



**CITY OF PITTSBURG
AGENDA**

February 21, 2017

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

**PLANNING COMMISSION APPEAL
6:30 P.M.**

**REGULAR MEETINGS
7:00 P.M.**

**CITY COUNCIL
HOUSING AUTHORITY
PITTSBURG POWER COMPANY
SUCCESSOR AGENCY**

PRESIDING

**Marilyn “Merl” Craft, Mayor/Chair
Dwaine “Pete” Longmire, Vice-Mayor/Chair
Sal Evola, Council Member/Board Member
Juan Antonio Banales, Council Member/Board Member
Jelani Killings, Council Member/Board Member**

FOR HOUSING AUTHORITY:

**Michelle King, Housing Authority Member
Annie Hill Herring, Housing Authority Member**

Pittsburg City Council 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.ci.pittsburg.ca.us. 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.

NOTICE TO PUBLIC (Attached)

COUNCIL COMMITTEES LIST (Attached)

COMMISSIONS/COMMITTEES MEETING SCHEDULE (Attached)

6:30 P.M.

PLANNING COMMISSION APPEAL

1. Consideration of an Appeal of a Planning Commission Decision to Deny a One-Year Extension of Approval of a Use Permit and Design Review of Plans for Site Improvements for Marine Express, AP-12-864 (UP, DR)

On January 24, 2017, the Planning Commission voted to deny a request by Randall Esch of Marine Express for a one-year extension of approval for: 1) a use permit for the storage and handling of hazardous materials; and 2) design review of plans for site improvements to a 2.86-acre parcel. The proposed site improvements would facilitate the use of the property as a contractor's yard supporting Marine Express' upriver marine operations, and the storage and repair of Marine Express' fleet and equipment. The property is located at 695 East 3rd Street in the IG (General Industrial) District. Assessor's Parcel Number: 073-020-004. On January 27, 2017, Randall Esch, of Marine Express, filed an appeal of the Planning Commission's decision.

7:00 P.M.

CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

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)

CITIZENS REMARKS

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)

HOUSING AUTHORITY

COMBINED HOUSING AUTHORITY AND CITY COUNCIL CONSENT CALENDAR

2. Minutes

Minutes of January 17, 2017

3. Disbursement Lists

Disbursement List of January 31, 2017

4. Adoption of both a Housing Authority and City Council Resolution to Approve the Transfer of Unclaimed funds to the City's General Fund and Housing Authority Fund Pursuant to California Government Code Section 50053

Staff has identified outstanding City of Pittsburg and Housing Authority checks that remain unclaimed for more than three years. According to California Government Code Section 5003, these funds can now be considered the property of the City of Pittsburg and the Housing Authority.

ADJOURNMENT OF THE HOUSING AUTHORITY to March 20, 2017

CITY COUNCIL MEETING

PUBLIC HEARING

5. Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Permitting for Large Family Daycare Homes, AP-17-1214 (RZ)

This is a public hearing on a City-initiated proposal to amend the zoning ordinance in order to permit large family daycare homes of up to 14 children, with limitations related to noise, parking, and spacing/concentration, consistent with state law. The changes proposed would apply to all residential districts within the city, including the M (Mixed Use) and GQ (Governmental and Quasi-Public) Districts, where residential uses are permitted. On January 24, 2017, the Planning Commission adopted Resolution No. 10053, recommending adoption of the ordinance with a modification to increase the radius buffer between uses and eliminate the possibility of an alternative permitting process for facilities that cannot meet all required limitations.

CONFLICT OF INTEREST STATEMENT

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

CONSENT CALENDAR

COMBINED CITY COUNCIL, PITTSBURG POWER COMPANY AND SUCCESSOR AGENCY CONSENT CALENDAR

6. Minutes

Minutes of February 6, 2017

7. Claims - Rejection of Claims against the City which may cause expenditure of funds; on file in the Office of the City Clerk.

Claim #2270 Garcia, Martha
Claim #17-0003 Vega, Cristian
Claim #17-0007 Nguyen, Anh

8. Adoption of a City Council Resolution to Authorize Allocation of the Keller Canyon Mitigation Funds

The Pittsburg Police Department has been notified that its application for a \$15,000 grant from the California Department of Justice Sex Offender Registration and Notification Act for the purchase of two mobile registration systems, utilized to complete the registration of local sex offenders, has been approved.

9. Receive and File the Treasurer's Report for the Quarter Ending December 31, 2016

Attached is the Treasurer's Report for the fiscal quarter ending December 31, 2016, which includes detailed information on the City and Successor Agency's (Agency) investments.

10. Adoption of a City Council Resolution of Intention to Establish Community Facilities District 2017-1 Fire Protection and Emergency Medical Services

In accordance with the terms of the Development Agreement (DA) between the City of Pittsburg and Discovery Homes Inc. (Developer), executed on July 22, 2016, in the event the City forms a Community Facilities District (CFD) to provide for fire protection services in the City, the Developer will take the appropriate steps to include the Belle Harbor project site into the district. By this resolution the City Council will direct staff to proceed with the formation of the CFD to finance supplemental Fire Protection and Emergency Medical Services, and related facilities and equipment within the City.

COUNCIL MEMBER REPORTS/REMARKS

Council Members may make brief announcements or informal comments at this time. Council members may ask questions for clarification from City staff, and make a report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate). (No Action Required)
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ADJOURNMENT to March 6, 2017

NOTICE TO PUBLIC

GENERAL INFORMATION

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 City holidays). The full packets are also located on the City's website at www.ci.pittsburg.ca.us. 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 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 citizens. 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 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.ci.pittsburg.ca.us on the Streaming Media page. Past meetings are also archived on that webpage. City Council meetings are also broadcast live on CCTV, Channel 24 also re-run at a later date. For more information, please contact the City Clerk's office at 252-4850.

City Council Outside Agency / Liaison / Sub-Committees Assignments - 2017

Updated February 7, 2017

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Merl Craft / Pete Longmire Alternate	Standing	Annual	J. Sbranti
SF Bay Regional Water Quality Board	Merl Craft / Pete Longmire Alternate	Standing	As needed	J. Sbranti
Contra Costa County Fire Dist.	Pete Longmire / Jelani Killings Alternate	Standing	2 nd Monday	J. Sbranti
Delta Diablo**	Pete Longmire / Juan Banales Alternate	Standing	2 nd Wednesday	F. McKinley
East Co.Co.County Habitat Conservancy	Sal Evola / Pete Longmire Alternate	Standing	Monthly	F. McKinley
East County Water Management	Merl Craft / Pete Longmire Alternate	Standing	Annual	F. McKinley
TRANSPLAN / ECCRFFA	Sal Evola / Juan Banales Alternate	Standing	2 nd Thursday	F. McKinley
Tri-Delta Transit (2 reps)***	Pete Longmire&Merl Craft / Jelani Killings Alt.	Standing	Last Wednesday	F. McKinley
<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Sal Evola / Merl Craft Alternate	Standing	3 rd Thursday	*Rotational
Mayor's Conference	Merl Craft / Pete Longmire Alternate	Standing	1 st Thursday	J. Sbranti/G. Evans
School Districts Committee (2 reps)	Merl Craft &Jelani Killings / Juan Banales Alt.	Standing	4 th Thursday even months	J. Sbranti
<u>SUBCOMMITTEES (2 reps)</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
CAC/CDBG	Juan Banales & Jelani Killings / Pete Longmire Alt.	Standing	As needed	M. Aliotti
Pittsburg Recognition Committee	Merl Craft / Pete Longmire Alt.	Ad Hoc	As needed	J. Hecht
Economic Develop/Waterfront Subcommittee	Pete Longmire &Juan Banales / Sal Evola Alt.	Standing	Quarterly	G. Evans
Finance Subcommittee	Sal Evola & Pete Longmire / Merl Craft Alt.	Standing	As needed	B. Farmer
Land Use Subcommittee	Sal Evola &Juan Banales / Merl Craft Alt.	Ad Hoc	As needed	F. McKinley
Local Contracting & Preference Policy	Merl Craft & Sal Evola	Ad Hoc	As needed	F. McKinley/B.Farmer
Pittsburg Arts & Community Foundation	Merl Craft& Jelani Killings / Pete Longmire Alt.	Standing	As needed	J. Sbranti
Pittsburg Police Activities League (PAL)	Banales / Killings Alt.	Standing	Monthly	B. Addington
Power Company Advisory	Pete Longmire & Juan Banales / Merl Craft Alt.	Standing	As needed	G. Evans
Sister City Committee	Sal Evola&Merl Craft/ Pete Longmire Alt.	Ad Hoc	As needed	G. Evans
Successor Agency Subcommittee	Merl Craft &Jelani Killings / Pete Longmire Alt.	Standing	As needed	G. Evans

*Rotational Staff as assigned by City Manager

**Stipend of \$209 per month

***Stipend of \$100 per month

COMMISSION/SUBCOMMITTEE MEETING SCHEDULE

Following is a tentative list of currently scheduled Commission meetings for the upcoming month. For further information, please visit our website at www.ci.pittsburg.ca.us and click on the CALENDAR link for meetings, dates, times and locations.

Commission	Tentative Meeting Dates
Planning Commission	2 nd and 4 th Tuesdays
Community Advisory Commission	1 st Wednesday

Planning Commission meetings are regularly held the second and fourth Tuesdays of the month in the Pittsburg City Hall Council Chambers.

Community Advisory Commission meetings are regularly held the first Wednesday of the month in the Pittsburg City Hall Council Chambers.

In addition to the Commission Meetings listed above, there are several Council Member Subcommittees that meet on an “as needed basis”. For a list of subcommittees that Council Members and staff are assigned to, please see the “Council Committee List” attached to the agenda.

Subcommittee Meetings that are anticipated to occur in the coming month vary. The meeting dates, times and locations for these meetings are yet to be determined. This information will be posted on the City’s website, www.ci.pittsburg.ca.us, as soon as it is determined. Please check the Calendar on the City’s website for information.

For further information, contact the City staff member assigned to that Commission or Subcommittee.



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

DATE: 2/8/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Consideration of an Appeal of a Planning Commission Decision to Deny a One-Year Extension of Approval of a Use Permit and Design Review of Plans for Site Improvements for Marine Express, AP-12-864 (UP, DR)

MEETING DATE: 2/21/2017

EXECUTIVE SUMMARY

On January 24, 2017, the Planning Commission voted to deny a request by Randall Esch of Marine Express for a one-year extension of approval for: 1) a use permit for the storage and handling of hazardous materials; and 2) design review of plans for site improvements to a 2.86-acre parcel. The proposed site improvements would facilitate the use of the property as a contractor's yard supporting Marine Express' upriver marine operations, and the storage and repair of Marine Express' fleet and equipment. The property is located at 695 East 3rd Street in the IG (General Industrial) District. Assessor's Parcel Number: 073-020-004. On January 27, 2017, Randall Esch, of Marine Express, filed an appeal of the Planning Commission's decision.

FISCAL IMPACT

There would be no direct fiscal impacts to the General Fund as a result of affirming the Planning Commission's decision. Upholding the appeal and extending the term to exercise the approved use permit and design review application would allow the applicant one additional year to establish the previously approved use onsite, resulting in additional business and property tax revenue that would be generated by Marine Express' site improvements and operations.

RECOMMENDATION

Staff recommends the City Council adopt a resolution overturning the Planning Commission's decision and extending the term of approval of Use Permit and Design Review Application No. 12-864 for one year.

BACKGROUND

On August 12, 2014, the Planning Commission conducted a public hearing and, by a vote of 5-1, rejected the Initial Study and Mitigated Negative Declaration (IS/MND) and denied the application. The applicant appealed the Commission's decision, and on December 15, 2014, the City Council voted to overturn the decision by adopting Resolution No. 14-12216 (Attachment 4), adopting the IS/MND and approving a use permit for the handling of hazardous materials and design review of plans for site improvements, with some modifications. According to Condition No. 72 of Resolution No. 14-12216, the applicant was given two years to obtain a building or grading permit for the project, or to submit a written request for extension of approval.

On December 7, 2016, the applicant filed a request with the Planning Division to extend the term of the use permit and design review approval in order to allow additional time to acquire required state and federal permits, and to make required modifications to building and engineering plans submitted to the City.

On January 24, 2017, the request for an extension was presented to the Planning Commission for consideration. Following discussion on the request, the Planning Commission voted 5-0 to deny the requested extension of approval. The Commission's denial was based primarily on concerns regarding: 1) the use's impact on nearby homes; 2) the adequacy of the adopted environmental documentation; and 3) lack of progress by the applicant in obtaining required state and federal permits. On January 27, 2017, the applicant filed an appeal of the Planning Commission's decision to deny the extension (Attachment 2).

Please refer to the staff report entitled, "Consideration of an Appeal of a Planning Commission Decision to Deny a Use Permit for Marine Express Site Improvements, AP-12-864 (UP, DR)," dated December 15, 2014, (Attachment 4) for a detailed description of the project, its background, and its compliance with the General Plan, Zoning Ordinance, and CEQA.

General Plan/Zoning: The General Plan land use designation and zoning classification for the site have not changed since the initial project approval in December 2014.

Environmental: An IS/MND evaluating the potential environmental impacts of this project was prepared in accordance with the guidelines and regulations of CEQA, and was adopted by the City Council as part of Resolution No. 14-12216. In accordance with CEQA Guidelines Section 15162, there have been no substantial changes to the project or, with respect to the circumstances under which the project is being undertaken, new significant environmental effects or a substantial increase in the severity of previously identified significant effects which require revisions to the IS/MND.

Extension of Approval: When a written request for extension of approval is submitted within the effective period of approval, Pittsburg Municipal Code (PMC) section 18.28.080(A) authorizes the original reviewing body to extend the period for initially exercising a use permit for a maximum of one additional year upon a showing of good cause. Additionally, PMC section 18.36.240 provides the authority to extend the period to obtain a building permit in relation to a design review approval upon written request. The entitlements authorized with adoption of Resolution No. 14-12216 were conditioned to expire on December 15, 2016 (Condition No. 72); the applicant submitted a timely request for extension of approval on December 7, 2016.

Public Notice: On or prior to February 10, 2017, in accordance with Government Code section 65091 and PMC section 18.14.020, a "Notice of Public Hearing," for the February 21, 2017, public hearing on this item was posted at City Hall, at and near the project site, and in the "Public Notices," section of the City website; was delivered to the Pittsburg Library; was mailed via first class mail to the applicant and property owner, to owners of property located within 300 feet of the project site, and to local service agencies anticipated to provide services to the site; and was mailed via first class mail or email to individuals and organizations who had previously filed written request for such notice.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

Since receiving project approval from the City in December 2014, the applicant has been diligently pursuing all state and federal regulatory permits necessary to establish this use. On April 10, 2015, the applicant submitted a Joint Aquatic Resource Permit Application (JARPA), seeking approval from the San Francisco Bay Regional Water Quality Control Board (RWQCB), the United States Fish and Wildlife Service (FWS), the California Department of Fish and Wildlife (DFW), the San Francisco Bay Conservation & Development Commission (BCDC), and the U.S. Army Corps of Engineers (ACE). In August 2015, the applicant executed a Streambed Alteration Agreement with DFW.

In October 2016, initial construction plans were submitted to the City Engineering Division for review. Around this same time, the applicant was working on a subsequent application process with the ACE for the associated dredging and filling activities along the waterfront. The applicant encountered unanticipated setbacks associated with this application process while attempting to identify the elevation of the high tide line in New York Slough. This issue has since been resolved, and on January 5, 2017, the applicant submitted this permit request to the ACE, which is anticipated to take up to one year for a final decision.

Staff believes that there is good cause for a one-year extension of the approval at this time, in light of the applicant's efforts to obtain the required state and federal permits. The extension would promote development of the currently vacant site and help avoid the site remaining undeveloped for a prolonged period of time.

ATTACHMENTS: 1. Proposed Resolution of Approval
2. Declaration of Appeal
3. Planning Commission Denial Resolution No. 10054
4. Adopted City Council Resolution No. 14-12216 (Project Approval)
5. City Council Staff Report, dated December 15, 2014
6. Minutes of the December 15, 2014, City Council Meeting
7. Project Plans and Building Renderings, dated May 2014
8. Letter of Request for Extension of Approval, dated December 7, 2016
9. Public Hearing Notice with Vicinity Map

Report Prepared By: Jordan Davis, AICP, Associate Planner

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Extending the Term of Approval)
of a Use Permit for the Handling of)
Hazardous Materials, and Design Review of)
Plans for Site Improvements at a Contractor)
Yard, Located at 695 East 3rd Street, for)
"Marine Express Site Improvements, AP-12-)
864 (UP, DR).")

RESOLUTION NO. 17-_____

The Pittsburgh City Council DOES RESOLVE as follows:

WHEREAS, on July 31, 2012, Randall Esch, owner of Marine Express, filed Use Permit and Design Review Application No. 12-864, requesting: 1) approval of a use permit for the handling of hazardous materials onsite; and 2) design review approval for site improvements to the 2.86 acre parcel, including landscaping, two paved driveways, a 168 square foot guardhouse, an eight-foot tall masonry wall, a 12-stall parking lot, a gravel storage area, concrete pads, a 60-foot by 80-foot slipway, and a 40-foot by 80-foot inlet slip for the moorage of marine vessels. The project site is located at 695 East 3rd Street, in the IG (General Industrial) District. Assessor's Parcel Number: 073-020-004; and

WHEREAS, the proposed project is governed by the applicable goals and policies of the Pittsburgh General Plan and the Pittsburgh Municipal Code (PMC); and

WHEREAS, an Initial Study (IS) evaluating the potential environmental impacts of this project was prepared in accordance with the guidelines and regulations of the California Environmental Quality Act (CEQA). Based on the analysis in that study, the Planning Manager determined that the potentially significant impacts from the project could be reduced to less than significant impacts with the incorporation of specific mitigation measures. Subsequently, a draft Mitigated Negative Declaration (MND) was prepared; and

WHEREAS, on August 12, 2014, the Planning Commission conducted a public hearing and, by a vote of five to one, rejected the IS/MND and denied the application; and

WHEREAS, on August 22, 2014, the applicant filed an appeal of the Planning Commission's decision to reject the IS/MND and deny the application; and

WHEREAS, subsequent discussions between staff, the project applicant, and consultants produced clarifications to the project description, specifically regarding APHIS (Animal and Plant Health Inspection Service) regulated garbage and sewage offloading. A clarifying document was prepared and attached to the IS/MND as Appendix F; and

WHEREAS, on December 15, 2014, the City Council conducted a public hearing to consider the appeal and subsequently adopted Resolution No. 14-12216, adopting the IS/MND and approving Use Permit and Design Review Application No. 12-864 for the Marine Express Site Improvements project. The entitlements authorized with adoption of

Resolution No. 14-12216 were conditioned to expire on December 15, 2016 (Condition No. 72); and

WHEREAS, upon written request submitted within the effective period of approval, PMC section 18.28.080 allows the original reviewing body to extend the period to exercise an approved use permit for up to one additional year, and PMC section 18.36.240 gives the Planning Commission authority to extend the period to obtain a building permit in relation to a design review approval; and

WHEREAS, on December 7, 2016, the applicant filed a written request to extend the approval period authorized by Resolution No. 14-12216 in order to allow additional time to acquire necessary permits from the U.S. Army Corps of Engineers, and to make required modifications to building and engineering plans submitted to the City; and

WHEREAS, on January 24, 2017, the Planning Commission considered the request for a one-year extension of the term of approval of Use Permit and Design Review Application No. 12-864, and, by a vote of five to none, adopted Resolution No. 10054 denying the request; and,

WHEREAS, on January 27, 2017, the applicant filed an appeal of the Planning Commission's decision to deny the request for an extension of approval; and,

WHEREAS, since the adoption of City Council Resolution No. 14-12216, there have been no General Plan or Zoning Ordinance amendments related to the affected property; and,

WHEREAS, the proposed project is subject to CEQA and the State CEQA Guidelines (Public Resources Code section 21080). On December 15, 2014, the City Council, with the adoption of Resolution No. 14-12216, adopted an IS/MND prepared for the project. Mitigation measures identified within the IS/MND were made conditions of the approval of the project. CEQA Guidelines Sections 15162 states that if there have been no substantial changes to the project, or, with respect to the circumstances under which the project is being undertaken, new significant environmental effects or a substantial increase in the severity of previously identified significant effects, no revisions to an adopted IS/MND shall be required; and,

WHEREAS, on or prior to February 10, 2017, in accordance with Government Code section 65091 and PMC section 18.14.020.D, a "Notice of Public Hearing," for the February 21, 2017, public hearing on this item was posted at City Hall; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant and property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice; and

WHEREAS, on February 21, 2017, the City Council held a public hearing to consider the appeal and request for extension of approval of Use Permit and Design Review Application No. 12-864, at which time evidence from the prior Planning Commission meeting was reviewed and additional oral and/or written testimony was considered.

Section 1. Findings.

Based on the Staff Report entitled, "Consideration of an Appeal of a Planning Commission Decision to Deny a One-Year Extension of Approval of a Use Permit and Design Review of Plans for Site Improvements for Marine Express, AP-12-864 (UP, DR)," dated February 21, 2017, and based on all the information contained in the Planning Division files on the project, 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 City Council finds that:

- A. All recitals above are true and correct and are incorporated herein by reference.
- B. Since the adoption of City Council Resolution No. 14-12216, there have been no General Plan or Zoning Ordinance amendments related to the affected property.
- C. The IS/MND for the project was prepared in compliance with Public Resources Code section 21000 et seq., and there have been no substantial changes to the project or with respect to the circumstances under which the project is being undertaken which require revisions to the IS/MND.
- D. The request for extension of the project review approval was filed within the effective period of approval, in compliance with the requirements of PMC sections 18.28.080 and 18.36.240.
- E. The appeal of the Planning Commission's decision to deny the request for a one-year extension was filed within the effective period of appeal, in compliance with the requirements of PMC section 18.18.040(B).
- F. There is good cause for a one-year extension of the approval at this time, as the applicant has been diligently pursuing all the state a federal regulatory permits necessary to establish this use since receiving project approval on December 15, 2014. The requested extension will afford the applicant additional time to secure required permits, and will promote development of the currently vacant site and help avoid the site remaining undeveloped for a prolonged period of time. Development and operation of the project will ultimately contribute to the local job market and future property and business tax bases for the City.

Section 2. Decision

Based on the findings set forth in Section 1 above, the City Council hereby extends approval of Use Permit and Design Review Application No. 12-864, subject to all of the conditions of Resolution No. 14-12216, with the exception of Condition No. 72, which is replaced by the following:

72. This approval will expire on December 15, 2017, unless, prior to that date, the use has been established and a building permit or grading permit has been issued for the site improvements authorized herein, or a written request for extension of the approval is filed with the Planning Division prior to the expiration date and is subsequently approved by the City Council. The approval shall be valid for no more than twelve months from the date of building or grading permit issuance, unless work is commenced and diligently pursued prior to the expiration of the building permit.

Section 3. Effective Date

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 21st day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk



CITY CLERK

JAN 27 2017

City of Pittsburg
Planning Department
65 Civic Avenue, Pittsburg, CA 94565
Phone: (925) 252-4920, Fax: (925) 252-4814

DECLARATION OF APPEAL

Name: Randall M. Esch Phone No.: 510-523-8900

Address: 2102 Kelley Ct.

City: Pittsburg State: CA Zip: 94565

Appealed By: ☒ Applicant
☐ Interested Party (Please specify.): _____

Project Name: Marine Express: Site Improvements Application No. (s): 12-864

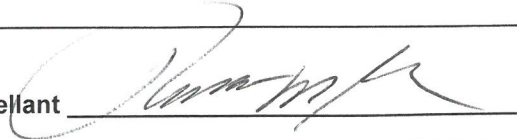
Appealing Decision Of: ☐ City Staff
☐ Zoning Administrator
☒ Planning Commission

Date of Decision: 1/24/2017

Action Being Appealed: ☐ Code/Policy Interpretation
☐ Resolution No. _____
☒ Other Denial of Request for Use Permit and Design Review Extension

Specify reason(s) for appeal: (may attach additional page(s), if needed.)

Commission denied project although significant progress had been made by Applicant.

Signature of Appellant 

FOR STAFF USE ONLY:

Resolution No(s): _____

Date Received: _____

Deadline for Appeal: _____

Scheduled for: _____

Applicant Fee/Receipt No.: _____

Interested Party Fee/Receipt No: _____

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Denying a Request to Extend the	)	Resolution No. 10054
Term of Approval of a Use Permit for the	)	
Handling of Hazardous Materials, and Design	)	
Review of Plans for Site Improvements at a	)	
Contractor Yard, Located at 695 East 3 rd	)	
Street, for "Marine Express, AP-14-864 (UP,	)	
DR)."	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On July 31, 2012, Randall Esch, owner of Marine Express, filed Use Permit and Design Review Application No. 12-864, requesting: 1) a use permit approval for the handling of hazardous materials onsite; and 2) design review approval for site improvements to the 2.86 acre parcel, including landscaping, two paved driveways, a 168 square foot guardhouse, an eight-foot tall masonry wall, a 12-stall parking lot, a gravel storage area, concrete pads, a 60-foot by 80-foot slipway, and a 40-foot by 80-foot inlet slip for the moorage of marine vessels. The project site is located at 695 East 3rd Street, in the IG (General Industrial) District. Assessor's Parcel Number: 073-020-004.
- B. The proposed project is governed by the applicable goals and policies of the Pittsburg General Plan and the Pittsburg Municipal Code (PMC).
- C. An Initial Study (IS) evaluating the potential environmental impacts of this project was prepared in accordance with the guidelines and regulations of the California Environmental Quality Act (CEQA). Based on the analysis in that study, the Planning Manager determined that the potentially significant impacts from the project could be reduced to a less than significant impact with the incorporation of specific mitigation measures. Subsequently, a draft Mitigated Negative Declaration (MND) was prepared.
- D. On August 12, 2014, the Planning Commission conducted a public hearing and, by a vote of five to one, rejected the IS/MND and denied the application.
- E. On August 22, 2014, the applicant filed an appeal of the Planning Commission's decision to reject the IS/MND and deny the application.
- F. Subsequent discussions between staff, the project applicant, and consultants produced clarifications to the project description, specifically regarding APHIS (Animal and Plant Health Inspection Service) regulated garbage and sewage

offloading. A clarifying document was prepared and attached to the IS/MND as Appendix F.

- G. On December 15, 2014, the City Council conducted a public hearing to consider the appeal and subsequently adopted Resolution No. 14-12216, adopting the IS/MND and approving Use Permit and Design Review Application No. 12-864 for the Marine Express Site Improvements Project. The entitlements authorized with adoption of Resolution No. 14-12216 were conditioned to expire on December 15, 2016 (Condition No. 72).
- H. Upon written request submitted within the effective period of approval, PMC section 18.28.080 allows the original reviewing body to extend the period to exercise an approved use permit for up to one additional year, and PMC section 18.36.240 gives the Planning Commission authority to extend the period to obtain a building permit in relation to a design review approval.
- I. On December 7, 2016, the applicant filed a written request to extend the approval period authorized by Resolution No. 14-12216 in order to allow additional time to acquire necessary permits from the U.S. Army Corps of Engineers, and to make required modifications to building and engineering plans submitted to the City.
- J. Since the adoption of City Council Resolution No. 14-12216, there have been no General Plan or Zoning Ordinance amendments related to the affected property.
- K. The proposed project is subject to CEQA and the State CEQA Guidelines (Public Resources Code section 21080). On December 15, 2014, the City Council, with the adoption of Resolution No. 14-12216, adopted an IS/MND prepared for the project. Mitigation measures identified within the IS/MND were made conditions of the approval of the project. CEQA Guidelines Sections 15162 states that if there have been no substantial changes to the project, or, with respect to the circumstances under which the project is being undertaken, new significant environmental effects or a substantial increase in the severity of previously identified significant effects, no revisions to an adopted IS/MND shall be required.
- L. On January 24, 2017, the Planning Commission considered the request for a one-year extension of the term of approval of Use Permit and Design Review Application No. 12-864.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Marine Express Site Improvements – Extension of Approval of AP-12-864 (UP, DR)," dated January 24, 2017, and based on all the information contained in the Planning Division files on this project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue, and based on evidence presented to the Planning Commission on January 24, 2017, the Planning

Commission finds that:

1. All recitals above are true and correct and are incorporated herein by reference.
2. The project would negatively affect the preservation of property values, would potentially create a nuisance or enforcement problem, and would create a demand for public services within the City beyond that of the ability of the city to meet in the light of taxation and spending restraints, due to noise and odors produced by the operation of the business, and the use and storage of hazardous materials and garbage onsite.
3. The applicant has not made adequate progress in obtaining the required state and federal permits to operate the use at the proposed location, and thus there is not good cause for a one-year extension of the approval at this time.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby denies the requested extension of approval of Use Permit and Design Review Application No. 12-864.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Belleci-Shipe, seconded by Commissioner Croskey, the foregoing resolution was passed and adopted the 24th day of January, 2017, by the Planning Commission of the City of Pittsburg, California, by the following vote:

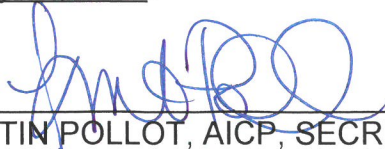
AYES: Belleci-Shipe, Croskey, Fardella, Gargalikis, Guerrero

NAYES:

ABSTAIN:

ABSENT: Coniglio

I hereby certify that the above Resolution No. 10054 was adopted by the Planning Commission of the City of Pittsburg on January 24, 2017.



KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Adopting a Mitigated Negative)
Declaration, Granting a Use Permit for)
Handling and Transport of APHIS Regulated)
Garbage, Sewage, and Consumable)
Hazardous Materials, and Granting Design)
Review Approval for Site Improvements at a)
Contractor Yard at 695 East Third Street)
Assessor's Parcel Number 073-020-004)

RESOLUTION NO. 14-12216

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, on July 31, 2012, Randall Esch, the owner of Marine Express, submitted an application to the Planning Division for Use Permit and Design Review Application No. 08-573, requesting: 1) design review approval for site improvements to the 2.86 acre parcel, including landscaping, two paved driveways, a 168 square foot guardhouse, an eight-foot tall masonry wall, a 12-stall parking lot, a gravel storage area, concrete pads, the creation of a 60-foot by 80-foot slipway, and the creation of a 40-foot by 80-foot inlet slip for the moorage of marine vessels; and 2) use permit approval for the handling of hazardous materials onsite. The project site is located at 695 East Third Street in the IG (General Industrial) District. Assessor's Parcel Number 073-020-004; and

WHEREAS, an initial study evaluating the potential environmental impacts of this project was prepared in accordance with the guidelines and regulations of the California Environmental Quality Act (CEQA). Based on the analysis in that study, the Planning Manager determined that the potentially significant impacts from the project could be lessened with the incorporation of specific mitigation measures. Subsequently, a draft Mitigated Negative Declaration (MND) was prepared. On May 23, 2013, the Planning Division posted a Notice of Intent to adopt the Mitigated Negative Declaration (NOI) in the vicinity of the project site and on the city's website, and filed copies of the NOI with the Contra Costa County Clerk and the State Clearinghouse. Copies of the NOI were also mailed to property owners within 700 feet, and posted on the City of Pittsburg Website. The public comment period closed on June 23, 2014; and

WHEREAS, on June 24, 2014, a comment letter was received from the California Department of Fish and Wildlife (CDFW). On July 2, 2014, the City's environmental consultant conducted a site visit with Clinton Elsholz and Robert Stanley of the CDFW, and discussed the content of the comment letter; and

WHEREAS, on July 3, 2014, the Planning Department extended the comment period for certain public agencies through August 4, 2014, in an effort to ensure a thorough review by regulatory agencies. No comment letters from those regulatory agencies were received during this extended comment period; and

WHEREAS, on or prior to August 1, 2014, notice of the August 12, 2014, Planning Commission public hearing to consider this use permit and design review approval was

mailed (via first class mail) to the Applicant and Property Owner, and to all owners of property within 700 feet of the site, and (via first class mail or electronic mail) to all interested individuals who requested such notice. Notice was also delivered to the Pittsburg Library, and was posted at City Hall, in the vicinity of the project site, and on the city's website; and

WHEREAS, on August 7, 2014, the City sent a response letter to the CDFW. All information and clarification items listed therein are incorporated into the Final Initial Study/MND attached herein, which was also sent to the CDFW on August 7, 2014; and

WHEREAS, the IS/MND before the Planning Commission for consideration also included minor clarifications and additions to further define project components, address comments raised in the CDFW letter, and address comments that arose in conversations with other regulatory agencies; and

WHEREAS, on August 12, 2014, the Bay Harbor Park Homeowners Association submitted a comment letter on the IS/MND, which letter was made available to the Planning Commission and to the public; and

WHEREAS, on August 12, 2014, the Planning Commission held a public hearing on the Marine Express Site Improvements application, and heard public testimony from the applicant and residents. Two members of the public shared public testimony expressing opposition to the project; and

WHEREAS, concerns from the public and the commissioners were primarily focused on: 1) the discrepancy between the more intense scope of potential operations analyzed in the IS/MND compared to the applicant's testimony of the daily operations he envisions; 2) concerns related to the transportation and offload of sewage via barge at the site; 3) concerns related to APHIS regulated garbage; 4) the adequacy of the IS/MND; and 5) the requested rezoning of the property; and

WHEREAS, the Planning Commission, by a vote of five to one, denied the application finding that the IS/MND was inadequate, and finding that approval of the project would pose a nuisance to the public as a result of odors; and

WHEREAS, on August 22, 2014, the applicant filed a Declaration of Appeal, and cited the specific reasons for the appeal in an attached letter from David W. Trotter. The appeal alleges a lack of a legal basis upon which to deny the proposed entitlements, lack of substantial evidence to support any findings for the denial of the project, contradiction with the December 14, 2009 Settlement Agreement between Marine Express and the Redevelopment Agency for the City of Pittsburg, contradiction with the City of Pittsburg General Plan, and an adequate IS/MND. Marine Express submitted a subsequent letter on October 14, 2014, providing further information on the processing of APHIS (Animal and Plant Health Inspection Service) regulated garbage, articulating that Marine Express has a proven track record for handling such waste at its Alameda site safely and in compliance with federal regulations, and

WHEREAS, subsequent discussions between staff, the project applicant, and Frank Gordon resulted in clarifications to the project description in the areas of APHIS regulated

garbage and sewage offloading. Staff determined it was prudent to clarify this information in the IS/MND. As such, a clarifying document has been prepared and is attached to the IS/MND as appendix F; and

WHEREAS, on or before December 5, 2014, notice of the December 15, 2014, City Council's public hearing on applicant's appeal from the Planning Commission's decision on this proposed project was mailed (via first class mail) to the applicant and property owner, and was mailed (via first class mail or electronic mail) to owners of properties within 700 feet of the subject site, agencies anticipated to provide service to the project, all interested individuals who requested such notice, and also to those persons who provided testimony at the Planning Commission meeting. Notice was also delivered to the Pittsburgh Library, and was posted at City Hall, in the vicinity of the project site, and on the city website on or prior to December 5, 2014; and

WHEREAS, PMC section 18.16.040 identifies the findings that must be made before approval of a use permit. In order to issue the use permit associated with this project, the Council must find that the proposed use is consistent with the General Plan and Zoning Ordinance; is not detrimental to the health, safety and welfare of the City; will not negatively impact the surrounding neighborhood; and will not adversely affect orderly development, property values, or the tax base within the City; and

WHEREAS, in approving a use permit, PMC Section 18.28.030 authorizes the reviewing body to impose such reasonable conditions to the grant of use permit as it considers necessary to: 1) carry out the purpose and intent of this title and the purpose of the land use district in which the property is located; 2) comply with the general plan; 3) protect the public health, safety and general welfare; and 4) ensure that the operation of the use is compatible with existing and potential uses on properties in the surrounding area; and

WHEREAS, PMC Section 18.36.220.B, identifies findings that must be made before approval of design review. In order to approve the design review entitlement requested as a part of this project, the Council must find that the structure conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality; the structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable; the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value; the structure is in harmony with proposed developments on land in the general area; and the application conforms with the criteria set forth in any applicable city-adopted design guidelines; and

WHEREAS, in approving a design review application, PMC Section 18.36.320 authorizes the reviewing body to impose conditions on the design of the project if it finds that the building or structure proposed does not meet the applicable design review standards. [Ord. 07-1284 § 3 (Exh. C), 2007; Ord. 979 § 2 (Exh. A), 1990.]; and

WHEREAS, an appeal before the City Council requires review "de novo", meaning the City Council shall hear the appeal as a new matter. The original applicant has the

burden of proof, and the reviewing body may act upon the application, either granting it, conditionally granting it or denying it, irrespective of the precise grounds of the appeal; and

WHEREAS, PMC Section 18.18.060(E), authorizes the City Council, as the reviewing body, to reverse or affirm in whole or in part, or modify the decision of the Planning Commission; and

WHEREAS, on December 15, 2014, the City Council held a public hearing to consider the applicant's appeal from the Planning Commission's rejection of the IS/MND and denial of Use Permit/Design Review Application No. 12-856, at which time oral and/or written testimony was considered; and

The proposed project conforms with the applicable General Plan land use designation of *Industrial* and the applicable goals and policies of the Pittsburg General Plan to further industrial development within the northeast subarea.

Section 1. Findings

Based on the Planning Commission Staff Report entitled, "Marine Express Site Improvements. AP-12-864 (UP, DR)," dated August 12, 2014, and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, California, in the custody of the Planning Manager, and based on all written and oral testimony presented at the public hearing, the City Council finds that:

1. All recitals above are true and correct and incorporated herein by reference.
2. The Mitigated Negative Declaration (MND) and Revised CEQA Initial Study Checklist for this project were prepared in compliance with CEQA (Public Resources Code Section 21000 *et seq.*), and that the Council has reviewed and considered the information contained therein. The Council further finds on the basis of the whole record before it (including the Revised CEQA Initial Study Checklist) that with the incorporation of both mitigation measures proposed, the project will not have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the Council's independent judgment and analysis.
3. The provision of 12 parking stalls is appropriate for the phase one site improvements requested in this application. Additional parking may be required upon the installation of the two large metal buildings, anticipated during phase two of the project (not entitled herein).
4. The project will not be in conflict with PMC Chapter 8.04 because pursuant to Condition No. 7 of this approval, Marine Express shall contract with and utilize the City's Franchise Refuse Collector for the hauling of all "Garbage" and "Refuse" as defined in PMC Section 8.04.030 (C and G) from the project site.

Use Permit Findings:

5. There is no specific plan applicable to the property, although the project is in accord with the objectives of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location. The proposed project is consistent with the Zoning Ordinance because the contractor yard would be located on an industrial site that is surrounded by other industrial uses. The project shall include racks for three bicycles and at least 12 parking stalls on-site for employee parking to serve this contractor yard, so as to comply with PMC Chapter 18.78.
6. If all of the mitigation measures from the Mitigated Negative Declaration (generally relating to noise and, hazards and hazardous materials) are incorporated as conditions of project approval, and if the project applicant maintains its applications and permits under the California Emergency Reporting System (CERS) applications and California Accidental Release Prevention Program (CUPA), and complies with all permitting requirements of the Contra Costa County Fire Protection District (CCCFPD), and if APHIS waste is prohibited on site without an APHIS-approved compliance agreement in place, and if all APHIS rules and regulations imposed on the business through an APHIS-approved compliance agreement are adhered to, then the project will not be detrimental to the health, safety, and general welfare of the residents of Pittsburg or well as the agriculture of the United States of America.
7. The project will not adversely affect the orderly development of property within the city because it is an industrial use in an industrial district. Properties in the general vicinity are also utilized for heavy industrial purposes, including USS Posco, United Spiral Pipe, and the CalPine power plant, so the proposed use is consistent with existing development nearby.
8. The project will not adversely affect the preservation of property values if the exterior of the site is maintained in a neat and clean manner. The proposed project will have a beneficial effect on the property value of the site and surrounding neighborhood with the installation of frontage improvements, including a 35-foot deep landscaped front setback, to the existing underutilized and unimproved property. The proposed project will result in site improvements that will remove blight and increase the visual appeal of the property from the East Third Street right-of-way and from the New York Slough. Furthermore, the site improvements will allow the underutilized property to be improved as a fully-functioning contractor yard.
9. The proposed project is consistent with the General Plan because the contractor yard will be located on an industrial site that is surrounded by other industrial uses. The proposed use is classified as a contractor yard, which is consistent with the description of the Industrial General Plan land use designation (General Plan, page 2-20). Establishment of the contractor yard use is also consistent with adopted General Plan goal 2-G-12 and policy 2-P-37, to maintain the industrial character of the area. The use will also create local jobs and contribute to the economic base of the community, which is consistent with the intent of industrial districts (PMC section 18.54.005, subsections A and B.3).

10. If mitigation measure NOI-1 from the Mitigated Negative Declaration (relating to noise) is incorporated as condition of project approval (Proposed Condition No. 3) to ensure that noise generation from equipment at the project site would not exceed normally acceptable levels at the nearest single family residential homes, and if general site maintenance and safe business operations are applied to the project, then the use will not create a nuisance or enforcement problem within the industrial neighborhood, or in the residential neighborhoods nearby. The use is located within an existing neighborhood of industrial uses, and there will not be risk of APHIS-related odors creating a nuisance for nearby residents because odors would not travel beyond the property lines.
11. If the front landscaped area is attractively designed to incorporate various colors, textures and water efficient plant selections, and if the block wall incorporates a decorative cap, then the property frontage would be substantially improved and would benefit the industrialized area. Also, if a condition is added to ensure that the site is kept clean and clear of litter, trash and debris at all times, then the project will not encourage marginal development in the area but will substantially improve and benefit the industrialized area.
12. The project will not create a demand for public services within the city beyond that of the ability of the city to meet in the light of taxation and spending restraints in that the city has sufficient water supply available to serve the project as proposed; additionally, existing treatment facilities of the Delta Diablo Sanitation District are sufficient to treat wastewater generated from the use.
 - a. If the Applicant dedicates the first 10-feet of property at the southern property line to the City and funds the installation of a curb, gutter, and sidewalk to serve the future widening of East Third Street (Proposed Condition No. 46), then the proposed project would be consistent with the city's funding priorities. Furthermore, the project would contribute to the tax base through the creation of new jobs. Finally, the proposed project involves new improvements to existing underutilized and unimproved property and would have a beneficial effect on the property value of the site and surrounding sites. No public funds are associated with the project.

Design Review Findings:

13. The project will conform with good taste, good design and in general contribute to the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality if the movable structures on site are finished in a dark green to match the guard shack, if the block wall incorporates a decorative cap, and if landscaping is designed to incorporate a mix of drought tolerant trees, groundcover and accent shrubbery featuring a mixture of colors, textures and heights.
14. The structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable if noise onsite is

kept within the normally and conditionally acceptable levels outlined in the General Plan.

15. The exterior design and appearance of the structure will not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value in that block wall, wrought iron fence, and landscaping proposed along East Third Street will improve the appearance of the property both by screening the equipment to the north of the wall, and by adding visually appealing improvements.
16. The project will not conflict with the approved Colombia Solar project planned to be located to the southeast of the property. The project is industrial in design and nature, which is in harmony with other existing and proposed development in the vicinity.
17. The project will conform to the design criteria set forth in the Development Review Design Guidelines (particularly Guidelines IV.a, IV.k, and IV.p), in that the parking lot will be screened from view from the public right-of-way on East Third Street by the proposed block wall, and the guard shack will have structural reliefs in the form of trim and batons, and the guard house's green trim will be compatible with the adjacent development at Koch Carbon to the East.

Section 2. Decision

Based on the findings set forth above, the City Council hereby adopts the IS/MND and approves Use Permit and Design Review Application No. 12-856 for the Marine Express Site Improvements Project, subject to the following conditions of approval. Where noted in the conditions below, "applicant" shall refer to the project applicant, or any succeeding operator of the business entitled with this approval.

1. The approved use shall be operated substantially as presented to the Planning Commission in the staff report identified in section 2 above, except as modified by the conditions below. Operation of the approved business in a manner inconsistent with this use permit shall be grounds for revocation of the use permit.

Mitigation Measures:

2. (HAZ-1) The project applicant shall secure written approval from the Regional Water Quality Control Board (RWCB) prior to the excavation of the slip way, inlet slip, and any other excavation activities that would result in excavation of soil greater than five feet in depth, as required by the "no further action" letter dated September 7, 2011, attached hereto as Exhibit A. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed in accordance with all applicable provisions of local, state and federal law. It shall be the responsibility of the applicant to secure this approval if necessary and submit a copy of the approval or a statement explaining why such approval is not applicable to the City of Pittsburgh Planning Division at the time of any grading permit application submittal. It shall be the responsibility of the City of Pittsburgh Planning Division to confirm with the RWCB that all necessary approvals are in place prior to the issuance of any grading permits on the site.

3. (NOI-1) Noise generated from the operations at the proposed project site shall not result in noise levels exceeding 75 DBA at the property lines. Cranes that generate 81 DBA of noise or more measured at 50 feet from the source shall only be used when sited down the north-south centerline of the property, 100 feet from the property lines at the Project site. Prior to the use of such equipment within 100 feet of the property lines, the developer shall fund the preparation of a noise study by an acoustical engineer to identify the improvements necessary to reduce noise levels to the standard established in this mitigation measure based on the proposed location of equipment use. Such improvements shall be installed and approved by the city before any cranes are used within 100 feet of the property lines. The acoustical engineer shall be hired by the city, and the cost of preparation of the noise study (including staff management of the consultant) shall be borne by the applicant in accordance with the adopted city fee schedule in effect at the time the study is commenced.

Alternatively, prior to the installation of a crane on the property, the applicant shall provide sufficient evidence to the city that any crane installed will not generate greater than 75 decibels at the source.

It shall be the responsibility of the applicant to notify the Planning Division prior to allowing any crane on the property. If a crane is present on the property, it shall be the responsibility of the Applicant to submit an annual statement that the crane is operating in compliance with this condition of approval. It shall be the responsibility of the Planning Division to promptly inspect the project site in response to noise complaints raised by neighbors or members of the public, and send the applicant a notice of violation if deemed appropriate.

Use Permit Conditions:

4. Prior to bringing any reportable quantity of hazardous materials onto the subject site, the applicant shall update its applications and permits under the California Emergency Reporting System (CERS) and California Accidental Release Prevention Program (CUPA), submit a Hazardous Materials Release Response Plan to the fire district, and receive permits as required by the Contra Costa County Health Services, Contra Costa County Fire Protection District, and the State of California. Reportable quantities of hazardous materials include 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a non-inert gas.
5. Prior to any grading related to the excavation of the inlet slip and/or slipway, or the construction of the sheet-pile wall, the Applicant shall secure all permits and approvals necessary from the Army Corps of Engineers, the Regional Water Quality Control Board, the Department of Fish and Wildlife, the National Marine Fisheries Service, the Dredged Management and Materials Office, and any other regulatory agencies that may require review. It shall be the responsibility of the Applicant to submit all such applications and shall comply with all required permits, conditions, best management practices, and mitigation measures therein.
6. The project shall comply with BAAQMD 2011 Guidelines: Basic Construction Mitigation Measures Recommended for ALL Proposed Projects (Table 8-1)

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
7. The Applicant shall not direct haul garbage or refuse from the site through any street or public right-of-way in the City. The applicant shall comply with PMC Chapter 8.04, and shall contract for refuse collection services with the City's Franchise Refuse Collector prior to the final inspection of the Phase 1 site improvements by the Engineering Department. Refuse, as defined in PMC Section 8.04.030(G), from the site shall only be hauled by the City's Franchise Refuse Collector.
8. The Applicant shall not permit its operations and activities pertaining to garbage and refuse handling, processing, transporting and/or disposal to cause or contribute to a violation of the City's obligations under AB 939, the California Integrated Waste Management Act of 1989 (California Public Resources Code §40000, et seq.).
9. The Applicant shall regularly monitor its operations and activities to ensure compliance with the City's diversion requirements under AB 939. Operations and activities at the project site shall be subject to random and/or scheduled inspections by the City for the purpose of monitoring compliance with regulations and requirements related to AB 939. In addition, the applicant shall submit to the City such reports as the City may require in order to facilitate such monitoring.

Design Review Conditions:

10. The two large metal structures shown in the project renderings are a part of phase two of the project and are not approved at this time.
11. Prior to the issuance of a grading permits for the inlet slip and slip-way, the applicant shall secure all required permits from the Army Corps of Engineers, the Regional Water Quality Control Board, the Department of Fish and Wildlife, and the National Marine Fisheries Service, and permits from other local, state, and federal agencies as required.
12. The 12-foot by 14-foot guard shack shall be designed in substantial conformity with the guard shack identified in the project renderings. This includes a slanted roof, a green cornice, tan walls, vertical batons or building articulation, one large window, and trim around all windows and doors.
13. The movable structures on site, including tool sheds and similar structures shall be finished in dark green or tan to match the color scheme of the guard shack and the anticipated color schemes of the future buildings anticipated in phase two of construction.
14. The block wall shall measure eight feet tall, and shall incorporate a decorative cap. Design details of the wall and decorative cap shall be subject to approval by the Planning Division prior to issuance of a building permit to construct the wall.
15. The developer shall install racks for three bicycles on site near the front of the property. The rack shall be "wave" style. The final design and placement of the rack shall be subject to review and approval by the Planning Division, prior to the issuance of a grading permit.
16. The developer shall submit a landscaping and irrigation plan for the property of the site to the Planning Division for review and approval prior to the issuance of a building permit. The plan shall include a mix of drought tolerant trees, ground cover and accent shrubbery. Any proposed turf areas shall not cover more than 25% of the designated landscape area. A minimum of 10% of the site shall be landscaped. All landscaping and irrigation shall be installed in accordance with the approved plan, prior to the issuance of a certificate of occupancy.
17. All landscaping on site shall be kept weed free and maintained in a healthy and thriving condition.
18. The end of each row of parking stalls in the parking lot must be separated from an aisle or driveway by either a landscaped planter or sidewalk/planter combination. A concrete curb must separate the landscaped area from the parking area, and minimum 12-inch wide concrete landings shall be installed behind the curb, for the length of the parking stall, for each segment of curbing that separates a parking stall from a landscaped planter. A landscaped area at least five feet in width shall be located between the western property line and the parking lot.

19. The site shall be kept clean and free of all litter, debris and refuse.
20. Signage for the project is not approved with this resolution. The developer shall submit proposed signs for review and approval to the Planning Division prior to installation.
21. The applicant shall use buildings, shrubbery or a combination thereof to screen from view from the public right-of-way of East Third Street all utility box transformers, backflow preventers, meters and junction boxes, and similar utility equipment. Locations of utility equipment shall be shown on the landscape plan required by Condition 14 of this resolution.

Contra Costa County Flood Control Conditions:

22. If site drainage drains to the storm drain along East Third Street, the applicant shall demonstrate that the curb is strong enough to support the drainage without cracking and breaking. This shall be shown on the final grading and drainage plans submitted to the City Engineering Department, and reviewed and approved by the Planning Division prior to the issuance of a grading permit.
23. The Applicant shall submit hydrology and hydraulic calculations to the Engineering Department to prove the adequacy of the in-tract drainage system and the downstream drainage system.

Contra Costa County Environmental Health (CCEHD) Conditions:

24. The applicant shall obtain a permit from CCEHD for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation.
25. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit issued from CCEHD to the applicant. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.
26. The applicant shall be responsible for connecting the project site to public sewer and city water systems.
27. If a sewage pumping vehicle is used to transport waste from marine vessels or other sources, it must operate with a health permit issued from the CCEHD to the applicant, as outlined in Condition Number 66.
28. The City of Pittsburg is its own Local Enforcement Agency for solid waste issues and provides its own regulatory oversight of solid waste related operations and facilities, including solid waste processing or transformation. It shall be the responsibility of the Applicant to secure all solid waste related permits and comply with all solid waste related requirements of the City of Pittsburg.

State Regional Water Quality Control Board (RWCB) Conditions:

29. The Applicant shall comply with all conditions indicated on the "No Further Action Letter" from the RWCB dated September 7, 2011, including Condition No. 6: "No Owners or Occupants of the Site shall conduct any excavation work greater than five feet in depth on the Property that is not routine construction (for example site grading, utility trenching, footing or foundation installation), unless expressly permitted in writing by the Board. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed in accordance with all applicable provisions of local, state and federal law."

Fire District Conditions:

30. The developer shall submit three (3) copies of site improvement plans indicating all existing or proposed hydrant locations and fire apparatus access for review and approval prior to issuance of a building permit.
31. Access gates for CCCFPD apparatus shall be a minimum of 20-feet in width. Prior to issuance of a certificate of occupancy, electronically operated gates shall be equipped with a Knox Company key-operated switch, and manually operated gates shall be equipped with a non-case-hardened lock or approved CCCFPD lock.
32. Prior to issuance of a certificate of occupancy, the applicant shall provide premises identification. Such numbers shall contrast with their background and be a minimum of six inches high with one-inch stroke or larger as required to be readily visible from the street.
33. The applicant shall not store hazardous materials on the project site without prior review and written approval from the CCCFPD.
34. The applicant shall submit three (3) complete sets of building plans for each building, including specifications of the subject project to CCCFPD for review and approval prior to construction in order to ensure compliance with minimum requirements related to fire and life safety.
35. The applicant shall submit to CCCFPD plan review and inspection fees at the time of plan review submittal.

Engineering Conditions:

Improvement and Grading Plan Review fees:

36. The applicant shall pay one half of the Engineering Grading and/or Improvement Plan Review Fee with the initial submittal of plans, maps, or other documents for plan review. The Plan Check Fees are based upon the Engineer's Estimate, which shall also be provided at the time the plans are submitted. The Improvement Plan Check fees are 6% of the cost of the improvements based upon the approved Engineer's Estimate. The Grading Plan Check Fee is 2.5% of the Engineer's Estimate, or may be based upon cubic yards of grading. The deposit(s) shall be credited toward the final fee(s) as determined at engineering permit issuance based

upon the final, approved Engineer's Estimate. The deposit shall be paid to the Engineering Department.

Improvement and Grading Inspection Fees:

37. The applicant shall pay the Improvement and/or Grading Inspection Fee(s) to the Engineering Department at the time of the Grading or Single Parcel Development Permit is issued. The current Improvement Inspection Fee is 5.75% of the cost of grading, and the Grading Inspection Fee is 3% of the cost of Grading. The Grading Inspection Fee may also be based upon an approved Engineer's Estimate of total cubic yards, according to the current schedule of Grading Fee Charges.
38. The applicant shall pay an NPDES Plan Review (SWPPP and/or C.3 Storm Water Control Plan) fee to the Engineering department in the amounts in effect when the applicant obtains a Grading permit. The applicant understands that the current NPDES plan review fee on file, effective September 1, 2010, shall be paid in accordance to the fee schedule approved by Resolution No. 10-11510, a copy of which is available at the City.
39. The applicant shall pay an NPDES Inspection Deposit (SWPPP and/or C.3 Storm Water Control Plan) fee to the Engineering department in the amounts in effect when the applicant obtains a Grading permit. The applicant understands that the current NPDES plan review fee on file, effective September 1, 2010, shall be paid in accordance to the fee schedule approved by Resolution No. 10-11510, a copy of which is available at the City.

Facility Reserve Charge:

40. The applicant shall pay the City of Pittsburg Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24) (the "FRC") to the Engineering Department, for water and sewer service in the amounts in effect when the applicant obtains a Building Permit for the two large structures on the property, during the second phase of the project. This FRC fee shall be included as a condition of approval on future design review entitlements for either of the two large structures at the time of permitting.

Traffic Mitigation Fees:

41. The applicant shall pay the Local Transportation Mitigation Fee (PMC Chapter 15.90) (the "LTMF") amount in effect when the applicant obtains a Building Permit. The applicant understands that the LTMF currently on file is \$1.51/sf. The applicant further understands that the LTMF is reviewed and adjusted annually to the current Construction Cost Index (CCI) and may be increased at the City Council's discretion based on revised cost estimates for roadway and transit facilities and other factors that demonstrate an increase is needed to offset traffic impacts caused by new development. The LTMF is calculated by dividing the total fee share of improvement costs by the total number of Dwelling Unit Equivalencies ("DUE") in the City, as described in PMC Chapter 15.90 and the Pittsburg Local Transportation

Mitigation Fee Program Update, copies of which are available from the City. Fees shall be paid prior to issuance of a Building Permit.

42. The applicant shall pay the Regional Transportation-Development Impact Mitigation Fee (PMC Chapter 15.102) (the "RTDIM") amount in effect when the applicant obtains a Building Permit. The applicant understands that the RTDIM currently on file is \$1.47/sf. The RTDIM will be automatically increased or decreased on January 1 of each year based on the percent change in the Engineering News-Record Construction Costs Index – San Francisco Bay Area between September 1 and September 1 of the preceding two calendar years. Fees shall be paid prior to issuance of a Building Permit. If no Building Permit is required, then the fees are payable in the amount in effect when the project commences pursuant to PMC Section 15.102.

Submittals to be made to the Engineering Department for review:

43. The applicant shall submit to the City's Engineering Department, for review and comment, five (5) copies of the engineering plans, prepared by a registered civil engineer, to include but not be limited to the following:
 - a. A Site Plan
 - b. A Grading and Drainage Plan
 - c. A Utilities Plan
 - d. A Landscaping and Irrigation Plan
 - e. A Stormwater Control Plan and Report
 - f. An Erosion and Sedimentation Control Plan
44. The applicant shall submit to the Engineering Department a current geotechnical report that substantiates the design features incorporated into this project including, but not limited to, grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections. The geotechnical report shall be submitted to the Engineering Department for review prior to the approval of any civil plans and issuance of any Engineering permits.
45. The applicant shall submit an Engineer's Estimate to the Engineering Department for review and approval, with the first plans submittal. This estimate shall include all costs associated with the site development improvements, excluding those costs associated with the construction of the building structure itself.

General Engineering Conditions:

46. All grading work shall be done in accordance with the provisions of Chapter 15.88 of the Pittsburg Municipal Code.
47. All site development shall comply with Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers), and Title 15 (Buildings and Construction) of the Pittsburg Municipal Code as determined by the City Engineer. Issuance of a Site Development Permit will be required whereby specific engineering requirements will be made as conditions of approval.

48. All public and pedestrian facilities shall be designed in accordance with Title 24, Handicap Access, and the California Department of State Architect's standards for accessibility compliance.
49. The property owner/applicant shall provide a 10-foot wide offer of dedication to the City for the full length of the parcel, prior to issuance of an Engineering permit, to accommodate the future widening of East Third Street. At time of widening, the property owner shall be responsible for installation of concrete sidewalk, curb and gutter. This dedication shall be shown on the grading plans, and the dedication shall be recorded prior to the issuance of a grading permit.
50. The applicant shall construct a temporary decomposed granite sidewalk along existing frontage curb line with construction of phase one of the project site improvements.

General NPDES Conditions:

51. Prior to issuance of a Grading Permit, the applicant shall submit the following to the Engineering Department for review: an Erosion and Sedimentation Control Plan, and a copy of the Notice of Intent (NOI), which was submitted to the State Water Resources Control Board. The erosion control / SWPPP shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The SWPPP measures shall also include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook. (NPDES requirements)
52. The applicant shall incorporate long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long term BMPs to limit pollutant generation, discharge, and runoff. Such source control design measures may include:
 - a. Incorporating landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices
 - b. Providing covered trash, food waste, and compactor enclosures
 - c. Use pavers for walkways and other appropriate hardscape surfaces to minimize impervious areas.
 - d. Minimizing the amount of directly connected impervious surface area
 - e. Stenciling all storm drains with "No Dumping, Drains to Delta" permanent markings
 - f. Constructing concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter
 - g. Plumbing of the following discharges to the sanitary sewer, subject to Delta Diablo Sanitation District's authority and standards:
 - (1) Dumpster drips from covered trash and food compactor enclosures

- (2) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories

h. Discharging of fire sprinkler test water to onsite vegetated areas.

53. Submittal of grading and/or building plans shall be consistent with the approved Stormwater Control Plan. The plans shall include drawings and specifications necessary to implement all measures in the approved Stormwater Control Plan. A copy of a completed "Construction Plan C.3 Checklist", as described in the Stormwater C.3 Guidebook, 4th edition shall be included. Grading and/or building permits, shall not be issued until this condition is met to the satisfaction of the city Engineering and Planning staff.
54. Grading and/or building permit plans (including structural, mechanical, architectural, grading, drainage, site, landscape, and other drawings) shall show the details and methods of construction for site design featured, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent stormwater control BMPs, and other features that control stormwater flow and potential for stormwater pollutants.
55. Prior to final inspection approvals by the Engineering Department, the applicant shall submit a Stormwater BMP Operation and Maintenance Plan for review and approval by the Engineering, Planning, and Public Works Departments. Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are in Chapter 5 of the Stormwater C.3 Guidebook, 4th edition.
56. Prior to the issuance of the Certificate of Occupancy, the applicant shall submit the final draft of the Stormwater BMP Operation and Maintenance Plan for review and approval by the Engineering Department. The applicant shall also execute the Operations and Maintenance Agreement, which pertain to the transfer of ownership and / or long-term maintenance of stormwater treatment BMPs or hydrograph modification BMPs. The Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are found on the Contra Costa County Clean Water Program website (www.cccleanwater.org) or the Stormwater C.3 Guidebook, most current edition.

General Engineering Conditions regarding Utilities:

57. The applicant shall evaluate the existing, receiving storm, sewer, and water facilities for adequate capacity and provide the results to the City to identify any service or supply problems. The cost for installation of additional facilities shall be borne by the applicant.
58. The design and construction of storm drain, water, and sewer facilities shall be in accordance with section 17.28.020 of the Pittsburg Municipal Code.
59. The applicant shall provide appropriate water service, adequately sized to meet the domestic and fire protection demands for the project.
60. The applicant shall provide appropriate sanitary sewer, adequately sized to accommodate the project's wastewater demand.

61. In accordance with PMC12.36.130 Underground utilities for new construction, the applicant shall ensure that all utility service laterals and equipment (including, but not limited to, electric, communication and cable television lines) installed in and for the purpose of supplying service to any other new construction or use shall be installed underground on the property to be served, and from the property to be served to the point of connection with the utility's distribution facilities, in accordance with utility filed rules as approved by the California Public Utilities Commission."

Community Facilities District Inclusion:

62. The applicant shall deliver written approval in a manner acceptable to the City Finance Director, that the owner of the parcel is electing to annex the subject property into the Community Facilities District CFD 2005-1, prior to the issuance of any Engineering or Building Permits for the proposed 70-foot by 150-foot and/or 40-foot by 80-foot structures anticipated during phase two of the project, whichever permit is eligible to be issued first. The fee will provide funding for an increase of police coverage in the area. The rate of the CFD fee is subject to the City Council Ordinance No 05-1246.

Conditions added after the Planning Commission Public Hearing

63. No APHIS regulated garbage shall be brought onto the project site without the applicant first obtaining an APHIS-approved compliance agreement from the United States Department of Agriculture's (USDA's) APHIS Agency.
64. It shall be the responsibility of the applicant to obtain an approved compliance agreement from the USDA's APHIS Agency, and to maintain current compliance agreements annually as required by the USDA's APHIS Agency. It shall be the responsibility of the applicant shall ensure that operations on the site comply with the terms of the approved compliance agreement from the USDA's APHIS Agency and the APHIS rules and regulations applicable thereto.
65. It shall be the responsibility of the applicant to ensure that not more than 40 cubic yards of APHIS is treated on site in a given day.
66. Pumping and offloading sewage from sewage transportation barges into the Delta Diablo Sanitation District sewer system shall be prohibited at the project site. Only sewage generated by work boats that are being serviced at the contractor yard may be pumped from vessels at the project site into the sewer system.
67. It shall be the responsibility of the applicant to ensure the amount of sewage offloaded from vessels being serviced at the site does not exceed 20,000 gallons per month.

Standard Conditions and Indemnification:

68. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as condition of approval for this project as applicable. Where there is a conflict between the conditions of approval of Resolution No. 8931 and the specific conditions identified herein, the specific conditions of this Resolution No. 9973 shall apply.

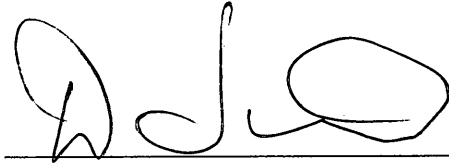
69. Applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at applicant's sole cost and expense. Applicant may select its own legal counsel to represent applicant's interests at applicant's sole cost and expense. Applicant shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.
70. The applicant shall comply with all the requirements of the Development Services Department, including the Engineering, Planning and Building Divisions, as well as the Contra Costa County Fire Protection District, Delta Diablo Sanitation District, Contra Costa Health Services Department, United States Department of Agriculture, the Pittsburg Municipal Code, all other applicable local, state and federal agencies, and any applicable franchise agreements with regard to refuse collection.
71. It is the responsibility of the applicant to contact each local, state, or federal agency for requirements that may pertain to this project.
72. This approval will expire on December 15, 2016, unless, prior to that date, the use has been established and a building permit or grading permit has been issued for the site improvements authorized herein, or a written request for extension of the approval is filed with the Planning Division prior to the expiration date and is subsequently approved by the Planning Commission. The approval shall be valid for no more than twelve months from the date of building or grading permit issuance, unless work is commenced and diligently pursued prior to the expiration of the building permit.

Section 3. Effective Date

This resolution shall take effect immediately upon its adoption.

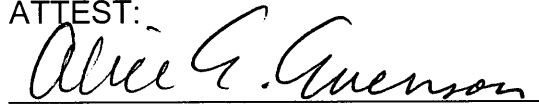
PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 15th day of December, 2014, by the following vote:

AYES: Casey, Craft, Johnson, Longmire
NOES: None
ABSTAINED: None
ABSENT: Evola

A handwritten signature in black ink, appearing to read 'D. Longmire', written over a horizontal line.

Dwaine "Pete" Longmire, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Alice E. Evenson', written over a horizontal line.
Alice E. Evenson, City Clerk



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

DATE: 12/5/2014

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Consideration of an Appeal of a Planning Commission Decision to Deny a Use Permit for Marine Express Site Improvements, AP-12-864 (UP/DR).

MEETING DATE: 12/15/2014

EXECUTIVE SUMMARY

On August 12, 2014, the Planning Commission held a public hearing and subsequently denied Use Permit and Design Review Application No. 12-864 for Marine Express Site Improvements, a proposed marine contractor yard at 695 East Third Street. On August 22, 2014, Randy Esch, applicant and Marine Express, Inc. business owner, filed an appeal of the Planning Commission's decision. The Council is asked to consider the draft Mitigated Negative Declaration (MND) for the project, as well as the appeal.

FISCAL IMPACT

There would be no direct fiscal impact to the General Fund as a result of affirming the Planning Commission's decision. Upholding the appeal and approving this application would result in additional business and property tax revenue that would be generated by Marine Express' site improvements and operations.

RECOMMENDATION

City Council adopt a Resolution adopting the Initial Study Checklist and MND, and approving Use Permit / Design Review Application No. 12-864, as conditioned herein.

BACKGROUND

The project site was first developed in the late 1800's and early 1900's for use as a lumber mill storage yard by Redwood Manufacturers Company. Union Oil Company occupied the site in the late 1940's and used it for above ground fuel storage tanks, storage buildings, a fuel dispenser island, and an unloading platform that extended offshore into New York Slough. The aboveground storage tanks were removed between 1974 and 1978. Enrico

Dredging used the site in the early 1980's for a 10,000-gallon underground diesel-fuel storage tank, a conveyor belt, and a truck scale. The fuel-related uses noted above resulted in soil contamination at the project location. Remedial activities were completed to address the on-site release of metals and petroleum hydrocarbons, including the targeted removal of contaminated soil within the project site. The remedial actions were successful in addressing the releases to concentrations below the remedial goals. The analytical results of the soil samples from the targeted areas did not exceed the Regional Water Quality Control Board's (RWQCB's) Environmental Screening Levels for industrial uses. A covenant and Environmental Restriction on the property was recorded on June 16, 2011, prohibiting sensitive land uses, and requiring RWQCB approval for excavation deeper than five feet.

Randall Esch of Marine Express, Inc. purchased the industrial property at 695 East Third Street (Assessor's Parcel Number 073-020-004) in 2007, with the intent of creating a home dock and contractor yard for his marine support service business. Marine Express has been in operation since 1982, and runs its fleet out of four California locations, with an office in Walnut Creek. .

On July 31, 2012, Randall Esch, the owner of Marine Express, submitted a planning application requesting entitlements to activate the site as a contractor yard as permitted by the IG (General Industrial) District. Specifically, Application Number AP-12-864 requested: 1) design review of plans for site improvements to the 2.86-acre parcel, including slabs for two prefabricated metal buildings, landscaping, two paved driveways, a 168 square foot guardhouse, an 8-foot tall masonry wall, a 12 stall parking lot, a gravel storage area, a concrete pad, the creation of a 60-foot by 80-foot slipway, and the creation of a 40-foot by 80-foot inlet slip for the moorage of marine vessels; and 2) a use permit for the storage and handling of certain "hazardous materials (18.84.275.A)," including consumable products such as lube oil and paint thinners similar to those found in a Home Depot or Auto Zone; used oil from large vessels similar to the ships serving USS Posco; sewage from large vessels such as those moored in the San Francisco Bay; and food waste known as Animal and Plant Health Inspection Service ("APHIS") regulated garbage, which is essentially food related garbage subject to certain regulations by the U.S. Department of Agriculture. The requested entitlements would facilitate the use of the property as contractor yard to support Marine Express' marine operations by allowing the storage, construction, repair and support of Marine Express' fleet of vessels and associated marine equipment. More details on the proposed site modifications and hazardous materials are included on pages two and three of Attachment 8, "Planning Commission Staff Report, dated August 12, 2014."

An Initial Study Checklist (IS) evaluating the potential environmental impacts of this project was prepared in accordance with the guidelines and regulations of the California Environmental Quality Act (CEQA). Based on the analysis in that study, the Planning Manager determined that the potentially significant impacts from the project could be lessened with the incorporation of specific mitigation measures. Subsequently, a draft Mitigated Negative Declaration (MND) was prepared. On June 23, 2014, the Planning Division mailed a Notice of Intent to adopt the Mitigated Negative Declaration (NOI) to all adjacent property owners, and property owners within 700 feet of the project site, posted the NOI on the city's website, and filed copies of the NOI with the Contra Costa County Clerk and the State Clearinghouse. One comment letter from the California Department of Fish and Wildlife (CDFW), attached hereto, was received during the 30-day public comment period. A response letter was sent to the CDFW on August 7, 2014. On July 3, 2014, the Planning Department extended the comment period for certain public agencies through August 4, 2014, in an effort to ensure a thorough review by regulatory agencies. No

comment letters from these regulatory agencies were received during this extended comment period.

On July 2, 2014, the City's environmental consultant conducted a site visit with Clinton Elsholz and Robert Stanley of the CDFW, and discussed the content of the comment letter. As a result of this comment letter, minor clarifications and additions have been added to the Initial Study Checklist included herein as Attachment 2. These clarifications further defined project components and address comments raised in the CDFW letter, and in conversations with other regulatory agencies. Specifically, the Initial Study Checklist includes information related to construction and in-water work, the timing of such work as it relates to special status species, and dredging that address the CDFW's comments. There is no habitat onsite or in the area for the terrestrial species of concern to environmental regulators, and the project proponent would avoid the aquatic species of concern by adhering to work windows set forth by National Oceanic Atmospheric Administration (NOAA) Fisheries/National Marine Fisheries Service. None of the additions or clarifications resulted in substantial revisions pursuant to CEQA Guidelines Section 15073.5. Pursuant to this Section, a substantial revision that would result in identification of a new significant effect or new mitigation measure would cause the Initial Study Checklist/Mitigated Negative Declaration (IS/MND) to be recirculated. Thus, there are no triggers for recirculation as a result of these additions. A redline copy showing the revisions described herein and is available at the City Clerk's office upon request.

On August 12, 2014, Bay Harbor Park Homeowners Association delivered to staff a comment letter on the IS/MND; copies of the letter were made available to the Planning Commission and members of the public. The letter was considered late because the comment period on the IS/MND closed on June 23, 2014. The Planning Commission held a public hearing regarding the Marine Express Site Improvements application, and heard public testimony from the applicant and residents. Two members of the public, Kalli Graham and Frank Gordon, shared public testimony expressing opposition to the project. Concerns from the public and the commissioners were primarily focused on: 1) the discrepancy between the more intense scope of potential operations analyzed in the IS/MND compared to the applicant's testimony of the daily operations he envisions; 2) concerns related to the transportation and offload of sewage via barge at the site; 3) concerns related to APHIS regulated garbage; 4) the adequacy of the IS/MND; and 5) the desired rezoning of the property. The Planning Commission, by a vote of five to one, denied the application finding that the IS/MND was inadequate, and finding that approval of the project would pose a nuisance to the public as a result of odors.

On August 22, 2014, the applicant filed a Declaration of Appeal, with a letter from David W. Trotter. stating the specific grounds and reasons for the appeal. The appeal alleges there was a lack of a legal basis upon which to deny the proposed entitlements, that there was substantial evidence to support the findings for the project's approval, a contradiction with the December 14, 2009 Settlement Agreement between Marine Express and the Redevelopment Agency of the City of Pittsburg, a contradiction with the City of Pittsburg General Plan, and the presence of adequate IS/MND. A subsequent letter from David W. Trotter on behalf of Marine Express was sent on October 14, 2014, providing further information on the processing of APHIS, articulating that Marine Express has a proven track record for handling such waste at its Alameda site safely and in compliance with federal regulations. The letter included a recommended condition of approval be added to the resolution to offer decision-makers and the public assurance that the handling, sterilization, and disposal of APHIS-regulated garbage is done safely, in compliance with federal regulations.

Subsequent discussions among staff, the project applicant, and one of the members of the public who expressed opposition at the August 12, 2014, public hearing have resulted in clarifications to the project description, and clarifications to the operations and limits of APHIS processing and sewage offloading.

SUBCOMMITTEE FINDINGS

Staff informed the Economic Development/Waterfront Development and Operations Department Subcommittee, at its December 4, 2014, of the upcoming hearing on the Commission's denial of this application.

STAFF ANALYSIS

Procedures: An appeal before the City Council is heard "de novo" meaning the City Council hears the appeal as a new matter. The original applicant has the burden of proof, and the reviewing body may act upon the application, either granting it, conditionally granting it or denying it, irrespective of the precise grounds of the appeal according to the Pittsburgh Municipal Code (PMC), Section 18.18.060(D). The City Council, as reviewing body, may reverse or affirm in whole or in part, or modify the decision of the Planning Commission (PMC, 18.18.060(E)).

In order to grant the appeal and thus approval of the use permit for this project, the Council must find that the proposed use is consistent with the General Plan and Zoning Ordinance; is not detrimental to the health, safety and welfare of the City; will not negatively impact the surrounding neighborhood; and will not adversely affect orderly development, property values, or the tax base within the City (PMC 18.16.040). In accordance with PMC section 18.28.030, in approving a Use Permit, the reviewing body may impose such reasonable conditions to the grant of use permit as it considers necessary to: 1) carry out the purpose and intent of the title and the purpose of the land use district in which the property is located; 2) comply with the general plan; 3) protect the public health, safety and general welfare; and 4) ensure that the operation of the use is compatible with existing and potential uses on properties in the surrounding area (PMC 18.28.030). Staff placed conditions of approval on the project in order to ensure that the findings for approval could be met.

In order to grant the appeal and approve the design review for this project, the Council must find that: 1) the structure conforms with good taste, good design and in general contributes to the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality; 2) the structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable; 3) the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value; 4) the structure is in harmony with proposed developments on land in the general area; and 5) the application conforms with the criteria set forth in any applicable city-adopted design guidelines.

Clarifications Based on Discussion From the Planning Commission Hearing: Clarifications based on discussion from the Planning Commission hearing are included below. In addition, staff determined it was prudent to clarify this information in the IS/MND. As such, a clarifying document including the information below has been prepared and is attached to the IS/MND as Appendix F. Staff carefully considered all the information in Appendix F and has determined that recirculation pursuant to CEQA Guidelines Section 15075.3 was not

required. Finally, the proposed resolution for this project includes five conditions of approval been added as a result of the comments heard at the Public Hearing.

Project Description: Staff encouraged the applicant to include the entire scope of possible development and operations at the site in the IS/MND analysis to avoid “piecemealing” of the project, which is prohibited under CEQA. As a result, operations described in the IS/MND represent a maximum breadth of activities and upper limit of what would potentially occur on the site in emergency, unique and infrequent situations. To provide clarification, the day-to-day operations at Marine Express would be that of a contractor yard supporting Marine Express’ marine operations through the storage, construction, overhaul, repair, maintenance and support of vessels and associated marine equipment through the repairing, cleaning, painting, welding, machinery repair, and equipment installation; the processing and transportation of 12 cubic yards of APHIS per day; the offloading of sewage from the holding tanks on work boats; the docking of vessels; and the storage and staging of marine equipment and supplies such as fenders and gangways.

Sewage: The IS/MND notes that Marine Express would pump sewage from marine vessels into the Delta Diablo Sanitation District (DDSD) sewer system. After hearing public testimony and concerns regarding this at the Planning Commission meeting, Marine Express has decided to handle this portion of its business at its San Francisco and Alameda locations, and not in Pittsburg. As such, a condition of approval has been included in the proposed resolution to prohibit the offload of sewage transported to the site via barge. The applicant still intends to pump sewage directly from Marine Express’ own vessels and tug boats as needed, similar to offloading of sewage from recreational vessels docked at the City of Pittsburg Marina. The applicant estimates a need to service not more than 20 vessels per month. Tanks of Marine Express’ vessels average less than 1,000 gallons per unit, which is roughly equivalent to the sewage created by four single family homes in a typical day. Marine Express’ largest on-vessel sewage tank is 2,500 gallons, which is roughly equivalent to the sewage generated by 10 single family homes in a typical day. Condition Number 66 has been added to the proposed resolution to prohibit the offloading of sewage via barge, and Condition Number 67 has been added to limit the amount of sewage that may be offloaded from vessels at the site in any single month to 20,000 gallons. Staff does not believe these conditions are necessary for the Council to make the required findings to approve the project, but rather, that these conditions will give the Council and the Public a greater level of comfort with the project.

APHIS Regulated Garbage: Marine Express has also clarified that not more than 40 cubic yards of APHIS-regulated garbage would be treated on site per day. This is roughly equivalent to 10 standard commercial dumpsters, and five hours of sterilization. APHIS-regulated garbage is any food-related waste that has crossed state or international boundaries, such as that generated in an airplane or a passenger vehicle traveling from one state to another. APHIS-regulated garbage is not a bio-hazard, and it does not include sharps or sewage. APHIS-regulated garbage must be properly disposed of to protect the agriculture of California and the United States. Marine Express has maintained a compliance agreement with the United States Department of Agriculture (USDA) for the processing of APHIS-regulated garbage for several years and is overseen on a regular, weekly basis by USDA inspectors. Additional information on APHIS is included in this report as Attachment 7.

Currently, Marine Express uses its Alameda County site to process APHIS-regulated garbage for the ships serving USS Posco, Koch Carbon, and the Dow Chemical Company in Pittsburg, as well as other ship-dependent companies in Contra Costa, Solano, and San

Joaquin counties. APHIS-regulated garbage remains exposed to open air on these ships until Marine Express or another provider offloads it into a sealed, APHIS-approved container. Marine Express' job is to contract with ships before they come into port, board them, empty the open-air APHIS containers into sealed, APHIS-approved bins, load the sealed bins onto a marine express vessel, transport it to a Marine Express location approved for the sterilization of APHIS regulated garbage, and sterilize the APHIS-regulated garbage at a temperature of 212 degrees Fahrenheit for 30 minutes to eliminate any risk to American agriculture. The applicant has confirmed that odors from the sterilization process would only be detected by a Marine Express employee standing next to the sterilizer, and would not be detectable beyond the property lines. The byproducts of the sterilization process are water, which is diverted into a sanitary sewer system, and the sterile APHIS solid waste, which is trucked to the Keller Canyon Landfill as needed. At present, Marine Express provides the only on-call APHIS service in the Bay Area through its Alameda site.

The applicant's desire to process APHIS-regulated garbage in Pittsburg would work in conjunction with the existing APHIS processing location in Alameda. This would reduce the miles traveled in the transport of APHIS, and reduce the wait time for nearby vessels requiring APHIS service. Thus, processing APHIS in Pittsburg actually reduces the amount of time that APHIS-regulated garbage is exposed to open air, and facilitates an efficient sterilization process. If a condition is placed upon the project requiring the applicant to obtain an APHIS-approved compliance agreement prior to bringing APHIS-regulated garbage onto the property, and if the project is required to operate in compliance with the terms of that agreement and the APHIS rules and regulations applicable thereto, then staff does not believe that the project would be detrimental to the health, safety, and general welfare of the city, and would not create a public nuisance or enforcement problem.

IS/MND Adequacy: Staff determined it was prudent to clarify some information in the IS/MND based on the discussion at the Planning Commission Hearing. As such, a clarifying document including the information below has been prepared and is attached to the IS/MND as Appendix F. Staff carefully considered all the information in Appendix F and has determined that recirculation pursuant to CEQA Guidelines Section 15075.3 was not required. Staff believes that the IS/MND together with Appendix F, evaluates the potential environmental impacts at great length, and believes that with the inclusion of mitigation measures and conditions of approval, the adoption of the MND is fully warranted.

Desired Rezoning: This project must be evaluated based on the existing zoning district in which it is located. The project is located in the IG District, and has been evaluated accordingly both herein, in the Planning Commission staff report, and in the IS/MND.

Staff believes the City Council can make the required findings to grant the appeal and approve the proposed use permit and design review application, with the addition of the clarifications and upper limits above, subject to conditions. Support for the use permit and design review findings are detailed below:

Use Permit Findings:

Staff believes that the proposed project is consistent with the General Plan because the contractor yard would be located on an industrial site located in an industrial zoning district, surrounded by other industrial uses. The proposed use is classified as a contractor yard, which is consistent with the description of the Industrial General Plan land use designation (General Plan, page 2-20). Establishment of the contractor yard use is also consistent with adopted General Plan goal 2-G-12 and policy 2-P-37, as described in the Code Compliance section of the Planning Commission staff report.

If the block wall proposed on site is a minimum of eight feet tall (Proposed Condition No. 11), as required by PMC section 18.54.010, then the proposed use would be consistent with the Zoning Ordinance, the purposes of the land use district in which it is located and would be appropriate to the specific location at 695 East 3rd Street, in that the contractor yard would be appropriately screened from view from the public right-of-way. The use would create local jobs and contribute to the economic base of the community, which is also consistent with the intent of industrial districts (PMC section 18.54.005, subsections A and B.3). In order to comply with the provisions of the parking chapter of the Zoning Ordinance, staff recommends that the Commission determine that 12 vehicular stalls and racks for three bicycles would be appropriate to serve this contractor yard upon completion of the phase one site improvements. Staff believes that this will adequately serve the needs of the use because the applicant anticipates a maximum of 12 employees upon the completion of the phase one improvements. A condition of approval has been added to the resolution to require the addition of three bicycle parking stalls to the front parking area currently identified on the site plan (proposed Condition No. 13). This will bring both vehicular and bicycle parking at the site into compliance with PMC Chapter 18.78.

Staff believes that the proposed project would not adversely affect the orderly development of property within the city because it is an industrial use that is consistent with the industrial uses in the general vicinity including USS Posco and Koch Carbon. Staff also does not believe that the proposed use would encourage marginal development within the neighborhood; rather, it would constitute an improvement in that the front and most visible part of the proposed project area would be predominantly landscaping. If this front landscaped area is attractively designed to incorporate various colors, textures and water efficient plant selections, and if the block wall incorporates a decorative cap (Proposed Condition No. 11) staff believes that the property frontage would be substantially improved and would benefit the industrialized area. To this end, staff recommends that additional landscaping details, over that provided on the submitted plans, be submitted for staff review and approval prior to issuance of a building permit (proposed Condition No. 7).

The project would not be detrimental to the health, safety, and general welfare of the city, if both of the mitigation measures from the Final Mitigated Negative Declaration relating to hazardous materials and noise are incorporated as conditions of project approval (Proposed Condition Nos. 2 and 3), and if the project applicant maintains his approvals and permits under the California Emergency Reporting System (CERS) applications and California Accidental Release Prevention Program (CUPA) (Proposed Condition No. 4), and if APHIS is handled in accordance with USDA regulations (Proposed Condition Numbers 63 and 64). This would ensure that the hazardous materials processed on site are handled according to all industry standards. At present, the business is operating in good standing among regulatory agencies at its Alameda and Long Beach locations, and recently passed an audit from the California Department of Toxic Substances Control without any deficiencies or recommendations for improvement noted. The applicant recycles waste whenever possible, including petroleum waste from ships, oils, oily debris, solids, and paint waste. All waste is stored in the hazardous materials container that includes a secondary containment area to protect against unforeseen leakage. The applicant does not currently have any hazardous materials onsite, so the applications cannot be submitted at this time. The addition of Condition Nos. 63 and 64 ensures that no APHIS will arrive on the site without an APHIS-approved compliance agreement in place, and that all APHIS rules and regulations therein would be followed to protect the health, safety, and general welfare of the residents of Pittsburg as well as the agriculture of the United States. The addition of Condition Nos. 65, 66, and 67 place limits on the amount of APHIS waste and the amount of sewage that may

be processed at the site. Staff does not believe that these conditions are pertinent to this finding, but does believe that they will give the public an expectation of the APHIS and sewage related activities that would take place.

The intermittent use of cranes or similar equipment onsite could generate noise readings in excess of the conditionally acceptable range at neighboring properties if used near the eastern or western property lines. If mitigation measure NOI-1 is incorporated to require that such equipment be used only down the center-line of the property, or to require the applicant to provide sufficient evidence to the city that any crane installed would not generate greater than 75 decibels at the source, then the project would not result in noise generation above the acceptable limits set forth in Chapter 9 of the General Plan. Because of the distance from the project site to the nearest sensitive receptors, the noise generated by Marine Express would not result in ambient noise levels above the “normally acceptable” level in the nearest residential neighborhoods. With the incorporation of Mitigation Measure NOI-1 (Proposed Condition No. 3), the intermittent noise generated by the project would not be detrimental to the health, safety, and general welfare of the city.

While the existing shoreline would be modified to accommodate the straight sheet-pile wall, inlet slip, and boat ramp, the shoreline is previously modified and does not include wetlands or riparian areas. Construction activities related to the shoreline improvements and excavation would implement best management practices and would require regulatory approvals from federal and state agencies. Therefore, the health, safety, and welfare of the city and its shoreline would be preserved.

The proposed project site is in an existing industrialized area of the city, and is located on a portion of East Third Street that terminates at USS Posco roughly 2000 feet to the east of the subject site and is generally traversed only for industrial-related traffic at USS Posco and Koch Carbon. There would not be risk of APHIS-related odors creating a nuisance for nearby residents with the clarification provided above by the applicant. Noise from equipment would not create a nuisance if mitigation measure NOI-1 from the Mitigated Negative Declaration (relating to noise) is incorporated as condition of project approval (Proposed Condition No. 3). This would ensure that noise generation at the project site would not exceed normally acceptable levels at the nearest single family residential homes, approximately 1300 feet from the property. Staff does not anticipate that the use would create a nuisance or enforcement problem within the neighborhood, provided that standards for general site maintenance and safe business operations are applied to the project.

Lastly, the project is consistent with the city's approved funding priorities, in that there are no public funds associated with the project. If the Applicant dedicates the first 10-feet of property at the southern property line to the city for the creation of a curb, gutter, and sidewalk to serve the future widening of East Third Street (Proposed Condition No. 46), then the proposed project would be consistent with the city's funding priorities. Furthermore, the project would contribute to the tax base through the creation of new jobs. Finally, the proposed project involves new improvements to existing underutilized and unimproved property and would have a beneficial effect on the property value of the site and surrounding sites.

Design Review Findings:

Staff believes that with the addition of some conditions of approval primarily related to landscaping, the wall, and the design of the guard house, the Council can make the findings necessary in order to approve the design review portion of this project. Support for the

findings is detailed on pages nine through 11 of the Planning Commission Staff Report (Attachment 8), under the subheading "Design Review."

Conclusion:

An analysis of the appeal itself is not included herein because the City Council must hear the appeal as a new matter. Staff believes that the City Council can adopt the IS/MND for the project, and make all required findings to approve the use permit and design review applications with the modifications to the project that are described herein, conditioned in the proposed resolution, and included in the Addendum to the IS/MND. As such, staff recommends that the City Council adopt a Resolution adopting the IS/MND, and approve Use Permit / Design Review Application No. 12-864, as conditioned.

ATTACHMENTS: 1. Resolution

2. Final Initial Study and Mitigated Negative Declaration, dated August, 2014
3. Comment Letter from CDFW, dated June 24, 2014
4. Project Plans, date stamped March 20, 2014
5. Project Renderings
6. Declaration of Appeal, dated August 22, 2014
7. Further information related to Appeal, dated October 14, 2014
8. Planning Commission Staff Report, dated August 12, 2014
9. Minutes of Planning Commission Meeting, August 12, 2014
10. Letter from Bay Harbor Park Homeowners Association, August 12, 2014
11. Notice of Public Hearing
12. Vicinity Map

Report Prepared By: Alexandra Endress

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

DATE: December 15, 2014

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

CITY COUNCIL/AGENCY MEMBERS

Salvatore Evola, Mayor/Chair
Dwayne "Pete" Longmire, Vice-Mayor/Chair
Ben Johnson, Council/Agency Member
Will Casey, Council/Agency Member
Marilyn Craft, Council/Agency Member
Joanne Alvergue, Agency Member
Willie Mingo, Agency Member

APPOINTED OFFICIALS

Joe Sbranti, City Manager/Executive Director
Ruthann Ziegler, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

CONVENE IN CLOSED SESSION

Mayor Longmire called the meeting of the City Council to order at 5:05 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, CA and convened to Closed Session for the following items:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION FOR THE PITTSBURG ARTS AND COMMUNITY FOUNDATION INC. (Paragraph (1) of subdivision (d) of Section 54956.9):

Name of case: Pittsburg Arts and Community Foundation vs. Sheri Vallero, Contra Costa County Superior Court, Case No. PS14-1177

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION FOR THE CITY OF PITTSBURG (Paragraph (1) of subdivision (d) of Section 54956.9):

Name of Case: Vidrio Residential Owners Association v. City of Pittsburg, Contra Costa County Superior Court Case No. C14-01922

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION FOR THE SUCCESSOR AGENCY (Paragraph (1) of subdivision (d) of Section 54956.9):

Name of case: in re Marisa Ann Belleci, U.S. Bankruptcy Court for the Northern District of California, Case No. 14-40261

Name of Case: Vidrio Residential Owners Association v. Successor Agency to the Redevelopment Agency of the City of Pittsburg, Contra Costa County Superior Court Case No. C14-01922

4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION FOR THE CITY OF PITTSBURG (Significant exposure to litigation pursuant to paragraph (2) subdivision (d) of Section 54956.9):

Two (2) cases

5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION FOR THE CITY OF PITTSBURG (Significant exposure to litigation pursuant to paragraph (4) subdivision (d) of Section 54956.9):

Three (3) cases

6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION FOR SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF PITTSBURG (Significant exposure to litigation pursuant to paragraph (2) subdivision (d) of Section 54956.9):

Two (2) cases

7. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION FOR SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF PITTSBURG (Significant exposure to litigation pursuant to paragraph (4) subdivision (d) of Section 54956.9):

Three (3) cases

ROLL CALL

Member Evola was present for the Closed Session, and absent and excused for the Planning Commission Appeal following the Closed Session. He returned for the Regular Meeting at 7:25 P.M.

The Council convened at 6:05 P.M. for the Planning Commission Appeal.

PLANNING COMMISSION APPEAL

Consideration of an Appeal of a Planning Commission Decision to Deny a Use Permit for Marine Express Site Improvements, AP-12-864 (UP/DR)

Mayor Longmire opened the Public Hearing.

Randy Esch, appellant, presented the proposed site improvement plan.

Dave Trotter, attorney for the appellant, appeared on Mr. Esch's behalf.

Planning Commissioners Belleci-Shipe, Fardella, and Fogleman all spoke against the project.

Willie Evers spoke against the project.

William Lee stated he hoped if the project went forward a local hire and prevailing wage provision would be put in place.

Frank Gordon spoke in favor of the project.

Chris Fallon spoke against the project.

Lisa Graham spoke against the project.

Kalli Graham spoke against the project.

There being no one to speak further to the issue, Mayor Longmire closed the Public Hearing.

On motion by Member Johnson, seconded by Member Casey to adopt the Initial Study Checklist and Mitigated Negative Declaration, and approve Use Permit/Design Review Application No. 12-864 as conditioned therein and approved by the following vote:

AYES: Casey, Craft, Johnson, Longmire
ABSENT: Evola

The Council took a ten minute recess at 7:15 P.M. and re-convened for Regular Meetings at 7:25 P.M.

ROLL CALL

All Members were present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION

Chamber of Commerce

PJ Quesada, Chair of the Chamber Board of Directors presented a recap of the successful 2014 Seafood Festival.

COUNCIL MEMBER REPORTS/REMARKS

Member Johnson attended the holiday parade and several veterans events. He thanked PACF for the successful holiday events in Old Town.

CITY MANAGER REPORTS/REMARKS

City Manager Sbranti introduced Fritz McKinley, the new Community Development Director/City Engineer.

CITIZENS REMARKS

James Couchman commented on several issues: City Park use, odors on Davi Avenue, and the golf course and restaurant.

POWER COMPANY

PUBLIC HEARING

10. Adoption of a Pittsburg Power Company Resolution to Adopt the Revised Renewable Energy Resources Procurement Plan for Island Energy

Chair Longmire opened the Public Hearing. There being no one to speak to the item, Chair Longmire closed the Public Hearing.

On motion by Vice-Chair Johnson, seconded by Member Craft to adopt and carried unanimously.

CITY COUNCIL MEETING

PUBLIC HEARING

11. Adoption of City Council Resolutions Establishing and Enforcing the California Vehicle Code on Private Streets in Harbor Lights II and Heritage Pointe Subdivisions

Mayor Longmire opened the Public Hearing. There being no one to speak to the item, Mayor Longmire closed the Public Hearing.

On motion by Vice-Mayor Johnson, seconded by Member Casey to adopt and carried unanimously.

12. Introduction and Waive First Reading of a City Council Ordinance Amending Pittsburg Municipal Code Title 19 (Signs) in Order to Allow Billboard Signs

Mayor Longmire opened the Public Hearing. There being no one to speak to the item, Mayor Longmire closed the Public Hearing.

On motion by Member Evola, seconded by Vice-Mayor Johnson to adopt and carried unanimously.

CONSIDERATION

13. Adoption by Minute Order of Council Member Committee Assignments for 2015

Vice-Mayor Johnson asked that the Lancaster JPA be added to the assignment list.

On motion by Vice-Mayor Johnson, seconded by Member Casey to adopt and carried unanimously.

CONFLICT OF INTEREST DECLARATIONS

There were no conflict of interest declarations.

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

On motion by Vice-Mayor/Chair Johnson, seconded by Member Casey to adopt without Items 21 and 23, and carried unanimously.

14. Minutes of November 17, 2014

15. Adoption of a Pittsburg Power Company Resolution to Approve a Power Purchase Agreement between the Whitney Point Solar, LLC and the Pittsburg Power Company

16. Adoption of a City Council Resolution to Authorize the City Manager to Negotiate and Execute a Memorandum of Understanding for Subdivision 9363, Greystone Place

17. Adoption of a City Council Ordinance Amending the Required Building Setbacks for the Mariner Walk Development (AP-14-1025)

18. Adoption of a City Council Ordinance Amending Pittsburg Municipal Code Section 18.84.220 to Allow Electric Fences (AP-14-988 [RZ])

19. Adoption of a City Council Resolution to Authorize FY 2014/15 Budget Adjustments to Increase Pension Obligation Bond Expense Allocations, Reduce Various Allocations that Fund Internal Service Expenses, and Reduce Health Insurance Budgets

20. Receive and File Staff's Report on the Review of Development Impact Fees Received by the City of Pittsburg that are Subject to AB 1600 Reporting Requirements

22. Adoption of a City Council Resolution to Authorize Allocation of Keller Canyon Mitigation Funds for Purchase of Rapid Deployment Shelter

The following items were considered separately.

21. Receive and File the Investment Report as of September 30, 2014

On motion by Member Evola, seconded by Mayor/Chair Longmire to adopt and carried unanimously.

23. Adoption of a City Council Resolution to Name Two Parks in Honor of Police Officers Killed in the Line of Duty

Members of the families of those officers killed in the line of duty were present and were proud to have their officers so honored.

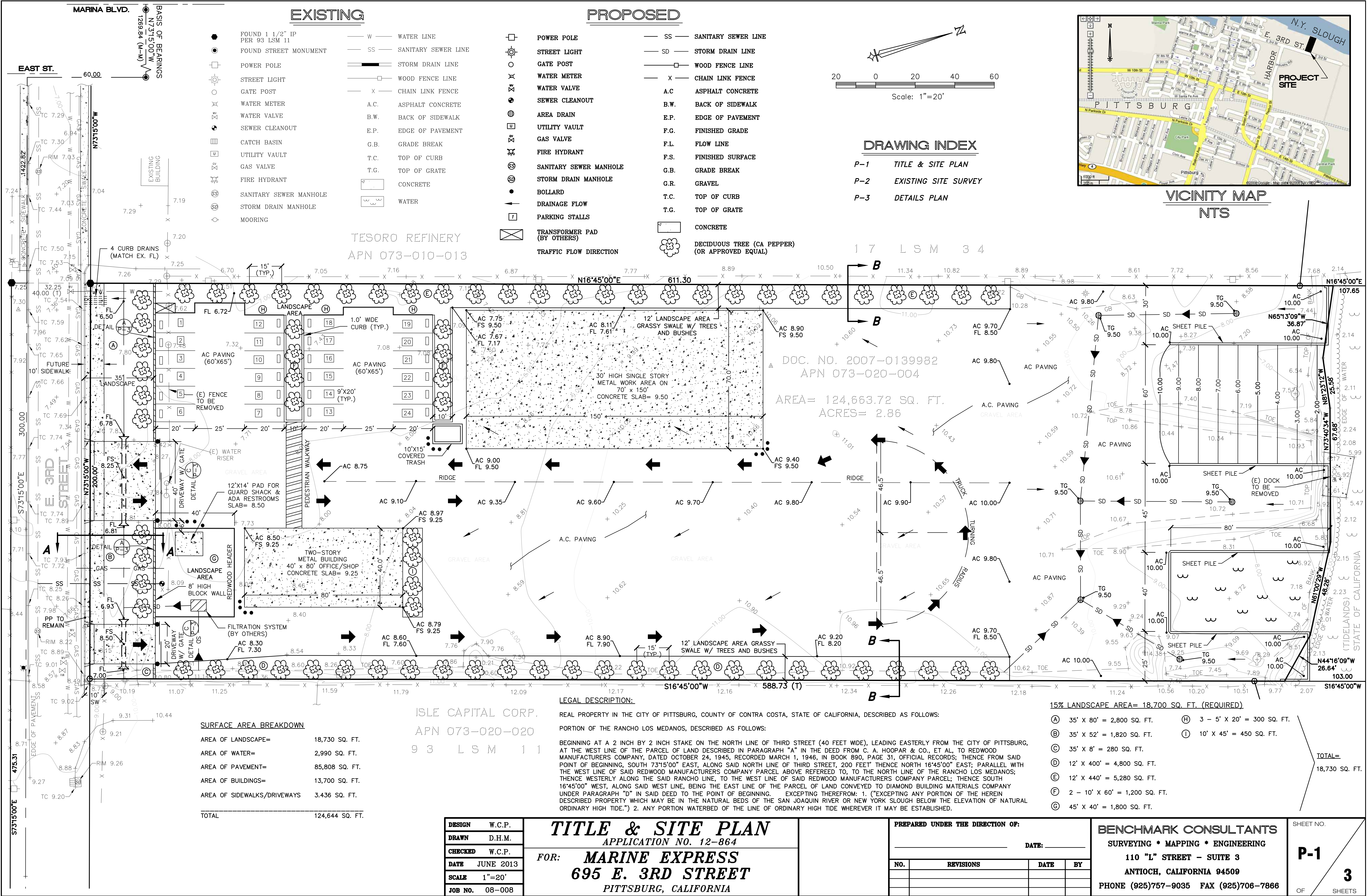
On motion by Member Evola, seconded by Vice-Mayor/Chair Johnson to adopt and carried unanimously.

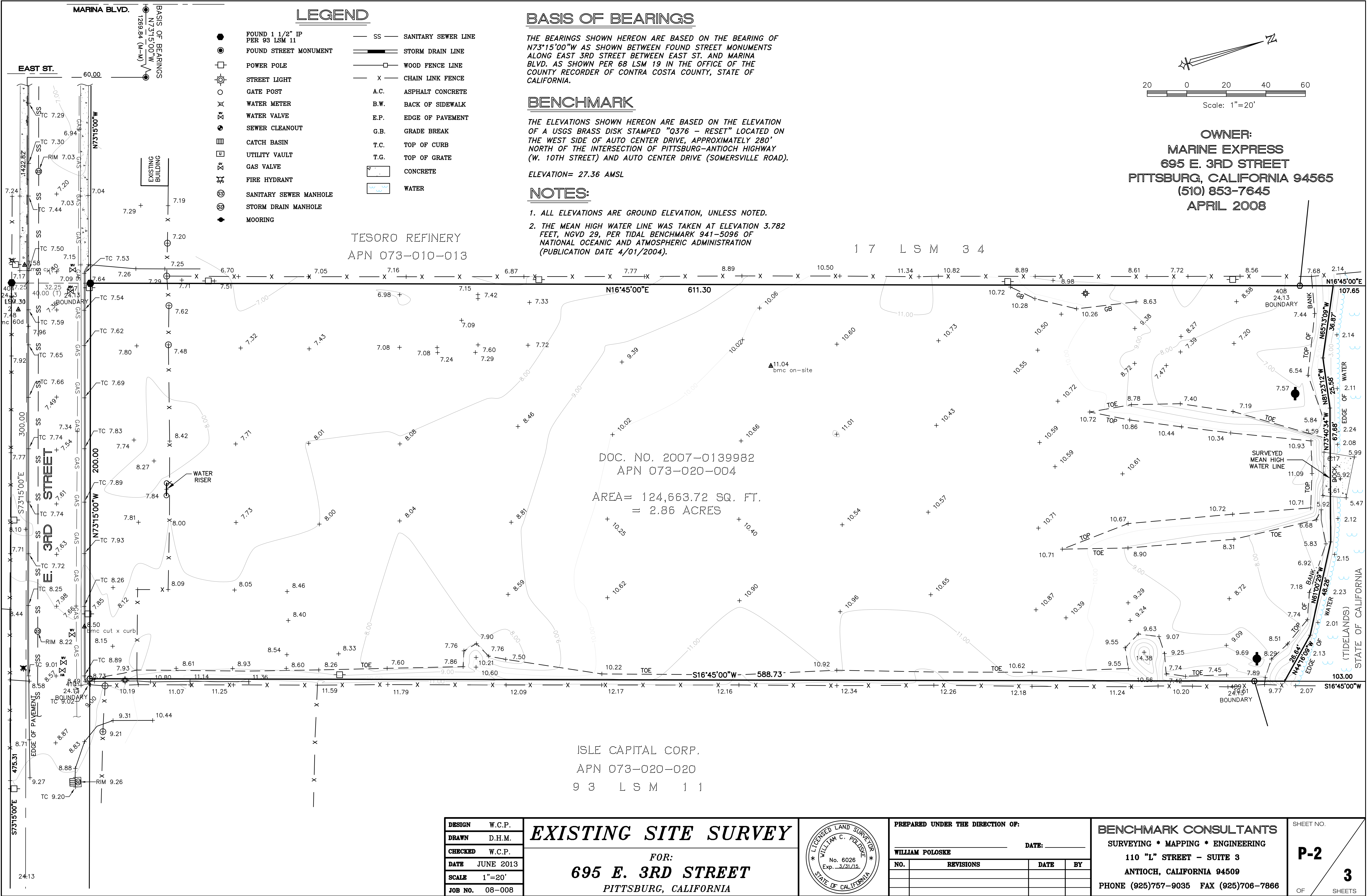
ADJOURNMENT

The City Council meeting was adjourned at 8:05 P.M. to January 20, 2015.

Respectfully submitted,

Alice E. Evenson, City Clerk

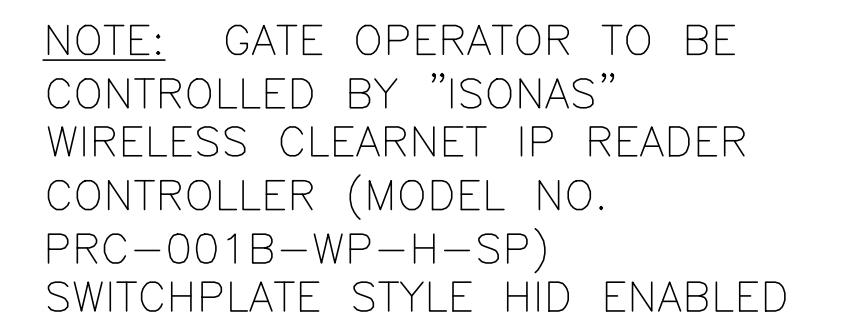






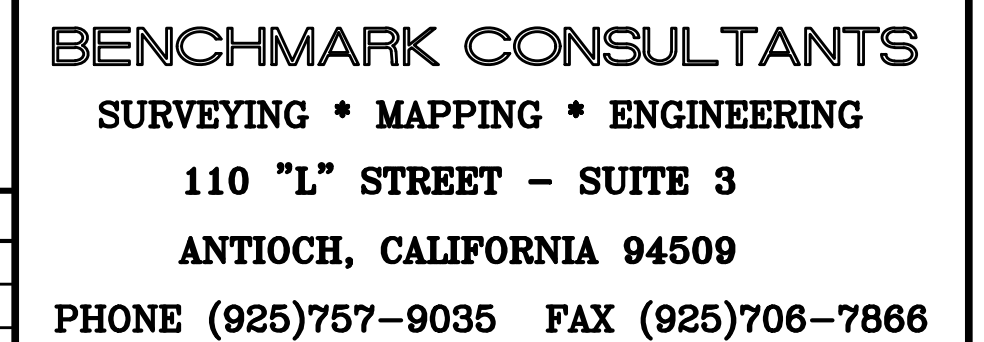
SECTION "A-A"

NOT TO SCALE

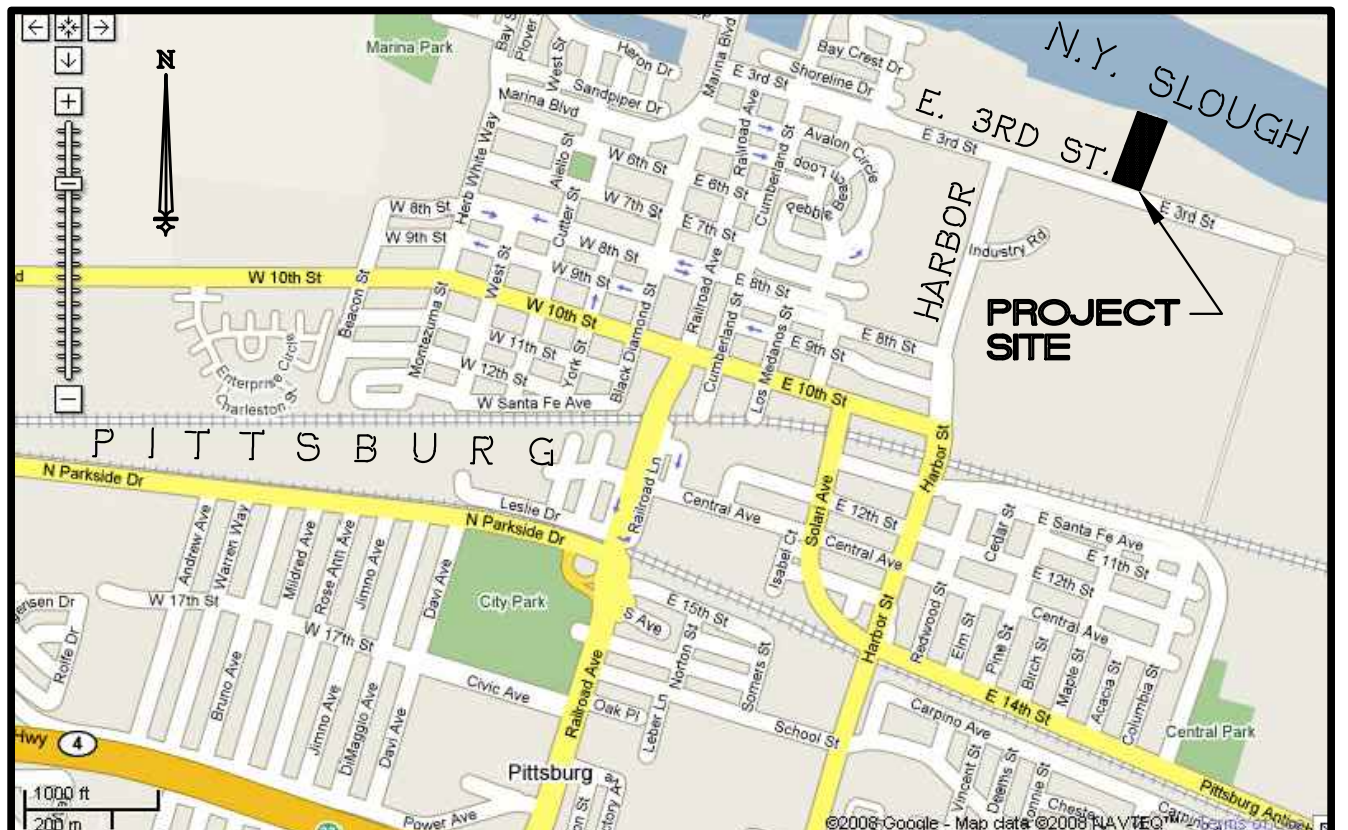
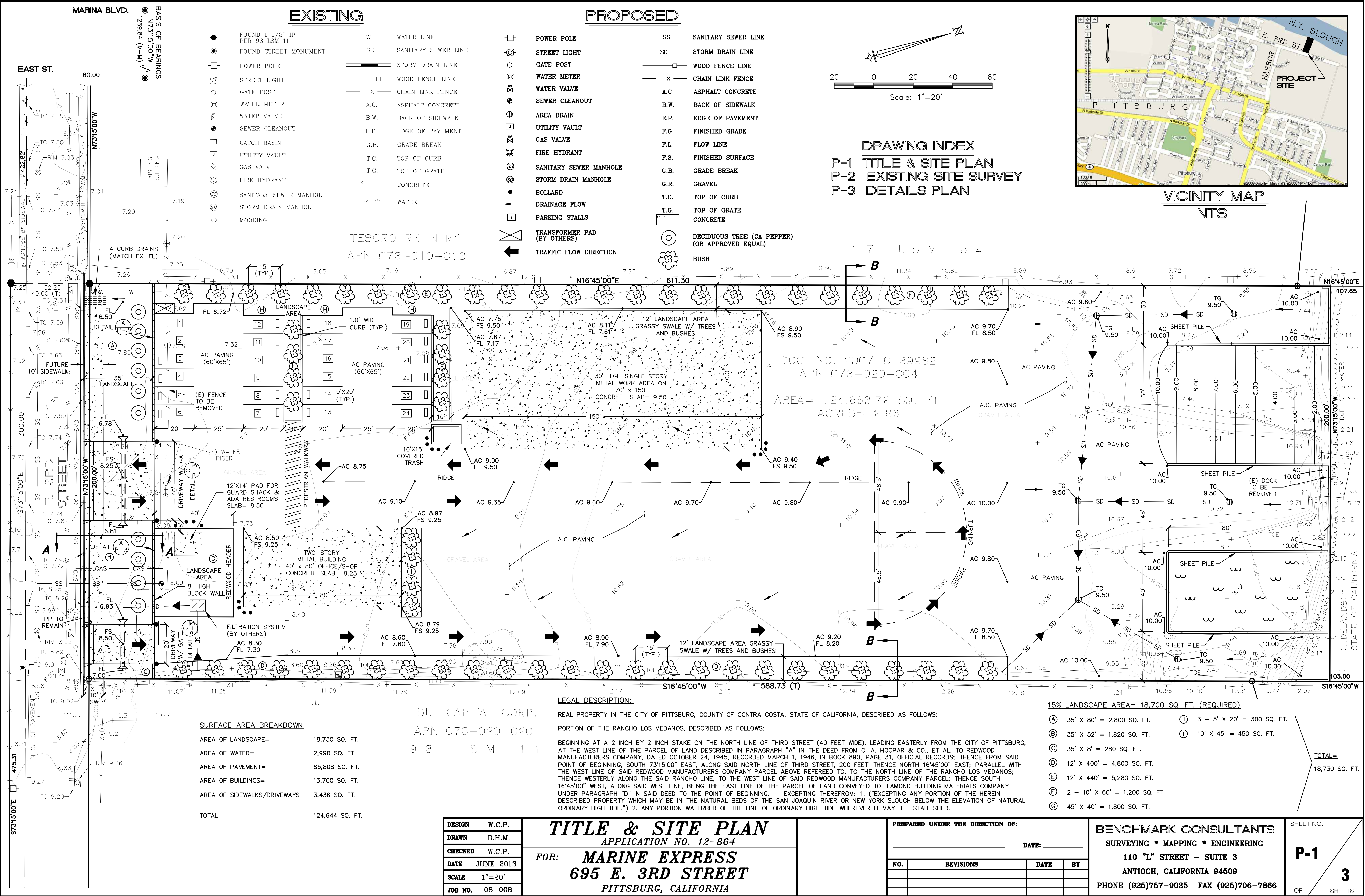


DETAIL "C"
SWING GATE OPERATOR DETAIL
NOT TO SCALE

FOR:
695 E. 3RD STREET
PITTSBURG, CALIFORNIA



3
SHEETS



VICINITY MAP
NTS

DRAWING INDEX
P-1 TITLE & SITE PLAN
P-2 EXISTING SITE SURVEY
P-3 DETAILS PLAN

- | | |
|---------------------------------|--|
| EXISTING | PROPOSED |
| ● FOUND 1 1/2" IP PER 93 LSM 11 | — W — WATER LINE |
| ● FOUND STREET MONUMENT | — SS — SANITARY SEWER LINE |
| □ POWER POLE | — SD — STORM DRAIN LINE |
| ⊙ STREET LIGHT | — WOOD FENCE LINE |
| ⊙ GATE POST | — X — CHAIN LINK FENCE |
| ⊙ WATER METER | — A.C. ASPHALT CONCRETE |
| ⊙ WATER VALVE | — B.W. BACK OF SIDEWALK |
| ⊙ SEWER CLEANOUT | — E.P. EDGE OF PAVEMENT |
| ⊙ CATCH BASIN | — F.G. FINISHED GRADE |
| ⊙ UTILITY VAULT | — F.L. FLOW LINE |
| ⊙ GAS VALVE | — F.S. FINISHED SURFACE |
| ⊙ FIRE HYDRANT | — G.B. GRADE BREAK |
| ⊙ SANITARY SEWER MANHOLE | — G.R. GRAVEL |
| ⊙ STORM DRAIN MANHOLE | — T.C. TOP OF CURB |
| ⊙ MOORING | — T.G. TOP OF GRATE |
| | — CONCRETE |
| | — WATER |
| | □ POWER POLE |
| | ⊙ STREET LIGHT |
| | ⊙ GATE POST |
| | ⊙ WATER METER |
| | ⊙ WATER VALVE |
| | ⊙ SEWER CLEANOUT |
| | ⊙ AREA DRAIN |
| | ⊙ UTILITY VAULT |
| | ⊙ GAS VALVE |
| | ⊙ FIRE HYDRANT |
| | ⊙ SANITARY SEWER MANHOLE |
| | ⊙ STORM DRAIN MANHOLE |
| | ⊙ BOLLARD |
| | ⊙ DRAINAGE FLOW |
| | ⊙ PARKING STALLS |
| | ⊙ TRANSFORMER PAD (BY OTHERS) |
| | ⊙ TRAFFIC FLOW DIRECTION |
| | ⊙ DECIDUOUS TREE (CA PEPPER) (OR APPROVED EQUAL) |
| | ⊙ BUSH |

SURFACE AREA BREAKDOWN

AREA OF LANDSCAPE=	18,730 SQ. FT.
AREA OF WATER=	2,990 SQ. FT.
AREA OF PAVEMENT=	85,808 SQ. FT.
AREA OF BUILDINGS=	13,700 SQ. FT.
AREA OF SIDEWALKS/DRIVEWAYS	3,436 SQ. FT.
TOTAL	124,644 SQ. FT.

ISLE CAPITAL CORP.
APN 073-020-020
93 LSM 11

LEGAL DESCRIPTION:
REAL PROPERTY IN THE CITY OF PITTSBURG, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
PORTION OF THE RANCHO LOS MEDANOS, DESCRIBED AS FOLLOWS:
BEGINNING AT A 2 INCH BY 2 INCH STAKE ON THE NORTH LINE OF THIRD STREET (40 FEET WIDE), LEADING EASTERLY FROM THE CITY OF PITTSBURG, AT THE WEST LINE OF THE PARCEL OF LAND DESCRIBED IN PARAGRAPH "A" IN THE DEED FROM C. A. HOOPAR & CO., ET AL, TO REDWOOD MANUFACTURERS COMPANY, DATED OCTOBER 24, 1945, RECORDED MARCH 1, 1946, IN BOOK 890, PAGE 31, OFFICIAL RECORDS; THENCE FROM SAID POINT OF BEGINNING, SOUTH 73°15'00" EAST, ALONG SAID NORTH LINE OF THIRD STREET, 200 FEET; THENCE NORTH 16°45'00" EAST, PARALLEL WITH THE WEST LINE OF SAID REDWOOD MANUFACTURERS COMPANY PARCEL ABOVE REFERRED TO, TO THE NORTH LINE OF THE RANCHO LOS MEDANOS; THENCE WESTERLY ALONG THE SAID RANCHO LINE, TO THE WEST LINE OF SAID REDWOOD MANUFACTURERS COMPANY PARCEL; THENCE SOUTH 16°45'00" WEST, ALONG SAID WEST LINE, BEING THE EAST LINE OF THE PARCEL OF LAND CONVEYED TO DIAMOND BUILDING MATERIALS COMPANY UNDER PARAGRAPH "D" IN SAID DEED TO THE POINT OF BEGINNING. EXCEPTING THEREFROM: 1. ("EXCEPTING ANY PORTION OF THE HEREIN DESCRIBED PROPERTY WHICH MAY BE IN THE NATURAL BEDS OF THE SAN JOAQUIN RIVER OR NEW YORK SLOUGH BELOW THE ELEVATION OF NATURAL ORDINARY HIGH TIDE.") 2. ANY PORTION WATERBED OF THE LINE OF ORDINARY HIGH TIDE WHEREVER IT MAY BE ESTABLISHED.

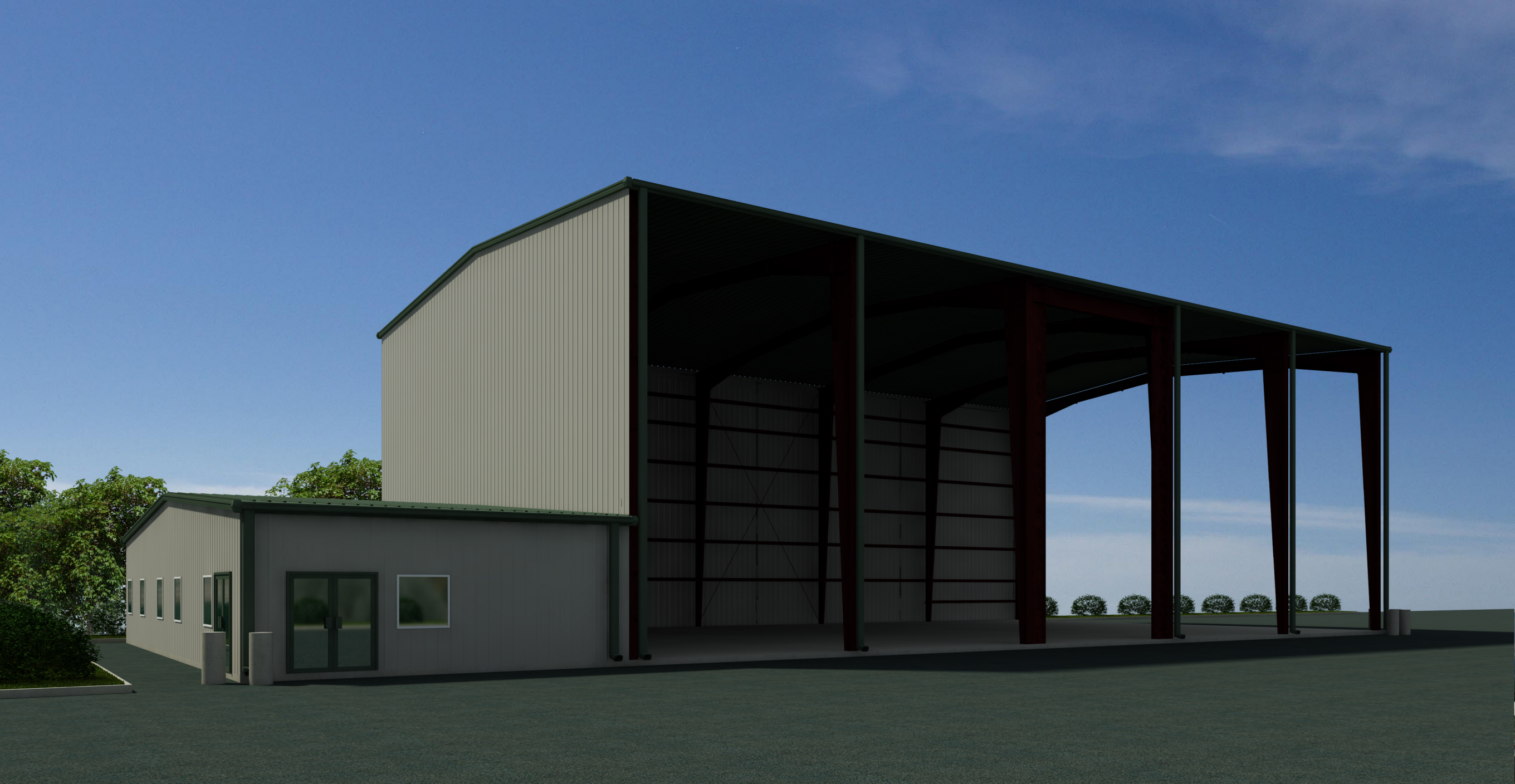
15% LANDSCAPE AREA= 18,700 SQ. FT. (REQUIRED)

(A) 35' x 80' = 2,800 SQ. FT.	(H) 3 - 5' x 20' = 300 SQ. FT.
(B) 35' x 52' = 1,820 SQ. FT.	(I) 10' x 45' = 450 SQ. FT.
(C) 35' x 8' = 280 SQ. FT.	
(D) 12' x 400' = 4,800 SQ. FT.	
(E) 12' x 440' = 5,280 SQ. FT.	
(F) 2 - 10' x 60' = 1,200 SQ. FT.	
(G) 45' x 40' = 1,800 SQ. FT.	
TOTAL=	18,730 SQ. FT.

DESIGN W.C.P. DRAWN D.H.M. CHECKED W.C.P. DATE JUNE 2013 SCALE 1"=20' JOB NO. 08-008	TITLE & SITE PLAN APPLICATION NO. 12-864 FOR: MARINE EXPRESS 695 E. 3RD STREET PITTSBURG, CALIFORNIA	PREPARED UNDER THE DIRECTION OF: DATE: _____ <table border="1"><tr><th>NO.</th><th>REVISIONS</th><th>DATE</th><th>BY</th></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></table>	NO.	REVISIONS	DATE	BY													BENCHMARK CONSULTANTS SURVEYING * MAPPING * ENGINEERING 110 "L" STREET - SUITE 3 ANTIOCH, CALIFORNIA 94509 PHONE (925)757-9035 FAX (925)706-7866	SHEET NO. P-1 3 OF SHEETS
NO.	REVISIONS	DATE	BY																	









MARINE EXPRESS

12-07-2016

Ms. Devina Uribe:
City of Pittsburg
Engineering Technician II
65 Civic Ave
Pittsburg, CA 94565

RECEIVED

DEC - 7 2016

BUILDING DIVISION

Subject: Approval Extension Request –AP 12-864, Contractor Yard Improvements

Marine Express, respectfully requests the City of Pittsburg extend approval of the Marine Express site improvement project for an additional 3 years. The current approval is set to expire on December fifteen of this year. Marine Express has delayed construction of the project due to permit applications.

Additionally, we will be constructing the project in the following two phases:

Phase I to consist of the construction of the storm water pollution protection improvements, landscaping, paved driveway, 168 square-foot guardhouse, 8-foot tall masonry wall, and a parking lot.

Phase II to consist of the constriction of the 40-foot by 80-foot inlet slip for the moorage of marine vessels and a 60- foot by 80-foot slipway.

Phase III TBD

Please let us know if you have any further questions. Thank you for your time.

Sincerely,

Randall M. Esch
Marine Express Inc.



City of Pittsburg

Community Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **PITTSBURG CITY COUNCIL** will conduct a public hearing on:

DATE: February 21, 2017
TIME: 6:30 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Consideration of an Appeal of a Planning Commission Decision to Deny a One-Year Extension of Approval of a Use Permit and Design Review of Plans for Site Improvements for Marine Express, AP-12-864 (UP, DR)

On January 24, 2017, the Planning Commission voted to deny a request by Randall Esch of Marine Express for a one-year extension of approval for: 1) a use permit for the storage and handling of hazardous materials; and 2) design review of plans for site improvements to a 2.86-acre parcel. The proposed site improvements would facilitate the use of the property as a contractor's yard supporting Marine Express' upriver marine operations, and the storage and repair of Marine Express' fleet and equipment. The property is located at 695 East 3rd Street in the IG (General Industrial) District. Assessor's Parcel Number: 073-020-004. On January 27, 2017, Randall Esch, of Marine Express, filed an appeal of the Planning Commission's decision.

PROJECT PLANNER: Jordan Davis, (925) 252-4015 or jdavis@ci.pittsburg.ca.us

Why am I receiving this notice? You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

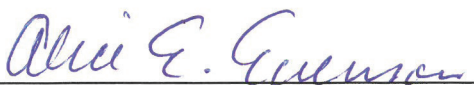
Where can I get more information about this project?

The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

What can I do if I have comments on the project?

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.



Alice E. Evenson, City Clerk

Vicinity Map

Project Title: Marine Express Site Improvements, AP-12-864 (UP, DR)
Location: 695 East 3rd Street, APN: 073-020-004



**CITY OF PITTSBURG
HOUSING AUTHORITY MEETING MINUTES**

DATE: January 17, 2017

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

CITY COUNCIL/AGENCY MEMBERS

Marilyn Craft, Mayor/Chair
Dwaine "Pete" Longmire, Vice-Mayor/Chair Member
Sal Evola, Council/Agency Member
Juan Antonio Banales, Council/Agency Member
Jelani Killings, Council/Agency Member
Michelle King, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

Joe Sbranti, City Manager/Executive Director
Ruthann Ziegler, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

CALL TO ORDER

Chair Craft called the meeting of the Housing Authority to order at 7:09 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

All members were present.

CONSENT CALENDAR

On motion by Vice-Chair Longmire, seconded by Member Killings to adopt and carried unanimously.

CONSENT CALENDAR

4. Minutes of December 31, 2016
5. Disbursement List of December 31, 2016

ADJOURNMENT

The Housing Authority was adjourned at 7:10 P.M. to February 21, 2017.

Respectfully submitted,

Alice E. Evenson, Secretary

PITTSBURG HOUSING AUTHORITY

Disbursement List Summary

For the month of January 2017

VOUCHERS	Ck#	Amount	HAP ¹	VASH ²	UR ³	Portability	Admin. Fee	TOTAL
	145344 - 145469 10116001- 10116482	1,241,878.63	1,075,028.52	129,169.00	9,197.99	20,632.00	7,851.12	1,241,878.63
	145470-145472 11517001-11517012	16,867.55	12,337.33	1,162.00	42.00	3,184.00	142.32	16,867.65
								-
								-
	TOTAL	1,258,746.18	1,087,365.85	130,331.00	9,239.99	23,816.00	7,993.44	\$ 1,258,746.28

¹Housing Assistance Payment

²Veterans Affairs Supportive Housing

³Utility Reimbursement

ADMINISTRATIVE EXPENSES		Amount	Description	TOTAL
	Paid to	\$ 35,390.60	Full Time salaries	\$ 35,390.60
	City of Pittsburgh	\$ -	Stipend	-
	(1/17 Operating	-	Part Time salaries	-
	Expenses)	-	Overtime salaries	-
		5,633.52	Retirement	5,633.52
		8,958.25	Retirement-Pension bonds	8,958.25
		11,483.46	Health Insurance	11,483.46
		118.12	Life Insurance	118.12
		973.80	Dental Insurance	973.80
		1,892.71	Workers Comp	1,892.71
		195.03	Unemployment Insurance	195.03
		140.74	Disability Ins.	140.74
		2,687.41	FICA	2,687.41
		670.00	Deferred Compensation	670.00
		606.58	Allocated Retiree/Med/Vac Buy-Bk/Empl Term	606.58
		2,687.50	Retiree OPEB Costs	2,687.50
		808.45	Office Supplies	808.45
		-	Textbooks	-
		445.80	Postage	445.80
		-	Misc Equip & Furniture < \$5,000	-
		8.71	Other Special Departmental Supplies	8.71
		875.45	Utilities (Gas, Electric & Water)	875.45
		92.16	Telephone - Regular	92.16
		663.06	Telephone - Other	663.06
		-	Membership Dues & Subscriptions	-
		-	Travel, Training, & Conference	-
		1,312.91	Insurance - Alloc Chgs	1,312.91
		-	Legal Fees	-
		-	Auditing Expense	-
		-	Settlement Hearing	-
		2,025.00	Other Contractual & Professional Service	2,025.00
		264.38	Advertising & Promotion	264.38
		-	Maintenance Agreements	-
		2,508.45	Maintenance & Repairs	2,508.45
		-	Equipment Rental	-
		2,375.00	Building Rental	2,375.00
		571.91	Fleet Maintenance Alloc Chgs	571.91
		1,276.16	Building Maintenance Alloc Chgs	1,276.16
		2,655.41	Information Systems Alloc Chgs	2,655.41
		-	Bad Debt Expense	-
		4,376.66	Admin overhead paid to city	4,376.66
		-	Legal - Non Retainer/Non Reimbursable	-
		61.10	Utilities (Gas, Electric, & Water) - Rental	61.10
		1,262.80	Maintenance & Repairs - Rental	1,262.80
		-	Property Tax payment - Rental	-
		120.35	Other fees - Rental	120.35
		-	Lighting & Landscape Assessment - Rental	-
		1,465.91	Transfer-Out to OPEB (Unfunded Liabilities)	1,465.91
	TOTAL	94,607.39		94,607.39

VOIDED CHECKS & ADJUSTMENTS	Ck#	Amount	Reason	TOTAL
	144776	(14.00)	Check lost - reissued 1/15/17	(14.00)
	145159	(14.00)	Check lost - reissued 1/15/17	(14.00)
	145288	(14.00)	Check lost - reissued 1/15/17	(14.00)
	145149	(70.00)	Tenant vacated unit. ATD 10/31/16	(70.00)
	145278	(70.00)	Tenant vacated unit. ATD 10/31/16	(70.00)
	10116420	(7,245.00)	ACH returned (incorrect information, owner to provide banking information)	(7,245.00)
				-
				-
	TOTAL	(7,427.00)		\$ (7,427.00)

NET of Issued and Voided \$ 1,345,926.67

Handwritten signature and date 2/6/17

Handwritten signature

Check Summary

January 1, 2017

Check Number	Check Date	Payee Tax ID	Payee	Amount
Choice Voucher				
* 145344	1/1/17	*****2494	Amana K Cornish	171.00
145345	1/1/17	*****7496	Angel R White	22.00
145346	1/1/17	*****1508	Angela N Taylor	183.00
145348	1/1/17	*****0138	Ayanna M Bastain	175.00
145349	1/1/17	*****8598	Cheryl A Edwards	12.00
145350	1/1/17	*****7549	Crystal L Meredith	133.00
145351	1/1/17	*****6061	Denise R Ford	44.00
145352	1/1/17	*****6094	Devon D Cravanas	3.00
145353	1/1/17	*****2521	Erica W Kelley	370.00
145354	1/1/17		Franchise Tax Board	221.00
145355	1/1/17	*****8921	I'Janae D Elder	53.00
145356	1/1/17	*****7375	Johnnie B Hayes	1.00
145357	1/1/17	*****2855	Karen L Dixon	1.00
145358	1/1/17	*****3764	LaFrances M Harris	10.00
145359	1/1/17	*****7253	Laneava S Blanks	53.00
145360	1/1/17	*****9706	Lenaye A Lee-Carter	7.00
145361	1/1/17	*****7280	Mareece M Harrison	14.00
145362	1/1/17	*****5133	Mary P Grigsby	16.00
145363	1/1/17	*****4119	Pashenia D Sanders	158.00
145364	1/1/17	*****6197	Rachel M Cheroti	6.00
145365	1/1/17	*****6216	Ricolya N Tiger	23.00
145366	1/1/17	*****6935	Samaiyah A Warren	131.00
145368	1/1/17	*****1512	Shawn A Prince	4.00
145369	1/1/17	*****3058	Sherlina R Reed	35.00
145370	1/1/17	*****3542	Starr C Bronson	11.00
145371	1/1/17	*****8485	Talina D Hoover	28.00
145374	1/1/17	*****5605	Tomicka M Brumfield	93.00
145376	1/1/17	*****7492	Yeong P McMorris	128.00
145378	1/1/17	*****9283	Latoya C Roper	83.00
145379	1/1/17	*****1418	Patricia A Blocker	141.00
145380	1/1/17	*****8240	Vanna L Warga	58.00
145382	1/1/17	*****0864	Rochelle Scurlock	88.00
145383	1/1/17	*****8623	Kimberly A Limas	414.00
145384	1/1/17	*****7724	Carla R Fortenberry	3.00

145385	1/1/17	*****4208	Ono c Rothschild	171.00
145386	1/1/17	*****2184	Evelyn Smith	282.00
145387	1/1/17	*****1433	Tamiesha S Smith	83.00
145388	1/1/17	*****2077	Samantha L Reed	3.00
145389	1/1/17	*****6624	Cyndie I Bliss	49.00
145390	1/1/17	*****8889	Rosemarie Fagundes	30.00
145391	1/1/17	*****6527	Brandi N Davis	83.00
145392	1/1/17	*****5753	Kevin j Hernandez	218.00
145393	1/1/17	*****6015	Sherron A Camp	133.00
145394	1/1/17	*****2405	Christina M Torres-Turner	172.00
145395	1/1/17	*****6241	Felisha L Lee	133.00
145396	1/1/17	*****2941	Sadrina Sims	214.00
145397	1/1/17	*****6458	Tywanda b Jackmon	446.00
145398	1/1/17	*****0531	Akilah Z Parker	143.00
145399	1/1/17	*****8384	Laura L Jacobsen	41.00
145400	1/1/17	*****3256	Melanie M Brooks	14.00
145401	1/1/17	*****5492	Michelle m Williams	89.00
145402	1/1/17	*****3136	Sheree M Nessler	119.00
145403	1/1/17	*****0046	Letta D Christian	91.00
145404	1/1/17	*****7135	Michele N Nichols	96.00
145405	1/1/17	*****4702	Tracey S Russell	14.00
145406	1/1/17	*****4559	Julie A Young	44.00
145407	1/1/17	*****4831	Valencia M Griffin	158.00
145408	1/1/17	*****0248	Abdul A Wardak	25.00
145409	1/1/17	*****1015	Jessica D Parker	214.00
145410	1/1/17	*****2695	Monique Thompson	27.00
145411	1/1/17	*****1686	Jasmine J Jackson	46.00
145412	1/1/17	*****2176	Danita N Parm	32.00
145413	1/1/17	*****5608	Larue n Curl	105.00
145414	1/1/17	*****5298	Gloria F Nelson	14.00
145415	1/1/17	*****6507	Melissa R Griffin	14.00
145416	1/1/17	*****3869	Charlene M Best	87.00
145417	1/1/17	*****4721	Ebony N Manning	61.00
145418	1/1/17	*****2217	Camille A Lascano	1.00
145419	1/1/17	*****8078	Lisa E Gordon	12.00
145420	1/1/17	*****2808	Ramona P Jimenez	76.00
145421	1/1/17	*****4136	Sheiliece e Johnson	92.00
145422	1/1/17	*****5334	Alexandra D McCray	192.00
145424	1/1/17	*****4672	Latasha P Martin	13.00
145425	1/1/17	*****9985	Angel M Murray	38.00
145426	1/1/17	*****1606	Tamika Brown	35.00

10116002	1/1/17	*****0229	Meerwais Abdiani	DD - ES	867.00
10116003	1/1/17	*****6825	A Classey Corp. DBA: ACL Property Management	DD - ES	5,110.00
10116004	1/1/17	*****3963	Rohit V Aggarwal	DD - ES	800.00
10116005	1/1/17	*****6232	Rosario Aguilar	DD - ES	900.00
10116006	1/1/17	*****5759	Rosa Aguirre	DD - ES	1,875.00
10116007	1/1/17	*****9530	Demetrius Alexander	DD - ES	1,365.00
10116008	1/1/17	*****2539	Ida Alfaro	DD - ES	368.00
10116009	1/1/17	*****9681	Dale Alvarez	DD - ES	1,268.00
10116010	1/1/17	*****7474	David Alves	DD - ES	582.00
10116011	1/1/17	*****0387	James or Brenda Anderson	DD - ES	2,187.00
10116012	1/1/17	*****2467	Waheed Arabshahi	DD - ES	1,822.00
10116013	1/1/17	*****8701	Mariteresa Arenson c/o Select 1 Realty	DD - ES	1,591.00
10116014	1/1/17	*****0707	Sergeant or Sima Austin	DD - ES	1,479.00
10116015	1/1/17	*****3967	Ajay Banga	DD - ES	2,800.00
10116016	1/1/17	*****2764	Mel L. Banagan	DD - ES	964.00
10116017	1/1/17	*****4138	Carlos G. Barraza	DD - ES	827.00
10116018	1/1/17	*****7446	Bay Burg Property, LLC	DD - ES	1,096.00
10116019	1/1/17	*****5979	John Bedford	DD - ES	376.00
10116020	1/1/17	*****9093	Holly Beech	DD - ES	6,615.00
10116021	1/1/17	*****8439	Frank Belleci	DD - ES	1,379.00
10116022	1/1/17	*****8614	Charles Bell and Camino Johnson-Bell	DD - ES	1,637.00
10116023	1/1/17	*****2521	Belmont Apartments	DD - ES	16,229.00
10116024	1/1/17	*****2521	Belmont Apartments	DD - ES	16,996.00
10116025	1/1/17	*****2521	Belmont Apartments	DD - ES	16,961.00
10116026	1/1/17	*****2521	Belmont Apartments	DD - ES	17,504.00
10116027	1/1/17	*****2521	Belmont Apartments	DD - ES	4,450.00
10116028	1/1/17	*****7889	Tennyson Berry	DD - ES	2,882.00
10116029	1/1/17	*****0044	Teresita R. Berdiago	DD - ES	783.00
10116030	1/1/17	*****8634	Bethel Global Development LLC Enoch Wu c/o Becky Wu	DD - ES	1,229.00
10116031	1/1/17	*****7075	Som N Bhatia	DD - ES	2,142.00
10116032	1/1/17	*****0602	Pinakin Bhatt	DD - ES	1,793.00
10116033	1/1/17	*****8470	Joseph B. Bachir	DD - ES	1,064.00
10116034	1/1/17	*****3895	Anthony L. Blackburn	DD - ES	1,425.00
10116035	1/1/17	*****4738	c/o Drew Eggum DBA Blue Sapphire Homes	DD - ES	1,902.00
10116036	1/1/17	*****7357	Shanxia Yang Bolton	DD - ES	311.00
10116037	1/1/17	*****5924	Steven Booras	DD - ES	1,782.00
10116038	1/1/17	*****2672	Damon F. Bozeman	DD - ES	1,924.00
10116039	1/1/17	*****3037	Kelly Ann Bradford	DD - ES	1,760.00

145427	1/1/17	*****3905	Avisha c Augustus	119.00
145428	1/1/17	*****3183	Sonja I Campos	23.00
145429	1/1/17	*****8818	Lisa n Macpheators	129.00
145430	1/1/17	*****5837	Laquisha M Walls	85.00
145431	1/1/17	*****8533	Ebony N Washington	120.00
145432	1/1/17	*****8566	Twyla M Lumsey	29.00
145433	1/1/17	*****3349	Iris S Randall	37.00
145434	1/1/17	*****0840	Dalisha L Bernstine	159.00
145435	1/1/17	*****7242	Johnisha K Downs	100.00
145436	1/1/17	*****4621	Angela Maddox	14.00
145437	1/1/17	*****8619	Linshelle j Gay	44.00
145438	1/1/17	*****1238	Ramonda A Carlos	136.00
145439	1/1/17	*****6995	Graciela Arroyo	123.00
145440	1/1/17	*****7390	Masuda Nawabi	40.00
145441	1/1/17	*****1951	Vinisha D Thornton	135.00
145442	1/1/17	*****5330	Lateefah A Childress	52.00
145443	1/1/17	*****7822	Daudi K Edmond	36.00
145444	1/1/17	*****5758	Monique c Chaves	113.00
145445	1/1/17	*****3226	Riquel A Neal	190.00
145446	1/1/17	*****6095	Leilani S Gomez	39.00
145447	1/1/17	*****7882	Deja L Horton	158.00
145448	1/1/17	*****8167	ABJ Enterprises, Inc. dba Blue Line Property Management	2,000.00
145449	1/1/17	*****9524	Ahmed H Abushgarah	84.00
145450	1/1/17	*****9326	Western Addition Apartments, LLC	1,463.00
145451	1/1/17	*****8574	Alamo Square Apartments LLC	1,035.00
145455	1/1/17	*****1039	Antonio Buccellato c/o New Way Managment Services	570.00
145457	1/1/17	*****8187	Sukpran Gill	1,888.00
145458	1/1/17	*****3423	Sally Lea Hickman	1,234.00
145459	1/1/17	*****3848	Leticia Carasi Malasig	843.00
145460	1/1/17	*****6768	Matrixone Realty	1,132.00
145461	1/1/17	*****3124	Dante McDonald	556.00
145462	1/1/17	*****2593	Ba Nguyen Thu Thi Ngo	2,502.00
145463	1/1/17	*****3703	LC A Nolen	817.00
145464	1/1/17	*****9618	Oklahoma Housing Finance Agency	602.16
145465	1/1/17	*****4543	Eseosa A. Omokaro	1,505.00
145466	1/1/17	*****6230	Effie R. Page	1,730.00
145467	1/1/17	*****9182	Lorene Paysinger	1,162.00
145468	1/1/17	*****7243	Linda Phon	929.00
* 10116001	1/1/17	*****2626	9th Street Associates, LP	4,202.00

DD - ES

10116040	1/1/17	*****3015	Michael Brady	DD - ES	1,183.00
10116041	1/1/17	*****5829	Brian Carter	DD - ES	1,588.00
10116042	1/1/17	*****6215	Janet Brown	DD - ES	715.00
10116043	1/1/17	*****7469	Jessica G. or Sean Brophy	DD - ES	1,185.00
10116044	1/1/17	*****9783	Lauren H Brown	DD - ES	1,324.00
10116045	1/1/17	*****2142	Huong T. Bui	DD - ES	2,721.00
10116046	1/1/17	*****3080	Vu Manh Bui	DD - ES	1,540.00
10116047	1/1/17	*****3187	Burga Family California Trust	DD - ES	1,742.00
10116049	1/1/17	*****5586	John R. Burk or Carla Burk	DD - ES	1,565.00
10116050	1/1/17	*****3026	Jerome Busby	DD - ES	2,021.00
10116051	1/1/17	*****7349	Xuelong Cao	DD - ES	579.00
10116053	1/1/17	*****4042	Donnell I. Carson	DD - ES	3,430.00
10116054	1/1/17	*****5079	Castle Creek Company, Inc.	DD - ES	1,207.00
			Trust Account		
10116055	1/1/17	*****8164	Ricardo C. Cayabyab	DD - ES	1,442.00
10116056	1/1/17	*****6869	Cora Ann Chambers	DD - ES	1,545.00
10116057	1/1/17	*****6228	Gayle Chamberlain	DD - ES	1,708.00
10116058	1/1/17	*****0398	Kan Chuen Chan	DD - ES	1,950.00
10116059	1/1/17	*****1423	Lynetta Jean Chatman	DD - ES	1,134.00
10116060	1/1/17	*****5571	P. M. Chaobal	DD - ES	2,200.00
10116061	1/1/17	*****1853	Hong Chen	DD - ES	1,745.00
10116062	1/1/17	*****8946	Jienlin Chen	DD - ES	2,017.00
10116063	1/1/17	*****6735	Li Ying Chen	DD - ES	1,517.00
10116064	1/1/17	*****0128	Ping Chen	DD - ES	1,025.00
10116065	1/1/17	*****2680	Sherry Chen	DD - ES	72.00
10116066	1/1/17	*****5473	Hwa-Yoong Chiu	DD - ES	915.00
10116067	1/1/17	*****3211	Ada Choi	DD - ES	1,589.00
10116068	1/1/17	*****0310	City of Pittsburg Housing Authority	DD - ES	3,574.00
10116069	1/1/17	*****3591	Juan F. Clara	DD - ES	1,182.00
10116070	1/1/17	*****7054	Ping Cao	DD - ES	1,427.00
10116071	1/1/17	*****1362	College Park Housing Authority	DD - ES	1,022.16
10116072	1/1/17	*****8060	Betty Conner	DD - ES	958.00
10116073	1/1/17	*****5916	Jane Cooley	DD - ES	1,621.00
10116074	1/1/17	*****3394	Kim Cortesi	DD - ES	1,628.00
10116076	1/1/17	*****0746	Contra Costa County Housing Authority	DD - ES	9,354.10
10116083	1/1/17	*****7194	Maria G. Costa	DD - ES	739.00
10116084	1/1/17	*****1944	Melonie C. Miles - Trustee Phillip Cotton and Freddie Cotton 2005 Trust	DD - ES	1,684.00
10116085	1/1/17	*****3772	Creekside Apartment Investors LLC DBA Creekside Village	DD - ES	10,766.00

10116086	1/1/17	*****3772	Creekside Apartment Investors LLC DBA Creekside Village	DD - ES	19,112.00
10116087	1/1/17	*****3772	Creekside Apartment Investors LLC DBA Creekside Village	DD - ES	17,425.00
10116088	1/1/17	*****6569	Jeannette D. Crespo	DD - ES	2,139.00
10116089	1/1/17	*****8888	Bruce Croskey Bruce Croskey Real Estate	DD - ES	797.00
10116090	1/1/17	*****4259	Junie Varela Crosby	DD - ES	1,361.00
10116091	1/1/17	*****9605	Michelle D. Crosby	DD - ES	1,226.00
10116092	1/1/17	*****7900	Patricia Crosby	DD - ES	1,104.00
10116093	1/1/17	*****6852	Chantell Curl	DD - ES	1,393.00
10116094	1/1/17	*****3327	Jorge Robert Dagys Delevan Catty Leticia Pajoluk	DD - ES	1,365.00
10116095	1/1/17	*****6248	Justin Dailey	DD - ES	1,105.00
10116096	1/1/17	*****1622	Dam Quang To	DD - ES	1,146.00
10116097	1/1/17	*****8853	Antoinette Davis	DD - ES	779.00
10116098	1/1/17	*****2963	Audrey Davis	DD - ES	911.00
10116099	1/1/17	*****0396	Kesha E. Davis	DD - ES	1,187.00
10116100	1/1/17	*****8929	Kevin Davidson	DD - ES	775.00
10116101	1/1/17	*****4961	Paulette Davis	DD - ES	1,147.00
10116102	1/1/17	*****6115	Roshan M. Davis	DD - ES	1,308.00
10116103	1/1/17	*****9068	Jagdeep or Shashi Dayal	DD - ES	2,446.00
10116104	1/1/17	*****8370	Charles Dellamore	DD - ES	442.00
10116105	1/1/17	*****5882	David De La Torre	DD - ES	1,231.00
10116107	1/1/17	*****1004	Brigitte P. Doan	DD - ES	4,935.00
10116108	1/1/17	*****9716	JoAnn or Larry Domina	DD - ES	1,404.00
10116109	1/1/17	*****5043	Alex Dongallo	DD - ES	597.00
10116110	1/1/17	*****4930	Tuan Do	DD - ES	2,004.00
10116111	1/1/17	*****3109	Doniki Dudley	DD - ES	1,876.00
10116112	1/1/17	*****6538	Linda Duong	DD - ES	689.00
10116113	1/1/17	*****3406	Mercy Housing California XXXVIII East Leland Court Apartments	DD - ES	8,477.00
10116114	1/1/17	*****0372	Doris Engle Family Ltd Partnership c/o Select 1 Realty	DD - ES	1,114.00
10116115	1/1/17	*****3757	Alma B Espiritu	DD - ES	1,502.00
10116116	1/1/17	*****6095	Rosario Espejo	DD - ES	1,380.00
10116117	1/1/17	*****0484	Pedro Amaya Estrada	DD - ES	1,528.00
10116118	1/1/17	*****7154	Elham Falahat	DD - ES	1,574.00
10116119	1/1/17	*****6027	Jianxin Fang Jia Liu	DD - ES	3,832.00
10116120	1/1/17	*****3835	Jing Feng	DD - ES	2,054.00
10116121	1/1/17	*****8236	Anthony Ferrell	DD - ES	1,551.00
10116122	1/1/17	*****2790	Barbara J. Fierner	DD - ES	863.00

10116123	1/1/17	*****9447	Joseph Field	DD - ES	1,262.00
10116124	1/1/17	*****7691	Hernan Roberto Figueroa	DD - ES	934.00
10116125	1/1/17	*****0962	Tochia D. Brewster Fleeton	DD - ES	937.00
10116126	1/1/17	*****5773	Alexander Flowers	DD - ES	1,478.00
10116127	1/1/17	*****1547	HomeForward (Housing Authority of Portland)	DD - ES	1,535.32
10116128	1/1/17	*****4032	Fox Creek Apartments	DD - ES	17,842.00
10116129	1/1/17	*****4032	Fox Creek Apartments	DD - ES	12,925.00
10116130	1/1/17	*****0284	Monica Fraga	DD - ES	1,675.00
10116131	1/1/17	*****6894	Rejois O. Frazier or Leroy Myers	DD - ES	1,058.00
10116132	1/1/17	*****8997	Fan Fuller	DD - ES	908.00
10116133	1/1/17	*****9634	Gialene Gaines	DD - ES	1,450.00
10116134	1/1/17	*****8306	Bao Wen Gao	DD - ES	2,023.00
10116135	1/1/17	*****6981	Adraine Gardner	DD - ES	1,834.00
10116136	1/1/17	*****4278	Antoinette L Garcia	DD - ES	1,206.00
10116137	1/1/17	*****7036	David Gardner	DD - ES	2,507.00
10116138	1/1/17	*****0785	Rupesh Garg Samantha Garg	DD - ES	2,218.00
10116139	1/1/17	*****2931	William H. Gardiner	DD - ES	1,746.00
10116140	1/1/17	*****5111	Gateway Apartments	DD - ES	5,514.00
10116141	1/1/17	*****5298	Parvindokht Ghaboulidashti	DD - ES	700.00
10116142	1/1/17	*****2770	Eva Gholson	DD - ES	2,666.00
10116143	1/1/17	*****1145	Vernon or Eva Gholson	DD - ES	2,194.00
10116144	1/1/17	*****5958	Jacqueline Gill	DD - ES	1,043.00
10116145	1/1/17	*****9852	Spencer Gilford and Tara Gilford	DD - ES	1,918.00
10116146	1/1/17	*****3032	Jesse Gonzaga	DD - ES	923.00
10116147	1/1/17	*****6940	Frances Greene	DD - ES	1,964.00
10116148	1/1/17	*****4872	Rodney Green	DD - ES	1,177.00
10116149	1/1/17	*****3361	Rupinder Grewal	DD - ES	1,479.00
10116150	1/1/17	*****7325	Patricia Gridley	DD - ES	661.00
10116151	1/1/17	*****6305	Italo Grossi	DD - ES	1,569.00
10116152	1/1/17	*****6721	Amparo Guardado Cesar Q. Guardado	DD - ES	1,370.00
10116153	1/1/17	*****0940	Krystle Guan	DD - ES	3,600.00
10116154	1/1/17	*****1575	Bob Gunson Real Estate C/O Julie Hang	DD - ES	1,357.00
10116155	1/1/17	*****5267	Abhilash Gupta	DD - ES	6,135.00
10116156	1/1/17	*****7930	Donald R. Watson, Sr.	DD - ES	480.00
10116157	1/1/17	*****6176	Asharfun Nisha Hafiz	DD - ES	2,937.00
10116158	1/1/17	*****0457	Jeffrey Paul Hagler	DD - ES	1,225.00
10116159	1/1/17	*****9827	Delores Jane Hall	DD - ES	1,434.00
10116160	1/1/17	*****1584	Christian L. Hanson	DD - ES	1,281.00
10116161	1/1/17	*****1769	Lawrence Harrold	DD - ES	1,679.00

10116162	1/1/17	*****3902	Yogesh Chamdra Hari Sadita Devi	DD - ES	1,328.00
10116163	1/1/17	*****7423	Delta Hawaii Garden Apartments LLC	DD - ES	4,194.00
10116164	1/1/17	*****5859	Chuanhu He	DD - ES	1,505.00
10116165	1/1/17	*****6728	David T. Hennigan	DD - ES	8,284.00
10116166	1/1/17	*****3097	Silvester C. Henderson	DD - ES	3,955.00
10116167	1/1/17	*****5221	Anna Hernandez	DD - ES	1,148.00
10116168	1/1/17	*****7408	Serene Herrmann	DD - ES	1,852.00
10116169	1/1/17	*****1057	Diamond Hillside Apartments	DD - ES	1,005.00
10116170	1/1/17	*****1603	Marva Hill	DD - ES	417.00
10116171	1/1/17	*****6255	Carl E. Hoard II	DD - ES	1,460.00
10116172	1/1/17	*****7386	Hanh Huu Hoang	DD - ES	1,776.00
10116173	1/1/17	*****4106	Albert Ho	DD - ES	1,356.00
10116174	1/1/17	*****2084	Annie Ho The Annie Ho Living Trust	DD - ES	832.00
10116175	1/1/17	*****0051	Dan Ho	DD - ES	2,116.00
10116176	1/1/17	*****8576	Joyce Ann Hoffman	DD - ES	1,214.00
10116177	1/1/17	*****7451	Gloria H. Holbrook	DD - ES	1,519.00
10116178	1/1/17	*****3542	McKinley Holding I, LP c/o Tricon American Homes	DD - ES	925.00
10116179	1/1/17	*****4543	Ronald G. Holmes	DD - ES	929.00
10116180	1/1/17	*****5700	Tony Ho	DD - ES	1,480.00
10116181	1/1/17	*****3787	Howard County Housing Commission	DD - ES	1,239.16
10116182	1/1/17	*****1535	Fanny Kao Huang	DD - ES	1,984.00
10116183	1/1/17	*****8816	Ming Zin Huang	DD - ES	2,450.00
10116184	1/1/17	*****7984	Tao Huang	DD - ES	7,635.00
10116185	1/1/17	*****7179	Ya Jing Huang	DD - ES	2,228.00
10116186	1/1/17	*****9084	Nancy Xiu Zhen Hu	DD - ES	2,365.00
10116187	1/1/17	*****6229	Thinh Trieu Huynh	DD - ES	1,379.00
10116188	1/1/17	*****0778	IGreen House Inc.	DD - ES	1,193.00
10116189	1/1/17	*****8007	2015-1 IH2 Borrower LP	DD - ES	1,442.00
10116190	1/1/17	*****4320	IH2 Property West, L.P.	DD - ES	1,106.00
10116191	1/1/17	*****7013	Eugene G. Imperato	DD - ES	2,698.00
10116192	1/1/17	*****2726	IH4 Property West LP	DD - ES	4,354.00
10116193	1/1/17	*****8323	Keyee Investment LLC	DD - ES	577.00
10116194	1/1/17	*****0911	Mario Isidro	DD - ES	1,549.00
10116195	1/1/17	*****6821	Michael or Kay Isola	DD - ES	1,538.00
10116196	1/1/17	*****2036	Brandi Jackson	DD - ES	1,820.00
10116197	1/1/17	*****4910	Sameer Jain	DD - ES	1,438.00
10116198	1/1/17	*****1349	Jason Le	DD - ES	1,683.00
10116199	1/1/17	*****0833	Alonzo D. Johnson	DD - ES	943.00
10116200	1/1/17	*****8569	Ronita Johnson	DD - ES	1,230.00

10116201	1/1/17	*****8867	James Jones	DD - ES	1,774.00
10116202	1/1/17	*****2434	Sharon Jones	DD - ES	1,741.00
10116203	1/1/17	*****9670	Cheryl D Joseph	DD - ES	1,547.00
10116204	1/1/17	*****4905	Mostaeen B Jouya	DD - ES	1,862.00
10116205	1/1/17	*****5704	Jayne Walton Separate Property Trust	DD - ES	1,573.00
10116206	1/1/17	*****8425	Wei Kang	DD - ES	1,686.00
10116207	1/1/17	*****1731	Deepinder Kaur	DD - ES	2,384.00
10116208	1/1/17	*****7429	Navkirandeep Kaur	DD - ES	1,149.00
10116209	1/1/17	*****9411	Anthony Keslinke	DD - ES	1,525.00
10116210	1/1/17	*****3149	Arthur Artees Khaliq Annette Elizabeth Khaliq	DD - ES	1,217.00
10116211	1/1/17	*****4095	Nadeem Khan	DD - ES	3,587.00
10116212	1/1/17	*****0839	Alan T. Kilpatrick	DD - ES	1,401.00
10116213	1/1/17	*****5113	Michelle King	DD - ES	1,096.00
10116214	1/1/17	*****0888	KW Kirker Creek, LLC	DD - ES	2,926.00
10116215	1/1/17	*****7475	Qi Yun Kuang	DD - ES	1,713.00
10116216	1/1/17	*****8506	Simon Kailiang Kuang	DD - ES	1,467.00
10116217	1/1/17	*****9316	Zdzislaw Kujawa	DD - ES	780.00
10116218	1/1/17	*****2585	Daniel Kwan	DD - ES	2,141.00
10116219	1/1/17	*****2839	Kenneth Kwan	DD - ES	2,398.00
10116220	1/1/17	*****6229	Simon Chuen-Sang Kwong	DD - ES	1,202.00
10116221	1/1/17	*****8326	Thomas LaFleur	DD - ES	1,840.00
10116222	1/1/17	*****7845	Chow Kang Lam	DD - ES	1,654.00
10116223	1/1/17	*****6520	Shirley Manly-Lampkin	DD - ES	1,029.00
10116224	1/1/17	*****6102	Maria Lara	DD - ES	1,608.00
10116225	1/1/17	*****7975	Peter C. Larsen	DD - ES	927.00
10116226	1/1/17	*****2401	Kevin Lassair	DD - ES	1,973.51
10116227	1/1/17	*****4732	Latif, LLC	DD - ES	2,755.00
10116228	1/1/17	*****0938	Ingrid Lau	DD - ES	1,408.00
10116229	1/1/17	*****8224	Kai Man Lau	DD - ES	1,725.00
10116230	1/1/17	*****9373	Delphia M. or Clarence Lawson	DD - ES	1,093.00
10116231	1/1/17	*****8227	George Van and Fannie Mae Lawson Trust Sharon Kay LaShon Trustee	DD - ES	726.00
10116232	1/1/17	*****2293	LCSTAR, LLC	DD - ES	5,230.00
10116233	1/1/17	*****8548	Jack Wai Lee	DD - ES	1,866.00
10116234	1/1/17	*****1755	Siu Wan Windytiti Lee	DD - ES	1,338.00
10116235	1/1/17	*****2527	Steven Lee	DD - ES	1,107.00
10116236	1/1/17	*****5289	Yuhjen Juang Lee	DD - ES	1,317.00
10116237	1/1/17	*****1860	Lena Le	DD - ES	1,072.00
10116238	1/1/17	*****9382	Luigi Leoncio, LLC	DD - ES	1,509.00
10116239	1/1/17	*****3782	Joseph C. Lerma	DD - ES	911.00

10116240	1/1/17	*****3555	Yiping I. and Frederic Leroudier	DD - ES	2,642.00
10116241	1/1/17	*****3410	John M. Leung	DD - ES	5,750.00
10116242	1/1/17	*****8951	Kin or Siu F. Leung	DD - ES	1,406.00
10116243	1/1/17	*****3743	May Leung or Rodney Chen	DD - ES	3,666.00
10116244	1/1/17	*****2110	Peter Leung	DD - ES	1,832.00
10116245	1/1/17	*****5185	Fortunee Lichaa	DD - ES	1,654.00
10116246	1/1/17	*****3386	Crestview Apartments	DD - ES	934.00
10116247	1/1/17	*****0416	Faqiang Li	DD - ES	1,382.00
10116248	1/1/17	*****7827	Jinhuan Li	DD - ES	866.00
10116249	1/1/17	*****5495	Jian S Lin	DD - ES	1,456.00
10116250	1/1/17	*****1849	Jie Lin	DD - ES	1,702.00
10116251	1/1/17	*****2649	Tim Lindstrom c/o AAA Property Management	DD - ES	975.00
10116252	1/1/17	*****6076	Chingyao J Liu Wei Chen	DD - ES	1,398.00
10116253	1/1/17	*****3881	Vivian Y Li	DD - ES	2,453.00
10116254	1/1/17	*****1547	Paul Livson	DD - ES	1,260.00
10116255	1/1/17	*****0050	Wei Min Li	DD - ES	1,104.00
10116256	1/1/17	*****9003	Ying Hong Li	DD - ES	1,686.00
10116257	1/1/17	*****1646	Paul Long	DD - ES	1,782.00
10116258	1/1/17	*****1474	Los Medanos Village Apartments	DD - ES	15,327.00
10116259	1/1/17	*****2131	Tiffinee L Loud	DD - ES	1,515.00
10116260	1/1/17	*****7531	Tony or Yvonne Louie	DD - ES	1,393.00
10116261	1/1/17	*****4218	Lorenzo Love	DD - ES	5,136.00
10116262	1/1/17	*****5602	Marshall & Sonya Lowe	DD - ES	1,112.00
10116263	1/1/17	*****0153	Ariston Laurito Loyola	DD - ES	829.00
10116264	1/1/17	*****7720	Jose Loza	DD - ES	1,904.00
10116265	1/1/17	*****2354	Andrew Kin Lui	DD - ES	4,828.00
10116266	1/1/17	*****4658	Wei Liu Guangxin Frank Liu	DD - ES	1,720.00
10116267	1/1/17	*****1821	Curtis H. Lundberg	DD - ES	577.00
10116268	1/1/17	*****3474	Edward Luna	DD - ES	727.00
10116269	1/1/17	*****1596	Kenneth Luong	DD - ES	1,335.00
10116270	1/1/17	*****5430	Kiet A. Ly	DD - ES	1,061.00
10116271	1/1/17	*****4009	Yolanda McDonald	DD - ES	677.00
10116272	1/1/17	*****5865	Rakesh Madra	DD - ES	1,881.00
10116273	1/1/17	*****2191	Radha Mahesram	DD - ES	1,518.00
10116274	1/1/17	*****5584	Hsien Ming Ma	DD - ES	1,707.00
10116275	1/1/17	*****4372	Jennifer Leung Ma	DD - ES	1,350.00
10116276	1/1/17	*****1989	Jeff Mann	DD - ES	5,929.00
10116277	1/1/17	*****5378	Glenn Marshall	DD - ES	1,389.00
10116278	1/1/17	*****2875	Marla Y Harrison	DD - ES	513.00

10116279	1/1/17	*****3389	Steadfast Marina Heights, L.P.	DD - ES	13,348.00
10116280	1/1/17	*****3389	Steadfast Marina Heights, L.P.	DD - ES	14,308.00
10116281	1/1/17	*****3389	Steadfast Marina Heights, L.P.	DD - ES	14,764.00
10116282	1/1/17	*****3389	Steadfast Marina Heights, L.P.	DD - ES	9,361.00
10116283	1/1/17	*****5287	Louie W. Maruri El Dorado Apartments	DD - ES	797.00
10116284	1/1/17	*****3065	Tanya Martha	DD - ES	1,837.00
10116285	1/1/17	*****3048	Rita J. McCrystle	DD - ES	1,155.00
10116286	1/1/17	*****7174	Samuel McCree	DD - ES	455.00
10116287	1/1/17	*****6494	Dorothy McDonald	DD - ES	1,841.00
10116288	1/1/17	*****6342	James & Diana Gail McDonald c/o Yolanda McDonald	DD - ES	731.00
10116289	1/1/17	*****1925	Veronica R. McElroy	DD - ES	2,093.00
10116290	1/1/17	*****1152	Janice K McLean	DD - ES	953.00
10116291	1/1/17	*****4675	Meadow Glen Apartments	DD - ES	2,404.00
10116292	1/1/17	*****9866	Tatung Mei	DD - ES	3,217.00
10116293	1/1/17	*****4316	Joel Mejia	DD - ES	446.00
10116294	1/1/17	*****5245	Jinyu Meng	DD - ES	1,269.00
10116295	1/1/17	*****4885	Sabine Menzel	DD - ES	4,169.00
10116296	1/1/17	*****0133	Mercedes P. Johnson	DD - ES	653.00
10116297	1/1/17	*****8272	Hector Meza	DD - ES	785.00
10116298	1/1/17	*****7437	Perchak Properties for Carol Miller	DD - ES	1,695.00
10116299	1/1/17	*****9782	Maryann Miller	DD - ES	1,142.00
10116300	1/1/17	*****2618	Carlos J Miranda	DD - ES	793.00
10116301	1/1/17	*****0772	Hassan Mirabedi	DD - ES	7,096.00
10116302	1/1/17	*****6741	Gwendolyn Mitchell	DD - ES	1,060.00
10116303	1/1/17	*****7083	Ronnie Eric Moffett Estate	DD - ES	1,735.00
10116304	1/1/17	*****6340	Moe Mojaddidi	DD - ES	4,476.00
10116305	1/1/17	*****0985	Rodney Montgomery or Sharon Montgomery	DD - ES	826.00
10116306	1/1/17	*****6975	Joseph Nelson Morin	DD - ES	1,660.00
10116307	1/1/17	*****7725	Ricardo Moran Gonzalez	DD - ES	998.00
10116308	1/1/17	*****4997	Saleem Rashid Muhammad	DD - ES	2,200.00
10116309	1/1/17	*****3642	Eva Munn	DD - ES	641.00
10116310	1/1/17	*****8820	Brien Brothers, LLC C/O Mynd Management, IC.	DD - ES	1,035.00
10116311	1/1/17	*****0105	Ehsan Nabkel	DD - ES	2,826.00
10116312	1/1/17	*****6234	Shinder Paul Narabut	DD - ES	5,092.00
10116313	1/1/17	*****9518	Farida Nawabi	DD - ES	2,098.00
10116314	1/1/17	*****0054	NC Associates, Inc.	DD - ES	7,091.00
10116315	1/1/17	*****6959	Joy Neal	DD - ES	1,562.00
10116316	1/1/17	*****5257	Guy Nesbeth	DD - ES	2,870.00

10116317	1/1/17	*****4114	James or Margaret Nevis	DD - ES	1,153.00
10116318	1/1/17	*****3516	New Way Management Services	DD - ES	6,181.00
10116319	1/1/17	*****6613	Ivy Kit Fan Ngan	DD - ES	1,876.00
10116320	1/1/17	*****1072	Dominic Y Ng	DD - ES	2,271.00
10116321	1/1/17	*****3604	Knowland Ging Ng	DD - ES	3,797.00
10116322	1/1/17	*****8594	Patrick Ng	DD - ES	2,045.00
10116323	1/1/17	*****9319	Sunny S Ng	DD - ES	1,357.00
10116324	1/1/17	*****0738	Hieu Nguyen	DD - ES	1,420.00
10116325	1/1/17	*****7154	Huy Quang Nguyen	DD - ES	2,113.00
10116326	1/1/17	*****4366	Quyen Nguyen	DD - ES	1,610.00
10116327	1/1/17	*****8241	Tieu Nguyen	DD - ES	1,027.00
10116328	1/1/17	*****7265	Ernest Nichols III	DD - ES	3,101.00
10116329	1/1/17	*****9886	Northstar Financial Group, LLC	DD - ES	881.00
10116330	1/1/17	*****8129	Kevin Nord Nord Investment Real Estate	DD - ES	900.00
10116331	1/1/17	*****5572	Dwight J Owens	DD - ES	1,137.00
10116332	1/1/17	*****7606	Juanita Olayo	DD - ES	1,121.00
10116333	1/1/17	*****0588	Orange County Housing Authority	DD - ES	2,119.16
10116334	1/1/17	*****3741	Sandra L Ortiz	DD - ES	1,827.00
10116335	1/1/17	*****1081	Chinenye Osuagwu	DD - ES	2,099.00
10116336	1/1/17	*****3324	Mutlu Ozer	DD - ES	1,439.00
10116337	1/1/17	*****4083	Pacific Living, LLC	DD - ES	2,080.00
10116338	1/1/17	*****1176	John Mario Pascuzzi	DD - ES	1,403.00
10116339	1/1/17	*****7811	Hemangini & Vijendra Patel	DD - ES	2,044.00
10116340	1/1/17	*****0885	Kokila Patel	DD - ES	1,048.00
10116341	1/1/17	*****8684	Virendra M. Patel	DD - ES	1,841.00
10116342	1/1/17	*****8047	Jason Pauline	DD - ES	1,433.00
10116343	1/1/17	*****3189	Loycell Peacock	DD - ES	946.00
10116344	1/1/17	*****5165	Scott Pease	DD - ES	695.00
10116345	1/1/17	*****2788	Jade Penarelli	DD - ES	1,863.00
10116346	1/1/17	*****5889	Douglas B Perry	DD - ES	867.00
10116347	1/1/17	*****3278	Maria Del Carmen Perez	DD - ES	264.00
10116348	1/1/17	*****6784	Lowde Y. Perkins	DD - ES	883.00
10116349	1/1/17	*****8225	Shiv Pertab	DD - ES	1,100.00
10116350	1/1/17	*****0958	Pittsburg Park Apartments	DD - ES	4,473.00
10116351	1/1/17	*****7605	Portofino Apartments	DD - ES	6,883.00
10116352	1/1/17	*****4031	Principle Capital, LLC	DD - ES	1,163.00
10116353	1/1/17	*****8826	Prime Metropolis Properties, Inc.	DD - ES	3,829.00
10116354	1/1/17	*****6938	Chattel Properties, Inc.	DD - ES	1,288.00
10116355	1/1/17	*****2849	IH5 Property West, LP	DD - ES	1,837.00

10116356	1/1/17	*****3398	Marples Property Management	DD - ES	3,280.00
10116357	1/1/17	*****4650	A. Meadows Property Management	DD - ES	859.00
10116358	1/1/17	*****7789	Stokley Properties LLC Harbor	DD - ES	1,932.00
10116359	1/1/17	*****8055	Property Upsurge, Inc.	DD - ES	11,817.00
10116360	1/1/17	*****0782	Amjad Qaqish	DD - ES	1,118.00
10116361	1/1/17	*****9542	Sam or Sonia Quinones	DD - ES	1,796.00
10116362	1/1/17	*****4029	Amos Radford	DD - ES	890.00
10116363	1/1/17	*****1397	Balraj Singh Rai	DD - ES	725.00
10116364	1/1/17	*****1034	Kuljit P. Raju	DD - ES	2,979.00
10116365	1/1/17	*****2261	Paramjit K. Raju	DD - ES	3,215.00
10116366	1/1/17	*****3452	Christopher Ramirez	DD - ES	866.00
10116367	1/1/17	*****8489	Enrique or Stacy Ramirez	DD - ES	429.00
10116368	1/1/17	*****2162	Erika Ramirez	DD - ES	1,484.00
10116369	1/1/17	*****5276	Rizal Ramos, Jr.	DD - ES	1,161.00
10116370	1/1/17	*****2283	Rohini Ram	DD - ES	1,075.00
10116371	1/1/17	*****4607	Sammy Rantissi	DD - ES	911.00
10116372	1/1/17	*****6068	David Raughton	DD - ES	2,949.00
10116374	1/1/17	*****7349	Eric Franklin Remson	DD - ES	976.00
10116375	1/1/17	*****1078	Cora Lee Rice Anderson Rice	DD - ES	898.00
10116377	1/1/17	*****5935	Marie Rice	DD - ES	1,170.00
10116378	1/1/17	*****9321	Roger Riley	DD - ES	1,701.00
10116379	1/1/17	*****4115	Tamara Rivas Douglas Rivas	DD - ES	121.00
10116380	1/1/17	*****5106	Barry S. Rogers	DD - ES	1,346.00
10116381	1/1/17	*****6917	Ronald D. Shelly or Julie Crowder	DD - ES	1,045.00
10116382	1/1/17	*****7629	Emilio Ruiz	DD - ES	761.00
10116383	1/1/17	*****5248	Constance Russell	DD - ES	1,318.00
10116384	1/1/17	*****0759	Sacramento Housing And Redevelopment Agency	DD - ES	2,855.48
10116385	1/1/17	*****3871	Maridel P Santos	DD - ES	706.00
10116386	1/1/17	*****3011	Alicia Saucedo	DD - ES	1,437.00
10116387	1/1/17	*****0754	Andrea Schnalle	DD - ES	1,444.00
10116388	1/1/17	*****9954	Richard M. Sciortino	DD - ES	837.00
10116389	1/1/17	*****7031	Jacqueline Selinger	DD - ES	1,658.00
10116390	1/1/17	*****5346	Young Sook Seroy	DD - ES	1,898.00
10116392	1/1/17	*****1446	Mohinder Sharma	DD - ES	1,001.00
10116393	1/1/17	*****7239	Shailesh & Bela Patel	DD - ES	2,402.00
10116394	1/1/17	*****4900	Paul Shatswell	DD - ES	1,460.00
10116395	1/1/17	*****1370	James Shipe, c/o Richard Grijalva, East Cty Brokers	DD - ES	1,837.00
10116396	1/1/17	*****5981	Yihui Shi	DD - ES	1,271.00

10116397	1/1/17	*****7789	Siena Court Apartments	DD - ES	8,338.00
10116398	1/1/17	*****7396	Sierra Pacific Properties Peppertree Apartments	DD - ES	4,670.00
10116399	1/1/17	*****7396	Sierra Pacific Properties Woodland Hills Apartments	DD - ES	11,396.00
10116400	1/1/17	*****4614	Vincenzo Signorino	DD - ES	1,420.00
10116401	1/1/17	*****6650	Frank M. Siino	DD - ES	1,200.00
10116402	1/1/17	*****8035	Joseph Michael Siino	DD - ES	1,137.00
10116403	1/1/17	*****5399	Gloria Silva	DD - ES	703.00
10116404	1/1/17	*****7250	2012-C Property Holdings LLC	DD - ES	5,576.00
10116405	1/1/17	*****8407	Marc J. Simpson	DD - ES	313.00
10116406	1/1/17	*****3639	Raman Singh	DD - ES	1,925.00
10116407	1/1/17	*****6058	Son Singh	DD - ES	1,331.00
10116408	1/1/17	*****4970	Molly Smith	DD - ES	1,863.00
10116409	1/1/17	*****9092	Sherritta M Smith	DD - ES	833.00
10116410	1/1/17	*****2032	Cinthia Sosa	DD - ES	1,576.00
10116411	1/1/17	*****2985	Gloria Spahn	DD - ES	1,079.00
10116412	1/1/17	*****6977	Angela E. Robinson-Spencer	DD - ES	742.00
10116413	1/1/17	*****3465	Ramzi D Srouji	DD - ES	1,810.00
10116414	1/1/17	*****1601	George W. Stephens	DD - ES	1,333.00
10116415	1/1/17	*****5308	R R Rentals	DD - ES	1,324.00
10116417	1/1/17	*****6314	Amad Sultan	DD - ES	5,022.00
10116418	1/1/17	*****1235	Summit Venture Group, LLC	DD - ES	1,819.00
10116419	1/1/17	*****6168	Kamaljeet Surila	DD - ES	1,091.00
10116420	1/1/17	*****9780	Leon Sydney	DD - ES	7,245.00
10116421	1/1/17	*****0399	Joyce Hui Sy	DD - ES	6,217.00
10116422	1/1/17	*****1242	Hamed Tafaghodi Alexis Tafaghodi	DD - ES	1,279.00
10116423	1/1/17	*****9558	Edward C Tan	DD - ES	694.00
10116424	1/1/17	*****5832	Mohammad Tapus	DD - ES	2,743.00
10116425	1/1/17	*****5480	Tasia La Vonda Johnson	DD - ES	2,284.00
10116426	1/1/17	*****6283	Yun Teng Weijie Zhang	DD - ES	1,680.00
10116427	1/1/17	*****0900	Akbar Teymourzadeh	DD - ES	1,709.00
10116428	1/1/17	*****2164	Quyen Minh Thai	DD - ES	2,279.00
10116429	1/1/17	*****9314	Silvia Thein and Ada Choi	DD - ES	1,876.00
10116430	1/1/17	*****3966	William Thiessen	DD - ES	1,117.00
10116431	1/1/17	*****4049	ChingJen Tong	DD - ES	3,242.00
10116432	1/1/17	*****1405	Lourdes or Raymond Tovar	DD - ES	1,598.00
10116433	1/1/17	*****2094	Raphael Minhtuyen Tran	DD - ES	4,948.00
10116434	1/1/17	*****6035	Tam Van Tran	DD - ES	1,226.00
10116435	1/1/17	*****1327	Thuy Tran	DD - ES	1,234.00

10116436	1/1/17	*****6165	Thanh Van Trinh	DD - ES	1,466.00
10116437	1/1/17	*****3572	Nhan Chi Truong	DD - ES	383.00
10116438	1/1/17	*****9321	Van Truong	DD - ES	1,795.00
10116439	1/1/17	*****8392	Xavier Van Truong	DD - ES	3,652.00
10116440	1/1/17	*****5553	David Tseng	DD - ES	1,559.00
10116442	1/1/17	*****9421	Tupou Vaka	DD - ES	1,105.00
10116443	1/1/17	*****4582	Lidia Valladares	DD - ES	1,573.00
10116444	1/1/17	*****5853	Tu Van	DD - ES	1,708.00
10116445	1/1/17	*****3371	Gary D. Vasconcellos	DD - ES	1,051.00
10116446	1/1/17	*****8457	Sareena Lata Velu	DD - ES	1,386.00
10116447	1/1/17	*****9682	Nuno G Vieira	DD - ES	2,614.00
10116448	1/1/17	*****6074	Fazal U. Wafadar	DD - ES	1,639.00
10116449	1/1/17	*****2720	Stephen Cordell Wafer	DD - ES	876.00
10116450	1/1/17	*****2768	Huan Rong Wang	DD - ES	905.00
10116451	1/1/17	*****6924	Lining Wan	DD - ES	4,534.00
10116452	1/1/17	*****6945	Wei Wang	DD - ES	1,768.00
10116453	1/1/17	*****1634	Yu Ruo Wang	DD - ES	1,410.00
10116454	1/1/17	*****5502	Mildred Lucille Washington	DD - ES	1,996.00
10116455	1/1/17	*****4793	Wealth Links Resources, LLC	DD - ES	1,681.00
10116457	1/1/17	*****4384	Wenying Chang	DD - ES	1,535.00
10116458	1/1/17	*****5014	Nubia P. or David West	DD - ES	1,578.00
10116459	1/1/17	*****4908	Lewis White & Ruth White Elma Ruth White	DD - ES	1,939.00
10116461	1/1/17	*****5057	Kathleen and John Wilson	DD - ES	874.00
10116462	1/1/17	*****8702	Kathy D. Williams	DD - ES	1,552.00
10116463	1/1/17	*****1862	Danny Ching-Yam Wong	DD - ES	1,768.00
10116464	1/1/17	*****1157	Har Pan Wong	DD - ES	6,725.00
10116465	1/1/17	*****6356	Joanne Wong	DD - ES	1,309.00
10116466	1/1/17	*****1060	Kinney Ming Wong	DD - ES	1,399.00
10116467	1/1/17	*****5451	Mei-Yuk Yu Wong Vincent Wong	DD - ES	1,381.00
10116468	1/1/17	*****7094	Bridge-Regional Partners Inc	DD - ES	8,929.00
10116469	1/1/17	*****5565	Yuk Lin Woo	DD - ES	678.00
10116470	1/1/17	*****1853	WR Properties, Inc.	DD - ES	1,415.00
10116471	1/1/17	*****3962	Hong Wu	DD - ES	3,146.00
10116472	1/1/17	*****5388	Jian Ai Xuan	DD - ES	1,809.00
10116473	1/1/17	*****3880	Ping Ping Xu Keming Wang	DD - ES	4,276.00
10116474	1/1/17	*****2366	Karl Yick C/O Teresita D. Pereira	DD - ES	1,113.00
10116475	1/1/17	*****6779	Sally Yip	DD - ES	2,082.00

10116476	1/1/17	*****6178	Chris Kui You	DD - ES	1,876.00
10116477	1/1/17	*****7622	Yee Yue Cheung	DD - ES	755.00
10116478	1/1/17	*****8664	Mohammad Zalmaiyyar	DD - ES	2,127.00
10116479	1/1/17	*****2940	Wei Bin Zhang or Gao Wei	DD - ES	1,500.00
10116480	1/1/17	*****3259	Xirong Zhao	DD - ES	1,387.00
10116481	1/1/17	*****4367	Xiang Yang Zheng	DD - ES	1,467.00
10116482	1/1/17	*****7805	Shengguo Zhu	DD - ES	4,710.00

Choice Voucher

HAP	1,095,660.52
UR	8,918.99
Damage Claim	
Vacancy Claim	
Administrative Fee	1,248.54
FSS Escrow Account	
Shelter Plus Security Deposit	
Other	0.00
All Payments	\$1,105,828.05

Check Summary

January 1, 2017

Check Number	Check Date	Payee Tax ID	Payee	Amount
VASH				
145347	1/1/17	*****6041	Anthony L Johnson	23.00
145367	1/1/17	*****1136	Shannon O Murphy	30.00
145372	1/1/17	*****4896	Theodore A Taylor	10.00
145373	1/1/17	*****2982	Timothy P Harrington	23.00
145375	1/1/17		Vacaville Housing Authority	1,045.16
145377	1/1/17	*****6950	Susan Morrisette	10.00
145381	1/1/17	*****3447	David S Loesch	80.00
145423	1/1/17	*****7574	Joseph A Newman	59.00
145452	1/1/17	*****9810	Housing Authority of the County of Alameda	10,892.72
145453	1/1/17	*****9810	Housing Authority of the County of Alameda	1,860.74
145454	1/1/17	*****9815	City Of Berkeley Housing Authority	978.16
145456	1/1/17	*****0331	Fairfield Housing Authority	1,572.32
145469	1/1/17	*****8227	Croskey Real Estate	1,704.00
10116023	1/1/17	*****2521	Belmont Apartments	DD - ES 1,959.00
10116031	1/1/17	*****7075	Som N Bhatia	DD - ES 1,585.00

10116048	1/1/17	*****8860	Joe Burns	DD - ES	900.00
10116052	1/1/17	*****2513	Clara Beatriz Cardenas	DD - ES	1,080.00
10116075	1/1/17	*****0746	Contra Costa County Housing Authority	DD - ES	10,115.44
10116076	1/1/17	*****0746	Contra Costa County Housing Authority	DD - ES	7,528.44
10116077	1/1/17	*****0746	Contra Costa County Housing Authority	DD - ES	11,131.44
10116078	1/1/17	*****0746	Contra Costa County Housing Authority	DD - ES	8,289.60
10116079	1/1/17	*****0746	Contra Costa County Housing Authority	DD - ES	9,493.60
10116080	1/1/17	*****0746	Contra Costa County Housing Authority	DD - ES	9,028.60
10116081	1/1/17	*****0746	Contra Costa County Housing Authority	DD - ES	10,669.60
10116082	1/1/17	*****0746	Contra Costa County Housing Authority	DD - ES	1,105.32
10116085	1/1/17	*****3772	Creekside Apartment Investors LLC DBA Creekside Village	DD - ES	1,067.00
10116086	1/1/17	*****3772	Creekside Apartment Investors LLC DBA Creekside Village	DD - ES	5,255.00
10116087	1/1/17	*****3772	Creekside Apartment Investors LLC DBA Creekside Village	DD - ES	3,272.00
10116106	1/1/17	*****9507	Olga M. Disney	DD - ES	1,191.00
10116113	1/1/17	*****3406	Mercy Housing California XXXVIII East Leland Court Apartments	DD - ES	595.00
10116129	1/1/17	*****4032	Fox Creek Apartments	DD - ES	437.00
10116140	1/1/17	*****5111	Gateway Apartments	DD - ES	2,919.00
10116155	1/1/17	*****5267	Abhilash Gupta	DD - ES	1,650.00
10116254	1/1/17	*****1547	Paul Livson	DD - ES	1,218.00
10116279	1/1/17	*****3389	Steadfast Marina Heights, L.P.	DD - ES	1,012.00
10116280	1/1/17	*****3389	Steadfast Marina Heights, L.P.	DD - ES	861.00
10116281	1/1/17	*****3389	Steadfast Marina Heights, L.P.	DD - ES	1,017.00
10116282	1/1/17	*****3389	Steadfast Marina Heights, L.P.	DD - ES	1,017.00
10116329	1/1/17	*****9886	Northstar Financial Group, LLC	DD - ES	4,765.00
10116357	1/1/17	*****4650	A. Meadows Property Management	DD - ES	407.00
10116373	1/1/17	*****2414	Tanya Nicole Ray	DD - ES	1,860.00
10116376	1/1/17	*****2935	RICHMOND HOUSING AUTHORITY	DD - ES	4,502.80
10116391	1/1/17	*****6840	Christopher Sha	DD - ES	1,138.00
10116397	1/1/17	*****7789	Siena Court Apartments	DD - ES	772.00
10116416	1/1/17	*****0437	Suisun City Housing Authority	DD - ES	736.16
10116441	1/1/17	*****0447	Solano County Housing Authority	DD - ES	2,100.48
10116456	1/1/17	*****4563	Isidoro Weitzman	DD - ES	1,872.00
10116459	1/1/17	*****4908	Lewis White & Ruth White Elma Ruth White	DD - ES	3,244.00
10116460	1/1/17	*****9380	Tracy J. Whitehead	DD - ES	1,968.00

VASH

HAP	129,169.00
UR	279.00
Damage Claim	
Vacancy Claim	
Administrative Fee	6,602.58
FSS Escrow Account	
Shelter Plus Security Deposit	
Other	0.00
All Payments	\$136,050.58

Grand Total

HAP	1,224,829.52
UR	9,197.99
Damage Claim	
Vacancy Claim	
Administrative Fee	7,851.12
FSS Escrow Account	
Shelter Plus Security Deposit	
Other	0.00
All Payments	✓ \$1,241,878.63

11/1/2017 CK Summary

HAP (Regular)	\$ 1,075,028.52
HAP (VASH)	129,169.00
HAP (Port-In)	11,900.00
HAP (Port-Out)	8,732.00
Utility Reimbursement	9,197.99
Admin Fee	7,851.12
Total	<u>\$ 1,241,878.63</u>

DD 1,194,854.37+
CKS 47,024.26+
1,241,878.63✓

Due 12/21/16
12/21/16

Check Summary

January 15, 2017

Check Number	Check Date	Payee Tax ID	Payee	Amount
Choice Voucher				
* 145470	1/15/17	*****5298	Gloria F Nelson	42.00
* 145472	1/15/17	*****0978	King County Housing Authority	3,326.32
* 11517001	1/15/17	*****2521	Belmont Apartments	DD - ES 1,853.00
11517002	1/15/17	*****7357	Shanxia Yang Bolton	DD - ES 166.00
11517005	1/15/17	*****3406	Mercy Housing California XXXVIII East Leland Court Apartments	DD - ES 754.00
11517006	1/15/17	*****1474	Los Medanos Village Apartments	DD - ES 28.00
11517007	1/15/17	*****7843	The Entrust Group, Inc. FBO Theodore Lum IRA (acct #34892)	DD - ES 3,519.00
11517008	1/15/17	*****3389	Steadfast Marina Heights, L.P.	DD - ES 808.00
11517009	1/15/17	*****6340	Moe Mojaddidi	DD - ES 1,943.00
11517010	1/15/17	*****2915	Tony Jose Ortiz	DD - ES 1,905.00
11517011	1/15/17	*****5889	Douglas B Perry	DD - ES 70.00
11517012	1/15/17	*****7629	Emilio Ruiz	DD - ES 1,291.33

Choice Voucher

HAP	15,521.33
UR	42.00
Damage Claim	
Vacancy Claim	
Administrative Fee	142.32
FSS Escrow Account	
Shelter Plus Security Deposit	
Other	0.00
All Payments	\$15,705.65

Check Summary

January 15, 2017

Check Number	Check Date	Payee Tax ID	Payee	Amount
VASH				
11517003	1/15/17	*****0746	Contra Costa County Housing Authority	DD - ES 494.00

VASH

HAP	1,162.00
UR	
Damage Claim	
Vacancy Claim	
Administrative Fee	
FSS Escrow Account	
Shelter Plus Security Deposit	
Other	0.00
All Payments	\$1,162.00

Grand Total

HAP	16,683.33
UR	42.00
Damage Claim	
Vacancy Claim	
Administrative Fee	142.32
FSS Escrow Account	
Shelter Plus Security Deposit	
Other	0.00
All Payments	\$16,867.65

1/15/17 Check Summary

0.*

HAP (Regular)	\$ 12,337.33
HAP (VASH)	1,162.00
HAP (Port-In)	-
HAP (Port-Out)	3,184.00
Utility Reimbursement	42.00
Admin Fee	142.32
Total	\$ 16,867.65

VS 3,368.32+
 DD 13,499.33+
 16,867.65*+

BOW
 1/11/17

[Signature]
 1/11/17

Voided Payment Report From Payment History

January 17, 2017

Check #	Check Date	Payee Name		Amount
144776	8/1/2016	Gloria F Nelson	Voided	14.00
144776	8/1/2016	Gloria F Nelson	Voided Payment Offsetting Entry	-14.00
145159	11/1/2016	Gloria F Nelson	Voided	14.00
145159	11/1/2016	Gloria F Nelson	Voided Payment Offsetting Entry	-14.00
145288	12/1/2016	Gloria F Nelson	Voided	14.00
145288	12/1/2016	Gloria F Nelson	Voided Payment Offsetting Entry	-14.00
Total Voided Payments				<u>\$42.00</u>
Total Offsetting Entries				<u>-\$42.00</u>

lost
voided/replaced on 1/15/17

Voided Payment Report From Payment History

January 23, 2017

Check #	Check Date	Payee Name		Amount
145149	11/1/2016	Rikkia L Cole	Voided	70.00
145149	11/1/2016	Rikkia L Cole	Voided Payment Offsetting Entry	-70.00
145278	12/1/2016	Rikkia L Cole	Voided	70.00
145278	12/1/2016	Rikkia L Cole	Voided Payment Offsetting Entry	-70.00
Total Voided Payments				<u>\$140.00</u>
Total Offsetting Entries				<u>-\$140.00</u>

UR Checks
Tenant vacated
unit. ATO 10/31.

Voided Payment Report From Payment History

January 23, 2017

Check #	Check Date	Payee Name		Amount
101164 20	1/1/2017	Leon Sydney	Voided	1035.00
101164 20	1/1/2017	Leon Sydney	Voided	1035.00
101164 20	1/1/2017	Leon Sydney	Voided	1035.00
101164 20	1/1/2017	Leon Sydney	Voided	1035.00
101164 20	1/1/2017	Leon Sydney	Voided	1035.00
101164 20	1/1/2017	Leon Sydney	Voided	1035.00
101164 20	1/1/2017	Leon Sydney	Voided	1035.00
101164 20	1/1/2017	Leon Sydney	Voided Payment Offsetting Entry	-1035.00
101164 20	1/1/2017	Leon Sydney	Voided Payment Offsetting Entry	-1035.00
101164 20	1/1/2017	Leon Sydney	Voided Payment Offsetting Entry	-1035.00
101164 20	1/1/2017	Leon Sydney	Voided Payment Offsetting Entry	-1035.00
101164 20	1/1/2017	Leon Sydney	Voided Payment Offsetting Entry	-1035.00
101164 20	1/1/2017	Leon Sydney	Voided Payment Offsetting Entry	-1035.00
101164 20	1/1/2017	Leon Sydney	Voided Payment Offsetting Entry	-1035.00

Total Voided Payments	<u>\$7,245.00</u>
Total Offsetting Entries	<u>-\$7,245.00</u>

Bertina,
ACH Returned. Incorrect DD.
Hold all pmts at this time
being TKS. Prizella



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

DATE: 1/10/2017

TO: Mayor/Chair and Council/Agency Members

FROM: Joe Sbranti, City Manager/Executive Director

SUBJECT: Approve the Transfer of Unclaimed funds to the City's General Fund and Housing Authority Fund Pursuant to California Government Code Section 50053

MEETING DATE: 2/21/2017

EXECUTIVE SUMMARY

Staff has identified outstanding City of Pittsburg and Housing Authority checks that remain unclaimed for more than three years. According to California Government Code Section 5003, these funds can now be considered the property of the City of Pittsburg and the Housing Authority.

FISCAL IMPACT

Funds in the amount of \$4,388.26 will be transferred to the City's General Fund as non-departmental revenue and \$117.00 will transfer to revenue in the City's Housing Authority Fund.

RECOMMENDATION

Reclassify Unclaimed State Dated Check liability that exceeds three years to revenue as determined by Government Code Sections 5005 through 50056.

BACKGROUND

City of Pittsburg's policy is to properly account for unclaimed funds in a manner which follows California Government Code sections 50050 through 50056.

This process involves sending out letters and affidavits to each payee of unclaimed funds to determine the status of the check. Checks are considered unclaimed if no response is received to the inquiry within 30 days or if the payee can't be identified or if the payee declines payment.

Unclaimed checks are then cancelled and notification is sent to the City's bank. Funds are reclassified as stale-dated checks and are transferred to an unclaimed property liability account based on the following criteria:

Accounts Payable Checks – One year from issue date

Payroll checks – Six months from issue date

Housing Authority Checks – Six months from issue date

The attached listing of unclaimed vendor payments has been published as required with no claims filed for reimbursement.

It is now the City's intent to transfer unclaimed funds to the City's General Fund and Housing Authority Fund as revenue.

SUBCOMMITTEE FINDINGS

N/A

STAFF ANALYSIS

Based on California Government Code Sections 50050 and 50051, and the City's Unclaimed Check Policy, The attached list of checks, which has been published for two consecutive weeks in the Contra Costa Times, is now considered property of the City of Pittsburg and the Housing Authority.

ATTACHMENTS: Resolution
Bay Area News Group Publishing of Unclaimed Checks
City of Pittsburg Unclaimed Check Policy
State Government Code Sections 50050-50057

Report Prepared By: Diane Agar, Finance Division Manager
Report Approved By: Brad Farmer, Director of Finance

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Approve the Transfer of Unclaimed Funds)
To the City's General Fund Pursuant to)
California Government Code Section 50053) RESOLUTION NO. 17-

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the City of Pittsburg's policy is to properly account for unclaimed funds in a manner which follows California Government Code Sections 50050 through 50056; and

WHEREAS, the attached list of unclaimed vendor payments has been outstanding and unclaimed in special funds for more than three years; and

WHEREAS, the attached listing of unclaimed vendor payments has been published as required with no claims filed for reimbursement.

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1. The recitals set forth above are true and correct statements and are hereby incorporated in conjunction with the respective staff report.

Section 2. The Pittsburg City Council does hereby authorize the transfer of Unclaimed City of Pittsburg funds in the amount of \$4,388.26 to the City's General Fund as Revenue.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 21st day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

BEFORE THE HOUSING AUTHORITY OF THE CITY OF PITTSBURG

In the Matter of:

Approve the Transfer of Unclaimed Funds	)	
To the City of Pittsburgh Housing Authority	)	RESOLUTION NO. 17-
Fund Pursuant to California Government	)	
<u>Code Section 50053</u>	)	

The Pittsburgh Housing Authority DOES RESOLVE as follows:

WHEREAS, the City of Pittsburgh's policy is to properly account for unclaimed funds in a manner which follows California Government Code Sections 50050 through 50056; and

WHEREAS, the attached list of unclaimed vendor payments has been outstanding and unclaimed in special funds for more than three years; and

WHEREAS, the attached listing of unclaimed vendor payments has been published as required with no claims filed for reimbursement.

NOW, THEREFORE, the Housing Authority of the City of Pittsburgh finds and determines as follows:

Section 1. The recitals set forth above are true and correct statements and are hereby incorporated in conjunction with the respective staff report.

Section 2. The Pittsburgh Housing Authority does hereby authorize the transfer of Unclaimed Housing Authority funds in the amount of \$117.00 to Housing Authority Revenue.

PASSED AND ADOPTED by the Housing Authority of the City of Pittsburgh at a regular meeting on the 21st day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Chair

ATTEST:

Alice E. Evenson, Secretary

PURSUANT TO CALIFORNIA GOVERNMENT CODE 50050 - 50056

The following amounts and funds represent City of Pittsburg
issued warrants which have been outstanding for at least three years.

These amounts will become the property of the City of Pittsburg on
January 18, 2017 if they remain unclaimed:

Robert Michael Odell	126.88	Water Operations
Sam Beproux	50.00	Marina Operations
Premier Map	589.50	Marina Operations
Husam Sajjan	86.00	General Fund
B N H Property, LLC	47.50	General Fund
Amos Radford	48.43	Water Operations
Marcos A. Ruiz	175.36	Water Operations
Gagandeep Kaur	247.36	Water Operations
Peter Pyrczak	195.79	Water Operations
Rae Ann Thompson	16.00	General Fund
Pamela M. Singh	134.36	Water Operations
J Carollo Engineers	2450.35	General Fund
Daniel Uribe	164.73	Water Operations
Raychel Whedbee	16.00	General Fund
Lester Galer	40.00	General Fund
Dalisha Bernstine	36.00	Housing Authority
Latoshia Hutchinson	17.00	Housing Authority
Tanishia Robinson	16.00	Housing Authority
Sheree Nessler	17.00	Housing Authority
Kimberly Burdeen-Tanner	31.00	Housing Authority

These funds may be released provided a claim form has been completed with the necessary information. The Unclaimed Funds Claim Form is available at the City of Pittsburg - Finance Department, 65 Civic Ave., Pittsburg, CA 94565, or by calling Accounts Payable, 925-252-4011.



Approved By Marc C. Grisham
City Manager

Subject: Unclaimed Check Policy

Purpose:

It is the policy of the City of Pittsburgh to properly account for unclaimed money in a manner which follows government code sections 50050 through 50056. Funds that remain unclaimed for at least 3 years will become the property of the City of Pittsburgh after the procedures identified herein have been followed. Unclaimed Funds consists of funds which are not the property of the City, but remain in the City Treasury for three or more years without a claim being filed by the legal owner(s).

Unclaimed money will not include individual items of less than \$15.00, or any amounts in which the depositor's name is unknown. These funds will become the property of the City of Pittsburgh after being unclaimed for a period of at least 12 months.

Procedures:

I. IDENTIFICATION

Every quarter the Accounting Operations Division will generate an outstanding check report which identifies all outstanding payroll checks and housing authority checks over three months old and all accounts payable checks over six months old. The Accounting Operations Division will review the listing to determine if disposition of the check is correct. This will include examination of the original documentation and the review of all relevant financial information as needed.

When the review process is completed, a letter and affidavit will be sent to each payee asking to verify the status of the check. A copy of the letter and the review history will be maintained in the Accounting Operations Division. See attachment A and B for examples.

A check will be considered unclaimed if:

- No response is received to the inquiry within 30 days.
- The payee can't be identified or located.
- The payee declines payment.

II. STALE DATING CHECKS

Payroll checks and Housing Authority checks drawn on City bank accounts that remain outstanding for six months or more and Accounts Payable checks drawn

on City bank accounts that remain outstanding for one year or more will be considered stale dated, and will not be honored by the City's bank if presented for payment.

III. RECLASSIFYING STALE DATED CHECKS

All checks that remain unclaimed will be transferred to the City's Unclaimed Property account based on the following criteria:

- Accounts payable checks - One year from the issue date
- Payroll checks – Six months from the issue date
- Housing Authority checks – Six months from the issue date

These checks will be cancelled, and notification of the cancellation will be sent to the City's bank. Accounting entries will be generated to record the dollar amount of unclaimed checks in the liability account: *Unclaimed Property*.

The payee/check information will be recorded in an unclaimed check spreadsheet maintained by the Accounting Operations Division. This list of unclaimed checks will include the individual or business name as shown on the issued check, the amount of the issued check, the check number, the check issue date, and the original expense account.

IV. CLAIMING FUNDS

An individual or business may file a claim for funds with the City's Accounting Operations Division or Housing Authority. Claimants will be required to complete an Unclaimed Property Form, along with supporting documentation to establish entitlement to payment. See attachment B for example. All funds that remain unclaimed based on the timelines established in Section V will be transferred to the City's General Fund or Housing Authority Fund.

Examples of claims and the types of supporting information that may be required include:

A. Individual Claimant – Claims initiated by the owner or the parent/custodian of the owner of the property.

- Completed and signed Unclaimed Property Request Form.
- A copy of the check (if available).
- Copy of any official form used for identification, such as a driver's license, military identification card, or passport.
- Proof of reported address associated with the unclaimed check. The following documents are acceptable: pay stub, tax return, mortgage, telephone or utility bill, bank or credit card statement.
- If the claim is initiated by the parent/custodian of the claimant, proof of that relationship.

B. Business Claimant – The claim must be made by an officer or official claiming on behalf of the business or corporation, partnership, professional

association, non-profit organization, government entity, or private organization.

- Completed and signed Unclaimed Property Request Form.
- A copy of the check (if available).
- Copy of official identification for each officer or official, such as a driver's license.
- Federal tax identification number.
- Business card of the authorized officer or official.
- Proof of the business's reported address associated with the unclaimed check, such as tax return documents, a mortgage, rent, telephone, or utility bill, or a bank statement.

If a company or business has dissolved or changed names additional information may be requested to process the claim.

C. Heir or Trustee of Deceased Property Owner – Claims initiated by the authorized lawful heir or trustee of the deceased payee's claim.

- Completed and signed Unclaimed Property Request Form.
- Death certificate of the deceased owner or owners of the property.
- Copy of any official form used for identification for each heir, such as a driver's license, military identification card, or passport.
- Proof of reported address associated with the unclaimed property. The following documents are acceptable: Pay stub, tax return document, mortgage, telephone, or utility bill, bank or credit card statement.
- Proof of the deceased owner's relationship to the claim holder. The following documents are acceptable: Bank statement, mortgage, telephone, or utility bill.
- Proof that no other person has a superior right to the interest of the decedent in the described property.

All claims made by heirs or trustees of a deceased payee are subject to review and approval by the City Attorney.

The City of Pittsburg retains the right to reject any claim in which entitlement has not been established to the City's satisfaction.

If a claim is approved, the check will be reissued and the original check will be removed from the unclaimed check listing.

V. **TRANSFER OF CHECKS TO THE GENERAL FUND OR HOUSING AUTHORITY FUND**

On an annual basis, the unclaimed check list will be reviewed to determine which checks can be transferred to the City's General Fund or Housing Authority Fund, as determined by Government Code Sections 50050 through 50056, as follows:

- Checks under \$15

Checks for less than \$15 that remain unclaimed for a period of at least one year will become the property of the City and will be transferred to the City's General Fund.

- Checks \$15 and Greater

Checks that are greater than \$15 and have remained outstanding for more than three years will be published once a week for two consecutive weeks in a newspaper of general circulation stating the payee, the amount, and the fund in which the money is held. The notice will also contain the specific date the money will become the property of the City. See Attachment C for example. This date shall not be less than 45 days nor more than 60 days after the first publication.

If there are no claims for the check by the date identified in the notice, a list of unclaimed checks and dollar amounts will be submitted to City Council for approval and transfer to the City's General Fund or Housing Authority Fund.

All approved funds will be transferred following the issuance of a resolution.

Attachments:

1. A – Sample Letter
B – Sample Affidavit
C – Sample Notice to be published in newspaper
D – Sample Unclaimed Money Claims Form

Attachment A

Sample Letter

Dear _____,

Our records indicated that check number _____ issued to you on
_____ in the amount of \$ _____ by the City of Pittsburg has not
been cashed and is now stale dated. To claim this money, please complete the
enclosed

'Stale Dated Check Replacement Affidavit' as indicated and mail to:

City of Pittsburg
Finance Department
65 Civic Avenue
Pittsburg, CA 94565

Upon receipt of the properly signed affidavit, a new check will be issued to you. Please
call if you have any questions or if I can be of any assistance.

Susan Winkelbauer
Accounts Payable
925-252-4011
City of Pittsburg

Enclosure

Attachment B

Sample Affidavit

**City of Pittsburgh
Affidavit of Unclaimed Monies**

I, _____, hereby declare that I am the legal owner or custodian of check number _____, issued by the City of Pittsburgh, in the amount of \$ _____, dated _____ and the name of the payee shown is _____.

Indicate below what happened – Mark on the box and explain.

- ☐ The above check was not received.
- ☐ The above check was destroyed by _____.
- ☐ The above check was lost by me on _____.
- ☐ Other _____.
- ☐ The above check is attached. The check is now void because it was not cashed within six months and became stale dated.

I request that a replacement check be issued to me and agree that if the above warrant is received I will promptly return it to the City of Pittsburgh Finance Department.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT _____,

THIS _____, DAY OF _____, 20 _____.

Signature

Daytime Phone number

Address

City State Zip

Attachment C

Sample Notice to be published in the newspaper

Notice is hereby given that the City of Pittsburg is holding funds for the following persons. If said funds are not claimed by MMMM dd, yyyy, these funds will become the property of the City of Pittsburg in accordance with California Government Code Sections 50050 – 50056. These funds may be released to the depositor, their heir, beneficiary, or duly appointed representative provided a claim form has been completed with the necessary information.

The Unclaimed Money Claim form is available at the City of Pittsburg Finance Department, 65 Civic Avenue, Pittsburg, CA 94565, or by calling Susan Winkelbauer, Accounts Payable, and 925-252-4011. Required claim information includes name, address, phone number, tax identification number, amount of claim, and grounds on which claim is founded. Once a claim is submitted, the Finance Director will determine what, if any, additional information is necessary.

Person with funds on deposit for 3 Years:

NAME	AMOUNT	SOURCE OF FUNDS
Vendor A	\$345.78	General Fund
Vendor B	\$127.52	Water Fund
Vendor C	\$300	Sewer Fund

Attachment D

Sample Unclaimed Money Claim Form

**City of Pittsburg
Unclaimed Funds Claim Form**

Pursuant to California Government Code Section 50052, I wish to file a claim for previously unclaimed funds in the amount of \$_____ that was published in the Local Newspaper on _____. The grounds on which I file this claim are:

Vendor or individual Name

Taxpayer ID # or SS#

Signature

Telephone

Address

City, State, Zip

FINANCE USE ONLY

Claim received on _____.

☐

Approved

☐

Denied

Original Warrant #:

Date:

Amount:

Replacement Warrant #:

Date:

Amount:

Director of Finance

SECTION 50050-50057

50050. For purposes of this article, "local agency" includes all districts. Except as otherwise provided by law, money, excluding restitution to victims, that is not the property of a local agency that remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the local agency after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency. Money representing restitution collected on behalf of victims shall be either deposited into the Restitution Fund or used by the local agency for purposes of victim services after the expiration of the three-year period. However, with respect to moneys deposited with the county treasurer pursuant to Section 7663 of the Probate **Code**, this three-year period to claim money held by a local agency is extended for an infant or person of unsound mind until one year from the date his or her disability ceases.

For purposes of this section, "infant" and "person of unsound mind" have the same meaning as given to those terms as used in Section 1441 of the **Code** of Civil Procedure.

50051. The notice shall state the amount of money, the fund in which it is held, and that it is proposed that the money will become the property of the local agency on a designated date not less than forty-five days nor more than sixty days after the first publication of the notice.

50052. Upon or prior to publication, a party of interest may file a claim with the treasurer which must include the claimant's name, address, amount of claim, the grounds on which the claim is founded, and any other information that may be required by the treasurer. The claim shall be filed before the date the unclaimed money becomes the property of the local agency as provided under Section 50051 and the treasurer shall accept or reject that claim. If the claim is rejected by the treasurer, the party who submitted the claim may file a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within the county in which the notice is published, and serves a copy of the complaint and the summons issued thereon upon the treasurer. The copy of the complaint and summons shall be served within 30 days of receiving notice that the claim was rejected. The treasurer shall withhold the release of the portion of unclaimed money for which a court action has been filed as provided in this section until a decision is rendered by the court.

50052.5. (a) Notwithstanding Section 50052, the treasurer may release to the depositor of the unclaimed money, their heir,

beneficiary, or duly appointed representative, unclaimed money if claimed prior to the date the money becomes the property of the local agency upon submitting proof satisfactory to the treasurer, unless the unclaimed money is deposited pursuant to Section 7663 of the Probate **Code**.

(b) Notwithstanding Section 50052, the treasurer may release unclaimed money deposited with the county treasurer pursuant to Section 7663 of the Probate **Code**, to any adult blood relative of either the decedent or the decedent's predeceased spouse.

(c) Notwithstanding Section 50052, the treasurer may release unclaimed money deposited with the county treasurer pursuant to Section 7663 of the Probate **Code** to the parent who has legal and physical custody of a minor who is a blood relative of either the decedent or the decedent's predeceased spouse without the need to appoint a legal guardian for the minor as follows:

(1) If the value of the unclaimed money deposited with the county treasurer is five thousand dollars (\$5,000) or less, the treasurer may release the money according to Section 3401 of the Probate **Code**.

(2) If the value of the unclaimed money deposited with the county treasurer is sixty thousand dollars (\$60,000) or less, and the money is not released under paragraph (1), the unclaimed money may be released by the treasurer to the parent who shall, after payment of any costs incurred in making the claim, hold the money in trust, to be used only for the care, maintenance, and education of the minor, and the parent shall be liable therefor to the minor under the fiduciary laws of this state. The money held in trust shall be released to the minor when the minor reaches the age of majority.

(d) The claim shall be presented to the county treasurer in affidavit form and signed under penalty of perjury. Notwithstanding Section 13101 of the Probate **Code**, the claimant, to be entitled to the entire escheated estate, needs only to establish with documentary proof the existence of a blood relationship to either the decedent or of the predeceased spouse, if any, and the documentary proof, if regular on its face, need not be certified. Notwithstanding Section 13101 of the Probate **Code**, the claimant shall not be required to declare that no other person has an equal or superior claim to the escheated estate.

The county treasurer may rely in good faith on the sworn statements made in the claim and shall have no duty to inquire into the truth or credibility of evidence submitted.

In paying out the escheated estate, the county treasurer shall be held harmless to all. Payment shall act as total acquittance and shall completely discharge the county treasurer from any liability.

If the county treasurer rejects any claim made hereunder, the claimant may take his or her grievance to the Superior Court of the county holding the escheated estate.

Any claim paid hereunder shall be paid without interest.

50053. When any such money becomes the property of a local agency and is in a special fund, the legislative body may transfer it to the general fund.

50054. Whenever any city or county or city and county renders construction services or constructs public works for any city, county, city and county or any other governmental agency below the level of the state **government**, the price charged for such services or

construction shall be sufficient to reimburse the governmental body performing such services for the full cost thereof including labor, material, equipment costs or rentals and a reasonable allowance for overhead. In computing overhead, without limitation on other factors properly includable, there shall be allocated to the overhead cost its proportionate share of indirect labor and administrative costs.

50055. Any other provision of this article notwithstanding, any individual items of less than fifteen dollars (\$15), or any amount if the depositor's name is unknown, which remain unclaimed in the treasury or in the official custody of an officer of a local agency for the period of one year or upon an order of the court may be transferred to the general fund by the legislative body without the necessity of publication of a notice in a newspaper.

50056. The responsibilities of the treasurer as provided under this article may be delegated by the treasurer to the agency, district, or department that maintains the supporting records of the unclaimed money based on the initial receipt or deposit of that money or both.

50057. For individual items in the amount of one thousand dollars (\$1,000) or less, the legislative body of any county may, by resolution, authorize the county treasurer to perform on its behalf any act required or authorized to be performed by it under Sections **50050**, 50053, and 50055. The resolution shall require that the county auditor be informed of each act performed under the authorization.



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

DATE: 2/10/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Permitting for Large Family Daycare Homes, AP-17-1214 (RZ)

MEETING DATE: 2/21/2017

EXECUTIVE SUMMARY

This is a public hearing on a City-initiated proposal to amend the zoning ordinance in order to permit large family daycare homes of up to 14 children, with limitations related to noise, parking, and spacing/concentration, consistent with state law. The changes proposed would apply to all residential districts within the city, including the M (Mixed Use) and GQ (Governmental and Quasi-Public) Districts, where residential uses are permitted. On January 24, 2017, the Planning Commission adopted Resolution No. 10053, recommending adoption of the ordinance with a modification to increase the radius buffer between uses and eliminate the possibility of an alternative permitting process for facilities that cannot meet all required limitations.

FISCAL IMPACT

There is no fiscal impact on the City from the proposed ordinance. The ordinance would eliminate an existing application process for large family daycares which would reduce applications fees, but would also reduce staff time spent processing said applications. Standard business license fees would continue to be collected on an annual basis for large family daycare homes.

RECOMMENDATION

City Council move to introduce, waive further reading, and pass to second reading the attached ordinance amending Pittsburg Municipal Code (PMC) Title 18 related to the permitting process for large family daycare homes.

BACKGROUND

In October 2016, the City's finance staff discovered that there were a number of large family daycare homes (8-14 children) operating in the City with no business license on record. Upon this discovery, a total of 27 letters were sent out to various providers in Pittsburg, informing them that they needed to obtain the proper business license and zoning approval in order to continue doing business in the City. The daycare providers that were provided notice have generally been operating in Pittsburg anywhere from 1 to 10 years without the proper city approvals.

On October 17, 2016, the City received a letter from the Child Care Law Center, on behalf of (at least) one child care provider in Pittsburg, asserting that the City's existing municipal code requirements for large family daycare homes are non-compliant with state law. According to state law, cities may treat large family daycare homes in one of three ways: 1) classify them as a permitted use; 2) require a nondiscretionary permit that is subject to certain specific reasonable conditions; or 3) require a nondiscretionary permit that is subject to certain specific reasonable conditions, with written notice to property owners within a 100 foot-radius at least 10 days before the zoning administrator reaches a decision regarding the permit; the hearing associated with the third option would only be held if the occupant or another affected person requests a hearing. (Health & Safety Code § 1597.46(a))

Upon review in conjunction with the City attorney, staff concurs with the assertion of the Child Care Law Center that the existing PMC regulations currently indicate that a discretionary (zoning administrator level) use permit is required, whereas state law allows for only nondiscretionary permits.

SUBCOMMITTEE FINDINGS

On November 28, 2016, staff presented the issue to the Land Use Subcommittee for consideration, along with two proposed options for zoning text amendments that would fix the inconsistency with state law. During this meeting, there was testimony from various members of the public and lengthy discussion about the issue. At the conclusion of the discussion, there was unanimous support by the four subcommittee members to move forward with a proposed change that would make large family daycare homes permitted uses in all residential districts, subject to reasonable limitations consistent with the acceptable standards for review outlined by the applicable state law.

On January 24, 2017, the Planning Commission held a public hearing to consider the draft amendments related to large family daycare homes. Following close of the public hearing, the Planning Commission voted four to zero, with one abstention, to recommend approval of the amendments as presented by staff, with a modification to increase the radius buffer between uses to 500-feet and eliminate the possibility of an alternative permitting process for facilities that cannot meet all required limitations.

STAFF ANALYSIS

PMC Title 18 (Zoning), provides two different classes of daycare homes: 1) small facilities, allowing up to eight children, and 2) large facilities, allowing up to fourteen children (see PMC 18.08.040.b). Currently, small family daycare homes are permitted in all residential districts with no limitations. In order to ensure that the PMC is consistent with state law, the Planning Commission has recommended that the permitting process for large family daycare homes in all residential areas be changed from the current discretionary zoning administrator use permit process, to a permitted use with reasonable limitations, consistent with the standards of review allowed under state law.

The California Child Day Care Facilities Act (CA Health and Safety Code, section 1596.70 et seq.) limits local zoning regulatory authority to reasonable standards related to four narrow factors: 1) spacing and concentration, 2) traffic control, 3) parking, and 4) noise control. To address these limited standards of review, the Planning Commission has recommended the following limitations to be placed on new large family daycare homes. Please note, any existing legally established facilities not complying with these limitations would be considered 'grandfathered' in under the new code, if adopted:

1. Outdoor activities would be prohibited before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and would not be allowed after 9:00 p.m. any day of the week. This limitation is proposed in order to help control noise that may emanate from the premises from children playing outdoors.
2. A minimum of one paved off-street drop-off/pick-up parking space would be required on site (note, this requirement would be in addition to any required parking for the residential unit, which would remain the primary use of the site).
3. The off-street parking space would need to be reserved exclusively for child loading and drop-off during all hours of operation, and parents would need to be provided notice about the availability of the designated drop-off/pick-up location.
4. The use would need to be separated from other large family day care homes by a minimum of 500 feet in all directions, as measured from property line to property line.

Staff had also previously proposed the inclusion of a voluntary alternative permitting process for the rare circumstances that may occur when a large family daycare provider cannot comply with all of the limitations identified above; however, the Planning Commission was not supportive of this addition.

Staff believes that the City Council can make findings to approve of the amendments as recommended by the Planning Commission. The proposed amendments are consistent with state law, and the proposed streamlined permitting process within residential districts would be appropriate in that in-home day care facilities are already defined by the PMC as residential uses (PMC 18.08.040). The proposed zoning change would not only streamline the permitting process, but it would also minimize processing fees for potential child care providers, thereby encouraging more facilities to locate in Pittsburg and helping to remove barriers for families in need of quality child care. In Contra Costa County alone, child care costs have increased by over 17% in the last seven years, while the total number of licensed facilities has steadily declined. In addition, Contra Costa County currently only has enough licensed facilities to accommodate 30% of the children in the county with working parents.

Staff believes there is clearly a need for more quality, licensed, accessible, and affordable child care options for residents in Contra Costa County, and since there is little to no history in Pittsburg of complaints against these facilities, it would be appropriate to approve the proposed amendments in an effort to streamline the permitting process for new large family day care homes.

ATTACHMENTS: 1. Ordinance
2. Ordinance Exhibit A – Draft Amendments
3. Adopted Planning Commission Resolution No. 10053
4. Public Hearing Notice

Report Prepared By: Kristin Pollot, AICP, Planning Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Ordinance of the City of Pittsburgh)
Amending Title 18 of the Pittsburgh)
Municipal Code as it Relates to)
Permitting for Large Family Daycare)
Homes, AP-17-1215 (RZ))

ORDINANCE NO. 17-

The City Council of the City of Pittsburgh DOES ORDAIN as follows:

SECTION 1. Recitals

- A. This is a City-initiated proposal to consider an amendment to Title 18, Zoning, of the Pittsburgh Municipal Code (PMC) in order to permit large family daycare homes of up to 14 children, with limitations related to noise, parking, and spacing/concentration, consistent with state law. The changes proposed would apply to all residential districts within the City, including the M (Mixed Use) and GQ (Governmental and Quasi-Public) Districts, where residential uses are permitted.
- B. In October 2016, the City's finance department discovered that there were a number of large family daycare homes (8-14 children) operating in the City with no business license on record. Upon this discovery, a total of 27 letters were sent out to various providers in Pittsburgh, informing them that they needed to obtain the proper business license and zoning approval in order to continue doing business in the City. The daycare providers who were provided notice have generally been operating in Pittsburgh anywhere from 1 to 10 years without the proper city approvals.
- C. On October 17, 2016, the City received a letter from the Child Care Law Center, on behalf of (at least) one child care provider in Pittsburgh, asserting that the City's existing municipal code requirements for large family daycare homes are non-compliant with state law. According to state law, cities may treat large family daycare homes in one of three ways: 1) classify them as a permitted use; 2) require a nondiscretionary permit that is subject to certain specific reasonable conditions; or 3) require a nondiscretionary permit that is subject to certain specific reasonable conditions, with written notice to property owners within a 100 foot-radius at least 10 days before the zoning administrator reaches a decision regarding the permit; the hearing associated with the third option would only be held if the occupant or another affected person requests a hearing. (Health & Safety Code § 1597.46(a))
- D. Upon review in conjunction with the City attorney, staff has concurred with the assertion of the Child Care Law Center that the existing PMC regulations do currently indicate that a *discretionary* (zoning administrator level) use permit is required, whereas state law only allows for *nondiscretionary* permits.

- E. On November 28, 2016, staff presented the issue to the Land Use Subcommittee for consideration, along with two proposed options for zoning text amendments that would fix the inconsistency with state law. During this meeting, there was testimony from various members of the public and lengthy discussion about the issue. At the conclusion of the discussion, there was unanimous support by the four subcommittee members to move forward with a proposed change that would make large family daycare homes permitted uses in all residential districts, subject to reasonable limitations consistent with the acceptable standards for review outlined by the applicable state law.
- F. PMC section 18.48.020, states that an amendment to the zoning regulations shall be initiated by a motion of either the City Council or the Planning Commission. During the November 28, 2016, Land Use Subcommittee meeting, there was unanimous support for moving forward with amendments to the PMC in order to correct the inconsistency with state law. Staff has deemed this action sufficient to initiate the zoning change under the provisions of PMC 18.48.020.
- G. On January 24, 2017, the Planning Commission held a public hearing to consider the draft amendments related to large family daycare homes. Following close of the public hearing, the Planning Commission voted four to zero, with one abstention, to recommend City Council approval of the amendments as presented by staff, with a modification to increase the radius buffer between uses to 500-feet and eliminate the possibility of an alternative permitting process for facilities that cannot meet all required limitations.
- H. Before adoption of an ordinance, the City Council shall make findings that the proposed regulation is consistent with the policies of the general plan and the notice and hearing provisions of PMC Title 18, in accordance with PMC section 18.48.030.
- I. On or prior to February 11, 2017, notice of the February 21, 2017, public hearing to consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East Contra Costa County Times) as a 1/8th page advertisement; and was mailed via first class mail or electronic mail to interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.
- J. On February 21, 2017, the City Council held a public hearing on the proposed zoning amendments, at which time oral and/or written testimony was considered.

SECTION 2. Findings

- A. Based on the City Council Staff Report entitled, "Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Permitting for Large Family Daycare Homes, AP-17-1214 (RZ)," and based on all the information contained in the Planning Division files, 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 City Council finds that:

1. All recitals above are true and correct and are incorporated herein by reference.
2. The proposed amendments are consistent with the objectives, policies, general land uses and programs in the General Plan, in that the revised permitting process would be consistent with state law. Further, although there are no specific General Plan policies related to permitting, accessibility and availability of in-home child care facilities within the City, the amendments would not be inconsistent with any existing General Plan policy direction.
3. The proposed amendments are compatible with uses and regulations of the land use district for which they are proposed, in that in-home child day care facilities are defined in the PMC as residential uses (PMC 18.08.040); thereby, revising the land use regulations to permit such uses, subject to limitations, in residential districts would be appropriate.
4. There is a community need for the change proposed in that child care costs in Contra Costa County have increased by over 17% in the last seven years and the County currently only has enough licensed child care facilities to accommodate 30% of the children in the county with working parents. These facts indicate a need for more quality, licensed, accessible, and affordable child care options for residents in Contra Costa County.
5. The proposed change would be in conformity with the public convenience, general welfare, and good zoning practice, in that permitting large family day care homes, subject to limitations, would streamline the permitting process and minimize processing fees for child care providers, thereby encouraging more facilities to locate in Pittsburg and helping to remove barriers for families in need of quality child care.

SECTION 3.CEQA

This amendment of the municipal code is exempt from the requirements of the California Environmental Quality Act (CEQA) under the general rule of the state CEQA Guidelines, section 15061, in that there is no possibility that the activity in question would have a significant negative physical impact on the environment. The amendments proposed are procedural in nature and are intended to ensure that the City's zoning requirements for large family daycare homes are consistent with state law.

SECTION 4.Decision.

Based on the findings and the authority set forth above, the City Council hereby amends the 'Large Family Day Care' regulations outlined in the schedules contained in PMC sections 18.50.010, 18.53.020, and 18.60.030, as identified in the attached "Exhibit A."

SECTION 5.Severability

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. Effective Date

This Ordinance shall be in full force and effective thirty (30) days after its adoption.

SECTION 8. Publication

The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of the ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again 20 days after its adoption.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on February 21, 2017, and was adopted and ordered published at a meeting of the City Council held on _____, 2017, by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

City Council Ordinance No. 17-____, “Exhibit A”

Amend the schedule in PMC section 18.50.010, as follows (new text shown in underline font, and text proposed for deletion is shown in strikethrough font):

RR, RS-40, RS-10, RS-6, RS-5, RS-4, RM, RMD, RH, AND RHD – LAND USE REGULATIONS

	RR	RS-40	RS-10	RS-6	RS-5	RS-4	RM	RMD	RH	RHD
Residential										
Day care home										
Large	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z

RR, RS-40, RS-10, RS-6, RS-5, RS-4, RM, RMD, RH, AND RHD – ADDITIONAL USE REGULATIONS

<u>L-163</u>	<u>Permitted, provided that (1) outdoor activities shall not occur before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and shall not occur after 9:00 p.m. any day of the week; (2) a minimum of one paved off-street drop-off/pick-up parking space is provided on site (note, this is in addition to any required parking for the residential unit); (3) the off-street parking space is reserved exclusively for child loading and drop-off during all hours of operation, and parents shall be provided notice about the availability of the designated drop-off/pick-up location; and (4) the use is separated from other large family day care homes by a minimum of 500 feet in all directions, as measured from property line to property line.</u>
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Amend the schedule in PMC section 18.53.020, as follows (new text shown in underline font, and text proposed for deletion is shown in strikethrough font):

M DISTRICT – LAND USE REGULATIONS

	M
Residential	
Day care home	
Large	<u>L-163</u> Z

M DISTRICT – ADDITIONAL USE REGULATIONS

<u>L-163</u>	<u>Permitted, provided that (1) outdoor activities shall not occur before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and shall not occur after 9:00 p.m. any day of the week; (2) a minimum of one paved off-street drop-off/pick-up parking space is provided on site (note, this is in addition to any required parking for the residential unit); (3) the off-street parking space is reserved exclusively for child loading and drop-off during all hours of operation, and parents shall be provided notice about the availability of the designated drop-off/pick-up location; and (4) the use is separated from other large family day care homes by a minimum of 500 feet in all directions, as measured from property line to property line.</u>
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Amend the schedule in PMC section 18.60.030, as follows (new text shown in underline font, and text proposed for deletion is shown in strikethrough font):

GQ DISTRICT – LAND USE REGULATIONS

	GQ
Residential	
Day care home	
Large	<u>L-163</u> Z

GQ DISTRICT – ADDITIONAL USE REGULATIONS

<u>L-163</u>	<u>Permitted, provided that (1) outdoor activities shall not occur before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and shall not occur after 9:00 p.m. any day of the week; (2) a minimum of one paved off-street drop-off/pick-up parking space is provided on site (note, this is in addition to any required parking for the residential unit); (3) the off-street parking space is reserved exclusively for child loading and drop-off during all hours of operation, and parents shall be provided notice about the availability of the designated drop-off/pick-up location; and (4) the use is separated from other large family day care homes by a minimum of 500 feet in all directions, as measured from property line to property line.</u>
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BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Recommending that the City	)	
Council Amend Title 18 of the Pittsburg	)	
Municipal Code as it Relates to Permitting	)	Resolution No. 10053
for Large Family Daycare Homes, AP-17-	)	
1214 (RZ)	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. This is a City-initiated proposal to consider an amendment to Title 18, Zoning, of the Pittsburg Municipal Code (PMC) in order to permit large family daycare homes of up to 14 children, with limitations related to noise, parking, and spacing/concentration, consistent with state law. The changes proposed would apply to all residential districts within the City, including the M (Mixed Use) and GQ (Governmental and Quasi-Public) Districts, where residential uses are permitted.
- B. In October 2016, the City's finance department discovered that there were a number of large family daycare homes (8-14 children) operating in the City with no business license on record. Upon this discovery, a total of 27 letters were sent out to various providers in Pittsburg, informing them that they needed to obtain the proper business license and zoning approval in order to continue doing business in the City. The daycare providers who were provided notice have generally been operating in Pittsburg anywhere from 1 to 10 years without the proper city approvals.
- C. On October 17, 2016, the City received a letter from the Child Care Law Center, on behalf of (at least) one child care provider in Pittsburg, asserting that the City's existing municipal code requirements for large family daycare homes are non-compliant with state law. According to state law, cities may treat large family daycare homes in one of three ways: 1) classify them as a permitted use; 2) require a nondiscretionary permit that is subject to certain specific reasonable conditions; or 3) require a nondiscretionary permit that is subject to certain specific reasonable conditions, with written notice to property owners within a 100 foot-radius at least 10 days before the zoning administrator reaches a decision regarding the permit; the hearing associated with the third option would only be held if the occupant or another affected person requests a hearing. (Health & Safety Code § 1597.46(a))
- D. Upon review in conjunction with the City attorney, staff has concurred with the assertion of the Child Care Law Center that the existing PMC regulations do

currently indicate that a *discretionary* (zoning administrator level) use permit is required, whereas state law only allows for *nondiscretionary* permits.

- E. On November 28, 2016, staff presented the issue to the Land Use Subcommittee for consideration, along with two proposed options for zoning text amendments that would fix the inconsistency with state law. During this meeting, there was testimony from various members of the public and lengthy discussion about the issue. At the conclusion of the discussion, there was unanimous support by the four subcommittee members to move forward with a proposed change that would make large family daycare homes permitted uses in all residential districts, subject to reasonable limitations consistent with the acceptable standards for review outlined by the applicable state law.
- F. PMC section 18.48.020, states that an amendment to the zoning regulations shall be initiated by a motion of either the City Council or the Planning Commission. During the November 28, 2016, Land Use Subcommittee meeting, there was unanimous support for moving forward with amendments to the PMC in order to correct the inconsistency with state law. Staff has deemed this action sufficient to initiate the zoning change under the provisions of PMC 18.48.020.
- G. In order to recommend approval of an amendment to the Zoning Ordinance, the Commission must find (in accordance with PMC section 18.48.030) that:
 - 1. the amendment is consistent with the objectives, policies, general land uses and programs in the General Plan;
 - 2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;
 - 3. there is a community need for the change proposed; and
 - 4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.
- H. This project is exempt from the requirements of the California Environmental Quality Act under the general rule of applicability of the state CEQA Guidelines, section 15061, in that there is no possibility that the activity in question would have a significant negative physical impact on the environment. The amendments proposed are procedural in nature and are intended to ensure that the City's zoning requirements for large family daycare homes are consistent with state law.
- I. On or prior to January 14, 2017, notice of the January 24, 2017, public hearing to consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East Contra Costa County Times); and was mailed via first

class mail or electronic mail to interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

- J. On January 24, 2017, the Planning Commission held a public hearing to consider possible amendments to PMC Title 18 related to permitting for large family daycare homes, AP-17-1214 (RZ).

Section 2. Findings

- A. Based on the Planning Commission staff report entitled, "Recommendation on Amendments to Pittsburg Municipal Code Title 18 Related to Permitting for Large Family Daycare Homes, AP-17-1214 (RZ).," dated January 24, 2017, and based on all the information contained in the Planning Division files on the project, 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 are incorporated herein by reference.
 2. The proposed amendments are consistent with the objectives, policies, general land uses and programs in the General Plan, in that the revised permitting process would be consistent with state law. Further, although there are no specific General Plan policies related to permitting, accessibility and availability of in-home child care facilities within the City, the amendments would not be inconsistent with any existing General Plan policy direction.
 3. The proposed amendments are compatible with uses and regulations of the land use district for which they are proposed, in that in-home child day care facilities are defined in the PMC as residential uses (PMC 18.08.040); thereby, revising the land use regulations to permit such uses, subject to limitations, in residential districts would be appropriate.
 4. There is a community need for the change proposed in that child care costs in Contra Costa County have increased by over 17% in the last seven years and the County currently only has enough licensed child care facilities to accommodate 30% of the children in the county with working parents. These facts indicate a need for more quality, licensed, accessible, and affordable child care options for residents in Contra Costa County.
 5. The proposed change would be in conformity with the public convenience, general welfare, and good zoning practice, in that permitting large family day care homes, subject to limitations, would streamline the permitting process and minimize processing fees for child care providers, thereby encouraging

more facilities to locate in Pittsburg and helping to remove barriers for families in need of quality child care.

Section 3. Decision

- A. Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance amending the 'Large Family Day Care' regulations outlined in the schedules contained in PMC sections 18.50.010, 18.53.020, and 18.60.030, as identified the attached "Exhibit A."

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Belleci-Shipe, seconded by Commissioner Croskey, the foregoing resolution was passed and adopted the 24th day of January, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

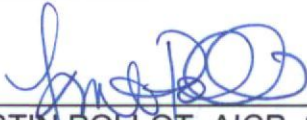
AYES: Belleci-Shipe, Croskey, Gargalikis, Gurrero

NAYES: None

ABSTAIN: Fardella

ABSENT: Coniglio

I hereby certify that the above Resolution No. 10053 was adopted by the Planning Commission of the City of Pittsburg on January 24, 2017.



KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Amend the schedule in PMC section 18.50.010, as follows (new text shown in underline font, and text proposed for deletion is shown in strikethrough font):

RR, RS-40, RS-10, RS-6, RS-5, RS-4, RM, RMD, RH, AND RHD – LAND USE REGULATIONS

	RR	RS-40	RS-10	RS-6	RS-5	RS-4	RM	RMD	RH	RHD
Residential										
Day care home										
Large	<u>L-163 Z</u>	<u>L-163 Z</u>	<u>L-163 Z</u>	<u>L-163 Z</u>	<u>L-163 Z</u>	<u>L-163 Z</u>	<u>L-163 Z</u>	<u>L-163 Z</u>	<u>L-163 Z</u>	<u>L-163 Z</u>

RR, RS-40, RS-10, RS-6, RS-5, RS-4, RM, RMD, RH, AND RHD – ADDITIONAL USE REGULATIONS

<u>L-163</u>	Permitted, provided that (1) outdoor activities shall not occur before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and shall not occur after 9:00 p.m. any day of the week; (2) a minimum of one paved off-street drop-off/pick-up parking space is provided on site (note, this is in addition to any required parking for the residential unit); (3) the off-street parking space is reserved exclusively for child loading and drop-off during all hours of operation, and parents shall be provided notice about the availability of the designated drop-off/pick-up location; and (4) the use is separated from other large family day care homes by a minimum of 500 feet in all directions, as measured from <u>property line to property line</u>.
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Amend the schedule in PMC section 18.53.020, as follows (new text shown in underline font, and text proposed for deletion is shown in strikethrough font):

M DISTRICT – LAND USE REGULATIONS

	M
Residential	
Day care home	
Large	<u>L-163 Z</u>

M DISTRICT – ADDITIONAL USE REGULATIONS

<u>L-163</u>	<u>Permitted, provided that (1) outdoor activities shall not occur before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and shall not occur after 9:00 p.m. any day of the week; (2) a minimum of one paved off-street drop-off/pick-up parking space is provided on site (note, this is in addition to any required parking for the residential unit); (3) the off-street parking space is reserved exclusively for child loading and drop-off during all hours of operation, and parents shall be provided notice about the availability of the designated drop-off/pick-up location; and (4) the use is separated from other large family day care homes by a minimum of 500 feet in all directions, as measured from property line to property line.</u>
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Amend the schedule in PMC section 18.60.030, as follows (new text shown in underline font, and text proposed for deletion is shown in strikethrough font):

GQ DISTRICT – LAND USE REGULATIONS

	GQ
Residential	
Day care home	
Large	L-163 Z

GQ DISTRICT – ADDITIONAL USE REGULATIONS

L-163	<u>Permitted, provided that (1) outdoor activities shall not occur before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and shall not occur after 9:00 p.m. any day of the week; (2) a minimum of one paved off-street drop-off/pick-up parking space is provided on site (note, this is in addition to any required parking for the residential unit); (3) the off-street parking space is reserved exclusively for child loading and drop-off during all hours of operation, and parents shall be provided notice about the availability of the designated drop-off/pick-up location; and (4) the use is separated from other large family day care homes by a minimum of 500 feet in all directions, as measured from property line to property line.</u>
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**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT**

**ITEM: No. 3 – Recommendation on Amendments to Pittsburg Municipal Code
Title 18 Related to Permitting for Large Family Daycare Homes, AP-17-
1214 (RZ).**

ORIGINATED BY: City of Pittsburg, 65 Civic Avenue, Pittsburg, CA 94565

SUBJECT: This is a public hearing on a City-initiated proposal to consider an amendment to Title 18, Zoning, of the Pittsburg Municipal Code (PMC) in order to permit large family daycare homes of up to 14 children, with limitations related to noise, parking, and spacing/concentration, consistent with state law. The changes proposed would apply to all residential districts within the city, including the M (Mixed Use) and GQ (Governmental and Quasi-Public) Districts, where residential uses are permitted.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 10053, recommending City Council approval of the proposed zoning text changes relating to the permitting process for large family daycare homes.

BACKGROUND:

In October 2016, the City's finance staff discovered that there were a number of large family daycare homes (8-14 children) operating in the City with no business license on record. Upon this discovery, a total of 27 letters were sent out to various providers in Pittsburg, informing them that they needed to obtain the proper business license and zoning approval in order to continue doing business in the City. The daycare providers that were provided notice have generally been operating in Pittsburg anywhere from 1 to 10 years without the proper city approvals.

On October 17, 2016, the City received a letter from the Child Care Law Center, on behalf of (at least) one child care provider in Pittsburg, asserting that the City's existing municipal code requirements for large family daycare homes are non-compliant with state law. According to state law, cities may treat large family daycare homes in one of three ways: 1) classify them as a permitted use; 2) require a nondiscretionary permit that is subject to certain specific reasonable conditions; or 3) require a nondiscretionary permit that is subject to certain specific reasonable conditions, with written notice to property owners within a 100 foot-radius at least 10 days before the zoning administrator reaches a decision regarding the permit; the hearing associated with the third option would only be held if the occupant or another affected person requests a hearing. (Health & Safety Code § 1597.46(a))

Upon review in conjunction with the City attorney, staff concurs with the assertion of the Child Care Law Center that the existing PMC regulations currently indicate that a

Planning Commission Staff Report

discretionary (zoning administrator level) use permit is required, whereas state law allows for only nondiscretionary permits.

On November 28, 2016, staff presented the issue to the Land Use Subcommittee for consideration, along with two proposed options for zoning text amendments that would fix the inconsistency with state law. During this meeting, there was testimony from various members of the public and lengthy discussion about the issue. At the conclusion of the discussion, there was unanimous support by the four subcommittee members to move forward with a proposed change that would make large family daycare homes permitted uses in all residential districts, subject to reasonable limitations consistent with the acceptable standards for review outlined by the applicable state law.

PROJECT DESCRIPTION:

PMC Title 18 (Zoning), provides two different classes of daycare homes: 1) small facilities, allowing up to eight children, and 2) large facilities, allowing up to fourteen children (see PMC 18.08.040.b). Currently, small family daycare homes are permitted in all residential districts with no limitations. In order to ensure that the PMC is consistent with state law, staff is proposing that the permitting process for large family daycare homes in all residential areas be changed from the current discretionary zoning administrator use permit process, to a permitted use with reasonable limitations, consistent with the standards of review allowed under state law.

The California Child Day Care Facilities Act (CA Health and Safety Code, section 1596.70 et seq.) limits local zoning regulatory authority to reasonable standards related to four narrow factors: 1) spacing and concentration, 2) traffic control, 3) parking, and 4) noise control. To address these limited standards of review, staff proposes the following limitations be placed on new large family daycare homes. Please note, any existing legally established facilities not complying with these limitations would be considered 'grandfathered' in under the new code, if adopted:

1. Outdoor activities would be prohibited before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and would not be allowed after 9:00 p.m. any day of the week. This limitation is proposed in order to help control noise that may emanate from the premises from children playing outdoors.
2. A minimum of one paved off-street drop-off/pick-up parking space would be required on site (note, this requirement would be in addition to any required parking for the residential unit, which would remain the primary use of the site).
3. The off-street parking space would need to be reserved exclusively for child loading and drop-off during all hours of operation, and parents would need to be provided notice about the availability of the designated drop-off/pick-up location.
4. The use would need to be separated from other large family day care homes by a minimum of 100 feet in all directions, as measured from property line to property line.

Planning Commission Staff Report

The 100-foot radius was selected to match the noticing requirement outlined by state law, even though this proposed amendment would not require any actual notices.

Staff is also proposing to include a voluntary alternative permitting process for the rare circumstances that may occur when a large family daycare provider cannot comply with all of the limitations identified above. The proposed alternative process, would allow for application of a special zoning administrator permit, which would be processed in accordance with the applicable requirements of the state law, including the California Child Day Care Facilities Act (CA Health & Safety Code Section 1597.46(a)(3)), as amended from time to time.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The proposed amendments would be consistent with the objectives, policies, general land uses and programs in the General Plan, in that the revised permitting process would be consistent with state law. Further, although there are no specific General Plan policies related to permitting, accessibility and availability of in-home child care facilities within the City, the amendments would not be inconsistent with any existing General Plan policy direction.

Pursuant to PMC Section 18.16.020 and 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend the Municipal Code.

Required Findings: In order to recommend approval of an amendment to the Zoning Ordinance, the Commission must find (in accordance with PMC Section 18.48.030) that:

1. The changes proposed are consistent with the objectives, policies, general land uses and programs specified in the General Plan.
2. In the case of a base district, the change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed.
3. A community need is demonstrated for the change proposed.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.

Environmental: This project is exempt from the requirements of the California Environmental Quality Act under the general rule of applicability of the state CEQA Guidelines, section 15061, in that there is no possibility that the activity in question would have a significant negative physical impact on the environment. The amendments proposed are procedural in nature and are intended to ensure that the City's zoning requirements for large family daycare homes are consistent with state law.

Planning Commission Staff Report

Public Notice: On or prior to January 14, 2017, notice of the January 24, 2017, public hearing to consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East Contra Costa County Times); and was mailed via first class mail or electronic mail to interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

ANALYSIS:

Staff believes that Planning Commission can make the required findings to recommend City Council approval of the amendments as presented. The proposed amendments are consistent with state law, and the proposed streamlined permitting process within residential districts would be appropriate in that in-home day care facilities are already defined by the PMC as residential uses (PMC 18.08.040). The proposed zoning change would not only streamline the permitting process, but it would also minimize processing fees for potential child care providers, thereby encouraging more facilities to locate in Pittsburg and helping to remove barriers for families in need of quality child care. In Contra Costa County alone, child care costs have increased by over 17% in the last seven years, while the total number of licensed facilities has steadily declined. In addition, Contra Costa County currently only has enough licensed facilities to accommodate 30% of the children in the county with working parents.

Staff believes there is clearly a need for more quality, licensed, accessible, and affordable child care options for residents in Contra Costa County, and since there is little to no history in Pittsburg of complaints against these facilities, it would be appropriate to recommend approval of the proposed amendments in an effort to streamline the permitting process for new large family day care homes.

ACTION REQUIRED:

Move to adopt Resolution No. 10053, recommending City Council approval of the zoning text changes proposed zoning text changes relating to the permitting process for large family day care homes.

ATTACHMENTS:

1. Proposed Resolution No. 10053
2. Proposed Resolution Exhibit A - Proposed PMC Changes
3. Public Hearing Notice

Prepared by: Kristin Pollot, AICP, Planning Manager

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Recommending that the City	)	
Council Amend Title 18 of the Pittsburgh	)	
Municipal Code as it Relates to Permitting	)	Resolution No. 10053
for Large Family Daycare Homes, AP-17-	)	
1214 (RZ)	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. This is a City-initiated proposal to consider an amendment to Title 18, Zoning, of the Pittsburgh Municipal Code (PMC) in order to permit large family daycare homes of up to 14 children, with limitations related to noise, parking, and spacing/concentration, consistent with state law. The changes proposed would apply to all residential districts within the City, including the M (Mixed Use) and GQ (Governmental and Quasi-Public) Districts, where residential uses are permitted.

- B. In October 2016, the City's finance department discovered that there were a number of large family daycare homes (8-14 children) operating in the City with no business license on record. Upon this discovery, a total of 27 letters were sent out to various providers in Pittsburgh, informing them that they needed to obtain the proper business license and zoning approval in order to continue doing business in the City. The daycare providers who were provided notice have generally been operating in Pittsburgh anywhere from 1 to 10 years without the proper city approvals.

- C. On October 17, 2016, the City received a letter from the Child Care Law Center, on behalf of (at least) one child care provider in Pittsburgh, asserting that the City's existing municipal code requirements for large family daycare homes are non-compliant with state law. According to state law, cities may treat large family daycare homes in one of three ways: 1) classify them as a permitted use; 2) require a nondiscretionary permit that is subject to certain specific reasonable conditions; or 3) require a nondiscretionary permit that is subject to certain specific reasonable conditions, with written notice to property owners within a 100 foot-radius at least 10 days before the zoning administrator reaches a decision regarding the permit; the hearing associated with the third option would only be held if the occupant or another affected person requests a hearing. (Health & Safety Code § 1597.46(a))

- D. Upon review in conjunction with the City attorney, staff has concurred with the assertion of the Child Care Law Center that the existing PMC regulations do currently indicate that a *discretionary* (zoning administrator level) use permit is required, whereas state law only allows for *nondiscretionary* permits.
- E. On November 28, 2016, staff presented the issue to the Land Use Subcommittee for consideration, along with two proposed options for zoning text amendments that would fix the inconsistency with state law. During this meeting, there was testimony from various members of the public and lengthy discussion about the issue. At the conclusion of the discussion, there was unanimous support by the four subcommittee members to move forward with a proposed change that would make large family daycare homes permitted uses in all residential districts, subject to reasonable limitations consistent with the acceptable standards for review outlined by the applicable state law.
- F. PMC section 18.48.020, states that an amendment to the zoning regulations shall be initiated by a motion of either the City Council or the Planning Commission. During the November 28, 2016, Land Use Subcommittee meeting, there was unanimous support for moving forward with amendments to the PMC in order to correct the inconsistency with state law. Staff has deemed this action sufficient to initiate the zoning change under the provisions of PMC 18.48.020.
- G. In order to recommend approval of an amendment to the Zoning Ordinance, the Commission must find (in accordance with PMC section 18.48.030) that:
1. the amendment is consistent with the objectives, policies, general land uses and programs in the General Plan;
 2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;
 3. there is a community need for the change proposed; and
 4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.
- H. This project is exempt from the requirements of the California Environmental Quality Act under the general rule of applicability of the state CEQA Guidelines, section 15061, in that there is no possibility that the activity in question would have a significant negative physical impact on the environment. The amendments proposed are procedural in nature and are intended to ensure that the City's zoning requirements for large family daycare homes are consistent with state law.
- I. On or prior to January 14, 2017, notice of the January 24, 2017, public hearing to consider this application was posted at City Hall and on the 'public notices' page

of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East Contra Costa County Times); and was mailed via first class mail or electronic mail to interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

- J. On January 24, 2017, the Planning Commission held a public hearing to consider possible amendments to PMC Title 18 related to permitting for large family daycare homes, AP-17-1214 (RZ).

Section 2. Findings

- A. Based on the Planning Commission staff report entitled, "Recommendation on Amendments to Pittsburg Municipal Code Title 18 Related to Permitting for Large Family Daycare Homes, AP-17-1214 (RZ).," dated January 24, 2017, and based on all the information contained in the Planning Division files on the project, 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 are incorporated herein by reference.
 2. The proposed amendments are consistent with the objectives, policies, general land uses and programs in the General Plan, in that the revised permitting process would be consistent with state law. Further, although there are no specific General Plan policies related to permitting, accessibility and availability of in-home child care facilities within the City, the amendments would not be inconsistent with any existing General Plan policy direction.
 3. The proposed amendments are compatible with uses and regulations of the land use district for which they are proposed, in that in-home child day care facilities are defined in the PMC as residential uses (PMC 18.08.040); thereby, revising the land use regulations to permit such uses, subject to limitations, in residential districts would be appropriate.
 4. There is a community need for the change proposed in that child care costs in Contra Costa County have increased by over 17% in the last seven years and the County currently only has enough licensed child care facilities to accommodate 30% of the children in the county with working parents. These facts indicate a need for more quality, licensed, accessible, and affordable child care options for residents in Contra Costa County.
 5. The proposed change would be in conformity with the public convenience, general welfare, and good zoning practice, in that permitting large family day care homes, subject to limitations, would streamline the permitting process

and minimize processing fees for child care providers, thereby encouraging more facilities to locate in Pittsburg and helping to remove barriers for families in need of quality child care.

Section 3. Decision

- A. Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance amending the 'Large Family Day Care' regulations outlined in the schedules contained in PMC sections 18.50.010, 18.53.020, and 18.60.030, as identified the attached "Exhibit A."

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 24th day of January, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

I hereby certify that the above Resolution No. 10053 was adopted by the Planning Commission of the City of Pittsburg on January 24, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Planning Commission Resolution No. 10053, "Exhibit A"

Amend the schedule in PMC section 18.50.010, as follows (new text shown in underline font, and text proposed for deletion is shown in strikethrough font):

RR, RS-40, RS-10, RS-6, RS-5, RS-4, RM, RMD, RH, AND RHD – LAND USE REGULATIONS

	RR	RS-40	RS-10	RS-6	RS-5	RS-4	RM	RMD	RH	RHD
Residential										
Day care home										
Large	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z	<u>L-163</u> Z

RR, RS-40, RS-10, RS-6, RS-5, RS-4, RM, RMD, RH, AND RHD – ADDITIONAL USE REGULATIONS

<u>L-163</u>	Permitted, provided that (1) outdoor activities shall not occur before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and shall not occur after 9:00 p.m. any day of the week; (2) a minimum of one paved off-street drop-off/pick-up parking space is provided on site (note, this is in addition to any required parking for the residential unit); (3) the off-street parking space is reserved exclusively for child loading and drop-off during all hours of operation, and parents shall be provided notice about the availability of the designated drop-off/pick-up location; and (4) the use is separated from other large family day care homes by a minimum of 100 feet in all directions, as measured from property line to property line. <u>Zoning administrator approval required for any use that does not meet all of these requirements. Zoning administrator approval process (when required) shall adhere to the requirements of State law, including the California Child Day Care Facilities Act (CA Health & Safety Code Section 1597.46(a)(3)), as amended from time to time.</u>
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Planning Commission Resolution No. 10053, "Exhibit A"

Amend the schedule in PMC section 18.53.020, as follows (new text shown in underline font, and text proposed for deletion is shown in strikethrough font):

M DISTRICT – LAND USE REGULATIONS

	M
Residential	
Day care home	
Large	<u>L-163 Z</u>

M DISTRICT – ADDITIONAL USE REGULATIONS

<u>L-163</u>	<u>Permitted, provided that (1) outdoor activities shall not occur before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and shall not occur after 9:00 p.m. any day of the week; (2) a minimum of one paved off-street drop-off/pick-up parking space is provided on site (note, this is in addition to any required parking for the residential unit); (3) the off-street parking space is reserved exclusively for child loading and drop-off during all hours of operation, and parents shall be provided notice about the availability of the designated drop-off/pick-up location; and (4) the use is separated from other large family day care homes by a minimum of 100 feet in all directions, as measured from property line to property line. Zoning administrator approval required for any use that does not meet all of these requirements. Zoning administrator approval process (when required) shall adhere to the requirements of State law, including the California Child Day Care Facilities Act (CA Health & Safety Code Section 1597.46(a)(3)), as amended from time to time.</u>
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Planning Commission Resolution No. 10053, "Exhibit A"

Amend the schedule in PMC section 18.60.030, as follows (new text shown in underline font, and text proposed for deletion is shown in strikethrough font):

GQ DISTRICT – LAND USE REGULATIONS

	GQ
Residential	
Day care home	
Large	<u>L-163</u> Z

GQ DISTRICT – ADDITIONAL USE REGULATIONS

<u>L-163</u>	<u>Permitted, provided that (1) outdoor activities shall not occur before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and shall not occur after 9:00 p.m. any day of the week; (2) a minimum of one paved off-street drop-off/pick-up parking space is provided on site (note, this is in addition to any required parking for the residential unit); (3) the off-street parking space is reserved exclusively for child loading and drop-off during all hours of operation, and parents shall be provided notice about the availability of the designated drop-off/pick-up location; and (4) the use is separated from other large family day care homes by a minimum of 100 feet in all directions, as measured from property line to property line. Zoning administrator approval required for any use that does not meet all of these requirements. Zoning administrator approval process (when required) shall adhere to the requirements of State law, including the California Child Day Care Facilities Act (CA Health & Safety Code Section 1597.46(a)(3)), as amended from time to time.</u>
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City of Pittsburg

Community Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **PLANNING COMMISSION** of the City of Pittsburg will conduct a public hearing on:

DATE: January 24, 2017
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Recommendation on Amendments to Pittsburg Municipal Code Title 18 Related to Permitting for Large Family Daycare Homes, AP-17-1214 (RZ).

This is a public hearing on a City-initiated proposal to consider an amendment to Title 18, Zoning, of the Pittsburg Municipal Code (PMC) in order to permit large family daycare homes of up to 14 children, with limitations related to noise, parking, and spacing/concentration, consistent with State law. The changes proposed would apply to all residential districts within the city.

PROJECT PLANNER: Kristin Pollot, (925) 252-6941 or kpollot@ci.pittsburg.ca.us

Why am I receiving this notice? You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

Where can I get more information about this project?

The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

What can I do if I have comments on the project?

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.


KRISTIN POLLOT, AICP, SECRETARY
CITY OF PITTSBURG



City of Pittsburg

Community Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **CITY COUNCIL** of the City of Pittsburg will conduct a public hearing on:

DATE: February 21, 2017
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Permitting for Large Family Daycare Homes, AP-17-1214 (RZ)

This is a public hearing on a City-initiated proposal to amend the zoning ordinance in order to permit large family daycare homes of up to 14 children, with limitations related to noise, parking, and spacing/concentration, consistent with state law. The changes proposed would apply to all residential districts within the city, including the M (Mixed Use) and GQ (Governmental and Quasi-Public) Districts, where residential uses are permitted.

On January 24, 2017, the Planning Commission adopted Resolution No. 10053, recommending adoption of the ordinance with a modification to increase the radius buffer between uses and eliminate the possibility of an alternative permitting process for facilities that cannot meet all required limitations.

PROJECT PLANNER: Kristin Pollot, (925) 252-6941 or kpollot@ci.pittsburg.ca.us

Why am I receiving this notice? You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

Where can I get more information about this project?

The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

What can I do if I have comments on the project?

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.

ALICE E. EVENSON, CITY CLERK
CITY OF PITTSBURG

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

DATE: February 6, 2017

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

CITY COUNCIL/AGENCY MEMBERS

Marilyn Craft, Mayor/Chair
Dwayne "Pete" Longmire, Vice-Mayor/Chair Member
Sal Evola, Council/Agency Member
Juan Antonio Banales, Council/Agency Member
Jelani Killings, Council/Agency Member
Michelle King, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

Joe Sbranti, City Manager/Executive Director
Ruthann Ziegler, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

Mayor Craft called the meeting of the City Council to order at 7:00 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

Chief Brian Addington led the Pledge of Allegiance.

PROCLAMATION

A proclamation was presented to Natalie Cooper, owner of Lumpy's Diner for her generosity to the citizens of Pittsburg.

CITY MANAGER REPORTS/REMARKS

Assistant City Manager Garrett Evans announced upcoming events.

CITIZENS REMARKS

Jennette Borcic, Pittsburg, commented on the problems with Keller Canyon Landfill regarding odor, seagulls, and noise.

Gregory Osorio, Pittsburg, thanked the Council for their support of the Martin Luther King, Jr. celebrations and presented the Mayor with a photo of the event at City Hall.

Jim Huntze, Contra Costa County Fire Protection District Battalion Chief, gave an overview of the last month's activities. The recently re-opened Station 87 responded to 160 calls.

CONSIDERATION

1. Adoption of a Minute Order Appointing Council Member Committee Assignment – Police Activities League Board

On motion by Member Killings, seconded by Vice Mayor Longmire, to appoint Member Banales with Member Killings as Alternate, and carried unanimously.

CONFLICT OF INTEREST STATEMENT

There were no conflict of interest statements.

City Manager Sbranti asked that Items 8, 9, and 10 be pulled for discussion.

COMBINED CITY COUNCIL, PITTSBURG POWER COMPANY, AND SUCCESSOR AGENCY CONSENT CALENDAR

On motion by Member Evola, seconded by Member Killings, to adopt without Items 8, 9, and 10, and carried unanimously.

2. Minutes of January 17, 2017
3. Rejected Claims #17-0002 Perry Jr., Curtis and #17-0004 Hennigan, David
4. Adoption of a Pittsburg Power Company Resolution to Authorize the Executive Director to Extend the Term of the Full Load Service Contract with Western Area Power Administration
5. Adoption of City Council and Power Company Resolutions to Approve Termination of the Joint Power Agreement between the City of Pittsburg and the Pittsburg Power Company and Dissolution of Bay Area Power Link
6. Receive and File the Single Audit Report for the Year Ended June 30, 2016
7. Adoption of a City Council Resolution Establishing the Maximum Number of Condominium Conversions for Calendar Year 2017
11. Adoption of a City Council Resolution Authorizing the Acceptance and Appropriation of State of California Office of Traffic Safety Grant Funds for Selective Traffic Enforcement

The following items were considered separately:

8. Adoption of a City Council Resolution to Authorize Application for Grant Funds from the California Division of Boating and Waterways for Central Harbor Park Restrooms

On motion by Member Evola, seconded by Vice Mayor Longmire, to adopt and carried unanimously.

9. Adoption of a City Council Resolution to Authorize an Application for Grant Funds from the California Department of Water Resources for an Aquatic Adventure Camp

On motion by Vice Mayor Longmire, seconded by Member Evola, to adopt and carried unanimously.

10. Adoption of a Minute Order to Authorize Letter in Support of SB1 (Beall) and AB1 (Frazier) Transportation Funding and Reform Package

On motion by Vice Mayor Longmire, seconded by Member Banales, to adopt and carried unanimously.

COUNCIL MEMBER REPORTS/REMARKS

Member Killings attended Opportunity Junction's graduation ceremony. He also attended Youth Development Center (East County Boys and Girls Club) event where RFP's for programming were solicited in the hope of re-opening in June.

Mayor Craft commented on the recent loss of several community members.

Vice Mayor Longmire recognized former police officers Roger Reynolds and Ted Gargalikis.

City Engineer Fritz McKinley recognized Jim "Smiley" Camitz.

Mayor Craft recognized Horace "Lefty" Abono.

Mayor Craft stated tonight's meeting would be adjourned in their honor.

ADJOURNMENT

The City Council meeting was adjourned at 7:56 P.M. to February 21, 2017 in memory of Horace "Lefty" Abono, Jim "Smiley" Camitz, Ted Gargalikis, and Roger Reynolds.

Respectfully submitted,

Alice E. Evenson, City Clerk

CLAIM PRESENTED TO THE CITY OF PITTSBURG

2270

Please read the instructions on the back before completing.

FORM 4.1

1. Claimant's Name: (Please Print)

Martha Garcia

Claimant's Address:

293 Calistoga Dr.

City, State, Zip:

Pittsburg CA 94565

Day Phone: (925) 698-6594

Eve: (925) 381-1368

Reserved for Filing Stamp

CITY CLERK

JAN 21 2016

RECEIVED

City Claim No.:

2. When did the damage or injury occur?

Month:

Jan

Day:

20

Year:

2016

Time: 12

pm

a.m. or p.m.

3. At which location did the damage or injury occur?

Police Report No.:

293 Calistoga Dr
Pittsburg CA 94565

4. a. What happened and why is the City responsible?

car had oil from the truck that
cleans the street

b. Name and position of responsible City Employee(s), if known:

Driver Dont know name

5. What damage or injury occurred?

oil all over car took it
to a car wash

6. Claim amount (only if less than \$10,000):

22.99

If the amount exceeds \$10,000, please check the court for appropriate jurisdiction:

____ Municipal Court (claims up to \$25,000) ____ Superior Court (claims over \$25,000)

7. How did you arrive at the amount claimed? Please attach documentation.

receipt from car wash

8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on Jan 20, 2016, at CA.

Signature of Claimant or Representative

9. Official Notices and Correspondence

If represented by an insurance company or an attorney, please provide the information requested below:

Name and Capacity: (please print)

Address:

City, State, Zip:

Daytime Phone:

Evening:

PRESENTING A CLAIM TO THE CITY OF PITTSBURG

- ⇒ PLEASE TYPE OR PRINT CLEARLY ALL OF THE INFORMATION REQUESTED ON THE CLAIM FORM.
- ⇒ YOU MUST COMPLETE EACH SECTION OR YOUR CLAIM MAY BE RETURNED TO YOU AS INSUFFICIENT.
- ⇒ THE FOLLOWING PROVIDES SPECIFIC INSTRUCTIONS FOR COMPLETING EACH SECTION OF THE CLAIM FORM.

1. **NAME AND MAILING ADDRESS OF CLAIMANT** – State the full name and mailing address of the person(s) claiming damage or injury. Please include a daytime and evening telephone number.
2. **WHEN DID THE DAMAGE OR INJURY OCCUR?** – State the exact month, date, year, and approximate time (if known) of the incident which caused the alleged damage/injury.

Under State law, claims relating to causes of action for personal injury, wrongful death, property damage, and crop damage must be presented to the City of Pittsburgh no later than six months after the incident date. Please note that evidence of “presentation” includes a clear postmark date on an envelope, or a certification of personal service, or service by mail.

When filing a claim beyond the six-month period, you must explain the reason the claim was not filed within the six-month period. This explanation is called “application for leave to present a late claim”. In considering your claim, the City will first decide whether the late claim application should be granted or denied. (See Government Code Section 911.4 for the legally acceptable reasons a claim may be filed late.) Only if your late claim application is granted will the City then consider the merits of your claim.

Claims relating to any cause of action other than personal injury, wrongful death, property damage, and crop damage must be presented no later than one year after the incident date. (See Government Code Section 911.2).

3. **AT WHICH LOCATION DID THE DAMAGE OR INJURY OCCUR?** – Please include street address, city, county, intersection, etc. If possible, also include the Police Report number.
4. **WHAT HAPPENED AND WHY IS THE CITY RESPONSIBLE?** – Please explain the circumstances that led to the alleged damage or injury. State all facts which support your claim with the City and why you believe the City is responsible for the alleged damage or injury. If known, identify the name of the City Department(s) and/or City employee(s) that allegedly caused the damage or injury.
5. **WHAT DAMAGE OR INJURY OCCURRED?** – Provide in full a detailed description of the damage/injury that allegedly resulted from the incident. (What specific damage or injury do you claim resulted from the alleged actions?)
6. **CLAIM AMOUNT:** - State the specific total dollar amount you are claiming as result of the alleged damage/injury. If damage/injury is continuing or is anticipated in the future, indicate with a “+” following the dollar figure if \$10,000 or under. If the total dollar amount is unspecified or exceeds \$10,000, designate the appropriate court jurisdiction for the claim.
7. **HOW DID YOU ARRIVE AT THE AMOUNT CLAIMED?** – Provide a breakdown of how the total amount that you are claiming was computed. You may declare expenses incurred and/or future anticipated expenses. If you have supporting documentation (i.e., bills, payment receipts, cost estimates) please attach copies of them to your claim.
8. **SIGNATURE:** - The claim must be signed by the claimant or by the attorney/representative of the claimant. The City will not accept the claim without a property signature. Government Code Section 910.2 provides: “The claim shall be signed by the claimant or by some person on his/her behalf.”
9. **OFFICIAL NOTICES AND CORRESPONDENCE** - Provide the name and mailing address of the person to whom all official notices and other correspondence from the City should be sent, only if other than claimant. Please provide telephone numbers for the representative, if applicable.

⇒ **SUBMIT COMPLETED AND RELATED DOCUMENTATION TO:** The City Clerk of the City of Pittsburgh, 65 Civic Avenue, Pittsburgh, CA 94565. Personal service of claims can be accomplished during regular City business hours (8:00 a.m. to 5:00 p.m.), Monday through Friday (excluding City holidays) at the City of Pittsburgh Civic Center, 65 Civic Avenue, 3rd Floor, Pittsburgh, CA 94565.

⇒ If you wish to receive a stamped copy of your claim, return the form to the City Clerk with a cover letter along with a stamped, self addressed envelope informing the City of your request.

⇒ You will receive a letter from the Risk Management Office indicating your claim has been received and is being investigated. You will receive an explanation of the investigation results within 45 days in most instances.

If, after reading these instructions, you have questions or need additional information regarding the filing of a claim with the City Clerk of Pittsburgh, please contact the City Clerk’s staff at (925) 252-4850.

Please return this claim form to: Office of the City Clerk, Attn: Alice Evenson, City of Pittsburgh, 65 Civic Avenue, Pittsburgh, CA 94565.

THANK YOU!

FAST
JAN 20 2016

BY:

\$22.99



SUPERIOR CAR WASH
YOUR RECEIPT
THANK YOU!

01/20/2016 3:45PM 01
000000#5569 CLERK01

DEPT. 09 **FAST**
JAN 20 2016

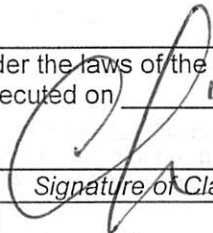
BY:
ITEMS 10
***TOTAL \$22.99
CASH \$100.00
CHANGE \$77.01

CLAIM PRESENTED TO THE CITY OF PITTSBURG

#17-0003

FORM 4.1

Please read the instructions on the back before completing.

1. Claimant's Name: (Please Print) <u>Cristian Vega.</u> Claimant's Address: <u>4319 Glen Canyon Circle</u> City, State, Zip: <u>Pittsburg CA 94565</u> Day Phone: (925) <u>2508072</u> Eve: () _____	Reserved for Filing Stamp CITY CLERK JAN 11 2017 City Claim No.: _____
2. When did the damage or injury occur? Month: <u>01</u> Day: <u>11</u> Year: <u>2017</u> Time: <u>8:00</u> (a.m) or p.m.	
3. At which location did the damage or injury occur? Police Report No.: _____ <u>Buchanan Rd. Close to Railroad</u>	
4. a. What happened and why is the City responsible? <u>This Road has a temporary Road (Patch) not a sealed Road.</u> <u>Pothole is too big and dangerous. It unsafe for drivers.</u> b. Name and position of responsible City Employee(s), if known: _____	
5. What damage or injury occurred? <u>Front tire and Rim Right Bumper hit the road ^{groove} and cracked my Bumper.</u> <u>Back tire and Rim</u> <u>Right side.</u> <u>Picture shown.</u>	
6. Claim amount (only if less than \$10,000): <u>yes.</u> If the amount exceeds \$10,000, please check the court for appropriate jurisdiction: ____ Municipal Court (claims up to \$25,000) ____ Superior Court (claims over \$25,000)	
7. How did you arrive at the amount claimed? Please attach documentation. <u>estimate from the shop Deal on wheels estimate attached</u>	
8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on <u>1-11</u>, 20<u>17</u>, at <u>Pittsburg CA.</u> CA.  _____ Signature of Claimant or Representative	
9. Official Notices and Correspondence If represented by an insurance company or an attorney, please provide the information requested below: Name and Capacity: (please print) _____ Address: _____ City, State, Zip: _____ Daytime Phone: _____ Evening: _____	

PRESENTING A CLAIM TO THE CITY OF PITTSBURG

- ⇒ PLEASE TYPE OR PRINT CLEARLY ALL OF THE INFORMATION REQUESTED ON THE CLAIM FORM.
- ⇒ YOU MUST COMPLETE EACH SECTION OR YOUR CLAIM MAY BE RETURNED TO YOU AS INSUFFICIENT.
- ⇒ THE FOLLOWING PROVIDES SPECIFIC INSTRUCTIONS FOR COMPLETING EACH SECTION OF THE CLAIM FORM.

1. **NAME AND MAILING ADDRESS OF CLAIMANT** – State the full name and mailing address of the person(s) claiming damage or injury. Please include a daytime and evening telephone number.
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When filing a claim beyond the six-month period, you must explain the reason the claim was not filed within the six-month period. This explanation is called “application for leave to present a late claim”. In considering your claim, the City will first decide whether the late claim application should be granted or denied. (See Government Code Section 911.4 for the legally acceptable reasons a claim may be filed late.) Only if your late claim application is granted will the City then consider the merits of your claim.

Claims relating to any cause of action other than personal injury, wrongful death, property damage, and crop damage must be presented no later than one year after the incident date. (See Government Code Section 911.2).

3. **AT WHICH LOCATION DID THE DAMAGE OR INJURY OCCUR?** – Please include street address, city, county, intersection, etc. If possible, also include the Police Report number.
4. **WHAT HAPPENED AND WHY IS THE CITY RESPONSIBLE?** – Please explain the circumstances that led to the alleged damage or injury. State all facts which support your claim with the City and why you believe the City is responsible for the alleged damage or injury. If known, identify the name of the City Department(s) and/or City employee(s) that allegedly caused the damage or injury.
5. **WHAT DAMAGE OR INJURY OCCURRED?** – Provide in full a detailed description of the damage/injury that allegedly resulted from the incident. (What specific damage or injury do you claim resulted from the alleged actions?)
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9. **OFFICIAL NOTICES AND CORRESPONDENCE** - Provide the name and mailing address of the person to whom all official notices and other correspondence from the City should be sent, only if other than claimant. Please provide telephone numbers for the representative, if applicable.

⇒ SUBMIT COMPLETED AND RELATED DOCUMENTATION TO: The City Clerk of the City of Pittsburg, 65 Civic Avenue, Pittsburg, CA 94565. Personal service of claims can be accomplished during regular City business hours (8:00 a.m. to 5:00 p.m.), Monday through Friday (excluding City holidays) at the City of Pittsburg Civic Center, 65 Civic Avenue, 3rd Floor, Pittsburg, CA 94565.

⇒ If you wish to receive a stamped copy of your claim, return the form to the City Clerk with a cover letter along with a stamped, self addressed envelope informing the City of your request.

⇒ You will receive a letter from the Risk Management Office indicating your claim has been received and is being investigated. You will receive an explanation of the investigation results within 45 days in most instances.

If, after reading these instructions, you have questions or need additional information regarding the filing of a claim with the City Clerk of Pittsburg, please contact the City Clerk's staff at (925) 252-4850.

Please return this claim form to: Office of the City Clerk, Attn: Alice Evenson, City of Pittsburg, 65 Civic Avenue, Pittsburg, CA 94565.

THANK YOU!

Deals on Wheels

1776 Arnold Industrial Way Ste. L, Concord, CA 94520
Lift Kits, Lowering, Rims, Tires, Brakes, Shocks, Suspension



Jaime Tejeda
Owner

Tel: (925) 827-0616
Fax: (925) 363-6288
Cell: (925) 293-6141
DealsOnWheels925@gmail.com

Se Habla Español
Est. 1978
@deals_on_wheels_925

044800

Deals On wheels

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE <i>1/11/17</i>	
NAME <i>Cristiam Vega</i>					
ADDRESS <i>4319 glen canyon cir.</i>					
CITY, STATE, ZIP <i>Pittsburg CA 2014 Mercedes S550-</i>					
SOLD BY <i>Jaime</i>	CASH	C.O.D.	CHARGE	ON. ACCT.	PAID OUT

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1			
2	<i>1 20x9 Niche Verona gray</i>		<i>380 -</i>
3	<i>1 245 40 P20 Continental DWS</i>		<i>275 -</i>
4	<i>1 20x10 Niche Verona gray</i>		<i>410 -</i>
5	<i>1 275 35 P20 Continental</i>		<i>298 -</i>
6			
7	<i>2 mount + Balance</i>		<i>50 -</i>
8	<i>2 OA Fee</i>		<i>3 50</i>
9			
10			<i>\$ 1539.17</i>
11			
12			
13			
14			
15			
16			
17			
18			

RECEIVED BY

Subject:

FW:



Subject:

FW: Picture



Subject:

FW:



Subject:

FW: Fwd:



Subject:

FW:



Subject:

FW: Pictures of both rims





Subject:

FW:



Subject:

FW: Fwd:



CLAIM PRESENTED TO THE CITY OF PITTSBURG

FORM 4.1

Please read the instructions on the back before completing.

1. Claimant's Name: (Please Print) <u>ANH NGUYEN</u> Claimant's Address: <u>2109 SUGARTREE DR</u> City, State, Zip: <u>PITTSBURG CA 94565</u> Day Phone: (915) <u>827 9010 (work)</u> Eve: (915) <u>698-2572</u>	Reserved for Filing Stamp CITY CLERK RECEIVED FEB 07 2017 FEB 08 2017 City Claim No.:
2. When did the damage or injury occur? Month: <u>2</u> Day: <u>7</u> Year: <u>2017</u> Time: <u>6:15</u> a.m. or p.m.	
3. At which location did the damage or injury occur? Police Report No. <u>Address</u> <u>SUGARTREE DR PITTSBURG CA 94565 FRONT of 2145 House</u>	
4. a. What happened and why is the City responsible? <u>Water damage to my vehicle from NO warning signs of flooding</u> b. Name and position of responsible City Employee(s), if known:	
5. What damage or injury occurred? <u>Car flooded inside and won't operate.</u> <u>7 PHOTO attached.</u>	
6. Claim amount (only if less than \$10,000): <u>\$5,000.00</u> If the amount exceeds \$10,000, please check the court for appropriate jurisdiction: ☐ Municipal Court (claims up to \$25,000) ☐ Superior Court (claims over \$25,000)	
7. How did you arrive at the amount claimed? Please attach documentation. <u>Kelly Blue Book -</u>	
8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on <u>Feb 17</u>, 20<u>17</u>, at <u>Pittsburg City Hall</u> CA. <u>[Signature]</u> Signature of Claimant or Representative	
9. Official Notices and Correspondence If represented by an insurance company or an attorney, please provide the information requested below: Name and Capacity: (please print) Address: City, State, Zip: Daytime Phone: Evening:	

PRESENTING A CLAIM TO THE CITY OF PITTSBURG

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THANK YOU!

1st Floor















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

DATE: 2/3/2017
TO: Mayor and Council Members
FROM: Joe Sbranti, City Manager
SUBJECT: Adoption of a City Council Resolution to Authorize Allocation of the Keller Canyon Mitigation Funds
MEETING DATE: 2/21/2017

EXECUTIVE SUMMARY

The Pittsburg Police Department has been notified that its application for a \$15,000 grant from the California Department of Justice Sex Offender Registration and Notification Act for the purchase of two mobile registration systems, utilized to complete the registration of local sex offenders, has been approved.

FISCAL IMPACT

No impact to the City General Fund. Upon award of grant funds, the Police Department is requesting appropriation of \$15,000 to the FY 2016-17 budget to be used for the purchase of two mobile registration systems. Any costs incurred over the \$15,000 grant amount will be absorbed by other Police Department equipment funds.

RECOMMENDATION

City Council approves the attached resolution authorizing the appropriation of the California Department of Justice Sex Offender Registration and Notification Act Funds and authorizing the City Manager or his designee to take actions necessary on the City's behalf relative to this grant including the establishment of necessary fiscal accounting.

BACKGROUND

With the support of the California Department of Justice Sex Offender Registration and Notification Act Funding, the Pittsburg Police Department will enhance its Sex Offender Registration process and compliance rate by utilizing grant funds to purchase two mobile registration systems.

The Pittsburg Police Department is working to change the way sex offender registration is completed and to create a new system where registrations can be completed remotely. In the design of this new registration system, the department is looking to purchase and utilize mobile and ruggedized tables or notebooks that will allow staff to mobilize the registration process and if needed, staff will be able to make contact with registrants in the field to complete their registration during compliance checks.

SUBCOMMITTEE FINDINGS

N/A

STAFF ANALYSIS

The Pittsburg Police Department has applied and been approved for \$15,000.00 from the California Department of Justice Sex Offender Registration and Notification Act for the purchase of two mobile registration systems. The Department requests authorization to utilize the appropriate grant funds which will be reimbursed upon completion.

ATTACHMENTS: Resolution

Report Prepared By: Brian Addington, Chief of Police

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Approving Acceptance and Authorizing)
Use of Funds from California Department)
of Justice Sex Offender Registration and)
Notification Act (SORNA))

RESOLUTION NO. 17-

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the California Department of Justice Sex Offender Registration and Notification Act (SORNA) allows local governments to support a broad range of activities to prevent crime and improve the criminal justice system; and

WHEREAS, the Police Department applied for, and has received, a grant from the California Department of Justice Sex Offender Registration and Notification Act in the amount of \$15,000 to purchase two mobile registration systems utilized by staff to complete the registration of local sex offenders.

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1. The City Council finds and determines that the above recitals are true and correct and are incorporated herein.

Section 2. The Pittsburg Police Department is authorized to accept grant funds from the California Department of Justice Sex Offender Registration and Notification Act and allocate their expense in support of the purchase of two mobile registration systems utilized by staff to complete the registration of local sex offenders.

Section 3. The City Manager or his designee is authorized to act on the City's behalf relative to this grant, including the establishment of necessary fiscal accounting and execution of all necessary documents.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 21st day of February, 2017, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

DATE: 2/6/2017
TO: Mayor and Council Members
FROM: Joe Sbranti, City Manager
SUBJECT: Receive and File the Treasurer's Report for the Quarter Ending December 31, 2016
MEETING DATE: 2/21/2017

EXECUTIVE SUMMARY

Attached is the Treasurer's Report for the fiscal quarter ending December 31, 2016, which includes detailed information on the City and Successor Agency's (Agency) investments.

FISCAL IMPACT

The City's expenditure requirements for the next six months are covered by anticipated revenues from City operations and liquidity from maturing investments. The difference between market value and cost as of December 31, 2016 will be reflected in the City's financial statements for Fiscal Year 2016-17 as an adjustment to interest income for each of the City's funds on a pro rata basis as required by Governmental Accounting Standards Board Statement Number 31.

RECOMMENDATION

City Council accepts the Treasurer's Report for the quarter ending December 31, 2016 for information purposes only.

BACKGROUND

Each fiscal quarter, an Investment Summary Report is required to be provided, by policy, to the City Council for review.

SUBCOMMITTEE FINDINGS

N/A

STAFF ANALYSIS

The City and the Agency's investment portfolio increased by \$3.4 million during the second quarter of Fiscal Year 2016-17, from \$121.1 million on September 30, 2016 to \$124.5 million on December 31, 2016 (Table I). The primary increases are due to 1) received \$5 million in property taxes and 2) use of 1.6 million to cover normal operating expenses.

Of the total cash and investments reported above, only the portions held in the City's General Fund, \$30.1 million (24.1%) and Internal Service Funds, \$3 million (2.4%) are unrestricted, although a portion of these amounts may be committed for existing obligations or designated for specific purposes. The remaining \$91.5 million (73.5%) of the City's cash and investments are restricted for specific uses, in accordance with federal, State or local agency rules and regulations.

The investment report includes all cash and investments as summarized in the attached tables as of December 31, 2016. Investment income for the quarter was <\$294,142>. The decrease in investment income was due to quarterly market value adjustment of <\$461,093>. The portfolio's total return for the quarter was <0.64%>, which outperformed the <0.83%> return set by Bank of America Merrill Lynch 0-5 Year U.S. Treasury Index (City's performance benchmark). The portfolio's average yield (excluding Bonded Debt Portfolio) for the quarter was 1.08%.

The City and Successor Agency's investments are managed by the City's registered investment advisor, PFM Asset Management (PFM). PFM is responsible for managing investments in accordance with the City's investment policy. All of the portfolio holdings were held with investment grade securities. A review of this quarter's investment performance prepared by PFM is attached.

As of December 31, 2016, investments in the State's Local Agency Investment Fund (LAIF) were \$23,963,813. Earning from LAIF was 0.68% and LAIF investments portfolio composed of 57% U.S. Treasuries and Agency notes, 23% in Time Deposits and Bank Notes and 20% in other types of investments. A detailed investment performance of LAIF investments is listed on Table III of The Treasury Report.

Governmental Accounting Standards Board Statement 40 requires the City to recognize the fair market value of its investments at the end of each fiscal year. The market values of investments included in this report were obtained from the State Controller's office for LAIF and from the City's registered investment advisors and bond trustees for longer-term investments. These market valuations are subject to daily changes in market value. The change in market value is considered temporary in nature, as it is the City's general intention to hold its investments until maturity, when they would be redeemed at market value.

ATTACHMENTS: Letter from City Treasurer
Table I – Cash & Investment Portfolio
Table II – Investment by Type
Table III – LAIF Summary
Review of Investment Performance Report by PFM Asset Management

Report Prepared By: Report Prepared By: Karen Chang, Finance Manager

Report Reviewed By: Brad Farmer, Director of Finance



**City of Pittsburg
Finance Division
65 Civic Avenue
Pittsburg, California 94565**

February 3, 2017

Honorable Mayor and City Council:

I have reviewed the City of Pittsburg's Treasury Report for the quarter ending December 31, 2016, and find that it complies with the Investment Policy established by my office.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Parent". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Nancy Parent
City Treasurer

CITY OF PITTSBURG
Cash & Investment Portfolio
FY 2016/17- 2nd Quarter

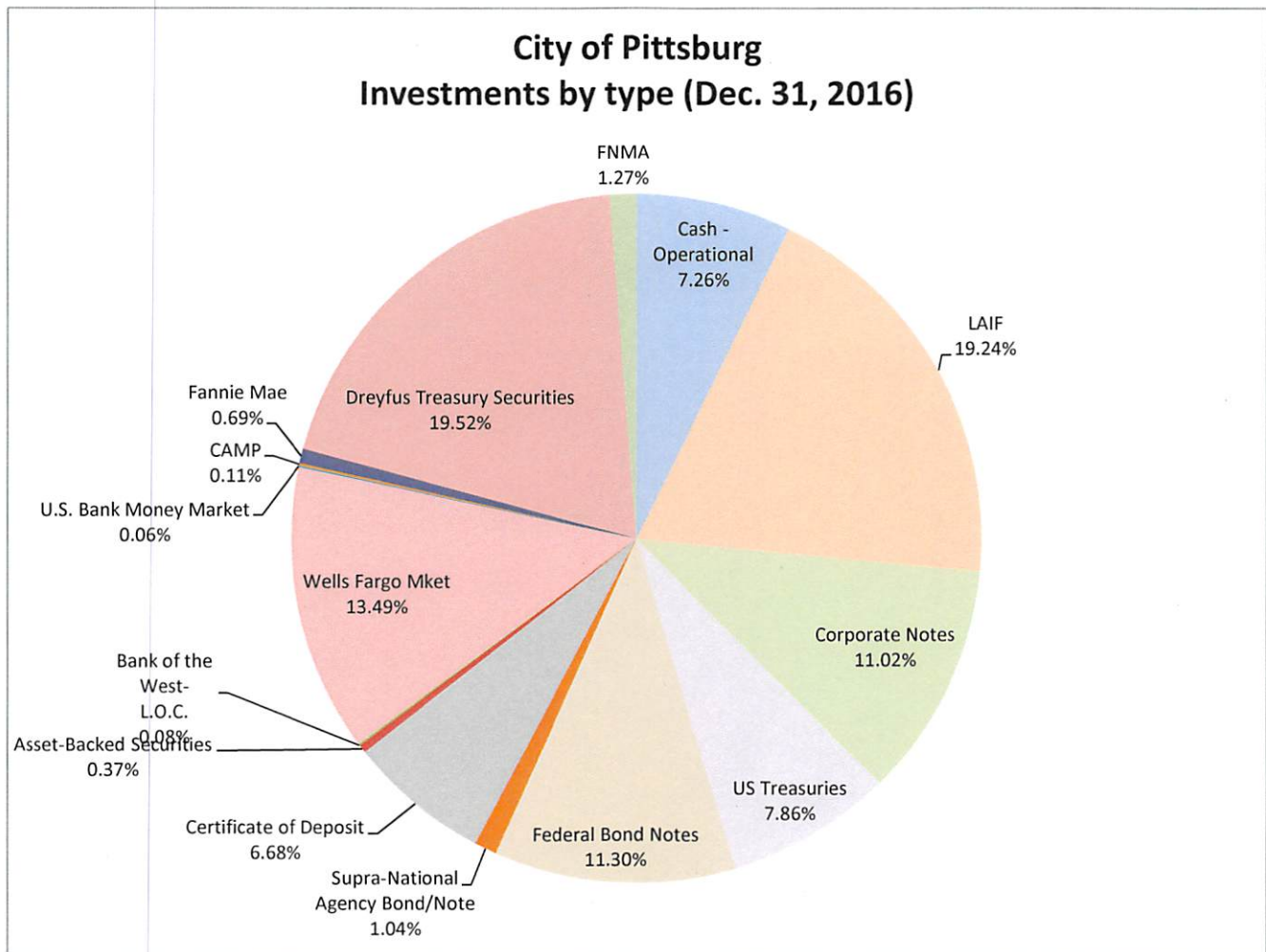
Table I

DESCRIPTION	BALANCE 09/30/16	BALANCE 12/31/16	FAIR MKT VALUE (12/2016 Factor)
<u>CASH & INVESTMENTS:</u>			
LAIF City Operating	\$ 12,881,813	\$ 23,963,813	\$ 23,950,006
Operating Cash & Investment Accounts	62,284,667	56,852,507	56,515,700
TOTAL CITY INVESTMENTS:	\$ 75,166,480	\$ 80,816,320	\$ 80,465,706
<u>FISCAL AGENT INVESTMENTS:</u>			
Miscellaneous Debt Service Operating Accounts	\$ 676,890	\$ 86,068	\$ 86,068
Pension Obligation Bond-Reserve Funds	3,542,051	3,542,140	3,542,140
Assessment District Bonds-Reserve Funds	2,751,494	2,751,739	2,757,937
Revenue Bonds-Reserve Funds	2,278,956	73,869	-
Tax Allocation Bonds Restricted Reserves Funds	36,078,187	37,296,932	36,302,362
Tax Allocation Bonds General Reserves Funds	637,502	-	-
Project Funds (Assmnt, Revenue, TAB)	181	-	73,869
TOTAL FISCAL AGENT INVESTMENTS:	\$ 45,965,262	\$ 43,750,748	\$ 42,762,375
TOTAL CASH & INVESTMENTS :	\$ 121,131,742	\$ 124,567,068	\$ 123,228,081

City of Pittsburgh
Investment by Type as of December 31, 2016

Table II

Description	Amount		Avg Yield	Average Duration or Maturity Date
Cash - Operational	\$ 9,045,515	7.26%	N/A	N/A
LAIF	23,963,813	19.24%	0.68%	171 days
Corporate Notes	13,727,531	11.02%	1.92%	811 days
US Treasuries	9,792,009	7.86%	1.42%	1372 days
Federal Bond Notes	14,081,034	11.30%	1.28%	750 days
Supra-National Agency Bond/Note	1,296,900	1.04%	1.03%	714 days
Certificate of Deposit	8,324,267	6.68%	1.35%	374 days
Asset-Backed Securities	464,934	0.37%	1.37%	1449days
Bank of the West-L.O.C.	102,344	0.08%	0.00%	N/A
Wells Fargo Mket	16,804,737	13.49%	0.29%	N/A
U.S. Bank Money Market	73,869	0.06%	0.10%	N/A
CAMP	135,440	0.11%	0.72%	N/A
Fannie Mae	858,772	0.69%	1.25%	N/A
Dreyfus Treasury Securities	24,316,358	19.52%	0.27%	N/A
FNMA	1,579,548	1.27%	1.25%	N/A
GRAND TOTAL:	\$ 124,567,068	100.00%		





**JOHN CHIANG
TREASURER
STATE OF CALIFORNIA**



Table III

PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
12/19/16	0.72	0.68	179
12/20/16	0.72	0.68	180
12/21/16	0.72	0.68	179
12/22/16	0.73	0.68	179
12/23/16	0.73	0.68	185
12/24/16	0.73	0.68	185
12/25/16	0.73	0.68	185
12/26/16	0.73	0.68	185
12/27/16	0.73	0.68	180
12/28/16	0.73	0.68	173
12/29/16	0.73	0.68	176
12/30/16	0.74	0.68	172
12/31/16	0.74	0.68	171
01/01/17	0.74	0.74	171
01/02/17	0.74	0.74	171
01/03/17	0.74	0.74	181
01/04/17	0.74	0.74	184
01/05/17	0.75	0.74	186
01/06/17	0.75	0.74	186
01/07/17	0.75	0.74	186
01/08/17	0.75	0.74	186
01/09/17	0.75	0.74	185
01/10/17	0.75	0.74	185
01/11/17	0.75	0.74	187
01/12/17	0.75	0.74	186
01/13/17	0.75	0.75	186
01/14/17	0.75	0.75	186
01/15/17	0.75	0.75	186
01/16/17	0.75	0.75	186
01/17/17	0.75	0.75	182
01/18/17	0.75	0.75	181

*Daily yield does not reflect capital gains or losses

[View Prior Month Daily Rates](#)

LAIF Performance Report

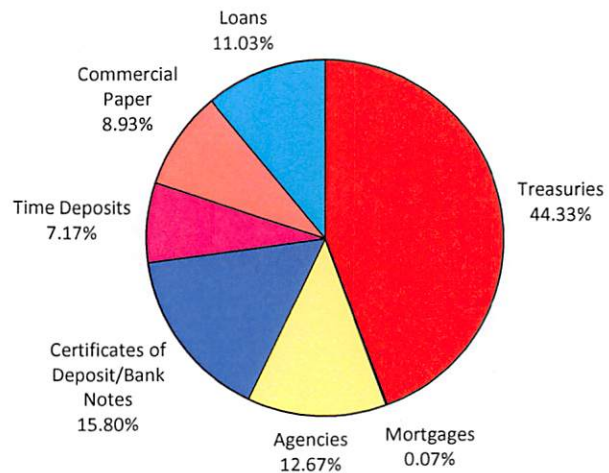
Quarter Ending 12/31/16

Apportionment Rate: 0.68%
 Earnings Ratio: 0.00001851848158529
 Fair Value Factor: 0.999423823
 Daily: 0.74%
 Quarter to Date: 0.68%
 Average Life: 171

**PMIA Average Monthly
Effective Yields**

Dec 2016 0.719%
 Nov 2016 0.678%
 Oct 2016 0.654%

**Pooled Money Investment Account
Portfolio Composition
12/31/16
\$73.7 billion**



Based on data available as of 1/18/2017



PFM Asset Management LLC

CITY OF PITTSBURG

Investment Performance Review For the Quarter Ended December 31, 2016

Client Management Team

Monique Spyke, Managing Director
Izac Chyou, Senior Managing Consultant

PFM Asset Management LLC

50 California Street, Suite 2300
San Francisco, CA 94111
415-982-5544

One Keystone Plaza, Suite 300
Harrisburg, PA 17101-2044
717-232-2723



Market Update

U.S. Economic & Market Highlights

Over the Last 12 Months



Economy Grew
\$534 billion



Jobs Created
2.3 million



New Vehicles Sold
17.4 million



New Homes Sold
561 thousand

Economic Highlights



Consumer Confidence
Highest since 2001



Jobless Claims
Lowest since 1974



Consumer Prices
Highest since 2014



Housing Prices
Record high

Market Highlights



Equities
Record high



2-Yr Treasury Yield
Highest since 2011

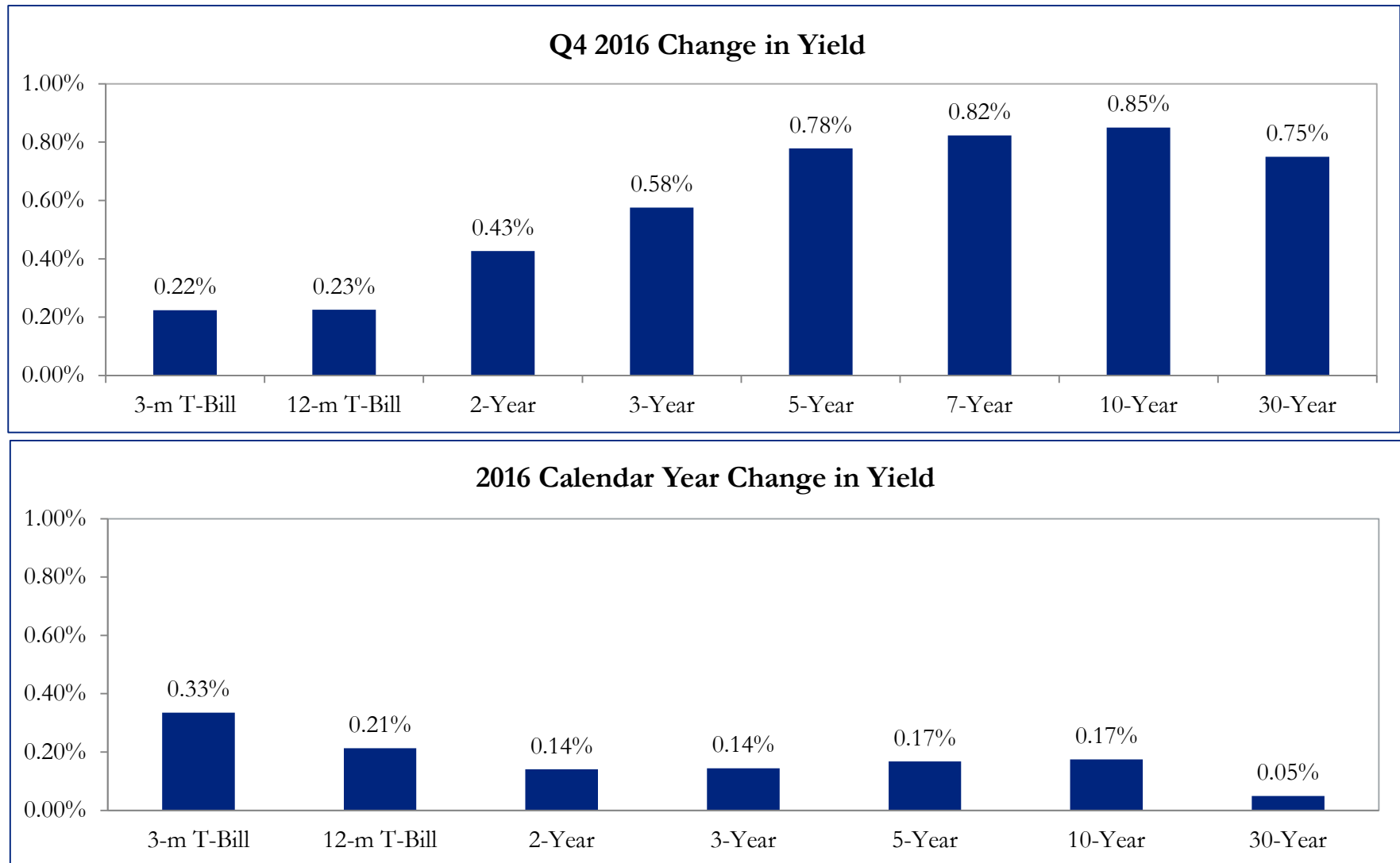


US Dollar
Highest since 2003



Oil
Highest since 2015

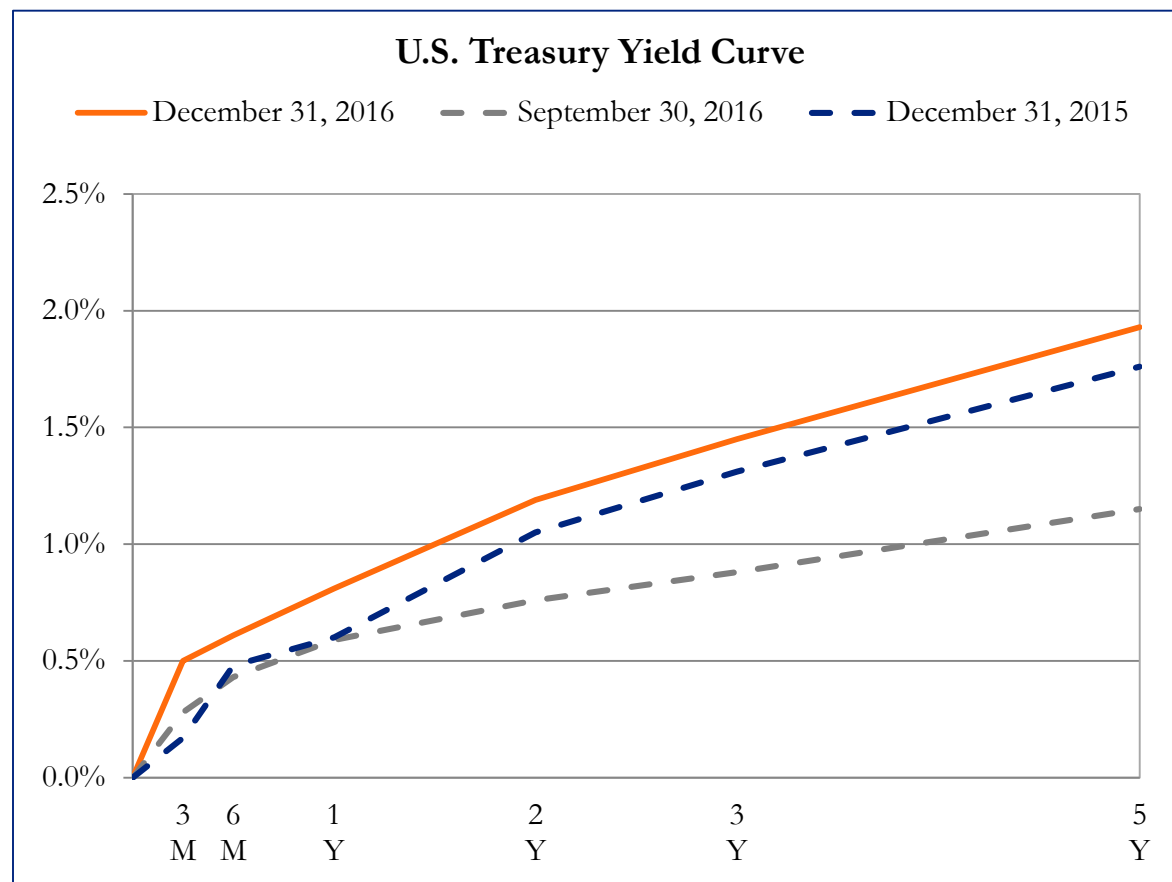
U.S. Treasury Yields Rose Sharply in the Fourth Quarter



Source: Bloomberg

Yields Increase Across the Board

- Treasury rates have surged following the U.S. elections, with the longer end rising substantially over higher inflation expectations from the President-elect's proposed fiscal policies.
- As a result, the yield curve has steepened significantly, even when compared to a year ago.



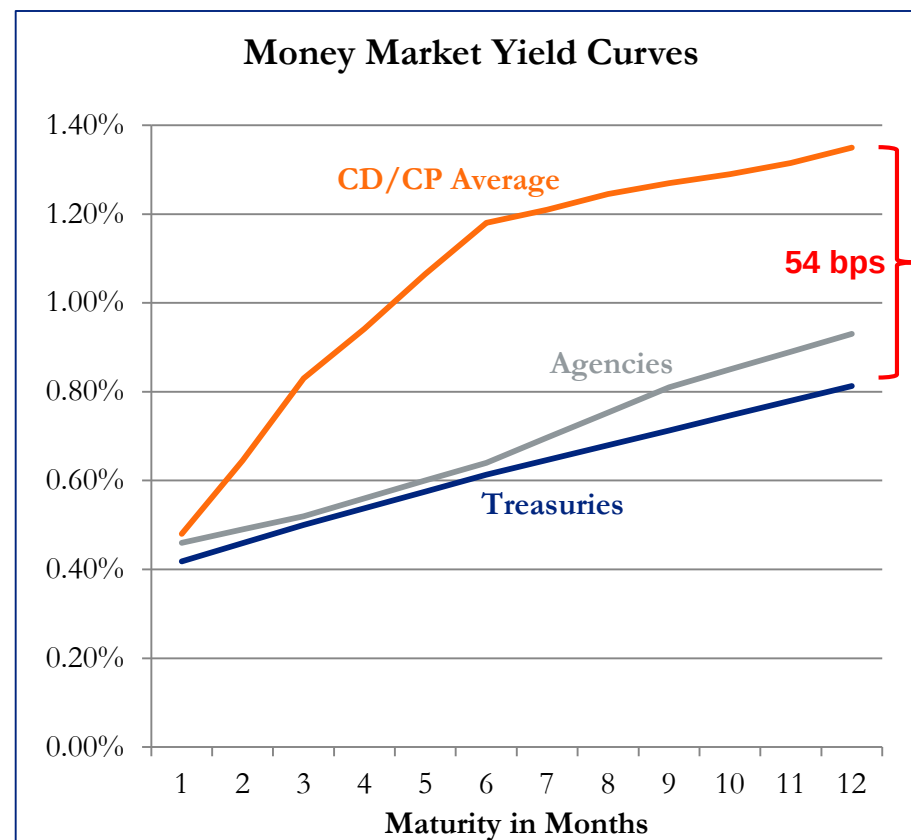
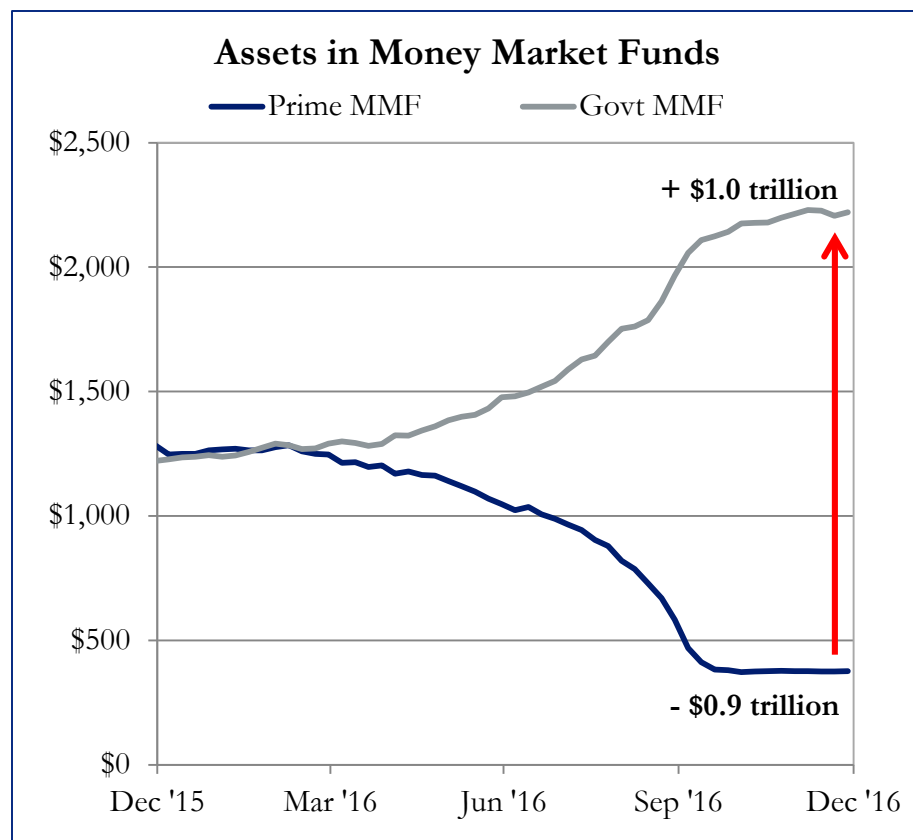
Yield Curve History

	12/31/15	09/30/16	12/31/16
1-Mo.	0.13%	0.19%	0.42%
3-Mo.	0.17%	0.28%	0.50%
6-Mo.	0.48%	0.43%	0.61%
1-Yr.	0.60%	0.59%	0.81%
2-Yr.	1.05%	0.76%	1.19%
3-Yr.	1.31%	0.88%	1.45%
5-Yr.	1.76%	1.15%	1.93%

Source: Bloomberg

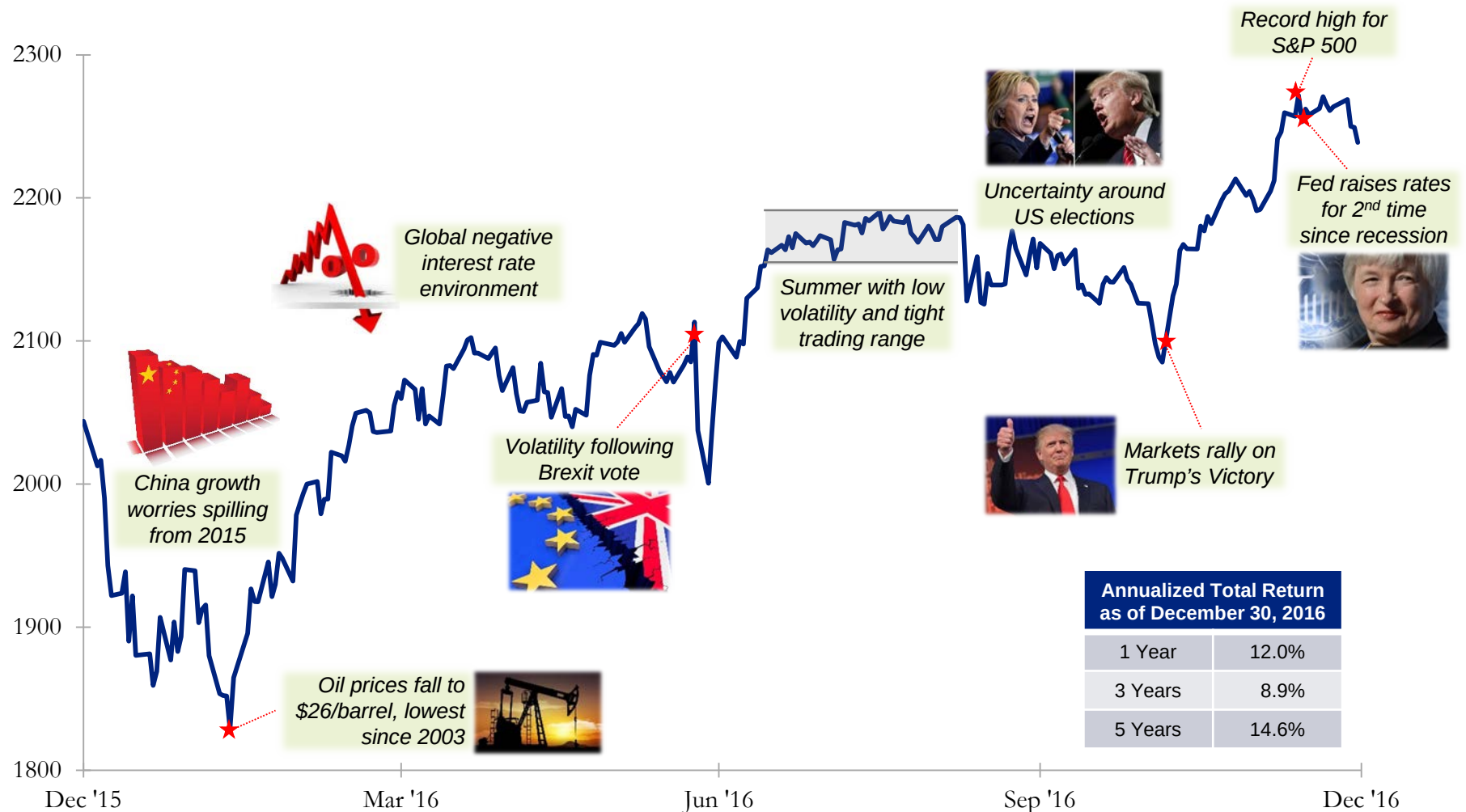
Money Market Reform Takes Hold

- SEC-imposed money market reforms, which became effective in October 2016, caused a significant shift in assets from prime funds (which typically purchase short credit instruments) to government-only funds.
- As a result, yield spreads widened sharply, especially in the 6-12 month area of the curve, making commercial paper and negotiable bank CDs attractive alternatives to Treasury bills and short-term agencies.



Source: Bloomberg and PFMAM Trading Desk. As of 12/31/16.

S&P 500 Closes 2016 on a Strong Note

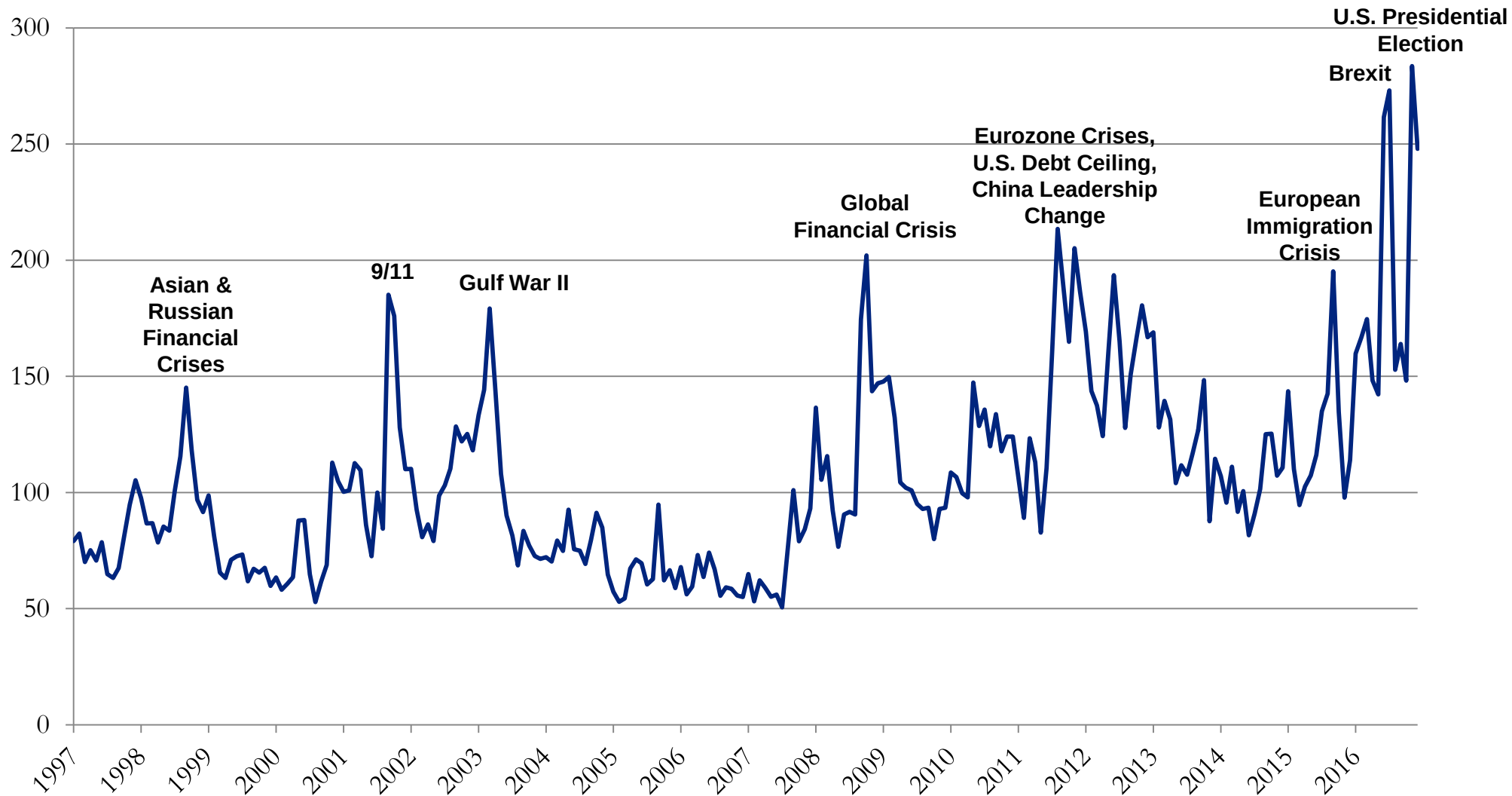


Source: Bloomberg

Potential Impact of the Trump Administration

Policy	Proposed Platform	Potential Impact
Fiscal	- Massive infrastructure spending - Increased military spending - Entitlement changes (but not Social Security)	- Boost economic growth over mid-term - Increase borrowing and Federal deficit - Higher inflation
Monetary	- Fill two vacancies on Federal Reserve Board - Increase Congressional oversight of Fed - Replace Chair (Yellen) and Vice Chair (Fischer) when terms expire in February 2018	- Tighter monetary policy - Less regulation of banks - Higher bond yields
Regulatory	- Reduce corporate and personal income taxes - Simplify tax code - Repeal Dodd-Frank - Repeal Affordable Care Act - Withdraw from Paris Climate Accord - Promote fossil fuel-based energy production	- Increase corporate earnings - Change the risk profile of the financial services industry - Disrupt the healthcare industry - Lower energy prices
Immigration	- Restrict immigration - Deport undocumented immigrants "Force Mexico to pay"	- Labor shortages in some industries - Exacerbate trade tensions with Mexico - Push up U.S. consumer prices
Trade	- Challenge China's economic policy - Renegotiate NAFTA, abandon TPP - Impose taxes or tariffs to pressure nations to negotiate bilateral agreements	- Stronger U.S. dollar - Higher inflation - Possible trade wars

Global Economic Policy Uncertainty Index



Source: PolicyUncertainty.com. The Global Economic Policy Uncertainty index is a GDP-weighted average of national EPU indices for 16 countries. EPU index reflects the relative frequency of own-country newspaper articles that contain a trio of terms pertaining to the economy (E), policy (P) and uncertainty (U).

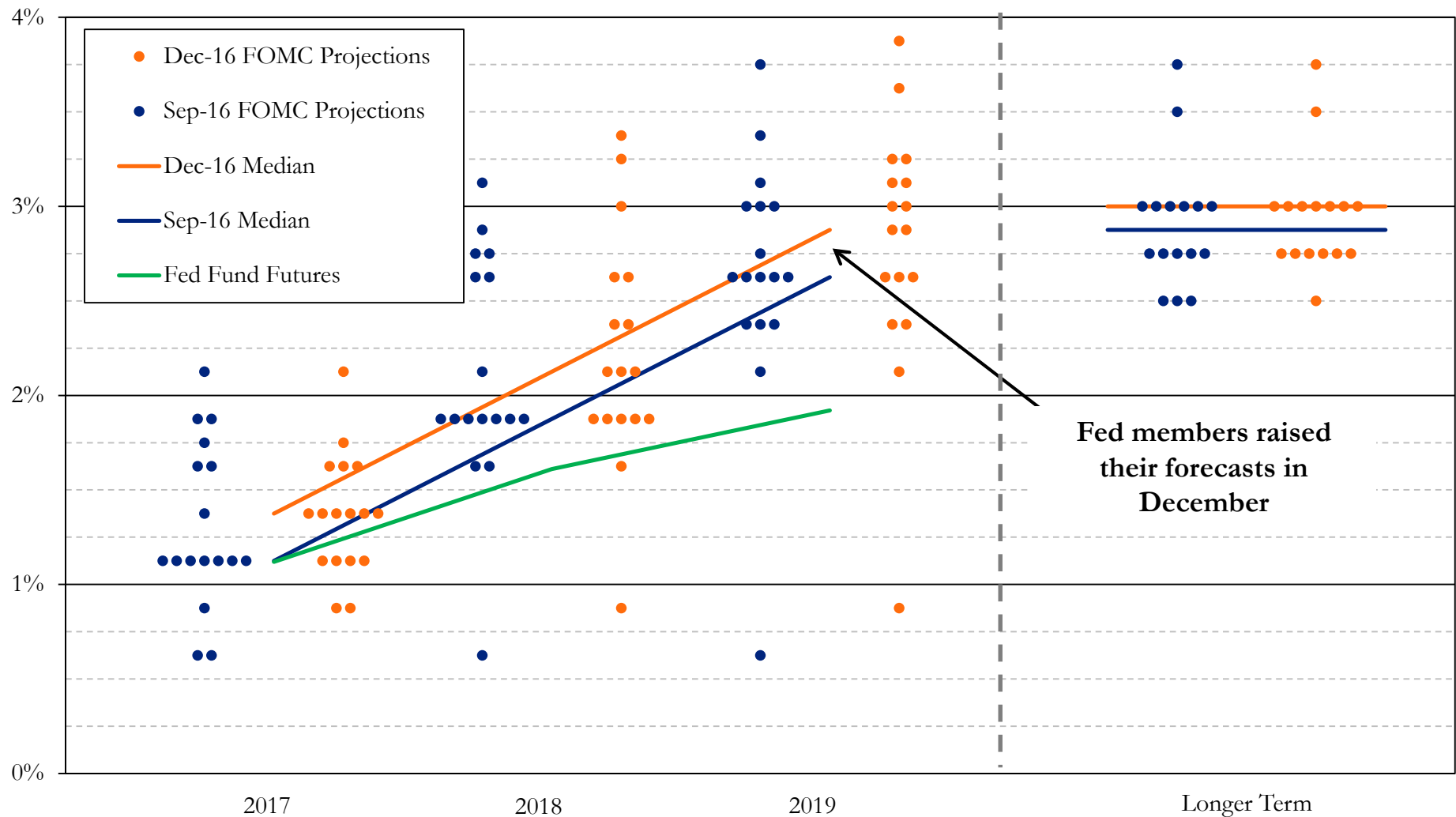
FOMC Increase Target Rate

December

14

- Information received since the FOMC met in November indicates that the **labor market has continued to strengthen** and that **economic activity has been expanding at a moderate pace** since mid-year.
- **Job gains have been solid** in recent months and the **unemployment rate has declined**.
- **Inflation has increased somewhat since earlier this year** but is still below the Committee's 2 percent longer-run objective, partly reflecting earlier declines in energy prices and in prices of non-energy imports.
- In view of realized and expected labor market conditions and inflation, **the Committee decided to raise the target range for the federal funds rate to 0.50 – 0.75%.**
- The stance of monetary policy **remains accommodative**, thereby supporting further strengthening in labor market conditions and a return to 2 percent inflation.
- **All 10 voting members of the FOMC supported the monetary policy action.**

FOMC “Dot Plot”



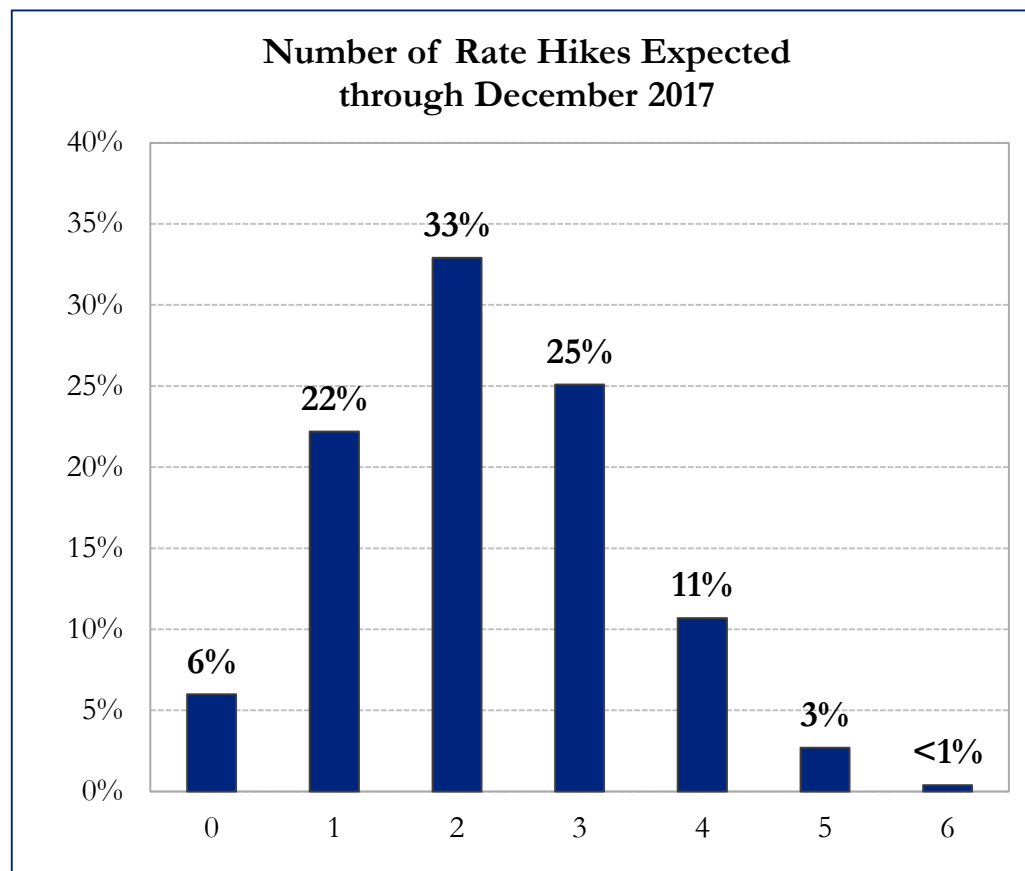
Source: Federal Reserve and Bloomberg; Fed Funds Futures as of 12/30/16. Individual dots represent each of the 17 FOMC members' judgment of the midpoint of the appropriate target range for the federal funds rate.

Probability of a Fed Rate Hike

- Market-implied probabilities indicate that there is a 12.4% chance of the Fed raising rates at their February 1st meeting. Additionally, the market has also priced in a roughly 33% chance of two further rate hikes in 2017.

Probability of At Least One Rate Hike

Meeting	12/30/16
2/1/17	12.4%
3/15/17	31.3%
5/3/17	42.0%
6/14/17	70.8%
7/27/17	74.5%
9/20/17	85.2%
11/1/17	87.7%
12/13/17	94.0%



Source: Bloomberg WIRP



Portfolio Review

- Yields surged in the post-election period as expectations for U.S. economic growth and inflationary expectations rose and in anticipation of a December rate hike.
- Federal agency yield spreads continued to tighten over the quarter, erasing much of the value seen off and on during the year. Our few Agency purchases were generally new issues that came to market with yield concessions that offered more reasonable value.
- We maintained allocations to the corporate sector as valuations remained fair-to-modestly-expensive amid tight yield spread levels.
- Significant money market reforms took effect in the fourth quarter. The result was increased demand for short-term government securities and reduced demand for short-term credit instruments, like commercial paper and bank certificates of deposit.
 - This created excellent investment opportunities in short-term credit instruments which we used to fill short-term investment needs and were attractive alternatives to longer Treasuries and agencies.
- We managed the portfolio's duration and maturity distribution to be comparable to the benchmark to reduce potential performance mismatches.

<u>Security Type</u>	<u>Original Cost</u>	<u>Market Value</u>	<u>% of Portfolio</u>	<u>In Compliance</u>	<u>Average Maturity</u>	<u>Average Yield</u>
Cash Equivalents	\$9,045,515	\$9,045,515	11%	✓	1	0.00%
Money Market Funds	\$17,974	\$17,974	0%	✓	1	0.06%
Investment Pools	\$23,963,813	\$23,950,006	30%	✓	1	0.68%
Total Liquidity	\$33,027,302	\$33,013,495	41%		1	0.49%
Certificates of Deposit	\$102,344	\$102,344	0%	✓	1	0.00%
U.S. Treasury Notes ¹	\$9,792,009	\$9,684,231	12%	✓	1,372	1.42%
Federal Agency Securities	\$14,081,034	\$14,042,589	17%	✓	750	1.28%
Municipal Bonds	\$0	\$0	0%	✓	-	0.00%
Commercial Paper	\$0	\$0	0%	✓	-	0.00%
Negotiable Certificates of Deposit	\$8,324,267	\$8,343,405	10%	✓	374	1.35%
Medium-Term Corporate Notes	\$13,727,531	\$13,530,206	17%	✓	811	1.92%
Asset-Backed Securities	\$464,934	\$462,587	1%	✓	1,449	1.37%
Supranational Securities	\$1,296,900	\$1,286,850	2%	✓	714	1.03%
Total Securities	\$47,789,018	\$47,452,211	59%		834	1.49%
Total Portfolio	\$80,816,320	\$80,465,706	100%		493	1.08%
Bonded Debt Portfolio	\$43,750,748	\$43,776,823				0.33%
Total	\$124,567,068	\$124,242,529				0.82%

Averages shown are weighted averages calculated based on original cost. Average maturity is shown as days.

1. Original cost has a \$200 dollar discrepancy due to different disposal values applied by Wells Fargo and PFMAM.

<u>Issuer</u>	<u>Original Cost</u>	<u>Market Value</u>	<u>% of Portfolio</u>	<u>% Permitted by Policy</u>	<u>In Compliance</u>	<u>Average Maturity</u>	<u>Average Yield</u>
Cash Equivalents	9,045,515	9,045,515	11%			1	0.00%
Bank	9,045,515	9,045,515	11%	100%	✓	1	0.00%
Money Market Funds	17,974	17,974	0%			1	0.06%
Wells Fargo	17,974	17,974	0%	10%	✓	1	0.06%
Investment Pools	23,963,813	23,950,006	30%			1	0.68%
Local Agency Investment Fund	23,963,813	23,950,006	30%	\$65 million	✓	1	0.68%
Certificates of Deposit	102,344	102,344	0%			1	0.00%
Bank of the West	102,344	102,344	0%	5%	✓	1	
U.S. Treasury Notes¹	9,792,009	9,684,231	12%			1372	1.42%
U.S. Treasury	9,792,009	9,684,231	12%	100%	✓	1372	1.42%
Federal Agency Securities	14,081,034	14,042,589	17%			750	1.28%
FHLB	1,507,629	1,506,423	2%	100%	✓	616	1.08%
FHLMC	2,099,601	2,103,263	3%	100%	✓	209	1.01%
FNMA	10,473,804	10,432,902	13%	100%	✓	878	1.36%
Negotiable Certificates of Deposit	8,324,267	8,343,405	10%			374	1.35%
Bank of Nova Scotia (Houston)	1,150,000	1,151,012	1%	5%	✓	310	1.55%
BMO Harris Bank NA	1,150,000	1,150,737	1%	5%	✓	114	1.01%
Canadian Imperial Bank	939,267	947,586	1%	5%	✓	699	1.78%
HSBC USA	1,150,000	1,152,001	1%	5%	✓	321	0.97%
Nordea Bank	940,000	947,586	1%	5%	✓	699	1.74%
Royal Bank of Canada (New York)	695,000	695,789	1%	5%	✓	433	1.69%
Skandinaviska Enskilda NY	1,150,000	1,148,051	1%	5%	✓	320	1.48%
Svenska Handelsbank	1,150,000	1,150,644	1%	5%	✓	236	0.84%

Averages shown are weighted averages calculated based on original cost. Average maturity is shown as days. Per issuer limit.

1. Original cost has a \$200 dollar discrepancy due to different disposal values applied by Wells Fargo and PFMAM.

<u>Issuer</u>	<u>Original Cost</u>	<u>Market Value</u>	<u>% of Portfolio</u>	<u>% Permitted by Policy</u>	<u>In Compliance</u>	<u>Average Maturity</u>	<u>Average Yield</u>
Medium-Term Corporate Notes	13,727,531	13,530,206	17%			811	1.92%
American Express Company	554,950	555,806	1%	5%	✓	674	1.88%
Apple Inc.	1,566,302	1,574,800	2%	5%	✓	856	2.01%
Bank of New York	1,388,394	1,396,623	2%	5%	✓	430	1.61%
Berkshire Hathaway	294,745	293,106	0%	5%	✓	879	1.53%
General Electric	2,005,800	2,006,542	2%	5%	✓	457	1.52%
IBM	1,919,346	1,722,306	2%	5%	✓	653	1.88%
John Deere	979,224	982,305	1%	5%	✓	618	1.82%
JP Morgan Chase	1,986,282	1,990,304	2%	5%	✓	1118	2.36%
Toyota	1,560,577	1,566,769	2%	5%	✓	929	2.12%
Wells Fargo	1,471,910	1,441,646	2%	5%	✓	1437	2.04%
Asset-Backed Securities	464,934	462,587	1%			1449	1.37%
Hyundai Auto Receivables	379,941	377,992	0%	5%	✓	1491	1.39%
John Deere Owner Trust	84,993	84,595	0%	5%	✓	1262	1.25%
Supranational Securities	1,296,900	1,286,850	2%			714	1.03%
Inter-American Development Bank	648,050	640,903	1%	100%	✓	863	1.10%
International Bank of Reconstruction and Development	648,850	645,947	1%	100%	✓	565	0.95%
Total	80,816,320	80,465,706				493	1.08%

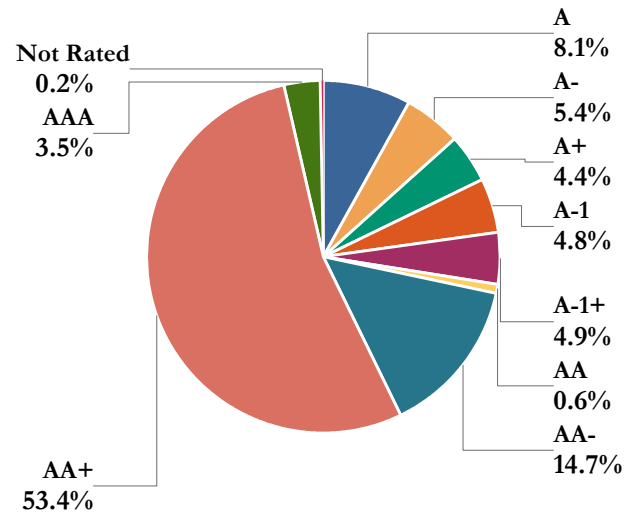
Averages shown are weighted averages calculated based on original cost. Average maturity is shown as days.
Per issuer limit.

Portfolio Statistics

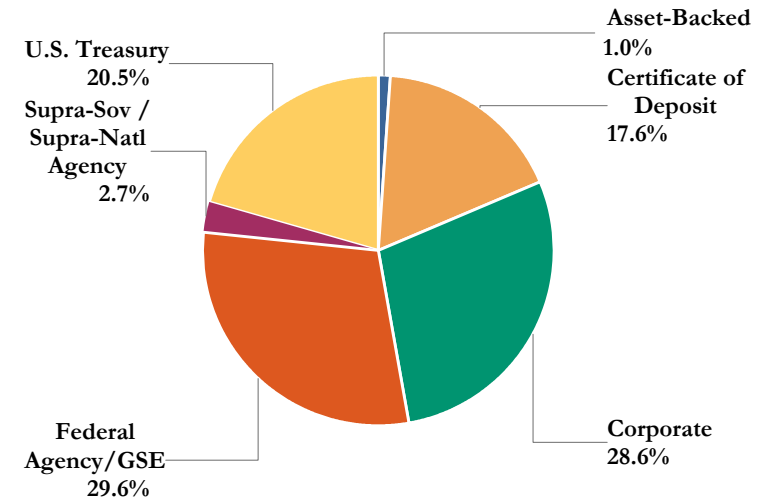
As of December 31, 2016

Par Value:	47,200,000
Total Market Value:	47,594,453
Security Market Value:	47,349,867
Accrued Interest:	214,424
Cash:	30,161
PFM	-
Amortized Cost:	47,471,409
Yield at Market:	1.52%
Yield at Cost:	1.50%
Effective Duration:	2.16 Years
Duration to Worst:	2.20 Years
Average Maturity:	2.28 Years
Average Credit:	AA

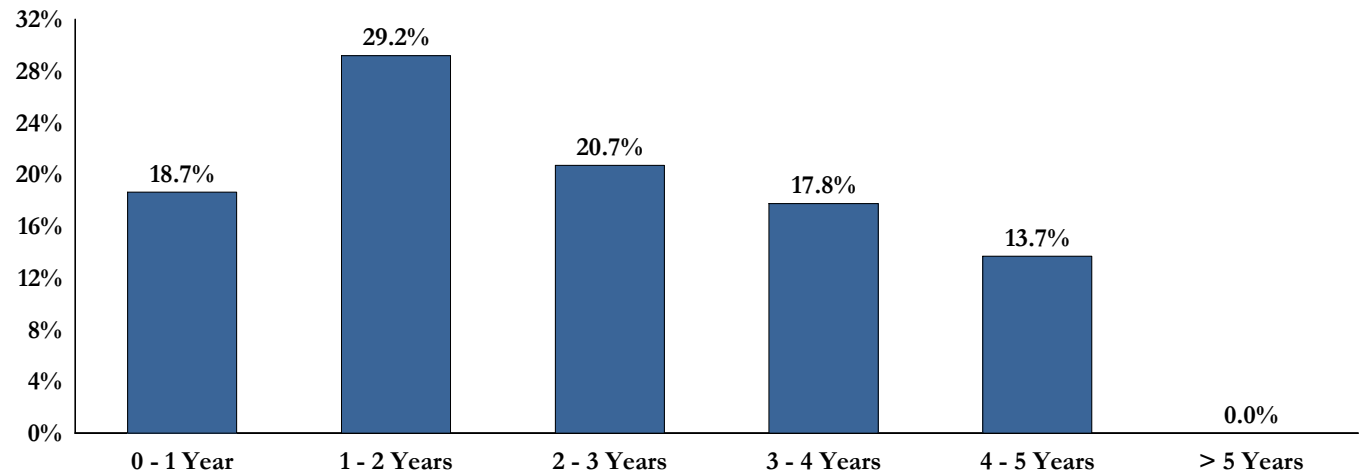
Credit Quality (S&P Ratings)



Sector Allocation



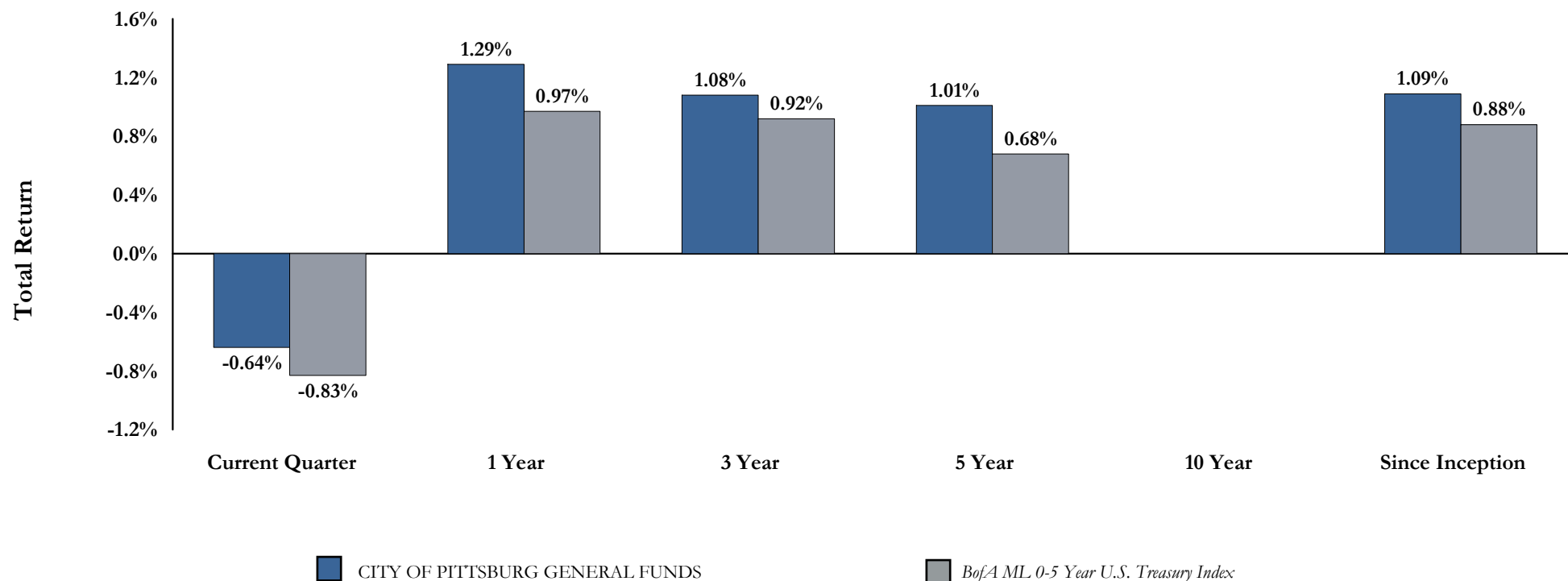
Maturity Distribution



An average of each security's credit rating assigned a numeric value and adjusted for its relative weighting in the portfolio.

Portfolio Performance (Total Return)

Portfolio/Benchmark	Effective Duration	Current Quarter	1 Year	Annualized Return			
				3 Year	5 Year	10 Year	Since Inception (09/30/10) *
CITY OF PITTSBURG GENERAL FUNDS	2.16	-0.64%	1.29%	1.08%	1.01%	-	1.09%
BofA ML 0-5 Year U.S. Treasury Index	2.16	-0.83%	0.97%	0.92%	0.68%	-	0.88%
Difference		0.19%	0.32%	0.16%	0.33%	-	0.21%



Portfolio performance is gross of fees unless otherwise indicated. Since Inception performance is not shown for periods less than one year.

Portfolio Earnings
Quarter-Ended December 31, 2016

	<u>Market Value Basis</u>	<u>Accrual (Amortized Cost) Basis</u>
Beginning Value (09/30/2016)	\$47,494,247.36	\$47,159,668.12
Net Purchases/Sales	\$364,605.65	\$364,605.65
Change in Value	(\$508,985.77)	(\$52,864.82)
Ending Value (12/31/2016)	\$47,349,867.24	\$47,471,408.95
Interest Earned	\$200,333.55	\$200,333.55
Portfolio Earnings	(\$308,652.22)	\$147,468.73

Sector Allocation

Sector	December 31, 2016		September 30, 2016		June 30, 2016		March 31, 2016	
	MV (\$MM)	% of Total	MV (\$MM)	% of Total	MV (\$MM)	% of Total	MV (\$MM)	% of Total
Federal Agency/GSE	14.0	29.6%	17.3	36.5%	14.1	29.6%	16.3	34.5%
Corporate	13.5	28.6%	13.7	28.8%	13.6	28.7%	13.6	28.8%
U.S. Treasury	9.7	20.5%	7.4	15.5%	9.6	20.2%	9.4	20.0%
Certificate of Deposit	8.3	17.6%	6.5	13.6%	6.5	13.6%	6.4	13.7%
Supra-Sov / Supra-Natl Agency	1.3	2.7%	1.3	2.7%	1.3	2.8%	0.0	0.0%
Asset-Backed	0.5	1.0%	0.5	1.0%	0.1	0.3%	0.1	0.3%
Commercial Paper	0.0	0.0%	0.9	1.9%	2.3	4.8%	1.3	2.7%
Total	\$47.3	100.0%	\$47.5	100.0%	\$47.5	100.0%	\$47.2	100.0%

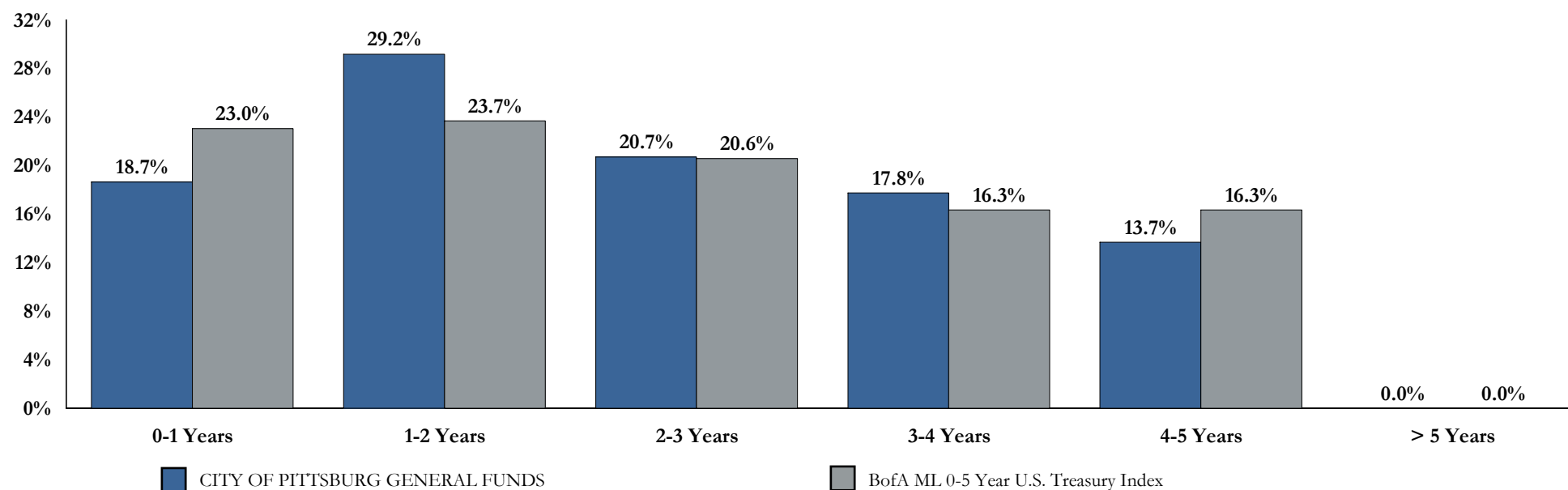


Detail may not add to total due to rounding.

Maturity Distribution

As of December 31, 2016

Portfolio/Benchmark	Yield at Market	Average Maturity	0-1 Years	1-2 Years	2-3 Years	3-4 Years	4-5 Years	>5 Years
CITY OF PITTSBURG GENERAL FUNDS	1.52%	2.28 yrs	18.7%	29.2%	20.7%	17.8%	13.7%	0.0%
BofA ML 0-5 Year U.S. Treasury Index	1.26%	2.31 yrs	23.0%	23.7%	20.6%	16.3%	16.3%	0.0%



Sector/Issuer Distribution

As of December 31, 2016

Sector / Issuer	Market Value (\$)	% of Sector	% of Total Portfolio
Asset-Backed			
HYUNDAI AUTO RECEIVABLES	377,992	81.7%	0.8%
JOHN DEERE OWNER TRUST	84,595	18.3%	0.2%
Sector Total	462,587	100.0%	1.0%
Certificate of Deposit			
BANK OF MONTREAL	1,150,737	13.8%	2.4%
BANK OF NOVA SCOTIA	1,151,012	13.8%	2.4%
CANADIAN IMPERIAL BANK OF COMMERCE	947,586	11.4%	2.0%
HSBC HOLDINGS PLC	1,152,001	13.8%	2.4%
NORDEA BANK AB	947,586	11.4%	2.0%
ROYAL BANK OF CANADA	695,789	8.3%	1.5%
SKANDINAVISKA ENSKIDA BANKEN AB	1,148,051	13.8%	2.4%
SVENSKA HANDELSBANKEN	1,150,644	13.8%	2.4%
Sector Total	8,343,405	100.0%	17.6%
Corporate			
AMERICAN EXPRESS CO	555,806	4.1%	1.2%
APPLE INC	1,574,800	11.6%	3.3%
BANK OF NEW YORK CO INC	1,396,623	10.3%	2.9%
BERKSHIRE HATHAWAY INC	293,106	2.2%	0.6%

CITY OF PITTSBURG GENERAL FUNDS

Portfolio Composition

Sector / Issuer	Market Value (\$)	% of Sector	% of Total Portfolio
DEERE & COMPANY	982,305	7.3%	2.1%
GENERAL ELECTRIC CO	2,006,542	14.8%	4.2%
IBM CORP	1,722,306	12.7%	3.6%
JP MORGAN CHASE & CO	1,990,304	14.7%	4.2%
TOYOTA MOTOR CORP	1,566,769	11.6%	3.3%
WELLS FARGO & COMPANY	1,441,646	10.7%	3.0%
Sector Total	13,530,206	100.0%	28.6%
Federal Agency/GSE			
FANNIE MAE	10,432,902	74.3%	22.0%
FEDERAL HOME LOAN BANKS	1,506,423	10.7%	3.2%
FREDDIE MAC	2,103,263	15.0%	4.4%
Sector Total	14,042,589	100.0%	29.7%
Supra-Sov / Supra-Natl Agency			
INTER-AMERICAN DEVELOPMENT BANK	640,903	49.8%	1.4%
INTL BANK OF RECONSTRUCTION AND DEV	645,947	50.2%	1.4%
Sector Total	1,286,850	100.0%	2.7%
U.S. Treasury			
UNITED STATES TREASURY	9,684,231	100.0%	20.5%
Sector Total	9,684,231	100.0%	20.5%

CITY OF PITTSBURG GENERAL FUNDS

Portfolio Composition

Portfolio Total	47,349,867	100.0%	100.0%
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- Although we enter 2017 with a high degree of political uncertainty, our expectations are for a modest uptick in economic growth in the U.S., a trend toward higher inflation, and a gradual upward trajectory of interest rates.
- As 2017 starts with the highest yields in several years, we plan to initially position the portfolio's duration to be aligned with the benchmark.
- Agency yield spreads over Treasuries remain narrow. As a result, our strategy will generally favor U.S. Treasuries over agencies, unless specific issues offer identifiable value.
- We will continue to evaluate opportunities in the Agency mortgage-backed security sector, purchasing those issues we believe are well structured, offer adequate yield spreads, and have limited duration variability.
- Our strategy continues to favor broad allocation to various credit sectors, including corporate notes, commercial paper, negotiable bank CDs, and asset-backed securities.
 - Yield spreads on corporate securities also remain narrow. Improving corporate profits, as well as anticipated pro-business tax reform from the incoming Trump administration, support favorable fundamentals of the credit sector.
 - Yields on commercial paper and negotiable CDs continue to offer significant yield pickup relative to short-term government securities.



Account Transactions and Holdings

Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amt (\$)	Yield at Market	Realized G/L (BV)
BUY									
10/3/16	10/5/16	1,000,000	912828B90	US TREASURY NOTES	2.00%	2/28/21	1,038,339.95	1.15%	
11/22/16	11/23/16	1,135,000	912828WY2	US TREASURY N/B	2.25%	7/31/21	1,167,099.22	1.78%	
12/1/16	12/5/16	940,000	13606A5Z7	CANADIAN IMPERIAL BANK NY CD	1.76%	11/30/18	939,266.80	1.78%	
12/1/16	12/5/16	1,225,000	912828D72	US TREASURY NOTES	2.00%	8/31/21	1,235,803.88	1.92%	
12/1/16	12/5/16	940,000	65558LWA6	NORDEA BANK FINLAND NY CD	1.76%	11/30/18	940,000.00	1.74%	
12/7/16	12/8/16	535,000	3130AAE46	FHLB NOTES	1.25%	1/16/19	534,978.60	1.25%	
Total BUY		5,775,000					5,855,488.45		
INTEREST									
10/2/16	10/2/16	2,000,000	36962G6W9	GENERAL ELEC CAP CORP GLOBAL NOTES	1.62%	4/2/18	16,250.00		
10/3/16	10/3/16	0	MONEY0002	MONEY MARKET FUND			1.36		
10/15/16	10/15/16	245,000	44891EAC3	HYUNDAI AUTO RECEIVABLES TRUST	1.29%	4/15/21	210.70		
10/15/16	10/15/16	85,000	47788NAC2	JOHN DEERE ABS 2016-B A3	1.25%	6/15/20	87.74		
10/15/16	10/15/16	135,000	44930UAD8	HYUNDAI ABS 2016-A A3	1.56%	9/15/20	175.50		
10/15/16	10/15/16	1,560,000	459200GM7	IBM CORP CALLABLE BONDS	7.62%	10/15/18	59,475.00		
10/27/16	10/27/16	730,000	3135G0JA2	FNMA NOTES	1.12%	4/27/17	4,106.25		
10/31/16	10/31/16	1,000,000	912828K58	US TREASURY NOTES	1.37%	4/30/20	6,875.00		
10/31/16	10/31/16	1,395,000	912828SS0	US TREASURY NOTES	0.87%	4/30/17	6,103.13		
10/31/16	10/31/16	1,110,000	912828Q78	US TREASURY NOTES	1.37%	4/30/21	7,631.25		
11/1/16	11/1/16	0	MONEY0002	MONEY MARKET FUND			1.61		
11/5/16	11/5/16	555,000	0258M0DZ9	AMERICAN EXP CREDIT CORP NT (CALLABLE)	1.87%	11/5/18	5,203.13		
11/6/16	11/6/16	1,150,000	06417GAS7	BANK OF NOVA SCOTIA HOUSTON YCD	1.56%	11/6/17	8,970.00		
11/6/16	11/6/16	1,560,000	037833AQ3	APPLE INC GLOBAL NOTES	2.10%	5/6/19	16,380.00		
11/13/16	11/13/16	650,000	458182DX7	INTER-AMERICAN DEVELOPMENT BANK	1.00%	5/13/19	3,809.00		

CITY OF PITTSBURG GENERAL FUNDS

Portfolio Activity

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amt (\$)	Yield at Market	Realized G/L (BV)
11/15/16	11/15/16	135,000	44930UAD8	HYUNDAI ABS 2016-A A3	1.56%	9/15/20	175.50		
11/15/16	11/15/16	245,000	44891EAC3	HYUNDAI AUTO RECEIVABLES TRUST	1.29%	4/15/21	263.38		
11/15/16	11/15/16	85,000	47788NAC2	JOHN DEERE ABS 2016-B A3	1.25%	6/15/20	88.54		
11/16/16	11/16/16	1,150,000	83050FBG5	SKANDINAVISKA ENSKILDA BANKEN NY CD	1.48%	11/16/17	17,256.39		
11/17/16	11/17/16	1,150,000	40428AR41	HSBC BANK USA NA FLOATING CERT DEPOS	1.49%	11/17/17	4,097.13		
11/21/16	11/21/16	1,360,000	3135G0WJ8	FANNIE MAE GLOBAL NOTES	0.87%	5/21/18	5,950.00		
11/25/16	11/25/16	1,150,000	86958DH54	SVENSKA HANDELSBANKEN NY FLT CERT DEPOS	1.37%	8/24/17	3,789.12		
11/27/16	11/27/16	1,775,000	3135G0YT4	FANNIE MAE GLOBAL NOTES	1.62%	11/27/18	14,421.88		
11/30/16	11/30/16	1,165,000	912828VF4	US TREASURY NOTES	1.37%	5/31/20	8,009.38		
12/1/16	12/1/16	0	MONEY0002	MONEY MARKET FUND			2.32		
12/7/16	12/7/16	1,440,000	94974BGR5	WELLS FARGO & COMPANY NOTES	2.55%	12/7/20	18,360.00		
12/15/16	12/15/16	245,000	44891EAC3	HYUNDAI AUTO RECEIVABLES TRUST	1.29%	4/15/21	263.38		
12/15/16	12/15/16	85,000	47788NAC2	JOHN DEERE ABS 2016-B A3	1.25%	6/15/20	88.54		
12/15/16	12/15/16	135,000	44930UAD8	HYUNDAI ABS 2016-A A3	1.56%	9/15/20	175.50		
12/29/16	12/29/16	975,000	3130A8BD4	FEDERAL HOME LOAN BANKS AGCY	0.87%	6/29/18	4,265.63		
12/31/16	12/31/16	1,300,000	912828VJ6	US TREASURY NOTES	1.87%	6/30/20	12,187.50		
Total INTEREST		24,570,000					224,673.86		
SELL									
10/3/16	10/5/16	1,000,000	3135G0GY3	FANNIE MAE GLOBAL NOTES	1.25%	1/30/17	1,005,146.94	0.34%	1,095.48
11/22/16	11/23/16	1,200,000	3130A8QS5	FHLB GLOBAL NOTE	1.12%	7/14/21	1,168,873.50	1.80%	(29,171.63)
12/1/16	12/5/16	1,275,000	3135G0GY3	FANNIE MAE GLOBAL NOTES	1.25%	1/30/17	1,282,076.60	0.46%	448.48
12/1/16	12/5/16	950,000	912828SS0	US TREASURY NOTES	0.87%	4/30/17	951,842.75	0.60%	697.29
12/1/16	12/5/16	880,000	09659BN30	BNP PARIBAS NY BRANCH COMM PAPER	0.00%	1/3/17	879,567.58	0.61%	297.73
12/7/16	12/8/16	200,000	3135G0JA2	FNMA NOTES	1.12%	4/27/17	200,652.25	0.61%	246.88
Total SELL		5,505,000					5,488,159.62		-26,385.77



Managed Account Detail of Securities Held

For the Month Ending **December 31, 2016**

CITY OF PITTSBURG GENERAL FUNDS

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note											
US TREASURY NOTES DTD 04/30/2012 0.875% 04/30/2017	912828SS0	445,000.00	AA+	Aaa	12/11/14	12/12/14	445,938.67	0.79	666.89	445,130.49	445,508.64
US TREASURY NOTES DTD 02/28/2013 1.250% 02/29/2020	912828UQ1	500,000.00	AA+	Aaa	11/05/15	11/09/15	493,750.00	1.55	2,123.62	495,377.15	496,015.50
US TREASURY NOTES DTD 04/30/2015 1.375% 04/30/2020	912828K58	1,000,000.00	AA+	Aaa	02/01/16	02/03/16	1,005,273.44	1.25	2,354.97	1,004,168.11	993,555.00
US TREASURY NOTES DTD 05/31/2013 1.375% 05/31/2020	912828VF4	1,165,000.00	AA+	Aaa	12/02/15	12/04/15	1,155,670.90	1.56	1,408.24	1,157,851.16	1,157,627.88
US TREASURY NOTES DTD 07/01/2013 1.875% 06/30/2020	912828VJ6	1,300,000.00	AA+	Aaa	09/01/15	09/03/15	1,322,597.66	1.50	67.33	1,316,553.71	1,312,542.40
US TREASURY NOTES DTD 07/31/2015 1.625% 07/31/2020	912828XM7	800,000.00	AA+	Aaa	03/30/16	03/31/16	813,281.25	1.23	5,440.22	811,025.83	799,468.80
US TREASURY NOTES DTD 02/28/2014 2.000% 02/28/2021	912828B90	1,000,000.00	AA+	Aaa	10/03/16	10/05/16	1,036,406.25	1.15	6,795.58	1,034,444.58	1,007,969.00
US TREASURY NOTES DTD 05/02/2016 1.375% 04/30/2021	912828O78	1,110,000.00	AA+	Aaa	06/27/16	06/29/16	1,130,465.63	0.98	2,614.02	1,128,363.20	1,088,884.47
US TREASURY N/B DTD 07/31/2014 2.250% 07/31/2021	912828WY2	1,135,000.00	AA+	Aaa	11/22/16	11/23/16	1,159,118.75	1.78	10,686.89	1,158,602.05	1,152,778.64
US TREASURY NOTES DTD 09/02/2014 2.000% 08/31/2021	912828D72	1,225,000.00	AA+	Aaa	12/01/16	12/05/16	1,229,306.64	1.92	8,324.59	1,229,246.10	1,229,880.40
Security Type Sub-Total		9,680,000.00					9,791,809.19	1.42	40,482.35	9,780,762.38	9,684,230.73
Supra-National Agency Bond / Note											
INTL BANK OF RECON AND DEV SN NOTES DTD 04/19/2016 0.875% 07/19/2018	459058FE8	650,000.00	AAA	Aaa	04/12/16	04/19/16	648,849.50	0.95	2,559.38	649,203.69	645,946.60
INTER-AMERICAN DEVELOPMENT BANK DTD 04/12/2016 1.000% 05/13/2019	458182DX7	650,000.00	AAA	Aaa	04/05/16	04/12/16	648,050.00	1.10	866.67	648,500.26	640,903.25
Security Type Sub-Total		1,300,000.00					1,296,899.50	1.03	3,426.05	1,297,703.95	1,286,849.85



Managed Account Detail of Securities Held

For the Month Ending **December 31, 2016**

CITY OF PITTSBURG GENERAL FUNDS

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Federal Agency Bond / Note											
FNMA NOTES DTD 03/01/2012 1.125% 04/27/2017	3135G0JA2	530,000.00	AA+	Aaa	08/27/14	08/28/14	532,697.70	0.93	1,060.00	530,329.79	530,798.71
FREDDIE MAC GLOBAL NOTES DTD 06/25/2012 1.000% 07/28/2017	3137EADJ5	2,100,000.00	AA+	Aaa	08/01/14	08/04/14	2,099,601.00	1.01	8,925.00	2,099,922.34	2,103,263.40
FANNIE MAE GLOBAL NOTES DTD 04/15/2013 0.875% 05/21/2018	3135G0WJ8	1,360,000.00	AA+	Aaa	08/01/14	08/04/14	1,334,418.40	1.39	1,322.22	1,350,491.14	1,356,194.72
FEDERAL HOME LOAN BANKS AGCY DTD 05/27/2016 0.875% 06/29/2018	3130A8BD4	975,000.00	AA+	Aaa	05/26/16	05/27/16	972,650.25	0.99	47.40	973,312.90	971,609.93
FANNIE MAE GLOBAL NOTES DTD 10/01/2013 1.625% 11/27/2018	3135G0YT4	1,775,000.00	AA+	Aaa	11/03/14	11/04/14	1,783,750.75	1.50	2,724.13	1,779,171.66	1,788,379.95
FHLB NOTES DTD 12/08/2016 1.250% 01/16/2019	3130AAE46	535,000.00	AA+	Aaa	12/07/16	12/08/16	534,978.60	1.25	427.26	534,978.60	534,813.29
FANNIE MAE BENCHMARK NOTE DTD 01/13/2014 1.875% 02/19/2019	3135G0ZA4	2,755,000.00	AA+	Aaa	08/01/14	08/04/14	2,780,235.80	1.66	18,940.63	2,767,092.33	2,788,558.66
FNMA BENCHMARK NOTE DTD 02/23/2016 1.000% 02/26/2019	3135G0J53	800,000.00	AA+	Aaa	02/19/16	02/23/16	798,112.00	1.08	2,777.78	798,642.78	795,026.40
FNMA BENCHMARK NOTE DTD 08/02/2016 0.875% 08/02/2019	3135G0N33	1,430,000.00	AA+	Aaa	07/29/16	08/02/16	1,427,597.60	0.93	5,178.78	1,427,925.20	1,410,135.87
FNMA NOTES DTD 08/19/2016 1.250% 08/17/2021	3135G0N82	335,000.00	AA+	Aaa	08/17/16	08/19/16	333,853.97	1.32	1,535.42	333,935.58	323,767.45
FNMA NOTES DTD 08/19/2016 1.250% 08/17/2021	3135G0N82	400,000.00	AA+	Aaa	09/01/16	09/02/16	397,552.00	1.38	1,833.33	397,710.52	386,588.00
FNMA NOTES DTD 08/19/2016 1.250% 08/17/2021	3135G0N82	1,090,000.00	AA+	Aaa	08/17/16	08/19/16	1,085,585.50	1.33	4,995.83	1,085,899.81	1,053,452.30
Security Type Sub-Total		14,085,000.00					14,081,033.57	1.28	49,767.78	14,079,412.65	14,042,588.68
Corporate Note											
BANK OF NEW YORK MELLON (CALLABLE) DTD 03/06/2013 1.350% 03/06/2018	06406HCJ6	1,400,000.00	A	A1	12/11/14	12/16/14	1,388,394.00	1.61	6,037.50	1,395,683.00	1,396,623.20



Managed Account Detail of Securities Held

For the Month Ending **December 31, 2016**

CITY OF PITTSBURG GENERAL FUNDS

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note											
GENERAL ELEC CAP CORP GLOBAL NOTES DTD 04/02/2013 1.625% 04/02/2018	36962G6W9	2,000,000.00	AA-	A1	07/01/15	07/07/15	2,005,800.00	1.52	8,034.72	2,002,691.48	2,006,542.00
JOHN DEERE CAPITAL CORP NOTE DTD 09/11/2015 1.750% 08/10/2018	24422ETA7	780,000.00	A	A2	09/08/15	09/11/15	779,235.60	1.78	5,346.25	779,570.90	781,462.50
IBM CORP CALLABLE BONDS DTD 10/15/2008 7.625% 10/15/2018	459200GM7	1,560,000.00	AA-	Aa3	08/01/14	08/06/14	1,919,346.00	1.88	25,111.67	1,716,797.75	1,722,305.52
AMERICAN EXP CREDIT CORP NT (CALLABLE) DTD 11/05/2015 1.875% 11/05/2018	0258M0DZ9	555,000.00	A-	A2	10/29/15	11/05/15	554,950.05	1.88	1,618.75	554,968.97	555,805.86
JOHN DEERE CAPITAL CORP NOTE DTD 01/08/2016 1.950% 01/08/2019	24422ETE9	200,000.00	A	A2	01/05/16	01/08/16	199,988.00	1.95	1,874.17	199,991.85	200,842.60
BERKSHIRE HATHAWAY INC NOTES DTD 03/15/2016 1.700% 03/15/2019	084664CG4	150,000.00	AA	Aa2	03/08/16	03/15/16	149,886.00	1.73	750.83	149,915.64	149,867.10
APPLE INC GLOBAL NOTES DTD 05/06/2014 2.100% 05/06/2019	037833AO3	1,560,000.00	AA+	Aa1	08/01/14	08/06/14	1,566,302.40	2.01	5,005.00	1,563,198.83	1,574,799.72
TOYOTA MOTOR CREDIT CORP NOTES DTD 07/18/2014 2.125% 07/18/2019	89236TBP9	1,560,000.00	AA-	Aa3	08/01/14	08/06/14	1,560,577.20	2.12	15,009.58	1,560,308.65	1,566,768.84
BERKSHIRE HATHAWAY INC CORPORATE NOTES DTD 08/15/2016 1.300% 08/15/2019	084664CK5	145,000.00	AA	Aa2	08/08/16	08/15/16	144,859.35	1.33	712.11	144,876.77	143,239.12
JPMORGAN CHASE & CO (CALLABLE) DTD 01/23/2015 2.250% 01/23/2020	46625HKA7	1,995,000.00	A-	A3	10/15/15	10/20/15	1,986,281.85	2.36	19,700.63	1,988,670.22	1,990,303.77
WELLS FARGO & COMPANY NOTES DTD 12/07/2015 2.550% 12/07/2020	94974BGR5	1,440,000.00	A	A2	05/06/16	05/10/16	1,471,910.40	2.04	2,448.00	1,467,619.76	1,441,645.92
Security Type Sub-Total		13,345,000.00					13,727,530.85	1.92	91,649.21	13,524,293.82	13,530,206.15
Certificate of Deposit											
BMO HARRIS BANK NA CD DTD 10/23/2015 1.000% 04/24/2017	05574BFW5	1,150,000.00	A-1	P-1	10/22/15	10/23/15	1,150,000.00	1.01	13,927.78	1,150,000.00	1,150,737.15



Managed Account Detail of Securities Held

For the Month Ending **December 31, 2016**

CITY OF PITTSBURG GENERAL FUNDS

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Certificate of Deposit											
SVENSKA HANDELSBANKEN NY FLT CERT DEPOS DTD 11/24/2015 1.375% 08/24/2017	86958DH54	1,150,000.00	A-1+	P-1	11/20/15	11/24/15	1,150,000.00	0.84	1,665.72	1,150,000.00	1,150,644.00
BANK OF NOVA SCOTIA HOUSTON YCD DTD 11/09/2015 1.560% 11/06/2017	06417GAS7	1,150,000.00	A+	Aa3	11/06/15	11/09/15	1,150,000.00	1.55	2,740.83	1,150,000.00	1,151,012.00
SKANDINAVISKA ENSKILDA BANKEN NY CD DTD 11/17/2015 1.480% 11/16/2017	83050FBG5	1,150,000.00	A-1	P-1	11/16/15	11/17/15	1,150,000.00	1.48	2,174.78	1,150,000.00	1,148,050.75
HSBC BANK USA NA FLOATING CERT DEPOS DTD 11/18/2015 1.496% 11/17/2017	40428AR41	1,150,000.00	A-1+	P-1	11/17/15	11/18/15	1,150,000.00	0.97	2,150.82	1,150,000.00	1,152,001.00
ROYAL BANK OF CANADA NY CD DTD 03/15/2016 1.700% 03/09/2018	78009NZZ2	695,000.00	AA-	Aa3	03/11/16	03/15/16	695,000.00	1.69	3,675.78	695,000.00	695,788.83
CANADIAN IMPERIAL BANK NY CD DTD 12/05/2016 1.760% 11/30/2018	13606A5Z7	940,000.00	A+	Aa3	12/01/16	12/05/16	939,266.80	1.78	1,240.80	939,294.11	947,585.80
NORDEA BANK FINLAND NY CD DTD 12/05/2016 1.760% 11/30/2018	65558LWA6	940,000.00	AA-	Aa3	12/01/16	12/05/16	940,000.00	1.74	1,240.80	940,000.00	947,585.80
Security Type Sub-Total		8,325,000.00					8,324,266.80	1.35	28,817.31	8,324,294.11	8,343,405.33
Asset-Backed Security / Collateralized Mortgage Obligation											
JOHN DEERE ABS 2016-B A3 DTD 07/27/2016 1.250% 06/15/2020	47788NAC2	85,000.00	NR	Aaa	07/19/16	07/27/16	84,993.23	1.25	47.22	84,994.13	84,594.97
HYUNDAI ABS 2016-A A3 DTD 03/30/2016 1.560% 09/15/2020	44930UAD8	135,000.00	AAA	Aaa	03/22/16	03/30/16	134,973.81	1.57	93.60	134,978.66	134,965.64
HYUNDAI AUTO RECEIVABLES TRUST DTD 09/21/2016 1.290% 04/15/2021	44891EAC3	245,000.00	AAA	Aaa	09/14/16	09/21/16	244,967.02	1.30	140.47	244,969.25	243,025.89
Security Type Sub-Total		465,000.00					464,934.06	1.37	281.29	464,942.04	462,586.50
Managed Account Sub-Total		47,200,000.00					47,686,473.97	1.50	214,423.99	47,471,408.95	47,349,867.24



Managed Account Detail of Securities Held

For the Month Ending **December 31, 2016**

CITY OF PITTSBURG GENERAL FUNDS

Securities Sub-Total	\$47,200,000.00	\$47,686,473.97	1.50%	\$214,423.99	\$47,471,408.95	\$47,349,867.24
Accrued Interest						\$214,423.99
Total Investments						\$47,564,291.23

Important Disclosures

This material is based on information obtained from sources generally believed to be reliable and available to the public, however PFM Asset Management LLC cannot guarantee its accuracy, completeness or suitability. This material is for general information purposes only and is not intended to provide specific advice or a specific recommendation. All statements as to what will or may happen under certain circumstances are based on assumptions, some but not all of which are noted in the presentation. Assumptions may or may not be proven correct as actual events occur, and results may depend on events outside of your or our control. Changes in assumptions may have a material effect on results. Past performance does not necessarily reflect and is not a guaranty of future results. The information contained in this presentation is not an offer to purchase or sell any securities.

- Market values which include accrued interest, are derived from closing bid prices as of the last business day of the month as supplied by Interactive Data, Bloomberg or Telerate. Where prices are not available from generally recognized sources the securities are priced using a yield based matrix system to arrive at an estimated market value.
- In accordance with generally accepted accounting principles, information is presented on a trade date basis; forward settling purchases are included in the monthly balances and forward settling sales are excluded.
- Performance is presented in accordance with the CFA Institute's Global Investment Performance Standards (GIPS). Unless otherwise noted, performance is shown gross of fees. Quarterly returns are presented on an unannualized basis. Returns for periods greater than one year are presented on an annualized basis. Past performance is not indicative of future returns.
- Bank of America/Merrill Lynch Indices provided by Bloomberg Financial Markets.
- Money market fund/cash balances are included in performance and duration computations.
- Standard & Poor's is the source of the credit ratings. Distribution of credit rating is exclusive of money market fund/LGIP holdings.
- Callable securities in portfolio are included in the maturity distribution analysis to their stated maturity date, although they may be called prior to maturity.
- MBS maturities are represented by expected average life.

Glossary

- **ACCRUED INTEREST:** Interest that is due on a bond or other fixed income security since the last interest payment was made.
- **AGENCIES:** Federal agency securities and/or Government-sponsored enterprises.
- **AMORTIZED COST:** The original cost of the principal of the security is adjusted for the amount of the periodic reduction of any discount or premium from the purchase date until the date of the report. Discount or premium with respect to short term securities (those with less than one year to maturity at time of issuance) is amortized on a straight line basis. Such discount or premium with respect to longer term securities is amortized using the constant yield basis.
- **BANKERS' ACCEPTANCE:** A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the insurer.
- **COMMERCIAL PAPER:** An unsecured obligation issued by a corporation or bank to finance its short-term credit needs, such as accounts receivable and inventory.
- **CONTRIBUTION TO DURATION:** Represents each sector or maturity range's relative contribution to the overall duration of the portfolio measured as a percentage weighting. Since duration is a key measure of interest rate sensitivity, the contribution to duration measures the relative amount or contribution of that sector or maturity range to the total rate sensitivity of the portfolio.
- **DURATION TO WORST:** A measure of the sensitivity of a security's price to a change in interest rates, stated in years, computed from cash flows to the maturity date or to the put date, whichever results in the highest yield to the investor.
- **EFFECTIVE DURATION:** A measure of the sensitivity of a security's price to a change in interest rates, stated in years.
- **EFFECTIVE YIELD:** The total yield an investor receives in relation to the nominal yield or coupon of a bond. Effective yield takes into account the power of compounding on investment returns, while nominal yield does not.
- **FDIC:** Federal Deposit Insurance Corporation. A federal agency that insures bank deposits to a specified amount.
- **INTEREST RATE:** Interest per year divided by principal amount, expressed as a percentage.
- **MARKET VALUE:** The value that would be received or paid for an investment in an orderly transaction between market participants at the measurement date.
- **MATURITY:** The date upon which the principal or stated value of an investment becomes due and payable.
- **NEGOTIABLE CERTIFICATES OF DEPOSIT:** A CD with a very large denomination, usually \$1 million or more that can be traded in secondary markets.
- **PAR VALUE:** The nominal dollar face amount of a security.

Glossary

- **PASS THROUGH SECURITY:** A security representing pooled debt obligations that passes income from debtors to its shareholders. The most common type is the mortgage-backed security.
- **REPURCHASE AGREEMENTS:** A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date.
- **SETTLE DATE:** The date on which the transaction is settled and monies/securities are exchanged. If the settle date of the transaction occurs on a non-business day (i.e. coupon payments and maturity proceeds), the funds are exchanged on the next business day.
- **TRADE DATE:** The date on which the transaction occurred however the final consummation of the security transaction and payment has not yet taken place.
- **UNSETTLED TRADE:** A trade which has been executed however the final consummation of the security transaction and payment has not yet taken place.
- **U.S. TREASURY:** The department of the U.S. government that issues Treasury securities.
- **YIELD:** The rate of return based on the current market value, the annual interest receipts, maturity value and the time period remaining until maturity, stated as a percentage, on an annualized basis.
- **YTM AT COST:** The yield to maturity at cost is the expected rate of return, based on the original cost, the annual interest receipts, maturity value and the time period from purchase date to maturity, stated as a percentage, on an annualized basis.
- **YTM AT MARKET:** The yield to maturity at market is the rate of return, based on the current market value, the annual interest receipts, maturity value and the time period remaining until maturity, stated as a percentage, on an annualized basis.



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

DATE: 2/6/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution of Intention to Establish
Community Facilities District 2017-1 Fire Protection and Emergency
Medical Services

MEETING DATE: 2/21/2017

EXECUTIVE SUMMARY

In accordance with the terms of the Development Agreement (DA) between the City of Pittsburg and Discovery Homes Inc. (Developer), executed on July 22, 2016, in the event the City forms a Community Facilities District (CFD) to provide for fire protection services in the City, the Developer will take the appropriate steps to include the Belle Harbor project site into the district. By this resolution the City Council will direct staff to proceed with the formation of the CFD to finance supplemental Fire Protection and Emergency Medical Services, and related facilities and equipment within the City.

FISCAL IMPACT

Administrative costs will be generated from staff for the formation of the CFD, but the Joint Community Facilities Agreement executed between the City and the Contra Costa Fire Protection District allows the City to deduct 3% of the special tax proceeds from the CFD to cover the City's administrative costs.

RECOMMENDATION

City Council adopt the attached Resolution of Intention approving a proposed boundary map, declaring its intention to establish Community Facilities District 2017-1 (Fire Facilities and Fire Safety and Emergency Services), to provide for future annexation of territory within the CFD and to levy a special tax therein to finance fire facilities and fire safety and emergency services.

BACKGROUND

The Contra Costa Fire Protection District provides fire protection and emergency medical services for the City of Pittsburg. New development within the City will increase the demand for these services and their supporting equipment and facilities.

City Council adopted Resolution 16-13524 approving a Joint Community Facilities Agreement between the City and the Contra Costa Fire Protection District (District) to provide for the reimbursement of special taxes levied by the CFD to the District.

Under the attached resolution, the City proposes to establish CFD No. 2017-1 to assist with the costs of financing fire facilities and fire safety and emergency services. The attached resolution also identifies all of the parcels within the corporate limits of the City that are not already included within the boundaries of CFD 2017-1 as territory proposed for future annexation into this CFD. This would only occur if the owners of the parcel(s) provide written approval to the City for their annexation.

As additional residential development projects come forward, they can be annexed into CFD 2017-1 with unanimous approval of the property owners, which will provide funding for the increased demand for fire facilities and fire safety and emergency services needed within the District.

SUBCOMMITTEE FINDINGS

Not applicable

STAFF ANALYSIS

On December 15, 2016 staff retained the services of Goodwin Consulting for the formation of CFD 2017-1 (Fire Facilities and Fire Safety and Emergency Services). After an analysis, staff recommends that the special tax rate shall be no greater than Seventy – Five Dollars (\$75) per residential unit, with an annual escalation by the CPI for the San Francisco-Oakland area. The special tax would be levied in the next subsequent fiscal year on those residential units for which a final building permit inspection was conducted prior to June 30 of the preceding tax year. The special tax assessment would be used to fund all formation and administrative costs, in addition to the costs of providing fire facilities and fire protection and emergency and operations services for CCFPD facilities.

ATTACHMENTS: Resolution
Exhibit A Rate and Method of Apportionment of Special Tax
Exhibit B Authorized Services
Exhibit C Proposed Boundary Map
Exhibit D Notice of Public Hearing

Report Prepared By: Jolan Longway
Civil Engineer II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution of	)	
Intention to Establish Community Facilities	)	
District No. 2017-1 (Fire Facilities and	)	
Fire Safety and Emergency Services),	)	RESOLUTION NO. 17-
Establish a Future Annexation Area,	)	
Approve a Proposed Boundary Map and,	)	
Subject to the Required Voter Approval, to	)	
Levy a Special Tax to Finance Certain	)	
Facilities and Services	)	

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code, this City Council (the "City Council") of the City of Pittsburg (the "City") is authorized to establish a community facilities district and to act as the legislative body for a community facilities district; and

WHEREAS, pursuant to California Government Code Section 53316.2(a), a community facilities district may finance facilities to be owned or operated by a public agency other than the agency that created the district, or services to be provided by a public agency other than the agency that created the district, pursuant to a joint community facilities agreement; and

WHEREAS, Section 53321 of the Act provides that legal proceedings for the establishment of a community facilities district pursuant to the Act shall be instituted by the adoption of a resolution of this City Council declaring its intention as provided hereafter in this resolution; and

WHEREAS, in order to finance the cost of certain fire facilities and fire safety and emergency services, the City proposes to establish a community facilities district to be known as "Community Facilities District No. 2017-1 (Fire Facilities and Fire Safety and Emergency Services), City of Pittsburg, County of Contra Costa" ("CFD No. 2017-1"); and

WHEREAS, the City has previously entered into a joint community facilities agreement with Contra Costa Fire Protection District; and

WHEREAS, except where funds are otherwise available, the City proposes to levy an annual special tax sufficient to pay for the proposed facilities and services, secured by recordation of a continuing lien against all nonexempt real property within CFD No. 2017-1 (the "Special Tax"); and

WHEREAS, the proposed rate and method of apportionment of special tax among parcels of real property within CFD No. 2017-1 is set forth in Exhibit A; and

WHEREAS, a description of the proposed facilities, services and other incidental expenses that are proposed to be financed by the community facilities district is set forth in Exhibit B; and

WHEREAS, the proposed boundaries of CFD No. 2017-1 are shown on the boundary map on file with the City Clerk (the "Boundary Map") and attached hereto as Exhibit C; and

WHEREAS, this City Council desires, by this resolution to declare its intention to provide for future annexation of property into CFD No. 2017-1 and to designate certain additional land as future annexation area (the "Future Annexation Area"), as shown on the Boundary Map, pursuant to Section 53339.2 and Section 53339.3 of the Act; and

WHEREAS, this City Council desires to proceed with the actions necessary to establish CFD 2017-1 in order to finance the proposed facilities and services.

NOW, THEREFORE, the City Council finds and determines as follows:

1. Recitals. The foregoing recitals are true and correct, and this City Council hereby expressly so finds and determines.
2. Proceedings. This City Council proposes to conduct proceedings to establish a community facilities district pursuant to the Act, and hereby determines that public convenience and necessity require that a future annexation area be established pursuant to the Act.
3. Name of CFD; Future Annexation Area. The name proposed for the community facilities district is "Community Facilities District No. 2017-1 (Fire Facilities and Fire Safety and Emergency Services), City of Pittsburg, County of Contra Costa" ("CFD No. 2017-1").
4. Boundaries Described. This City Council hereby approves (a) the establishment of the initial boundary of CFD No. 2017-1 as shown on the Boundary Map, (b) the designation of land shown as the Future Annexation Area, and (c) the future annexation of any portion of the Future Annexation Area as shown on the map set forth on Exhibit C hereto, a copy which is also on file with the City Clerk. The City Council directs the City Clerk to certify the adoption of this Resolution on the face of the Boundary Map and to file a copy of the boundary map in the office of the City Clerk in accordance with Section 3111 of the California Streets and Highways Code, and within 15 days of the date of adoption of this Resolution, but in no event later than 15 days prior to the public hearing provided for herein, transmit the map to the County Recorder for recording in the Book of Maps of Assessment and Community Facilities Districts in the office of the Clerk Recorder of the County of Contra Costa.

Parcels within the Future Annexation Area shall be annexed to CFD No. 2017-1 only with the unanimous approval (each, a "Unanimous Approval") of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

5. Facilities and Services. The type of facilities and services proposed to be financed by CFD No. 2017-1 and pursuant to the Act shall consist of those listed in Exhibit B hereto and hereby incorporated by reference herein (the "Facilities" and the "Services"). The City Council hereby determines that the Facilities and the Services are necessary to meet increased demands for such services placed upon local agencies as the result of or incident to development occurring within CFD No. 2017-1 and Future Annexation Area.

The Services are in addition to those provided in the territory of CFD No. 2017-1 as of the date hereof and will not supplant services already available within the territory of CFD No. 2017-1 as of the date hereof.

6. Special Tax. Except to the extent that funds are otherwise available to CFD No. 2017-1 to pay for the Services, a Special Tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in CFD No. 2017-1, will be levied annually within CFD No. 2017-1, and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as the City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within CFD No. 2017-1, in sufficient detail to allow each landowner within CFD No. 2017-1 to estimate the maximum amount such owner will have to pay, is described in Exhibit A attached hereto and hereby incorporated by reference herein (the "Rate and Method").

This City Council hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to CFD No. 2017-1.

As required by Section 53339.3(d) of the Act, the City Council hereby determines that the Special Tax proposed to pay for the Facilities and the Services to be supplied within the Future Annexation Area will be equal to the Special Taxes levied to pay for the same Facilities and Services in previously-existing areas of CFD No. 2017-1 and other annexed areas, except that (i) a higher or lower tax may be levied within the territory proposed to be annexed or to be annexed in the future to the extent that the actual cost of providing the Services in that territory is higher or lower than the cost of providing those Services in the existing CFD area and (ii) this section shall not be construed to limit the levy of a special tax within the territory to be annexed or to be annexed in the future to provide new or additional services beyond those supplied within the existing territory of CFD No. 2017-1.

7. Exempt Property. Except as may otherwise be provided by law or by the Rate and Method, all lands owned by any public entity, including the United States, the State of California, Contra Costa County or the City, or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax. In the event that a portion of the property within CFD No. 2017-1 shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, the City Council will, on behalf of CFD No. 2017-1, increase the levy to the extent necessary upon the remaining property within CFD No. 2017-1 which is not exempt in order to yield the annual expenses of CFD No. 2017-1, if any, subject to the provisions of the Rate and Method.

8. Election and Unanimous Approval. The levy of the Special Tax in CFD No. 2017-1 shall be subject to the approval of the qualified electors of CFD No. 2017-1 at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in CFD No. 2017-1, with each owner having one vote for each acre or portion of an acre such owner owns within the boundaries of CFD No. 2017-1.

A special tax shall be levied in the Future Annexation Area only with the Unanimous Approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

9. CFD Report. The Finance Director of the City, as the officer having charge and control of the Facilities and the Services in and for CFD No. 2017-1, or the designee of such officer, is hereby directed to study said proposed Services and to make, or cause to be made, and file with the City Clerk a report in writing (the "CFD Report"), presenting the following:

(a) A description of the Facilities and the Services by type which will be required to adequately meet the needs of CFD No. 2017-1.

(b) An estimate of the fair and reasonable cost of the Facilities and the Services and incidental expenses in connection therewith, and all other related costs.

The CFD Report shall be made a part of the record of the public hearing specified below.

10. Public Hearing. This City Council hereby sets Monday April 3, 2017 at 7:00 p.m. which date is at least 30 days and not more than 60 days after the date of this Resolution) or as soon thereafter as possible in the Council Chambers located at 65 Civic Avenue, Pittsburg, California 94565, as the date and time and place when and where the City Council, as legislative body for CFD No. 2017-1, will conduct a public hearing on the establishment of CFD No. 2017-1 and the Future Annexation Area and the levy of the Special Tax, and consider and finally determine whether the public interest, convenience and necessity require the formation of CFD No. 2017-1 and the Future Annexation Area and the levy of the Special Tax.

At the hearing, testimony of all interested persons and taxpayers for or against establishment of CFD No. 2017-1, the extent of CFD No. 2017-1, the proposed list of Facilities and Services to be authorized, the authorization to levy the Special Tax, or any other aspect of the proposed CFD No. 2017-1, will be heard and protests will be considered from persons owning real property within CFD No. 2017-1 or the Future Annexation Area, it having been determined that there are no registered voters residing within CFD No. 2017-1. As provided by the Act, written protests by the owners of a majority in area of the land within the proposed CFD No. 2017-1 will constitute a "majority protest" and will require the suspension of proceedings for at least one year. Written protests must be filed with the City Clerk at or before the time fixed for the hearing. If such majority protests are directed only against certain elements of the proposed CFD No. 2017-1, the proposed Facilities and Services, the designation of the Future Annexation

Area, or the Special Tax to be levied, this City Council may direct that those elements be deleted from the proceedings and that the proceedings may continue as revised.

11. Notice of Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of CFD No. 2017-1 and the Future Annexation Area. The publication shall be completed at least seven days before the date of the public hearing specified above. The City Clerk may also cause notice of the hearing to be given to each property owner within CFD No. 2017-1 and Future Annexation Area by first class mail, postage prepaid, to each such owner's addresses as it appear on the most recent tax records of Contra Costa County or as otherwise known to the City Clerk to be correct. Such mailing shall be completed not less than 15 days before the date of the public hearing. Each of the notices shall be substantially in the form specified in Section 53322 of the Act, with the form summarizing the provisions hereof hereby specifically approved.

12. Advances of Funds. Advances of funds or contributions of work in kind from any lawful source, specifically including funds advanced by the City or owners of property within CFD No. 2017-1, may be reimbursed from Special Tax revenue to the extent of the lesser of the value or cost of the contribution, but any agreement to do so shall not constitute a debt or liability of the City.

13. Further Action. The City Manager, Finance Director, the City Clerk and all other officers and agents of the City, each acting alone or together, are hereby authorized and directed to take all actions necessary or advisable to give effect to the transactions contemplated by this Resolution.

14. No Obligation. This Resolution shall in no way obligate the City Council to form CFD No. 2017-1 or the Future Annexation Area. The formation of CFD No. 2017-1 and the Future Annexation Area shall be subject to the approval of the City Council by resolution following the holding of the public hearing referred to above.

15. Certification. The City Clerk shall certify to the adoption of this Resolution.

16. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 21st day of February 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

EXHIBIT A

CITY OF PITTSBURG COMMUNITY FACILITIES DISTRICT NO. 2017-1 (FIRE PROTECTION AND EMERGENCY SERVICES) RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2017-1 (Fire Protection and Emergency Services) shall be levied and collected according to the tax liability determined by the City Council acting in its capacity as the legislative body of the CFD, through the application of the appropriate Special Tax rate, as described below. All Taxable Property in the CFD shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. **DEFINITIONS**

The terms hereinafter set forth have the following meanings:

"Accessory Dwelling Unit" means an Accessory Dwelling Unit as defined by the City's Municipal Code.

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other parcel map recorded at the County Recorder's Office.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties for the CFD, including, but not limited to, the levy and collection of the Special Tax, the fees and expenses of its counsel, charges levied by the County, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Tax.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating parcels by Assessor’s Parcel number.

“Authorized Expenditures” means, collectively, the Authorized Facilities and Authorized Services.

“Authorized Facilities” means the public facilities authorized to be financed, in whole or in part, by the CFD.

“Authorized Services” means the public services authorized to be funded, in whole or in part, by the CFD.

“CFD” means the City of Pittsburg Community Facilities District No. 2017-1 (Fire Protection and Emergency Services).

“City” means the City of Pittsburg.

“City Council” means the City Council of the City of Pittsburg.

“County” means the County of Contra Costa.

“Development Plan” means a tentative subdivision map, condominium plan, apartment plan, site plan, or other development plan that identifies such information as the type of structure, acreage, square footage, and/or number of Residential Units on a Parcel of Taxable Property.

“Fiscal Year” means the period starting on July 1 and ending on the following June 30.

“Maximum Special Tax” means the maximum Special Tax determined in accordance with Section C below that can be levied on Taxable Property in any Fiscal Year.

“Mixed Use Property” means, in any Fiscal Year, all Parcels for which a building permit or use permit was issued on or before June 30 of the prior Fiscal Year for a structure that will include both Residential Units and commercial, office, or industrial square footage.

“Non-Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit or use permit was issued on or prior to June 30 of the preceding Fiscal Year for construction of a structure that will be used for commercial, office, or industrial uses and will not include any Residential Units.

“Proportionately” means that the ratio of the actual Special Tax levied to the Maximum Special Tax is equal for all Parcels of Taxable Property.

“Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit was issued on or prior to June 30 of the preceding Fiscal Year for construction of a structure that includes one or more Residential Units and does not

include any commercial, office, or industrial land uses.

“Residential Unit” means an individual single-family detached, half-plex, duplex, triplex, fourplex, live/work, townhome, condominium unit or apartment unit. An Accessory Dwelling Unit shall not be counted as a separate Residential Unit for purposes of levying the Special Tax.

“Special Tax” means any tax levied within the CFD to pay for Authorized Expenditures.

“Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Expenditures, (ii) Administrative Expenses, and (iii) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred or (based on delinquency rates in prior years) may be expected to occur in the Fiscal Year in which the tax will be collected.

“Tax Zone” means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. ***All of the property within the CFD at the time of CFD Formation is within Tax Zone 1.*** Additional Tax Zones may be created when property is annexed to the CFD, and separate Maximum Special Taxes shall be identified for property within the new Tax Zone at the time of such annexation. Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor’s Parcel number in the Unanimous Approval Form signed by the owner(s) of the Parcels at the time of annexation.

“Taxable Property” means, in any Fiscal Year, all Parcels of Residential Property, Non- Residential Property, and Mixed-Use Property.

“Unanimous Approval Form” means that form executed by the record owner of fee title to a Parcel(s) annexed into the CFD that constitutes the property owner’s approval and unanimous vote in favor of annexing into the CFD and the levy of a Special Tax against his/her Parcel(s) pursuant to this RMA.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel number for all Parcels of Taxable Property within the CFD. The Administrator shall also determine the number of Residential Units built or to be built on each Parcel of Residential Property or Mixed-Use Property by referencing the building permit, condominium plan, apartment plan, site plan or other development plan for the property.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall

calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each

Parcel of Taxable Property, then applying the sum of the individual Special Taxes to the original Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAX

Table 1 below identifies the Maximum Special Tax for Taxable Property within Tax Zone 1. Different Maximum Special Taxes may be identified for property that annexes into the CFD and is part of a separate Tax Zone.

Table 1
Maximum Special
Taxes
Tax Zone
1

<i>Type of Property</i>	<i>Maximum Special Tax (Fiscal Year</i>
Residential Property	\$75 per Residential Unit
Non-Residential	\$909 per Acre
Mixed-Use Property	\$75 per Residential Unit

*** On July 1, 2017 and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by an amount equal to 2.0% of the amount in effect for the prior Fiscal Year.**

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAX

Each Fiscal Year, the Special Tax shall be levied Proportionately on each Parcel of Taxable Property in the CFD up to 100% of the Maximum Special Tax determined pursuant to Section C above until the total amount levied is equal to the Special Tax Requirement for the Fiscal Year.

The Special Tax for the CFD shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the CFD financial obligations, and the Special Tax shall be equally subject to foreclosure if delinquent. The Special Tax shall be levied and collected unless and until the City Council determines that Special Tax revenues are no longer needed to pay Authorized Expenditures. However, in no event shall Special Taxes be levied after Fiscal Year 2057-58.

E. EXEMPTIONS

No Special Tax shall be levied on Public Property or any other Parcels in the CFD that are not Taxable Property, as defined herein.

F. INTERPRETATION OF SPECIAL TAX FORMULA

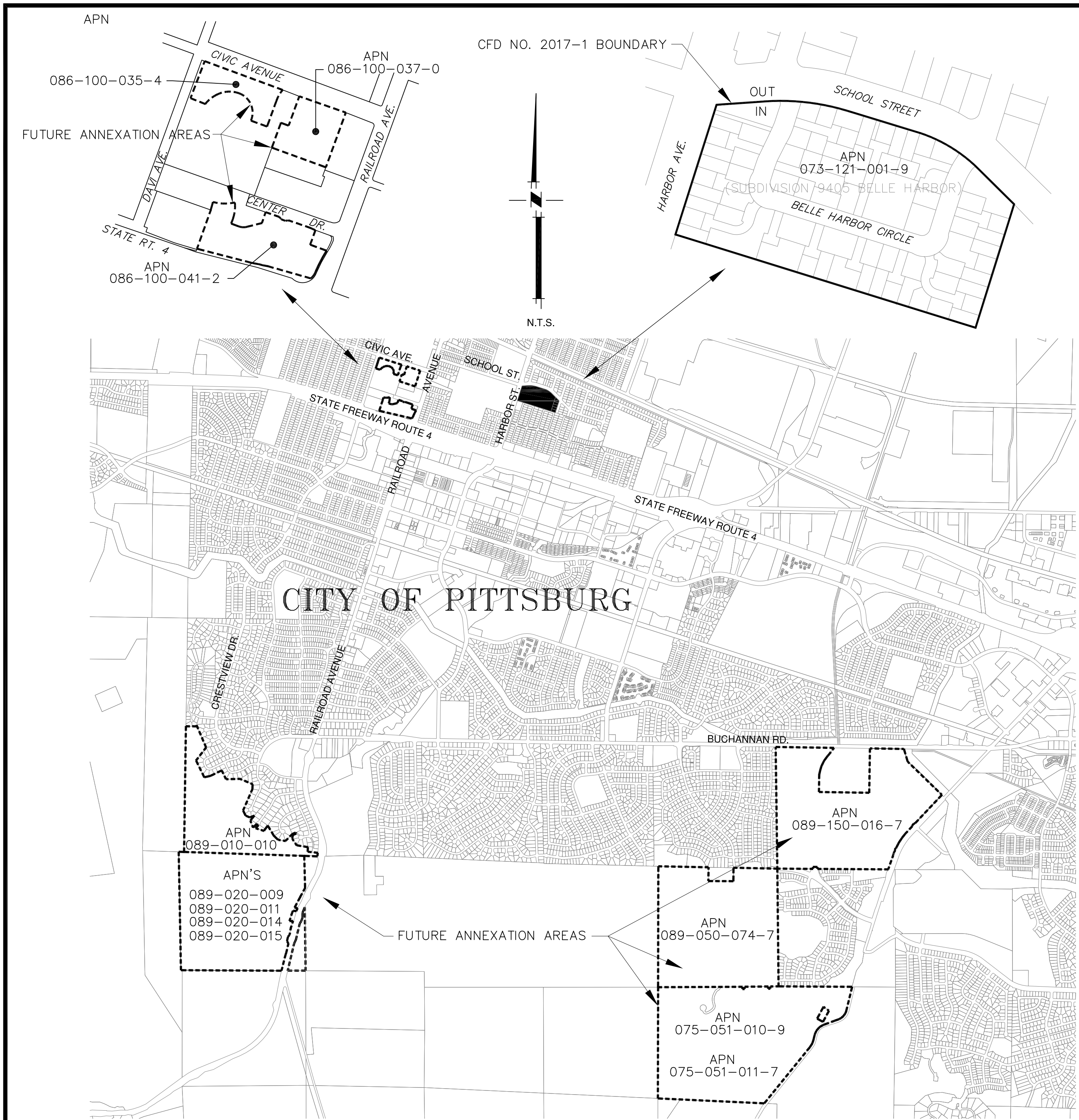
The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the RMA. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this RMA.

EXHIBIT B

DESCRIPTION OF FACILITIES AND SERVICES TO BE PROVIDED

CCCFPD may use CFD Funds to finance the following CCCFPD supplemental services and facilities:

1. **Services.** Emergency medical and fire protection and suppression services, including but not limited to salaries of personnel.
2. **Facilities.** Fire facilities, including but not limited to fire stations, apparatus, and facilities and equipment appurtenant thereto, including:
 - a. All costs associated therewith, including but not limited to acquisition, construction, relocation, rehabilitation, replacement, leasing, repair, maintenance, or operation thereof;
 - b. Improvements to fire facilities, including but not limited to costs of site acquisition, planning, design, engineering, soils testing, construction staking, and construction coordination and inspection; and
 - c. Furniture, fixtures and equipment therefor.



PROPOSED BOUNDARY MAP
COMMUNITY FACILITIES DISTRICT NO. 2017-1
(FIRE PROTECTION AND EMERGENCY SERVICES)

City of Pittsburg
Contra Costa County, State of California

Filed in the office of the City Clerk of the City of Pittsburg this
_____ day of _____, 2017.

Alice E. Evenson, City Clerk
City of Pittsburg
County of Contra Costa, State of California

I hereby certify that this map showing proposed boundaries of
Community Facilities District No. 2017-1 (Fire Protection and
Emergency Services) and Future Annexation Area, City of
Pittsburg, Contra Costa County, State of California, was
approved by the City Council of the City of Pittsburg at a
regular meeting thereof, held on the _____ day of
_____, 2017, by its Resolution No. _____.

Alice E. Evenson, City Clerk
City of Pittsburg
County of Contra Costa, State of California

Filed this _____ day of _____, 2017, at the
hour of _____ o'clock _____ m., in Book _____ of
Maps of Assessment and Community Facilities Districts at
Page _____ in the office of the County Recorder of the
County of Contra Costa, State of California.

Joseph E. Canciamilla
County Clerk-Recorder
County of Contra Costa, State of California

LEGEND

- PROPOSED CFD BOUNDARY
- FUTURE ANNEXATION AREA

EXHIBIT D

NOTICE OF PUBLIC HEARING

CITY OF PITTSBURG COMMUNITY FACILITIES DISTRICT NO. 2017-1 (FIRE SAFETY SERVICES)

NOTICE IS HEREBY GIVEN that on February 21, 2017 the City Council (the "Council") of the City of Pittsburg (the "City") duly adopted its Resolution of Intention to Establish Community Facilities District No. 2017-1 (the "Resolution of Intention") wherein it declared its intention to establish a community facilities district to be known as "City of Pittsburg Community Facilities District No. 2017-1 (Fire Safety Services), Contra Costa County, California" (the "CFD"), to provide for future annexations into CFD 2017-1, and to levy a special tax to assist with the financing of fire protection and emergency medical services (the "Services") to be provided within CFD 2017-1 pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, constituting Chapter 2.5, Part 1, Division 2, Title 5, commencing at Section 53311, of the Government Code of the State of California (the "Act"). Under the Act and the Resolution of Intention, the Council gives notice as follows:

1. The text of the Resolution of Intention, as adopted by the Council, is on file with the City Clerk, and reference is made to the Resolution of Intention for the particular provisions thereof. The text of the Resolution of Intention is summarized as follows:

a. Under the Act, the Council is undertaking proceedings for the establishment of the CFD, the boundaries of which are shown on a map on file with the City Clerk.

b. The purpose of the CFD is to provide for the financing of certain services (the "Services") as more fully described in the Resolution of Intention.

c. The method of financing the Services is through the imposition and levy of a special tax (the "Special Tax") to be apportioned on the properties in the CFD under the rate and method of apportionment described in the Resolution of Intention. The Special Tax requires the approval of two-thirds of landowner votes voted at a special election called for that purpose by the Council, with each landowner having one vote for each acre or portion of acre such owner owns in the CFD.

d. The Resolution of Intention directed the preparation of a CFD Report that shows the Services by type that are required to adequately meet the needs of the CFD and the estimated costs of the Services. The CFD Report will be made a permanent part of the record of the public hearing specified below. Reference is made to the CFD Report as filed with the City Clerk.

e. As set forth below, the Council will hold a public hearing on the establishment of the CFD with its Services and Special Tax.

2. The public hearing will be held during the Council's meeting on Monday April 3, 2017 at 7:00 p.m., or as soon thereafter as the Council may reach the matter, at the Council Chambers at 65 Civic Avenue, Pittsburg, California 94565.

3. At the hearing, the testimony of all interested persons or taxpayers for or against the establishment of the CFD, the extent of the CFD or the furnishing of the specified Services will be heard. Any person interested may file a protest in writing as provided in Section 53323 of the Act. If 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be included in the CFD, or the owners of one-half or more of the area of land in the territory proposed to be included in the CFD and not exempt from the special tax, file written protests against the establishment of the CFD and the protests are not withdrawn to reduce the value of the protests to less than a majority, the Council shall take no further action to create the CFD or levy the special taxes for a period of one year from the date of decision of the Council, and if the majority protests of the registered voters or landowners are only against the furnishing of a type or types of Services within the CFD, or against levying a specified special tax, those types of Services or the specified special tax will be eliminated from the proceedings to form the CFD.

4. For objections to be counted toward a majority protest, the objections must be stated in writing and received by the City Clerk no later than the time stated above for the public hearing on February 21, 2017. Persons wishing to submit written objections by mail are advised to allow one full calendar week for delivery and to address the envelope to the City Clerk, City of Pittsburg, 65 Civic Ave., Pittsburg, California 94565.

5. The proposed voting procedure shall be by special mailed- or hand-delivered ballot to the property owners within the territory proposed to be included in the CFD.

Questions should be directed to Goodwin Consulting Group, Inc., the City's Special Tax Consultant, telephone (916) 561-0890.

Dated: February 21, 2017

Alice E. Evenson, City Clerk
CITY OF PITTSBURG