



**CITY OF PITTSBURG
AGENDA**

April 03, 2017

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

**WORKSHOP
COMMUNITY CHOICE ENERGY
5:30 P.M.**

**CLOSED SESSION
6:15 P.M.**

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

**CITY COUNCIL
SUCCESSOR AGENCY**

PRESIDING

**Marilyn “Merl” Craft, Mayor/Chair
Dwayne “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)

5:30 P.M.

WORKSHOP: COMMUNITY CHOICE ENERGY

AUDIENCE REMARKS

The Audience Remarks period is for the public to comment on any items scheduled to be heard during the Closed Session portion of the meeting, if applicable.
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6:15 P.M.

CONVENE IN CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Section 54956.8):

Property: 345 W. 10th St. APN 085-211-004, 172 W. 10th St. APN 085-226-014, 463 W. 10th St. APN 085-241-003, 1062 Beacon St. APN 085-233-014, 6 Alturas Ave. APN 087-144-012, 14 Alturas Ave. APN 087-114-011, 45 Alturas Ave. APN 087-113-014, 70 Alturas Ave. APN 087-114-014, 78 Alturas Ave. APN 087-114-003, 242 Diane Ave. APN 073-181-005, 2111 Marsh Ave. APN 087-195-019; Negotiators: Joe Sbranti and Maria Aliotti; Negotiating Parties: Michael Galloway, Galloway Development; Under negotiation: both price and terms of payment

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

Earth Construction and Mining vs. Successor Agency to the Former Redevelopment Agency of the City of Pittsburg, Contra Costa County Superior Court Case no. C13-00796

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION FOR THE SUCCESSOR AGENCY; Significant exposure to litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:

One (1) case

4. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6):

Agency designated representatives: Joe Sbranti, Garrett Evans; Employee organizations: Police Managers' Group (PMG) and Police Officers' Association (POA)

7:00 P.M.

CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Alcohol Awareness Month

CITY MANAGER REPORTS/REMARKS

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

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)

CITY COUNCIL MEETING

PUBLIC HEARING

5. Open and Continue Public Hearing Considering Formation of Community Facilities District 2017-1 (Fire Facilities and Fire Safety and Emergency Services)

The City of Pittsburg adopted Resolution No. 17-13298 declaring its intention to establish CFD 2017-1, to provide funding for fire facilities and fire safety and emergency services serving new developments such as the Waterstone subdivision, and provides for the future annexation of territory. Staff recommends the Public Hearing be opened and continued to April 17, 2017 to allow time for developer to complete and return their consent forms for the annexation.

6. Adoption of a City Council Resolution of Intention, and Introduction and Waive First Reading of an Ordinance Amending the Contract between the City and the California Public Employees' Retirement System (CalPERS)

The City is a contracting agency of the California Public Employees' Retirement System (CalPERS) and has negotiated with American Federation of State, County, and Municipal Employees Union (AFSCME), the Miscellaneous A (Misc. A); Management, Professional and Confidential (MPC) Units, and Teamsters Local 856

for represented employees for the cost sharing of pension costs. For this cost sharing to be credited towards the employees' individual contributions to the CalPERS system, the City of Pittsburg is required to approve a Resolution for a contract amendment to change the required employee rate of contribution for employees.

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 AND SUCCESSOR AGENCY CONSENT CALENDAR

7. Minutes

Minutes of March 20, 2017

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

Claim #2305 Bengard, Gibson, Long
Claim #17-0001 Montanes, Leonel
Claim #17-0016 Mercury Ins ASO Kelly

9. Adoption of a City Council Resolution to Establish the FY 2017/2018 Annual Stormwater Utility Area Fee

The Stormwater Utility Area (SUA) fee was established in 1993 to finance implementation of the National Pollutant Discharge Elimination System (NPDES) program and drainage maintenance activities. Each year the City Council establishes the amount of the Stormwater Utility Area fee assessed on properties to finance activities necessary to comply with the federal Clean Water Act and the City's Joint Municipal NPDES permit. Staff recommends continuing to charge the current fee of \$30.00 per Equivalent Runoff Unit (ERU). No increase is proposed.

10. Adoption of an Ordinance to Reauthorize Section 5.30.040 of the Pittsburg Municipal Code Imposing a Public, Educational, and Governmental Fee on State Cable Franchisees Operating within the City

The Digital Video and Infrastructure and Video Competition Act of 2006 authorized video service providers to obtain a state franchise from the California Public Utilities Commission. State franchise holders pay franchise fees and Public, Educational, and Government (PEG) fees to the City. The attached Ordinance would reauthorize Section 5.30.040 of the Pittsburg Municipal Code ("PMC"), which imposes a public, educational, and governmental ("PEG") fee on state cable franchisees operating within the City, consistent with state law.

11. Adoption of a City Council Resolution to Adopt the City of Pittsburg Trust Lands Use Plan and Authorize Submittal to the California State Lands Commission

Economic Development and Planning Staff have developed a Trust Lands Use Plan (Plan) in order to achieve compliance with Senate Bill 551 Chapter 422 Statutes of 2011. The Plan directs staff in adhering to state, regional, and City of Pittsburgh General Plan policies, as well as reaching long term goals at the Pittsburgh Waterfront. Staff is submitting the Plan for Council approval.

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 April 17, 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: 3/23/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Open and Continue Public Hearing Considering Formation of
Community Facilities District 2017-1 (Fire Facilities and Fire Safety and
Emergency Services)

MEETING DATE: 4/3/2017

EXECUTIVE SUMMARY

The City of Pittsburg adopted Resolution No. 17-13298 declaring its intention to establish CFD 2017-1, to provide funding for fire facilities and fire safety and emergency services serving new developments such as the Waterstone subdivision, and provides for the future annexation of territory. Staff recommends the Public Hearing be opened and continued to April 17, 2017 to allow time for developer to complete and return their consent forms for the annexation.

FISCAL IMPACT

The cost of providing additional fire facilities and services to serve the Waterstone subdivision and future annexed territory will be paid through a special tax that will be levied on both residential and non-residential properties within the proposed boundaries of the CFD. The special tax will be placed on the County tax roll each year. Pursuant to state law, the special tax and associated costs must be maintained in a separate fund and cannot be included in the City's general fund.

Administrative costs will be generated by staff and consultants for the formation and administration of the CFD. To the extent permitted under the law, the City plans to use a portion of the special tax proceeds from the CFD to reimburse the City's initial costs and to pay for ongoing administrative costs.

RECOMMENDATION

Open the Public Hearing, accept any testimony from the Developer concerning any matters related to the formation of, and services and facilities to be provided within, this CFD, and continue the Public Hearing until April 17, 2017.

BACKGROUND

The City of Pittsburg and Discovery Homes have agreed to form a Community Facilities District to assist in funding Fire Facilities and Fire Safety and Emergency Services. The formation of this CFD will include the newly developed Waterstone subdivision, consisting of 82 single family dwelling units. Staff recommends the Public Hearing be opened and continued to April 17, 2017 to allow time for developer to complete and return their consent forms for the annexation.

SUBCOMMITTEE FINDINGS

not applicable

STAFF ANALYSIS

Staff retained the services of Goodwin Consulting Group to develop the methodology for the special tax rates that will be levied on both residential and non-residential development within the Communities Facilities District 2017-1 for fire protection and emergency facilities and services. Goodwin Consulting Group is a firm that specializes in the formation, administration and special tax rate calculation for Community Facilities Districts. It was decided that the base special tax rate for residential development within the CFD will be set at \$75 per residential unit, which is consistent with the rate identified in the Belle Harbor development agreement. The base rate for non-residential development is \$909 per acre. If established, the special tax will be levied in the 2017-2018 fiscal year on those residential and non-residential units for which a final building permit inspection was conducted prior to June 30 of the preceding tax year. Beginning July 1, 2017 and each July 1 thereafter, the maximum special tax shall be increased by two percent (2%) of the amount in effect during the prior fiscal year. Public input will be received from tonight's public hearing and throughout the public comment period and incorporated as appropriate.

ATTACHMENTS: None

Report Prepared By: Jolan Longway
Civil Engineer II



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

DATE: 3/27/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution of Intention, and Introduction and Waive First Reading of an Ordinance Amending the Contract between the City and the California Public Employees' Retirement System (CalPERS)

MEETING DATE: 4/3/2017

EXECUTIVE SUMMARY

The City is a contracting agency of the California Public Employees' Retirement System (CalPERS) and has negotiated with American Federation of State, County, and Municipal Employees Union (AFSCME), the Miscellaneous A (Misc. A); Management, Professional and Confidential (MPC) Units, and Teamsters Local 856 for represented employees for the cost sharing of pension costs. For this cost sharing to be credited towards the employees' individual contributions to the CalPERS system, the City of Pittsburg is required to approve a Resolution for a contract amendment to change the required employee rate of contribution for employees.

FISCAL IMPACT

There are no additional costs to the City from this agreement; however the additional 1% will help to reduce the City's unfunded actuarial liability with CalPERS.

RECOMMENDATION

City Council adopt the Resolution of Intention, introduce, and waive further reading, and pass to second reading the attached ordinance for an Amendment to Contract between the City and CalPERS.

BACKGROUND

On May 7, 2001 the City Council approved the contract between the City and CalPERS for the provision of retirement pensions for regular employees. This contract has been amended from time to time as agreed to by both parties, and affected employee groups.

The City currently wishes to amend the CalPERS retirement contract to share the costs of CalPERS required employer contributions with its employees. In advance of this amendment the City negotiated with represented employee groups for the provision of the cost sharing. In 2015, the City Council ratified new memoranda of understanding with the City's non-safety employee bargaining groups.

In their memoranda of Understanding (MOU), both units of the American Federation of State, County, and Municipal Employees Union (AFSCME), the Miscellaneous A (Misc. A); Management, Professional and Confidential (MPC) Units, and Teamsters Local 856 agreed to begin cost sharing pension payments to CalPERS equal to one-percent (1%) of employees' salaries towards the City's portion of the required pension contribution to CalPERS. In those MOUs the City agreed to continue its same level of contribution thus having the effect of reducing the City's unfunded actuarial liability with CalPERS. However, per the MOU agreements with the AFSCME units, the changes take effect following any requirements from CalPERS to allow this additional contribution to be counted as contributions from the employee rather than from the employer (City).

CalPERS requires contracting agencies to pass a Resolution of Intention, as well as an Ordinance amending the contract for retirement pensions to enact any change to the required employee contributions.

SUBCOMMITTEE FINDINGS

N/A

STAFF ANALYSIS

The City Council has provided direction to staff for several years that employees need to contribute financially to their own retirement pension costs. This amendment formalizes the agreements between the City and its represented employee groups to require employees within the language of the retirement contracts with CalPERS to share additional costs towards pensions.

The item is being presented for City Council consideration since the CalPERS pension contracts are multiyear contracts that require amendments to. In addition, the City is complying with the process outlined by CalPERS that requires the City Council adopt a Resolution of Intention and proceed to the adoption of the ordinance.

The use of the ordinance process also provides an opportunity for the public to provide input on the amendment.

Following adoption of the Resolution of Intention and introduction of the ordinance, represented employee groups will hold an election regarding the change to the required rate of CalPERS contributions for employees. This election by the employees will provide the additional contributions previously agreed upon pursuant to the respective MOUs of the affected bargaining units, to be counted as employee contributions rather than employer contributions. In short, this means employees keep one hundred percent (100%) of their contributions to the CalPERS system regardless of whether they retire from the system or cash out their employee contributions prior to retirement.

Following the certification of the election results and submission to CalPERS, staff will return to the City Council with a recommendation to adopt the ordinance. Staff expects this to occur on the May 1, 2017 meeting. After thirty (30) days following the adoption of the ordinance the change to amend the contract will be effective, and additional contributions will be prospectively reported as employee contributions.

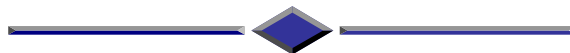
ATTACHMENTS: Exhibit 1 – Amendment to Contract between CalPERS and City of
Pittsburg
Resolution
Ordinance

Report Prepared By: Griselda Clift, Senior Human Resources Analyst

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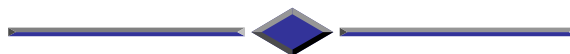
EXHIBIT

California
Public Employees' Retirement System



AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Pittsburg



The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective June 24, 2001, and witnessed July 12, 2001, and as amended effective October 14, 2001, August 7, 2003, July 9, 2011 and October 30, 2011 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective October 30, 2011, and hereby replaced by the following paragraphs numbered 1 through 17 inclusive:
 - 1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members entering membership in the miscellaneous classification on or prior to July 9, 2011, age 60 for classic local miscellaneous members entering membership for the first time in the miscellaneous classification after July 9, 2011, age 62 for new local miscellaneous members, age 50 for classic local safety members entering membership in the safety classification on or prior to October 30, 2011, age 55 for local classic safety members entering membership for the first time in the safety classification after October 30, 2011 and age 57 for new local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after June 24, 2001 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Police Officers (herein referred to as local safety members);
 - b. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

- a. **FIREFIGHTERS; AND**

- b. **MEMBERS OF THE GOVERNING BODY.**

6. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System as of October 14, 2001 and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
7. The percentage of final compensation to be provided for classic local miscellaneous members for each year of credited prior service is 0% and the percentage of final compensation to be provided for each year of credited current service is 100% and determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Modified) as a local miscellaneous member entering membership in the miscellaneous classification on or prior to July 9, 2011.
8. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after July 9, 2011 shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Modified).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Supplemental to Federal Social Security).
10. The percentage of final compensation to be provided for classic local safety members for each year of credited prior service is 0% and the percentage of final compensation to be provided for each year of credited current service is 100% and determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full) as a classic local safety member entering membership in the safety classification on or prior to October 30, 2011.

11. The percentage of final compensation to be provided for each year of credited current service as a classic local safety member entering membership for the first time in the safety classification after October 30, 2011 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
13. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20965 (Credit for Unused Sick Leave).
 - b. Section 20530.1 (Credit for Local Retirement System Service for Employees of Agencies Contracted on a Prospective Basis).
 - c. Section 20042 (One-Year Final Compensation) for classic local miscellaneous members entering membership on or prior to July 9, 2011 and classic local safety members entering membership on or prior to October 30, 2011.
 - d. Section 21335 (3% Cost-of-Living Allowance) for local miscellaneous members entering membership on or prior to July 9, 2011 and local safety members entering membership on or prior to October 30, 2011.
 - e. Section 21031 (Public Service Credit for Limited Prior Service).
 - f. Section 21024 (Military Service Credit as Public Service).
 - g. Section 21536 (Local System Service Credit Included in Basic Death Benefit).
 - h. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.
 - i. Section 20903 (Two Years Additional Service Credit) for local miscellaneous members only.

- j. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Modified formula), Section 20037 (Three-Year Final Compensation) and Section 21329 (2% Annual Cost-of-Living Allowance Increase, Base Year 2010) are applicable to classic local miscellaneous members entering membership for the first time in the miscellaneous classification after July 9, 2011.

Section 21363.1 (3% @ 55 Full formula), Section 20037 (Three-Year Final Compensation) and Section 21329 (2% Annual Cost-of-Living Allowance Increase, Base Year 2011) are applicable to classic local safety members entering membership for the first time in the safety classification after the October 30, 2011.

- k. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 1% for local miscellaneous members in the American Federation of State, County and Municipal Employees Miscellaneous Unit A, American Federation of State, County and Municipal Employees Management, Professional, Confidential Unit and Teamsters Local 856.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

- 14. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous and local safety members of said Retirement System.
- 15. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.

- b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
16. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
17. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the 4th day of June 2017

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF PITTSBURG

BY _____
RENEE OSTRANDER, CHIEF
EMPLOYER ACCOUNT MANAGEMENT DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
Marilyn Craft, Mayor

Witness Date

Attest:

Alice E. Evenson, City Clerk

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

An Ordinance of the City of Pittsburg	)	
Authorizing an Amendment to the Contract	)	
Between the City of Pittsburg and the Board	)	ORDINANCE NO. 17-
Of Administration of the California Public	)	
Employees' Retirement System	)	

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

Section 1.

That an amendment to the contract between the City of Pittsburg and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit 1, and by such reference made a part hereof as though herein set out in full.

Section 2.

The Mayor of the City of Pittsburg is hereby authorized, empowered, and directed to execute said agreement for and on behalf of said Agency.

Section 3.

This ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in a newspaper of general circulation, published in Contra Costa County and circulated in the City of Pittsburg, and thenceforth and thereafter the same shall be in full force and effect.

The City Clerk is hereby directed to publish this Ordinance as required by applicable law.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pittsburg held on May 1, 2017, and was adopted and ordered published at a meeting of the City Council held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Approve an Amendment to the Contract)
between the City of Pittsburg and the)
Board of Administration, California Public)
Employees' Retirement System)

RESOLUTION NO. 17-

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of 1% for miscellaneous members in the American Federation of State, County, and Municipal Employees Miscellaneous Unit A, and American Federation of State, County, and Municipal Employees Management, Professional, and Confidential Unit; Teamsters Local 856; and

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

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

Section 2. The City Council does hereby give notice of intention to approve an amendment to the contract between the City of Pittsburg and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part thereof.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on 3rd day of April 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

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

DATE: March 20, 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)

CITY COUNCIL MEETING

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 after convening at 5:45 P.M. in Closed Session for the following items:

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

Wade Derby v. City of Pittsburg, et al; United States District Court, Northern District of California, Case No. 3:16-cv-05469-SI

Michael Sibbitt, Jr. v. City of Pittsburg et al.; United States District Court Northern District of California Case No. 3:16-cv-04377-SK

Elisabeth Anne Terwilliger v. City of Pittsburg et al.; United States District Court Northern District of California Case No. 3:16-cv-04373-MEJ

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

One (1) case

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION FOR THE SUCCESSOR AGENCY; Significant exposure to litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:

One (1) case

4. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6):

Agency designated representatives: Joe Sbranti, Garrett Evans; Employee organizations: Police Managers' Group (PMG) and Police Officers' Association (POA)

The Council, by unanimous vote of those present, authorized the City to file a law suit. Details about the defendant and the action will be available to the public after the litigation is initiated.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

Chief Brian Addington led the Pledge of Allegiance.

PROCLAMATION

American Red Cross Month

Representatives from the Red Cross were present to receive the proclamation.

PRESENTATIONS

The New Employee Introductions item has been rescheduled to the April 17 Council Meeting.

CITY MANAGER REPORTS/REMARKS

Assistant City Manager Garrett Evans announced upcoming events. He also announced notice of a special meeting to be held on Monday, March 27 at 6:00 p.m. to address immigration issues.

Chief Brian Addington addressed concerns regarding federal immigration enforcement at the local level. He stated Pittsburg Police Officers do not enforce immigration laws and have not done so during his tenure of two plus decades here. He also said they have no intention of changing this long-standing practice.

CITIZENS REMARKS

Jim Huntze with Contra Costa Fire gave updates on recent incidents.

Joanne Fanucchi, asked for a resolution divesting from banks that are funding the Dakota Access Pipe Line (DAPL).

Gwenette Ary, presented an idea for the homeless known as the Renaissance Project.

The following spoke in favor of a City resolution declaring Pittsburg a sanctuary city:

Willie Mims, Pittsburg
AnaMarie Avila Farias, Martinez
Marian Easthope
William Lee, Pittsburg
Yerenia Zarate
Rosario Orta
Michael E. Kerr
Julie Marco
Miguel Mauncio
Heliodoro Moreno Jr.
Carlos Gonzalez
Al Ledesma
Judy Abraham
Elizabeth Delgado
Miracla Solorio
Fredy Leon
Miryam Penate
Priscella Nzessi
Rhea Elina Laughlin
Carolyn Phinney
Arturo Fernandez

The following spoke against a City resolution declaring Pittsburg a sanctuary city:

Wolfgang Croskey, Pittsburg
Clark Strickland, Pittsburg
Durie Foster, Pittsburg

COUNCIL MEMBER REPORTS/REMARKS

Member Banales applauded everyone that came forward this evening for this issue. He looks forward to a discussion next week with hopes of constructive feedback that presents a solution.

Member Evola thanked everyone that commented this evening.

Member Killings announced the Contra Costa Economic Opportunity Council is hosting a public hearing regarding poverty, job training, and housing.

PUBLIC HEARING

11. Adoption of an Urgency Ordinance to Reauthorize Section 5.30.040 of the Pittsburg Municipal Code and Introduction and Waive First Reading of an Ordinance to Reauthorize Section 5.30.040 of the Pittsburg Municipal Code Imposing a Public, Educational, and Governmental Fee on State Cable Franchisees Operating within the City

Mayor Craft opened the public hearing. There being no one to speak to the item, Mayor Craft closed the public hearing.

On motion by Member Banales, seconded by Member Killings, to adopt an urgency ordinance and introduce and waive first reading of an ordinance to reauthorize Section 5.30.040 of the Pittsburgh Municipal Code and carried by the following vote:

AYES: Banales, Evola, Killings, Craft
ABSENT: Longmire

CONFLICT OF INTEREST STATEMENT

There were no conflict of interest statements.

COMBINED CITY COUNCIL AND SUCCESSOR AGENCY CONSENT CALENDAR

On motion by Member Evola, seconded by Member Banales, to adopt and carried by the following vote:

AYES: Banales, Evola, Killings, Craft
ABSENT: Longmire

12. Minutes of March 6, 2017

13. Denied Claim #17-0006 Devine, Chanell; Claim #17-0008 Lecuano, Manuel; Claim #17-0009 Balumby, Monique; Claim #17-0010 Brudigam, Rose; Claim #17-0011 Nevarez, Abdul and Claim #17-0012 Nevarez, Priscilla

14. Adoption of a City Council Resolution Accepting Contract 2013-18, School Area Safety Improvement Project as Complete and Authorizing the City Engineer to File a Notice of Completion

15. Adoption of a City Council Resolution Accepting the General Plan Annual Progress Report for Calendar Year 2016

16. Adoption of a City Council Resolution Amending the Designated Board Members to the Municipal Pooling Authority

17. Adoption of a City Council Resolution to Accept Contract 2014-13, West Leland Road and Oak Hills Drive Traffic Signal Project as Complete and Authorizing the City Engineer to File a Notice of Completion

ADJOURNMENT

The City Council meeting was adjourned at 8:10 P.M. to April 3, 2017.

Respectfully submitted,

Alice E. Evenson, City Clerk

ART R. CURRAN
ATTORNEY AT LAW

RECEIVED
SEP 20 2016
HUMAN RESOURCES

2305
CITY CLERK
SEP 19 2016

369 PINE STREET, SUITE 420
SAN FRANCISCO, CA 94104
TELEPHONE (415) 509-7720

September 15, 2016

Office of the City Clerk
Attn: Alice Evenson
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Re: Latricia Bengard, Corrie Gibson, and Trajhan Long

Dear Ms. Evenson:

This office has been retained by Latricia Bengard, Corrie Gibson, and Trajhan Long, a minor, in connection with an unlawful arrest incident which occurred in Pittsburg, California on June 20, 2016. The facts underlying these claims are set forth in detail below.

This letter will constitute notice of my clients' claims against the City of Pittsburg as required by California Government Code sections 810– 996.6 and in accordance with the information provided by your city to the general public through its municipal website (<http://www.ci.pittsburg.ca.us>).

Facts Underlying Claim

At approximately 1:00 p.m. on June 20, 2016, Latricia Bengard called the Pittsburg Police Department from her home at 749 Olivewood Drive to report a domestic violence incident involving her then boyfriend, Cavarria Sanders. (Mr. Sanders had violently struck Ms. Bengard several times and smashed her cell phone when she attempted to call the police.) Three unidentified officers affiliated with the Pittsburg Police Department arrived at Ms. Bengard's home a short time later.

Inexplicably, and without any provocation whatsoever, one of the officers used a taser to subdue and disable my client, 15 year-old Trajhan Long. Photographs show that a taser dart hit Trajhan in his upper chest. After he fell to the ground, Trajhan was maliciously tased for a second time, despite the fact that he was lying in a prone and defensive position. The officer's conduct with regard to Trajhan Long was shocking, as he posed no threat whatsoever to the officer or to the completion of the officer's duties.

CLERK

SEP 1 1956

RECEIVED
SEP 1 1956
U.S. DEPT. OF JUSTICE

U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

MEMORANDUM

TO: DIRECTOR, FBI
FROM: SAC, NEW YORK

SUBJECT: [Illegible]

Re New York letter to Bureau dated 8/28/56.

Enclosed for the Bureau are:

1. A copy of the report of the New York Office dated 8/28/56.

2. A copy of the report of the New York Office dated 8/28/56.

Very truly yours,

[Illegible Signature]

[Illegible Title]

[Illegible Text]

[Illegible Text]

[Illegible Text]

[Illegible Text]

[Illegible Text]

[Illegible Text]

[Illegible Text]

[Illegible Text]

[Illegible Text]

[Illegible Text]

Ms. Alice Evenson

Re: Latricia Bengard, Corrie Gibson, and Trajhan Long

September 15, 2016

Page 2

Ms. Bengard and other family members, including her daughter Corrie Gibson, saw the police officer's unprovoked attack on Trajhan Long, as described above. Quite naturally, they pleaded with the officer to stop tasing him and asked that an ambulance be called. During this verbal exchange, Ms. Gibson, who was pregnant at the time, was violently knocked to the ground by a second unidentified police officer. Again, there was absolutely no excuse for this outrageous conduct. Ms. Gibson was simply asking that her brother be provided necessary medical attention – she did not pose any threat to the officers at the scene, nor did she do anything to impede their activities.

Almost simultaneously, the officer who had used a taser on Trajhan Long approached Latricia Bengard, who was standing off to the side and observing these events. Without any provocation whatsoever, the officer tased Ms. Bengard and violently pushed her to the ground, where she impacted a cement retaining wall. In the process, she suffered serious injuries to her back. The officer was apparently not satisfied that Ms. Bengard was sufficiently incapacitated, so he tased her again for approximately five seconds while walking away. These actions were appalling and unacceptable as a matter of law, as Ms. Bengard did nothing to provoke the officer or to prevent him from doing his job.

Ms. Bengard and Trajhan Long were taken from the scene to the Pittsburg Police Department. The officers' conduct in this regard was, again, outrageous. Trajhan Long was left to sit in a hot police car for an extended period of time without any form of medical attention - despite the fact that he had suffered serious taser injuries to his upper chest. Ms. Bengard likewise received insufficient medical attention after being transported from the scene.

In the days and weeks following the above-described incident, representatives of the Pittsburg Police Department harassed my clients by repeatedly calling them on the phone and making repeated unannounced visits to their home at 749 Olivewood Drive. It is expected that the Pittsburg Police Department will contend that these phone calls and home visits were carried out as part of an "internal investigation" into the events in question. However, they were obviously a part of a plan to harass and intimidate my clients into involuntarily surrendering their legal rights.

The Pittsburg Police Department compounded its outrageous conduct by falsifying the underlying events and charging Ms. Bengard, Ms. Gibson, and Mr. Long with a series of frivolous criminal offenses, including possession of a deadly weapon. These criminal charges are demonstrably false and will serve as the basis for additional civil rights claims. (See below.)

Ms. Alice Evenson
Re: Latricia Bengard, Corrie Gibson, and Trajhan Long
September 15, 2016
Page 3

The incidents and actions as described above are appalling on their face. However, they are particularly outrageous based on the fact that the officers completely disregarded the basis for Ms. Bengard's original police call, leaving her vulnerable to future illegal conduct. The officers did not question or investigate Ms. Bengard's boyfriend in any way, let alone apprehend him and press charges.

It is my understanding that officers employed by the Pittsburg Police Department are routinely outfitted with video recording equipment. As a part of your investigation into this matter, I strongly suggest that you obtain and review the recorded evidence to verify the claims that have been made herein. By this letter, I am putting the City of Pittsburg and the Pittsburg Police Department on notice that this video evidence should be preserved for use in potential criminal and civil proceedings arising out of this unfortunate incident.

Prospective Legal Claims and Damages

Based on the events as described above, my clients' have valid and demonstrable civil rights claims, including claims based on false arrest, cruel and unusual punishment, and failure to provide necessary medical attention. They also have a variety of valid state law claims, including, but not limited to, claims for assault, battery, negligence, and intentional infliction of emotional distress.

In view of the foregoing, it should be quite evident that my clients' special, general, statutory and punitive damages arising out of the subject incident are in excess of \$10,000. Superior court (unlimited jurisdiction) is the appropriate jurisdiction for these claims, as the amount in dispute is far in excess of \$25,000.

The information provided by this letter is much more than is required by Government Code sections 810-996.6 and is more than sufficient to provide you with notice of the claims that are being made against the City of Pittsburg and its employees. ***Nevertheless, if you require this information in a different form or context, please contact me immediately to let me know of your concerns.*** The format and content of this letter is based on the claim form and related instructions that you have made available on your public website.

If you have any questions regarding the foregoing claims, you may contact me at the above-listed address and telephone number.

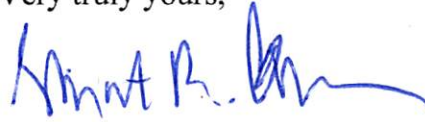
Official notices and correspondence pertaining to this claim may be sent to the following address:

Ms. Alice Evenson
Re: Latricia Bengard, Corrie Gibson, and Trajhan Long
September 15, 2016
Page 4

Stuart R. Curran, Esq.
369 Pine Street, Suite 420
San Francisco, CA 94104

I look forward to hearing from your office regarding the foregoing matters.

Very truly yours,



STUART R. CURRAN

cc. Clients

CLAIM PRESENTED TO THE CITY OF PITTSBURG

Please read the instructions on the back before completing.

FORM 4.1

1. Claimant's Name: (Please Print) <u>leonel montanes</u> Claimant's Address: <u>640 Azores circle</u> City, State, Zip: <u>Bay Point CA 94565</u> Day Phone: (510) <u>283-8891</u> Eve: () _____	Reserved for Filing Stamp CITY CLERK JAN 03 2017 City Claim No.: _____
2. When did the damage or injury occur? Month: <u>Dec</u> Day: <u>11</u> Year: <u>2016</u> Time: <u>2:30</u> a.m. or <u>(p.m.)</u>	
3. At which location did the damage or injury occur? Police Report No.: _____ <u>Coming west on Willow Pass Rd at Winter Way</u>	
4. a. What happened and why is the City responsible? <u>Rim damaged After driving over pothole. City is responsible for safe roads that wont cause accidents or safety issues on the road.</u> b. Name and position of responsible City Employee(s), if known: _____	
5. What damage or injury occurred? <u>Damaged Rim (Driver's side Front wheel)</u>	
6. Claim amount (only if less than \$10,000): <u>\$977.21</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>Rim is not fixable and needs replacement due to damage</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 _____, 20____, 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: _____	

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

044753

DATE

12/12/16

SOLD BY

Jaime

CASH

C.O.D.

CHARGE

ON ACCT.

MDSE. RETD.

PAID OUT

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	Estimate		
2	1 22x9 XO luxury wheel.	869	-
3			
4	5P112 Black w/		
5	Stainless steel lip		
6			
7	1 wheel & Balance		30 -
8			
9		TAX	78 3/4
10			
11		\$	977 3/4
12			
13	(Wheel on Vehicle NOT		
14	Repairable)		
15			
16			
17			
18			

RECEIVED BY

1990-1991	1991-1992
1992-1993	1993-1994
1994-1995	1995-1996

Journal of Management Inquiry 16(4)



WorkOrder

620 Garcia Ave. Suite B,
Pittsburg, CA
Phone: 925-431-0522
Fax: 925-473-0796

Bill To:
Name: LEONEL MONTANES
Address: 640 ASORES CR. BAY POINT CA 94565
Phone: 510 283 8891

DATE	12/12/2016
INVOICE #	0
INVOICE TIME	5:07 PM

Make:	MERC B	Model:	CL550	Lic:	7UXS254 CA	Year:	2008	VIN:		Milage:	
-------	--------	--------	-------	------	------------	-------	------	------	--	---------	--

Labor Type	Operation	QTY	Description	Part Type/ Part Number	Unit Price	Cost	Labor Hour
RIM	REPAIR		XO LXURY 22" RIM NOT REPAIRABLE, CHROME WILL BE DAMAGE WHEN STRAIGHTNING.				
Labor Rate \$ 92.00				Totals Parts/Labor		0.00	-

By signing here I acknowledge receiving the products described above and terms described below.
A:) ☒ Customer agrees to pay all invoices for all parts used for the Repair/s of vehicle listed above.
B:) ☒ ALL parts and labor included in the total price.

Parts	\$	0.00
Body Labor	\$	0.00
Paint Labor	\$	0.00
Additional Costs	\$	0.00
Micellaneous	\$	0.00
Tax	\$	0.00
Subtotal	\$	0.00
Adjustments	\$	0.00
TOTAL	\$	0.00

17-0016

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>Mercury Ins. Company on behalf of Lanny Kelly</u> Claimant's Address: <u>PO Box 10731 Santa Ana</u> City, State, Zip: <u>Santa Ana, CA 92711</u> Day Phone: <u>888 917-6372</u> Eve: () _____	Reserved for Filing Stamp RECEIVED MAR 22 2017 City Claim No.: _____
2. When did the damage or injury occur? Month: <u>January</u> Day: <u>18</u> Year: <u>2017</u> Time: <u>6:45</u> a.m. or <u>(p.m.)</u>	
3. At which location did the damage or injury occur? Police Report No.: _____ <u>Antioch, CA (LOVELIDGE @ BUCHANAN)</u> <u>PITTSBURG</u>	
4. a. What happened and why is the City responsible? <u>Claimant vehicle was stopped at light and light pole fell and landed on claimant vehicle.</u> b. Name and position of responsible City Employee(s), if known: <u>City of Pittsburg</u>	
5. What damage or injury occurred? <u>Damage to hood, passenger side door will not open, passenger glass broken. Damage to roof, driver side door door damage. Windshield and rear window glass broken and trunk damage.</u>	
6. Claim amount (only if less than \$10,000): 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) \$ <u>15,852.03</u>	
7. How did you arrive at the amount claimed? Please attach documentation. <u>\$15,352.03 comprehensive damage payment</u> <u>\$500.00 deductible (out of pocket)</u> <u>Total \$ 15,852.03</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>Wednesday, 2017</u>, at <u>Prea</u> CA. <u>March 15</u> <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: <u>PO Box 10730</u> City, State, Zip: <u>Santa Ana, CA 92711</u> Daytime Phone: <u>888 917 6372</u> 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 Pittsburg 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 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!

Claim: CAPA-0045671300101 01

KELLY, WANDA



P0019-022227--01-19-2017_16-23-08.jpg
Jan-19-2017 04:23p



P0021-022227--01-19-2017_16-23-11.jpg
Jan-19-2017 04:23p



P0012-022227--01-19-2017_16-22-59.jpg
Jan-19-2017 04:22p



P0011-022227--01-19-2017_16-22-58.jpg
Jan-19-2017 04:22p

Desktop Claim (CAPA-00456713) Search Address Book Administration Vacation External Links

Pol: 040109170132638 (MIC) | Insd: LANNY KELLY | DOL: 01/18/2017 | Adj: Danielle See (Mountain Claims - Maiden-Williams) | Supv: Vane

Actions

Summary
Workplan
Claimant Status
Loss Details
Exposures
Parties Involved
Policy
Financials
 Summary
 Transactions
 Checks
 Recovery Checks
Notes
Documents
eFolder
Correspondence
Plan of Action
Services
Subrogation

Financials (Total Incurred: \$15,352.03): Summary

Scheduled Send D...	Issue Date	Check Number	Check Type	Pay To	Amount	Status
02/03/2017	02/03/2017	5500508451	Indemnity	1ST UNITED SERVICES C...	\$15,352.03	Cleared

Workspace (1)

Settlements: Settlement ID: 336347 ... 02/02/2017* ☐ Offer Made ☒ Offer Accepted ☒

Closing Type: TL Settled Paid	Offer Date: 02/02/2017	Make: HONDA
Retained: Insurer	Agreed Settlement Date: 02/02/2017	Model: ACCORD LX-S
ACV Vendor: Autosource	Report to ID: 40706841	Year: 2013
Guide Book: Kelley	Estimated Value: 13997.00	VIN: 1HGCT1B37DA013542
		Mileage: 63,028
		Deductible: 500.00
		Gross Estimate: 11,984.84

Owner Retained Do Not Report to CADMV: No

Coverage Loan/Lease Gap: No

Reported to ISO/NMVTIS: Yes

Coverage Repair/Replace: No

Coverage Policy/PD Limit:

15,352.03	Total Payment
- 20,039.72	Lienholder payment
= (\$4,687.69)	Registered owner Payment

Notes:
 AUTO C69
 INSURED

ACV Approved within my authority

Reviewed: C-68, Dec Page, ISO History, DMV
 Reviewed
 C-68 (Y/N):y
 Dec Page (Y/N):y
 ISO History (Y/N):y
 DMV (Y/N):y

UPD (Y/N): n
 EDS (Y/N):n
 Estimate Amount:
 Title status: clean

Are valuation comps local market (Y/N):y
 If no, are there local market comps available on the internet (Y/N):y
 What internet sites were searched: autotrader.com
 Are dealer quotes included (Y/N): n
 If no, why: comps located
 MIG Retained (Y/N):y
 Stock # if MIG Retained:

14,526.00	ACV
= \$14,526.00	Adjusted Cash Value
14,526.00	Agreed Settlement
- 0.00	Salvage Retention
= \$14,526.00	Taxable Amount
+ 1,271.03	Sales Tax 8.75 %
+ 0.00	Lease Tax
+ 15.00	Transfer Fees
+ 40.00	VLF
= \$15,852.03	Gross Settlement
- 500.00	Deductible
- 0.00	Storage/Shop Fees
= \$15,352.03	Net Settlement

VLF:\$40

SambaSafety

Vehicle Report

Requester: Order Date: 01/25/2017
 Bill Code: FT Order Time: 01:21PM
 Reference: CAPA-00456713
 Request: 1HGCT1B37DA013542 As of Date:

Expiration: 04/02/2017 VIN: 1HGCT1B37DA013542
 License: 6ZVD649 * Year: 2015
 Model Year: 2013 Sold: 13
 Make: HOND VLF: EJ

Registered Owner: KELLY WANDA F OR KELLY LANNY R JR
 3554 MALLARD WAY County: CONTRA COSTA
 ANTIOCH CA Zip Code: 94509

Legal Owner: 1ST UNITED SVCS CU
 5901 GIBRALTAR DR
 PLEASANTON, CA 94588

Allocated County:

Last Registration Card Issue Date: 04/14/2016
 Last Ownership Certificate Issue Date: 12/15/2015

Body Type: CP	Veh: AUTO OLD	Cyl:
Fuel: G	Type: REGULAR AUTO	Engine:
Weight:	Body: PASSENGER VEHICLE AND MOTORCYCLE	Fee:
Axles:	Equip#:	Horsepower:
Prorate:	Hull: 0	
Purchased:	Year Sold: 2013	
Reg. Issued: 04/14/2016	Reg. Expires: 04/02/2017	
Title Issued: 12/15/2015	Last Issue:	

Record Status

04/11/16 SMOG DUE 04/02/19
 LIENHOLDER PAPERLESS TITLE W95151216
 NO MAILING ADDRESS
 11/14/2015-ODOMETER: 17,934 MILES ACTUAL MILEAGE

END OF REPORT FOR ,

(CONTROL NUMBER: 4TMLD3)

Transaction: Total Loss Settlement
 Processing Date: 1/25/2017
 Entry Type: Vehicle Report

Request: 1HGCT1B37DA013542
 Reference: 3175030
 Vehicle Class: EJ

Last Reg. Period: 04/02/2016
 Loss Date: 1/18/2017
 ELP Type: NONE

Current Resident County: CONTRA COSTA
 Out-of-State: No
 ELP Status:

SETTLEMENT AMOUNT

<u>Period</u>	<u>04/02/2016 to 04/02/2017</u>
Registration Fee	46.00
CHP Fee	24.00
VLF Fee	111.00
SAFE Fee	1.00
Air Quality Fee	6.00
Auto Theft Fee	1.00
Abandoned Vehicle Fee	1.00
Fingerprint Fee	1.00
TOTAL REGISTRATION FEES PAID	191.00
Less Registration Fees Used (10 Mos.)	-159.00
TOTAL REGISTRATION FEES UNUSED	32.00
Smog Transfer Fee*	8.00
Transfer Fee*	15.00
<u>TOTAL DUE FOR PERIOD:</u>	<u>\$55.00</u>

REGISTRATION FEES PAID

<u>Period</u>	<u>04/02/2016 to 04/02/2017</u>
Registration Fee	46.00
CHP Fee	24.00
VLF Fee	111.00
SAFE Fee	1.00
Air Quality Fee	6.00
Auto Theft Fee	1.00
Abandoned Vehicle Fee	1.00
Fingerprint Fee	1.00
<u>TOTAL DUE FOR PERIOD:</u>	<u>\$191.00</u>

LICENSE FEE REFUND

<u>Period</u>	<u>04/02/2016 to 04/02/2017</u>
VLF Fee	111.00
VLF Used (10 Mos.)	-93.00
VLF Service Fee	-20.00
<u>TOTAL LICENSE FEE REFUND:</u>	<u>\$0.00</u>

TOTAL SETTLEMENT AMOUNT:	\$55.00
TOTAL LICENSE FEE REFUND:	\$0.00

*One time fees, not to be prorated.

* * * END OF FEE CALCULATION * * *

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California Report

PRINT

Mercury Insurance is dedicated to delivering exceptional service to you in reference to your claim CAPA-00456713 from loss date 01/18/2017 on a 2013 Honda Accord LX-S 2D Coupe. Mercury Insurance has selected AudaExplore, an independent vehicle valuation company, to prepare a comprehensive vehicle valuation for your vehicle. This valuation report was prepared specifically for your vehicle and represents a fair and accurate value driven by the retail used vehicle market.

In these pages, you will find:

- => [Vehicle Inspection](#)
- => [Market Overview](#)
- => [Valuation Detail](#)

Market Value

\$14,526



The Valuation Process

The breadth and depth of the AudaExplore used vehicle database makes Autosource the most comprehensive market-driven valuation process available. AudaExplore has been determining locally sensitive, fair, and accurate market values for vehicles since 1985, with more than 30 million vehicles valued. The Autosource Market Value includes vehicles for sale at dealerships and private party sellers, starting right in the local market.

Vehicle Description

VIN: 1HGCT1B37DA013542

2013 Honda Accord LX-S 2D Coupe

63,028 Miles Actual

4cyl Gasoline 2.4

Continuously Variable Tr

Interior

Air Conditioning

Alarm System

Dual Zone Auto A/C

Cruise Control

Center Console

Bucket Seats

Intermittent Wipers

Illuminated Visor Mirror

Lighted Entry System

Floor Mats

Overhead Console

Power Door Locks

Power Windows

Rear Bench Seat

Velour/Cloth Seats

Tachometer

Tire Pressure Monitor

Tilt & Telescopic Steer

Exterior

Rear Window Defroster

Keyless Entry System

Power Mirrors

Rem Trunk-L/Gate Release

Rear Spoiler

Tinted Glass

Aluminum/Alloy Wheels

Mechanical	Power Brakes	Power Steering	Stability Cntrl Suspensn
Safety	Auto Headlamp Control	Dual Airbags	Anti-Lock Brakes
	Daytime Running Lights	Head Airbags	Halogen Headlights
	2nd Row Head Airbags	Reverse Sensing System	Rear View Camera
	Side Airbags	Traction Control System	Theft Deterrent System
Entertainment	1st Row LCD Monitor(s)	MP3 Decoder	AM/FM CD Player
	Strg Wheel Radio Control	USB Audio Input(s)	Wireless Phone Connect
	Wireless Audio Streaming		

Trim Levels

*LX-S, EX, EX-L, EX-L NAV, EX-L V6, EX-L V6 NAV

* Indicates your trim level

A detailed description of your vehicle was provided to Autosource by a trained appraiser. Contact Mercury Insurance if revisions are necessary.

Vehicle Condition

Seats	Minor Wear. Slight Wear.
Carpets	Minor Wear. Slight Wear, Usually Under The Pedals.
Int Trim	Good
Glass	Good
Headliner	Good
Body	Minor Damage
Paint	Minor Wear
Ext Trim	Good
Engine	Well Maintained
Transmission	Well Maintained
Front Tires	Good
Rear Tires	Good

Vehicle Salvage Title Summary

Event Date	Event Location	Odometer Reading	Event Detail
01/18/17	CA		Accident Reported
01/11/17	ANTIOCH, CA		Registration Event/Renewal
12/15/15	ANTIOCH, CA		Title
12/15/15	ANTIOCH, CA		Registration Event/Renewal
11/17/15	SAN JOSE, CA		Registration Event/Renewal
11/14/15	CA	17934	Odometer Reading From DMV
11/09/15	SAN JOSE, CA		Title
11/03/15	PACIFIC SW REGION	17921	Reported At Auto Auction
11/02/15	PACIFIC SW REGION	17921	Reported At Auto Auction As Dealer Vehicle
10/02/15	SAN JOSE, CA		Registration Event/Renewal
04/19/13	SAN JOSE, CA		Title
04/18/13	SAN JOSE, CA		Registration Event/Renewal
03/31/13	CA	7	Odometer Reading From DMV

Processed on 02/02/17 2:44 PM. Title History is powered by Experian AutoCheck. The Experian data contained in this report involves the conveyance of information provided to Experian by other sources. Accordingly, neither Experian nor AudaExplore can, or will, be an insurer or guarantor of the accuracy or reliability of the Experian data.



Vehicle Title History Detail

Experian Title Check



THIS VEHICLE CHECKS OUT! AutoCheck's results for this 2013 Honda Accord LX-S 2D Coupe (1HGCT1B37DA013542) show no significant Title Events. When found, events often indicate past automotive damage or warnings associated with the vehicle title.

Problems Checked	Results Found
Abandoned	✓ No Abandoned Record Found
Damaged	✓ No Damaged Record Found
Fire Damage Incident	✓ No Fire Damage Incident Record Found
Grey Market	✓ No Grey Market Record Found
Hail Damage	✓ No Hail Damage Record Found
Insurance Loss	✓ No Insurance Loss Record Found
Junk	✓ No Junk Record Found
Rebuilt/Rebuildable	✓ No Rebuilt/Rebuildable Record Found
Salvage	✓ No Salvage Record Found

Experian Problem Check



THIS VEHICLE CHECKS OUT! AutoCheck's results for this 2013 Honda Accord LX-S 2D Coupe (1HGCT1B37DA013542) show no historical events that indicate a significant automotive problem. These problems can indicate previous car damage, theft, or other significant problem.

Problems Checked	Results Found
NHTSA Crash Test Vehicle	✓ No NHTSA Crash Test Vehicle Record Found
Frame Damage	✓ No Frame Damage Record Found
Major Damage Incident	✓ No Major Damage Incident Record Found
Manufacturer Buyback/Lemon	✓ No Manufacturer Buyback/Lemon Record Found
Odometer Problem	✓ No Odometer Problem Record Found
Recycled	✓ No Recycled Record Found
Salvage Auction	✓ No Salvage Auction Record Found
Water Damage	✓ No Water Damage Record Found

Experian Odometer Check

THIS VEHICLE CHECKS OUT! For this 2013 Honda Accord LX-S 2D Coupe (1HGCT1B37DA013542), no indication of an odometer rollback or tampering was found. Experian determines odometer rollbacks by searching for records that indicate odometer reading that are less than a previously reported value. Other odometer events can report events of tampering, or possible odometer breakage.

Date Reported	Odometer Reading
11/14/15	17,934
11/03/15	17,921
11/02/15	17,921
03/31/13	7

Experian Vehicle Information

INFORMATION FOUND! AutoCheck found additional information on this vehicle. These records will provide you with more past history for this 2013 Honda Accord LX-S 2D Coupe (1HGCT1B37DA013542).

Problems Checked	Results Found
Accident Data	Accident Data Record(s) Found
Corrected Title	No Corrected Title Record Found
Driver Education	No Driver Education Record Found
Duplicate Title	No Duplicate Title Record Found
Emission/Safety Inspection	No Emission/Safety Inspection Record Found
Fire Damage Incident	No Fire Damage Incident Record Found
Fleet	No Fleet Record Found
Fleet/Lease	No Fleet/Lease Record Found
Fleet/Rental	No Fleet/Rental Record Found
Lease	No Lease Record Found
Lien	Lien Record(s) Found
Livery Use	No Livery Use Record Found
Government Use	No Government Use Record Found
Police Use	No Police Use Record Found
Rental	No Rental Record Found
Repossessed	No Repossessed Record Found
Taxi Use	No Taxi Use Record Found
Theft	No Theft Record Found

Experian Full History

Title History events are listed in reverse chronological order. Bolded items represent unusual events.

Date	Location	Odometer	Data Source	Event Detail
01/18/17	CA		Police Report	Accident Reported
01/11/17	ANTIOCH, CA		Motor Vehicle Dept.	Registration Event/Renewal
12/15/15	ANTIOCH, CA		Motor Vehicle Dept.	Title (Lien Reported)
				Registration Event/Renewal
11/17/15	SAN JOSE, CA		Motor Vehicle Dept.	Registration Event/Renewal
11/14/15	CA	17,934	Motor Vehicle Dept.	Odometer Reading From DMV
11/09/15	SAN JOSE, CA		Motor Vehicle Dept.	Title (Lien Reported)
11/03/15	PACIFIC SW REGION	17,921	Auto Auction	Reported At Auto Auction
11/02/15	PACIFIC SW REGION	17,921	Auto Auction	Reported At Auto Auction As Dealer Vehicle
10/02/15	SAN JOSE, CA		Motor Vehicle Dept.	Registration Event/Renewal
04/19/13	SAN JOSE, CA		Motor Vehicle Dept.	Title (Lien Reported)
04/18/13	SAN JOSE, CA		Motor Vehicle Dept.	Registration Event/Renewal
03/31/13	CA	7	Motor Vehicle Dept.	Odometer Reading From DMV

Icon Legend



= No Problem Found



= Information Found



= Problem Found

Processed on 02/02/17 2:44 PM. Vehicle Title History is based on data provided by Experian. The Experian data contained in this report involves the conveyance of information provided to Experian by other sources. Accordingly, neither Experian nor AudaExplore can, or will, be an insurer or guarantor of the accuracy or reliability of the Experian data.

**Valuation Detail****1. 2013 Honda Accord LX-S 2D Coupe**

	Comparable 1	Your Vehicle	Adjustments
Price	Pittsburg, Ca		\$16,539
Odometer	40,953 Mi(Actual)	63,028 Mi(Actual)	-995
Comparable 1 Adjusted Price			\$15,544

2. 2013 Honda Accord LX-S 2D Coupe

	Comparable 2	Your Vehicle	Adjustments
Price	Concord, Ca		\$15,981
Odometer	28,103 Mi(Actual)	63,028 Mi(Actual)	-1,570
Comparable 2 Adjusted Price			\$14,411

3. 2013 Honda Accord LX-S 2D Coupe

	Comparable 3	Your Vehicle	Adjustments
Price	Dublin - San Ramon, Ca		\$14,987
Odometer	53,512 Mi(Actual)	63,028 Mi(Actual)	-430
Comparable 3 Adjusted Price			\$14,557

4. 2013 Honda Accord LX-S 2D Coupe

	Comparable 4	Your Vehicle	Adjustments
Price	Dublin - San Ramon, Ca		\$15,987

Odometer	34,704 Mi(Actual)	63,028 Mi(Actual)	-1,275
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Comparable 4 Adjusted Price	\$14,712
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Final Market Value Calculation

1.2013 Honda Accord LX-S 2D Coupe	\$15,544
2.2013 Honda Accord LX-S 2D Coupe	\$14,411
3.2013 Honda Accord LX-S 2D Coupe	\$14,557
4.2013 Honda Accord LX-S 2D Coupe	\$14,712

Average Price	\$14,806
---------------	----------

Condition

Category	Typical Condition	Loss Vehicle Condition	
Seats Condition	Good	Minor Wear	-225
Carpets Condition	Good	Minor Wear	-55

Total Condition Adjusted Market Value	\$14,526
--	-----------------

Vehicle Condition

Seats	Minor Wear. Slight Wear.
Carpets	Minor Wear. Slight Wear, Usually Under The Pedals.
Int Trim	Good
Glass	Good
Headliner	Good
Body	Minor Damage
Paint	Minor Wear
Ext Trim	Good
Engine	Well Maintained
Transmission	Well Maintained
Front Tires	Good
Rear Tires	Good

Administrative Data

Brian Johnson	Claimant
Mercury Insurance	Insured Kelly, Wanda
Brea Branch	Claim CAPA-00456713
555 W Imperial Hwy	Loss Date 01/18/2017
Brea CA 92821-4839	Loss Type Collision
	Policy
	Other

VINSOURCE Analysis

VIN 1HGCT1B37DA013542
 Decodes as 2013 Honda Accord LX-S 2D Coupe
 Accuracy Decodes Correctly

History Activity was reported
AudaVIN No

- o Autosource activity: (NONE).
- o Autotrak activity: (NONE).
- o AudaExplore/Estimating activity: (NONE)
- o Sales history activity: (NONE)

NICB Report

NICB/ISO M008 MERCURY CASUALTY COMPANY
Member

Claim CAPA00456713

Type of Loss PROPERTY/CASUALTY

Loss Date 01/18/17

Phone 8882637287

Comparable Vehicle Details

The following information provides the details for the vehicle(s) used to calculate the Autosource Value. The market area may have been expanded in order to locate suitable comparable vehicles. It's necessary to extend the search in cases where market data is limited due to the unique nature of the loss vehicle.

1 2013 Honda Accord LX-S 2D Coupe	1HGCT1B31DA011060	\$16,539
--	--------------------------	-----------------

Stock# 64773. 40953 Miles. 4 Cylinder 2.4 Engine, Continuously Variable Tr, Anti-Lock Brakes, Air Conditioning, Auto Headlamp Control, Alarm System, Aluminum/Alloy Wheels, Bucket Seats, Cruise Control, AM/FM CD Player, Center Console, Dual Airbags, Rear Window Defroster, Daytime Running Lights, Dual Zone Auto A/C, Floor Mats, Head Airbags, Halogen Headlights, Intermittent Wipers, Illuminated Visor Mirror, Keyless Entry System, 1st Row LCD Monitor(s), Lighted Entry System, MP3 Decoder, Overhead Console, Power Brakes, Power Door Locks, Power Mirrors, Power Steering, Power Windows, Rear Bench Seat, 2nd Row Head Airbags, Reverse Sensing System, Rem Trunk-L/Gate Release, Rear View Camera, Side Airbags, Stability Cntrl Suspensn, Rear Spoiler, Strg Wheel Radio Control, Tachometer, Traction Control System, Theft Deterrent System, Tinted Glass, Tire Pressure Monitor, Tilt & Telescopic Steer, USB Audio Input(s), Velour/Cloth Seats, Wireless Phone Connect, Wireless Audio Streaming, Center Armrest, outside temperature display, RADIO DATA SYSTEM, Security System, Safety Certification.

Offered for sale by Winter Chevrolet Honda (925) 439-8222, 4 miles away in Pittsburg, CA. Vehicle information by *Leading Internet Auto Site on 11/14/16.

2 2013 Honda Accord LX-S 2D Coupe	1HGCT1B32DA019913	\$15,981
--	--------------------------	-----------------

Stock# PDA019913. 28103 Miles. 4 Cylinder 2.4 Engine, Continuously Variable Tr, Anti-Lock Brakes, Air Conditioning, Auto Headlamp Control, Alarm System, Aluminum/Alloy Wheels, Bucket Seats, Cruise Control, AM/FM CD Player, Center Console, Dual Airbags, Rear Window Defroster, Daytime Running Lights, Dual Zone Auto A/C, Floor Mats, Head Airbags, Halogen Headlights, Intermittent Wipers, Illuminated Visor Mirror, Keyless Entry System, 1st Row LCD Monitor(s), Lighted Entry System, MP3 Decoder, Overhead Console, Power Brakes, Power Door Locks, Power Mirrors, Power Steering, Power Windows, Rear Bench Seat, 2nd Row Head Airbags, Reverse Sensing System, Rem Trunk-L/Gate Release, Rear View Camera, Side Airbags, Stability Cntrl Suspensn, Rear Spoiler, Strg Wheel Radio Control, Tachometer, Traction Control System, Theft Deterrent System, Tinted Glass, Tire Pressure Monitor, Tilt & Telescopic Steer, USB Audio Input(s), Velour/Cloth Seats, Wireless Phone Connect, Wireless Audio Streaming, Bluetooth Connectivity, Floor Mats, Reading Lamps, Power Outlet, Security System.

Offered for sale by Concord Honda (925) 825-8000, 12 miles away in Concord, CA. Concord Honda is a "haggle free" dealer. Vehicle information by *Leading Internet Auto Site on 01/02/17.

3 2013 Honda Accord LX-S 2D Coupe	1HGCT1B37DA021933	\$14,987
--	--------------------------	-----------------

Stock# 125970. 53512 Miles. 4 Cylinder 2.4 Engine, Continuously Variable Tr, Anti-Lock Brakes, Air Conditioning, Auto Headlamp Control, Alarm System, Aluminum/Alloy Wheels, Bucket Seats, Cruise Control, AM/FM CD Player, Center Console, Dual Airbags, Rear Window Defroster, Daytime Running Lights, Dual Zone Auto A/C, Floor Mats, Head Airbags, Halogen Headlights, Intermittent Wipers, Illuminated Visor Mirror, Keyless Entry System, 1st Row LCD Monitor(s), Lighted Entry System, MP3 Decoder, Overhead Console, Power Brakes, Power Door Locks, Power Mirrors, Power Steering, Power Windows, Rear Bench Seat, 2nd Row Head Airbags, Reverse Sensing System, Rem Trunk-L/Gate Release, Rear View Camera, Side Airbags, Stability Cntrl Suspensn, Rear Spoiler, Strg Wheel Radio Control, Tachometer, Traction Control System, Theft Deterrent System, Tinted Glass, Tire Pressure Monitor, Tilt & Telescopic Steer, USB Audio Input(s), Velour/Cloth Seats, Wireless Phone Connect, Wireless Audio Streaming,

Audio System, Blue Tooth Communications, Center Armrest, outside temperature display, RADIO DATA SYSTEM, Security System.

Offered for sale by Ken Harvey's Dublin Honda (925) 828-8030, 19 miles away in Dublin - San Ramon, CA. Vehicle information by *Leading Internet Auto Site on 01/11/17.

4 2013 Honda Accord LX-S 2D Coupe

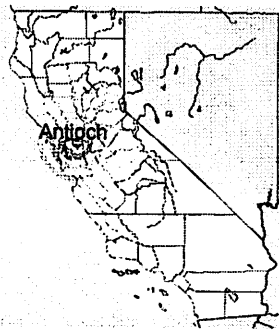
1HGCT1B38DA011556

\$15,987

Stock# 125386. 34704 Miles. 4 Cylinder 2.4 Engine, Continuously Variable Tr, Anti-Lock Brakes, Air Conditioning, Auto Headlamp Control, Alarm System, Aluminum/Alloy Wheels, Bucket Seats, Cruise Control, AM/FM CD Player, Center Console, Dual Airbags, Rear Window Defroster, Daytime Running Lights, Dual Zone Auto A/C, Floor Mats, Head Airbags, Halogen Headlights, Intermittent Wipers, Illuminated Visor Mirror, Keyless Entry System, 1st Row LCD Monitor(s), Lighted Entry System, MP3 Decoder, Overhead Console, Power Brakes, Power Door Locks, Power Mirrors, Power Steering, Power Windows, Rear Bench Seat, 2nd Row Head Airbags, Reverse Sensing System, Rem Trunk-L/Gate Release, Rear View Camera, Side Airbags, Stability Cntrl Suspensn, Rear Spoiler, Strg Wheel Radio Control, Tachometer, Traction Control System, Theft Deterrent System, Tinted Glass, Tire Pressure Monitor, Tilt & Telescopic Steer, USB Audio Input(s), Velour/Cloth Seats, Wireless Phone Connect, Wireless Audio Streaming, Audio System, Blue Tooth Communications, Center Armrest, outside temperature display, RADIO DATA SYSTEM, Security System.

Offered for sale by Ken Harvey's Dublin Honda (925) 828-8030, 19 miles away in Dublin - San Ramon, CA. Vehicle information by *Leading Internet Auto Site on 11/07/16.

Market Overview



What is my Vehicle Market Value based on?

94509, Antioch California--Research for your vehicle was based on market analysis originating from your zip code.

Fair and accurate market valuations must balance geographic location with comparability of one vehicle to others. Having the largest and most current database of vehicles for sale provides a comprehensive view of your vehicle's market. In addition to the vehicle inventories received directly from dealerships, Autosource finds comparable vehicle information for vehicles in the same places most buyers look for them--local and national internet websites, vehicle guides, publications and partnerships representing more than 10,000 independent vehicle sources.

How did Autosource make adjustments for my vehicle?

The main factors that affect the retail selling price and marketability of a vehicle are **mileage, equipment and condition**. Therefore, Autosource valuations include adjustments that fairly consider the differences between your vehicle and the typical vehicle found in the market.

- o **Mileage**
 - Adjustments are made to account for the odometer differences between the loss vehicle and comparable(s).
 - The mileage adjustment is based on 4.50 cents per mile specific to the 2013 Honda Accord LX-S 2D Coupe in the state of California. Mileage adjustments are capped at 40% of the vehicle's starting value.
- o **Equipment**
 - Adjustments are made to account for the differences in equipment between the loss vehicle and comparable(s).
 - Equipment adjustments are based on the manufacturer's retail price, adjusted for depreciation
- o **Condition**
 - Typical condition is based on hundreds of inspected vehicles
 - Condition adjustments are based on a percentage of the vehicle's value

Original Equipment Guide

Engine Options

Transmission Options

* 4 Cylinder 2.4 Engine	STD	6 Speed Manual	STD
4 Cylinder 2.4 PZEV Engine	\$0	* Continuously Variable Tr	\$850
Other Optional Equipment		Convenience Options	
* Anti-Lock Brakes	STD	* Air Conditioning	STD
Bodyside Moldings	\$215	Automatic Dimming Mirror	\$307
* Center Console	STD	* Auto Headlamp Control	STD
* Dual Airbags	STD	* Cruise Control	STD
* Head Airbags	STD	Cargo/Trunk Net	\$70
* Halogen Headlights	STD	* Rear Window Defroster	STD
* Intermittent Wipers	STD	* Daytime Running Lights	STD
* Keyless Entry System	STD	* Dual Zone Auto A/C	STD
* 1st Row LCD Monitor(s)	STD	* Floor Mats	STD
* Lighted Entry System	STD	* Illuminated Visor Mirror	STD
* Overhead Console	STD	Mud/Splash Guards	\$104
* 2nd Row Head Airbags	STD	* Reverse Sensing System	STD
* Side Airbags	STD	* Rem Trunk-L/Gate Release	STD
* Stability Cntrl Suspensn	STD	* Rear View Camera	STD
* Rear Spoiler	STD	* Strg Wheel Radio Control	STD
* Tachometer	STD	* Tire Pressure Monitor	STD
* Traction Control System	STD	* Tilt & Telescopic Steer	STD
* Tinted Glass	STD	Power Accessories	
Wheel Locks	\$55	* Power Brakes	STD
* Wireless Phone Connect	STD	* Power Door Locks	STD
Rear Wing Spoiler	\$399	* Power Mirrors	STD
* Wireless Audio Streaming	STD	* Power Steering	STD
Radio/Phone/Alarm Options		* Power Windows	STD
* Alarm System	STD	Seat Options	
* AM/FM CD Player	STD	* Bucket Seats	STD
* MP3 Decoder	STD	* Rear Bench Seat	STD
* Theft Deterrent System	STD	* Velour/Cloth Seats	STD
* USB Audio Input(s)	STD	Wheel Options	
Option Packages		18 Inch Alloy Wheels	\$1,898
Cargo Package	\$138	* Aluminum/Alloy Wheels	STD
Door Edge Guard(s)	\$50	Chromed Alloy Wheels	\$2,298
Front Underbody Spoiler	\$378		
Interior Illumination Pkg	\$112		
Rear Bumper Applique	\$71		
Rear Underbody Spoiler	\$376		

Base retail price \$24,140

Loss Vehicle manufacturer's suggested retail price as reported **\$24,990**

Editions available for the same body style (in order of original cost, increasing): *LX-S, EX, EX-L, EX-L NAV, EX-L V6, EX-L V6 NAV

* Indicates loss vehicle equipment.

Valuation Notes

- o **Loss vehicle description was provided by Mercury Insurance**
- o **Adjustments of Special Note**
 - The requested Exception valuation has been processed using one or more Comparables in order to meet state regulatory requirements.
 - A mileage adjustment of 4.50 cents per mile/kilometer has been applied. This adjustment is based on the vehicle year, vehicle category and market area. Mileage adjustments are capped at 40% of the vehicle's starting value.
 - Typical mileage for this 2013 Honda Accord in California is 50,133.
 - No special adjustments were made for this vehicle.
 - All values are in U.S. dollars.
- o **Autosource Valuation Process**
 - Over 5,000,000 vehicles are entered weekly into the database used for researching this value. This database includes dealer inspected, dealer inventory, dealer advertised, phone verified and advertised private party vehicles.
 - The originating search area for this valuation was Antioch, California.
 -
 -
- o **Conditioning Notes**
 - **INTERIOR**
 - **Seats:** Slight wear.
 - **Carpets:** Slight wear, usually under the pedals.

Loss Vehicle Valuation

Autosource has been chosen by **Mercury Insurance** to assist in establishing a fair and reasonable market value for your vehicle. We are proud to offer you the most current and comprehensive automotive valuations available today.

Your vehicle was inspected and/or described to Autosource by a trained representative of Mercury Insurance. Autosource has evaluated all aspects of your vehicle provided by Mercury Insurance as well as those features identified by the Vehicle Identification Number (VIN) or known to be standard equipment for your vehicle.

The market value of your vehicle is determined by comparing it to other vehicles in your area of similar make, model, equipment, mileage and condition that have been offered for sale or sold. The sources for this comparison include new and used car dealers, newspapers, traders, specialty journals and the Internet. Our exclusive Dealer Access program provides us with electronic inventories from thousands of affiliated dealers in North America.

Each week, over **5,000,000 vehicles** are listed from these sources, representing over 100,000 dealerships and 3400 publications, making our database the largest in the industry. We utilize the industry's largest electronic network and leading edge technology to provide you with the most current inspected, surveyed or advertised market data. We will find the closest vehicle matches in the area nearest your home.

About Your Valuation

This report contains proprietary information of AudaExplore and third parties and shall not be disclosed to any third party (other than the insured or claimant) without AudaExplore's prior written consent. If you are the insured or claimant and have questions regarding the description of your vehicle, please contact the insurance company that is handling your claim. Information within VINsource/NICB is provided solely to identify potential duplicative claims activity. User agrees to use such information solely for lawful purposes.

Tax rates contained herein are based on general sales tax data provided by Vertex Inc. Excise, use, registration, licensing and other taxes and fees that may be applicable are not included. AudaExplore makes no representations or warranties concerning the applicability or accuracy of such tax data.

California Regulatory Statement

For your protection California law requires the following to appear on this form: Any person who knowingly presents false or fraudulent claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison. False representations made on a signed auto theft claim form subject the insured to a penalty of perjury.

Report Generated by AudaExplore, a Solera Company



US Pat. No 7912740B2

US Pat. No 8200513B2

US Pat. No 8468038B2

US Pat. No 8725544

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Date: 1/25/2017 7:16:38 am
Estimate ID: CAPA-0045671300101
Estimate Version: 0
Committed
Profile ID: * Mercury

Mike's Auto Body - Pittsburg
3001 North Park Blvd
Pittsburg, CA 94565
(925) 757-1739
Fax: (925) 432-9936
Email: pittsburg@mikesautobody.com
Tax ID: 94-2621349 BAR #: AC252109 EPA #: CAL000324851

Damage Assessed By: EDWIN DOMINGUEZ
Supplemented By:
Classification:
Appraised For: Danielle See

Condition Code:	Type of Loss:
Date of Loss	Arrival Date
Contact Date:	Final to Owner
Payer:	Deductible: 500.00
Claim Paid	Claim Number: CAPA-0045671300101
File Number: None	
Policy Number	

Insured:
Claimant:
Address:
Telephone:
Owner: Kelly, Wanda
3554 mallard way
antioch, CA 94509
Home Phone: (510) 253-5414
Contact Phone (510) 253-5414

Mitchell Service: 911513
Description: 2013 Honda Accord LX-S Vehicle Production Date: /
Body Style: 2D Cpe
Drive Train: 2.4L Inj 4 Cyl AT FWD
VIN: 1HGCT1B37DA013542 License: 6ZVD649
Mileage: 63,028

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OEM/ALT: A
 B867509 ?

Search Code: B867509
 ? ?

Color:

Point(s) of Impact
 13 Rollover (P)

Options:

PASSENGER AIRBAG, POWER LOCK, POWER WINDOW, POWER STEERING, REAR WINDOW DEFOGGER
 AIR CONDITION, CRUISE CONTROL, TILT STEERING COLUMN, AM/FM STEREO, DRIVER AIRBAG
 REAR (DUAL-ZONE) AC, FRONT SIDE AIRBAG WITH HEAD PROTECTION, ANTI-LOCK BRAKE SYS.
 TRACTION CONTROL, ALUM/ALLOY WHEELS, REARVIEW CAMERA
 TIRE INFLATION/PRESSURE MONITOR, ANTI-THEFT SYSTEM, AUXILIARY INPUT
 BLUETOOTH WIRELESS CONNECTIVITY, CD PLAYER, POWER ADJUSTABLE EXTERIOR MIRROR
 AUTOMATIC TRANSMISSION, AUTO AIR CONDITION, FIRST ROW BUCKET SEAT, CLOTH SEAT
 SIDE AIRBAGS, AUTOMATIC HEADLIGHTS, SECOND ROW SIDE AIRBAG WITH HEAD PROTECTION
 MP3 PLAYER, DAYTIME RUNNING LIGHTS, ELECTRONIC STABILITY CONTROL
 KEYLESS ENTRY SYSTEM, REAR BENCH SEAT, REAR SPOILER, STEERING WHEEL AUDIO CONTROLS

Additional Equipment:

All Crash parts on this estimate are "new" original equipment manufacturer parts, unless otherwise specified. Parts described as rechromed, recored, remanufactured or, reconditioned are considered "rebuilt" parts. Crash parts described as "quality replacement part" are non-original equipment manufacturer.

Line Item	Labor Type	Op	Line Item Description	Dollar Amount	Labor Units
1	BDY	RI	Frt Bumper Cover Entry#:100643		1.0*
2	BDY	RI	R Front Combination Lamp Entry#:100076		0.3#
3	REF	BL	R Fender Outside Entry#:100002		C 0.8
4	BDY	RI	R Fender Mudguard Entry#:101359		0.2
5	BDY	RR	R Door Opening Panel	-S 496.25	8.0*#

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6	MCH	RR	R Add To R&I/R&R Side Curtain Air Bags-M	INC#
			Entry#:100268 Part#/Type:04635-T3L-A00ZZ	
			Entry#:AUTO	
7	MCH	RR	R Frt Add To R&I/R&R Side Air Bag Sensor	0.4
			Entry#:AUTO	
8	MCH	RR	R Rear Add To R&I/R&R Side Air Bag Senso	0.4
			Entry#:AUTO	
9	REF	RO	R Door Opening Panel Complete	C 2.6
			Entry#:AUTO	
10			section at hinge pillar	
11	BDY	RR	R Cowl/Dash Hinge Pillar Reinf -S 147.08	2.0
			Entry#:100272 Part#/Type:63120-T3L-315ZZ	
12	BDY	RR	R Frt Door Shell (Steel/HSS) 700.00	* 4.0*#
			Entry#:100433 Part#/Type:Qual Recycled Part	
13	REF	RO	R Frt Door Outside	C 2.4
			Entry#:AUTO	
14	REF	RO	R Frt Inr Add For Jambs & Interior	C 1.0
			Entry#:AUTO	
15			Line Markup %20.00 140.00	
16	BDY	RR	R Frt Otr Door Belt Moulding	INC * 0.2#
			Entry#:100499 Part#/Type:Qual Recycled Part	
17	BDY	RI	R Frt Door Trim Panel	INC
			Entry#:AUTO	
18	BDY	RI	R Frt Rear View Mirror	0.3#
			Entry#:AUTO	
19	BDY	RR	R Frt Door Outside Handle	INC * 0.3#r
			Entry#:100555 Part#/Type:Qual Recycled Part	
20	BDY	RR	R Frt Otr Door Push Button	INC * INC#
			Entry#:100561 Part#/Type:Qual Recycled Part	
21	GLS	RR	R Frt Door Moveable Glass	INC * 1.0r
			Entry#:100596 Part#/Type:Qual Recycled Part	
22	BDY	RR	Roof Panel (Steel/HSS/UHSS) 926.58	17.5#
			Entry#:100629 Part#/Type:62100-T3L-305ZZ	
23	REF	RO	Roof Panel Outside	C 2.4
			Entry#:AUTO	
24	MCH	RR	Add To R&I/R&R Side Curtain Air Bags -M	1.6
			Entry#:AUTO	
25	BDY	RI	L Roof Moulding	INC
			Entry#:101883	
26	BDY	RR	R Roof Moulding 36.28	INC
			Entry#:101009 Part#/Type:73153-T3L-A01	

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27	BDY	RR	Roof Headliner	430.83	INC#
			Entry#:100982 Part#/Type:ORDER FROM DEALER		
28	GLS	RR	Back Window Glass	694.25	INC#
			Entry#:101029 Part#/Type:FB25760GTN		
29	BDY	RI	Package Tray Trim		INC#
			Entry#:AUTO		
30	REF	BL	L Fuel Door		INC#
			Entry#:100943		
31	BDY	RR	R Quarter Outer Panel	882.45	18.2#
			Entry#:100955 Part#/Type:04636-T3L-A90ZZ		
32	REF	RO	R Quarter Panel Outside		C 2.2
			Entry#:AUTO		
33	REF	RO	R Quarter Panel Edge		C 0.5
			Entry#:AUTO		
34	REF	RO	R Add For Pillar		C 0.5
			Entry#:AUTO		
35	BDY	RP	L Quarter Outer Panel		4.0*#
			Entry#:100956 Part#/Type:Existing		
36	REF	RO	L Quarter Panel Outside		C 2.2
			Entry#:AUTO		
37	REF	* AD	SPOT REFINISH .5 PER PANEL		-0.5*
			Entry#:900500 Part#/Type:Existing		
38	BDY	RI	L Quarter Fuel Door		0.3r
			Entry#:100973 Part#/Type:Existing		
39	BDY	RR	Quarter Package Tray Trim Panel	117.50	INC#
			Entry#:101044 Part#/Type:84505-T3L-A01ZA		
40	BDY	* RR	MASK FOR OVERSPRAY	12.00	* 0.0*
			Entry#:900500 Part#/Type:**Qual Repl Part		
41	GLS	* RR	URETHANE KIT (OUTSIDE) 3@25.20	75.60	* 0.0*
			Entry#:900500 Part#/Type:Sublet		
42	GLS	RI	R Quarter Glass		0.2#
			Entry#:100919		
43	BDY	RI	Rear Seat Assy		INC
			Entry#:AUTO		
44	GLS	RI	L Quarter Glass		2.2#
			Entry#:100920		
45	BDY	RI	Luggage Lid Assy		1.0#
			Entry#:102182		
46	BDY	RI	Luggage Lid Spoiler		0.4#
			Entry#:102184		
47	BDY	RI	Luggage Trim Panel		INC

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			Entry#:AUTO		
48	BDY	RP	Luggage Lid Panel		2.0*#
			Entry#:102147 Part#/Type:Existing		
49	REF	RO	Luggage Lid Outside	C	2.0
			Entry#:AUTO		
50	REF	* AD	SPOT REFINISH .5 PER PANEL		-0.5*
			Entry#:900500 Part#/Type:Existing		
51	BDY	RP	Luggage Lid Spoiler		2.0*#
			Entry#:100818 Part#/Type:Existing		
52	REF	* AD	SPOT REFINISH .5 PER PANEL		-0.5*
			Entry#:900500 Part#/Type:Existing		
53	BDY	RR	Luggage Lid Adhesive Nameplate	30.37	0.2
			Entry#:102172 Part#/Type:75722-T2A-A01		
54	BDY	RR	Luggage Lid Adhesive Emblem	14.32	0.2
			Entry#:102175 Part#/Type:75701-T3L-A02		
55	BDY	RI	R Rear Combination Lamp		INC#
			Entry#:100784		
56	BDY	RI	L Rear Combination Lamp		0.3#
			Entry#:100785		
57	BDY	RI	Rear Bumper Cover		INC
			Entry#:101791		
58	REF	AO	Clear Coat		2.5*
			Entry#:933002		
59	BDY	* AD	COLOR SAND & POLISH .3 PER PANEL / 2.0 MAX		2.0*
			Entry#:900500 Part#/Type:Existing		
60		AC	Paint/Materials	500.00	*
			Entry#:AUTO		
61		AC	Hazardous Waste Disposal	3.00	*
			Entry#:AUTO		

* - Judgment Item
 # - Labor Note Applies
 C - Included in Clear Coat Calc
 r - CEG R&R Time Used For This Labor Operation

AC = Additional Cost	AD = Additional Labor	AI = Access/Inspect
AL = Align	AO = Additional Operation	BL = Blend
CA = Check/Adjust	PR = Paintless Repair	OV = Overhaul
RI = Remove/Install	PB = Part Betterment	RR = Remove/Replace
RF = Refinish/Repair	LB = Labor Betterment	RO = Refinish
RP = Repair	PL = Part/Labor Betterment	

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Recycler Information Section:

Prior Damage

Remarks:

		Units	Rate	Add'l Labor Amount	Sublet Amount	Totals
I. Labor Subtotals						
Body		64.4	74.00	0.00	0.00	4,765.60
Bdy-S		0.0	74.00	0.00	0.00	0.00
Refinish		17.6	74.00	0.00	0.00	1,302.40
Glass		3.4	74.00	0.00	0.00	251.60
Mechanical		2.4	74.00	0.00	0.00	177.60
Frame		0.0	74.00	0.00	0.00	0.00
Taxable Labor						
	Labor Tax	@	0.000			0.00
	Non-Taxable Labor			Non-Taxable Labor		6,497.20
Labor Summary			87.8			6,497.20
II. Part Replacement Summary						Amount
Taxable Parts						4,487.91
Parts Adjustments						14.08-
Glass Adjustments		@	0.000			0.00

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Sales Tax	@ 8.750	391.46
Non-Taxable Parts		75.60
Parts Adjustments		0.00
Glass Adjustments	@ 0.000	0.00
Total Replacement Parts Amount		4,940.89
III. Additional Costs		Amount
Taxable Costs		500.00
Sales Tax	@ 8.750	43.75
Non-Taxable Costs		3.00
Total Additional Costs		546.75
Paint Material Method: Rates		
Init Rate = 35.00 , Init Max Hours = 99.9, Addl Rate = 0.00		
IV. Adjustments		Amount
Betterment		0.00
Betterment Credit		0.00
Insurance Deductible		500.00-
Deductible Reduction Credit		0.00
Insurance Prepaid Amount		0.00
Appearance Allowance		0.00
Related Prior Damage		0.00
GST	@	
Customer Responsibility		500.00-
Total Labor:		6,497.20
Total Replacement Parts:		4,940.89
Total Additional Costs:		546.75
Gross Total:		11,984.84
Total Adjustments:		500.00-
Net Total:		11,484.84
		TOTAL LOSS

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Insurance Co:
Address:
Telephone:
Fax Phone:

Body Shop:
Address:
Telephone:
Fax Phone:
State Lic. No:

Company Code:

Drop Off Date and Time:
Promise Date:
Start Date:
Vehicle Pick Up Date and Time:
Completion Date:

Is Vehicle Driveable (Y/N)?:
Assisted With Rental (Y/N)?:

Inspection Site: None
Address:
Inspection Date: 1/20/2017

PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 10, CHAPTER 5,
SUBCHAPTER 7.5, SECTION 2695.8 THE INSURER WARRANTS THAT ANY
NON-ORIGINAL EQUIPMENT MANUFACTURER PARTS SPECIFIED IN THIS ESTIMATE
ARE AT LEAST EQUAL TO THE ORIGINAL EQUIPMENT MANUFACTURER PARTS IN
TERMS OF KIND, QUALITY, SAFETY, FIT AND PERFORMANCE.

*****Insection Summary Information*****

Date vehicle driven in/towed in?1/19/17
Date vehicle inspected?1/20/17

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Date vehicle determined a total? NA
Number of photos?50
Estimated number of days to repair?15
Closing type?TOTAL LOSS
Send check to facility?NO
Copy of estimate given to owner?YES
Was car seat occupied/damaged?YES

Please provide photos and brand of car seat

LKQ PARTS AVAILABLE? NO
SOURCE?
PHONE AND REFERENCE?

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P.O. Box 10730
Santa Ana, CA 92711-0730

March 16, 2017

CITY OF PITTSBURG
ATTN: ALICE EVENSON
65 CIVIC AVENUE
Pittsburg, CA 94565

RE:	OUR INSURED:	LANNY KELLY
	OUR CLAIM NUMBER:	CAPA-00456713
	DATE OF LOSS:	JANUARY 18, 2017
	YOUR INSURED:	UNK
	YOUR FILE NUMBER:	UNK

DEAR CITY OF PITTSBURG:

We have obtained information suggesting that the damages incurred from the above-referenced loss were caused by your insured's negligence.

Enclosed for your review, please find copies of our supporting documentation. The breakdown of our payments is as follows:

Initial Repairs	\$15,352.03
Deductible	\$500.00
Supplements	
Rental Expense	
Out of Pocket Expense	
Other	
Salvage	
VLF, if applicable	
Total	\$15,852.03
Total Amount Due	\$15,852.03

Other:

We are seeking full recovery of our total demand amount. Our salvage is pending and will be updated once it is complete.

If we receive a payment that is less than the amount shown above, it will be processed and applied as a partial payment only. This will not indicate any acceptance of liability or agreement to compromise the claim amount. Note that "Full or final settlement" or similar wording, whether on the payment itself or on accompanying correspondence, does not function as a release.

Should you have any questions or need additional information, please do not hesitate to contact me. Thank you for your cooperation.

Sincerely,
Mercury Insurance Company

Claims Department
888-917-6372

Encl.



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

DATE: 3/8/2017
TO: Mayor and Council Members
FROM: Joe Sbranti, City Manager
SUBJECT: Adoption of a City Council Resolution to Establish the FY 2017/2018 Annual Stormwater Utility Area Fee
MEETING DATE: 4/3/2017

EXECUTIVE SUMMARY

The Stormwater Utility Area (SUA) fee was established in 1993 to finance implementation of the National Pollutant Discharge Elimination System (NPDES) program and drainage maintenance activities. Each year the City Council establishes the amount of the Stormwater Utility Area fee assessed on properties to finance activities necessary to comply with the federal Clean Water Act and the City's Joint Municipal NPDES permit. Staff recommends continuing to charge the current fee of \$30.00 per Equivalent Runoff Unit (ERU). No increase is proposed.

FISCAL IMPACT

Annual assessments are determined by issuing an "Equivalent Runoff Unit (ERU) multiplier" depending on what "ERU Group" a specific land use falls under. For example, a single family home on a parcel between 5,000 to 20,000 sq. ft. (ERU Group "A") = 1.0 ERU. That results in the homeowner paying \$30.00 annually on their property tax. For most commercial parcels, including supermarkets, restaurants, car dealerships, etc. (ERU Group "J") = 12 ERU/acre. Maintaining the SUA fee at \$30.00 per ERU will allow the City to collect the maximum amount of NPDES funds to run the NPDES program as required. This rate allows the City to meet ongoing permit costs for fiscal year 2017/2018, estimated to be approximately \$1.15 million. The annual revenue to be generated from this assessment is projected to be \$1.1 million. Supplemental funds from the City's solid waste fund will be used to help offset expected increases in ongoing program costs caused by the new provisions imposed by the Municipal Regional Permit (MRP).

RECOMMENDATION

City Council adopt the attached resolution re-establishing a SUA fee rate of \$30.00 per ERU for fiscal year 2017/2018, and request the Contra Costa County Flood Control and Water

Conservation District adopt an annual parcel assessment based on that rate to cover City costs associated with its NPDES activities.

BACKGROUND

In 1987, the U.S. Congress began requiring NPDES permits for all non-point source discharges of stormwater runoff entering waters of the state. Permit compliance responsibilities are vested with the State Water Quality Control Board (SWQCB). In 1993, the City of Pittsburg joined with the Contra Costa County Flood Control and Water Conservation District, Contra Costa County, and 18 other cities to create the Contra Costa Clean Water Program to effectively respond to federal and state requirements regulating local discharges of stormwater into the San Joaquin / Sacramento River Delta and other waters of the state.

As a member of the County program, the City is required to fund its pro-rata share of the countywide program costs and the cost of its own City staff to carry out many of the mandates at the local level. In 1993, the City Council adopted Resolution 93-7913, authorizing the County Board of Supervisors to hold a public hearing and adopt Ordinance No. 93-47 to establish the Stormwater Utility Assessment Drainage Fee to help finance administrative and program activities necessary to comply with the NPDES Permit. At that time, \$30.00 was established as the maximum ERU rate for the City of Pittsburg. The City established the initial ERU rate at \$24.00. In 2005, the City Council, by Resolution 05-10273, increased the rate to \$30.00 for fiscal year 2005/2006, because program costs were higher than revenues generated by the \$24.00 assessment. This rate has been re-established each year since 2005.

Under the terms of the county program, each jurisdiction may establish an annual Stormwater Utility Area Fee to be assessed on developed properties to pay its pro-rata program costs and local costs of complying with the federal Clean Water Mandates. The fee is to be based on a single ERU. The Contra Costa County Flood Control and Water Conservation District requests that each jurisdiction submit its annual fee rate to the District each year for adoption by the County as a parcel assessment.

SUBCOMMITTEE FINDINGS

Not applicable

STAFF ANALYSIS

Maintaining the ERU at the maximum \$30.00 is necessary for the City to continue to comply with the unfunded, NPDES regulations imposed on the City. The current permit was adopted on November 19, 2015 and became effective January 1, 2016. This permit has a five year term, which requires increased efforts to meet benchmark reductions for pollutants such as trash, PCBs, and mercury. Efforts to reduce these pollutants and others will continue to increase with each subsequent permit re-issuance.

NPDES funds pay for staff, material costs for maintenance of the City's existing drainage infrastructure, and implementation of mandated NPDES permit requirements.

ATTACHMENTS: Resolution

Report Prepared By: Jolan Longway
Civil Engineer II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Establishment of the FY 2017/2018)
Annual Stormwater Utility Area Fee)

RESOLUTION NO. 17-

The Pittsburg City Council DOES RESOLVE as follows:

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

WHEREAS, the City of Pittsburg (City) has an NPDES permit that requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

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

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

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

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

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The rate to be assigned to a single ERU for FY 2017/2018 shall be set at \$30.00, and the City Council hereby requests the District to adopt the SUA fee levies based on said amount.

PASSED, AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 3rd day of April, 2017, by the following vote:

AYES:

NAYES:

ABSTAINED:

ABSENT:

ATTEST:

Marilyn Craft, Mayor

Alice E. Evenson, City Clerk



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

DATE: 3/16/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of an Ordinance to Reauthorize Section 5.30.040 of the Pittsburg Municipal Code Imposing a Public, Educational, and Governmental Fee on State Cable Franchisees Operating within the City

MEETING DATE: 4/3/2017

EXECUTIVE SUMMARY

The Digital Video and Infrastructure and Video Competition Act of 2006 authorized video service providers to obtain a state franchise from the California Public Utilities Commission. State franchise holders pay franchise fees and Public, Educational, and Government (PEG) fees to the City. The attached Ordinance would reauthorize Section 5.30.040 of the Pittsburg Municipal Code ("PMC"), which imposes a public, educational, and governmental ("PEG") fee on state cable franchisees operating within the City, consistent with state law.

FISCAL IMPACT

Adoption of the proposed Ordinance will continue to provide the City with a PEG fee equal to one percent (1%) of the gross revenues that must be used for PEG infrastructure-related costs which is expected to be \$150,000 for FY 2016/17 and increase annually based on gross revenues.

RECOMMENDATION

The City Council adopt the attached Ordinance to reauthorize Section 5.30.040 of the Pittsburg Municipal Code regarding the collection of the PEG fee.

BACKGROUND

The Digital Infrastructure and Video Competition Act of 2006 (DIVCA) prevented cities and counties from entering into local franchises with its cable and video TV operators by transferring cable franchising authority to the California Public Utilities Commission (CPUC). However, DIVCA does allow local governments to establish and collect Public, Educational

and Governmental Access (PEG) fees from the City's cable and video TV operators. The state law permits the City to establish by ordinance a PEG fee equal to 1% of gross revenues by ordinance. In 2011, the City added Chapter 5.30 which authorized the collection of a 5% franchise fee and 1% PEG fee from holders of state video franchises among other things. DIVCA states that state video franchises issued by the CPUC are given a term of 10 years. The current state-issued franchise for AT&T, which provides cable/video TV services in the City, will expire March 30, 2017.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

PEG fees have been beneficial by providing the ability for the City to broadcast live Council meetings, Commission meetings and various other community events on to Delta TV (Channel 24 on Comcast and Channel 99 on AT&T) with infrastructure upgrades to various locations within the City. The City did not have this capability prior to PEG fees. Future PEG fees could assist the local high school with infrastructure improvements to broadcast on Delta TV thereby educating students and providing skills on producing productions at their school.

Adoption of an Urgency Ordinance and regular Ordinance to reauthorize Section 5.30.040 of the Pittsburg Municipal Code preserves the City's ability, to the extent permitted by DIVCA, to continue to collect PEG fees. The section of DIVCA that authorized the City to create the PEG fee ordinance states that "the ordinance shall expire, and may be reauthorized, upon the expiration of the state franchise." To prevent any interruption in the collection of the PEG fees, staff recommends the adoption of the Ordinance to reauthorize Section 5.30.040 of the Pittsburg Municipal Code to the extent required by Section 5870(n) of the California Public Utilities Code.

ATTACHMENTS: An Ordinance of the City of Pittsburg Reauthorizing the Public, Educational, and Governmental (PEG) Fee on State Cable Franchisees Operating within the City

Report Prepared By: Laura Wright, Environmental Affairs Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

An Ordinance of the City of Pittsburgh)
Reauthorizing the Public, Educational,)
and Government (PEG) Fee on State Cable)
Franchisees Operating Within the City)

ORDINANCE NO. 17-

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

WHEREAS, the City Council previously adopted Section 5.30.040 of the Pittsburgh Municipal Code ("PMC"), which imposes a public, educational, and governmental ("PEG") fee on state cable franchisees operating within the City as authorized in the Digital Infrastructure and Video Competition Act of 2006; and

WHEREAS, Section 5870(n) of the California Public Utilities Code states that a PEG fee ordinance must be reauthorized upon expiration of an applicable state franchise; and

WHEREAS, PMC Section 5.30.040(C) provides that, notwithstanding Section 5870(n) of the California Public Utilities Code, upon the expiration of any state franchise, the City's PEG fee is automatically reauthorized unless the franchise holder has given the City 60-days' written notice prior to the expiration of its state franchise that the City's fee authorization will expire; and

WHEREAS, AT&T California ("AT&T") operates within the City under a state franchise that expires on March 30, 2017; and

WHEREAS, the City received no timely written notice from AT&T of the expiration of its state franchise pursuant to Section 5.30.040(C); and

WHEREAS, therefore, pursuant to the provisions of Section 5.30.040(C), the City's PEG fee is automatically reauthorized with regard to AT&T; and

WHEREAS, notwithstanding the automatic reauthorization of the City's PEG fee as described above, the City Council wishes to adopt an ordinance expressly declaring that the City's PEG fee is reauthorized.

NOW, THEREFORE, the City Council of the City of Pittsburgh does hereby ordain as follows:

SECTION 1. PEG Fee Reauthorization.

The City's PEG channel facilities fee authorized in Section 5.30.040 of the Pittsburgh Municipal Code is hereby reauthorized to the extent required by Section 5870(n) of the

California Public Utilities Code. All state franchisees operating within the City shall continue to collect and remit the PEG channel facilities fee as required in Section 5.30.040.

SECTION 2. No Change to Municipal Code.

Section 5.30.040 of the Pittsburg Municipal Code shall remain unchanged and in full force and effect.

SECTION 3. Severability.

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

SECTION 5. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

SECTION 6. Publication or Posting.

The City Clerk of the City of Pittsburg shall cause this Ordinance to be published or posted as required in Section 36933 of the Government Code of the State of California.

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on March 20, 2017 and was adopted and ordered published at a meeting of the City Council held on _____, 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: 3/15/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution to Adopt the City of Pittsburg Trust Lands Use Plan and Authorize Submittal to the California State Lands Commission

MEETING DATE: 4/3/2017

EXECUTIVE SUMMARY

Economic Development and Planning Staff have developed a Trust Lands Use Plan (Plan) in order to achieve compliance with Senate Bill 551 Chapter 422 Statutes of 2011. The Plan directs staff in adhering to state, regional, and City of Pittsburg General Plan policies, as well as reaching long term goals at the Pittsburg Waterfront. Staff is submitting the Plan for Council approval.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends that City Council approve the resolution adopting the City of Pittsburg Trust Lands Use Plan, and authorize the submittal of the Plan to the California State Lands Commission for its final approval.

BACKGROUND

The California Legislature granted sovereign tidelands and submerged lands located within the City limits to the City of Pittsburg under Senate Bill 551, Chapter 422, Statutes of 2011. These granted lands are held in trust for the people of California. The City is required to operate the granted trust lands in conformance with the California Constitution, granting statutes and the Public Trust Doctrine. The Public Trust Doctrine is a set of common laws declaring that all sovereign waterways are to be preserved for use and enjoyment by the public. Case law interpreting the Public Trust Doctrine has found that trust lands can only

be used for purposes beneficial to the State in its entirety (the statewide public), as does the City's granting statute.

California Senate Bill 551, Chapter 422, Statutes of 2011, require that the trustee submit to the California State Lands Commission (SLC) a Plan describing any proposed development, preservation, or other use of the trust lands. The Plan shall consist of:

- A plan, program, or other document that includes a general description of the uses planned or proposed for the trust lands
- The projected statewide benefit to be derived from the planned or proposed uses of the trust lands
- The proposed method of financing the planned or proposed uses of the trust lands
- An estimated timetable for implementation of the Plan or any phase of the Plan
- A description of how the trustee proposes to protect and preserve natural and manmade resources and facilities located on trust lands and operated in connection with the use of the trust lands

Once the City has officially adopted the Plan, the SLC will consider the Plan for final approval.

SUBCOMMITTEE FINDINGS

The Economic Development/Waterfront Subcommittee discussed the progress, content and requirements of the Plan at the October 5, 2016 meeting.

STAFF ANALYSIS

As a statewide resource, the City aims to foster access, preservation, and integration of the Trust Lands so that all Californians may benefit equally. The Plan outlines the City's proposed actions for augmenting access, preservation, and integration of the Pittsburg waterfront through environmental due diligence, land use, public programs, and strategic financing. Some of the most impactful actions include:

- Establishment of a Capital Improvement Program to strategically finance marina dredging, launch ramp maintenance, and ADA accessibility upgrades for example
- Brownfield investigation and remediation
- Working collaboratively to mitigate and prevent effects of flooding, seismic activity, sea level rise, pollution and hazardous materials
- Establishing master procedures and regulations for Trust Lands leases and development

City Staff compiled elements from several existing adopted City guiding and reference documents to compose the Plan per Senate Bill 551 requirements. A list of these documents can be found as Attachment 3, TLUP Guide and Reference Documents. Staff also utilized state and regional planning resources like the Public Trust Doctrine, San Francisco Bay Plan, East Contra Costa County Habitat Conservation Plan, and the National Oceanic and Atmospheric Administration Sea Level Rise viewer. The above mentioned resources provided the foundation to the City's Plan attached to this staff report.

ATTACHMENTS: Resolution
City of Pittsburg Trust Lands Use Plan
TLUP Guide and Reference Documents

Report Prepared By: Sara Aliotti, Administrative Analyst

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution of the City of Pittsburg, California,) RESOLUTION NO. 17-
Adopting the City of Pittsburg Trust Lands Use)
Plan and Authorizing Submittal to the California)
State Lands Commission)

The City Council of the City of Pittsburg DOES RESOLVE as follows:

Whereas, the City of Pittsburg was granted sovereign tidelands and submerged lands located within the City limits under Senate Bill 551, Chapter 422, Statutes of 2011; and

Whereas, California Senate Bill 551, Chapter 422, Statutes of 2011 require that the trustee shall submit to the California State Lands Commission (SLC) a Trust Lands Use Plan (Plan) describing any proposed development, preservation, or other use of the trust lands; and

Whereas, City Staff presented the progress, contents, and requirements of the Plan with the Economic Development/Waterfront Development Subcommittee at the Subcommittee Meeting on October 5, 2016; and

Whereas, City Staff compiled elements from existing adopted City guiding and reference documents like the General Plan, executed trust lands leases, and budgets from fiscal years 2011-2016, as well as regional planning resources like the Public Trust Doctrine, San Francisco Bay Plan, East Contra Costa County Habitat Conservation Plan, and the National Oceanic and Atmospheric Administration Sea Level Rise viewer to compose the Plan per Senate Bill 551 requirements; and

Whereas, the SLC requires the City of Pittsburg City Council resolve to adopt a Plan prior to final SLC acceptance of the Plan.

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

Section 1.

All the recitals above are true and correct and incorporated herein.

Section 2.

The City Council hereby adopts this Resolution and adopts the City of Pittsburg Trust Lands Use Plan.

Section 3.

The City Council hereby authorizes the submittal of the City of Pittsburg Trust Lands Use

Plan to the California State Lands Commission.

Section 4.

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

Section 5.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 3rd day of April, 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

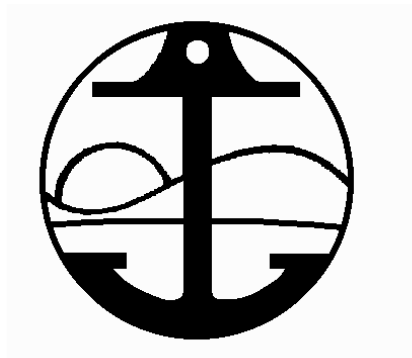
ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

City of Pittsburgh



Trust Lands Use Plan
2017

Introduction

Location and Historical Context

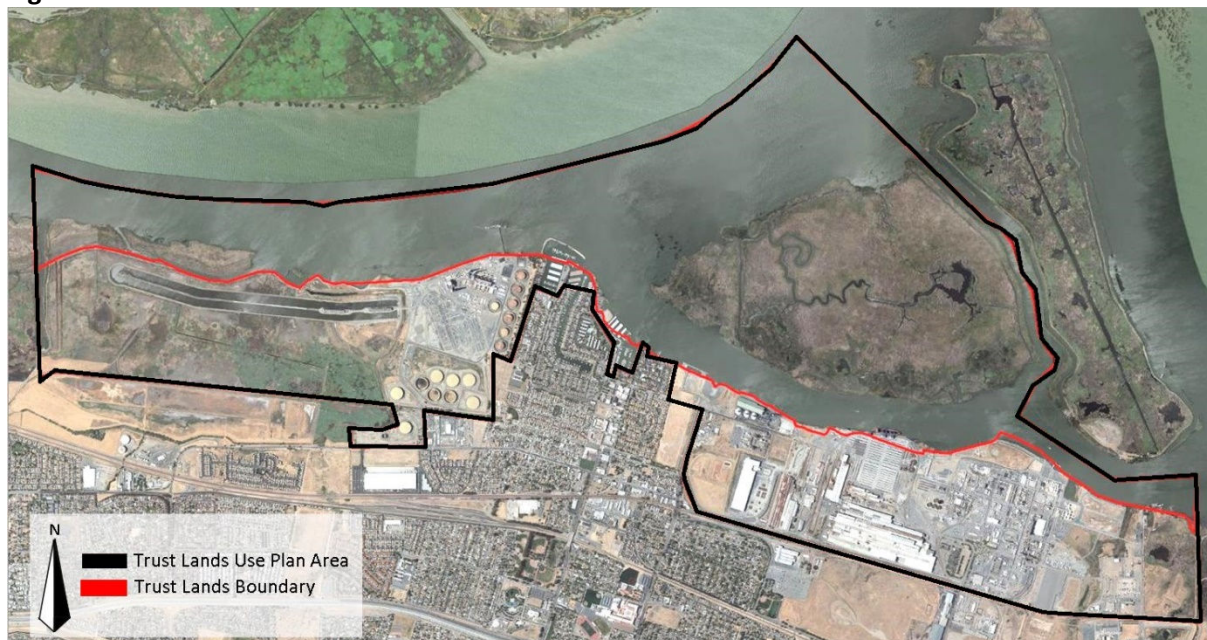
Bordered by the San Joaquin Delta to the north, Pittsburg is located 38 miles northeast of San Francisco in East Contra Costa County. Pittsburg was born along the San Joaquin Delta when the government of Mexico granted 10,000 acres of land to the United States in 1839. Originally called New York of the Pacific, the City's name was first changed to New York Landing when it was a way station during the Gold Rush. The City's reputation as an industrial area was established in 1855 when coal was discovered in the southern hills, and its name again changed to Black Diamond. However, the prime industrial base of the City came in 1911 with the opening of the first steel mill, and its final name change to Pittsburg after the hub of the steel industry on the east coast – Pittsburgh, Pennsylvania.

Camp Stoneman was built in Pittsburg during World War II. Forty-five thousand servicemen were stationed at the camp, which was a major point of embarkation of 1.5 million men for the Pacific Theater. At the end of the war, activity levels declined in Pittsburg as seen in other wartime boomtowns, signaling an end to much of the prosperity the City had known. Pittsburg experienced rapid population growth during the 1970s and 1980s, evolving into a bedroom community for employment centers in west and central Contra Costa County. Currently, the City is home to just over 70,000 people.

State Lands Grant

The California Legislature granted sovereign tidelands and submerged lands located within the City limits to the City of Pittsburg under Senate Bill 551, Chapter 422, Statutes of 2011. These granted lands, referred to in this Plan as Trust Lands, are held in trust for the people of California. The City is required to operate their granted Trust Lands in conformance with the California Constitution, granting statutes and the Public Trust Doctrine. Figure 1 shows the City's Trust Lands Use Planning Area which includes parcels within and immediately adjacent to the Trust Lands.

Figure 1. Trust Lands Use Plan Area



The Public Trust Doctrine

The Public Trust Doctrine is a set of common laws declaring that all sovereign waterways are to be preserved for use and enjoyment by the public. This can be accomplished through several means, including water-dependent commerce, navigation, fisheries, and the preservation of lands in their natural state for the purposes of scientific study, open space, wildlife habitat, and water-oriented recreation.

Case law interpreting the Public Trust Doctrine has found that Trust Lands can only be used for purposes beneficial to the State in its entirety (the statewide public), as does the City's granting statute. The Public Trust Doctrine is updated periodically as the needs of the public evolve. Trust Lands belong to the public and cannot be sold or used for exclusively private purposes.

Access, Preservation & Integration

The City of Pittsburg has prepared this Trust Lands Use Plan in conformance with SB 551 and the Public Trust Doctrine. As a statewide resource, the City aims to foster access, preservation, and integration of the Trust Lands so that all Californians may enjoy natural views, store and launch watercraft, fish, learn, benefit from the goods produced on the City's waterfront, and more. This Plan establishes the City's long-term vision for its Trust Lands and contains the following sections:

1. Existing Use of Trust Lands: This section provides a map and discussion of existing Trust and uses.
2. Future Use of Trust Lands: This section states Pittsburg's long-term vision for its Trust Lands and provides a map and discussion of upcoming Trust Lands environmental work, development projects, and their statewide benefit. An approximate implementation timeline through 2025 is also provided.
3. Financing and Implementation: This section discusses the proposed method of financing for existing and future Trust Lands uses, including estimated capital and operating costs, as well as annual Trust Lands revenues.
4. Hazards and Hazard Mitigation: This section discusses how the City proposes to protect and preserve natural and manmade resources and facilities located within Trust Lands including, but not limited to pollution, sea level rise, and seismic activity.
5. Procedures and Regulations: This section sets forth the City's procedures and regulations governing the leasing and development of its Trust Lands.

1. Existing Use of Trust Lands

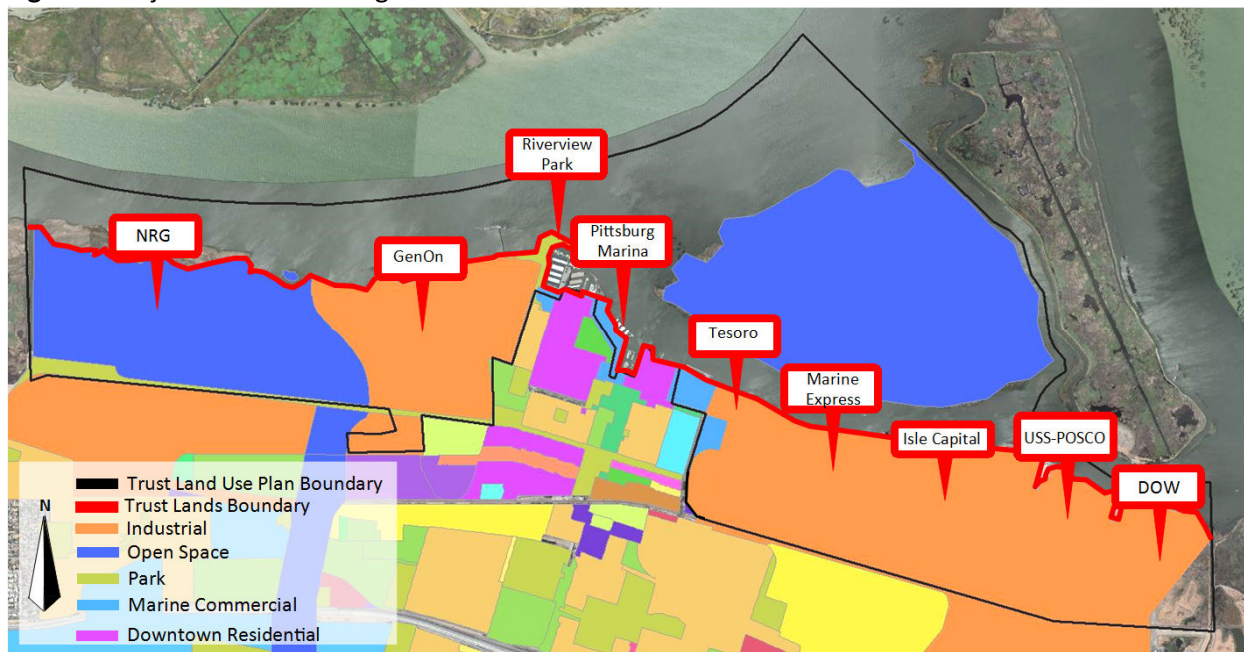
The City of Pittsburg is trustee for approximately 185.4 acres of Trust Lands that run along the City's northern residential, industrial, commercial, and park-zoned shoreline. Whether through state taxes, goods and services created, or opportunities for recreation, each of these slivers provide benefits to Californians.

Industrial

As shown in Figure 2, industrial users from east to west along the Pittsburg's Trust Lands include DOW Chemical, USS POSCO, Isle Capital, LLC, Marine Express, Tesoro, and NRG Energy (includes GenOn).

Many of these companies have made Pittsburg their home due to its location along the San Joaquin Delta and the deep water channels within the Trust Lands that facilitate shipping.

Figure 2. Major uses of Pittsburg State Lands.



Lease No. 18 - DOW

The DOW Pittsburg Chemical Plant is located at 901 Loveridge Road. Current operations include research and development and the manufacturing of products for agricultural operations, pest control services, paper manufacturers, carpet mills, and biocides. In 2016, the plant employed nearly 425 people, and in 2014, had an operations payroll over \$35 million. The plant is well entrenched in the City, region, and state, providing \$60 million of business to local suppliers, and contributing \$20 million and \$3 million in state income and property taxes in 2014, respectively.

The Trust Lands adjacent to the DOW plant are used for industrial purposes and include a 38,000 square foot pier and 100 foot dock for goods movement.

Lease No. PRC 7643.1 - USS-POSCO Steel Mill

USS-POSCO Industries (UPI) is located at 900 Loveridge Road. UPI produces cold-rolled sheets, galvanized sheets, tin plate, and tin-free steel from hot bands provided by U.S. Steel (USS) and Pohang Iron & Steel Co., Ltd. (POSCO). UPI's annual production capability is approximately 1.5 million tons. UPI currently employs 650 people and in 2016 paid nearly \$1.6 million in property taxes.

The Trust Lands adjacent to the steel mill are used for industrial purposes and include 3,500 square foot dock and 1,000 foot concrete pier with adjacent access to rail for goods movement.

Lease No. PRC 7872 – Isle Capital Corporation (Koch Carbon Bay Area Bulk Terminal)

Koch Carbon, LLC's Bay Area Bulk Terminal is located at 707 E 3rd Street. The Terminal sources, supplies, handles, and transports bulk commodities. These commodities include, but are not limited to petroleum coke, sulfur, coal, iron ore, cement, salt, stone, metallurgical coke, pulp, recovered paper, and lumber products. In 2016, the Terminal paid over \$18,000 in property taxes.

The Trust Lands adjacent to the Terminal are used for industrial purposes and include a 30,000 square foot pier and two 100 foot docks for goods movement.

Lease No. COP 0001 - Marine Express

Marine Express is a deep draft vessel support company that operates a fleet of tug and work boats to support interstate and foreign commerce shipping throughout California. Marine Express entered into a lease with the City in 2009, and is located at 965 East 3rd Street. The Trust Lands adjacent to Marine Express will eventually be used for uses that support Marine Express including the construction and use of a dock. The dock is yet to be constructed, but will be used for storage, building repair, waste processing, loading, modifications, overhauls, and demolition of marine equipment and vessels. In 2016, the Marine Express paid \$7,800 in property taxes.

Lease No. PRC 7643.1– Tesoro Refining and Marketing Co.

Now a vacant parcel with a dilapidated 60,000 square foot pier, this parcel was used for petroleum coke production, storage, and movement. Property taxes for this parcel sum approximately \$16,000 per year.

Lease No. PRC 4444.1 and 415.1 -NRG and GenOn

The NRG Pittsburg Power Plant is located at 696 West 10th Street and generates 1,029 megawatts of electricity from natural gas. Until its closure in December, 2016 the Plant accounted for just over 16% of the entire company's conventional electrical generation portfolio which also includes renewables and other sustainable energy sources. NRG customers range from large to small businesses, as well as residential users in the Bay Area.

The Trust Lands adjacent to the Plant are used for industrial purposes and include a shipping pier that juts 700 feet into the water. The remaining approximately 80 acres of Trust Land at this parcel are wetlands.

Commercial

Pittsburg Municipal Marina

The Pittsburg Municipal Marina is located just north of Marina Boulevard and East 3rd Street. It is owned and operated by the City of Pittsburg. The Marina is located on both Trust Lands and adjacent non-trust lands. The Marina features 274 covered and 301 uncovered boat slips, a 24-hour public launch ramp, and on-site haul out service.

Open Space and Parks

Lease No. 18 - DOW Wetlands Preserve

The DOW Wetlands Preserve extends from the DOW Chemical Plant, east to the Antioch Marina. The acre of the Preserve that lies within the Trust Lands is comprised of extensive tideland marsh areas and wetlands. The preserve is home to three endangered species and two threatened species – the Salt Marsh Harvest Mouse; Mason’s Lileopsis; Suisun Aster; Black Shouldered Kite; and Northern Harrier. Over 130 species of birds have been sighted at the Preserve, which is located along the ‘Pacific Flyway’ migration route. In 2000, the Preserve was awarded ‘Corporate Habitat of the Year’ by the Wildlife Council, and for several years, the City of Pittsburg and the Pittsburg Unified School District have partnered with DOW to provide programs that educate students about the importance of clean water and marine habitats.

Central Harbor Park

This one-and-a-half acre park lies within the Trust Lands and provides public access to the waterfront and features a boat launch, gazebo, benches and seating walls, public restrooms, open lawn area, and a spectacular view of the San Joaquin Delta. The gazebo area is referred to as ‘Boatwright Plaza’ after Pittsburg resident and former Senator Dan Boatwright.

Riverview Park and Launch Ramp

This four acre park is located at the northern end of River View Park Drive. The portion within the Trust Lands features a 150-foot fishing pier, jetty, and two non-motorized launch ramps. In 2015, the City of Pittsburg completed construction of the Riverview Park Non-Motorized Watercraft Launch Ramps. The ramps offer access to the San Joaquin Delta for recreational activities such as advanced kiteboarding. The City unveiled the ramps in June 2015 with a kiteboarding competition that attracted over 30 athletes that showcased their big air, freestyle, and slalom skills for the public. The competition was so successful, it has been scheduled as an annual event for the entire Bay Area to enjoy. The remainder includes a playground, public restrooms, and several picnic and barbeque areas with breathtaking views of the San Joaquin Delta.

Figure 3. Kiteboarders gathered at Riverview Park for the City’s first annual Kiteboarding Competition.



Residential

There are three residential neighborhoods with northern boundaries that encroach into the Trust Lands. These include the Bay Harbor Park Subdivision, Marina Heights Apartments, and Marina Park Subdivision. There are a total of 691 residential units in these neighborhoods, and six private docks providing access to Trust Lands. The Procedures and Regulations section discusses the approval process

that will be utilized by the City to consider future dock construction requests that extend from this residential zone into trust lands.

2. Future Use of Trust Lands

Consistent with the following set of General Plan goals, the City of Pittsburg's long-term vision for the Trust Lands focuses on improving access, preservation, and integration in order to maximize public benefit.

Access: This refers to the design of Trust Lands, adjacent areas, and infrastructure that allows people to benefit from the public lands in an equal and unhindered fashion. In order to carry out this hallmark of the Public Trust Doctrine, the City of Pittsburg plans to augment trails, parks, open spaces, and the marina with the following four goals in mind.

Goal 1 - Provide increased pedestrian connections to and vistas of the Suisun Bay/New York Slough waterfront.

(General Plan Goal 2-G-11 and 5-G-6)

Goal 2 -Promote a local trail and linear park system to provide access to regional open space areas, as well as connections between neighborhoods.

(General Plan Goal 8-G-3)

Goal 3 - Maximize public access to and recreational facilities along the City's waterfront areas.

(General Plan Goal 8-G-5)

Goal 4 - Promote improved views of the shoreline from public parks and rights-of-way.

(General Plan Goal 8-G-7)

Preservation: This involves protection of existing conditions, habitats and resources from natural threats like flooding and seismic activity, as well as manmade dangers like pollution and sealevel rise. With a commitment to continuous improvement, the City aims to maintain and augment the state of the public lands according to the East Contra Costa Habitat Conservation Plan (Attachment 1), as well as the San Francisco Bay Conservation & Development Commission's(SFBCDC) Bay Area Plan (Attachment 2) and the following General Plan goals.

Goal 5 - Protect sensitive marshland habitats along the New York Slough waterfront.

(General Plan Goal 2-G-13)

Goal 6 - Preserve existing wetlands and salt marshes along the Suisun Bay

(General Plan Goal 2-G-35)

Goal 7 - Undertake a leadership role in the coordination and completion of infrastructure improvements, and in the facilitation of environmental remediation.

(General Plan Goal 6-G-3)

Goal 8 - Protect conservation areas, particularly habitats that support special status species, including species that are state or federally listed as endangered, threatened, or rare.

(General Plan Goals 9-G-1 and 9-G-2)

Goal 9 - Support the reclamation of wetlands and marshlands along local industrial waterfronts.
(General Plan Goal 9-G-3)

Goal 10 - Minimize the runoff and erosion caused by earth movement by requiring development to use best construction management practices (BMPs).
(General Plan Goal 9-G-4)

Goal 11 - Preserve and enhance Pittsburg's creeks for their value in providing visual amenity, drainage capacity, and habitat value.
(General Plan Goal 9-G-5)

Goal 12 - Comply with Regional Water Quality Control Board (RWQCB) regulations and standards to maintain and improve the quality of both surface water and groundwater resources.
(General Plan Goal 9-G-7)

Goal 13 - Ensure that soil and groundwater pollution is addressed during redevelopment and reuse projects.
(General Plan Goal 9-G-8)

Goal 14 - Minimize risk to life and property from geologic and seismic hazards.
(General Plan Goal 10-G-1)

Goal 15 - Locate development outside of flood-prone areas unless mitigation of flood risk is assured.
(General Plan Goal 10-G-7)

Integration: The Trust Lands have been integral in steering the character of Pittsburg for nearly 200 years. As waterfront uses have evolved with each era, the City continues to search for and implement means of enjoyment and productivity for waterfront users and visitors. The following four General Plan goals aim to continue to fold these uses into the fabric of Pittsburg as a City. This integrated fabric contributes to the City's county, regional and statewide identity, attracting more Californians to utilize and benefit from this statewide resource.

Goal 16 - Develop a high-quality public park system for Pittsburg that provides varied recreational opportunities accessible to all City residents. Provide parks that reflect the diversity of Pittsburg's natural setting, including creeks and waterways, tree stands, rock outcroppings, and topography.
(General Plan Goal 8-G-1 and 8-G-2)

Goal 17 - Support and promote the active use of regional open space areas by local residents.
(General Plan Goal 8-G-4)

Goal 18 - Improve linkages between the waterfront, Downtown core, and other recreational open spaces within the City.
(General Plan Goal 8-G-6)

Upcoming Projects and Timeline

Capital Improvement Programs

The City plans to establish five or ten-year Capital Improvement Programs (CIP) to strategize expenditures of waterfront funding. These CIP'S will reserve and apply waterfront revenues to various maintenance needs and development projects including but not limited to access road and walking trail maintenance, pier, dock, launch ramp safety, marina dredging, graffiti abatement, City watercraft fleet maintenance and storage, and any other recurring need for current and future Trust Lands amenities. The City aims to apply this same mechanism for development projects like the ones listed below. With a properly structured CIP, regular maintenance as well as exciting new developments can be financed with waterfront revenues, grants can be sought proactively, and projects can be strategically prioritized. These programs will therefore benefit the statewide public by increasing and improving access, utility, and safety of the waterfront in a fiscally responsible way.

Environmental Due Diligence

The City intends to maintain the use and character of its residential, industrial, commercial, park, and open space Trust Land while also emphasizing access, preservation, and integration through innovative development. Decades of industry have left the Trust Lands speckled with brownfields. Prior to moving forward with innovative development on the shoreline, and in alignment with its preservation goals, the City must perform its due diligence to assess and remediate contaminated Trust Lands. The City has applied for the 2017 Environmental Protection Agency (EPA) Brownfields Assessment Grant which could increase the City budget by up to \$300,000 for hazardous materials and petroleum products assessments. Specifically, grant and waterfront funding will target five parcels shown on Figure 4 below (Grant and City funding would be used to assess the upland portions of the parcels, while waterfront revenue would be used to assess the slivers of Trust Lands on each parcel). These parcels are of heightened interest as they are vacant and align with the City's General Plan.

Additional brownfield cleanup and reuse plan funding is available annually through the EPA. The City plans to pursue these funding opportunities and partner with community and governmental groups in order to improve environmental conditions of the Trust Lands and their upland parcels. Improved environmental conditions will lend to increased opportunities for statewide public enjoyment and utility of the Trust Lands as it is the responsible first step in developing such areas into Trust Lands access points.

Land Acquisition

Acquisition is an important step in environmental remediation, as ownership is required for EPA-funded cleanup and development funding. The City does not currently own several parcels adjacent to the Trust Lands. According to the State Lands Commission, "The City's granting statute allows the City to expend trust revenues to acquire appropriate upland properties to benefit and enhance the trust, subject to a determination by the Commission that the acquisition is consistent with the City's granting statute and in the best interests of the state." The City hopes to synchronize acquisition and assessment efforts so that parcels can be cleaned and ready for various community-benefitting developments within a year of their assessment. The City has already applied for over \$500,000 of Community Development Block Grant (CDBG) funding for land acquisition of waterfront parcels that include Trust Lands.

Once these major remediation and acquisition efforts come to fruition, the City plans to implement the following projects by 2025.

Land acquisition will provide a statewide benefit as it will give the City authority to remediate Trust Lands that are brownfields. Remediation will lend to increased opportunities for statewide public enjoyment and utility of the Trust Lands as it is the responsible first step in developing such areas into Trust Lands access points.

Figure 4. Potential Environmental Assessment and Project Locations.



Community Center with Marine Component

The City has initiated plans to construct an indoor/outdoor multi-sport complex on a handful of parcels that intersect the Trust Lands. While the complex will have an upland component, the proposed complex would intrude into the Trust Lands via a lookout terrace and launch ramps for kayaking, kite boarding, paddle boarding, and even motorized launch crafts. The waterfront component will be the only piece eligible for expenditure of waterfront revenue. The exact location of the community center and surrounding amenities is currently unknown, as environmental assessments will yield feasibility information needed for site selection. While this project is still in its early conceptual phase, the City is working on preliminary infrastructure dimensions and designs with an architectural firm, and has brainstormed strategies to gain access to, acquire, and develop parcels. The City hopes to host the facility's inaugural tournament and launch water sport programming by 2024.

Marine Access

Trust Land revenues in conjunction with California Wildlife Conservation Board's (CAWCB) Public Access Development Program funding can be used for fishing dock construction, repair, or other means of waterfront access for wildlife-oriented recreation has been identified. The City plans to incorporate Marine Access Augmentation as a pillar of the Waterfront CIP and supplement these projects with

CAWCB funding in fiscal years 2018 through 2020 to (1) install an ADA accessible non-motorized launch ramp at the Municipal Marina, (2) repair the public fishing dock at Riverview Park, and (3) construct amphitheater steps on the Riverview Park jetty similar to those along the City of Richmond's waterfront (Figure 5). Each of these projects are proposed in locations within the Trust Lands. In preparation for February 2017's grant proposal, City staff has researched ADA accessible launch ramp designs, identified a launch ramp location within the marina, and made contact with the program supervisor at CAWCB.

The proposed projects will provide the statewide benefit of marine access for water sports and wildlife recreation. The ADA component will increase access for the physically impaired.

Figure 5. Amphitheater steps offering access to the Richmond waterfront.

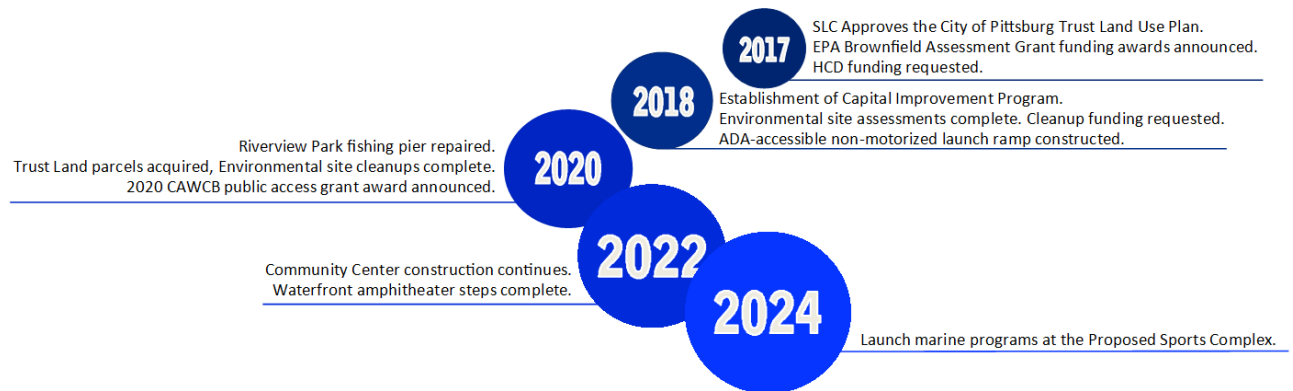


Programs and Events at the Marina

Until 2016, the Pittsburg Marina offered basic municipal marina amenities: water vessel storage, gasoline, and live aboard slips. This year, the City and commercial partners collaborated to enhance marina offerings which now include stand-up paddle board lessons, non-motorized vessel storage, and daily motor boat rentals. City staff has conducted research at other San Francisco Bay Area marinas and hopes to develop sailing, kayaking, kiteboarding, and paddle board yoga programs in the near future. Likewise, the Economic Development and Recreation Departments introduced new events at the Marina like First Fridays, and as in prior years, will commence these activities beginning in the upcoming spring.

The programs at the Marina will benefit the statewide public by increasing regional attendance to the City's waterfront. The programs at the Marina will also provide a financial benefit that, while currently unknown, will be structured to at least provide funding to cover the City's cost to provide the programs.

Figure 6. City of Pittsburg Waterfront approximate implementation timeline.

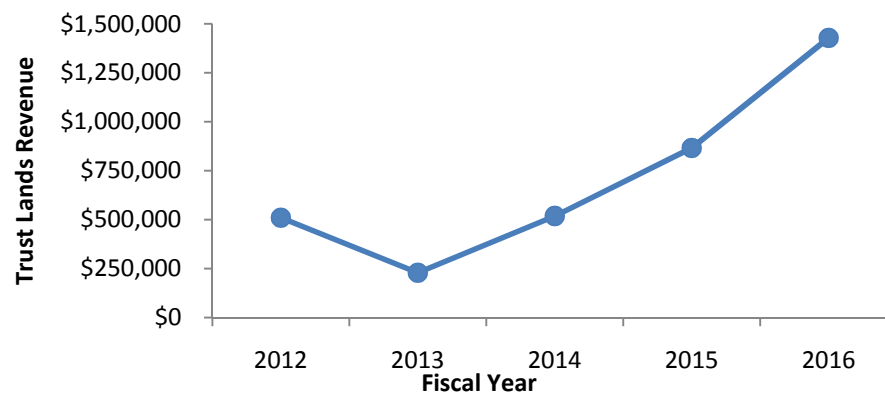


3. Financing and Implementation

Revenues

As seen in Figure 7, Trust Land revenues have significantly evolved since the transfer of land in 2012. It is primarily comprised of waterfront leases (99%), events revenues, and grants pursued by the waterfront staff. Funding is expected to grow as the City diligently works to legitimize all remaining waterfront property leases, and as federal, state, and regional funding is sought. Trust Land funding is allocated exclusively for Trust Lands. The graph below demonstrates the evolution of Trust Lands funding since the transfer of lands in 2012, and the following sections summarize operating and capital costs incurred by the Trust Lands fund.

Figure 7. City of Pittsburgh Trust Lands revenues since fiscal year 2012.



Operating Costs

Operating costs, including State Lands Commission payments, events, maintenance, and administrative overhead of Waterfront staff, are highly variable and have totaled between \$104,388 and \$779,726 between 2012 and 2016. Pursuant to SB 551, the City pays the State Lands Commission 20% of its annual gross lease revenue, totaling \$279,000 in 2016. Also in 2016, nearly \$53,000 was spent on festivals and events like First Fridays, the Fourth of July fireworks show, and the annual Kiteboarding Event. Each of these events invites members of the public to the Trust Lands to enjoy food, drinks, activities and entertainment.

The City also funds and performs regular maintenance on the Trust Lands, including but not limited to weed abatement, marina restroom maintenance, tree and shrub pruning, mowing and edging, pest control, debris collection, and graffiti removal. At this time, the City's Waterfront Department funds a full time Parks Maintenance Assistant to complete this work on a regular basis, and has looked into recruiting a landscape architect to elevate the area aesthetically.

As the City has captured more of the State Lands lease revenues since the transfer in 2011, waterfront funding has nearly tripled. Simultaneously, the need and function of staff dedicated to waterfront have developed and grown. Therefore, in addition to the Parks Maintenance Assistant, the State Lands revenue funds one Administrative Analyst. Estimated operating costs for the projects proposed above are based on approximate need for City staff time, and can be found in the table below.

Proposed Project	Estimated Staff Time	Average Hourly Staff Rate	Approximate Operating Cost
Develop CIP Program	30	\$90	\$2,700
ADA Launch Ramp	150	\$90	\$13,500
Fishing Dock Repair	150	\$90	\$13,500
Waterfront Amphitheater Steps	300	\$90	\$27,000
Total	-	-	\$56,700

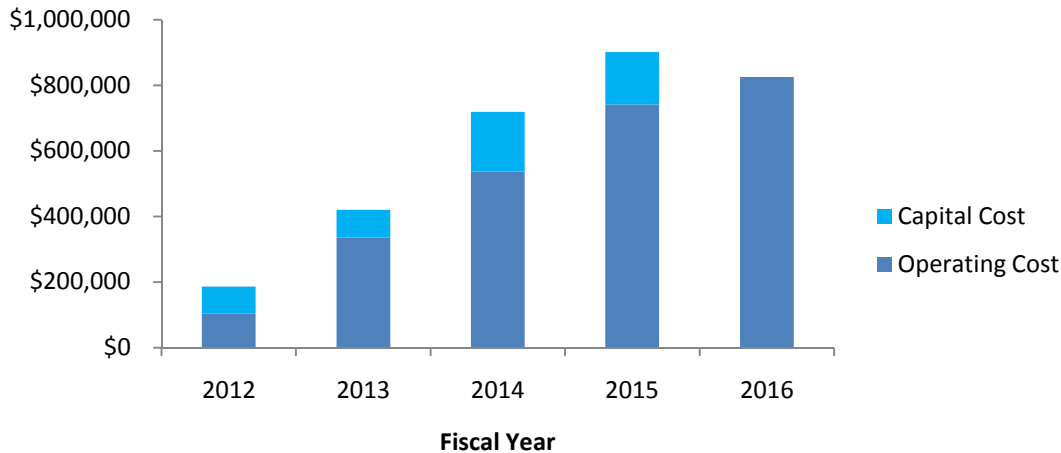
Some projects (Environmental Due Diligence, Land Acquisition, Community Center) are missing from the table above as time spent on them will be inherently linked to time spent on upland areas. Cost associated solely with Trust Lands cannot be estimated at this time.

Capital Costs

As shown by the table below, capital costs for projects in Pittsburg State Lands are incurred as regular maintenance and improvement needs, as well as opportunities for development arise. For example, in 2015 the City built two non-motorized watercraft launch ramps costing \$161,810. Conversely, in 2016 there were no capital expenditures in the area. Going forward, the City plans to continue to look for capital improvement projects to enhance the Trust Lands area, and will apply for grant funding and allocate budget appropriations in a proactive fashion. Figure 8 below demonstrates the evolution of relative operating and capital Trust Lands expenditures since the transfer of lands in 2011.

Estimated capital costs for the projects proposed above are based on approximate consultant needs and available grant funding. Consultant costs for work in the Trust Lands will be inherently linked to consultant costs for upland areas and will require cost analysis based on work done specifically in the Trust Lands. Therefore cost associated solely with Trust Lands cannot be estimated at this time.

Figure 8. City of Pittsburg Trust Lands Expenditures since fiscal year 2012.



4. Hazards and Hazard Mitigation

The natural setting of the City’s Trust Lands offers both opportunities and constraints related to land use development. Its location on the Pittsburg waterfront offers recreational opportunities and scenic vistas, but also requires consideration and respect for the natural resources, habitats, and environment. The most significant hazards along the Pittsburg waterfront are flooding, seismic activity, and sea level rise. This section introduces the extent of these potential natural hazards along the Pittsburg waterfront, and policies that the City follows to address them.

Seismic Activity

According to the United States Geological Survey, “In 2007, earthquake scientists ...estimated that there is a 63% probability of a magnitude 6.7 or greater earthquake in the Bay Area in the next 30 years. Although the hazard is spread throughout the Bay Area, some faults are more likely to rupture than others...The East Bay has a higher earthquake hazard than the San Francisco peninsula due to the Hayward-Rogers Creek Fault and the higher number of faults that traverse the East Bay.” Surrounded by six major faults, including the Hayward-Rogers Creek Fault, the Pittsburg waterfront is susceptible to significant seismic activity and externalities like erosion and liquefaction.

A particular concern for the City is the possibility of an earthquake triggering an industrial disaster. The density of petroleum and chemical industries and the transshipping of military explosives result in large quantities of potentially explosive, flammable and poisonous materials being stored, processed and transported through Pittsburg and throughout Contra Costa County. The City works together with industry to encourage modernization and seismic retrofit of industrial facilities, and has developed the following General Plan policies to reduce impacts of earthquakes.

Policies

Policy 1 - Ensure preparation of a soils report by a City-approved engineer or geologist in areas identified as having geological hazards, as part of development review.
(General Plan Policy 10-P-1)

Policy 2 - Ensure that Bay Area Air Quality Management District requirements are implemented around construction sites to reduce wind velocity and soil transport at the sites.
(General Plan Policy 10-P-5)

Policy 3 - Encourage the use of water-sprinkling trucks at large construction sites to keep the exposed soil moist during construction.
(General Plan Policy 10-P-6)

Policy 4 - As part of the development approval process, restrict grading to only those areas going into immediate construction as opposed to grading the entire site, unless necessary for slope repair or creek bed restoration. On large tracts of land, avoid having large areas bare and unprotected; units of workable size shall be graded one at a time.
(General Plan Policy 10-P-7)

Policy 5 - During development review, ensure that new development on unstable slopes is designed to avoid potential soil creep and debris flow hazards. Avoid concentrating runoff within swales and gullies, particularly where cut-and-fill has occurred.
(General Plan Policy 10-P-8)

Policy 6 - Ensure geotechnical studies prior to development approval in geologic hazard areas. Contract comprehensive geologic and engineering studies of critical structures regardless of location.
(General Plan Policy 10-P-9)

Policy 7 - As part of development approval, ensure that a registered engineering geologist be available at the discretion of the City Engineer to review reports submitted by applicants in the geologic hazard areas.
(General Plan Policy 10-P-10)

Policy 8 - Form geological hazard abatement districts (GHADs) prior to development approval in unstable hillside areas to ensure that geotechnical mitigation measures are maintained over the long-term, and that financial risks are equitably shared among owners and not borne by the City.
(General Plan Policy 10-P-11)

Policy 9 - During rehabilitation and redevelopment of industrial properties along the Suisun Bay waterfront, ensure that geotechnical mitigation measures are used to prevent collapse of structures in the event that liquefaction occurs.
(General Plan Policy 10-P-13)

Policy 10 - Review and amend City ordinances, including the Building Code, that regulate development in potentially hazardous locations to ensure adequate protection from geologic hazards.
(General Plan Policy 10-P-14)

Policy 11 - Reduce sedimentation and erosion of waterways by minimizing site disturbance and vegetation removal along creek corridors.
(General Plan Policy 9-P-24)

Policy 12 - Require new urban development to use Best Management Practices (BMP) to minimize creek bank instability, runoff of construction sediment, and flooding. The BMPs will ensure that new

development projects consider the effects of construction debris and sediment on local water supplies. However, it is imperative that the City review and update the BMPs to promote state-of-the-art construction practices.

(General Plan Policy 9-P-23)

Policy 13 - As part of development plans, require evaluation and implementation of appropriate measures for creek bank stabilization, as well as necessary Best Management Practices (BMPs) to reduce erosion and sedimentation. Encourage preservation of natural creeks and riparian habitat as best as possible.

(General Plan Policy 9-P-15)

Policy 14 - Establish development standards for new construction adjacent to riparian zones to reduce sedimentation and flooding. Standards should include:

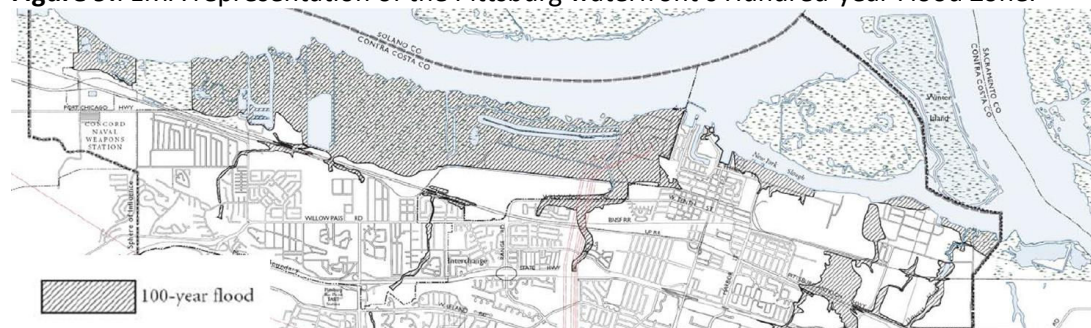
- Requirements that low berms or other temporary structures such as protection fences be built between a construction site and riparian corridor to preclude sheet-flooding stormwater from entering the corridors during the construction period.
- Requirements for installation of storm sewers before construction occurs to collect stormwater runoff during construction.

(General Plan Policy 9-P-16)

Flooding

According to the Federal Emergency Management Agency (FEMA), a majority of Contra Costa County's creeks and shoreline lie within the 100-year flood plain. Areas with high flood hazards are the islands and adjacent mainland in the San Joaquin-Sacramento River Delta in East Contra Costa County. Certain portions within the Pittsburg Planning Area, located along Suisun Bay, are particularly susceptible to floods. Waterfront areas within the 100-year flood plains, as shown in Figure 9, include Browns Island, shoreline and adjacent uninhabited marshland north of the BNSF Railroad tracks in Bay Point, portions of the industrial area in northeast Pittsburg beginning at the shoreline, including Kirker Creek, then following the creek upstream to its terminus in the hills south of the City, and along Lawlor Creek in the northwestern portion of the City.

Figure 9. FEMA representation of the Pittsburg waterfront's Hundred-year Flood Zone.



The City is responsible for maintaining the flood control system within the Kirker Creek Watershed which encompasses the City's waterfront. The City adheres to the following General Plan policies to minimize impacts of flooding at the waterfront.

Policies

Policy 15 - Ensure that pad elevations on newly constructed habitable buildings are one foot above the 100-year floodplain, as determined by FEMA.

(General Plan Policy 10-P-22)

Policy 16 - Encourage the formation of flood control assessment districts for those areas within the 100- and 500-year flood plains. Encourage new hillside developments to form flood control assessment districts to accommodate runoff and minimize downstream flooding, if determined to be necessary.

(General Plan Policy 10-P-21)

Policy 17 - To prevent flood hazards in the Kirker Creek watershed, ensure that new development minimizes paved areas, retaining large blocks of undisturbed, naturally vegetated habitat to allow for water infiltration. Additional flood control mitigation may include intermixing areas of pavement with the naturally vegetated infiltration sites to reduce the concentration of stormwater runoff from pavement and structures.

(General Plan Policy 9-P-17)

Policy 18 - Establish development standards for new construction adjacent to riparian zones to reduce sedimentation and flooding. Standards should include: requirements that low berms or other temporary structures such as protection fences be built between a construction site and riparian corridor to preclude sheet-flooding stormwater from entering the corridors during the construction period; and requirements for installation of storm sewers before construction occurs to collect stormwater runoff during construction.

(General Plan Policy 9-P-16)

Policy 19 - During the review of development plans, require all commercial projects to construct on-site retention facilities. Such facilities could be in the form of landscape features or underground swells.

(General Plan Policy 10-P-29)

Policy 20 - Reduce the risk of localized and downstream flooding and runoff through the use of high infiltration measures, including the maximization of permeable landscape.

(General Plan Policy 10-P-26)

Policy 21 - Ensure adequate minimum setbacks to reduce potential for property damage from storm flooding.

(General Plan Policy 10-P-25)

Policy 22 - Ensure that all new development (residential, commercial, or industrial) contributes to the construction of drainage improvements in the Kirker Creek and other watersheds, as required by the City's adopted ordinances.

(General Plan Policy 10-P-23)

Pollution and Hazardous Materials

Given the City's proximity to water, waste, particularly plastics, is especially susceptible to escaping to waterways, oceans, and coastal habitats. These products are harmful to animals and may enter the food chain as they degrade into smaller and smaller pieces. In January 2014, the City established a plastic bag regulation requiring Pittsburg shoppers to use reusable bags. This, along with the City's

Mandatory Duty to Recycle Ordinance (Municipal Code Section 8.06.045) which requires all residents and businesses to participate in a recycling program, are a couple methods the City employs to reduce waste within the community and ultimately the surrounding waterbodies. In addition, while many industrial operations along the Pittsburg waterfront use or produce hazardous materials, they take strong strides to minimize their footprint. Lease No. 18, DOW, for example, maintains acres of wetlands that provide an environmental buffer zone to mitigate the company's impact.

Policies

Policy 23 - As part of project review and CEQA documentation, require an assessment of downstream drainage (creeks and channels) and City storm-water facilities impacted by potential project runoff. Calculate potential sedimentation and runoff based on the maximum storm event and determine necessary capacity of the downstream drainage system. If the project presents potential downstream sedimentation, runoff or flooding issues, require additional mitigation including but not limited to limitations on grading, construction only in dry seasons, and funding for downstream improvements, maintenance, and repairs.

(General Plan Policy 9-P-21)

Policy 24 - As part of project review and approval, establish maintenance districts to ensure uniform maintenance for selected channels and creeks.

(General Plan Policy 9-P-20)

Policy 25 - Work with industrial property-owners along the waterfront to improve urban runoff and water quality levels within Suisun Bay wetlands.

(General Plan Policy 9-P-14)

Policy 26 - Assume a leadership role in enhancing environmental quality in the City by coordinating the remediation of former industrial and commercial sites and by facilitating their redevelopment. There are several large sites with high commercial or industrial redevelopment potential in the longer term. These sites, which have been identified as having leaking underground storage tanks (USTs) or as Spills, Leaks, Investigations, and Cleanup (SLIC) sites, include: Pittsburg/Bay Point BART Station; USS-Posco and Dow Chemical sites; and interchange areas at State Route 4 and Willow Pass Road, Bailey Road, Railroad Avenue, and Loveridge Road.

(General Plan Policy 6-P-3)

Policy 27 - Support the reclamation and reuse of contaminated industrial sites within the Northeast River subarea.

(General Plan Policy 2-P-41)

Policy 28- Assume a leadership role in enhancing environmental quality in the City by coordinating the remediation of former industrial and commercial sites and by facilitating their redevelopment.

(General Plan Policy 6-P-3)

Policy 29 - Ensure that soil and groundwater pollution is addressed during redevelopment and reuse projects.

(General Plan Policy 9-G-8)

Policy 30 - Work with industrial property-owners along the waterfront to improve urban runoff and water quality levels within Suisun Bay wetlands.
(General Plan Policy 9-P-14)

Policy 31 - Cooperate with other public agencies in the formation of a hazardous materials team, consisting of specially-trained personnel from all East County public safety agencies, to address the reduction, safe transport, and clean-up of hazardous materials.
(General Plan Policy 10-P-31)

Policy 32 - Designate and map brownfield sites to educate future landowners about contamination from previous uses. Work directly with landowners in the clean-up of brownfield sites, particularly in areas with redevelopment potential.
(General Plan Policy 10-P-32)

Policy 33 - Prevent the spread of hazardous leaks and spills from industrial facilities to residential neighborhoods and community focal points, such as Downtown.
(General Plan Policy 10-P-33)

Policy 34 - Identify appropriate regional and local routes for transport of hazardous materials and wastes. Ensure that fire, police, and other emergency personnel are easily accessible for response to spill incidences on such routes.
(General Plan Policy 10-P-34)

Policy 35 - Require historical assessments and/or sampling as part of the environmental review process for redevelopment projects in the Loveridge and Northeast River subareas. Ensure that contamination from industrial waste is mitigated before redevelopment occurs.
(General Plan Policy 10-P-35)

Policy 36 - Prepare and disseminate information about the harmful effects of toxic chemical substances and safe alternative measures. Brochures and a page on the City's Web site describing the harmful effects of toxic chemicals and alternatives, including information about safe alternatives to toxics for home and garden use, should be made available to residents of Pittsburg.
(General Plan Policy 9-P-28)

Policy 37 - Protect water quality by reducing non-point sources of pollution and the dumping of debris in and near creeks, storm drains, and Contra Costa Canal. Continue use and implementation of the City's storm drain marking program in newly developed or redeveloped areas. The quality of groundwater and water flowing into the City's creeks is most likely to be affected by non-point pollution sources in Pittsburg. Urban development can potentially pose a threat to surface and groundwater quality through construction sediment, use of insecticides and herbicides, and related increases in automobile use.
(General Plan Policy 9-P-27)

Policy 38 - Encourage rehabilitation and revegetation of riparian corridors and wetlands throughout the City to contribute to bioremediation and improved water quality.
(General Plan Policy 9-P-25)

Policy 39 - Continue working with the Regional Water Quality Control Board in the implementation of the National Pollutant Discharge Elimination System (NPDES), with specific requirements established in each NPDES permit.

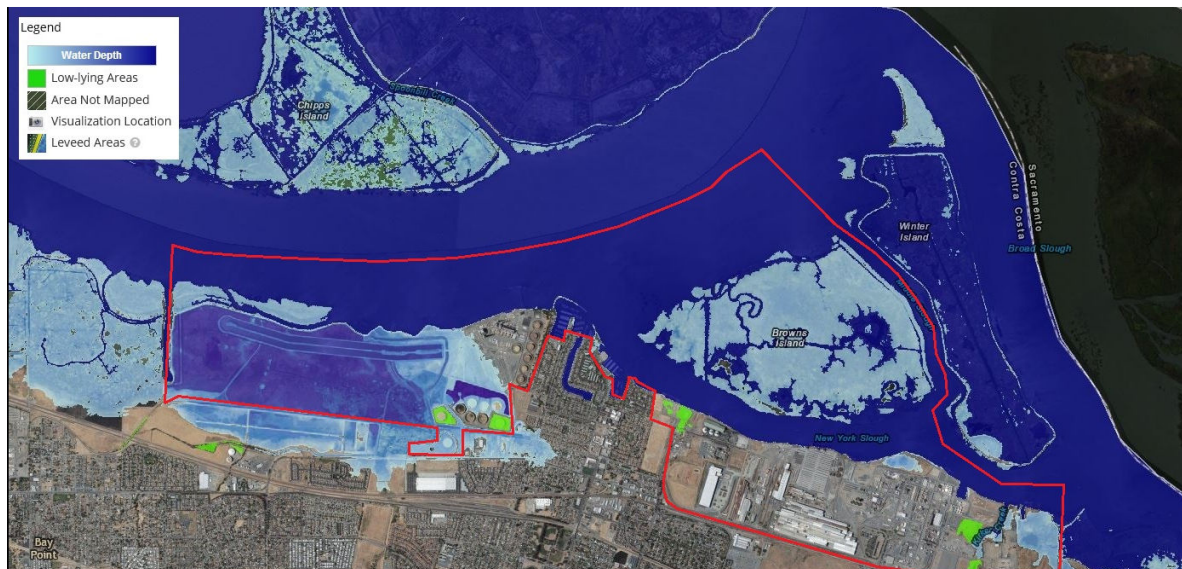
Sea Level Rise

While precise risk assessments of the pace and amount of future sea level rise in California are scientifically uncertain, the San Francisco Bay Conservation & Development Commission (SFBCDC) regards the California Climate Action Team's (Team) projections as the "best assessment of sea level rise on the West Coast." The Team expects sealevel rising ranging from 10-17 inches around 2050 and 31-69 inches by 2100. Figures 12 and 13 below depict Pittsburg before and after three feet of sea level rise.

Figure 10. City of Pittsburg at current mean higher high water level according to the National Oceanic and Atmospheric Administration (NOAA).



Figure 11 City of Pittsburg after three feet of sea level rise (NOAA).



While City of Pittsburg’s General Plan establishes Policy 9-P-12, “Protect and restore threatened natural resources, such as estuaries, tidal zones, marine life, wetlands, and waterfowl habitat,” the SFBCDC has also set regional policies for protecting the Suisun Marsh area, which includes Pittsburg’s Trust Lands. The SFBCDC updated the San Francisco Bay Plan in October 2011 (Attachment 2) to include the following policies summarized below.

Policies

Policy 40 -Sea level rise risk assessments are required when planning shoreline areas or designing larger shoreline projects. If sea level rise and storms that are expected to occur during the life of the project would result in public safety risks, the project must be designed to cope with flood levels expected by mid-century. If it is likely that the project will remain in place longer than mid-century, the applicant must have a plan to address the flood risks expected at the end of the century.

- Risk assessments are not required for repairs of existing facilities, interim projects, small projects that do not increase risks to public safety, and infill projects within existing urbanized areas.
- Risk assessments are only required within BCDC’s jurisdiction.
- Risk assessments for projects located only in the shoreline band, an area within 100 feet of the shoreline, need only address risks to public access.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 41 - Fill may be placed in the Bay to protect existing and planned development from flooding as well as erosion. New projects on fill that are likely to be affected by future sea level rise and storm activity during the life of the project must:

- Be set back far enough from the shoreline to avoid flooding;
- Be elevated above expected flood levels;
- Be designed to tolerate flooding; or
- Employ other means of addressing flood risks.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 42 - Shoreline protection projects, such as levees and seawalls, must be designed to withstand the effects of projected sea level rise and to be integrated with adjacent shoreline protection. Whenever feasible, projects must integrate hard shoreline protection structures with natural features that enhance the Bay ecosystem, e.g., by including marsh or upland vegetation in the design.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 43 - Public access must be designed and maintained to avoid flood damage due to sea level rise and storms. Any public access provided as a condition of development must either remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project must be provided nearby.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 44 - Where feasible, ecosystem restoration projects must be designed to provide space for marsh migration as sea level rises.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 45 - Policies encourage projects if their regional benefits, such as reducing carbon emissions by locating jobs and housing near public transportation, outweigh the risk from flooding. Projects that do not negatively impact the Bay and do not increase risks to public safety, such as repairs, small and interim projects, and parks, are also encouraged.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 46 - Policies encourage preservation and habitat enhancement in undeveloped areas that are vulnerable to future flooding and contain significant habitats or species, or are especially suitable for ecosystem enhancement.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 47 - Policies call on the Commission, working with other agencies and the general public, to develop a regional strategy for

- Protecting critical developed areas along the shoreline from flooding;
- Enhancing the natural resources of the Bay by preserving existing habitat and identifying areas where tidal wetlands can migrate landward; and
- Improving the ability of communities to adapt to sea level rise in ways that advance economic prosperity, social equity and environmental protection.

(SFBCDC 2011 *San Francisco Bay Plan*)

5.Procedures and Regulations for Trust LandsLeases and Developments

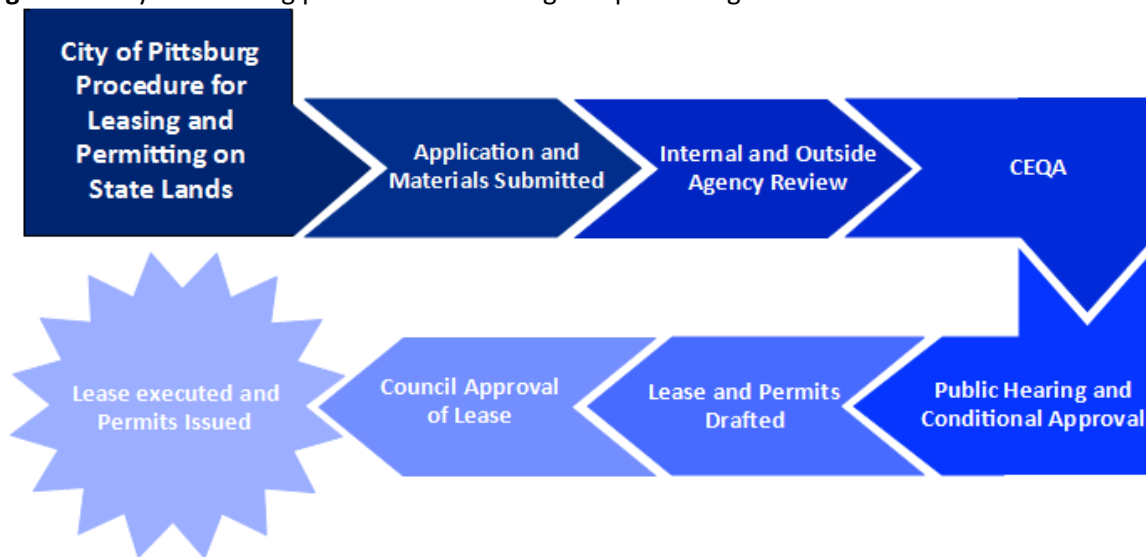
Given Pittsburg's custodial responsibility over Trust Lands within its boundaries, and its long-term vision of access, preservation, and integration, the City manages leasing and development at the waterfront per the following process.

Leasing and Permitting Procedure

The chart below outlines the application and review process for leasing and permitted development on Trust Lands in Pittsburg. Building, Planning, and Engineering permit applications and forms for can be

found on the City's website at <http://www.ci.pittsburg.ca.us/index.aspx?page=180>. A detailed description of the process is as follows:

Figure 12. City of Pittsburg procedure for leasing and permitting on State Lands.



Step 1. Depending on the scope of the project, applicants first submit their application materials and fees to the City of Pittsburg Planning, Building, or Engineering Department. Application materials may include but are not limited to:

- Planning or Building Permit Application Form
- Scope of Work
- Dredging/Excavation Plan
- Bank Stabilization Plan
- Site/Location Plan
- Floor Plan
- Building Elevations
- Cross Sections
- Materials and Color Samples Board
- Grading Plan
- Photometric Plan
- Landscaping Plan
- Stormwater Control Plan Report and Exhibit

Upon receipt of a complete application and supplemental materials, staff estimates processing costs, and issues the applicant a reimbursement agreement to assure recovery by the City of the total cost to process an application for their project and the planned use of State Trust Lands.

Step 2. Several City departments including Planning, Building, and Engineering, along with any relevant outside agencies, including the State Lands Commission, (see Attachment 3) then conduct review of submittals to determine whether the proposed project is (a) consistent with the City and State policies, practices and procedures; (b) conducive to public access; (c) consistent with environmental safeguards and policies of the State; and (d) otherwise in the best interest of the State. A list of the City's General Plan Waterfront Development Policies with which staff will determine preliminary approval status can

be found in Attachment 4, and all Municipal Code requirements can be found in the City of Pittsburgh Municipal Code.

In the event the application is deemed incomplete, City staff will specify additional information required and notify the applicant. Upon receipt of any additional material, staff will respond within 30 calendar days as to whether the application is complete. Should the applicant fail to provide a complete application within a reasonable period of time, the file may be closed and all or any part of the fees retained by the City. There is an appeal process whereby an applicant may appeal the staff determination that an application is incomplete.

At this stage, State Lands Commission approval for leases for port industrial facilities are required per Chapter 422, st 2011, Section 3(1).

Step 3. Once approval is received from all outside agencies, the City initiates the California Environmental Quality Act (CEQA) process. On many proposed projects the City is the Lead Agency for this process.

Step 4. After a successful CEQA process in which the project is exempted or found compliant, the City Council and/or Planning Commission consider the item in a public hearing for conditional approval. The following table demonstrates types of projects and public meetings to which they are subject.

Project Type	Public Meeting Required
General Plan Amendment	Planning Commission and City Council
Rezoning or Zoning Text Change	Planning Commission and City Council
Design Review	Planning Commission or City Council
Variance	Planning Commission
Development Agreement	Planning Commission and City Council
Affordable Housing Agreement	City Council

Step 5. If approved by the City Council and/or Planning Commission, a lease is drafted according to an appraisal of upland property which the City obtains using the expense deposit collected in Step 1. Terms and conditions of the City's waterfront leases vary. A sample lease can be seen as Attachment 5. At this step all necessary City and Outside Agency permits are prepared as well.

Step 6. Once mutually agreed upon, the lease is brought before the City Council for approval during a City Council meeting.

Step 7. If approved by the Council, the project is allowed to proceed with the project. The lease is then executed and all permits are issued.

Attachment 3 – TLUP Guide and Reference Documents

Resource	Date of Adoption/Execution
City of Pittsburgh General Plan General Plan Pittsburgh 2020: A Vision for the 21st Century	November 16, 2001 (Various amendments in 2003, 2004, 2005, 2006, 2007, 2009, and 2010)
Fiscal Year 2010-2011 Adopted Annual Budget	May 19, 2010
Fiscal Year 2011-2012 Adopted Annual Budget	June 20, 2011
Fiscal Year 2012-2013 Adopted Annual Budget	June 8, 2012
Fiscal Year 2013-2014 Adopted Annual Budget	June 7, 2013
Fiscal Year 2014-2015 Adopted Annual Budget	June 6, 2014
Fiscal Year 2015-2016 Adopted Annual Budget	June 5, 2015
Trust Lands Lease Agreement by and between the City of Pittsburgh and DOW Chemical	June, 2014
Trust Lands Lease Agreement by and between the City of Pittsburgh and NRG Delta, LLC.	July, 2015