNA) as determined by the Association of Bay Area Government and approved by the State Department of Housing and Community Development. The purpose of the Project is to comply with the State-mandated requirements for the Housing Element of the General Plan.

For further details on this matter, contact John Funderburg, Assistant Director of Planning at 65 Civic Avenue, Pittsburg, by telephone at (925) 252-4043, or through e-mail at jfunderburg@pittsburgca.gov or by fax at (925) 252-4814.



JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION



**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 Minute Order Appointing Candidates to the Youth Advisory Commission

MEETING DATE: August 5, 2024

EXECUTIVE SUMMARY

The Youth Advisory Commission shall be composed of minimum of nine and a maximum of 13 youth members and three youth alternates. The term of office is two years commencing August 1st and terminating May 31st or until their successors are appointed.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

Staff recommends appointment of candidates to the Youth Advisory Commission.

BACKGROUND

Nine (9) applications were received. Out of the 9 applicants, five (5) accepted the opportunity to interview. However, only three (3) were able to make it on July 15, 2024.

SUBCOMMITTEE FINDINGS

This item was not discussed at a subcommittee.

STAFF ANALYSIS

The City Council interviewed the following 3 applicants on July 15, 2024.

1. Morriah Crose
2. Loveleen Badhan
3. Naleia Williams

Another opportunity to interview is scheduled for August 5, 2024. Applicant, Jacqueline Villasenor, has confirmed her availability for the interview.

Appointments made to the Youth Advisory Commission will serve a 2-year term beginning August 1, 2024 through May 31, 2026.

ATTACHMENTS: Applications of Interviewees

Report Prepared By: Melaine Venenciano, Director of City Clerk Services

APPLICATION FOR PUBLIC PARTICIPATION ON A COMMISSION

Applications are due 1/26/24

Interviews scheduled for the evening of 2/5/24

Select the commission you are applying for from the list below

Youth Advisory Commission (Age 13-20)

Name

Morriah Crose

Address

Email

Phone (Primary)

Phone (Alternate)

Emergency Contact

Phone

Provide any professional or technical experience:

I have served as a commissioner on the Youth Advisory Commission for two years.

Why are you interested in serving on this commission?

I have enjoyed my time serving the community and listening to the presentations. I would like to continue to be on the commission.

Please list and briefly describe any other community activities or organizations in which you participate.

I am in the Leadership class for Pittsburg High School.

Are you available for evening meetings?

Yes

Are you available for daytime meetings?

No

APPLICATION FOR PUBLIC PARTICIPATION ON A COMMISSION

Applications are due 1/26/24

Interviews scheduled for the evening of 2/5/24

Select the commission you are applying for from the list below

Youth Advisory Commission (Age 13-20)

Name

Loveleen Badhan

Address

Email

Phone (Primary)

Phone (Alternate)

Emergency Contact

Phone

Provide any professional or technical experience:

I have served as Pittsburgh Youth Advisory Commissioner since 2022. Additionally, I have been a part of PHS's Leadership Program since 2022, President of PHS Punjabi Pirates since 2023, and PHS's Freshmen class representative from 2022-2023, Secretary of PHS Punjabi Pirates 2022-2023. For the upcoming school year 2024-2025, I have been elected to serve as PHS's Junior class Treasurer.

Why are you interested in serving on this commission?

I am interested in serving on this commission because I want to continue serving the Pittsburgh community as a Youth Commissioner. Through the commission I will represent the youth of Pittsburgh and any subject revolving them. This upcoming term, I hope to create more events that are catered towards the youth of Pittsburgh. For instance, I would like to possibly hold workshops that help provide the Pittsburgh youth with resources for college preparedness, mental health awareness, etc. to help prepare them for their future, as well plan events such as movie nights and game nights.

Please list and briefly describe any other community activities or organizations in which you participate.

I volunteer at a kitchen in a local Sikh Temple in Pittsburgh, and I am involved with community service through Pitt Unify at Pittsburgh High School where I volunteer at various events such as the Special Olympics. I am also part of the PHS Girl's Varsity Tennis Team where I play the position of #1 singles. Additionally as part of Pittsburgh High School's Leadership Programs I help plan, and run various events throughout the school campus.

Are you available for evening meetings?

Yes

Are you available for daytime meetings?

No

Applicant Signature

Date

6/3/2024

Entry #: 1 - Youth Advisory Commission - Middle/High School (Age 13-18) **Status:** Submitted
Submitted: 6/20/2024 1:56 PM

APPLICATION FOR PUBLIC PARTICIPATION ON A COMMISSION

Applications are due 6/30/24

Interviews scheduled for the evening of 7/15/24

Select the commission you are applying for from the list below

Youth Advisory Commission - Middle/High School (Age 13-18)

Applicants will be invited to interview with the City Council and will be notified by the City of Pittsburgh City Clerk’s Office via email. Applicants will be notified of City Council appointment by the City Clerk’s Office via email. Commissioners will be notified by Staff of the meeting dates via email.

Name

Naleia Williams

Address

Email

Phone (Primary)

Phone (Alternate)

Emergency Contact

Phone

Provide any professional or technical experience:

I have worked as a day sitter

Why are you interested in serving on this commission?

I think this would be a great experience.

Please list and briefly describe any other community activities or organizations in which you participate.

I was in clubs at my middle school and part of the track and field team

Are you available for evening meetings?

Yes

Are you available for daytime meetings?

No

APPLICATION FOR PUBLIC PARTICIPATION ON A COMMISSION

Applications are due 6/30/24

Interviews scheduled for the evening of 7/15/24

Select the commission you are applying for from the list below

Youth Advisory Commission - College (Age 18 - 20)

Applicants will be invited to interview with the City Council and will be notified by the City of Pittsburg City Clerk's Office via email. Applicants will be notified of City Council appointment by the City Clerk's Office via email. Commissioners will be notified by Staff of the meeting dates via email.

Name

Jacqueline Villaseñor

Address

Email

Phone (Primary)

Phone (Alternate)

Emergency Contact

Phone

Provide any professional or technical experience:

I was the secretary of the Class of 2024 Club, from 2022-2023. This required commitment and note-taking skills. I was also a summer teacher for the STS Academy. This was a great opportunity to create crafts/art projects which the children would be interested in and also had a learning objective. I also volunteered at the Concord Library where we would organize crafts for youth events. I am currently a Shift Lead at Sharetea where I take the initiative to train, keep stock and be a "manager", when a manager is not present.

Why are you interested in serving on this commission?

I am interested in serving this commission because of the love I hold for the Pittsburg Community. When I was apart of the PHSMSB, it made me realize how much music brought our community together. Although, I noticed there weren't many teens and it was usually adults, seniors and children who were normally at these events. I want to create inclusive events which also includes teens. These events will promote making a positive impact in our community.

Please list and briefly describe any other community activities or organizations in which you participate.

I am currently not participating in anything, I just graduated and I am starting here!

Are you available for evening meetings?

Yes

Are you available for daytime meetings?

Yes

Applicant Signature

Date

6/21/2024

**CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

DATE: July 01, 2024

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL/AGENCY MEMBERS

Juan Antonio Banales, Mayor/Chair
Jelani Killings, Vice-Mayor/Chair
Dionne Adams, Council/Agency Member
Angelica Lopez, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

Garrett Evans, City Manager/Executive Director
Donna Mooney, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

Mayor Banales called the regular meeting to order at 7:26 P.M. in the Council Chamber at City Hall, 65 Civic Avenue Pittsburg, CA after having convened at 6:03 P.M. for the following Closed Session:

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION: Initiation of litigation pursuant to Section 54956.9(d)(4)
Number of cases: one
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Section 54957:
City Manager

City Attorney Mooney reported the following action for Closed Session:

For Item 1, there was no reportable action.

For Item 2, the City Attorney stated she did not participate and asked Mayor Banales to report on that.

Mayor Banales stated there was no reportable action for Item 2.

ROLL CALL

Member Lopez was absent and excused.

PLEDGE OF ALLEGIANCE

Mayor Banales led the Pledge of Allegiance.

PRESENTATIONS

3. New Employee Introductions

CITY MANAGER REPORTS/REMARKS

City Manager Evans noted for the record that item #14 on the Combined City Council Consent calendar would be pulled and brought back at a later date and any comments for that item would be taken during the public comment section of the meeting. He also mentioned that the Marina Center would serve as a cooling center July 2nd and 3rd from 4PM-7PM. He also gave an update on Community events.

PUBLIC COMMENTS

Travis Castle, spoke about a potential partnership between the City of Pittsburg and Path to Humanity, a 501(c)(3) nonprofit organization created to decrease poverty and improve public safety.

The following speakers spoke against item #14 on the Consent Calendar and asked the City Council to consider working with Taco and CO, the current tenant at 1005 Center Drive. To ensure they remain open for business.

Israel Castro Cortez
Sandra Guardado
Steve Barruel
Kim Hardester

COMMITTEE REPORTS

Vice Mayor Killings attended the Green Empowerment Zone meeting.

PUBLIC HEARING

4. Introduction and Waive First Reading of Five Ordinances Amending the Zoning Map and Establishing Limited Overlay Districts to Implement the 2040 General Plan Land Use Map, AP-24-0033 (RZ)

Motion by Vice Mayor Killings, seconded by Member Adams to introduce and waive further reading of Five Ordinances Amending the Zoning Map and Establishing Limited Overlay Districts to Implement the 2040 General Plan Land Use Map, AP-24-0033 (RZ) and adopted by the following vote:

AYES: Adams, Killings, Scales-Preston, Banales
ABSENT: Lopez

CONFLICT OF INTEREST STATEMENT

There were no conflicts of interest statements.

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

As noted earlier in the City Manager reports/remarks, Item #14 on the Consent Calendar was pulled and will be brought back at a later date.

On Motion by Vice Mayor Killings, seconded by Member Adams and adopted by the following vote:

AYES: Adams, Killings, Scales-Preston, Banales

ABSENT: Lopez

5. Minutes of June 17, 2024
6. Adoption of a City Council Resolution Approving a List of On-Call Traffic Engineering Service Firms, Authorizing the City Manager to Enter into Agreements with Selected Firms and to Approve up to Two-One Year Extensions of the Agreements, and Authorizing the Public Works Director/City Engineer to Execute Task Orders
7. Adoption of a City Council Resolution Approving a List of On-Call Civil Engineering and Surveying Service Firms, Authorizing the City Manager to Enter into Agreements with Selected Firms and to Approve up to Two One-Year Extensions of the Agreements and Authorizing the Public Works Director/City Engineer to Execute Task Orders
8. Adoption of a City Council Resolution Approving a List of On-Call Construction Material Testing, Environmental, Hazardous Material Testing, and Geotechnical Service Firms, Authorizing the City Manager to Enter into Agreements with Selected Firms and to Approve up to Two-One Year Extensions of the Agreements, and Authorizing the Public Works Director/City Engineer to Execute Task Orders
9. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Contract for Temporary Landscape Maintenance Assistance
10. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Contract for Urban Forest Management and Tree Inventory Services
11. Adoption of a City Council Resolution Authorizing the City Manager to Execute a First Amendment to the Consulting Services Agreement with West Yost and Associate, Inc. for Engineering Services During Construction for Project 5067 – Water Treatment Plant Filter Improvements and Hypochlorite Conversion
12. Adoption of a City Council Resolution Awarding a Purchase Agreement for Base Rock Supply
13. Adoption of a City Council Resolution Awarding Purchase Agreements for Asphalt Supplies
14. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Lease Agreement Between the City of Pittsburgh and Morello Restaurant Solutions LLC at 1005 Center

Drive

15. Adoption of a Pittsburg Power Company Resolution Accepting \$243,000 in Funds from Construction Trade Workforce Initiative and Authorizing the Executive Director to Execute a Contract Amendment with Open Opportunities Inc.

16. Adoption of a Pittsburg Power Company Resolution Authorizing the Executive Director to Enter into a Contract with Contra Costa County Workforce Development Board for Future Build Cohorts 26 and 27 and Establishing the Future Build Budget for Fiscal Year 2024-2025

17. Adoption of a Pittsburg Power Company Resolution Approving the 2024 Wildfire Mitigation Plan and Directing Staff to File the Wildfire Mitigation Plan with the Office of Energy Infrastructure Safety

18. Adoption of an Ordinance Amending Pittsburg Municipal Code Chapter 2.85 and Repealing Chapter 2.86

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for Future Agenda Items.

COUNCIL MEMBER REMARKS

Council Members Scales-Preston acknowledged the Village for a great SoulFest event they held over the weekend. She also noted that the League of California Cities hosted a Bocce Tournament for the East Bay Division and Pittsburg won the Tournament.

ADJOURNMENT

The meeting was adjourned at 8:15 P.M. to July 15, 2024.

Respectfully submitted,

Alice E. Evenson, City Clerk

**CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

DATE: July 15, 2024

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL/AGENCY MEMBERS

Juan Antonio Banales, Mayor/Chair
Jelani Killings, Vice-Mayor/Chair
Dionne Adams, Council/Agency Member
Angelica Lopez, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

Garrett Evans, City Manager/Executive Director
Donna Mooney, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

Mayor Banales called the regular meeting to order at 7:04 P.M. in the Council Chamber at City Hall, 65 Civic Avenue Pittsburg, CA after having convened at 5:07 P.M. for a Special Meeting for Youth Advisory Commission Interviews. Followed by convening in Closed Session at 5:24 P.M. for the following Closed Session:

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Section 54956.8
Property: 1005 Center Drive; City Negotiators: Garrett Evans, Maria Aliotti
Negotiating Party: Morello Restaurant Solutions LLC; Under Negotiation: Price and term of payment
3. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION: Initiation of litigation pursuant to Section 54956.9(d)(4)
4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Section 54957:
City Manager

City Attorney Mooney reported the following action for Closed Session:

For Items 2 and 3, the City Attorney stated that City Council provided direction to staff and there was no reportable action.

For Item 4, the City Attorney stated she did not participate and asked Mayor Banales to report on that.

Mayor Banales stated there was no reportable action for Item 4.

ROLL CALL

Member Lopez was absent and excused.

PLEDGE OF ALLEGIANCE

Mayor Banales led the Pledge of Allegiance.

PRESENTATIONS

5. Pittsburg EATS Program

This item was moved and was heard after Public Hearing Items 6 and 7 and Consent calendar.

CITY MANAGER REPORTS/REMARKS

City Manager Evans gave an update on Community events.

PUBLIC COMMENTS

There were no public comments.

COMMITTEE REPORTS

Vice Mayor Killings attended the Community and Economic Development subcommittee.

PUBLIC HEARING

6. Adoption of a City Council Resolution Confirming the Engineer's Report and District Diagram, and Ordering the Levy for Citywide Landscaping & Lighting Assessment District 1988-01 for Fiscal Year 2024/25

Motion by Vice Mayor Killings, seconded by Member Scales-Preston and adopted by the following vote:

AYES: Adams, Killings, Scales-Preston, Banales

ABSENT: Lopez

7. Adoption of a City Council Resolution Confirming the Engineer's Report and District Diagram, and Ordering the Levy for Citywide Landscaping & Lighting Assessment District 1988-02 for Fiscal Year 2024/25

Motion by Vice Member Scales-Preston, seconded by Member Adams and adopted by the following vote:

AYES: Adams, Killings, Scales-Preston, Banales

ABSENT: Lopez

CONFLICT OF INTEREST STATEMENT

There were no conflicts of interest statements.

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

On Motion by Member Adams, seconded by Vice Mayor Killings and adopted by the following vote:

AYES: Adams, Killings, Scales-Preston, Banales
ABSENT: Lopez

8. Adoption of a City Council Resolution Authorizing the City Engineer to File a Funding Assistance Application and Execute Agreements with the State Water Resources Control Board and Bennett Trust and Riverview MHP, LP
9. Adoption of a City Council Resolution Authorizing the City Manager to Execute the First Amendment to the Professional Services Agreement between the City of Pittsburg and Anchor QEA, LLC for a Wharf Asset Evaluation
10. Adoption of a City Council Resolution Accepting the Corrective Action Plan (CAP) and Specifications and Awarding Project 2987 East Third Street Remediation
11. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Contract for Highlands Park Playground Installation
12. Adoption of a City Council Resolution to Approve a Facade Improvement Grant with Veritel Homes LLC for 485 Railroad Avenue
13. Adoption of a City Council Resolution to Amend the Master Pay Schedule as Required by California Public Employees' Retirement System
14. Adoption of Five Ordinances Amending the Zoning Map and Establishing Limited Overlay Districts to Implement the 2040 General Plan Land Use Map, AP-24-0033 (RZ)

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for Future Agenda Items.

COUNCIL MEMBER REMARKS

There were no Council Member remarks.

ADJOURNMENT

The meeting adjourned at 7:39 P.M. to August 5, 2024.

Respectfully submitted,

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 Minute Order Approving a City Council Recess for Labor Day Holiday

MEETING DATE: August 5, 2024

EXECUTIVE SUMMARY

Historically, the City Council takes a recess during the summer months to allow for both staff and City Council vacations. The recess dates are at the discretion of the City Council.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

By Minute Order, approve recess of the City Council on the September 3, 2024 meeting.

BACKGROUND

Through Resolution 09-11316 which established the dates and times for regular City Council meetings, it is stated that in the event a regular meeting date falls on a recognized state or federal holiday, the meeting shall be held on the next calendar day.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Labor Day holiday always falls on the first Monday in September. Therefore, to avoid any potential lack of a quorum, the City Council typically takes a recess during the first week of September.

Report Prepared By: Melaine Venenciano, Director of City Clerk Services



**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 Designating a Voting Delegate and an Alternate for the League of California Cities 2024 Annual Conference and Expo

MEETING DATE: August 5, 2024

EXECUTIVE SUMMARY

Every year, the League of California Cities (Cal Cities) convenes a member-driven General Assembly at the Annual Conference and Expo. The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policies. City Council must appoint a voting a delegate and an alternate.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

Adopt the attached Resolution designating Councilmember Shanelle Scales-Preston as the primary voting delegate and Councilmember Dionne Adams as the alternate.

BACKGROUND

In order to vote during the General Assembly a voting delegate and an alternate must be designated by the City Council.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The City's appointed voting delegate plays an important role during the General Assembly by representing the City and voting on resolutions. Councilmember Scales-Preston and Councilmember Adams are registered to attend the conference from October 16-18, 2024 in Long Beach and should therefore, be appointed as the City's voting delegates. Following City Council action, delegates must be submitted through the online portal by September 25, 2024.

ATTACHMENTS: Resolution

Report Prepared By: Melaine Venenciano, Director of City Clerk Services

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Designating a Voting Delegate and an)
Alternate for the League of California)
Cities 2024 Annual Conference and Expo)

RESOLUTION NO. 24-

WHEREAS, every year, the League of California Cities (Cal Cities) convenes a member-driven General Assembly at the Annual Conference and Expo; and

WHEREAS, the General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policies; and

WHEREAS, the City Council must appoint a voting a delegate and an alternate in order to vote; and

WHEREAS, Councilmember Scales-Preston is registered to attend the conference and should therefore be appointed as the City's primary voting delegate; and

WHEREAS, Councilmember Adams is also registered to attend the conference and should therefore be appointed as the City's alternate voting delegate.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby appoints Councilmember Scales-Preston and Councilmember Adams as the City's voting delegates.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh, at a regular meeting on the 5th day of August 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

ATTEST:

Juan Antonio Banales, Mayor

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 Accepting the Plans and Specifications and Awarding Project 2028 - Crestview Drive Safety Improvements

MEETING DATE: August 5, 2024

EXECUTIVE SUMMARY

Project 2028 - Crestview Drive Safety Improvements (the "Project") is for the installation of pavement markings, raised medians, and pedestrian crossings at six intersections along Crestview Drive at Nina Place, Alta Vista Circle, Kingsberry Place, Atherton Avenue, William Way and Crestview Lane. If adopted, this resolution will accept the Project plans and specifications and award a construction contract to RK Engineering, Inc.

FISCAL IMPACT

The proposal from RK Engineering, Inc. is \$531,654 for the Project. Funding for construction will be provided by the existing Project budget. No other funds will be required.

The Budget Summary is attached to this report.

RECOMMENDATION

Staff recommends that the City Council accept the plans and specifications and authorize the City Manager to execute a construction contract for the Project with RK Engineering, Inc. for a total amount not to exceed \$531,654.

Staff recommends that the City Council allocate a construction contingency of \$53,165 for any unanticipated costs and contract 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

On August 28, 2020, staff applied to Caltrans for a grant from the Highway Safety Improvement Program (HSIP). On March 30, 2021, Caltrans notified the City that the grant application was approved for \$378,220. On June 21, 2021, the City Council adopted Resolution No. 21-13944, approving the City's Five-Year Capital Improvement Program for Fiscal Year (FY) 2021/22 through 2025/26 and the appropriation of \$41,180 from RMRA Road Maintenance and Rehabilitation (Fund 228) for the Project.

On June 20, 2022, with adoption of Resolution No. 22-14118, \$200,000 of CDBG funds were allocated to the Project. On May 15, 2023, with adoption of Resolution No. 23-14295, \$162,374 of CDBG funds were further allocated to the Project.

On June 19, 2023, the City Council adopted Resolution No 23-14318, approving the City's Five-Year Capital Improvement Program for FY 2023/24 through 2027/28 and the appropriation of \$151,700 from Highway User Tax Account Gas Tax (HUTA Fund 203) for the Project.

On July 3, 2024, staff advertised the Project for construction bids. On July 18, 2024, four construction bids were received, and RK Engineering, Inc. was the lowest responsive responsible bidder with a base bid in the amount of \$531,654.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Installation of pavement markings, raised medians, and pedestrian crossings at six intersections along Crestview Drive will enhance safety for pedestrians as well as improve vehicular traffic.

The City received 4 bids. The lowest bid was \$531,654 and the highest bid was \$668,600. The lowest bid is 10% below the engineer's estimate and 12% below the average of all seven bids.

ATTACHMENTS: Resolution
 Project Budget Summary

Report Prepared By: Andrew Peters, Assistant Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Accepting the Plans and Specifications)
And Awarding Project 2028 - Crestview)
Drive Safety Improvements)

RESOLUTION NO. 24-

WHEREAS, Project 2028 - Crestview Drive Safety Improvements (the "Project") provides for installation of pavement markings, raised medians, and pedestrian crossings at six intersections along Crestview Drive at Nina Place, Alta Vista Circle, Kingsberry Place, Atherton Avenue, William Way, and Crestview Lane; and

WHEREAS, on August 28, 2020, staff applied to Caltrans for a grant from the Highway Safety Improvement Program (HSIP); and

WHEREAS, on March 30, 2021, Caltrans notified the City that the grant application was approved for \$378,220; and

WHEREAS, on June 21, 2021, the City Council adopted Resolution No. 21-13944, approving the City's Five-Year Capital Improvement Program for Fiscal Years (FY) 2021/22 through 2025/26 and the appropriation of \$41,180 from RMRA Road Maintenance and Rehabilitation (Fund 228) to the Project; and

WHEREAS, on June 20, 2022, with adoption of Resolution No. 22-14118, \$200,000 of CDBG funds were allocated to the Project; and

WHEREAS, on May 15, 2023, with adoption of Resolution No. 23-14295, \$162,374 of CDBG funds were further allocated to the Project; and

WHEREAS, on June 19, 2023, the City Council adopted Resolution No. 23-14318, approving the City's Five-Year Capital Improvement Program for FY 2023/24 through 2027/28 and the appropriation of \$151,700 from Highway User Tax Account Gas Tax (HUTA Fund 203) to the Project; and

WHEREAS, on July 3, 2024, staff advertised the Project for construction bids; and

WHEREAS, on July 18, 2024, seven construction bids were received, and RK Engineering, Inc. was the lowest responsive responsible bidder with a base bid in the amount of \$531,654; and

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

WHEREAS, staff recommends the City Council award a contract to RK Engineering, Inc. in an amount not to exceed \$531,654 for construction of the Project; and

WHEREAS, staff further recommends establishing a construction contingency in the amount of \$53,165 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, awards a \$531,654 contract to RK Engineering, Inc., authorizes a construction contingency in the amount of \$53,165, authorizes the City Engineer or his designee to approve contract change orders for the Project in 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 5th day of August 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Contract 2028, Crestview Drive Safety Improvement

Project Funding

Highway Safety Improvement Program 10 (HSIP) Grant	\$378,220
FY 2021/22 Gas Tax (RMRA Fund 228)	\$41,180
HUTA	\$151,700
CDBG	\$362,374
Funding Total	\$933,474

Project Expenditures:

Design: (Code 2122)	Consultant Design	\$74,500
	Subtotal	\$74,500

Miscellaneous: (Code 1399)	Advertising	\$1,000
	Reproduction	\$1,000
	Postage	\$1,000
	Subtotal	\$3,000

Construction: (Code 2281)	Construction	\$531,654
	Construction Contingency (~10%)	\$53,165
	Material Testing	\$5,000
	Subtotal	\$589,819

Staff Time: (Code 1101)	Staff Costs During Design Phase	\$15,000
	Staff Construction Management	\$30,000
	Subtotal	\$45,000

Administrative Overhead: (Code 2372)	Staff Overhead Costs during Design	\$15,000
	Staff Overhead during Construction	\$30,000
	Subtotal	\$45,000

Estimated Total Expenditures	\$757,319
Remaining Funds	\$176,155



**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 Approving the Fiscal Year 2024/25 Business Improvement District Contract with the Pittsburg Chamber of Commerce

MEETING DATE: August 5, 2024

EXECUTIVE SUMMARY

Since the inception of the City's Business Improvement District (BID) in the early 1970s, the City has partnered with the Pittsburg Chamber of Commerce (Chamber) to help achieve goals and objectives pertaining to the usage of BID funds and broader economic development goals. The City proposes to continue this partnership with the Chamber by allocating BID funds to achieve specific objectives that align with the Pittsburg Municipal Code (PMC) and Economic Development Strategic Plan goals. The Fiscal Year (FY) 2024/25 agreement calls for the Chamber to conduct the following activities: social media outreach and promotion, in-person networking events, e-commerce guidance and assistance, and ribbon cutting events. The City will work closely with the Chamber to help achieve these mutual objectives.

FISCAL IMPACT

Approval of this contract would compensate the Chamber with \$30,000 to help conduct the proposed scope of services. This contract amount has been budgeted for in the FY 2024/25 adopted budget. No additional budget allocation is requested for this action.

RECOMMENDATION

Adopt the attached resolution approving the FY 2024/25 BID contract with the Pittsburg Chamber of Commerce.

BACKGROUND

The City created the BID back in the early 1970s to help fund activities that promote the City's retail trade activities and public events. Funds for the BID are collected through an additional tax levied on new business licenses and annual business license renewals.

Specifically, Section 5.08.080 of the PMC states that funds can be used under the following categories of activities:

- A. Decoration of any public place in the “area”;
- B. Promotion of public events which are to take place on or in the “area”;
- C. Furnishing of music in any public place in the “area”; and
- D. The general promotion of retail trade activities in the “area.”

Since the inception of the BID, the City has provided the Chamber with a portion of the business improvement tax collected and the Chamber has used the funds to promote, retain, and attract businesses to the City and develop programs that support local businesses. Because all licensed businesses pay the business improvement tax, the City’s direction to the Chamber has been to provide support to all Pittsburg businesses and not just businesses who are Chamber members. Since 1999, this partnership was formalized into an annual service contract for specific services to be performed by the Chamber during a fiscal year that benefited Pittsburg’s business community.

SUBCOMMITTEE FINDINGS

The proposed scope of services for the FY 2024/25 Chamber BID contract was brought forth to the Community and Economic Development Subcommittee on July 10, 2024. The Subcommittee provided support for the proposed scope of services and feedback to ensure that the most optimal deliverables can be achieved. The subcommittee also expressed a desire to look at how the City can best invest BID funds to achieve tangible outcomes that align with the City’s Economic Development Strategic Plan.

STAFF ANALYSIS

The proposed FY 2024/25 scope of services under this BID agreements aligns with the intended uses for BID funds and the goals of the City’s Economic Development Strategic Plan. They also account for the scale of resources that the Chamber can provide. The City is requesting that the Chamber conduct the following activities under the proposed BID Agreement; 1) social media outreach and promotion, 2) in-person networking events, 3) e-commerce guidance and assistance, and 4) ribbon-cutting events. These activities are further specified and includes deliverables within the actual scope of services. The City will evaluate this agreement at the end of the fiscal year to determine how the Chamber did in achieving deliverables in each activity.

ATTACHMENTS: Resolution
 FY 2025 BID Contract – Pittsburg Chamber of Commerce

Report Prepared By: Robert Carrera, Economic Development Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution	)	
Approving the Fiscal Year 2024/25	)	RESOLUTION NO. 24-
Business Improvement District Contract with	)	
<u>The Pittsburgh Chamber of Commerce</u>	)	

WHEREAS, the City of Pittsburgh formed a Business Improvement Area, also known as the Business Improvement District (BID), pursuant to Ordinance No. 631 on August 2, 1971; and

WHEREAS, the BID collects 25% of the business license tax set forth in Chapter 5.04 of the Pittsburgh Municipal Code (PMC) with a minimum \$25 charge per business, due upon the opening of a new business license and when the business license renews annually; and

WHEREAS, BID funds are to be used for the decoration of any public place in the "area"; promotion of public events which are to take place on or in the "area"; furnishing of music in any public place in the "area", and the general promotion of retail trade activities in the "area"; and

WHEREAS, since the inception of the BID, the City and the Pittsburgh Chamber of Commerce (Chamber) have shared BID tax collected and the Chamber has used the funds to promote, retain, and attract businesses to the City and develop programs that support local businesses. Because all licensed businesses pay the BID tax, the City's direction to the Chamber has been to provide support to all Pittsburgh businesses and not just businesses who are Chamber members; and

WHEREAS, in 1999, the relationship between the City and the Chamber was formalized into an annual service contract for specific services to be performed by the Chamber during a fiscal year that benefited Pittsburgh's business community; and

WHEREAS, the City and the Chamber wish to continue this annual partnership to help achieve the mutual goals of the BID and the City's Economic Development Strategic Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburgh hereby approves the Fiscal Year 2024/25 BID Agreement with the Pittsburgh Chamber of Commerce for a total compensation of \$30,000.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 5th day of August 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

**BUSINESS IMPROVEMENT DISTRICT CONTRACT BY AND BETWEEN
THE CITY OF PITTSBURG AND PITTSBURG CHAMBER OF COMMERCE**

THIS CONTRACT is made on August 5, 2024 ("Contract Date"), by and between the City of Pittsburgh ("City") and the Pittsburgh Chamber of Commerce ("Chamber").

WITNESSETH:

WHEREAS, the City proposes to enlist the services of the Chamber to promote, retain, attract, and support the businesses in Pittsburgh.

NOW, THEREFORE, the parties hereto mutually agree as follows:

I. SCOPE OF SERVICES:

A. Chamber shall do all work, attend all meetings, produce all reports and carry out all activities necessary to completion of the services described in the scope of services, attached hereto and incorporated herein by this reference as Exhibit A.

B. Chamber enters into this Contract as an independent contractor and not as an employee of the City. The Chamber shall have no power or authority by this Contract to bind the City in any respect. Nothing in this Contract shall be construed to be inconsistent with this relationship or status. All employees, agents, contractors or subcontractors hired or retained by the Chamber are employees, agents, contractors or subcontractors of the Chamber and not of the City. The City shall not be obligated in any way to pay any wage claims or other claims made against Chamber by any such employees, agents, contractors or subcontractors, or any other person resulting from performance of this Contract.

C. The Chamber agrees it has satisfied itself by its own investigation and research regarding the conditions affecting the work to be done and labor and materials needed, and that its decision to execute this Contract is based on such independent investigation and research.

II. TIME OF PERFORMANCE:

The following time schedule shall be followed:

A. The services of Chamber are to commence upon the Contract Date and shall expire on June 30, 2025.

III. COMPENSATION:

A. The Chamber shall be paid for the actual fees, costs and expenses for all time and materials required and expended, pursuant to scope of services but in no event shall total compensation exceed Thirty Thousand Dollars (\$30,000) without City's prior written approval.

B. Said amount shall be paid upon submittal of an invoice detailing the charges and/or reimbursable expenses.

C. If the work is halted at the request of the City, compensation shall be based upon the proportion that the work performed.

IV. TERMINATION:

This Contract may be terminated, without cause, at any time by the City with 30 days' written notice. Upon receipt of such notice, Chamber shall cease all work under this Contract. In the event of any such termination, the Chamber shall be compensated as provided for in this Contract. Upon such termination, the City shall be entitled to all work, including but not limited to, inventories, studies, analyses, drawings and data estimates performed to that date in accordance with Section VII hereof. The obligations of paragraph/section XV of this Contract relating to Chamber's obligations to defend and indemnify the City and City shall survive any termination of this Contract.

Notwithstanding any provisions of this Contract, the Chamber shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of this Contract by the Chamber, and the City may withhold any payments due to Chamber until such time as the exact amount of damages, if any, due the City from the Chamber is determined.

V. CHANGES:

The City may, from time to time, request changes in the scope of work to be performed hereunder. Such changes, including any increase or decrease in the amount of Chamber's compensation and/or changes in the schedule must be authorized in advance by the City in writing. Mutually agreed changes shall be incorporated in written amendments to this Contract, or the attached scope of services.

VI. PROPERTY OF CITY:

It is mutually agreed that all materials prepared by the Chamber under this Contract shall become the property of the City, and the Chamber shall have no property right therein whatsoever. Immediately upon termination, the City shall be entitled to, and the Chamber shall deliver to the City, all data, drawings, specifications, reports, estimates, studies, summaries and other such materials and commission as may have been prepared or accumulated to date by the Chamber in performing this Contract which is not Chamber's privileged information, as defined by law, or Chamber's personnel information.

VII. COMPLIANCE WITH LOCAL LAW:

Chamber shall comply with all applicable laws, ordinances, and codes of federal, state and local governments, and shall commit no trespass on any public or private property in performing any of the work authorized by this Contract.

VIII. WARRANTY:

Chamber agrees and represents that it is qualified to properly provide the services set forth in Exhibit A in a manner which is consistent with the generally accepted standards of Chamber's profession. Chamber further represents and agrees that it will perform said services in a legally adequate manner in conformance with applicable federal, state and local laws and guidelines.

IX. SUBCONTRACTING:

Except as set forth in Exhibit A for work to be performed, no other services covered by this Contract shall be subcontracted without the prior written consent of the City, which will not be unreasonably withheld. Chamber shall be as fully responsible to the City for the negligent acts and omissions of its contractors and subcontractors, and of persons either directly or indirectly employed by them, as it is for the negligent acts and omissions of persons directly employed by Chamber.

X. ASSIGNABILITY:

Chamber shall not assign or transfer any interest in this Contract whether by assignment or novation, without the prior written consent of the City which will not be unreasonably withheld. However, claims for money due or to become due to the Chamber from the City under this Contract may be assigned to a financial institution or to a trustee in bankruptcy, without such approval. Chamber shall promptly furnish notice of any assignment or transfer, whether voluntary or involuntary, in writing to the City.

XI. INTEREST IN CONTRACT:

Chamber covenants that neither it, nor any of its employees, agents, contractors, subcontractors has any interest, nor shall they acquire any interest, direct or indirect, in the subject of the Contract, nor any other interest which would conflict in any manner or degree with the performance of its services hereunder.

Chamber shall make all disclosures required by the City's conflict of interest code in accordance with the category designated by the City, unless the City Manager determines in writing that Chamber's duties are more limited in scope than is warranted by the category designated by the City code and that a narrower disclosure category should apply. Chamber also agrees to make disclosure in compliance with the City conflict of interest code if, at any time after the execution of this agreement, City determines and notifies Chamber in writing that Chamber's duties under this agreement warrant greater disclosure by Chamber than was originally contemplated. Chamber shall make disclosures in the time, place and manner set forth in the conflict of interest code and as directed by the City.

XII. LIABILITY OF CHAMBER-NEGLIGENCE:

Chamber shall be responsible for performing the work under this Contract in a manner which is consistent with the generally accepted standards of the Chamber's profession and shall be liable for its own negligence and the negligent acts of its employees, agents, contractors and subcontractors. The City shall have no right of control over the manner in which the work is to be done but only as to its outcome, and shall not be charged with the responsibility of preventing risk to Chamber or its employees, agents, contractors or subcontractors.

XIII. INDEMNITY AND LITIGATION COSTS:

Chamber shall indemnify, defend, and hold harmless the City, its officers, officials, agents, and employees from and against any and all claims, damages, demands, liability, costs, losses and expenses, including without limitation court costs and reasonable attorneys' fees arising out of or in connection with Chamber's negligent performance of work hereunder or its negligent failure to comply with any of its obligations contained in the Contract Documents.

XIV. CHAMBER TO PROVIDE INSURANCE:

Chamber shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Chamber, its agents, representatives, or employees.

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Chamber has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

No workers' compensation insurance shall be required for the Chamber's independent contractors.

"I certify that I, Chamber, have employees for whom I provide workers' compensation insurance. I also have independent contractors for which I am exempt from the legal requirement that I provide worker's compensation insurance."

(Print Name) (Signature) _____

4. Professional Liability (Errors and Omissions) Insurance appropriate to the Chamber's profession, with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate.

If the Chamber maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

The City, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Chamber including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Chamber's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).

Primary Coverage

For any claims related to this contract, the Chamber's insurance coverage shall be primary insurance primary coverage at least as broad as ISO CG 20 01 04 13 as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Chamber's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required above shall state that coverage shall not be canceled, except with notice to the Chamber.

Waiver of Subrogation

Chamber hereby grants to City a waiver of any right to subrogation which any insurer of said Chamber may acquire against the City by virtue of the payment of any loss under such insurance. Chamber agrees to obtain any endorsement that may be

necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Self-Insured Retentions

Self-insured retentions must be declared to and approved by the City. The City may require the Chamber to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

Acceptability of Insurers

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Claims Made Policies

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Chamber must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

Verification of Coverage

Chamber shall furnish the City with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to City before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Chamber's obligation to provide them. The Chamber reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Subcontractors

Chamber shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

XVII. MISCELLANEOUS PROVISIONS:

A. The Chamber shall designate a lead person (Lead) who at all times shall represent the Chamber before the City on all matters relating to this Contract. The Lead shall continue in such capacity unless and until he or she is removed at the request of the City, is no longer employed by Chamber, or replaced with the written approval of the City, which approval shall not be unreasonably withheld.

B. The Chamber shall keep itself fully informed of, shall observe and comply with, and shall cause any and all persons, firms or corporations employed by it or under its control to observe and comply with, applicable federal, state, county and municipal laws, ordinances, regulations, orders and decrees which in any manner affect those engaged or employed on the work described by this Contract or the materials used or which in any way affect the conduct of the work.

C. Chamber shall not engage in unlawful employment discrimination. Such unlawful employment discrimination includes, but is not limited to, employment discrimination based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation.

D. The Chamber shall maintain and make available for inspection by the City and its auditors accurate records of all of its costs, disbursements and receipts with respect to any work under this Contract. Such inspections may be made during regular office hours at any time until six (6) months after the final payments under this Contract are made to the Chamber.

E. This Contract constitutes the entire agreement between the parties relative to the services specified herein and no modification hereof shall be effective unless and until such modification is evidenced by a writing signed by both parties to this Contract. There are no understandings, agreements, conditions, representations, warranties or promises, with respect to this Contract, except those contained in or referred to in the writing.

F. All notices that are required to be given by one party to the other under this Contract shall be in writing and shall be deemed to have been given if delivered personally or enclosed in a properly addressed envelope and deposited in a United States Post Office for delivery by registered or certified mail addressed to the parties at the following addresses:

City: City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
ATTN: Garrett Evans, City Manager

Chamber: Pittsburg Chamber of Commerce
985 Railroad Avenue
Pittsburg, CA 94565
ATTN: Wolfgang Croskey, CEO

G. This Contract shall be interpreted and governed by the laws of the State of California.

H. Any action arising out of this Contract shall be brought in Contra Costa County, California, regardless of where else venue may lie.

I. In any action brought by either party to enforce the terms of this Contract, the prevailing party shall be entitled to recover its reasonable attorney's fees.

Executed the day and year first above written, by the parties as follows.

CITY

CHAMBER

By: _____
Garrett Evans
Title: City Manager

By: _____
Title: _____

APPROVED AS TO FORM:

By: _____

Title: City Attorney

CERTIFICATE OF COMPLIANCE WITH LABOR CODE § 3700

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

CHAMBER

By: _____

Title: _____

EXHIBIT A
2024-2025 BID PROGRAM

BID Task	Activity	Deliverables
1) Social Media Outreach and Promotion	Conduct social media postings on Chamber owned and operated social media accounts that promote public events, retail trade activity, and the businesses within the BID area. Examples of such postings can include public events, business-hosted events, Chamber events, small business week, business spotlights, and ribbon-cutting ceremonies. The City may provide input on social media content, but content creation and publishing are at the full discretion of the Chamber.	The Chamber shall post social media content at a minimum rate of one post per week. It is also expected that the Chamber will grow its social media following across all its accounts throughout the course of this agreement at a rate of at least 3 percent.
2) In-Person Networking Events	Host in-person events for the purpose of bringing together businesses and individuals within the BID area to network, form relationships, and promote their retail activities. The City may also bring a representative to provide updates on City activities. While events are primarily oriented toward businesses, these events shall be open to the public to attend.	Plan, coordinate, and host a minimum of one networking event per quarter, for a total of four networking events throughout the course of this agreement.
3) E-commerce guidance and assistance	Provide guidance and assistance to businesses within the BID area on how to successfully conduct e-commerce activities of their goods and services. The Chamber shall assist businesses looking to establish an e-commerce presence with activities such as signing up for an e-commerce platform or handling any questions and concerns a business may have with conducting e-commerce. The City has an existing e-commerce marketplace through	The Chamber shall provide e-commerce guidance and assistance to any business that requests it. In addition, the Chamber shall reach out to and meet in-person with a minimum of 10 businesses throughout the course of this agreement that may be looking to expand their online presence. The Chamber shall also make efforts to network and form relationships with e-commerce platforms and wholesalers/distributors that specialize in online sales, expanding the Chamber's own knowledge and resources in relation to e-commerce.

	GLASS Commerce that is free for businesses to sign up for. The Chamber may utilize this platform to provide businesses with an e-commerce presence.	
4) Ribbon-cutting events	Coordinate and host ribbon-cutting events at the request of businesses within the BID area. Chamber shall be responsible for coordinating all tasks and activities of each event, along with promotion of such events. These events shall be open to the public and free of charge to businesses and attendees.	There shall be no set minimum of ribbon cutting events set under the course of this agreement, but it is the expectation that the Chamber shall promote this service to its membership and the greater public through its marketing and outreach efforts.



**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 the City Manager to Execute an Agreement Between the City of Pittsburg and WBA Consulting & Investigative Services

MEETING DATE: August 5, 2024

EXECUTIVE SUMMARY

The Resolution will authorize the City Manager to execute an agreement with WBA Consulting & Investigative Services to conduct audio and video redaction services for the Police Department.

FISCAL IMPACT

Staff intends to limit expenditure to \$50,000 per year, for a total of \$150,000 after three years, and \$250,000 if both one-year options are exercised.

RECOMMENDATION

Staff recommends City Council approval of an Agreement between WBA Consulting & Investigative Services and the City of Pittsburg for audio and video redaction services for the Police Department.

BACKGROUND

The Pittsburg Police Department is legally required under Assembly Bill 748 to meticulously redact audio and video recordings before releasing them to the public. These redactions are necessary to protect the privacy of individuals involved. However, due to inadequate staffing levels, the department struggles to meet the deadlines set by these legal mandates.

Recent advancements in body-worn camera technology and evolving transparency laws have significantly increased the public's access to recordings of police interactions. To comply with privacy laws, all personally identifiable information (PII), confidential data, and sensitive details must be thoroughly removed or obscured from these recordings.

Given the current staffing constraints, the Police Department is actively seeking a secure, experienced, and dependable third-party provider capable of managing the volume of information requests and ensuring timely video redaction.

In April 2024, the Police Department issued a Request for Proposals seeking an experienced third-party to conduct redaction services. There was only one applicant, who was scored based on qualifications, experience, and cost. This applicant, WBA Consulting & Investigative Services, was reviewed by Chief Albanese and selected.

Staff has drafted a three-year contract using the City standard contract template for services, which includes two (1) year extensions. Due to the total sum of the compensation of the contract exceeding the threshold for staff authorization, the Police Department is seeking City Council approval of the Resolution by authorizing the City Manager to execute the Agreement between WBA Consulting & Investigative Services and the City of Pittsburgh.

SUBCOMMITTEE FINDINGS

This item was presented to the Public Safety Subcommittee on June 5, 2024.

STAFF ANALYSIS

The need to effectively communicate and demonstrate the Police Department's commitment to transparent and thorough redaction of audio and video recordings is more important than ever. WBA Consulting & Investigative Services provides the level of experience that ensures the Police Department will meet the legal mandates and the community's expectations, and do so professionally, efficiently and with full transparency.

The Police Department recommends approval of the Agreement between WBA Consulting & Investigative Services and the City of Pittsburgh.

ATTACHMENTS: Resolution
 FY 2024/27 Agreement

Report Prepared By: Steve Albanese, Chief of Police

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing Execution of an Agreement)
Between the City of Pittsburgh and WBA)
Consulting & Investigative Services, LLC)

RESOLUTION NO. 24-

WHEREAS, the City of Pittsburgh has an obligation under SB 1421 and AB 748 to release audio and video recordings of “critical incidents” to the public; and

WHEREAS, the process of redacting audio and video is very slow and the Police Department currently does not have sufficient staffing to handle the amount of public records requests that require redaction and must therefore rely on a third-party to remain in compliance with legal mandates; and

WHEREAS, a Request for Proposals was issued on April 3, 2024 for a Redaction Service to redact audio and video to comply with privacy laws, removing or obscuring personally identifiable information, confidential data and sensitive details; and

WHEREAS, the proposal from WBA Consulting & Investigative Services was the only proposal received, and was evaluated and scored based on qualifications, experience, and cost.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute the Agreement with WBA Consulting & Investigative Services, LLC, in an amount up to \$250,000 over a possible five-year year period and execute the necessary documents and take such further actions as may be necessary or appropriate to carry out the City’s obligations, including but not limited to appropriation of funds, under this Resolution.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 5th day of August 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

**CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF PITTSBURG AND
WBA CONSULTING & INVESTIGATIVE SERVICES, LLC**

THIS Agreement ("Agreement") for consulting services is made by and between the City of Pittsburgh ("City") and WBA Consulting & Investigative Services, a California limited liability company ("Consultant") (together referred to as the "Parties") as of July 1, 2024 (the "Effective Date").

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A, and incorporated herein, at the time and place and in the manner specified therein.

- 1.1 Term of Services.** The term of this Agreement shall begin on the Effective Date and shall end on June 30, 2027. The City in its sole discretion shall have the option to extend the duration of the contract twice for one additional year each, by written notice.
- 1.2 Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement according to the standards observed by a competent practitioner of the profession in which Consultant is engaged.
- 1.3 Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, requests in writing the reassignment of any such persons to ensure Consultant performs services in accordance with the Standard of Performance, Consultant shall, immediately upon receiving City's request, reassign such persons.
- 1.4 Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided herein above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agrees to pay Consultant a sum not to exceed \$250,000 as set forth in Exhibit B, attached hereto and incorporated herein for services to be performed and reimbursable expenses incurred under this Agreement.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and

subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

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

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

2.2 Monthly Payment. City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall pay undisputed invoices that comply with the above requirements within 30 days from the receipt of the invoice.

2.3 Final Payment. Consultant shall submit its final invoice within 60 days of completing its services. Consultant's failure to submit its final invoice within this 60 day period shall constitute Consultant's waiver of any further billings to, or payments from, City.

2.4 Reimbursable Expenses. Reimbursable expenses, if any, are specified in Exhibit B and included in the total compensation referenced in Section 2. Expenses not listed in Exhibit B are not chargeable to, or reimbursable by, City.

2.5 Payment of Taxes. Consultant is solely responsible for the payment of all federal, state and local taxes, including employment taxes, incurred under this Agreement.

- 2.6 Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of a written authorization from the City Manager, or his or her designee.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement

Section 4. INSURANCE REQUIREMENTS. Before beginning any services under this Agreement, Consultant, at its own cost and expense, shall procure the types and amounts of insurance specified herein and maintain that insurance throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's bid or proposal. Consultant shall be fully responsible for the acts and omissions of its subcontractors or other agents.

- 4.1 Workers' Compensation.** Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant in the amount required by applicable law. The requirement to maintain Statutory Workers' Compensation and Employer's Liability Insurance may be waived by the City upon written verification that Consultant is a sole proprietor and does not have any employees and will not have any employees during the term of this Agreement.

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General requirements. Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than \$2,000,000 per occurrence and \$2,000,000 aggregate, combined single limit coverage for risks associated with the work contemplated by this Agreement.

4.2.2 Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (most recent edition) covering comprehensive General Liability on an "occurrence" basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (most recent edition) covering any auto (Code 1), or if Consultant has no owned autos, hired (code 8) and non-owned autos (Code 9). No endorsement shall be attached limiting the coverage.

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

- a. The Commercial General and Automobile Liability Insurance shall cover on an occurrence basis.
- b. City, its officers, officials, employees, agents, and volunteers shall be covered as additional insured's for liability arising out of work or operations on behalf of the Consultant, including materials, parts, or equipment furnished in connection with such work or operations; or automobiles owned, leased, hired, or borrowed by the Consultant. Coverage can be provided in the form of an endorsement to the Consultant's insurance at least as broad as CG 20 10 11 85, or both CG 20 10 10 01 and CG 20 37 10 01.
- c. For any claims related to this Agreement or the work hereunder, the Consultant's insurance covered shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Consultant's insurance and non-contributing.
- d. The policy shall cover inter-insured suits and include a "separation of Insured's" or "severability" clause which treats each insured separately.
- e. Consultant agrees to give at least 30 days prior written notice to City before coverage is canceled or modified as to scope or amount.

4.3 Professional Liability Insurance.

4.3.1 General requirements. Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than \$1,000,000 per occurrence or claim covering the Consultant's errors and omissions.

4.3.2 Claims-made limitations. The following provisions shall apply if the professional liability coverage is written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the Agreement or the work.
- c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must purchase an extended period coverage for a minimum of five (5) years after completion of work under this Agreement.
- d. A copy of the claim reporting requirements must be submitted to the City for review prior to the commencement of any work under this Agreement.

4.4 All Policies Requirements.

4.4.1 Submittal Requirements. Consultant shall submit the following to City prior to beginning services:

- a. Certificate of Liability Insurance in the amounts specified in this Agreement; and
- b. Additional Insured Endorsement as required for the General Commercial and Automobile Liability Policies.

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

4.4.3 Deductibles and Self-Insured Retentions. Insurance obtained by the Consultant shall have a self-insured retention or deductible of no more than \$100,000.

4.4.4 Wasting Policies. No policy required herein shall include a "wasting" policy limit (i.e. limit that is eroded by the cost of defense).

4.4.5 Waiver of Subrogation. Consultant hereby agrees to waive subrogation which any insurer or contractor may require from Consultant by virtue of the payment of any loss. Consultant agrees to obtain any endorsements that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by the Consultant, its employees, agents, and subcontractors.

4.4.6 Subcontractors. Consultant shall include all subcontractors as insured's under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage's for subcontractors shall be subject to all of the requirements stated herein, and Consultant shall ensure that City, its officers, officials, employees, agents, and volunteers are covered as additional insured on all coverage's.

4.4.7 Excess Insurance. If Consultant maintains higher insurance limits than the minimums specified herein, City shall be entitled to coverage for the higher limits maintained by the Consultant.

4.5 Remedies. In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option: 1) obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement; 2) order Consultant to stop work under this Agreement and withhold any payment that becomes due to Consultant hereunder until Consultant demonstrates compliance with the requirements hereof; and/or 3) terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES.

5.1 General Requirement. To the fullest extent permitted by law, Consultant shall indemnify, defend with counsel acceptable to City, and hold harmless City and its officers, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all liability, loss, damage, claims, expenses, and costs, including without limitation, attorney's fees, costs and fees of litigation, (collectively, "Liability") of every nature arising out of or in connection with Consultant's performance of the services under this Agreement, or its failure to comply with any of its obligations contained in this Agreement, or its failure to comply with any applicable law or regulation, except such Liability caused by the sole negligence or willful misconduct of City.

Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damage or claims for damages whether or not such insurance policies shall be determined to apply.

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

Section 6. STATUS OF CONSULTANT.

- 6.1 Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City.
- 6.2 Consultant Not an Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

- 7.1 Governing Law.** The laws of the State of California shall govern this Agreement.
- 7.2 Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder. Consultant shall also, to the extent required by the California Labor Code, pay not less than the latest prevailing wage rates as determined by the California Department of Industrial Relations.
- 7.3 Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have, and will maintain at their sole cost and expense, all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid business licenses from City.
- 7.4 Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition,

genetic information, marital status, sex, sexual orientation, gender or gender identity, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Section 8. TERMINATION AND MODIFICATION.

- 8.1 **Termination.** Upon ten days' prior written notice, City may cancel this Agreement at any time and without cause upon such written notification to Consultant. In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.
- 8.2 **Amendments.** The parties may amend this Agreement only by a writing signed by the parties hereto.
- 8.3 **Assignment and Subcontracting.** City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the City Manager, or his or her designee. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the City Manager, or his or her designee.
- 8.4 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant, including but not limited to the provisions of Section 5, shall survive the termination of this Agreement.

8.5 Options upon Breach by Consultant. If Consultant materially breaches any of the terms of this Agreement, City's remedies shall include, but not be limited to, the following:

8.5.1 Immediately terminate the Agreement;

8.5.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;

8.5.3 Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or

8.5.4 Charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

8.5.5 The remedies mentioned in this Agreement are not exclusive of any other right, power or remedy permitted by law. The City's failure or delay in exercising any remedy shall not constitute a waiver of such remedy or preclude the further exercise of City's rights.

Section 9. KEEPING AND STATUS OF RECORDS.

9.1 Records Created as Part of Consultant's Performance. All final versions of reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement, and the City may use, reuse or otherwise dispose of the documents without Consultant's permission. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential drafts and will not be released to third parties by Consultant without prior written approval of City.

9.2 Consultant's Books and Records. Consultant shall maintain any and all records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of 3 years, or for any longer period required by law, from

the date of final payment to the Consultant to this Agreement. All such records shall be maintained in accordance with generally accepted accounting principles and shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Pursuant to Government Code Section 8546.7, the Agreement may be subject to the examination and audit of the State Auditor for a period of 3 years after final payment under the Agreement.

Section 10 MISCELLANEOUS PROVISIONS.

- 10.1 Attorneys' Fees.** If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.
- 10.2 Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in Contra Costa County or in the United States District Court for the Northern District of California.
- 10.3 Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 10.4 No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.5 Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.6 Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any City official in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

10.7 Solicitation. Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.8 Notices. Any notice, demand, request, consent or approval that either party is required to give the other pursuant to this Agreement, shall be in writing and may be given by either (i) personal service, or (ii) certified United States mail, postage prepaid, return receipt requested,. Notice shall be effective upon personal delivery or delivery to the addresses specified below, as reflected on the receipt of delivery or return receipt, as applicable.

Consultant: (Name)

City: City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
ATTN: City Manager

10.9 Professional Seal. Where applicable in the determination of the City Manager, or his or her designee, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation. The stamp/seal shall be in a block entitled "Seal and Signature of Registered Professional with report/design responsibility."

10.10 Integration. This Agreement, including the scope of work attached hereto and incorporated herein as Exhibits A and B represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral. To the extent there are any inconsistencies between this Agreement, the Exhibits, and Consultant's proposal, the Agreement shall control To the extent there are any inconsistencies between the Exhibits and the Consultant's Proposal, the Exhibits shall control.

Exhibit A Scope of Services
Exhibit B Compensation Schedule

10.11 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

10.12 Construction of Agreement. Each party hereto has had an equivalent opportunity to participate in the drafting of the agreement and/or to consult

with legal counsel. Therefore, the usual construction of an agreement against the drafting party shall not apply hereto.

10.13 No Third Party Beneficiaries. This Agreement is made solely for the benefit of the parties hereto, with no intent to benefit any third parties.

The Parties have executed this Agreement as of the Effective Date.

CITY OF PITTSBURG

DocuSigned by:

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Garrett Evans, City Manager

**WBA CONSULTING & INVESTIGATIVE
SERVICES, LLC**

DocuSigned by:

99C47F5DEFA7418...
W. Brian Addington

Approved as to Form:

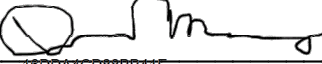
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Donna Mooney, City Attorney

EXHIBIT A

SCOPE OF SERVICES

As assigned by the Chief of Police, Consultant shall perform the following services:

- The client will provide the consultant with a copy of the raw video footage via a secure Dropbox or Peregrine Technologies file link.
- The consultant will use professional editing software such as Final Cut Pro or DaVinci Resolve Studio to redact audio and images in compliance with California's California Public Records Act and standard redaction standards.
- Examples of footage to be redacted are footage that contains the following:
 - (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722). To include any CLETS information (both audio or visual contained in the footage).
 - (b) Social Security numbers (Government Code § 7922.200).
 - (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 - (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.

- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
- (h) Information or footage connected with the detention or custody of a juvenile. The client must inform the Consultant if any juvenile is associated with the video footage.

Delivering Redacted Video Footage:

- The consultant will return the redacted video footage via a secure Dropbox link to a person designated by the client.
- The client will review redacted footage to ensure it meets the Client's needs and complies with the Client's redaction policies.
- Any additional redaction requested after the review will be returned to the consultant for further redaction, as requested.
- The consultant will complete 20-25 hours of raw footage per month (based on the estimate below, this is 60-100 hours of work on this project per month). If the footage is time-sensitive, please advise the consultant to discuss additional options.
- The consultant will provide redacted videos in batches at the end of each month. For example, if 25 videos are provided to the Consultant for redaction. The consultant will deliver five completed videos (dependent on the length of each video) at the end of the first month, five more at the end of the 2nd month, and so on.
- The consultant will return or destroy all materials sent to them by the client once the service is completed or if an agreement is terminated.

Other Requirements:

- Comply with all federal, state and local laws, statutes, ordinances, rules and regulations in conducting all investigations.

- Participate in administrative hearings, in court, or other official proceedings that result from the investigations.
- Provide all work under this Contract in a confidential manner.
- Work remotely and allow VPN network capability to computer device.
- Pass CLETS security awareness test and undergo FBI fingerprint security clearance.

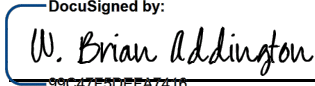
EXHIBIT B
COMPENSATION SCHEDULE

Consultant shall be paid pursuant to the following hourly rate(s): \$80.00/hour

CERTIFICATE OF COMPLIANCE WITH LABOR CODE § 3700

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

CONSULTANT

By:  99C47F3DEF47416...
Title: Owner