



CITY OF PITTSBURG AGENDA

August 07, 2017

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

**CLOSED SESSION
6:00 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)

AUDIENCE REMARKS

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

6:00 P.M.

CONVENE IN CLOSED SESSION

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

Genon Energy, Inc. Chapter 11, US Bankruptcy Court for the Southern District of Texas, Houston Division, Case No. 17-33695(DRJ)

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; Significant exposure to litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:

One (1) case

7:00 P.M.

CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CITY MANAGER REPORTS/REMARKS

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

CITIZENS REMARKS

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

CITY COUNCIL MEETING

PUBLIC HEARING

3. Continuation of Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburgh Municipal Code Related to Permitting Small Recycling Facilities and Mail Order or Direct Selling Establishments in the M District, AP-17-1235 (RZ)

This is a request for continuation of the August 7, 2017, public hearing to August 21, 2017. The public hearing includes a request for a zoning text amendment to allow Small Recycling Facilities and Mail Order or Direct Selling Establishments in the M (Mixed Use) District, subject to limitations. The request has been made to facilitate implementation of the Recycle Smart Program within the existing building located at 555 California Avenue in the M District, for Pittsburgh Disposal / Mt. Diablo Recycling.

4. Adoption of a City Council Resolution to Vacate 0.33 Acres of Right of Way on Cumberland Street Near 10th Street

The portion of Cumberland Street south of 10th Street has been unused and has not been maintained by the City for more than five years. By Resolution 17-13348, the City Council declared its intent to abandon a portion of Cumberland Street and set a Public Hearing on the matter for August 7, 2017.

CONSIDERATION

5. Adoption of a Minute Order to Approve a City Council Recess in September

Historically, the City Council takes a recess during the month of September to allow for both staff and Council vacations. Both the recess and the scheduled date are at the discretion of the Council.

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

6. Minutes

Minutes of July 17, 2017

7. Adoption of a City Council Resolution Approving Annexation of Territory to Community Facilities District No 2005-1 Public safety Services and Levying a Special tax in Such Territory (Annexation No. 8)

The City has received written approval from current property owner to annex his parcel located at 1201 Stoneman Avenue into Community Facilities District No. 2005-1 to provide funding for police services for a newly developed area.

8. Adoption of a City Council Resolution Approving Annexation of Territory to Community Facilities District No. 2007-1 Park Maintenance and Levying a Special Tax in Such Territory (Annexation No. 6)

The City has received written approval from the current property owner to annex his parcel located at 1201 Stoneman Avenue into Community Facilities District No. 2007-1 to provide funding for park maintenance services for this newly developed area.

9. Adoption of a City Council Resolution Authorizing a Competitive Application to Contra Costa County for the Community Development Block Grant for Fiscal Year 2017/18 Special Infrastructure/Public Utilities

Contra Costa County is requesting applications for additional Community Development Block Grant (CDBG) projects. Staff has identified a project area for curb ramp installations that will qualify for the grant and is requesting authorization to submit an application for this competitive grant.

10. Adoption of a City Council Resolution to Accept Contract 2014-11, Southeast Hills Water Transmission Pipeline Project as Complete and Authorize the City Engineer to File a Notice of Completion

Contract 2014-11, Southeast Hills Water Transmission Pipeline Project (the "Project"), consisted of the construction of a new water transmission main in Buchanan Road from Railroad Avenue to Ventura Drive. This Resolution will accept the construction contract as complete and authorize the City Engineer to file a Notice of Completion.

11. Adoption of a City Council Resolution to Accept Contract 2013-24B Dover Well Pump Station Project as Complete and Authorize the City Engineer to File a Notice of Completion

Contract 2013-24B Dover Well Pump Station Project (the "Project"), consisted of the construction of a drinking water well to replace the Rossmoor Well at 580 Frontage Road on Dover Way. This Resolution will accept the construction contract as complete and authorize the City Engineer to file a Notice of Completion.

12. Adoption of a City Council Resolution to Authorize the Harbor Master to make Minor Amendments to Marina Rules and Regulations

Per the Pittsburg Municipal Marina's Rules and Regulations, "The Harbor Master, or a duly authorized appointee, shall be the City's representative in charge of all marina operations." As an independent enterprise that serves the public 24 hours a day, seven days a week, it is important that the Harbor Master has a limited range of discretion for minor amendments when enforcing the Rules and Regulations of the Pittsburg Municipal Marina (Marina).

13. Adoption of a City Council Resolution Authorizing the Filing of an Application for Funding Assigned to MTC and Stating Assurance to Complete the BART Pedestrian Bicycle Connectivity Project

On June 21, 2017, the Contra Costa Transportation Authority (CCTA) approved a list of projects recommended for funding through the One Bay Area Grant, Cycle 2 (OBAG2) program. One of the projects included in this list is the BART Pedestrian Bicycle Connectivity Project. While CCTA has forwarded this list to MTC, the City will need to submit the attached resolution of local support as part of the OBAG2 process.

14. Adoption of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Allowable Uses in the CP-1 District, AP-17-1245 (RZ)

On July 17, 2017, the City Council held a duly noticed public hearing to consider an amendment to Title 18 of the Pittsburg Municipal Code in order to allow 'Personal Improvement Services' and 'Personal Services,' subject to limitations, within the CP-1 District.

15. Adoption of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Accessory Dwelling Units and Side Yard Setbacks, AP-17-1227 (RZ)

On July 17, 2017, the City Council held a duly noticed public hearing to consider amendments to Title 18 of the Pittsburg Municipal Code (PMC) in order to: 1) bring the City's current Accessory Dwelling Unit (ADU) ordinance into conformance with recently-adopted state legislation; and 2) modify the interior side yard setback requirement for detached single-family dwellings within the RS-4 (Single Family Residential, 4,000 Square Foot Minimum Lot Size), RM (Medium Density Residential), and RM-D (Downtown Medium Density Residential) Districts.

16. Adoption of a City Council Resolution Authorizing the Filing of an Application for Funding Assigned to MTC and Stating Assurance to Complete the City of Pittsburg Pavement Improvements Project

On June 21, 2017, the Contra Costa Transportation Authority (CCTA) approved a list of projects recommended for funding through the One Bay Area Grant, Cycle 2 (OBAG2) program. One of the projects included in this list is the City of Pittsburg Pavement Improvements Project. While CCTA has forwarded this list to MTC, the City will need to submit the attached resolution of local support as part of the OBAG2 process.

17. Adoption of a City Council Resolution Approving a Request to the Metropolitan Transportation Commission (MTC) for the Allocation of FY 2017/18 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding

The Metropolitan Transportation Commission (MTC) provides Transportation Development Act (TDA), Article 3 funds to projects exclusively for the benefit and/or use of pedestrians and bicyclists. The City Council must first approve a request to MTC before these funds may be allocated. The attached resolution approves the application to MTC for FY 2017/18 TDA Article 3 Pedestrian/Bicycle Funds to construct a Class I Multi-use Trail along the south side of California Avenue, from Railroad Avenue to Harbor Street.

18. Adoption of a City Council Resolution Approving the Terms and Conditions of Employment for Employees in the Pittsburg Police Officers' Association for the Period July 1, 2017–June 30, 2020

The Memorandum of Understanding between the City of Pittsburg and the Pittsburg Police Officers' Association (POA) expired on June 30, 2017. The City and POA representatives have been meeting since March 2017 to develop a successor Memorandum of Understanding, and have reached a tentative agreement on the terms and conditions of employment for fiscal years 2017–2018, 2018-2019, and 2019-2020 that provides for a salary adjustment for all classifications, as well as the implementation of significant cost sharing measures relating to the California Public Employees Retirement System (CalPERS). Should Council approve these terms, staff will prepare a successor MOU that incorporates the agreed upon changes.

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)

ADJOURNMENT to August 21, 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: 7/27/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Continuation of Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Permitting Small Recycling Facilities and Mail Order or Direct Selling Establishments in the M District, AP-17-1235 (RZ)

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

This is a request for continuation of the August 7, 2017, public hearing to August 21, 2017. The public hearing includes a request for a zoning text amendment to allow Small Recycling Facilities and Mail Order or Direct Selling Establishments in the M (Mixed Use) District, subject to limitations. The request has been made to facilitate implementation of the Recycle Smart Program within the existing building located at 555 California Avenue in the M District, for Pittsburg Disposal / Mt. Diablo Recycling.

FISCAL IMPACT

Not applicable at this time.

RECOMMENDATION

City Council move to continue the public hearing to August 21, 2017.

BACKGROUND

The City Council held a public hearing on July 17, 2017, and voted to continued the item from the July 17, 2017 public hearing to August 7, 2017. The applicant has requested the hearing be postponed until the August 21, 2017 meeting. As a result, staff is recommending that this public hearing be continued to August 21, 2017.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

Not applicable.

ATTACHMENTS: Not applicable.

Report Prepared By: Christine Gregory, Contract Planner



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

DATE: 7/26/2017
TO: Mayor and Council Members
FROM: Joe Sbranti, City Manager
SUBJECT: Adoption of a City Council Resolution to Vacate 0.33 Acres of Right of Way on Cumberland Street Near 10th Street
MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

The portion of Cumberland Street south of 10th Street has been unused and has not been maintained by the City for more than five years. By Resolution 17-13348, the City Council declared its intent to abandon a portion of Cumberland Street and set a Public Hearing on the matter for August 7, 2017.

FISCAL IMPACT

None from this action.

RECOMMENDATION

City Council adopt the attached Resolution declaring 0.33 acres of Cumberland Street right-of-way near 10th Street is no longer needed and ordering the vacation of City owned right-of-way.

BACKGROUND

On June 13, 2017 and on June 27, 2017, the Planning Commission held public meetings to consider the permanent vacation of a portion of Cumberland Street and its consistency with the Pittsburg General Plan. On June 27, 2017, the Planning Commission adopted Resolution No.10065 determining the proposed Vacation is Consistent with the General Plan.

On July 17, 2017 the City Council adopted Resolution 17-13348 declaring its intent to vacate a portion of Cumberland Street.

The vacation proceeding was conducted in accordance with Chapter 3, Part 3, Division 9 of the California Streets and Highways Code and Government Code 8320.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

The proposed vacation of Cumberland Street, as described on Exhibit A and shown on Exhibit B attached to this report, is necessary to eliminate the City's obligation for continuous maintenance of surface improvements for an unused street.

The City will reserve an easement for the maintenance of the subsurface City water and sewer facilities. In addition, vacation of this roadway will facilitate the disposition and future development of adjacent properties. Vacation of the roadway will not landlock the adjacent parcels. A portion of Cumberland Street will remain a public roadway and serve as the public access to 10th Street. Documents conveying title to the property must note these easements.

CITY COUNCIL ACTION ITEMS:

1. OPEN THE PUBLIC HEARING and hear public testimony or protests.
2. CLOSE THE PUBLIC HEARING and, if no protests, proceed to take the following actions.
3. Adopt the attached Resolution authorizing vacation of 0.33 acres of Cumberland Street as described in Exhibit "A" and shown on Exhibit "B".

ATTACHMENTS: Resolution
Exhibit "A" Legal Description
Exhibit "B" Plat Map
Planning Commission Resolution No. 10065 and Supporting Staff Report

Report Prepared By: Jolan Longway
Civil Engineer II

Section 5. The City Manager is authorized to execute necessary documents to convey interest in the real property to the owner of the adjacent parcels:

1. 1073 Railroad Avenue (APN 085-204-002);
2. 1065 Railroad Avenue (APN 085-204-003);
3. 1055 Railroad Avenue (APN 085-204-004);
4. 1025 Railroad Avenue (APN 085-204-005);
5. 1044 Cumberland Street (APN 085-204-010);
6. 1056 Cumberland Street (APN 085-204-011);
7. 1068 Cumberland Street (APN 085-204-012);
8. 1095 Railroad Avenue (APN 085-204-015);
9. 1073 Cumberland Street (APN 085-205-002);
10. 1049 Cumberland Street (APN 085-205-003);
11. 1037 Cumberland Street (APN 085-205-004); and
12. 1085 Cumberland Street (APN 085-205-013).

Section 6. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
CUMBERLAND AVENUE VACATION AND UTILITY EASEMENT RESERVATION

That certain parcel of land situated in the City of Pittsburg, County of Contra Costa, State of California being that portion of Cumberland Avenue as shown on a Record of Survey filed in Book 141 of Licensed Surveyors Maps, at Page 24 on July 17, 2009 in the Office of the County Recorder of said Contra Costa County described as follows:

BEGINNING at the intersection of the westerly right-of-way of Cumberland Avenue and the northerly right of way of the A.T. & S.F.R.R. as said Avenue and A.T. & S.F. R. R. are shown and so designated on said Record of Survey (141 LSM 24);

Thence, along said westerly right-of-way, North 17°41'45" East, 247.14 feet, to the southeasterly corner of the parcel of land described in the document to Wong, recorded in Book 15157 of Official Records, at Page 85, in said Office of the County Recorder;

Thence, South 72°18'15" East, 60 feet, to the easterly right-of-way of said Cumberland Avenue;

Thence, along said easterly right-of-way, South 17°41'45" West, 229.45 feet to the northerly right-of-way of the A.T. & S.F.R.R. as shown on said Record of Survey (141 LSM 24);

Thence, along said northerly right-of-way, South 89°05'38" East, 62.67 feet to the **POINT OF BEGINNING**.

CONTAINING 14,285square feet, more or less

RESERVING THEREFROM an easement for public utility purposes.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

EXHIBIT "B" attached and by this reference made a part hereof.

Prepared by:
R.E.Y. Engineers, Inc.


Patrick J. Tami, P.L.S.
License expires 6/30/2018



EXHIBIT "B"

SCALE: 1"=60'

RAILROAD AVENUE

CUMBERLAND AVENUE

CITY OF PITTSBURG
BLOCK 82
141 LSM 24 12

CITY OF PITTSBURG
BLOCK 81
141 LSM 24

POINT OF BEGINNING

CENTERLINE

CENTER OF RAILROAD TRACK

A.T.& S.F.R.R.



JOB NO. 6969.104
DATE: 07.07.2017
F.B. PAGE:
SCALE: 1"=60'
DRAWN BY: CW
CHECKED BY: PT

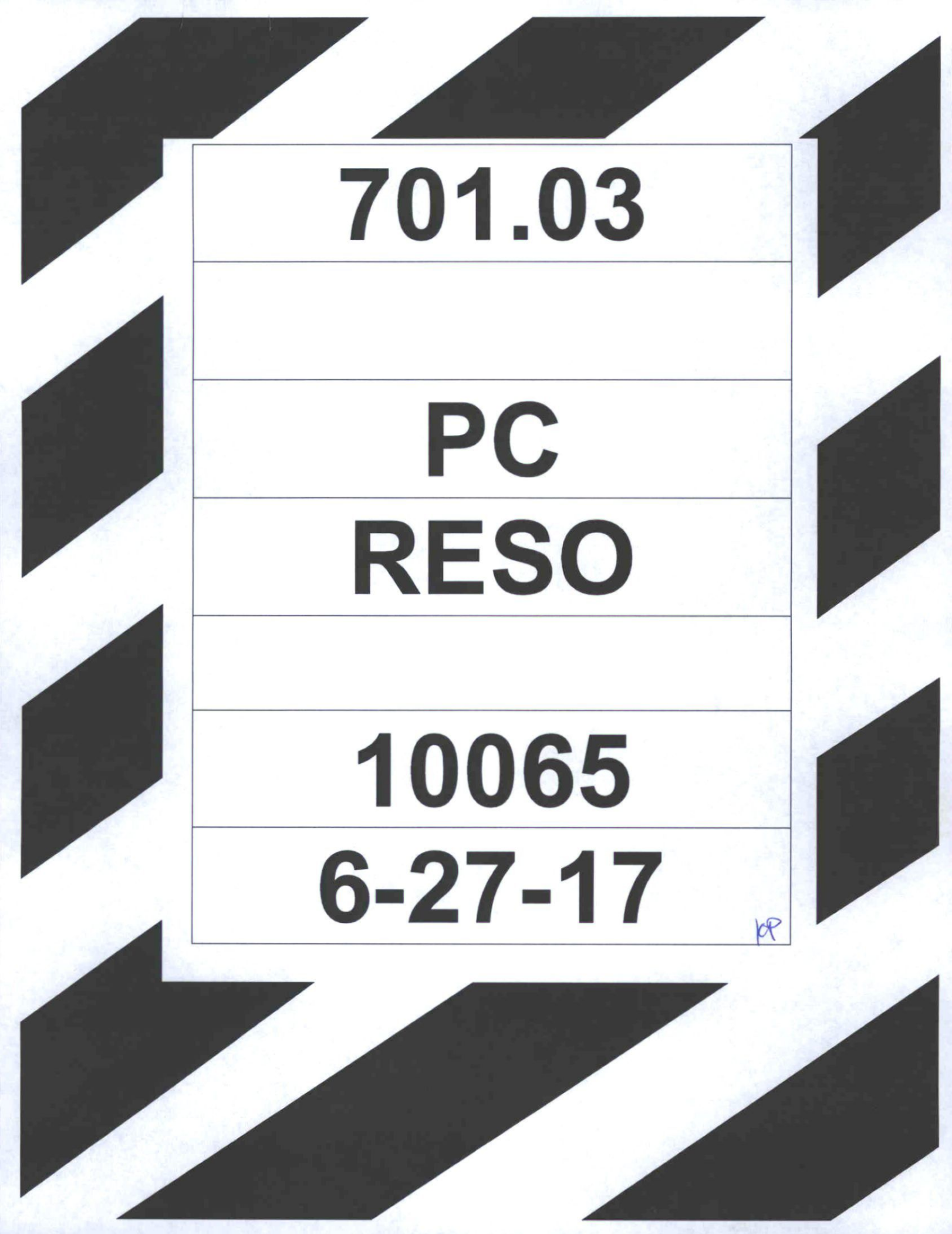
TITLE: CUMBERLAND VACATION
AND UTILITY EASEMENT RESERVATION
CLIENT: CITY OF PITTSBURG

905 Sutter Street, Ste 200 Folsom CA 95630
(916) 366-3040 Fax (916) 366-3303
R. E. Y. ENGINEERS, Inc.
Civil Engineers / Land Surveyors



SCALE IN INCHES

DRAWING FILE NO. S:\6969\105 Cumberland Street\DWG\6969.105 Vacation Exhibit.dwg



701.03
PC
RESO
10065
6-27-17

701.03

PC

RESO

10065

6-27-17

kp

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Determining that the Partial)
Vacation of Cumberland Street is)
Consistent with the Pittsburg General Plan)

Resolution No. 10065

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. The City of Pittsburg has requested that the City Council consider vacating a portion of Cumberland Street, as shown in Exhibit A, in order to reduce the City's street maintenance costs and facilitate the disposition and future development of adjacent properties listed in the Successor Agency's Long Range Management Plan. The adjacent and affected properties, as listed in the Successor Agency's Long Range Management Plan, consist of the following addresses/parcels:
1. 1073 Railroad Avenue (APN 085-204-002);
 2. 1065 Railroad Avenue (APN 085-204-003);
 3. 1055 Railroad Avenue (APN 085-204-004);
 4. 1025 Railroad Avenue (APN 085-204-005);
 5. 1044 Cumberland Street (APN 085-204-010);
 6. 1056 Cumberland Street (APN 085-204-011);
 7. 1068 Cumberland Street (APN 085-204-012);
 8. 1095 Railroad Avenue (APN 085-204-015);
 9. 1073 Cumberland Street (APN 085-205-002);
 10. 1049 Cumberland Street (APN 085-205-003);
 11. 1037 Cumberland Street (APN 085-205-004); and
 12. 1085 Cumberland Street (APN 085-205-013).
- B. The proposed street vacation would occur in two separate phases. The first phase would involve the western portion of Cumberland Street and the second phase would involve the remaining eastern portion.
- C. The first phase would be vacated in conjunction with the disposition 1073 Railroad Avenue, 1065 Railroad Avenue, 1055 Railroad Avenue, 1025 Railroad Avenue, 1044 Cumberland Street, 1056 Cumberland Street, 1068 Cumberland Street, and 1095 Railroad Avenue.
- D. The second phase would be vacated in conjunction with the disposition of 1073 Cumberland Street, 1049 Cumberland Street, 1037 Cumberland Street, and 1085 Cumberland Street.
- E. California Streets and Highways Code section 8313 allows the City Council to vacate a street, but also obligates the City Council to consider the street vacation in light of the City's General Plan.

- F. Pursuant to Government Code section 65402, the Planning Commission must make a determination as to whether the proposed street vacation is consistent with the General Plan and submit its determination to the City Council. The City Council must then hold a public hearing and consider the Commission's determination, along with other comments received at the hearing, prior to action on the street vacation.
- G. The making of this determination does not qualify as a 'Project' under the California Environmental Quality Act (Public Resources Code section 21065).
- H. On June 13, 2017 and June 27, 2017, the Planning Commission held public meetings to consider the permanent vacation of a portion of Cumberland Street and its consistency with the Pittsburg General Plan, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Cumberland Street Partial Vacation – General Plan Consistency Determination," and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the Planning Commission finds that:
 - 1. All recitals above are true and correct and are incorporated herein by reference.
 - 2. The proposed street vacation will not inhibit the adjacent properties from being developed in ways that are consistent with their 'Service Commercial' land use designation under the General Plan. The properties adjacent to the proposed vacation will continue to have sufficient access from both Cumberland Street and Los Medanos Street.
 - 3. The proposed street vacation will not decrease connectivity between and within neighborhoods, consistent with the General Plan's Land Use Framework Guiding Principles (General Plan, page 2-13). The portion of Cumberland Street that will be vacated currently terminates at the BNSF Railway and therefore does not provide a connection between this and other neighborhoods.
 - 4. The portion of Cumberland Street that will be vacated is not identified in the General Plan (Figure 7-1) as an existing or proposed major arterial, minor arterial, or collector street.
 - 5. The portion of Cumberland Street that will be vacated is not identified in the General Plan (Figure 7-3) as an existing or proposed transit facility.
 - 6. The portion of Cumberland Street that will be vacated is not identified in the General Plan (Figure 7- 4) as an existing or proposed bicycle facility.

- B. The staff report entitled, "Cumberland Street Partial Vacation – General Plan Consistency Determination," dated June 13, 2017, is referenced hereto as additional support for the findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby determines that the partial vacation of Cumberland Street, south of E. 10th Street, as depicted in Exhibit A of this resolution, is consistent with the City's General Plan.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Coniglio, seconded by Commissioner Guerrero, the foregoing resolution was passed and adopted the 27th day of June 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Coniglio, Foster, Gargalikis, Guerrero

NAYES: Croskey

ABSTAIN: None

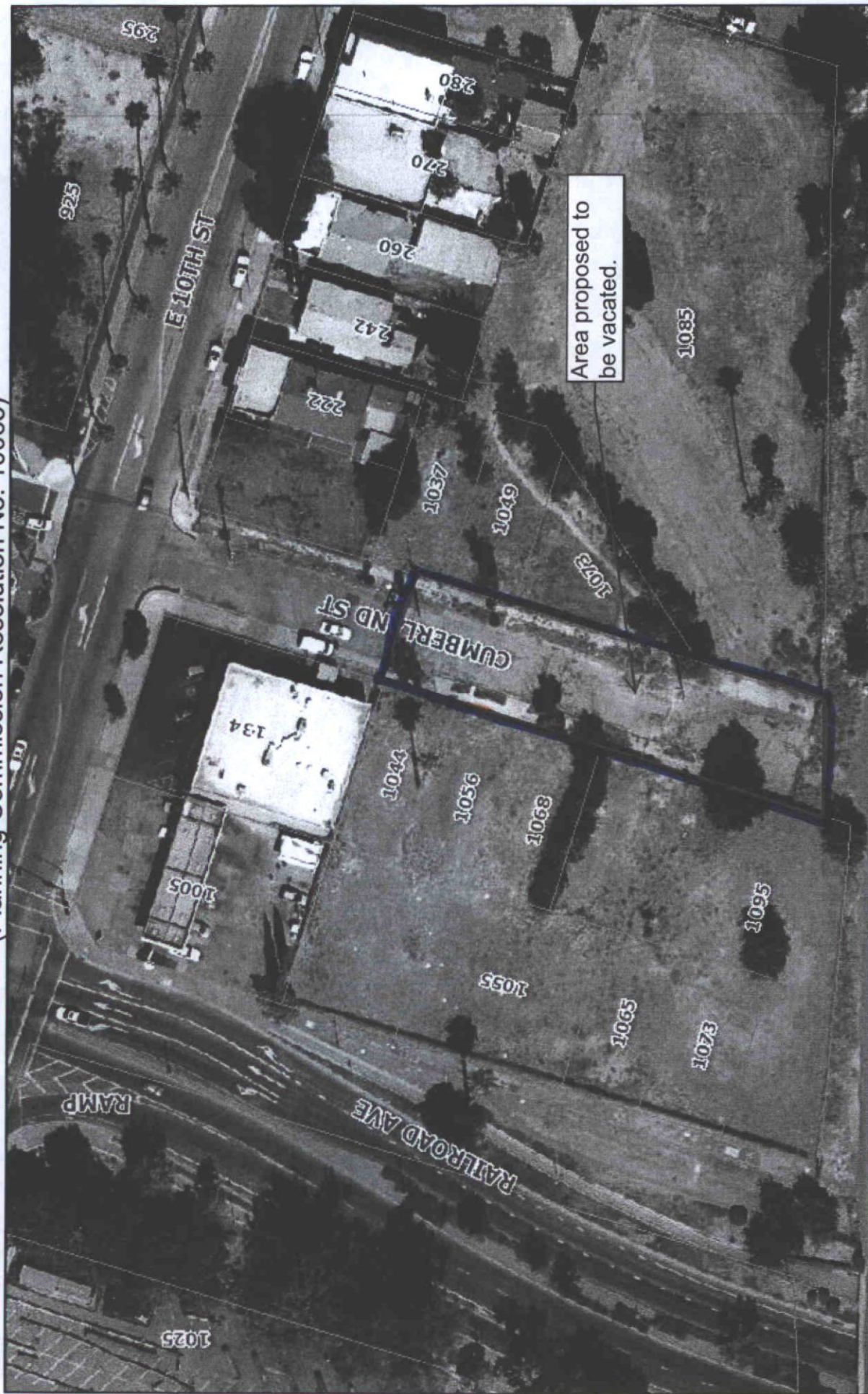
ABSENT: Belleci-Shipe, Fardella

I hereby certify that the above Resolution No. 10065 was adopted by the Planning Commission of the City of Pittsburg on June 27, 2017.

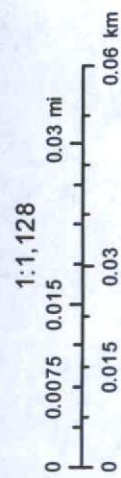


KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Exhibit A
(Planning Commission Resolution No. 10065)



June 2, 2017



**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
June 27, 2017**

ITEM: No. 2 – Cumberland Street Partial Vacation – General Plan Consistency Determination. (Continued from June 13, 2017)

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

SUBJECT: This is a request for the Planning Commission to determine whether a proposed partial vacation of Cumberland Street, south of E. 10th Street, is consistent with the City's General Plan. This item was continued by the Planning Commission from its June 13, 2017 meeting.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 10065, determining that the partial vacation of Cumberland Street, south of E. 10th Street, as depicted in Exhibit A of the resolution, is consistent with the City's General Plan.

BACKGROUND:

The Planning Commission considered this item on June 13, 2017. During the meeting, some Commissioners expressed concern that the proposed partial vacation would result in poor access for the properties adjacent to the street vacation. The Commission voted to have the item continued to a subsequent meeting so that staff could provide additional information to help address this concern.

PROJECT DESCRIPTION:

Existing Conditions: The right-of-way proposed to be vacated is shown in Attachment 2. It is a 60-foot by 238-foot portion of Cumberland Street located approximately 135 feet south of the intersection of E. 10th Street and Cumberland Street. The street currently consists of a 40-foot, asphalt roadway with 10-foot sidewalks on either side. It is currently fenced off and is no longer being maintained by the City. The street contains several underground public utilities including a 6-inch sewer and 10-inch water main line.

See Attachment 5 for photos of the area proposed to be vacated and Attachment 6 for a map of surrounding uses.

Proposed Vacation:

The City of Pittsburg is requesting that the City Council consider vacating a portion of Cumberland Street in order to: 1) reduce the City's street maintenance costs; and 2) facilitate the disposition and future development of adjacent properties listed in the

Successor Agency's Long-Range Property Management Plan. The adjacent and affected properties listed in the Long-Range Property Management Plan consist of the following addresses/parcels:

1. 1073 Railroad Avenue (APN 085-204-002);
2. 1065 Railroad Avenue (APN 085-204-003);
3. 1055 Railroad Avenue (APN 085-204-004);
4. 1025 Railroad Avenue (APN 085-204-005);
5. 1044 Cumberland Street (APN 085-204-010);
6. 1056 Cumberland Street (APN 085-204-011);
7. 1068 Cumberland Street (APN 085-204-012);
8. 1095 Railroad Avenue (APN 085-204-015);
9. 1073 Cumberland Street (APN 085-205-002);
10. 1049 Cumberland Street (APN 085-205-003);
11. 1037 Cumberland Street (APN 085-205-004); and
12. 1085 Cumberland Street (APN 085-205-013).

The proposed street vacation would occur in two separate phases. The first phase would involve the western portion of Cumberland Street as shown in Attachment 3 and the second phase would involve the remaining eastern portion as shown in Exhibit 4. The first phase would be vacated in conjunction with the disposition of 1073 Railroad Avenue, 1065 Railroad Avenue, 1055 Railroad Avenue, 1025 Railroad Avenue, 1044 Cumberland Street, 1056 Cumberland Street, 1068 Cumberland Street, and 1095 Railroad Avenue. The second phase would be vacated in conjunction with the disposition of 1073 Cumberland Street, 1049 Cumberland Street, 1037 Cumberland Street, and 1085 Cumberland Street.

The City would record public utility easements (PUEs) with each phase of the street vacation. The PUEs would require the purchasers of the adjacent properties to repair and maintain the street and other utilities, with the exception of the utility mainlines, which would continue to be maintained by the City.

GENERAL PLAN/CODE COMPLIANCE:

Streets and Highways Code: California Streets and Highways Code section 8313 allows the City Council to vacate a street, but also obligates the Council to consider the street vacation in light of the City's General Plan. Pursuant to Government Code section 65402, the Planning Commission must make a determination as to whether the proposed street vacation is consistent with the City's General Plan and submit its determination to the City Council. The Council must then hold a public hearing and consider the Commission's determination, along with other comments received at the hearing, prior to action on the street vacation.

General Plan: The right-of-way proposed to be vacated is located in the 'Downtown Subarea' of the General Plan and the adjacent properties have a 'Service Commercial'

land use designation. This land use designation is intended to provide opportunities for retail and service businesses on transitional sites between commercial and industrial areas, including businesses not allowed in other commercial districts because they have industrial characteristics, require heavy vehicle traffic, or have certain other adverse impacts. The General Plan does not directly address street vacations. However, it does discuss neighborhood connectivity and identifies streets that should be retained as major/minor arterials, collector streets, transit facilities, and bicycle facilities.

Environmental: The Planning Commission's determination that the proposed street vacation is consistent with the City's General Plan is not considered a project under the California Environmental Quality Act (CEQA) and is, therefore not subject to CEQA.

ANALYSIS:

Staff believes the Planning Commission can make a finding that the proposed street vacation is consistent with the City's General Plan for the following reasons:

1. The proposed street vacation would not inhibit the adjacent properties from being developed in ways that are consistent with their 'Service Commercial' land use designation under the General Plan. The properties adjacent to the proposed vacation would continue to have access from both Cumberland Street and Los Medanos Street.
2. The proposed street vacation would not decrease connectivity between and within neighborhoods, consistent with the General Plan's Land Use Framework Guiding Principles (General Plan, page 2-13). The portion of Cumberland Street that would be vacated currently terminates at the BNSF Railway and therefore does not provide a connection between this and other adjacent neighborhoods.
3. The portion of Cumberland Street that would be vacated is not identified in the General Plan (Figure 7-1) as an existing or proposed major arterial, minor arterial, or collector street.
4. The portion of Cumberland Street that would be vacated is not identified in the General Plan (Figure 7-3) as an existing or proposed transit facility.
5. The portion of Cumberland Street that would be vacated is not identified in the General Plan (Figure 7- 4) as an existing or proposed bicycle facility.

ACTION REQUIRED:

Move to adopt Resolution No. 10065 determining that the partial vacation of Cumberland Street, south of E. 10th Street, as depicted in Exhibit A of the resolution, is consistent with the City's General Plan.

Planning Commission Staff Report
Cumberland Street Partial Vacation – General Plan Consistency Determination
June 27, 2017

ATTACHMENTS:

1. Proposed Resolution No. 10065
2. Exhibit A – Portion of Cumberland to be Vacated Overall
3. Exhibit B – Portion of Cumberland to be Vacated in Phase 1
4. Exhibit C – Portion of Cumberland to be Vacated in Phase 2
5. Site Photos
6. Map of Surrounding Uses

Prepared by: Hector J. Rojas, AICP, Senior Planner

Attachment 1
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Determining that the Partial)	
Vacation of Cumberland Street is)	Resolution No. 10065
Consistent with the Pittsburg General Plan)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. The City of Pittsburg has requested that the City Council consider vacating a portion of Cumberland Street, as shown in Exhibit A, in order to reduce the City's street maintenance costs and facilitate the disposition and future development of adjacent properties listed in the Successor Agency's Long Range Management Plan. The adjacent and affected properties, as listed in the Successor Agency's Long Range Management Plan, consist of the following addresses/parcels:
1. 1073 Railroad Avenue (APN 085-204-002);
 2. 1065 Railroad Avenue (APN 085-204-003);
 3. 1055 Railroad Avenue (APN 085-204-004);
 4. 1025 Railroad Avenue (APN 085-204-005);
 5. 1044 Cumberland Street (APN 085-204-010);
 6. 1056 Cumberland Street (APN 085-204-011);
 7. 1068 Cumberland Street (APN 085-204-012);
 8. 1095 Railroad Avenue (APN 085-204-015);
 9. 1073 Cumberland Street (APN 085-205-002);
 10. 1049 Cumberland Street (APN 085-205-003);
 11. 1037 Cumberland Street (APN 085-205-004); and
 12. 1085 Cumberland Street (APN 085-205-013).
- B. The proposed street vacation would occur in two separate phases. The first phase would involve the western portion of Cumberland Street and the second phase would involve the remaining eastern portion.
- C. The first phase would be vacated in conjunction with the disposition 1073 Railroad Avenue, 1065 Railroad Avenue, 1055 Railroad Avenue, 1025 Railroad Avenue, 1044 Cumberland Street, 1056 Cumberland Street, 1068 Cumberland Street, and 1095 Railroad Avenue.
- D. The second phase would be vacated in conjunction with the disposition of 1073 Cumberland Street, 1049 Cumberland Street, 1037 Cumberland Street, and 1085 Cumberland Street.

- E. California Streets and Highways Code section 8313 allows the City Council to vacate a street, but also obligates the City Council to consider the street vacation in light of the City's General Plan.
- F. Pursuant to Government Code section 65402, the Planning Commission must make a determination as to whether the proposed street vacation is consistent with the General Plan and submit its determination to the City Council. The City Council must then hold a public hearing and consider the Commission's determination, along with other comments received at the hearing, prior to action on the street vacation.
- G. The making of this determination does not qualify as a 'Project' under the California Environmental Quality Act (Public Resources Code section 21065).
- H. On June 13, 2017 and June 27, 2017, the Planning Commission held public meetings to consider the permanent vacation of a portion of Cumberland Street and its consistency with the Pittsburg General Plan, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Cumberland Street Partial Vacation – General Plan Consistency Determination," and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the Planning Commission finds that:
 - 1. All recitals above are true and correct and are incorporated herein by reference.
 - 2. The proposed street vacation will not inhibit the adjacent properties from being developed in ways that are consistent with their 'Service Commercial' land use designation under the General Plan. The properties adjacent to the proposed vacation will continue to have sufficient access from both Cumberland Street and Los Medanos Street.
 - 3. The proposed street vacation will not decrease connectivity between and within neighborhoods, consistent with the General Plan's Land Use Framework Guiding Principles (General Plan, page 2-13). The portion of Cumberland Street that will be vacated currently terminates at the BNSF Railway and therefore does not provide a connection between this and other neighborhoods.
 - 4. The portion of Cumberland Street that will be vacated is not identified in the General Plan (Figure 7-1) as an existing or proposed major arterial, minor arterial, or collector street.
 - 5. The portion of Cumberland Street that will be vacated is not identified in the General Plan (Figure 7-3) as an existing or proposed transit facility.

6. The portion of Cumberland Street that will be vacated is not identified in the General Plan (Figure 7- 4) as an existing or proposed bicycle facility.
- B. The staff report entitled, "Cumberland Street Partial Vacation – General Plan Consistency Determination," dated June 13, 2017, is referenced hereto as additional support for the findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby determines that the partial vacation of Cumberland Street, south of E. 10th Street, as depicted in Exhibit A of this resolution, is consistent with the City's General Plan.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 27th day of June 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

I hereby certify that the above Resolution No. 10065 was adopted by the Planning Commission of the city of Pittsburg on June 27, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Exhibit A

Exhibit A
(Planning Commission Resolution No. 10065)

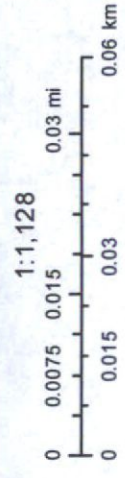


June 2, 2017

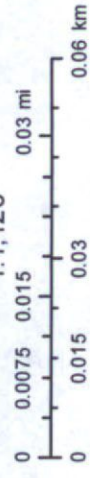
Exhibit B



June 2, 2017



1:1,128



Attachment 5
Site Photos

Cumberland Street Partial Vacation – Determination of Consistency with the General Plan



Above: Cumberland Street south of E. 10th Street.

Below: Portion of Cumberland Street to be vacated behind chain link fence



Attachment 6
Map of Surrounding Uses

Cumberland Street Partial Vacation – Determination of Consistency with the General Plan

 Right-of-Way to be Vacated





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

DATE: 7/18/2017
TO: Mayor and Council Members
FROM: Joe Sbranti, City Manager
SUBJECT: Adoption of a Minute Order to Approve a City Council Recess in September
MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

Historically, the City Council takes a recess during the month of September to allow for both staff and Council vacations. Both the recess and the scheduled date are at the discretion of the Council.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

By Minute Order, approve recess of the City Council of the September 4, 2017, meeting.

BACKGROUND

The City Council historically takes a recess the first meeting of September to allow for both staff and Council vacations.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

The first Monday in September falls on Labor Day. The meeting would then be scheduled for Tuesday, September 5. To avoid any potential lack of quorum for that meeting, it is preferred to cancel that meeting.

ATTACHMENTS: None

Report Prepared By: Alice E. Evenson, City Clerk

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

DATE: July 17, 2017

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

CITY COUNCIL/AGENCY MEMBERS

Marilyn Craft, Mayor/Chair
Dwayne "Pete" Longmire, Vice-Mayor/Chair
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)

Vice Mayor Longmire 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 5:15 P.M. in Closed Session for the following items. Member Banales entered closed session at 5:30 P.M.

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

Property: 1037, 1049, 1073, and 1085 Cumberland Street; Negotiators for the Successor Agency: Joe Sbranti and Maria Aliotti; Negotiating Party: Erik Granberg (Granberg International); Under negotiations: both price and terms of payment

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION FOR THE SUCCESSOR AGENCY; Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9:

One (1) case

3. 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:

Five (5) cases

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)

Vice Mayor Longmire stated there was no reportable action taken in Closed Session.

ROLL CALL

Mayor Craft was absent and excused.

PLEDGE OF ALLEGIANCE

Officer Mark Lambert led the Pledge of Allegiance.

PROCLAMATION

National Night Out

Officer Mark Lambert was present to receive the proclamation.

PRESENTATION

Sister City Student Delegation

The student delegation that will be visiting our Sister City of Shimonoseki, Japan in August was introduced to the Council.

CITY MANAGER REPORTS/REMARKS

Assistant City Manager Evans announced upcoming events throughout the City.

CITIZENS REMARKS

Dianna Schepers, Pittsburg, introduced the new Pittsburg Community Theater Board of Directors.

PUBLIC HEARING

10. Adoption of a City Council Resolution to Confirm the Engineer's Report, Diagram and Assessment and Levy the Annual Assessment for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2017-2018)

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

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

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

11. Adoption of a City Council Resolution to Confirm the Engineer's Report, Diagram and Assessment and Levy the Annual Assessments for Landscaping and Lighting Assessment District 1988-02, Oak Hills (Fiscal Year 2017-2018)

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

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

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

Council Member Evola stated he would recuse himself from Item 12 due to his financial interest as a source of income from his employer who this ordinance is affected by.

Member Evola left the dais at this time.

12. Introduction and Waive First Reading for an Ordinance Amending Title 18 of the Pittsburgh Municipal Code Related to Permitting Small Recycling Facilities and Mail Order or Direct Selling Establishments in the M District, AP-17-1235 (RZ)

Vice Mayor Longmire opened the public hearing.

Wanda Thrower, Pittsburgh, voiced concerns regarding traffic, shopping carts, smells and police services as she lives in the gated community next to the project.

Adrian Badger, Pittsburgh, voiced concerns with smell, shopping carts and vehicles used for transfer, as well as traffic congestion.

Bruce Ohlson, Pittsburgh, voiced concern over discouraging or limiting those not in vehicles bringing items for recycling.

There being no one to speak to the item, Vice Mayor Longmire closed the public hearing.

On motion by Vice Mayor Longmire, seconded by Member Banales, to introduce and waive first reading of the ordinance and failed by the following vote:

AYES: Banales, Longmire
NOES: Killings
ABSENT: Evola [Recused], Craft

On motion by Vice Mayor Longmire, seconded by Member Banales, to continue the item to August 7, 2017 at 7:00 p.m. to re-introduce and waive first reading of the ordinance and carried by the following vote:

AYES: Banales, Longmire
NOES: Killings
ABSENT: Evola [Recused], Craft

Member Evola returned to the dais at this time.

13. Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburgh Municipal Code Related to Allowable Uses in the CP-1 District, AP-17-1245 (RZ).

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

On motion by Member Evola, seconded by Member Banales, to introduce and waive further reading and carried by the following vote:

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

14. Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburgh Municipal Code Related to Accessory Dwelling Units and Side Yard Setbacks, AP-17-1227 (RZ).

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

On motion by Member Banales, seconded by Member Evola, to introduce and waive further reading and carried by the following vote:

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

CONSIDERATION

Vice Mayor Longmire made the following statement:

“Before we move on to Agenda Items 15 and 16, I’d like to publicly announce that, as of January 1 of this year, there is new legislation requiring every city council, and other governing boards, to orally report a summary of proposed actions on salaries, salary schedules, or fringe benefits of executive-level employees. Accordingly, before the Council this evening, as part of Agenda Items 15 and 16, is a recommendation to approve changes to the salary ranges and salary and benefit schedules for certain job classifications, effective July 2, 2017.

“Under the recommended action, salary ranges would be as follows:

- For the Director of Public Works, \$12,968 to \$15,764 per month
- For the Director of Community Development, \$12,000 to \$15,168 per month

- For the Director of Community Services, \$12,000 to \$15,168 per month
- For the Assistant Director of Economic Development and Recreation, \$10,184 to \$12,378 per month.

“The following positions would be part of the Senior Executive Team Salary and Benefits schedule:

- The Director of Public Works
- The Director of Community Development
- The Director of Community Services
- The Director of Finance
- The Director of Human Resources

“The Assistant Director of Economic Development and Recreation would be part of the Management Group Salary and Benefits Schedule.

“Salary ranges and benefits for other executive-level employees will remain the same.”

15. Adoption of a City Council Resolution to Create a Master Pay Schedule as Required by California Public Employees’ Retirement System

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

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

16. Adoption of a City Council Resolution to Amend the Authorized Positions Salary Schedule, Senior Executive Team, and Management Team Salary and Benefits Schedule

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

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

CONFLICT OF INTEREST STATEMENT

There were no conflict of interest statements for items on the Consent Calendar.

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

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

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

17. Minutes of June 19, 2017
18. Adoption of a City Council Resolution to Approve the Business Improvement District Contract for Fiscal Year 2017-2018 by and Between the City of Pittsburg and the Pittsburg Chamber of Commerce
19. Adoption of a City Council Resolution Designating a Voting Delegate at the League of California Cities Annual Conference in September 2017
20. Adoption of a City Council Resolution Approving the Fourth Amendment to the Contract with Raney Planning & Management, Inc. for the Preparation of the Southwest Hills/Faria Annexation Environmental Impact Report
21. Adoption of a City Council Resolution Accepting the Public Improvements Within Subdivision 9379, San Marco Unit 11 for Continuous Maintenance
22. Adoption of a City Council Resolution Approving the Final Map, Subdivision Improvement Agreement, and Improvement and Grading Plans for Subdivision 9380, San Marco Unit 12
23. Adoption of a City Council Resolution Declaring the City's Intent to Vacate a Portion of Cumberland Street
24. Adoption of a City Council Resolution to Approve the Contract with Contra Costa County Office of the Sheriff for Police Dispatching Services
25. Adoption of a City Council Resolution to Approve a Recognition Policy for Monuments and Plaques in Public Areas of the City
26. Adoption of a City Council Resolution to Allocate Funds to the California Theatre Improvements Project

COUNCIL MEMBER REPORTS/REMARKS

Member Killings stated he attended a land use subcommittee meeting in June.

ADJOURNMENT

The City Council meeting was adjourned at 8:56 P.M. to August 7, 2017.

Respectfully submitted,

Alice E. Evenson, City Clerk



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

DATE: 7/26/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution Approving Annexation of Territory to Community Facilities District No 2005-1 Public safety Services and Levying a Special tax in Such Territory (Annexation No. 8)

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

The City has received written approval from current property owner to annex his parcel located at 1201 Stoneman Avenue into Community Facilities District No. 2005-1 to provide funding for police services for a newly developed area.

FISCAL IMPACT

The cost of providing police services for these project areas shall be paid through the Community Facilities District special tax that will be levied on both residential and non-residential properties within the boundaries of CFD No. 2005-1, including annexed Parcels thereto. This tax will be placed on the County tax roll each year. Pursuant to state law, the special tax and associated cost must be maintained in a separate fund and cannot be included in the City's General Fund.

RECOMMENDATION

City Council adopt the attached Resolution approving territory for Annexation No. 8 to Community Facilities District No. 2005-1 (Public Safety Services).

BACKGROUND

In 2005 the City Council determined that all undeveloped land within the City would have an increase in demand for police services, above and beyond the level of service that was currently provided as development continued to progress. On August 1, 2005, the City Council adopted Resolution No. 05-10342 approving the formation of Communities Facilities District 2005-1 ("CFD 2005-1"). Then on August 15, 2005 the City Council adopted

Ordinance No. 05-1246 to levy a special tax to provide funding for police services within CFD 2005-1.

As additional development projects come forward, they can be annexed into CFD No. 2005-1 which will provide funding for the increased demand of police services placed on the City within the CFD.

The Parcel proposed for annexation is owned by Caleb Roope and will be developed to include 230 multi family dwelling units. The parcel is located at 1201 Stoneman Avenue.

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 CFD 2005-1 for police services. Goodwin Consulting is a firm that specializes in the formation, administration and special tax rate calculation for Community Facilities Districts.

The special tax would be levied in the next subsequent 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. Each July 1, the maximum special tax shall be increased by five percent (5%) of the amount in effect during the fiscal year.

ATTACHMENTS: Resolution
Annexation Forms
Resolution of Formation

Report Prepared By: Jolan Longway
Civil Engineer II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution	)	
Approving Annexation of Territory to	)	
Community Facilities District No. 2005-1	)	RESOLUTION NO. 17-
(Public Safety Services) and Levying	)	
A Special Tax in Such Territory	)	
<u>(Annexation No. 8)</u>	)	

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the City Council (the "Council") of the City of Pittsburg (the "City") has duly adopted its Resolution 05-10323 (the "Resolution of Intention") on June 20, 2005, wherein the Council declared its intention to and proposed to establish a community facilities district under and pursuant to the terms and provisions of the Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, as amended (the "Act"), to be known and designated as "Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, Contra Costa County, California" (the "Community Facilities District"), to finance public services in and for the Community Facilities District under and pursuant to the Act (which are public services that the City is authorized to provide, and that said public services are necessary to meet increased demands placed upon the City as a result of development occurring and anticipated to occur in the Community Facilities District), and which public services (the "Authorized Services") are listed in Exhibit A of the Annexation Exhibits attached hereto and incorporated herein and made a part hereof; and

WHEREAS, the costs of financing the Services to be provided in the Community Facilities District include incidental expenses are listed in Exhibit C of the Annexation Exhibits attached hereto and incorporated herein and made a part hereof; and

WHEREAS, the Boundary Map for the Community Facilities District was filed for record in the office of the County Recorder of the Contra Costa County on June 28, 2005, in Book 78 of Maps of Assessment and Community Facilities Districts at page 10; and

WHEREAS, pursuant to the Resolution of Intention, a public hearing was held by the Council on Monday, August 1, 2005, at 7:00 p.m. to consider the establishment of the Community Facilities District, the future annexation of territory, the proposed rate and method of apportionment of such special tax, and all other matters set forth in the Resolution of Intention, and at such public hearing all persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District, were given an opportunity to appear and be heard, and the testimony of all interested persons and all taxpayers, property owners and registered voters for or against the establishment of the Community Facilities District and the levy of such special tax, or the extent of the Community Facilities District, or any of the Services proposed therefor, or on any other matters set forth in the Resolution of Intention, was heard and considered, and such special tax as described in the Rate and Method of Apportionment of the Special Tax (the "RMA") attached thereto as Exhibit B of the Annexation Exhibits was not precluded by

a majority protest pursuant to Section 53324 of the Government Code of the State of California, and the Council at the conclusion of said hearing was fully advised in the premises, and was authorized to proceed as thereafter provided; and

WHEREAS, one hundred percent (100%) of the qualified electors within the Community Facilities District filed with the City Clerk waivers of certain time requirements for the conduct of the election in the Community Facilities District, and

WHEREAS, the Council conducted the election in the Community Facilities District to authorize the levy of a special tax therein to pay for the Services proposed to be provided in and for the Community Facilities District and to establish an appropriations limit for the Community Facilities District, and adopted its Resolution 05-10343 determining the election results on August 1, 2005; and

WHEREAS, by its Resolution 05-10342 adopted on August 1, 2005 (the "Resolution of Formation"), the City Council of the City of Pittsburg:

1. established the Community Facilities District pursuant to the Act and authorized the special tax to be levied within the Community Facilities District to pay for the Services to be provided therein; and
2. designated certain real property as future annexation area (the "Future Annexation Area") to be annexed in segments to the Community Facilities District, without hearing, upon satisfaction of conditions prescribed by the provisions of Chapter 3.5 of the Act.

WHEREAS, pursuant to Section 53339.7 of the Act, the Council may annex property located within the Future Annexation Area to the Community Facilities District, without hearing, upon delivery to the City Clerk of unanimous written approval of the owner or owners of each parcel or parcels to be annexed; and

WHEREAS, certain property owners located within the Future Annexation Area have unanimously approved to annex their properties (the "Annexed Territory") into the Community Facilities District, as required by Section 53339.7 of the Act, in the form attached hereto as Exhibit D of the Annexation Exhibits and have filed with the City Clerk their written approvals; and

WHEREAS, the parcel proposed to be annexed is listed on Exhibit E of the Annexation Exhibits attached hereto; and

WHEREAS, a map of the proposed Annexed Territory is shown on Exhibit F of the Annexation Exhibits attached hereto; and

WHEREAS, the Council is fully advised in the premises;

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

Section 1. The above recitals are true and correct, and the Council so finds and determines.

Section 2. The Resolution of Formation (including the Exhibits attached thereto) is incorporated herein by reference and made a part hereof.

Section 3. Pursuant to Section 53339.7, the Council hereby accepts and approves the written approvals as submitted by the property owners of the Annexed Territory and hereby finds and determines that such written approval represents the unanimous approval of the property owners of the Annexed Territory.

Section 4. The Council hereby approves the annexation of the Annexed Territory to the Community Facilities District. The Authorized Services to be provided in the Annexed Territory is described on Exhibit A to the Resolution of Formation. A special tax is hereby levied annually on the Annexed Territory under the RMA attached to the Resolution of Formation on Exhibit B.

Section 5. The special tax will be secured by the recordation of a continuing lien against all non-exempt real property within the Annexed Territory. The City Clerk is hereby directed to record a Notice of Special Tax Lien (Annexation) in the office of the County Recorder of the County of Contra Costa no later than fifteen (15) days after the adoption of this resolution.

Section 6. This resolution shall take effect immediately after its passage.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

ANNEXATION EXHIBITS

EXHIBIT A

CITY OF PITTSBURG, CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES) AUTHORIZED SERVICES

The authorized services to be funded by the Special Tax revenues include police protection services for the residents of Community Facilities District No. 2005-1 (Public Safety Services) ("CFD 2005-1") and the residents of territories within the City of Pittsburg to be annexed to CFD 2005-1 in the future. A general description of the services to be provided by CFD 2005-1 include the necessary personnel both sworn and non-sworn, equipment, and support staff to deliver these services including but not limited to patrol, investigations, community policing, traffic, criminal justice, and code enforcement services. Eligible costs include, but are not limited to, the costs of contracting services, the salaries and benefits of the City staff, uniforms and equipment including replacement and maintenance, recruitment and training of personnel, and City overhead costs associated with providing such services within CFD 2005-1. The nature and methodology of deployment of the police protection services to be provided will be determined by the City.

EXHIBIT B

CITY OF PITTSBURG COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2005-1 (Public Safety Services) shall be levied and collected according to the tax liability determined by the City Council acting in its capacity as the legislative body of CFD No. 2005-1, through the application of the appropriate Special Tax rate, as described below. All Developed Property in CFD No. 2005-1 shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties for CFD No. 2005-1, including, but not limited to, the levy and collection of the Special Tax, the fees and expenses of its counsel, charges levied by the County, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

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

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

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel number.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"CFD No. 2005-1" or "CFD" means the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services).

"City" means the City of Pittsburg.

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

“County” means the County of Contra Costa.

“Developed Property” means, in any Fiscal Year, all Parcels in the CFD that are Residential Property and Non-Residential Property.

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

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

“Non-Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2005-1 for which a final building permit inspection was conducted prior to June 30 of the preceding Fiscal Year for construction of a non-residential structure that is to be used for a commercial or industrial business operation, as determined by the City. Notwithstanding the foregoing, if a final building permit inspection is conducted for a structure that will include both Residential Units and commercial operations, the Residential Units within the building will be categorized as Residential Property, and the Special Tax shall be calculated separately for the Residential Units on the Parcel. The full underlying Acreage of the Parcel shall be used to calculate the Special Tax assigned to the Non-Residential Property on the Parcel.

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

“Public Agency” means the federal government, State of California, City, County, or other public agency.

“Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2005-1 for which a final building permit inspection was conducted prior to June 30 of the preceding Fiscal Year for construction of a structure consisting of one or more Residential Units.

“Residential Unit” means an individual single-family detached, half-plex, duplex, triplex, fourplex, townhome, condominium unit or apartment unit.

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

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

“Taxable Property” means all Assessor's Parcels within the boundaries of CFD No. 2005-1 which are not exempt from the Special Tax pursuant to law or Section E below.

B. CATEGORIZING PARCELS FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel number for all Parcels of Developed Property within the CFD. Each Parcel shall be categorized as either Residential Property or Non-Residential Property for purposes of levying the Special Tax pursuant to Section D below. The Administrator shall also determine the number of Residential Units built or to be built on each Parcel of Residential Property by referencing the building permit, condominium plan, apartment plan, site plan or other development plan for the property.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new parcels created by the parcel map, and (iii) one or more of the newly-created parcels meets the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each parcel of Developed Property, then applying the sum of the individual Special Taxes to the original Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAX

The following Maximum Special Tax rates shall apply to all Parcels of Developed Property within CFD No. 2005-1:

Land Use Category	Maximum Special Tax (Fiscal Year 2005-06)*
Residential Property	\$341.25 per Residential Unit
Non-Residential Property	\$682.50 per Acre

* ***Beginning July 1, 2006 and each July 1 thereafter, the Maximum Special Tax shall be increased by five percent (5%) of the amount in effect in the prior Fiscal Year.***

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAX

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

The Special Tax for CFD No. 2005-1 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet CFD No. 2005-1

financial obligations, and the Special Tax shall be equally subject to foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

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

EXHIBIT C

CITY OF PITTSBURG, CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

INCIDENTAL EXPENSES

It is anticipated that the following incidental expenses may be incurred for CFD 2005-1:

- Engineering services
- Election costs
- Special tax consultant services
- City review and administration
- Special counsel services and expenses
- Publishing, mailing and posting of notices
- Governmental notification and filing costs
- Charges and fees of City other than those waived
- Mapping and recording costs with respect to annexations
- Certain annual costs may be included in each annual special tax levy.

These include:

- Special tax consultant costs
- Other necessary consultant costs
- Costs of posting and collecting the special taxes
- Personnel and administrative costs of the City
- Mapping and recording costs

EXHIBIT D

City of Pittsburg
Community Facilities District No. 2005-1 (Police Services)
(Annexation No. 8)

Request and Approval for Annexation and Landowner-Voter Ballot

Recitals

- A. The undersigned is an authorized representative Caleb Roope, (the **"Developer"**). Developer is the owner of certain real property located in the City of Pittsburg, as more particularly shown on Exhibit F attached hereto and incorporated herein by this reference (the **"Subject Property"**).
- B. By its Resolution No. 05-10342, adopted on August 1, 2005 (the **"Resolution of Formation"**), the City Council of the City of Pittsburg:
1. established the City of Pittsburg Community Facilities District No. 2005-1 (Police Services) (**"CFD No. 2005-1"**) pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code, hereafter the **"Act"**), with an initial boundary shown on the boundary map for CFD No. 2005-1 (the **"Boundary Map"**), which was recorded in the official records of the Contra Costa County Recorder; and
 2. designated certain real property as future annexation area (the **"Future Annexation Area"**) to be annexed in segments to CFD No. 2005-1, without hearing, upon satisfaction of conditions prescribed by the provisions of Chapter 3.5 of the Act.
- C. All of the Subject Property is included within the Future Annexation Area.
- D. The City now intends to annex a portion of the Future Annexation Area into CFD No. 2005-1 (**"Annexation No. 8"**). The Subject Property is included in the Future Annexation Area that will be annexed into Annexation No. 8.
- E. The Developer is the sole owner of the Subject Property and by this instrument requests that the Subject Property be annexed to Annexation No. 8 of CFD No. 2005-1, without hearing, as authorized by the Act and the Resolution of Formation.

Approval and Vote

1. The Developer, as the sole owner of the real property shown on Exhibit F, attached hereto and by this reference incorporated herein, hereby requests and provides its approval of the annexation of the Subject Property to CFD No. 2005-1, as prescribed and authorized by Section 53339.7 of the Act.
2. The Developer, as one of the qualified electors for Annexation No. 8, hereby votes in favor of the levy of special taxes on the taxable property being annexed to CFD No. 2005-1 in accordance with the rate and method of apportionment of special taxes (the "**RMA**") attached hereto as Exhibit B and by this reference incorporated herein.
3. The Developer hereby acknowledges the following:
 - a. As soon as practicable following receipt of this instrument by the City Manager of the City, the City will record (a) an amended boundary map for CFD No. 2005-1 and (b) an amended Notice of Special Tax Lien, in each case pertaining to the Subject Property and which will result in the establishment of a lien to secure payment of the special tax when levied upon all of the taxable property located within Annexation No. 8; and
 - b. The City will levy a special tax upon the taxable property within Annexation No. 8 in accordance with the provisions of the RMA, beginning with the Fiscal Year that starts on July 1, 2015.

Dated: 2/19, 2015 2016

By



(Signature)

Caleb Roope

(Print Name)

Exhibit A – Map showing Annexation No. 8
Exhibit B – RMA

EXHIBIT F
SUBJECT PROPERTY TO BE ANNEXED
INTO CFD 2005-1

EXHIBIT E

**PROPERTY OWNER AND ASSESSOR'S PARCEL
TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)
CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA**

ANNEXATION NO. 8

<u>Assessor's Parcel No.</u>	<u>Name of Landowner</u>	<u>Mailing Address</u>
088-230-022	Caleb Roope	430 E State Street
		Suite 100
		Eagle, ID 83616-5901

[illegible]

EXHIBIT "A"

All that certain real property situated in the City of Pittsburg, County of Contra Costa, State of California, described as follows:

Beginning at the intersection of the West line of Loveridge Road and the North line of the East Bay Municipal Utility District property as described in Book 50 of Official Records, Page 201, Contra Costa County Records; thence Westerly along said North line, 1390.00 feet; thence leaving North line at right angles Northerly 330.00 feet; thence at a right angle Easterly 1390 feet to a point on the aforementioned West line of Loveridge Road; thence along said West line Southerly 330.00 feet to the point of beginning.

EXCEPTING THEREFROM:

The parcel of land described in the Deed to the City of Pittsburg, a municipal corporation, recorded February 26, 1986 in Book 12758 Official Records, Page 325.

Assessor's Parcel Number: **088-230-022**

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution of the City Council of the City of	)	
Pittsburg Establishing the City of Pittsburg	)	
Community Facilities District No. 2005-1 (Public	)	
Safety Services), Providing for Future	)	
Annexation of Territory and Providing for the	)	
Levy of a Special Tax Therein to Finance	)	
Certain Public Services in and for Such	)	
Community Facilities District and Calling a	)	RESOLUTION NO. 05-10342
Special Election to Submit to the Qualified	)	
Electors Within Such Community Facilities	)	
District the Question of Levying Such Special	)	
Tax and Establishing an Appropriations Limit	)	
for Such Community Facilities District	)	

WHEREAS, the City Council (the "Council") of the City of Pittsburg (the "City") has duly adopted Resolution No. 05-10323 (the "Resolution") on June 20, 2005, wherein the Council declared its intention to and proposed to establish a community facilities district under and pursuant to the terms and provisions of the Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, as amended (the "Act"), to be known and designated as "Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, Contra Costa County, California" (the "Community Facilities District"), to finance public services in and for the Community Facilities District under and pursuant to the Act (which are public services that the City is authorized to provide, and that said public services are necessary to meet increased demands placed upon the City as a result of development occurring and anticipated to occur in the Community Facilities District), and which public services (the "Services") are listed in Exhibit A attached hereto and incorporated herein and made a part hereof; and

WHEREAS, pursuant to Section 53339.3 of the Act territory may be identified for annexation into the Community Facilities District in the future but only with the unanimous approval of all owners of each parcel within that territory at the time that parcel is annexed; and

WHEREAS, the costs of financing the Services to be provided in the Community Facilities District include incidental expenses as listed in Exhibit C attached hereto and incorporated herein and made a part hereof; and

WHEREAS, the Resolution fixed a time and place for a public hearing to be held by the Council to consider the establishment of the Community Facilities District, the proposed rate and method of apportionment of a special tax to finance the Services in and for the Community Facilities District and all other matters set forth in the Resolution; and

WHEREAS, the proposed boundary map for the Community Facilities District was filed for recorded in the office of the County Recorder of the Contra Costa County on June 28, 2005, in Book 78 of Maps of Assessment and Community Facilities Districts at page 10; and

WHEREAS, the City Manager of the City has caused a report to be prepared on such proposal in accordance with the Resolution, which such report was submitted to the Council for review and has been reviewed by the Council, and which such report is incorporated herein by reference and made a part of the record of the hearing hereinafter referred to on the Resolution; and

WHEREAS, pursuant to the Resolution, a public hearing was set by the Council for Monday, August 1, 2005, at 7:00 p.m., or as soon thereafter as the City may reach the matter, at the regular meeting place of the Council at the City Council Chambers at 65 Civic Avenue, Pittsburg, California 94565, at which hearing the Council considered the establishment of the Community Facilities District, the future annexation of territory, the proposed rate and method of apportionment of such special tax, and all other matters set forth in the Resolution, and at such public hearing all persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District, were given an opportunity to appear and be heard, and the testimony of all interested persons and all taxpayers, property owners and registered voters for or against the establishment of the Community Facilities District and the levy of such special tax, or the extent of the Community Facilities District, or any of the Services proposed therefor, or on any other matters set forth in the Resolution, was heard and considered, and such special tax has not been precluded by a majority protest pursuant to Section 53324 of the Government Code of the State of California, and the Council at the conclusion of said hearing was fully advised in the premises, and was authorized to proceed as hereinafter provided; and

WHEREAS, one hundred percent (100%) of the qualified electors within the Community Facilities District have filed with the City Clerk waivers of certain time requirements for the conduct of the election in the Community Facilities District and therefore, pursuant to the Act, the Council is authorized to form the Community Facilities District and conduct the election as provided herein; and

WHEREAS, on the basis of the foregoing, the Council has determined at this time to call an election in the Community Facilities District to authorize the levy of a special tax therein (as the rate and method of apportionment of such tax, is more particularly set forth in Exhibit B, attached hereto and incorporated herein and made a part hereof) to pay for the Services proposed to be provided in and for the Community Facilities District, and to establish an appropriations limit for the Community Facilities District;

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

Section 1. The above recitals are true and correct, and the Council so finds and determines.

Section 2. The Council hereby re-approves and readopts the Resolution, and reconfirms all of its findings and determinations contained therein.

Section 3 The City Council, pursuant to Section 53339.3 of the Act, hereby identifies all of the parcels within the corporate limits of the City, not already included within the boundaries of the Community Facilities District, as territory proposed for annexation in the future into the Community Facilities District, provided, prior to the annexation of any portion of such territory under the authority of this section, unanimous written approval of the owner or owners of each parcel or parcels to be annexed is delivered to the City Clerk.

Section 4. The Council hereby approves the rate and method of apportionment of the special tax in and for the Community Facilities District as set forth in Exhibit B attached hereto and incorporated herein and made a part hereof, and upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code of the State of California, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District, which lien shall continue in force and effect until the lien is cancelled in accordance with law, or until collection of the special tax by the City ceases. In the case of any special tax to pay for the public services and to be levied against any parcel used for private residential purposes, under no circumstances will the special tax levied against any parcel be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District by more than 10 percent.

Section 5. The Council finds and determines that written protests to the establishment of the Community Facilities District and the levy of such special tax, or the extent of the Community Facilities District, or the provision of any of the Services proposed therefore, are insufficient in number and in amount under the Act, and the Council hereby further orders and determines that all protests to the establishment of the Community Facilities District therefore, or the levy of the special tax proposed to be levied therein, or the extent of the Community Facilities District, or provision of any of the Services therefore, or the establishment of an appropriations limit for the Community Facilities District, are hereby overruled.

Section 6. The Council finds and determines that all prior proceedings had and taken by the Council with respect to the establishment of the Community Facilities District are valid and in conformity with the requirements of the Act; and accordingly, the Council finds, determines and orders that, consistent with the Resolution, the Community Facilities District is hereby established under and pursuant to the terms and provisions of the Act, and the boundaries of which are as set forth in the Boundary Map on file with the City Clerk.

Section 7. Except where funds are otherwise available, a special tax sufficient to pay for the Services as described in Exhibit A shall be secured by recordation of a continuing lien against all nonexempt property in the Community Facilities District, will be annually levied within the boundaries of the Community Facilities District. For particulars as to the rate and method of apportionment of such special tax, reference is made to Exhibit B, attached hereto and incorporated herein and

made a part hereof, which sets forth the rate and method of apportionment of such special tax in sufficient detail to allow each landowner or resident within the Community Facilities District to estimate the maximum amount that such person will have to pay for the Services.

Section 8. It is the intention of the Council, pursuant to Section 53317.3 of the Government Code of the State of California, to levy the special tax on property that is not otherwise exempt from the special tax and that is acquired by a public entity through a negotiated transaction, or by gift or devise.

Section 9. It is the intention of the Council, pursuant to Section 53317.5 of the Government Code of the State of California, to treat the special tax levied against property that is acquired by a public entity through eminent domain proceedings as if it were a special annual assessment.

Section 10. It is the intention of the Council, pursuant to Section 53340.1 of the Government Code of the State of California, to levy the special tax on the leasehold or possessory interests in property owned by a public agency (which property is otherwise exempt from the special tax) to be payable by the owner of the leasehold or possessory interests in such property.

Section 11. A special mailed-ballot election shall be and is hereby called and ordered to be held in the Community Facilities District on Monday, August 1, 2005, in accordance with and subject to the Act and applicable law and the terms hereof, at which special election there shall be submitted to the landowners within the Community Facilities District (which landowners are the electors and persons qualified to vote at said special election) the question of levying such special tax and the establishment of an appropriations limit in the amount of eight million dollars (\$8,000,000) per fiscal year in connection therewith for the Community Facilities District, as defined by Article XIIB, Section 8(h) of the Constitution of the State of California, and the Council hereby directs that the election at which the question of levying such special tax and establishing such appropriations limit is submitted to the landowners within the Community Facilities District shall be consolidated with the election at which the question of levying such special tax and establishing such appropriations limit shall be combined in one ballot proposition and to be secured by a special tax to be levied within the Community Facilities District, all as provided by the Act.

Section 12. The City Clerk of the City is hereby designated as the official to conduct said special election, in accordance with and subject to the Act and applicable law and the following provisions:

(a) Said special election shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined, as provided herein; and in all particulars not prescribed by this resolution said special election shall be held and conducted and the votes received and canvassed in the manner provided by law for the holding of special elections in the City and consistent with the Act.

(b) All landowners within the Community Facilities District upon the date of the special election herein provided for shall be qualified to vote upon the proposition to be submitted at said special election.

(c) Said special election shall be conducted as a mailed-ballot election, in accordance with the provisions of Sections 1340 et seq. and Section 23511.1 of the Elections Code of the State of California and the prior proceedings of the City taken thereunder, and there shall be no polling places for said special election. All ballots shall be delivered by the City Clerk of the City to such landowners, and all voted ballots are required to be received at the office of the City Clerk of the City not later than 8:00 o'clock P.M. on the day of the election in order to be counted, except that if all qualified electors have voted on the proposition hereby submitted, the election shall be closed.

(d) Each voter to vote for the proposition to be submitted at said special election and for levying such special tax and establishing such appropriations limit shall mark a cross (x) in the blank space opposite the word "YES" on the ballot to the right of said proposition, and to vote against said proposition and against levying such special tax and establishing such appropriations limit shall mark a cross (x) in the blank space opposite the word "NO" on the ballot to the right of said proposition, which cross (x) may be marked with either pen or pencil.

(e) The City Clerk of the City shall commence the canvass of the returns of said special election at 8:00 P.M. on Monday, August 1, 2005, at the City Council Chambers at 65 Civic Avenue, Pittsburg, California 94565, and at the conclusion thereof shall determine the results of said special election; provided, that if all the qualified voters have voted prior to such date and time, the City Clerk of the City shall close said special election and thereupon shall proceed to canvass the returns of said special election and to determine the results thereof.

(f) The Council shall meet at its regular meeting on Monday, August 1, 2005, at its usual meeting place and declare the results of said special election, and shall cause to be spread upon its minutes a statement of the results of said special election as ascertained by said canvass.

Section 13. The Council hereby approves the form of Waiver and Consent Shortening Time Periods and Waiving Various Requirements for Conducting Mailed-Ballot Election in the Community Facilities District, a copy of which is attached hereto as Exhibit D. The Council hereby finds that the rights, procedures and time periods therein waived are solely for the protection of the voters, may be waived under Government Code Section 53326(a), and that the waiver constitutes a full and knowing waiver, by any voter who has executed the form, of those rights, procedures and time periods.

Section 14. The Council hereby accepts the Certificate of the City Clerk certifying that 100% of the voters eligible to vote in this election have delivered to the City Clerk properly executed waivers in the form of Exhibit D.

Section 15. If two-thirds (2/3) of the votes cast upon the question of levying such special tax and establishing such appropriations limit are cast in favor of levying such special tax and establishing such appropriations limit, as determined by the

Council after reviewing the canvass of the returns of such consolidated election, the Council may levy such special tax within the territory of the Community Facilities District under the Act in the amount and for the purposes specified in this resolution, and such appropriations limit shall be established for the Community Facilities District, as defined by Article XIII B, Section 8(h) of the Constitution of the State of California. Such special tax may be levied only at the rate and may be apportioned only in the manner specified in this resolution, subject to the Act, except that such special tax may be levied at a rate lower than that specified herein. Such special tax may be levied only so long as it is needed to pay for the Services referred to in Section 6 of this resolution.

Section 16. The City Manager of the City at 65 Civic Avenue, Pittsburg, California 94565 will be responsible for preparing annually a current roll of special tax levy obligations by Contra Costa County Assessor's parcel numbers, and will be responsible for estimating future special tax levies pursuant to Section 53340.1 of the Government Code of the State of California.

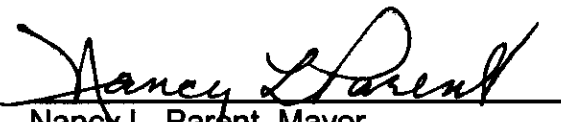
PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 1st day of August, 2005, by the following vote:

AYES: Council Members Casey, Glynn, Johnson, Kee and Mayor Parent

NOES: None

ABSTAINED: None

ABSENT: None


Nancy L. Parent, Mayor

ATTEST:

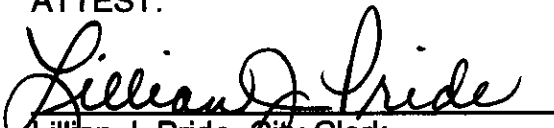

Lillian J. Pride, City Clerk

EXHIBIT A

CITY OF PITTSBURG, CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

AUTHORIZED SERVICES

The authorized services to be funded by the Special Tax revenues include police protection services for the residents of Community Facilities District No. 2005-1 (Public Safety Services) ("CFD 2005-1") and the residents of territories within the City of Pittsburg to be annexed to CFD 2005-1 in the future. A general description of the services to be provided by CFD 2005-1 include the necessary personnel both sworn and non-sworn, equipment, and support staff to deliver these services including but not limited to patrol, investigations, community policing, traffic, criminal justice, and code enforcement services. Eligible costs include, but are not limited to, the costs of contracting services, the salaries and benefits of the City staff, uniforms and equipment including replacement and maintenance, recruitment and training of personnel, and City overhead costs associated with providing such services within CFD 2005-1. The nature and methodology of deployment of the police protection services to be provided will be determined by the City.

EXHIBIT B

CITY OF PITTSBURG COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2005-1 (Public Safety Services) shall be levied and collected according to the tax liability determined by the City Council acting in its capacity as the legislative body of CFD No. 2005-1, through the application of the appropriate Special Tax rate, as described below. All Developed Property in CFD No. 2005-1 shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties for CFD No. 2005-1, including, but not limited to, the levy and collection of the Special Tax, the fees and expenses of its counsel, charges levied by the County, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

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

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

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel number.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"CFD No. 2005-1" or "CFD" means the City of Pittsburgh Community Facilities District No. 2005-1 (Public Safety Services).

“City” means the City of Pittsburg.

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

“County” means the County of Contra Costa.

“Developed Property” means, in any Fiscal Year, all Parcels in the CFD that are Residential Property and Non-Residential Property.

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

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

“Non-Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2005-1 for which a final building permit inspection was conducted prior to June 30 of the preceding Fiscal Year for construction of a non-residential structure that is to be used for a commercial or industrial business operation, as determined by the City. Notwithstanding the foregoing, if a final building permit inspection is conducted for a structure that will include both Residential Units and commercial operations, the Residential Units within the building will be categorized as Residential Property, and the Special Tax shall be calculated separately for the Residential Units on the Parcel. The full underlying Acreage of the Parcel shall be used to calculate the Special Tax assigned to the Non-Residential Property on the Parcel.

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

“Public Agency” means the federal government, State of California, City, County, or other public agency.

“Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2005-1 for which a final building permit inspection was conducted prior to June 30 of the preceding Fiscal Year for construction of a structure consisting of one or more Residential Units.

“Residential Unit” means an individual single-family detached, half-plex, duplex, triplex, fourplex, townhome, condominium unit or apartment unit.

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

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

“Taxable Property” means all Assessor’s Parcels within the boundaries of CFD No. 2005-1 which are not exempt from the Special Tax pursuant to law or Section E below.

B. CATEGORIZING PARCELS FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel number for all Parcels of Developed Property within the CFD. Each Parcel shall be categorized as either Residential Property or Non-Residential Property for purposes of levying the Special Tax pursuant to Section D below. The Administrator shall also determine the number of Residential Units built or to be built on each Parcel of Residential Property by referencing the building permit, condominium plan, apartment plan, site plan or other development plan for the property.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new parcels created by the parcel map, and (iii) one or more of the newly-created parcels meets the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each parcel of Developed Property, then applying the sum of the individual Special Taxes to the original Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAX

The following Maximum Special Tax rates shall apply to all Parcels of Developed Property within CFD No. 2005-1:

Land Use Category	Maximum Special Tax (Fiscal Year 2005-06) *
Residential Property	\$341.25 per Residential Unit
Non-Residential Property	\$682.50 per Acre

** Beginning July 1, 2006 and each July 1 thereafter, the Maximum Special Tax shall be increased by five percent (5%) of the amount in effect in the prior Fiscal Year.*

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAX

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

The Special Tax for CFD No. 2005-1 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority

of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet CFD No. 2005-1 financial obligations, and the Special Tax shall be equally subject to foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

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

EXHIBIT C

CITY OF PITTSBURG, CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

INCIDENTAL EXPENSES

It is anticipated that the following incidental expenses may be incurred for
CFD 2005-1:

- Engineering services
- Election costs
- Special tax consultant services
- City review and administration
- Special counsel services and expenses
- Publishing, mailing and posting of notices
- Governmental notification and filing costs
- Charges and fees of City other than those waived
- Mapping and recording costs with respect to annexations

Certain annual costs may be included in each annual special tax levy.

These include:

- Special tax consultant costs
- Other necessary consultant costs
- Costs of posting and collecting the special taxes
- Personnel and administrative costs of the City
- Mapping and recording costs

EXHIBIT D

**WAIVER AND CONSENT OF LANDOWNERS
IN THE PROPOSED CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A SPECIAL ELECTION**

The undersigned is the owner (or the authorized representative of the owner if the owner is not a natural person) of certain real property in the City of Pittsburg (the assessor's parcel number[s] of which is[are] _____), which real property is located in the proposed City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) (the "Community Facilities District"), as the boundaries of the Community Facilities District are set forth on the map entitled "Proposed Boundary Map, Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, Contra Costa County, California" as shown in Attachment A attached hereto and incorporated herein, and in such capacity the undersigned certifies that the undersigned is legally entitled and authorized to cast the ballots for the above-referenced owner in the special election to be conducted within the Community Facilities District to determine, among other things, whether the land owned by the above-referenced owner shall be subject to the levy of a special tax by the Community Facilities District.

The undersigned hereby waives any and all minimum time requirements relative to such election pursuant to Section 53326(a) of the California Government Code, and the undersigned hereby waives the preparation and distribution of an impartial analysis of the ballot measure to be submitted at such election, as well as arguments and rebuttal arguments in favor of or against such ballot measure pursuant to Section 53327(b) of the California Government Code, and the undersigned hereby waives the requirement to publish a notice of such election pursuant to Section 53352 of the California Government Code, and the undersigned hereby waives the timing requirements regarding the mailing of ballots to the qualified electors within the Community Facilities District pursuant to Section 4101 of the California Elections Code.

The undersigned hereby further agrees to accept either mailed service or personal service of the ballot, and the undersigned hereby waives the requirements regarding identification envelopes for the return of mailed ballots pursuant to Section 53327.5 of the California Government Code, and the undersigned further waives any and all defects in notice or procedure in the conduct of such election, whether known or

unknown (other than the right to have ballots accurately counted), and the undersigned hereby states that the election is being expedited, pursuant to this waiver and consent, at the particular instance and request of the above-referenced owner.

Dated: _____, 2005

By _____
(signature)

(print name of Owner or
Authorized Representative)

PROPOSED BOUNDARY MAP

COMMUNITY FACILITIES DISTRICT NO. 2005-1

(Public Safety Services)

City of Pittsburg
Contra Costa County, California

Filed in the office of the City Clerk of the City of Pittsburg this _____ day of _____, 2005.

Lillian J. Prida, City Clerk
City of Pittsburg

I hereby certify that this map was approved by the City Council of the City of Pittsburg at a regular meeting thereof, held on the _____ day of _____, 2005, by its Resolution No. _____.

Lillian J. Prida, City Clerk
City of Pittsburg

Filed this _____ day of _____, 2005, at the hour of _____ o'clock _____ m., in Book _____ of Maps of Assessment and Community Facilities Districts at Page _____ in the office of the County Recorder of the County of Contra Costa, State of California.

Stephen L. Wier
County Recorder
County of Contra Costa, State of California

LEGEND

(ASSESSORS PARCELS WITHIN PROPOSED CFTD)

Marina Walk II

085-19-008

085-141-002 (Rm 005)

085-141-007

085-141-008

085-142-001 (Rm 005)

085-142-001 (Rm 003)

STANFORD PLACE

088-250-008

088-240-014

BAILEY ESTATES

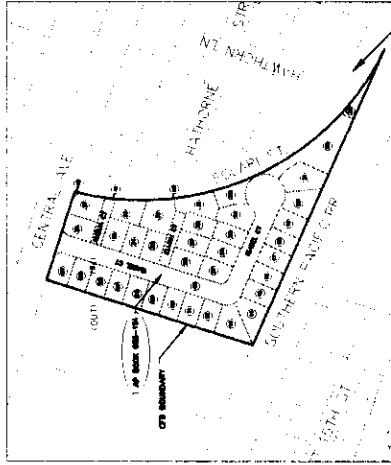
097-230-005

ST. VINCENT DE PAUL

088-151-004 (Rm 088-151-043)

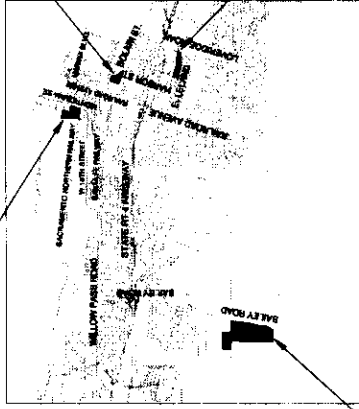
CCG
Carter-Corbin Group

By
S. L. Wier, County Recorder
County of Contra Costa, California



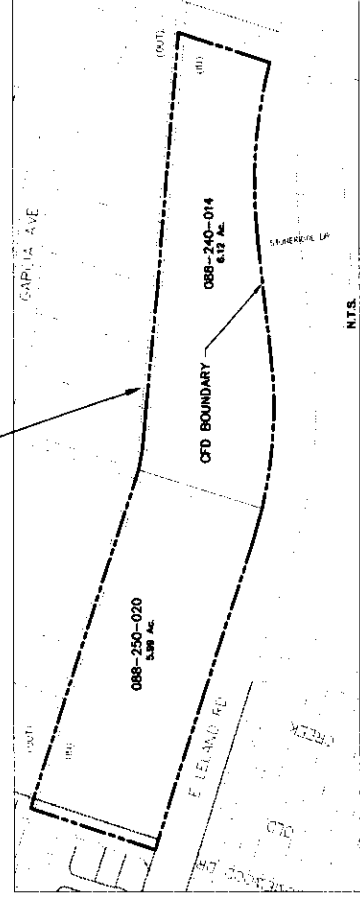
ST. VINCENT DE PAUL

MARINA WALK II

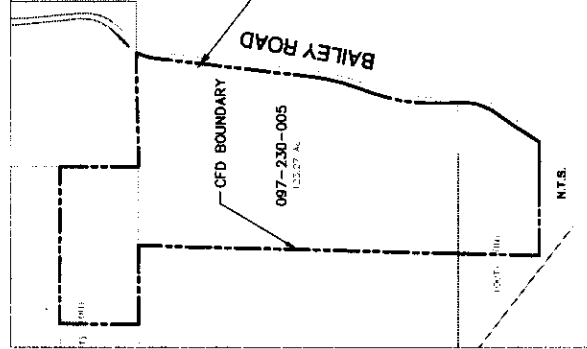


VICINITY MAP

STANFORD PLACE



BAILEY ESTATES



CLERK'S CERTIFICATE

I, Lillian J. Pride, City Clerk of the City of Pittsburg, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 1st day of August, 2005, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: Council Members Casey, Glynn, Johnson, Kee and Mayor Parent

NOES: None

ABSENT: None

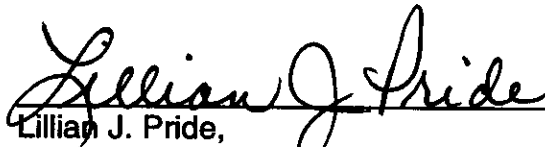
ABSTAINED: None

An agenda of said meeting was posted at least 72 hours before said meeting at 65 Civic Avenue, Pittsburg, California 94565, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: _____, 2005


Lillian J. Pride,
City Clerk of the City of Pittsburg

[SEAL]



**OFFICE OF THE CITY MANAGER
Administrative Offices
65 Civic Avenues
Pittsburg, California 94565**

MEMO: August 1, 2005

TO: Mayor and Council Members

FROM: Marc S. Grisham, City Manager

RE: **CITY COUNCIL TO CONDUCT PUBLIC HEARING, APPROVE HEARING REPORT; ADOPT RESOLUTION OF FORMATION, RESOLUTION CALLING ELECTION, CONDUCT ELECTION; ADOPT RESOLUTION DECLARING RESULTS OF ELECTION; FIRST READING OF ORDINANCE LEVYING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT (CFD) NO. 2005-1 (PUBLIC SAFETY SERVICES)**

EXECUTIVE SUMMARY:

In accordance with the policy of the City Council and the agreement by current property owners with respect to Stanford Place, Marina Walk II, Bailey Estates and St. Vincent De Paul (the "Developers"), a Community Facilities District ("CFD") shall be formed to provide funding for police services in the respective subdivision areas. This matter was considered by the City Council at the June 20, 2005 meeting. By Resolution No. 05-10323 the City Council approved a proposed boundary map, declared its intention to establish a Community Facilities District No. 2005-1 (Public Safety Services) and to levy a special tax therein to finance certain public services. In addition, this resolution provided for the future annexation of territory and had set a public hearing for August 1, 2005.

FISCAL IMPACT:

The cost of providing police services for this area shall be paid through the Community Facilities District special tax that will be levied on both residential and non-residential properties within the proposed boundaries of the CFD 2005-1 (Public Safety Services). This 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.

RECOMMENDATION:

The City Council, in accordance with the Memorandum of Proceedings (Attachment 12), will take action to conduct a Public Hearing, approve a Hearing Report, adopt Resolution of Formation and Calling Election, conduct Election; then adopt Resolution Declaring Results of Election, and Introduce First Reading of Ordinance Levying Special Tax in CFD No. 2005-1 (Public Safety Services).

BACKGROUND:

At the June 7, 2004 meeting, the City Council took final action to approve the formation of the Community Facilities District (CFD) No. 2004-01 for the San Marco subdivision. The formation of this District was in accordance with the terms of the Development Agreement (DA) between the City of Pittsburg and Seecon Financial & Construction Inc., that a Community Facilities District (CFD) shall be formed for police services in the San Marco subdivision area. The purpose was to provide funding for the increased demands of police services that will be placed upon the City as a result of development occurring and anticipated to occur in this Community Facilities District.

It has been determined by the City Council that all undeveloped land within the City of Pittsburg will also have the same increase in demands for police services that is over and above the current level of service provided by the City. With this consideration, it is the intent of the City Council to establish a Community Facilities District (CFD) 2005-1 to provide funding for police services within four undeveloped subdivision areas that include Stanford Place, Marina Walk II, Bailey Estates and St. Vincent De Paul. The proposed boundary map has been attached to staff's report for City Council review.

The following briefly describes the respective subdivisions that will be initially approved by the City Council to be included in this CFD No. 2005-1 (Public Safety Services):

- The Stanford Place subdivision is being developed by KB Homes and estimates 100 new homes off East Leland.
- The Marina Walk II subdivision is located at West Herb Way and north of West Eighth Street. The developer is Olsen Company and there are plans to build approximately 123 new homes.
- The Bailey Estates subdivision is located off the west side of Bailey Road at the south end of the City limits. The developer is John Stremmel and there are plans to build an estimated 249 homes.
- The St. Vincent De Paul subdivision is being developed by Castle Companies and there are plans to build 35 homes at the southwest corner of Central Avenue and Solari Street.

Staff has been in contact with the respective developers (property owners) regarding the formation of this Communities Facility District and all property owners have submitted consent forms related to the formation of this district.

A public hearing is scheduled for August 1, 2005 to receive testimony from the affected developers (property owners) concerning any matters related to the formation and services to be provided within this District. All four property owners have agreed in writing to participate in this District (Attachment 9).

The attached resolution also identifies all of the parcels within the corporate limits of the City that are not already included within the boundaries of CFD 2005-1 (Public Safety Services) as territory proposed for annexation in the future into CFD 2005-1 (Public Safety Services). This would occur only if prior to the annexation of any portion of such territory unanimous written approval of the owner or owners, of each parcel or parcels, is delivered to the City Clerk by a predetermined date.

As additional development projects come forward, such projects can be annexed into this CFD 2005-1 (Public Safety Services) which will increase the police coverage area and provide funding for the increased demand of police services placed on the City within the District.

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 2005-1 for police 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 special tax rate for residential development within this District would be set at the same rate as the Community Facilities District No. 2004-01 for the San Marco subdivision. The rate for Fiscal Year 2005-2006 would be \$341.25 per residential unit. This rate is recommended so that all residential units throughout the City are treated the same as the units within the San Marco subdivision.

Since the CFD for San Marco did not have a non-residential unit component, this rate for the CFD 2005-1 (Public Safety Services) was calculated by Goodwin Consulting Group by applying an average density of four units per acre. This assumption is taken from the City's General Plan which identifies low density residential as the predominant land use. Since low density residential allows a range of 1 to 7 units per acre, an average of 4 units per acre was used. Assuming this average density, one acre of residential property would have a special tax of \$1,365.00 (\$341.25 x 4). Non-residential is assumed to have 50% of the impact of the day while residents are home for 16 hours. Consequently, non-residential property should bear half of the per-acre burden as residential property, or \$682.50 (\$1,365/2) for police services. This rate of \$682.50 per acre for non-residential properties would be effective for the Fiscal year 2005-2006.

The special tax would be levied in the next subsequent 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, 2006 and each July 1 thereafter, the maximum special tax shall be increased by five percent (5%) of the amount in effect during the prior Fiscal Year.

CITY COUNCIL ACTION ITEMS:

Staff recommends the following:

1. OPEN THE PUBLIC HEARING and hear public testimony or protests.
2. CLOSE THE PUBLIC HEARING and, if no protests, proceed to take the following actions.
3. Adopt a Resolution of the City Council of the City of Pittsburg Establishing the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services), Providing for Future Annexation of Territory and Providing for the Levy of a Special Tax Therein to Finance Certain Public Services in and for Such Community Facilities District and Calling a Special Election to Submit to the Qualified Electors Within Such Community Facilities District the Question of Levying Such Special Tax and Establishing an Appropriations Limit for Such Community Facilities District.

Attachments: Exhibit A, Authorized Services,
Exhibit B, Rate and Method of Apportionment of Special Tax,
Exhibit C, Incidental Expenses, and
Exhibit D, Form of Property Owner Waiver and Consent.

4. CITY COUNCIL CONDUCT ELECTION. The City Clerk shall count the ballots, close the election and declare the election result.
5. Adopt a Resolution of the City Council of the City of Pittsburg Determining the Result of the Special Mailed-Ballot Election Held in its Community Facilities District No. 2005-1 (Public Safety Services), on August 1, 2005.
6. Introduce an Ordinance of the City Council of the City of Pittsburg Levying a Special Tax for the Fiscal Year 2005-2006 and Following Fiscal Years Solely Within and Relating to the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services).



Marc S. Grisham, City Manager

Report Prepared By:



Marie Simons, Director of Finance

- Attachments:
1. Resolution Establishing CFD 2005-1
 2. Resolution Determining Special Election Result
 3. Ordinance Levying Special Tax
 4. Certificate Relative to Voters

5. Formation Hearing Report
6. Waiver and Consent of Landowners (4)
7. Certificate of City Clerk re Waiver and Consent
8. Certificate of Delivery of Ballots
9. Special Election Ballot Results (4)
10. Certificate of Election Results
11. Notice of Special Tax Lien
12. Memorandum of Proceedings

Note Clerk's Reading File: June 20, 2005; Notice of Intent

ENVIRONMENTAL REVIEW CHECKLIST

AGENDA MEETING DATE:

August 1, 2005

AGENDA DATA DESCRIPTION:

City Council to Conduct Public Hearing, Approve Hearing Report; Adopt Resolution of Formation, Resolution Calling Election, Conduct Election; Adopt Resolution Declaring Results of Election; First Reading of Ordinance Levying Special Tax in Community Facilities District (CFD) No. 2005-2 (Public Safety Services).

ALL ACTIONS OF THE CITY COUNCIL MUST BE CONSIDERED FOR ENVIRONMENTAL REVIEW. COMPLETE THE CHECKLIST BELOW AND **ATTACH TO THE APPROPRIATE AGENDA DATA SHEET**. THE EXEMPTION, NEGATIVE DECLARATION OR EIR DETERMINATIONS MUST BE REFERENCED IN THE RESPECTIVE STAFF REPORT AND COPIES ATTACHED WHERE APPROPRIATE.

1. ☒ **This is not a project.** No environmental documents must be filed. A project is any activity which may cause a direct physical change in the environment or a reasonably foreseeable indirect change in the environment, and is either (1) undertaken by the City, (2) partly or fully subsidized by the City, or (3) permitted by the City. Only "discretionary projects" are subject to CEQA. Moreover, purchases for supplies, personnel related actions, emergency repairs and general policy-making are examples of actions which are not a project. If any of the following environmental factors would be potentially affected, further environmental review may still be required:

☐ Aesthetics
☐ Biological Resources
☐ Hazards & Hazardous Materials
☐ Mineral Resources
☐ Public Services
☐ Utilities/Service Systems

☐ Agriculture Resources
☐ Cultural Resources
☐ Hydrology/Water Quality
☐ Noise
☐ Recreation
☐ Mandatory Findings of Significance

☐ Air Quality
☐ Geology/Soils
☐ Land Use/Planning
☐ Population/Housing
☐ Transportation/Traffic

2. ☐ This is a project, but it is **statutorily exempt** under Section _____, Article 18 of the Guidelines for the Implementation of the California Environmental Quality Act.
3. ☐ This is a project, but it is **categorically exempt** from environmental review under Class _____, Article 19 of the Guidelines for Implementation of the California Environmental Quality Act, no exceptions to the categorical exemption apply.
4. ☐ This is a project, but is subject to the "common sense" exemption to CEQA, because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The basis for this determination must be set forth in writing in the findings.
5. ☐ A ☐ **Negative Declaration** ☐ **Mitigated Negative Declaration** (ND/MND) was prepared for this project or the impacts were addressed under a previously completed ND/MND. The Initial Study and ND/MND prepared by the City must be attached to the Council materials for Council review and approval. The Council must adopt a resolution (re)adopting the Negative Declaration or Mitigated Negative Declaration and, possibly, a mitigation monitoring or reporting program as part of the project approval.
6. ☐ An **Environmental Impact Report** (EIR) was prepared for this project or the impacts have been addressed under a previously completed and certified EIR, SCH No. _____. The EIR must be attached to the Council materials for Council review and approval. As part of the project approval, the Council must adopt resolutions (re)certifying the EIR and adopting findings, a mitigation monitoring or reporting program, and if necessary, a statement of overriding considerations.
7. ☐ This project falls under the " _____ " **Master EIR**, State Clearinghouse No. _____, The new Initial Study prepared pursuant to Section 21157.1 of the Public Resources Code must be attached to the Council materials for Council review and approval. The Council must adopt a resolution adopting certain required findings based on this Initial Study as part of the project approval.

REVIEWED AND APPROVED BY: N/A

NOTE: CEQA regulations are located in the State Public Resources Code, which can be viewed on the internet at: www.leginfo.ca.gov. Should you need further assistance in determining the applicability of CEQA to a Council action, please contact Planning Staff x. 4920.
H:Finance Forms/Form Environmental Review Checklist (05-04-04)

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

**A Resolution of the City Council of the City of)
Pittsburg Determining the Result of the Special)
Mailed-Ballot Election Held in its Community) RESOLUTION NO. 05-10343
Facilities District No. 2005-1 (Public Safety)
Services), on August 1, 2005**

WHEREAS, the City Clerk of the City of Pittsburg has duly canvassed the votes cast in its Community Facilities District No. 2005-1 (Public Safety Services) (the "Community Facilities District") at the special mailed-ballot election held in the Community Facilities District on August 1, 2005, by the qualified electors of the Community Facilities District upon the proposition hereinafter set forth, and has certified to this City Council the result of the votes cast at such special mailed-ballot election upon said proposition, which said certification is now on file in the office of the City Clerk of the City of Pittsburg;

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

Section 1. All of the above recitals are true and correct, and the City Council so finds and determines.

Section 2. The canvass of the votes cast in the Community Facilities District at the special mailed-ballot election held in the Community Facilities District on August 1, 2005, as shown by said certification, is hereby approved and confirmed.

Section 3. At such special mailed-ballot election in the Community Facilities District the following proposition was submitted to the qualified voters of the Community Facilities District and the number of votes cast in the Community Facilities District for and against such proposition, as set forth in said canvass, is as follows:

MEASURE (A): Shall the City of Pittsburg be authorized to levy a special tax in its Community Facilities District No. 2005-1 (Public Safety Services) ("CFD 2005-1") on an annual basis to pay for certain public services which are in addition to the services currently provided in the territory of CFD 2005 1 as described in the Resolution of Formation adopted by the City Council of the City of Pittsburg on August 1, 2005, and shall an annual appropriations limit in the amount of eight million dollars (\$8,000,000) be established for fiscal year 2005-2006 in connection with CFD 2005-1?

Section 4. The total number of votes cast in the Community Facilities District at such special mailed-ballot election for and against such proposition was and is set forth in said canvass.

Section 5. More than two-thirds (2/3) of all the votes cast at such special mailed-ballot election was cast in favor of such proposition, and such proposition carried, and the Community Facilities District has been duly organized and is duly authorized to finance the public services set forth in said proposition and to levy the special tax set forth in said proposition.

Section 6. The City Clerk of the City of Pittsburg is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such special mailed-ballot election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the Streets and Highways Code of the State of California.

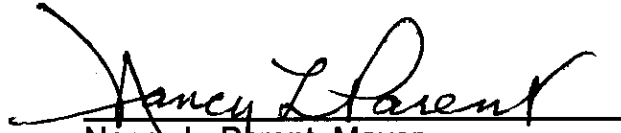
PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 1st day of August, 2005, by the following vote:

AYES: Council Members Casey, Glynn, Johnson, Kee and Mayor Parent

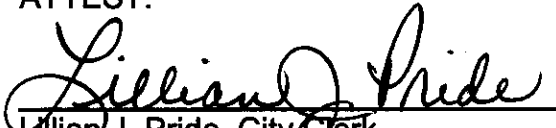
NOES: None

ABSTAINED: None

ABSENT: None


Nancy L. Parent, Mayor

ATTEST:


Lillian J. Pride, City Clerk

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

An Ordinance of the City Council of the City of	)	
Pittsburg Levying a Special Tax for the Fiscal Year	)	
2005-2006 and Following Fiscal Years Solely	)	ORDINANCE NO. 05-1246
Within and Relating to the City of Pittsburg	)	
Community Facilities District No. 2005-1 (Public	)	
Safety Services)	)	

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

SECTION 1. Pursuant to Government Code Sections 53328 and 53340, and in accordance with the Rate and Method of Apportionment of Special Tax as shown in Exhibit B to Resolution No. 10342, Establishing the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) adopted by the City Council (the "Council") of the City of Pittsburg (the "City") on August 1, 2005 (the "Resolution"), a special tax is hereby levied on all taxable parcels within the City's Community Facilities District No. 2005-1 (Public Safety Services), for all fiscal years in the amount of the maximum authorized tax; provided, that the amount of special tax levied in each year may be adjusted annually as provided in Section 2 of this Ordinance, subject to the maximum authorized special tax limit.

SECTION 2. The City Manager of the City is authorized and directed, with the aid of the appropriate officers and agents of the City, to determine each year, without further action of the Council, the Calculation of Special Taxes as provided in Exhibit B of the Resolution, to prepare the annual special tax roll in the amounts specified in said Exhibit B and, without further action of the Council, to provide all necessary and appropriate information to the Contra Costa County Auditor in proper form, and in proper time, necessary to effect the correct and timely billing and collection of the special tax on the secured property tax roll of the County; provided, that as provided in the Resolution and Section 53340 of the California Government Code, the Council has reserved the right to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the City, including but not limited to, direct billing by the City to the property owners and supplemental billing.

SECTION 3. The appropriate officers and agents of the City are authorized to make adjustments to the special tax roll prior to the final posting of the special taxes to the County tax roll each fiscal year, as may be necessary to achieve a correct match of the special tax levy with the assessor's parcel numbers finally utilized by the County in sending out property tax bills.

SECTION 4. The City agrees that, in the event the special tax is collected on the secured tax roll of the County, the County may deduct its reasonable and agreed charges for collecting the special tax from the amounts collected, prior to remitting the special tax collections to the City.

SECTION 5. Taxpayers who have requested changes or corrections of the special tax and who are not satisfied with the decision of the City Manager (whether the City Manager simply disagrees with the taxpayer or feels the City Manager is not authorized to consider the change requested) may appeal to the Council. The appeal must be in writing and fully explain the grounds of appeal, and must be based solely on the correction of mistakes in the levy based upon the status of the property, and no other appeals will be allowed. The City Manager shall schedule the appeal for consideration within a reasonable time at a Council meeting.

SECTION 6. If for any cause any portion of this ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this ordinance, and the application of the special tax to the remaining parcels, shall not be affected.

SECTION 7. This ordinance shall take effect and be in force immediately as a tax measure. The City Clerk shall either (a) have this ordinance published once within fifteen (15) days after adoption in a newspaper of general circulation, or (b) have a summary of the ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again twenty (20) days after its adoption.

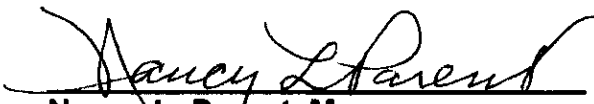
The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on the 1st day of August, 2005, and was adopted and ordered published at a meeting of the City Council held on the 15th day of August, 2005, by the following vote:

AYES: Council Members Casey, Glynn, Johnson, Kee and Mayor Parent

NOES: None

ABSTAINED: None

ABSENT: None


Nancy L. Parent, Mayor

ATTEST:


Lillian J. Pride, City Clerk



**OFFICE OF THE CITY MANAGER
Administrative Offices
65 Civic Avenues
Pittsburg, California 94565-3814**

DATE: August 15, 2005

TO: Mayor and Council Members

FROM: Marc S. Grisham, City Manager

**RE: SECOND READING OF AN ORDINANCE LEVYING A SPECIAL TAX IN
COMMUNITY FACILITIES DISTRICT (CFD) NO. 2005-1 (PUBLIC SAFETY
SERVICES)**

EXECUTIVE SUMMARY

In accordance with the policy of the City Council and the agreement by current property owners with respect to Stanford Place, Marina Walk II, Bailey Estates and St. Vincent De Paul (the "Developers"), a Community Facilities District ("CFD") shall be formed to provide funding for police services in the respective subdivision areas.

On August 1, 2005 the City Council, in a public hearing, took testimony on this subject, adopted a Resolution of Formation, called for an Election, conducted the Election, adopted a Resolution declaring the results of the Election and Ordinance No. 05-1246, Levying a Special Tax in Community Facilities District (CFD) 2005-1 (Public Safety Services). The purpose of the meeting on August 15, 2005 is to adopt the subject Ordinance No. 05-1246.

FISCAL IMPACT

The cost of providing police services for this area shall be paid through the Community Facilities District special tax that will be levied on both residential and non-residential properties within the proposed boundaries of the CFD. This 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.

RECOMMENDATION

It is recommended that the City Council adopt an Ordinance No. 05-1246 levying a Special Tax in Community Facilities District (CFD) No. 2005-1 (Public Safety Services).

BACKGROUND

At the June 7, 2004 meeting, the City Council took final action to approve the formation of the Community Facilities District (CFD) No. 2004-01 for the San Marco subdivision. The formation of this CFD was in accordance with the terms of the Development Agreement (DA) between the City of Pittsburg and Seecon Financial & Construction Inc., that a Community Facilities District shall be formed for police services in the San Marco subdivision area. The purpose was to provide funding for the increased demands of police services that will be placed upon the City as a result of development occurring and anticipated to occur in this Community Facilities District.

It has been determined by the City Council that all undeveloped land within the City of Pittsburg will also have the same increase in demands for police services that is over and above the current level of service provided by the City. With this consideration, it is the intent of the City Council to establish a Community Facilities District (CFD) 2005-1 to provide funding for police services within four undeveloped subdivision areas that include Stanford Place, Marina Walk II, Bailey Estates and St. Vincent De Paul. At the meeting on August 1, 2005, the City Council by Resolution No. 05-10342 approved the establishment of the CFD 2005-1 and approved the levy of the special tax.

The following briefly describes the respective subdivisions that were initially approved by the City Council to be included in this CFD No. 2005-1 (Public Safety Services):

- The Stanford Place subdivision is being developed by KB Homes and estimates 100 new homes off East Leland.
- The Marina Walk II subdivision is located at West Herb Way and north of West Eighth Street. The developer is Olsen Company and there are plans to build approximately 123 new homes.
- The Bailey Estates subdivision is located off the west side of Bailey Road at the south end of the City limits. The developer is John Stremmel and there are plans to build an estimated 249 homes.
- The St. Vincent De Paul subdivision is being developed by Castle Companies and there are plans to build 35 homes at the southwest corner of Central Avenue and Solari Street.

All property owners submitted written approval to the City to participate in the Community Facilities District (CFD) 2005-1 (Public Safety Services). The written ballots were confirmed during the election proceedings held on August 1, 2005 by Resolution No. 05-10343.

In addition, Resolution No. 05-10342 approved by the City Council, identified all of the parcels within the corporate limits of the City that are not already included within the boundaries of CFD 2005-1 as territory proposed for annexation in the future into CFD 2005-1. This would occur only if prior to the annexation of any portion of such territory that unanimous written approval of the owner or owners of each parcel or parcels is delivered to the City Clerk by a predetermined date.

As additional development projects come forward, they can be annexed into this CFD 2005-1 which will increase the police coverage area and provide funding for the increased demand of police services placed on the City within the CFD.

STAFF ANALYSIS

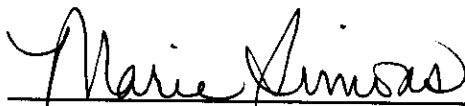
Staff retained the services of Goodwin Consulting Group to develop the methodology for the special tax rates that will be levied on both residential and non-residential development within the Communities Facilities District 2005-1 for police services. Goodwin Consulting Group is a firm that specializes in the formation, administration and special tax rate calculation for Community Facilities Districts. It was decided that the special tax rate for residential development within this District would be set at the same rate as the Community Facilities District No. 2004-01 for the San Marco subdivision. The rate for Fiscal Year 2005-06 would be \$341.25 per residential unit. This rate was recommended and approved so that all residential units throughout the City are treated the same as the units within the San Marco subdivision.

Since the CFD for San Marco did not have a non-residential unit component, this rate for the CFD 2005-1 was calculated by Goodwin Consulting Group by applying an average density of 4 units per acre. This assumption is taken from the City's General Plan which identifies low density residential as the predominant land use. Since low density residential allows a range of 1 to 7 units per acre, an average of 4 units per acre was used. Assuming this average density, one acre of residential property would have a special tax of \$1,365.00 (\$341.25 x 4). Non-residential is assumed to have 50% of the impact of the day while residents are home for 16 hours. Consequently, non-residential property should bear half of the per-acre burden as residential property, or \$682.50 (\$1,365/2) for police services. This rate of \$682.50 per acre for non-residential properties would be effective for the Fiscal Year 2005-06.

The special tax would be levied in the next subsequent 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, 2006 and each July 1 thereafter, the maximum special tax shall be increased by five percent (5%) of the amount in effect during the prior Fiscal Year.



Marc S. Grisham, City Manager

Report Prepared by: 

Marie Simons, Director of Finance

Attachment: Ordinance No. 05-1246

ENVIRONMENTAL REVIEW CHECKLIST

AGENDA MEETING DATE: August 15, 2005
AGENDA DATA DESCRIPTION: Second Reading of an Ordinance Levying a Special Tax in
Community Facilities District (CFD) No. 2005-1 (Public Safety Services).

ALL ACTIONS OF THE CITY COUNCIL MUST BE CONSIDERED FOR ENVIRONMENTAL REVIEW. COMPLETE THE CHECKLIST BELOW AND **ATTACH TO THE APPROPRIATE AGENDA DATA SHEET**. THE EXEMPTION, NEGATIVE DECLARATION OR EIR DETERMINATIONS MUST BE REFERENCED IN THE RESPECTIVE STAFF REPORT AND COPIES ATTACHED WHERE APPROPRIATE.

1. ☒ **This is not a project.** No environmental documents must be filed. A project is any activity which may cause a direct physical change in the environment or a reasonably foreseeable indirect change in the environment, and is either (1) undertaken by the City, (2) partly or fully subsidized by the City, or (3) permitted by the City. Only "discretionary projects" are subject to CEQA. Moreover, purchases for supplies, personnel related actions, emergency repairs and general policy-making are examples of actions which are not a project. If any of the following environmental factors would be potentially affected, further environmental review may still be required:

☐ Aesthetics
☐ Biological Resources
☐ Hazards & Hazardous Materials
☐ Mineral Resources
☐ Public Services
☐ Utilities/Service Systems

☐ Agriculture Resources
☐ Cultural Resources
☐ Hydrology/Water Quality
☐ Noise
☐ Recreation
☐ Mandatory Findings of Significance

☐ Air Quality
☐ Geology/Soils
☐ Land Use/Planning
☐ Population/Housing
☐ Transportation/Traffic

2. ☐ This is a project, but it is **statutorily exempt** under Section _____, Article 18 of the Guidelines for the Implementation of the California Environmental Quality Act.
3. ☐ This is a project, but it is **categorically exempt** from environmental review under Class _____, Article 19 of the Guidelines for Implementation of the California Environmental Quality Act, no exceptions to the categorical exemption apply.
4. ☐ This is a project, but is subject to the "common sense" exemption to CEQA, because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The basis for this determination must be set forth in writing in the findings.
5. ☐ A ☐ **Negative Declaration** ☐ **Mitigated Negative Declaration (ND/MND)** was prepared for this project or the impacts were addressed under a previously completed ND/MND. The Initial Study and ND/MND prepared by the City must be attached to the Council materials for Council review and approval. The Council must adopt a resolution (re)adopting the Negative Declaration or Mitigated Negative Declaration and, possibly, a mitigation monitoring or reporting program as part of the project approval.
6. ☐ An **Environmental Impact Report (EIR)** was prepared for this project or the impacts have been addressed under a previously completed and certified EIR, SCH No. _____. The EIR must be attached to the Council materials for Council review and approval. As part of the project approval, the Council must adopt resolutions (re)certifying the EIR and adopting findings, a mitigation monitoring or reporting program, and if necessary, a statement of overriding considerations.
7. ☐ This project falls under the " _____ " **Master EIR**, State Clearinghouse No. _____. The new Initial Study prepared pursuant to Section 21157.1 of the Public Resources Code must be attached to the Council materials for Council review and approval. The Council must adopt a resolution adopting certain required findings based on this Initial Study as part of the project approval.

REVIEWED AND APPROVED BY: N/A

NOTE: CEQA regulations are located in the State Public Resources Code, which can be viewed on the internet at: www.leginfo.ca.gov. Should you need further assistance in determining the applicability of CEQA to a Council action, please contact Planning Staff x. 4920.
H:Finance Forms/Form Environmental Review Checklist (05-04-04)



**OFFICE OF THE CITY MANAGER
Administrative Offices
65 Civic Avenues
Pittsburg, California 94565**

MEMO: August 1, 2005

TO: Mayor and Council Members

FROM: Marc S. Grisham, City Manager

RE: **CITY COUNCIL TO CONDUCT PUBLIC HEARING, APPROVE HEARING REPORT; ADOPT RESOLUTION OF FORMATION, RESOLUTION CALLING ELECTION, CONDUCT ELECTION; ADOPT RESOLUTION DECLARING RESULTS OF ELECTION; FIRST READING OF ORDINANCE LEVYING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT (CFD) NO. 2005-1 (PUBLIC SAFETY SERVICES)**

EXECUTIVE SUMMARY:

In accordance with the policy of the City Council and the agreement by current property owners with respect to Stanford Place, Marina Walk II, Bailey Estates and St. Vincent De Paul (the "Developers"), a Community Facilities District ("CFD") shall be formed to provide funding for police services in the respective subdivision areas. This matter was considered by the City Council at the June 20, 2005 meeting. By Resolution No. 05-10323 the City Council approved a proposed boundary map, declared its intention to establish a Community Facilities District No. 2005-1 (Public Safety Services) and to levy a special tax therein to finance certain public services. In addition, this resolution provided for the future annexation of territory and had set a public hearing for August 1, 2005.

FISCAL IMPACT:

The cost of providing police services for this area shall be paid through the Community Facilities District special tax that will be levied on both residential and non-residential properties within the proposed boundaries of the CFD 2005-1 (Public Safety Services). This 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.

RECOMMENDATION:

The City Council, in accordance with the Memorandum of Proceedings (Attachment 12), will take action to conduct a Public Hearing, approve a Hearing Report, adopt Resolution of Formation and Calling Election, conduct Election; then adopt Resolution Declaring Results of Election, and Introduce First Reading of Ordinance Levying Special Tax in CFD No. 2005-1 (Public Safety Services).

BACKGROUND:

At the June 7, 2004 meeting, the City Council took final action to approve the formation of the Community Facilities District (CFD) No. 2004-01 for the San Marco subdivision. The formation of this District was in accordance with the terms of the Development Agreement (DA) between the City of Pittsburg and Seecon Financial & Construction Inc., that a Community Facilities District (CFD) shall be formed for police services in the San Marco subdivision area. The purpose was to provide funding for the increased demands of police services that will be placed upon the City as a result of development occurring and anticipated to occur in this Community Facilities District.

It has been determined by the City Council that all undeveloped land within the City of Pittsburg will also have the same increase in demands for police services that is over and above the current level of service provided by the City. With this consideration, it is the intent of the City Council to establish a Community Facilities District (CFD) 2005-1 to provide funding for police services within four undeveloped subdivision areas that include Stanford Place, Marina Walk II, Bailey Estates and St. Vincent De Paul. The proposed boundary map has been attached to staff's report for City Council review.

The following briefly describes the respective subdivisions that will be initially approved by the City Council to be included in this CFD No. 2005-1 (Public Safety Services):

- The Stanford Place subdivision is being developed by KB Homes and estimates 100 new homes off East Leland.
- The Marina Walk II subdivision is located at West Herb Way and north of West Eighth Street. The developer is Olsen Company and there are plans to build approximately 123 new homes.
- The Bailey Estates subdivision is located off the west side of Bailey Road at the south end of the City limits. The developer is John Stremmel and there are plans to build an estimated 249 homes.
- The St. Vincent De Paul subdivision is being developed by Castle Companies and there are plans to build 35 homes at the southwest corner of Central Avenue and Solari Street.

Staff has been in contact with the respective developers (property owners) regarding the formation of this Communities Facility District and all property owners have submitted consent forms related to the formation of this district.

A public hearing is scheduled for August 1, 2005 to receive testimony from the affected developers (property owners) concerning any matters related to the formation and services to be provided within this District. All four property owners have agreed in writing to participate in this District (Attachment 9).

The attached resolution also identifies all of the parcels within the corporate limits of the City that are not already included within the boundaries of CFD 2005-1 (Public Safety Services) as territory proposed for annexation in the future into CFD 2005-1 (Public Safety Services). This would occur only if prior to the annexation of any portion of such territory unanimous written approval of the owner or owners, of each parcel or parcels, is delivered to the City Clerk by a predetermined date.

As additional development projects come forward, such projects can be annexed into this CFD 2005-1 (Public Safety Services) which will increase the police coverage area and provide funding for the increased demand of police services placed on the City within the District.

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 2005-1 for police 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 special tax rate for residential development within this District would be set at the same rate as the Community Facilities District No. 2004-01 for the San Marco subdivision. The rate for Fiscal Year 2005-2006 would be \$341.25 per residential unit. This rate is recommended so that all residential units throughout the City are treated the same as the units within the San Marco subdivision.

Since the CFD for San Marco did not have a non-residential unit component, this rate for the CFD 2005-1 (Public Safety Services) was calculated by Goodwin Consulting Group by applying an average density of four units per acre. This assumption is taken from the City's General Plan which identifies low density residential as the predominant land use. Since low density residential allows a range of 1 to 7 units per acre, an average of 4 units per acre was used. Assuming this average density, one acre of residential property would have a special tax of \$1,365.00 ($\341.25×4). Non-residential is assumed to have 50% of the impact of the day while residents are home for 16 hours. Consequently, non-residential property should bear half of the per-acre burden as residential property, or \$682.50 ($\$1,365/2$) for police services. This rate of \$682.50 per acre for non-residential properties would be effective for the Fiscal year 2005-2006.

The special tax would be levied in the next subsequent 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, 2006 and each July 1 thereafter, the maximum special tax shall be increased by five percent (5%) of the amount in effect during the prior Fiscal Year.

CITY COUNCIL ACTION ITEMS:

Staff recommends the following:

1. OPEN THE PUBLIC HEARING and hear public testimony or protests.
2. CLOSE THE PUBLIC HEARING and, if no protests, proceed to take the following actions.
3. Adopt a Resolution of the City Council of the City of Pittsburg Establishing the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services), Providing for Future Annexation of Territory and Providing for the Levy of a Special Tax Therein to Finance Certain Public Services in and for Such Community Facilities District and Calling a Special Election to Submit to the Qualified Electors Within Such Community Facilities District the Question of Levying Such Special Tax and Establishing an Appropriations Limit for Such Community Facilities District.

Attachments: Exhibit A, Authorized Services,
Exhibit B, Rate and Method of Apportionment of Special Tax,
Exhibit C, Incidental Expenses, and
Exhibit D, Form of Property Owner Waiver and Consent.

4. CITY COUNCIL CONDUCT ELECTION. The City Clerk shall count the ballots, close the election and declare the election result.
5. Adopt a Resolution of the City Council of the City of Pittsburg Determining the Result of the Special Mailed-Ballot Election Held in its Community Facilities District No. 2005-1 (Public Safety Services), on August 1, 2005.
6. Introduce an Ordinance of the City Council of the City of Pittsburg Levying a Special Tax for the Fiscal Year 2005-2006 and Following Fiscal Years Solely Within and Relating to the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services).



Marc S. Grisham, City Manager

Report Prepared By:



Marie Simons, Director of Finance

- Attachments:
1. Resolution Establishing CFD 2005-1
 2. Resolution Determining Special Election Result
 3. Ordinance Levying Special Tax
 4. Certificate Relative to Voters

5. Formation Hearing Report
6. Waiver and Consent of Landowners (4)
7. Certificate of City Clerk re Waiver and Consent
8. Certificate of Delivery of Ballots
9. Special Election Ballot Results (4)
10. Certificate of Election Results
11. Notice of Special Tax Lien
12. Memorandum of Proceedings

Note Clerk's Reading File: June 20, 2005; Notice of Intent

ENVIRONMENTAL REVIEW CHECKLIST

AGENDA MEETING DATE:

August 1, 2005

AGENDA DATA DESCRIPTION:

City Council to Conduct Public Hearing, Approve Hearing Report; Adopt Resolution of Formation, Resolution Calling Election, Conduct Election; Adopt Resolution Declaring Results of Election; First Reading of Ordinance Levying Special Tax in Community Facilities District (CFD) No. 2005-2 (Public Safety Services).

ALL ACTIONS OF THE CITY COUNCIL MUST BE CONSIDERED FOR ENVIRONMENTAL REVIEW. COMPLETE THE CHECKLIST BELOW AND **ATTACH TO THE APPROPRIATE AGENDA DATA SHEET**. THE EXEMPTION, NEGATIVE DECLARATION OR EIR DETERMINATIONS MUST BE REFERENCED IN THE RESPECTIVE STAFF REPORT AND COPIES ATTACHED WHERE APPROPRIATE.

1. ☒ **This is not a project.** No environmental documents must be filed. A project is any activity which may cause a direct physical change in the environment or a reasonably foreseeable indirect change in the environment, and is either (1) undertaken by the City, (2) partly or fully subsidized by the City, or (3) permitted by the City. Only "discretionary projects" are subject to CEQA. Moreover, purchases for supplies, personnel related actions, emergency repairs and general policy-making are examples of actions which are not a project. If any of the following environmental factors would be potentially affected, further environmental review may still be required:

☐ Aesthetics
☐ Biological Resources
☐ Hazards & Hazardous Materials
☐ Mineral Resources
☐ Public Services
☐ Utilities/Service Systems

☐ Agriculture Resources
☐ Cultural Resources
☐ Hydrology/Water Quality
☐ Noise
☐ Recreation
☐ Mandatory Findings of Significance

☐ Air Quality
☐ Geology/Soils
☐ Land Use/Planning
☐ Population/Housing
☐ Transportation/Traffic

2. ☐ This is a project, but it is **statutorily exempt** under Section _____, Article 18 of the Guidelines for the Implementation of the California Environmental Quality Act.
3. ☐ This is a project, but it is **categorically exempt** from environmental review under Class _____, Article 19 of the Guidelines for Implementation of the California Environmental Quality Act, no exceptions to the categorical exemption apply.
4. ☐ This is a project, but is subject to the "common sense" exemption to CEQA, because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The basis for this determination must be set forth in writing in the findings.
5. ☐ A ☐ **Negative Declaration** ☐ **Mitigated Negative Declaration** (ND/MND) was prepared for this project or the impacts were addressed under a previously completed ND/MND. The Initial Study and ND/MND prepared by the City must be attached to the Council materials for Council review and approval. The Council must adopt a resolution (re)adopting the Negative Declaration or Mitigated Negative Declaration and, possibly, a mitigation monitoring or reporting program as part of the project approval.
6. ☐ An **Environmental Impact Report** (EIR) was prepared for this project or the impacts have been addressed under a previously completed and certified EIR, SCH No. _____. The EIR must be attached to the Council materials for Council review and approval. As part of the project approval, the Council must adopt resolutions (re)certifying the EIR and adopting findings, a mitigation monitoring or reporting program, and if necessary, a statement of overriding considerations.
7. ☐ This project falls under the " _____ " **Master EIR**, State Clearinghouse No. _____, The new Initial Study prepared pursuant to Section 21157.1 of the Public Resources Code must be attached to the Council materials for Council review and approval. The Council must adopt a resolution adopting certain required findings based on this Initial Study as part of the project approval.

REVIEWED AND APPROVED BY: N/A

NOTE: CEQA regulations are located in the State Public Resources Code, which can be viewed on the internet at: www.leginfo.ca.gov.

Should you need further assistance in determining the applicability of CEQA to a Council action, please contact Planning Staff x. 4920.

H:\Finance Forms\Form Environmental Review Checklist (05-04-04)

CERTIFICATE RELATIVE TO VOTERS

**COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)
CITY OF PITTSBURG
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

I, Joe Sbranti, hereby declare:

1. I am familiar with the boundaries of the proposed Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, County of Contra Costa, State of California (the "Community Facilities District").
2. I have prepared, from the official records of the County of Contra Costa, a list of all property owners within the Community Facilities District, including the total number of acres owned within the Community Facilities District by each such property owner, and that attached hereto, marked Exhibit A and incorporated herein and made a part hereof, is a true and correct copy of such list.
3. I have personally inspected the land in the Community Facilities District, and have noted the locations of all dwellings therein that might contain registered voters, and I have cross-checked such locations with the Contra Costa County Registrar of Voters as well as inquired directly of such officer's records to determine the number of registered voters residing within the boundaries of the Community Facilities District, and based on the foregoing, I have determined that on the date hereof, there were fewer than twelve (12) registered voters residing within the Community Facilities District.

Dated: 6-28-05, 2005.

CITY OF PITTSBURG

By

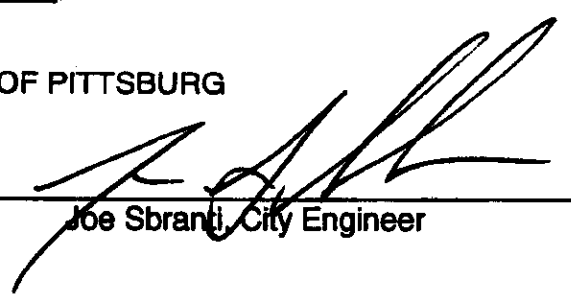

Joe Sbranti, City Engineer

EXHIBIT A

COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES) CITY OF PITTSBURG COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

LIST OF PROPERTY OWNERS

<u>Assessor's Parcel No.</u>	<u>Name of Property Owner</u>	<u>No. of Acres</u>
◆ 097-230-005	BAILEY ESTATES, LLC	122
◆ 085-130-006, 085-141-002, thru 005,007,& 009, 085-142-001 thru 006, 085-143-001 thru 006	THE OLSON COMPANY (buyer) CITY OF PITTSBURG REDEVELOPMENT AGENCY	15.6
◆ 088-240-014 & 088-250-020	KB HOME SOUTH BAY INC.	12.1
◆ 086-151-004-8	CASTLE PRINCIPLES, LLC	0.088
086-151-011-3	CASTLE PRINCIPLES LLC	0.083
086-151-012-1	CASTLE PRINCIPLES LLC	0.082
086-151-013-9	CASTLE PRINCIPLES LLC	0.122
086-151-014-7	CASTLE PRINCIPLES LLC	0.114
086-151-015-4	CASTLE PRINCIPLES LLC	0.084
086-151-016-2	CASTLE PRINCIPLES LLC	0.081
086-151-017-0	CASTLE PRINCIPLES LLC	0.084
086-151-018-8	CASTLE PRINCIPLES LLC	0.081
086-151-019-6	CASTLE PRINCIPLES LLC	0.094
086-151-020-4	CASTLE PRINCIPLES LLC	0.11
086-151-021-2	CASTLE PRINCIPLES LLC	0.144
086-151-022-0	CASTLE PRINCIPLES LLC	0.275
086-151-023-8	CASTLE PRINCIPLES LLC	0.093
086-151-024-6	CASTLE PRINCIPLES LLC	0.107
086-151-025-3	CASTLE PRINCIPLES LLC	0.083
086-151-026-1	CASTLE PRINCIPLES LLC	0.084
086-151-027-9	CASTLE PRINCIPLES LLC	0.088
086-151-028-7	CASTLE PRINCIPLES LLC	0.092
086-151-029-5	CASTLE PRINCIPLES LLC	0.083
086-151-030-3	CASTLE PRINCIPLES LLC	0.089

<u>Assessor's Parcel No.</u>	<u>Name of Property Owner</u>	<u>No. of Acres</u>
086-151-031-1	CASTLE PRINCIPLES LLC	0.119
086-151-032-9	CASTLE PRINCIPLES LLC	0.136
086-151-033-7	CASTLE PRINCIPLES LLC	0.084
086-151-034-5	CASTLE PRINCIPLES LLC	0.083
086-151-035-2	CASTLE PRINCIPLES LLC	0.089
086-151-036-0	CASTLE PRINCIPLES LLC	0.099
086-151-037-8	CASTLE PRINCIPLES LLC	0.102
086-151-038-6	CASTLE PRINCIPLES LLC	0.09
086-151-039-4	CASTLE PRINCIPLES LLC	0.053

**CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)**

FORMATION HEARING REPORT

CONTENTS

Introduction

- A. Description of Services**
- B. Proposed Boundaries of the Community Facilities District**
- C. Service Cost Estimate**

Exhibit A – Description of the Authorized Services Proposed to be Funded

Exhibit B – Service Cost Estimate

**CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)**

INTRODUCTION. The City Council (the "City Council") of the City of Pittsburg (the "City") did, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Law"), on June 20, 2005, adopt a resolution entitled, "A Resolution of the City Council of the City of Pittsburg Approving a Proposed Boundary Map and Declaring its Intention to Establish its Community Facilities District No. 2005-1 (Public Safety Services), to Provide for Future Annexation of Territory and to Levy a Special Tax Therein to Finance Certain Public Services in and for such Community Facilities District". In the Resolution of Intention, the City Council expressly ordered the preparation of a written Formation Hearing Report (the "Report") for the proposed Community Facilities District, as required by Section 53321.5 of the Law.

Section 53321.5 of the Law does direct that the Report generally contain the following:

1. A brief description of the services to be funded by the District; and
2. An estimate of the cost of providing the services.

For particulars, reference is made to the Resolution of Intention for the District, as previously approved and adopted by the City Council.

NOW, THEREFORE, the following data is submitted pursuant to the direction of the City Council:

A. DESCRIPTION OF SERVICES. A description of the services eligible to be funded by the District is provided in Exhibit "A" attached hereto and hereby made a part hereof.

B. PROPOSED BOUNDARIES OF THE COMMUNITY FACILITIES DISTRICT. The proposed boundaries of the District are those parcels on which special taxes may be levied to pay for the costs of the services. The proposed boundaries of the District are described in the map of the District recorded in Book 78 on Page 10 of Maps of Assessment and Community Facilities Districts in the office of the County Recorder for the County of Contra Costa, a copy of which map is on file with the City Clerk. Additional property is expected to be annexed into the CFD in future years; an amended boundary map will be recorded after each annexation.

C. COST ESTIMATE. The cost estimate for funding these services is set forth in Exhibit "B" attached hereto and hereby made a part hereof.

EXHIBIT A

**CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)**

DESCRIPTION OF AUTHORIZED SERVICES TO BE FUNDED BY THE DISTRICT

The authorized services to be funded by the Special Tax revenues include police protection services for the residents of Community Facilities District No. 2005-1 (Public Safety Services) ("CFD 2005-1") and the residents of territories within the City of Pittsburg to be annexed to CFD 2005-1 in the future. A general description of the services to be provided by CFD 2005-1 include the necessary personnel both sworn and non-sworn, equipment, and support staff to deliver these services including but not limited to patrol, investigations, community policing, traffic, criminal justice, and code enforcement services. Eligible costs include, but are not limited to, the costs of contracting services, the salaries and benefits of the City staff, uniforms and equipment including replacement and maintenance, recruitment and training of personnel, and City overhead costs associated with providing such services within CFD 2005-1. The nature and methodology of deployment of the police protection services to be provided will be determined by the City.

The District may also fund any of the following: (i) administrative fees of the City related to the District, including costs associated with preparing the annual special tax levy, or (ii) costs associated with legal services, advertising, legal notices and mailings related to formation or administration of the District.

EXHIBIT B

**CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)**

SERVICES COST ESTIMATES *

Public safety personnel costs	\$386,190 /Year
Recruitment and training costs	\$41,160 /Year
Vehicle costs	\$7,430 /Year
Vehicle maintenance costs	\$21,960 /Year
Costs of posting and collecting the special taxes	\$1,000 /Year
City personnel and administrative costs	\$15,000 /Year
Mapping and recording costs	\$5,000 /Year
Special tax administrator costs	\$15,000 /Year
Estimated Total Services Cost	\$492,740 /Year

* The estimated service costs presented above relate to services that will be provided to property, based on buildout of current development plans, within CFD No. 2005-1 at the time of CFD formation. When additional property is annexed into the CFD, the total service costs to be funded by the CFD will be increased accordingly.

WAIVER AND CONSENT OF LANDOWNERS
IN THE PROPOSED CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A SPECIAL ELECTION

The undersigned is the owner (or the authorized representative of the owner if the owner is not a natural person) of certain real property in the City of Pittsburg (the assessor's parcel number[s] of which is[are] 086-151-004-8; 086-151-011-3; 086-151-012-1; 086-151-013-9; 086-151-014-7; 086-151-015-4; 086-151-016-2; 086-151-017-0; 086-151-018-8; 086-151-019-6; 086-151-020-4; 086-151-021-2; 086-151-022-0; 086-151-023-8; 086-151-024-6; 086-151-025-3; 086-151-026-1; 086-151-027-9; 086-151-028-7; 086-151-029-5; 086-151-030-3; 086-151-031-1; 086-151-032-9; 086-151-033-7; 086-151-034-5; 086-151-035-2; 086-151-036-0; 086-151-037-8; 086-151-038-6; 086-151-039-4;),

which real property is located in the proposed City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) (the "Community Facilities District"), as the boundaries of the Community Facilities District are set forth on the map entitled "Proposed Boundary Map, Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, Contra Costa County, California" as shown in Attachment A attached hereto and incorporated herein, and in such capacity the undersigned certifies that the undersigned is legally entitled and authorized to cast the ballots for the above-referenced owner in the special election to be conducted within the Community Facilities District to determine, among other things, whether the land owned by the above-referenced owner shall be subject to the levy of a special tax by the Community Facilities District.

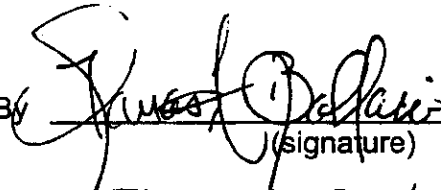
The undersigned hereby waives any and all minimum time requirements relative to such election pursuant to Section 53326(a) of the California Government Code, and the undersigned hereby waives the preparation and distribution of an impartial analysis of the ballot measure to be submitted at such election, as well as arguments and rebuttal arguments in favor of or against such ballot measure pursuant to Section 53327(b) of the California Government Code, and the undersigned hereby waives the requirement to publish a notice of such election pursuant to Section 53352 of the California Government Code, and the undersigned hereby waives the timing requirements regarding the mailing of ballots to the qualified electors within the Community Facilities District pursuant to Section 4101 of the California Elections Code.

The undersigned hereby further agrees to accept either mailed service or personal service of the ballot, and the undersigned hereby waives the requirements regarding identification envelopes for the return of mailed ballots pursuant to Section 53327.5 of the California Government Code, and the undersigned further waives any and all defects in notice or procedure in the conduct of such election, whether known or

unknown (other than the right to have ballots accurately counted), and the undersigned hereby states that the election is being expedited, pursuant to this waiver and consent, at the particular instance and request of the above-referenced owner.

Dated: 7-13-05, 2005

CASTLE PRINCIPLES, LLC

By 
(signature)
Thomas A. Baldacci
(print name of Authorized Representative)

PROPOSED BOUNDARY MAP
COMMUNITY FACILITIES DISTRICT NO. 2005-1
 (Public Safety Services)
 City of Fremont
 Contra Costa County, California

Filed in the office of the City Clerk of the City of Fremont this _____ day of _____, 2005.

Lillian J. Prida, City Clerk
 City of Fremont

I hereby certify that this map was approved by the City Council of the City of Fremont at a regular meeting thereof, held on the _____ day of _____, 2005, by its Resolution No. _____.

Lillian J. Prida, City Clerk
 City of Fremont

Filed this _____ day of _____, 2005, at the hour of _____ PM, in Book _____ of Maps of Assessment and Community Facilities Districts at Page _____ in the office of the County Recorder of the County of Contra Costa, State of California.

Stephen L. Viter
 County Recorder
 County of Contra Costa, State of California

LEGEND

PROPOSED PARCELS WITHIN PROPOSED CFD

Map Sheet 11

008-100-000

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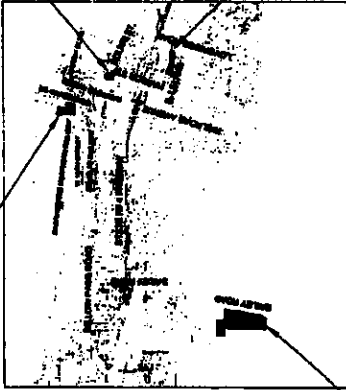
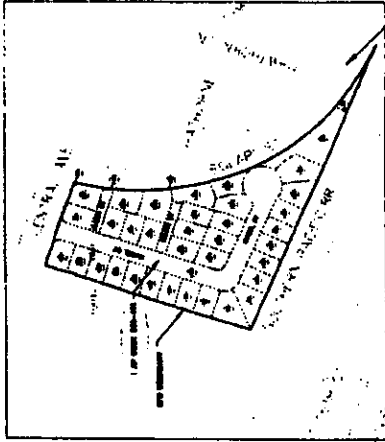
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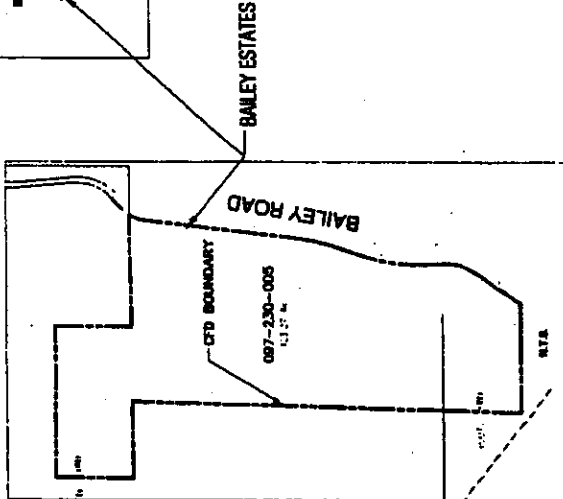
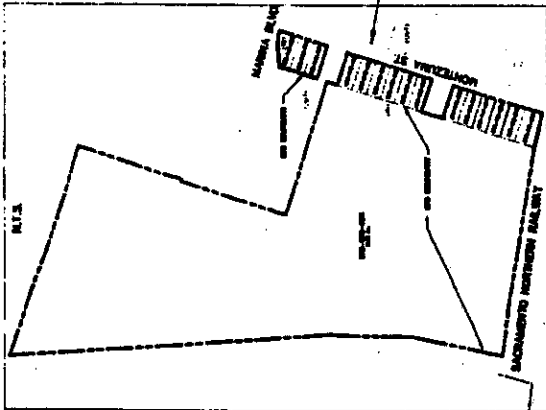
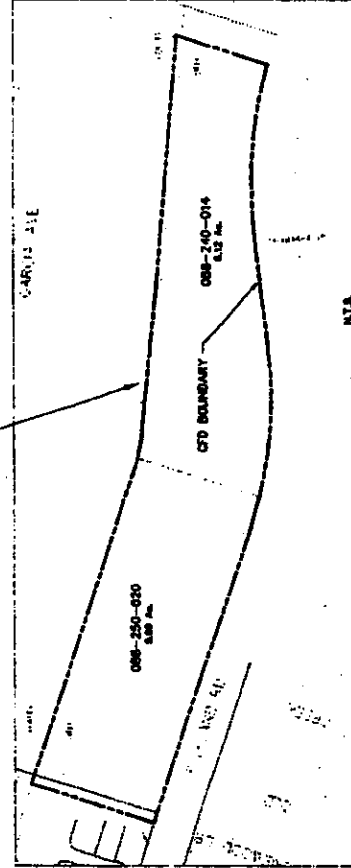
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GCG
 GCG CONSULTING, INC.
 1415 G Street, Suite 100
 San Francisco, CA 94102
 Tel: 415.774.1100
 Fax: 415.774.1101
 Email: gcg@cgiconsulting.com



VICINITY MAP



WAIVER AND CONSENT OF LANDOWNERS
IN THE PROPOSED CITY OF PITTSBURG
UNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A SPECIAL ELECTION

The undersigned is the owner (or the authorized representative of the owner if the owner is not a natural person) of certain real property in the City of Pittsburg (the assessor's parcel number[s] of which is[are] 088-240-014 and 088-250-020

located in the proposed City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) (the "Community Facilities District"), as the boundaries of the Community Facilities District are set forth on the map entitled "Proposed Boundary Map, Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, Contra Costa County, California" as shown in Attachment A attached hereto and incorporated herein, and in such capacity the undersigned certifies that the undersigned is legally entitled and authorized to cast the ballots for the above-referenced owner in the special election to be conducted within the Community Facilities District to determine, among other things, whether the land owned by the above-referenced owner shall be subject to the levy of a special tax by the Community Facilities District.

The undersigned hereby waives any and all minimum time requirements relative to such election pursuant to Section 53326(a) of the California Government Code, and the undersigned hereby waives the preparation and distribution of an impartial analysis of the ballot measure to be submitted at such election, as well as arguments and rebuttal arguments in favor of or against such ballot measure pursuant to Section 53327(b) of the California Government Code, and the undersigned hereby waives the requirement to publish a notice of such election pursuant to Section 53352 of the California Government Code, and the undersigned hereby waives the timing requirements regarding the mailing of ballots to the qualified electors within the Community Facilities District pursuant to Section 4101 of the California Elections Code.

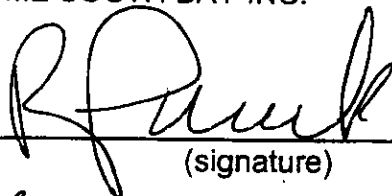
The undersigned hereby further agrees to accept either mailed service or personal service of the ballot, and the undersigned hereby waives the requirements regarding identification envelopes for the return of mailed ballots pursuant to Section 53327.5 of the California Government Code, and the undersigned further waives any and all defects in notice or procedure in the conduct of such election, whether known or

unknown (other than the right to have ballots accurately counted), and the undersigned hereby states that the election is being expedited, pursuant to this waiver and consent, at the particular instance and request of the above-referenced owner.

Dated: 7/14/05, 2005

KB HOME SOUTH BAY INC.

By



(signature)

RAY PARKER

(print name of Authorized Representative)

PROPOSED BOUNDARY MAP
COMMUNITY FACILITIES DISTRICT NO. 2005-1
 (Public Safety Services)
 City of Pleasanton
 Contra Costa County, California

Filed in the office of the City Clerk of the City of Pleasanton this _____ day of _____, 2005.

Lillian J. Priola, City Clerk
 City of Pleasanton

I hereby certify that this map was approved by the City Council of the City of Pleasanton at a regular meeting thereof, held on the _____ day of _____, 2005, by its Resolution No. _____.

Lillian J. Priola, City Clerk
 City of Pleasanton

Filed this _____ day of _____, 2005, at the hour of _____ o'clock _____ P.M., in Book _____ of Maps of Assessment and Community Facilities Districts of Page _____ in the office of the County Recorder of the County of Contra Costa, State of California.

Stephen L. Weir
 County Recorder
 County of Contra Costa, State of California

LEGEND

PROPOSED PHASES WITHIN PROPOSED CITY

- Map Sheet 1
- 008-230-005
- 008-240-014
- 008-250-020
- 008-260-025
- 008-270-030
- 008-280-035
- 008-290-040
- 008-300-045
- 008-310-050
- 008-320-055
- 008-330-060
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WAIVER AND CONSENT OF LANDOWNERS
IN THE PROPOSED CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A SPECIAL ELECTION

The undersigned is the owner (or the authorized representative of the owner if the owner is not a natural person) of certain real property in the City of Pittsburg (the assessor's parcel number[s] of which is[are] 085-130-006; 085-141-002 through 085-141-005; 085-141-007; 085-141-009; 085-142-001 through 085-142-006; 085-143-001 through 085-143-006), which real property is located in the proposed City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) (the "Community Facilities District"), as the boundaries of the Community Facilities District are set forth on the map entitled "Proposed Boundary Map, Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, Contra Costa County, California" as shown in Attachment A attached hereto and incorporated herein, and in such capacity the undersigned certifies that the undersigned is legally entitled and authorized to cast the ballots for the above-referenced owner in the special election to be conducted within the Community Facilities District to determine, among other things, whether the land owned by the above-referenced owner shall be subject to the levy of a special tax by the Community Facilities District.

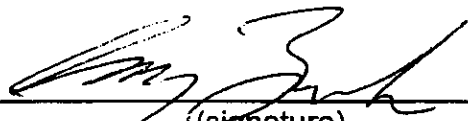
The undersigned hereby waives any and all minimum time requirements relative to such election pursuant to Section 53326(a) of the California Government Code, and the undersigned hereby waives the preparation and distribution of an impartial analysis of the ballot measure to be submitted at such election, as well as arguments and rebuttal arguments in favor of or against such ballot measure pursuant to Section 53327(b) of the California Government Code, and the undersigned hereby waives the requirement to publish a notice of such election pursuant to Section 53352 of the California Government Code, and the undersigned hereby waives the timing requirements regarding the mailing of ballots to the qualified electors within the Community Facilities District pursuant to Section 4101 of the California Elections Code.

The undersigned hereby further agrees to accept either mailed service or personal service of the ballot, and the undersigned hereby waives the requirements regarding identification envelopes for the return of mailed ballots pursuant to Section 53327.5 of the California Government Code, and the undersigned further waives any and all defects in notice or procedure in the conduct of such election, whether known or

unknown (other than the right to have ballots accurately counted), and the undersigned hereby states that the election is being expedited, pursuant to this waiver and consent, at the particular instance and request of the above-referenced owner.

Dated: 7/15, 2005

THE OLSON COMPANY

By 
(signature)

Anthony Bosowski
(print name of Authorized Representative)

PROPOSED BOUNDARY MAP
COMMUNITY FACILITIES DISTRICT NO. 2005-1
 (Public Safety Services)
 City of Pleasanton
 Contra Costa County, California

Filed in the office of the City Clerk of the City of Pleasanton this _____ day of _____, 2005.

Lillian J. Priola, City Clerk
 City of Pleasanton

I hereby certify that this map was approved by the City Council of the City of Pleasanton at a regular meeting thereof, held on the _____ day of _____, 2005, by its Resolution No. _____.

Lillian J. Priola, City Clerk
 City of Pleasanton

Filed this _____ day of _____, 2005, at the hour of _____ PM, in Book _____ of Maps of Assessment and Community Facilities Districts at Page _____ in the office of the County Recorder of the County of Contra Costa, State of California.

Stephen L. West
 County Recorder
 County of Contra Costa, State of California

LEGEND

PERMISSIONS PARCELS W/OUT PROPOSED CDP

Map Sheet No.

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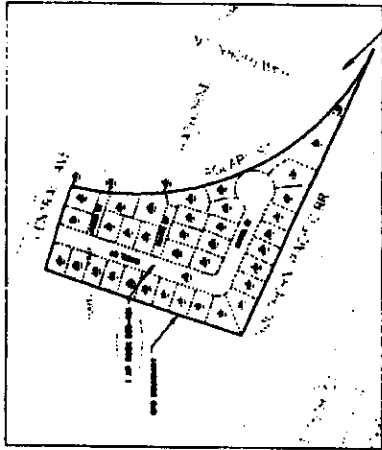
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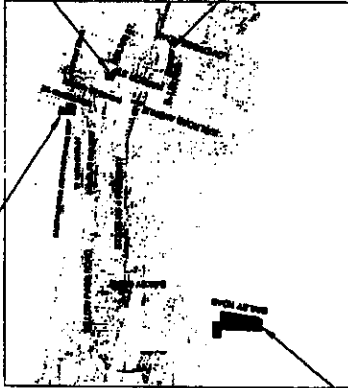
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GCC

By
 AS County Clerk
 David L. West

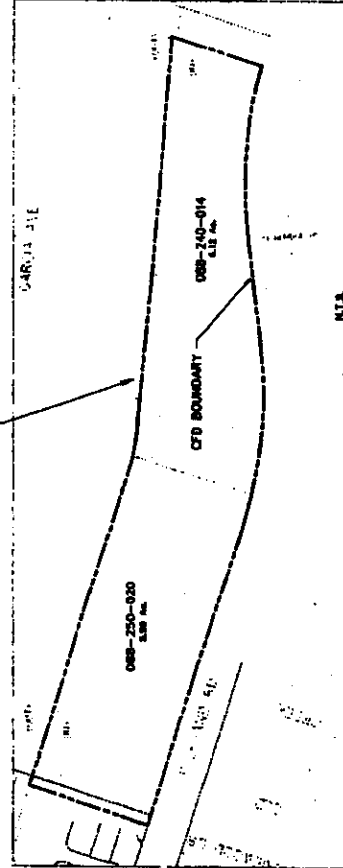


MARINA WALK
 ST. VINCENT DE PAUL

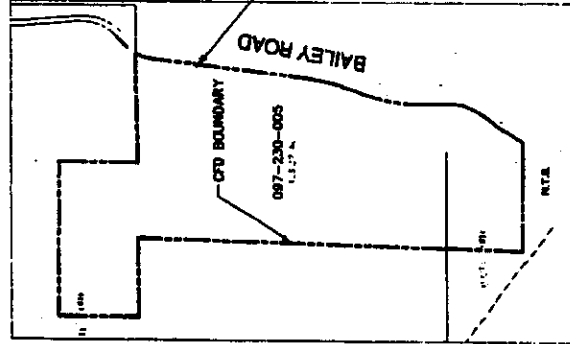


VICINITY MAP
 N.T.S.

STANFORD PLACE



BAILEY ESTATES



BAILEY ROAD

WAIVER AND CONSENT OF LANDOWNERS
IN THE PROPOSED CITY OF PITTSBURG
UNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A SPECIAL ELECTION

The undersigned is the owner (or the authorized representative of the owner if the owner is not a natural person) of certain real property in the City of Pittsburg (the assessor's parcel number[s] of which is[are] 097-230-005

located in the proposed City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) (the "Community Facilities District"), as the boundaries of the Community Facilities District are set forth on the map entitled "Proposed Boundary Map, Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, Contra Costa County, California" as shown in Attachment A attached hereto and incorporated herein, and in such capacity the undersigned certifies that the undersigned is legally entitled and authorized to cast the ballots for the above-referenced owner in the special election to be conducted within the Community Facilities District to determine, among other things, whether the land owned by the above-referenced owner shall be subject to the levy of a special tax by the Community Facilities District.

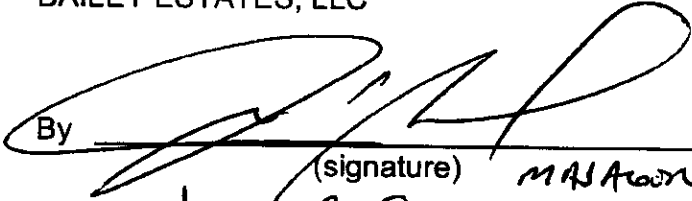
The undersigned hereby waives any and all minimum time requirements relative to such election pursuant to Section 53326(a) of the California Government Code, and the undersigned hereby waives the preparation and distribution of an impartial analysis of the ballot measure to be submitted at such election, as well as arguments and rebuttal arguments in favor of or against such ballot measure pursuant to Section 53327(b) of the California Government Code, and the undersigned hereby waives the requirement to publish a notice of such election pursuant to Section 53352 of the California Government Code, and the undersigned hereby waives the timing requirements regarding the mailing of ballots to the qualified electors within the Community Facilities District pursuant to Section 4101 of the California Elections Code.

The undersigned hereby further agrees to accept either mailed service or personal service of the ballot, and the undersigned hereby waives the requirements regarding identification envelopes for the return of mailed ballots pursuant to Section 53327.5 of the California Government Code, and the undersigned further waives any and all defects in notice or procedure in the conduct of such election, whether known or

unknown (other than the right to have ballots accurately counted), and the undersigned hereby states that the election is being expedited, pursuant to this waiver and consent, at the particular instance and request of the above-referenced owner.

Dated: July 15, 2005, 2005

BAILEY ESTATES, LLC

By  (signature) MAJAN
JOHN C. STRIMER
(print name of Authorized Representative)

PROPOSED BOUNDARY MAP
COMMUNITY FACILITIES DISTRICT NO. 2005-1
 (Public Safety Services)
 City of Pleasanton
 Contra Costa County, California

Filed in the office of the City Clerk of the City of Pleasanton this _____ day of _____, 2005.
 Lillian J. Prida, City Clerk
 City of Pleasanton

I hereby certify that this map was approved by the City Council of the City of Pleasanton at a regular meeting held on the _____ day of _____, 2005, by its Resolution No. _____.

Filed this _____ day of _____, 2005, at the hour of _____ o'clock _____ P.M. in Book _____ of Maps of Assessment and Community Facilities Districts at Page _____ in the office of the County Recorder of the County of Contra Costa, State of California.
 Lillian J. Prida, City Clerk
 City of Pleasanton

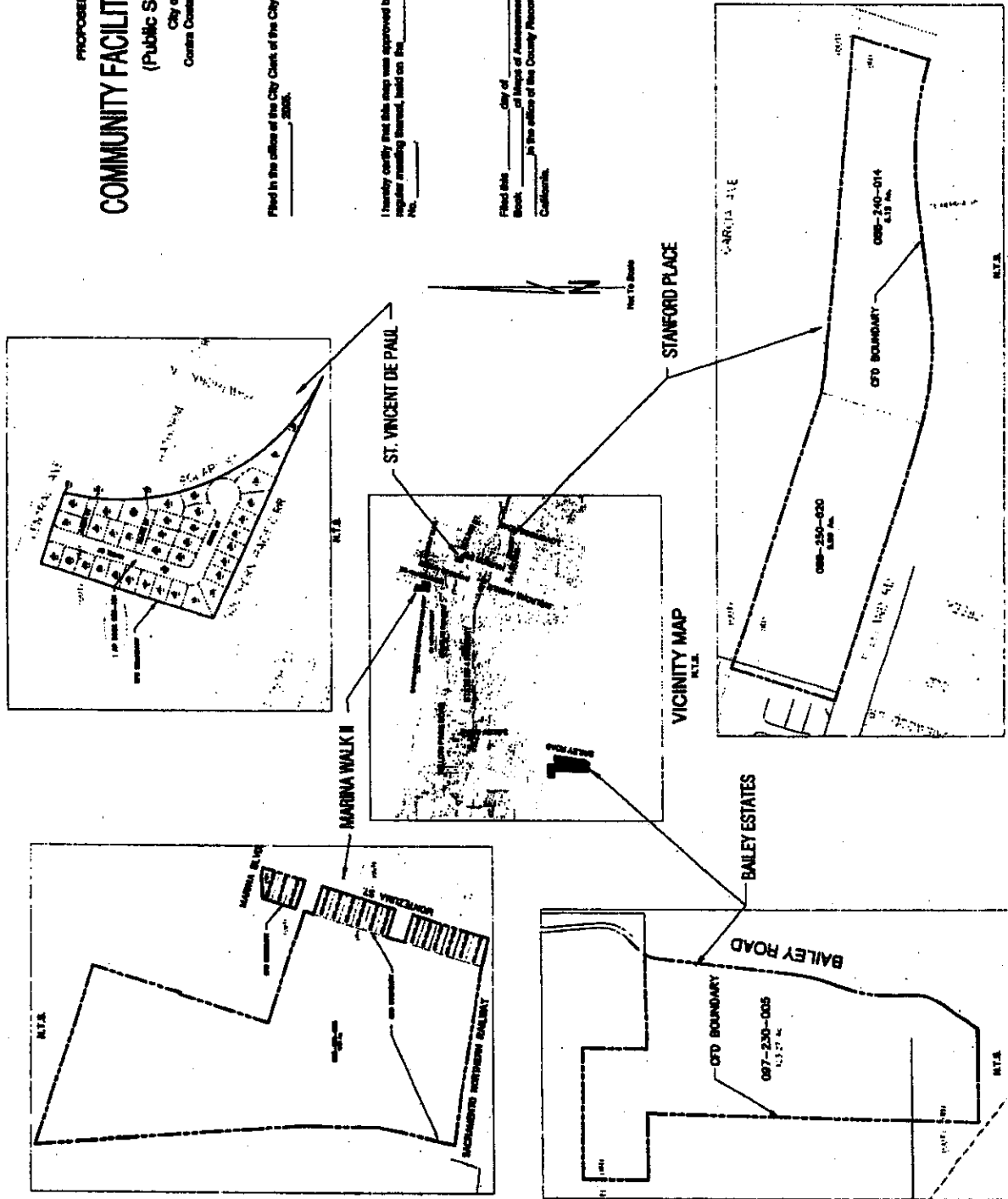
Stephen L. Wier
 County Recorder
 County of Contra Costa, State of California

LEGEND

(ASSESSORS PARCELS WITHIN PROPOSED CFD)

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CCG
 RECORD
 Jan 11, 2006



CERTIFICATE OF CITY CLERK RE WAIVER AND CONSENT

**COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)**

CITY OF PITTSBURG

COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

I, Lillian J. Pride, hereby certify that:

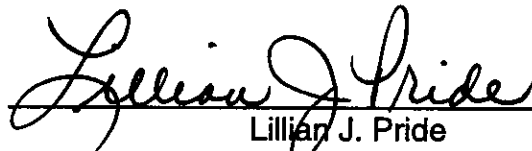
I am the City Clerk of the City of Pittsburg (the "City");

I have examined the Certificate Re Landowners filed in the proceedings on August 1, 2005, and in particular the list of landowner voters within Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, Contra Costa County, California ("the Community Facilities District");

I have received, and now have in my possession as a permanent part of the City's record of this election, a Waiver and Consent Shortening Time Periods and Waiving Various Requirements for Conducting Mailed-Ballot Election in the form attached hereto as Exhibit A, executed by the authorized representatives of the landowners listed on the attachment to the Certificate Relative to Voters.

In the case where a representative is acting for the property owner, I have in my possession written evidence of the authority of that representative to act for the owner.

Dated: August 1, 2005

A handwritten signature in cursive script, reading "Lillian J. Pride", written over a horizontal line.

Lillian J. Pride
City Clerk of the City of Pittsburg

EXHIBIT A

**WAIVER AND CONSENT OF LANDOWNERS
IN THE PROPOSED CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A SPECIAL ELECTION**

The undersigned is the owner (or the authorized representative of the owner if the owner is not a natural person) of certain real property in the City of Pittsburg (the assessor's parcel number[s] of which is[are] _____), which

real property is located in the proposed City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) (the "Community Facilities District"), as the boundaries of the Community Facilities District are set forth on the map entitled "Proposed Boundary Map, Community Facilities District No. 2005-1 (Public Safety Services), City of Pittsburg, Contra Costa County, California" as shown in Attachment A attached hereto and incorporated herein, and in such capacity the undersigned certifies that the undersigned is legally entitled and authorized to cast the ballots for the above-referenced owner in the special election to be conducted within the Community Facilities District to determine, among other things, whether the land owned by the above-referenced owner shall be subject to the levy of a special tax by the Community Facilities District.

The undersigned hereby waives any and all minimum time requirements relative to such election pursuant to Section 53326(a) of the California Government Code, and the undersigned hereby waives the preparation and distribution of an impartial analysis of the ballot measure to be submitted at such election, as well as arguments and rebuttal arguments in favor of or against such ballot measure pursuant to Section 53327(b) of the California Government Code, and the undersigned hereby waives the requirement to publish a notice of such election pursuant to Section 53352 of the California Government Code, and the undersigned hereby waives the timing requirements regarding the mailing of ballots to the qualified electors within the Community Facilities District pursuant to Section 4101 of the California Elections Code.

The undersigned hereby further agrees to accept either mailed service or personal service of the ballot, and the undersigned hereby waives the requirements regarding identification envelopes for the return of mailed ballots pursuant to Section 53327.5 of the California Government Code, and the undersigned further waives any and all defects in notice or procedure in the conduct of such election, whether known or unknown (other than the right to have ballots accurately counted), and the undersigned hereby states that the election is being expedited, pursuant to this waiver and consent, at the particular instance and request of the above-referenced owner.

Dated: _____, 2005

By _____
(signature)

(print name of Owner or Authorized Representative)

PROPOSED BOUNDARY MAP
COMMUNITY FACILITIES DISTRICT NO. 2005-1
 (Public Safety Services)
 City of Pittsburg
 Contra Costa County, California

Filed in the office of the City Clerk of the City of Pittsburg this _____ day of _____, 2005.

Lillian J. Pridle, City Clerk
 City of Pittsburg

I hereby certify that this map was approved by the City Council of the City of Pittsburg at a regular meeting thereof, held on the _____ day of _____, 2005, by its Resolution No. _____.

Lillian J. Pridle, City Clerk
 City of Pittsburg

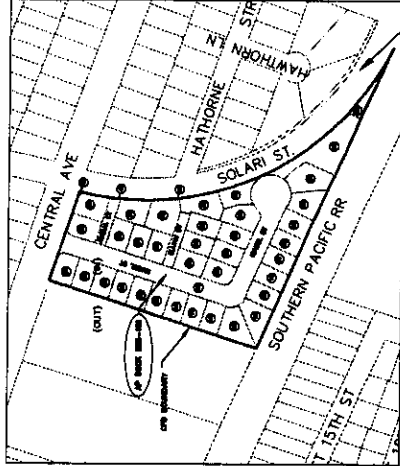
Filed this _____ day of _____, 2005, at the hour of _____ o'clock _____ m., in _____ of Maps of Assessment and Community Facilities Districts at Page _____ in the office of the County Recorder of the County of Contra Costa, State of California.

Stephen L. Weir
 County Recorder
 County of Contra Costa, State of California

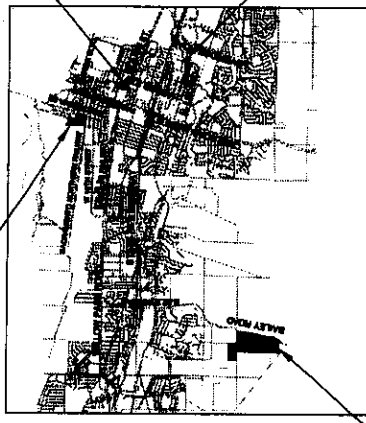
LEGEND

(ASSESSORS PARCELS WITHIN PROPOSED CFD)

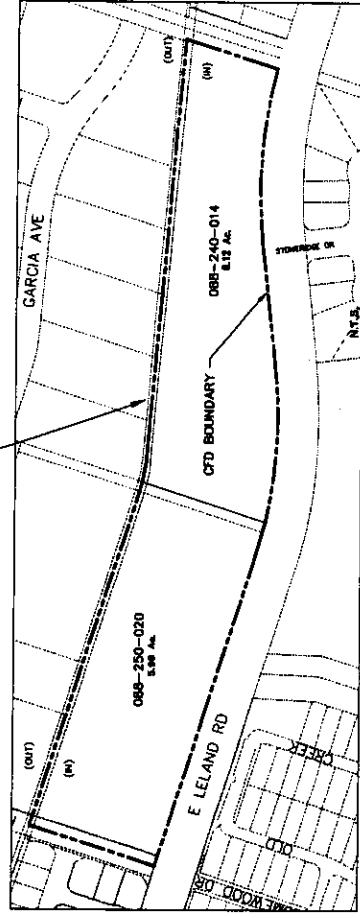
- Marina Walk II
 - 085-130-004
 - 085-141-002 thru 005
 - 085-141-007
 - 085-141-009
 - 085-142-001 thru 008
 - 085-143-001 thru 003
- STANFORD PLACE
 - 086-250-020
 - 086-240-014
- BAILEY ESTATES
 - 087-230-008
- ST. VINCENT DE PAUL
 - 086-151-004 thru 086-151-043



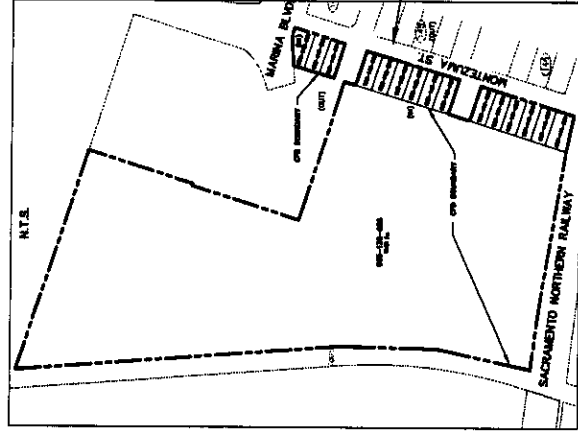
MARINA WALK II
 ST. VINCENT DE PAUL



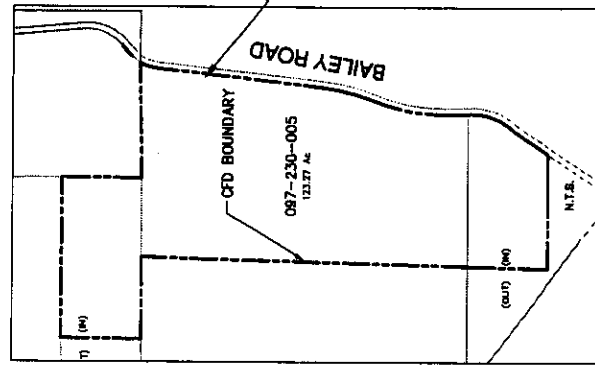
VICINITY MAP
 N.T.S.



STANFORD PLACE



BAILEY ESTATES



CERTIFICATE OF DELIVERY OF BALLOTS
FOR THE SPECIAL MAILED-BALLOT ELECTION TO BE HELD
IN THE CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)
ON AUGUST 1, 2005

The undersigned hereby certifies that, on behalf of the City Clerk of the City of Pittsburgh, the undersigned complied with the requirements for delivering the ballots for the special mailed-ballot election to be held on Monday, August 1, 2005, in the City of Pittsburgh Community Facilities District No. 2005-1 (Public Safety Services), by mailing, on July 12, 2005, by Federal Express, to each of the landowners qualified to vote at said special mailed-ballot election a ballot, and that attached hereto, marked Exhibit A and incorporated herein and made a part hereof, is a true and correct copy of such ballot in the form delivered.

Dated: August 1, 2005

By 
Amy K. Wong
(print name)

EXHIBIT A

**CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)**

**SPECIAL ELECTION BALLOT
FOR THE SPECIAL MAILED- BALLOT ELECTION OF AUGUST 1, 2005**

This ballot is for the use of _____, a
landowner within the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services),
Contra Costa County, California.

According to the provisions of the Community Facilities Act of 1982, and the resolution of
the City Council of the City of Pittsburg, such landowner is entitled to cast _____ votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail
or in person, before 8:00 p.m. on Monday, August 1, 2005, to:

Lillian J. Pride, City Clerk
City of Pittsburg
City Hall
65 Civic Avenue
Pittsburg, CA 94565

Mailing by that date will not be sufficient, as the ballot must be physically received by the
City Clerk of the City of Pittsburg prior to the deadline in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT, OR
THE VOTER MAY WRITE NUMBERS IN THE SPACES PROVIDED.

BALLOT MEASURE

Shall the City of Pittsburg be authorized to levy a special tax in its
Community Facilities District No. 2005-1 (Public Safety Services) ("CFD
2005-1") on an annual basis to pay for certain public services which are
in addition to the services currently provided in the territory of CFD
2005-1 as described in the Resolution of Formation adopted by the City
Council of the City of Pittsburg on August 1, 2005, and shall an annual
appropriations limit in the amount of eight million dollars (\$8,000,000) be
established for fiscal year 2005-2006 in connection with CFD 2005-1?

Number of votes
YES

Number of votes
NO

Certification

The undersigned is the authorized representative of the above-named landowner and is
the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct and that this declaration is executed as of August 1, 2005.

By _____
Authorized Representative

Print Name

**CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)**

**SPECIAL ELECTION BALLOT
FOR THE SPECIAL MAILED- BALLOT ELECTION OF AUGUST 1, 2005**

This ballot is for the use of Castle Principles, LLC, a landowner within the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services), Contra Costa County, California.

According to the provisions of the Community Facilities Act of 1982, and the resolution of the City Council of the City of Pittsburg, such landowner is entitled to cast 4 votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail or in person, before 8:00 p.m. on Monday, August 1, 2005, to:

Lillian J. Pride, City Clerk
City of Pittsburg
City Hall
65 Civic Avenue
Pittsburg, CA 94565

Mailing by that date will not be sufficient, as the ballot must be physically received by the City Clerk of the City of Pittsburg prior to the deadline in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT, OR THE VOTER MAY WRITE NUMBERS IN THE SPACES PROVIDED.

BALLOT MEASURE

Shall the City of Pittsburg be authorized to levy a special tax in its Community Facilities District No. 2005-1 (Public Safety Services) ("CFD 2005-1") on an annual basis to pay for certain public services which are in addition to the services currently provided in the territory of CFD 2005-1 as described in the Resolution of Formation adopted by the City Council of the City of Pittsburg on August 1, 2005, and shall an annual appropriations limit in the amount of eight million dollars (\$8,000,000) be established for fiscal year 2005-2006 in connection with CFD 2005-1?

Number of votes

YES

4

Number of votes

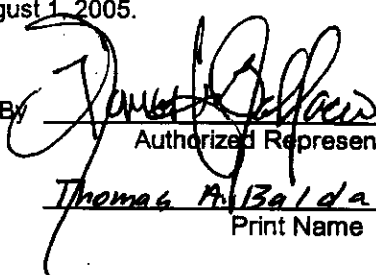
NO

Certification

The undersigned is the authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed as of August 1, 2005.

By


Authorized Representative

Thomas A. Bal'dacci
Print Name

CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

SPECIAL ELECTION BALLOT
FOR THE SPECIAL MAILED- BALLOT ELECTION OF AUGUST 1, 2005

This ballot is for the use of Bailey Estates, LLC, a landowner within the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services), Contra Costa County, California.

According to the provisions of the Community Facilities Act of 1982, and the resolution of the City Council of the City of Pittsburg, such landowner is entitled to cast 122 votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail or in person, before 8:00 p.m. on Monday, August 1, 2005, to:

Lillian J. Pride, City Clerk
City of Pittsburg
City Hall
65 Civic Avenue
Pittsburg, CA 94565

Mailing by that date will not be sufficient, as the ballot must be physically received by the City Clerk of the City of Pittsburg prior to the deadline in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT, OR THE VOTER MAY WRITE NUMBERS IN THE SPACES PROVIDED.

BALLOT MEASURE

Shall the City of Pittsburg be authorized to levy a special tax in its Community Facilities District No. 2005-1 (Public Safety Services) ("CFD 2005-1") on an annual basis to pay for certain public services which are in addition to the services currently provided in the territory of CFD 2005-1 as described in the Resolution of Formation adopted by the City Council of the City of Pittsburg on August 1, 2005, and shall an annual appropriations limit in the amount of eight million dollars (\$8,000,000) be established for fiscal year 2005-2006 in connection with CFD 2005-1?

Number of votes
YES

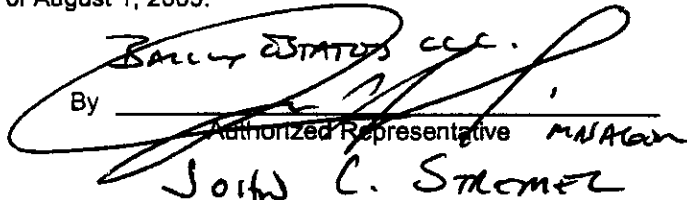
-103-

Number of votes
NO

Certification

The undersigned is the authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed as of August 1, 2005.

By 
Authorized Representative MAA
John C. Stremel
Print Name

CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

SPECIAL ELECTION BALLOT
FOR THE SPECIAL MAILED- BALLOT ELECTION OF AUGUST 1, 2005

This ballot is for the use of The Olson Company, a landowner within the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services), Contra Costa County, California.

According to the provisions of the Community Facilities Act of 1982, and the resolution of the City Council of the City of Pittsburg, such landowner is entitled to cast 16 votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail or in person, before 8:00 p.m. on Monday, August 1, 2005, to:

Lillian J. Pride, City Clerk
City of Pittsburg
City Hall
65 Civic Avenue
Pittsburg, CA 94565

Mailing by that date will not be sufficient, as the ballot must be physically received by the City Clerk of the City of Pittsburg prior to the deadline in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT, OR THE VOTER MAY WRITE NUMBERS IN THE SPACES PROVIDED.

BALLOT MEASURE

Shall the City of Pittsburg be authorized to levy a special tax in its Community Facilities District No. 2005-1 (Public Safety Services) ("CFD 2005-1") on an annual basis to pay for certain public services which are in addition to the services currently provided in the territory of CFD 2005-1 as described in the Resolution of Formation adopted by the City Council of the City of Pittsburg on August 1, 2005, and shall an annual appropriations limit in the amount of eight million dollars (\$8,000,000) be established for fiscal year 2005-2006 in connection with CFD 2005-1?

Number of votes

YES

16

Number of votes

NO

Certification

The undersigned is the authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed as of August 1, 2005.

By


Authorized Representative

Anthony Bosowski

Print Name

CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

SPECIAL ELECTION BALLOT
FOR THE SPECIAL MAILED- BALLOT ELECTION OF AUGUST 1, 2005

This ballot is for the use of KB Home South Bay Inc., a landowner within the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services), Contra Costa County, California.

According to the provisions of the Community Facilities Act of 1982, and the resolution of the City Council of the City of Pittsburg, such landowner is entitled to cast 13 votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail or in person, before 8:00 p.m. on Monday, August 1, 2005, to:

Lillian J. Pride, City Clerk
City of Pittsburg
City Hall
65 Civic Avenue
Pittsburg, CA 94565

Mailing by that date will not be sufficient, as the ballot must be physically received by the City Clerk of the City of Pittsburg prior to the deadline in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT, OR THE VOTER MAY WRITE NUMBERS IN THE SPACES PROVIDED.

BALLOT MEASURE

Shall the City of Pittsburg be authorized to levy a special tax in its Community Facilities District No. 2005-1 (Public Safety Services) ("CFD 2005-1") on an annual basis to pay for certain public services which are in addition to the services currently provided in the territory of CFD 2005-1 as described in the Resolution of Formation adopted by the City Council of the City of Pittsburg on August 1, 2005, and shall an annual appropriations limit in the amount of eight million dollars (\$8,000,000) be established for fiscal year 2005-2006 in connection with CFD 2005-1?

Number of votes

YES

13

Number of votes

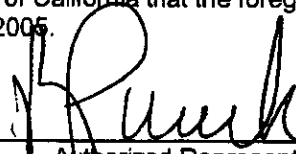
NO

Certification

The undersigned is the authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed as of August 1, 2005.

By



Authorized Representative

RAY PANEK

Print Name

CERTIFICATE OF ELECTION RESULTS
FOR THE SPECIAL ELECTION HELD
IN THE CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)
ON AUGUST 1, 2005

I, Lillian J. Pride, City Clerk of the City of Pittsburgh, certify that:

I personally counted the ballots cast at the special election held on August 1, 2005, called by the City Council in its Resolution of Formation adopted on August 1, 2005, and I hereby certify the result of that count to be as follows:

TOTAL VOTES CAST "YES": 155

TOTAL VOTES CAST "NO": 0

TOTAL VOTES CAST: 155

THE VOTES CAST "YES" EQUAL 100 % OF THE TOTAL
VOTES CAST.

Dated: August 1, 2005

CITY OF PITTSBURG

By Lillian J. Pride
Lillian J. Pride
City Clerk of the City of Pittsburgh

RECORDING REQUESTED BY:
Lillian J. Pride, City Clerk
CITY OF PITTSBURG

WHEN RECORDED, PLEASE RETURN
TO:
Lillian J. Pride, City Clerk
CITY OF PITTSBURG
65 Civic Avenue
Pittsburg, CA 94565
Telephone: (925) 252-4870

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF SPECIAL TAX LIEN

Pursuant to the requirements of Section 3114.5 of the Streets and Highways Code and Section 53328.3 of the Government Code, the undersigned City Clerk of the City of Pittsburg (the "City"), Contra Costa County, California, hereby gives notice that a lien to secure payment of a special tax is hereby imposed by the City Council of the City of Pittsburg, Contra Costa County, California. The special tax secured by this lien is authorized to be levied within the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) for the purpose of providing the public services as described in Exhibit A attached hereto.

The special tax is authorized to be levied within the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services), which has now been officially formed, and the lien of the special tax is a continuing lien which shall secure each annual levy of the special tax and which shall continue in force and effect until collection of the special tax ceases to be levied by the City and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate and method of apportionment of the authorized special tax is set forth in Exhibit B attached hereto and incorporated herein and made a part hereof.

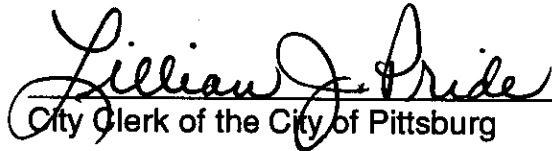
Notice is further given that upon the recording of this notice in the office of the County Recorder of the County of Contra Costa, State of California, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property within the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services), in accordance with Section 3115.5 of the Streets and Highways Code.

The names of the owners and the assessor's tax parcel numbers of the real property included within the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services) as they appear on the records of the County Recorder of the County of Contra Costa as of the date of recording of this notice are as shown on Exhibit C attached hereto and incorporated herein and made a part hereof.

Reference is hereby made to the boundary map of the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services), recorded on June 28, 2005, in Book 78 of Maps of Assessment and Community Facilities Districts at Page 10, in the office of the County Recorder of the County of Contra Costa, State of California, which map is now the final boundary map of the City of Pittsburg Community Facilities District No. 2005-1 (Public Safety Services).

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the City Manager of the City of Pittsburg, 65 Civic Avenue, Pittsburg, California 94565 (telephone 925/252-4850).

Dated: _____, 2005.



City Clerk of the City of Pittsburg

EXHIBIT A

AUTHORIZED SERVICES

CITY OF PITTSBURG, CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

The authorized services to be funded by the Special Tax revenues include police protection services for the residents of Community Facilities District No. 2005-1 (Public Safety Services) ("CFD 2005-1") and the residents of territories within the City of Pittsburg to be annexed to CFD 2005-1 in the future. A general description of the services to be provided by CFD 2005-1 include the necessary personnel both sworn and non-sworn, equipment, and support staff to deliver these services including but not limited to patrol, investigations, community policing, traffic, criminal justice, and code enforcement services. Eligible costs include, but are not limited to, the costs of contracting services, the salaries and benefits of the City staff, uniforms and equipment including replacement and maintenance, recruitment and training of personnel, and City overhead costs associated with providing such services within CFD 2005-1. The nature and methodology of deployment of the police protection services to be provided will be determined by the City.

EXHIBIT B

ATTACH RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

**CITY OF PITTSBURG, CALIFORNIA
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES**

[TO COME FROM GOODWIN CONSULTING GROUP]

EXHIBIT C

LIST OF PROPERTY OWNERS

<u>Property Owner and Address</u>	<u>Assessor's Parcel No.</u>
Bailey Estates, LLC	097-230-005
The Olson Company	085-130-006
	085-141-002
	085-141-003
	085-141-004
	085-141-005
	085-141-007
	085-141-009
	085-142-001
	085-142-002
	085-142-003
	085-142-004
	085-142-005
	085-142-006
	085-143-001
	085-143-002
	085-143-003
	085-143-004
	085-143-005
	085-143-006
KB Home South Bay Inc.	088-240-014
	088-250-020
Castle Principles, LLC	086-151-004-8
	086-151-011-3
	086-151-012-1
	086-151-013-9
	086-151-014-7
	086-151-015-4
	086-151-016-2
	086-151-017-0
	086-151-018-8
	086-151-019-6
	086-151-020-4
	086-151-021-2
	086-151-022-0
	086-151-023-8
	086-151-024-6
	086-151-025-3
	086-151-026-1
	086-151-027-9
	086-151-028-7

Property Owner and Address
Castle Principles, LLC

Assessor's Parcel No.
086-151-029-5
086-151-030-3
086-151-031-1
086-151-032-9
086-151-033-7
086-151-034-5
086-151-035-2
086-151-036-0
086-151-037-8
086-151-038-6
086-151-039-4

MEMORANDUM OF PROCEEDINGS
TO BE CONSIDERED BY
THE CITY COUNCIL OF THE CITY OF PITTSBURG
ON MONDAY, AUGUST 1, 2005
IN CONNECTION WITH
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

On June 20, 2005, the City Council of the City of Pittsburgh initiated proceedings for the formation of the City of Pittsburgh Community Facilities District No. 2005-1 (Public Safety Services) ("CFD No. 2005-1") by adopting its Resolution Approving a Proposed Boundary Map and Declaring its Intention to Establish Community Facilities District No. 2005-1 (Public Safety Services), to Provide for Future Annexation of Territory and to Levy a Special Tax Therein to Finance Certain Public Services in and for such Community Facilities District, and setting a public hearing for Monday, August 1, 2005.

The following are on file with the City Clerk:

- a. A copy of the recorded Boundary Map of CFD No. 2005-1;
- b. A Certificate of Mailing Notice of Public Hearing; and
- c. A proof of publication of the Notice of Public Hearing.

It is in order for the City Council to consider the following items at this time:

A. City Council Action Items:

1. OPEN THE PUBLIC HEARING and hear public testimony or protests.
2. CLOSE THE PUBLIC HEARING and, if no protests, proceed to take the following actions.
3. Adopt a Resolution of the City Council of the City of Pittsburgh Establishing the City of Pittsburgh Community Facilities District No. 2005-1 (Public Safety Services), Providing for Future Annexation of Territory and Providing for the Levy of a Special Tax Therein to Finance Certain Public Services in and for Such Community Facilities District and Calling a Special Election to Submit to the Qualified Electors Within Such Community Facilities District the Question of Levying Such Special Tax and Establishing an Appropriations Limit for Such Community Facilities District.

Attachments:

Exhibit A, Authorized Services,
Exhibit B, Rate and Method of Apportionment of Special Tax,

Exhibit C, Incidental Expenses, and
Exhibit D, Form of Property Owner Waiver and Consent.

4. CITY COUNCIL CONDUCT ELECTION. The City Clerk shall count the ballots, close the election and declare the election result.
5. Adopt a Resolution of the City Council of the City of Pittsburgh Determining the Result of the Special Mailed-Ballot Election Held in its Community Facilities District No. 2005-1 (Public Safety Services), on August 1, 2005.
6. Introduce an Ordinance of the City Council of the City of Pittsburgh Levying a Special Tax for the Fiscal Year 2005-2006 and Following Fiscal Years Solely Within and Relating to the City of Pittsburgh Community Facilities District No. 2005-1 (Public Safety Services).

B. Items to be Filed with the City Clerk:

1. Formation Hearing Report.
2. Certificate Relative to Voters.
3. Certificate of City Clerk Re Waiver and Consent.
4. Waiver and Consent forms signed by the landowners or their representatives.
5. Certificate of Delivery of Ballots.
6. Ballots signed by the property owners or their representatives.
7. Certificate of Election Results.
8. Notice of Special Tax Lien.

C. Additional Instructions for the City Clerk:

1. Formation Hearing Report
 - a. The Formation Hearing Report has been prepared by Goodwin Consulting Group as directed by the City for presentation to the City Council.
 - b. Several copies of the Hearing Report shall be made available at the public hearing.
 - c. Please keep a copy of the Formation Hearing Report in your file of proceedings and send two copies to Orrick for the attention of Amy Wong.

2. Certificate Relative to Voters

- a. A Certificate Relative to Voters has been provided to you by Joe Sbranti for your file of proceedings.

3. Certificate of City Clerk Re Waiver and Consent

- a. You should have received the Waiver and Consent forms signed by all the landowners or their representatives prior to this Council meeting.
- b. An original and two copies of the Certificate of City Clerk Re Waiver and Consent are enclosed for signature by the City Clerk.
- c. Please return two signed copies of the Certificate of City Clerk Re Waiver and Consent to Orrick for the attention of Amy Wong.

4. Certificate of Delivery of Ballots

- a. The Ballots have been mailed to the property owners on your behalf and a Certificate of Delivery of Ballot will be provided to you for your file of proceedings.

5. Certificate of Election Results

- a. At the close of the public hearing and after the adoption of the Resolution of Formation and calling the Mailed-Ballot Election by the City Council, you should count the ballots received by you and complete the Certificate of Election Results.
- b. You should close the election and declare the election results and the City Council will then adopt the Resolution Determining the Result of the Special Mailed-Ballot Election.
- c. Please keep the original of the Certificate of Election Results in your file of proceedings and return two (2) copies to Orrick for the attention of Amy Wong.

6. Notice of Special Tax Lien

- a. After Council action, the Notice of Special Tax Lien, with the Exhibits attached thereto, should be dated and signed by the City Clerk in triplicate. Have a copy of the Notice of Special Tax Lien recorded in the office of the County Recorder of the County of Contra Costa as soon as possible and have two copies file-stamped with the recording date and the Recorder's Serial Number. A file-stamped copy shall be filed in the City Clerk's file of

proceedings and the other file-stamped copy shall be returned to Orrick for the attention of Amy Wong.

7. Ordinance

- a. The Ordinance Levying the Special Tax shall be introduced at this Council meeting and be passed and adopted at the next Council meeting.
 - b. The Ordinance shall be published once in the *Ledger/Dispatch* no later than 15 days after its passage. An affidavit of publication should be filed in the office of the City Clerk and a copy should be sent to Orrick for the attention of Amy Wong.
8. Please provide our office with two certified copies of each of the resolutions adopted at this Council meeting.
9. Please provide our office with two certified copies of the Ordinance after it has been adopted.

If you have any questions, please call:

John Knox, Bond Attorney (415) 773-5626
or
Amy Wong, Project Manager, Public Finance (415) 773-5868
at
ORRICK, HERRINGTON & SUTCLIFFE LLP



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

DATE: 7/26/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution Approving Annexation of Territory to Community Facilities District No. 2007-1 Park Maintenance and Levying a Special Tax in Such Territory (Annexation No. 6)

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

The City has received written approval from the current property owner to annex his parcel located at 1201 Stoneman Avenue into Community Facilities District No. 2007-1 to provide funding for park maintenance services for this newly developed area.

FISCAL IMPACT

Costs for park maintenance services will be paid for through the collection of a special tax levied on residential properties within the boundaries of CFD 2007-1, including property to be annexed. This tax will be placed on the County tax roll each year. Pursuant to state law, the special tax and associated cost must be maintained in a separate fund and cannot be included in the City's General Fund.

RECOMMENDATION

City Council adopt the attached Resolution approving the annexation of territory into Community Facilities District No. 2007-1 (Park Maintenance Services).

BACKGROUND

On January 16, 2007, the City Council, in a public hearing took testimony, adopted a Resolution of Formation, called for an Election, conducted the Election, adopted a Resolution Declaring the results of the Election and introduced Ordinance 07-1283 for consideration.

On January 16, 2007, the City Council adopted Resolution 07-10698 approving the formation of Community Facilities District 2007-1 ("CFD 2007-1"). Then on January 16, 2007 the City Council adopted Resolution 07-10698 levying a special tax in Community Facilities District No. 2007-1 Park Maintenance Services.

The parcel proposed for annexation is owned by Caleb Roope and will be developed to include 230 multi family dwelling units. The parcel is located at 1201 Stoneman Avenue.

As additional development projects come forward, they can be annexed into CFD No. 2007-1 which will provide funding for the increased demand for park maintenance services.

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 CFD 2007-1 for police services. Goodwin Consulting is a firm that specializes in the formation, administration and special tax rate calculation for Community Facilities Districts.

The special tax would be levied in the next subsequent 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. Each July 1, the maximum special tax shall be increased by five percent (5%) of the amount in effect during the fiscal year.

ATTACHMENTS: Resolution
Annexation Exhibits
Resolution of Formation

Report Prepared By: Jolan Longway
Civil Engineer II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution	)	
Approving Annexation of Territory to	)	
Community Facilities District No. 2007-1	)	RESOLUTION NO. 17-
(Park Maintenance Services) and Levying	)	
a Special Tax in Such Territory	)	
<u>(Annexation No. 6)</u>	)	

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the City Council (the "Council") of the City of Pittsburg (the "City") has duly adopted its Resolution 06-10679 (the "Resolution of Intention") on November 27, 2006, wherein the Council declared its intention to and proposed to establish a community facilities district under and pursuant to the terms and provisions of the Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, as amended (the "Act"), to be known and designated as "Community Facilities District No. 2007-1 (Park Maintenance Services), City of Pittsburg, Contra Costa County, California" (the "Community Facilities District"), to finance public services in and for the Community Facilities District under and pursuant to the Act (which are public services that the City is authorized to provide, and that said public services are necessary to meet increased demands placed upon the City as a result of development occurring and anticipated to occur in the Community Facilities District), and which public services (the "Authorized Services") are listed in Exhibit A of the Annexation Exhibits attached hereto and incorporated herein and made a part hereof; and

WHEREAS, the costs of financing the Services to be provided in the Community Facilities District include incidental expenses are listed in Exhibit C of the Annexation Exhibits attached hereto and incorporated herein and made a part hereof; and

WHEREAS, the Boundary Map for the Community Facilities District was filed for record in the office of the County Recorder of the Contra Costa County on December 12, 2006 in Book 81 of Maps of Assessment and Community Facilities Districts at page 12; and

WHEREAS, pursuant to the Resolution of Intention, a public hearing was held by the Council on Tuesday, January 16, 2007, at 7:00 p.m. to consider the establishment of the Community Facilities District, the future annexation of territory, the proposed rate and method of apportionment of such special tax, and all other matters set forth in the Resolution of Intention, and at such public hearing all persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District, were given an opportunity to appear and be heard, and the testimony of all interested persons and all taxpayers, property owners and registered voters for or against the establishment of the Community Facilities District and the levy of such special tax, or the extent of the Community Facilities District, or any of the Services proposed therefore, or on any other matters set forth in the Resolution of Intention, was heard and considered, and such special tax as described in the Rate and Method of Apportionment of the Special Tax

(the "RMA") attached thereto as Exhibit B of the Annexation Exhibits was not precluded by a majority protest pursuant to Section 53324 of the Government Code of the State of California, and the Council at the conclusion of said hearing was fully advised in the premises, and was authorized to proceed as thereafter provided; and

WHEREAS, one hundred percent (100%) of the qualified electors within the Community Facilities District filed with the City Clerk waivers of certain time requirements for the conduct of the election in the Community Facilities District, and

WHEREAS, the Council conducted the election in the Community Facilities District to authorize the levy of a special tax therein to pay for the Services proposed to be provided in and for the Community Facilities District and to establish an appropriations limit for the Community Facilities District, and adopted its Resolution 07-10699 determining the election results on January 16, 2007; and

WHEREAS, by its Resolution 07-10698, adopted on January 16, 2007 (the "Resolution of Formation"), the City Council of the City of Pittsburg:

1. established the Community Facilities District pursuant to the Act and authorized the special tax to be levied within the Community Facilities District to pay for the Services to be provided therein; and
2. designated certain real property as future annexation area (the "Future Annexation Area") to be annexed in segments to the Community Facilities District, without hearing, upon satisfaction of conditions prescribed by the provisions of Chapter 3.5 of the Act.

WHEREAS, pursuant to Section 53339.7 of the Act, the Council may annex property located within the Future Annexation Area to the Community Facilities District, without hearing, upon delivery to the City Clerk of unanimous written approval of the owner or owners of each parcel or parcels to be annexed; and

WHEREAS, certain property owners located within the Future Annexation Area have unanimously approved to annex their properties (the "Annexed Territory") into the Community Facilities District, as required by Section 53339.7 of the Act, in the form attached hereto as Exhibit D of the Annexation Exhibits and have filed with the City Clerk their written approvals; and

WHEREAS, the parcels proposed to be annexed is listed on Exhibit E of the Annexation Exhibits attached hereto; and

WHEREAS, a map of the proposed Annexed Territory is shown on Exhibit F of the Annexation Exhibits attached hereto; and

WHEREAS, the Council is fully advised in the premises;

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

Section 1. The above recitals are true and correct, and the Council so finds and determines.

Section 2. The Resolution of Formation (including the Exhibits attached thereto) is incorporated herein by reference and made a part hereof.

Section 3. Pursuant to Section 53339.7 the Council hereby accepts and approves the written approvals as submitted by the property owners of the Annexed Territory and hereby finds and determines that such written approvals represent the unanimous approval of the property owner of the Annexed Territory.

Section 4. The Council hereby approves the annexation of the Annexed Territory to the Community Facilities District. The Authorized Services to be provided in the Annexed Territory is described on Exhibit A in the Resolution of Formation. A special tax is hereby levied annually on the Annexed Territory under the RMA attached to the Resolution of Formation on Exhibit B.

Section 5. The special tax will be secured by the recordation of a continuing lien against all non-exempt real property within the Annexed Territory. The City Clerk is hereby directed to record a Notice of Special Tax Lien (Annexation) in the office of the County Recorder of the County of Contra Costa no later than fifteen (15) days after the adoption of this resolution.

Section 6. This resolution shall take effect immediately after its passage.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

ANNEXATION EXHIBITS

EXHIBIT A

CITY OF PITTSBURG, CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PARK MAINTENANCE SERVICES) AUTHORIZED SERVICES

The authorized services to be funded by the Special Tax revenues include park maintenance services for the residents of Community Facilities District No. 2007-1 (Park Maintenance Services) ("CFD 2007-1") and the residents of territories within the City of Pittsburg to be annexed to CFD 2007-1 in the future. A general description of the services to be provided by CFD 2007-1 include the necessary personnel both sworn and non-sworn, equipment, and support staff to deliver these services including but not limited to patrol, investigations, community policing, traffic, criminal justice, and code enforcement services. Eligible costs include, but are not limited to, the costs of contracting services, the salaries and benefits of the City staff, uniforms and equipment including replacement and maintenance, recruitment and training of personnel, and City overhead costs associated with providing such services within CFD 2007-1. The nature and methodology of deployment of the police protection services to be provided will be determined by the City.

EXHIBIT B
CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT No. 2007-1
(PARK MAINTENANCE SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2007-1 (Park Maintenance Services) shall be levied and collected according to the tax liability determined by the City Council acting in its capacity as the legislative body of CFD No. 2007-1, through the application of the appropriate Special Tax rate, as described below. All Residential Property in CFD No. 2007-1 shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties for CFD No. 2007-1, including, but not limited to, the levy and collection of the Special Tax, the fees and expenses of its counsel, charges levied by the County, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

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

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

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel number.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“CFD No. 2007-1” or “CFD” means the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services).

“City” means the City of Pittsburg.

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

“County” means the County of Contra Costa.

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

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

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

“Residential Property” means, in any Fiscal Year, all Parcels in CFD No. 2007-1 for which a final building permit inspection was conducted prior to June 30 of the preceding Fiscal Year for construction of a structure consisting of one or more Residential Units. If such final building permit inspections have been conducted for Residential Units on a Parcel, such Parcel shall be designated as Residential Property for purposes of this Rate and Method of Apportionment of Special Tax, regardless of the underlying zoning designation for the Parcel.

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

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

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

DATA FOR ANNUAL TAX LEVY

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

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Residential Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each Parcel of Residential Property, then applying the sum of the individual Special Taxes to the original Parcel that was subdivided by recordation of the parcel map.

MAXIMUM SPECIAL TAX

The Maximum Special Tax for all Parcels of Residential Property within CFD No. 2007-1 shall be \$72 per Residential Unit for Fiscal Year 2007-08. Beginning July 1, 2008 and each July 1 thereafter, the Maximum Special Tax shall be increased by five percent (5%) of the amount in effect in the prior Fiscal Year.

METHOD OF LEVY AND COLLECTION OF SPECIAL TAX

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

The Special Tax for CFD No. 2007-1 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet CFD No. 2007-1 financial obligations, and the Special Tax shall be equally subject to foreclosure if delinquent.

LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on Parcels within CFD No. 2007-1 that are not Residential Property. Accessory Dwelling Units shall not be counted in determining the Special Tax to be levied on the Parcels on which such units are located.

INTERPRETATION OF SPECIAL TAX FORMULA

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

EXHIBIT C

CITY OF PITTSBURG, CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PARK MAINTENANCE SERVICES)

INCIDENTAL EXPENSES

It is anticipated that the following incidental expenses may be incurred for CFD 2007-1:

- Engineering services
- Election costs
- Special tax consultant services
- City review and administration
- Special counsel services and expenses
- Publishing, mailing and posting of notices
- Governmental notification and filing costs
- Charges and fees of City other than those waived
- Mapping and recording costs with respect to annexations
- Certain annual costs may be included in each annual special tax levy.

These include:

- Special tax consultant costs
- Other necessary consultant costs
- Costs of posting and collecting the special taxes
- Personnel and administrative costs of the City
- Mapping and recording costs

EXHIBIT D

City of Pittsburg
Community Facilities District No. 2007-1 (Park Maintenance)
(Annexation No. 6)

Request and Approval for Annexation and Landowner-Voter Ballot

Recitals

- A. The undersigned is an authorized representative Caleb Roope, (the "**Developer**"). Developer is the owner of certain real property located in the City of Pittsburg, as more particularly shown on Exhibit F attached hereto and incorporated herein by this reference (the "**Subject Property**").
- B. By its Resolution No. 07-10698, adopted on January 16, 2007 (the "**Resolution of Formation**"), the City Council of the City of Pittsburg:
 - 1. established the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services) ("**CFD No. 2007-1**") pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code, hereafter the "**Act**"), with an initial boundary shown on the boundary map for CFD No. 2007-1 (the "**Boundary Map**"), which was recorded in the official records of the Contra Costa County Recorder; and
 - 2. designated certain real property as future annexation area (the "**Future Annexation Area**") to be annexed in segments to CFD No. 2007-1, without hearing, upon satisfaction of conditions prescribed by the provisions of Chapter 3.5 of the Act.
- C. All of the Subject Property is included within the Future Annexation Area.
- D. The City now intends to annex a portion of the Future Annexation Area into CFD No. 2007-1 ("**Annexation No. 6**"). The Subject Property is included in the Future Annexation Area that will be annexed into Annexation No. 6.
- E. The Developer is the sole owner of the Subject Property and by this instrument requests that the Subject Property be annexed to Annexation No. 6 of CFD No. 2007-1, without hearing, as authorized by the Act and the Resolution of Formation.

Approval and Vote

1. The Developer, as the sole owner of the real property shown on Exhibit F, attached hereto and by this reference incorporated herein, hereby requests and provides its approval of the annexation of the Subject Property to CFD No. 2007-1, as prescribed and authorized by Section 53339.7 of the Act.
2. The Developer, as one of the qualified electors for Annexation No. 6 hereby votes in favor of the levy of special taxes on the taxable property being annexed to CFD No. 2007-1 in accordance with the rate and method of apportionment of special taxes (the "**RMA**") attached hereto as Exhibit B and by this reference incorporated herein.
3. The Developer hereby acknowledges the following:
 - a. As soon as practicable following receipt of this instrument by the City Manager of the City, the City will record (a) an amended boundary map for CFD No. 2007-1 and (b) an amended Notice of Special Tax Lien, in each case pertaining to the Subject Property and which will result in the establishment of a lien to secure payment of the special tax when levied upon all of the taxable property located within Annexation No. 6; and
 - b. The City will levy a special tax upon the taxable property within Annexation No. 6 in accordance with the provisions of the RMA, beginning with the Fiscal Year that starts on July 1, 2015.

Dated: 2/19, ~~2015~~ 2016

By


(Signature)

Caleb Roope
(Print Name)

Exhibit A – Map showing Annexation No. 6
Exhibit B – RMA

EXHIBIT E

**PROPERTY OWNER AND ASSESSOR'S PARCEL
TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PARK MAINTENANCE SERVICES)
CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA**

ANNEXATION NO. 6

<u>Assessor's Parcel No.</u>	<u>Name of Landowner</u>	<u>Mailing Address</u>
088-230-022	Caleb Roope	430 E State Street
		Suite 100
		Eagle, ID 83616-5901

EXHIBIT F
SUBJECT PROPERTY TO BE
ANNEXED INTO CFD 2007-1

EXHIBIT "A"

All that certain real property situated in the City of Pittsburg, County of Contra Costa, State of California, described as follows:

Beginning at the intersection of the West line of Loveridge Road and the North line of the East Bay Municipal Utility District property as described in Book 50 of Official Records, Page 201, Contra Costa County Records; thence Westerly along said North line, 1390.00 feet; thence leaving North line at right angles Northerly 330.00 feet; thence at a right angle Easterly 1390 feet to a point on the aforementioned West line of Loveridge Road; thence along said West line Southerly 330.00 feet to the point of beginning.

EXCEPTING THEREFROM:

The parcel of land described in the Deed to the City of Pittsburg, a municipal corporation, recorded February 26, 1986 in Book 12758 Official Records, Page 325.

Assessor's Parcel Number: **088-230-022**

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution of the City Council of the City of	)	
Pittsburg Establishing the City of Pittsburg	)	
Community Facilities District No. 2007-1 (Park	)	
Maintenance Services), Providing for Future	)	
Annexation of Territory and Providing for the	)	
Levy of a Special Tax Therein to Finance	)	
Certain Public Services in and for Such	)	
Community Facilities District and Calling a	)	RESOLUTION NO. 07-10698
Special Election to Submit to the Qualified	)	
Electors Within Such Community Facilities	)	
District the Question of Levying Such Special	)	
Tax and Establishing an Appropriations Limit	)	
for Such Community Facilities District	)	

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

WHEREAS, the City Council (the "Council") of the City of Pittsburg (the "City") has duly adopted Resolution No. 06-10679 (the "Resolution") on November 27, 2006, wherein the Council declared its intention to and proposed to establish a community facilities district under and pursuant to the terms and provisions of the Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, as amended (the "Act"), to be known and designated as "City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services), Contra Costa County, California" (the "Community Facilities District"), to finance public services in and for the Community Facilities District under and pursuant to the Act (which are public services that the City is authorized to provide, and that said public services are necessary to meet increased demands placed upon the City as a result of development occurring and anticipated to occur in the Community Facilities District), and which public services (the "Services") are listed in Exhibit A attached hereto and incorporated herein and made a part hereof; and

WHEREAS, pursuant to Section 53339.3 of the Act territory may be identified for annexation into the Community Facilities District in the future but only with the unanimous approval of all owners of each parcel within that territory at the time that parcel is annexed; and

WHEREAS, the costs of financing the Services to be provided by the Community Facilities District include incidental expenses as listed in Exhibit C attached hereto and incorporated herein and made a part hereof; and

WHEREAS, the Resolution fixed a time and place for a public hearing to be held by the Council to consider the establishment of the Community Facilities District, the proposed rate and method of apportionment of a special tax to finance the Services in

and for the Community Facilities District and all other matters set forth in the Resolution; and

WHEREAS, the proposed boundary map for the Community Facilities District was filed for record in the office of the County Recorder of the Contra Costa County on December 12, 2006 in Book 81 of Maps of Assessment and Community Facilities Districts at page 12; and

WHEREAS, the City Manager of the City has caused a report to be prepared on such proposal in accordance with the Resolution, which such report was submitted to the Council for review and has been reviewed by the Council, and which such report is incorporated herein by reference and made a part of the record of the hearing hereinafter referred to on the Resolution; and

WHEREAS, pursuant to the Resolution, a public hearing was set by the Council for Tuesday, January 16, 2007, at 7:00 p.m., or as soon thereafter as the City may reach the matter, at the regular meeting place of the Council at the City Council Chambers at 65 Civic Avenue, Pittsburg, California 94565, at which hearing the Council considered the establishment of the Community Facilities District, the future annexation of territory to the Community Facilities District, the proposed rate and method of apportionment of such special tax, and all other matters set forth in the Resolution, and at such public hearing all persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District, were given an opportunity to appear and be heard, and the testimony of all interested persons and all taxpayers, property owners and registered voters for or against the establishment of the Community Facilities District and the levy of such special tax, or the extent of the Community Facilities District, or any of the Services proposed therefore, or on any other matters set forth in the Resolution, was heard and considered, and such special tax has not been precluded by a majority protest pursuant to Section 53324 of the Government Code of the State of California, and the Council at the conclusion of said hearing was fully advised in the premises, and was authorized to proceed as hereinafter provided; and

WHEREAS, one hundred percent (100%) of the qualified electors within the Community Facilities District have filed with the City Clerk waivers of certain time requirements for the conduct of the election in the Community Facilities District and therefore, pursuant to the Act, the Council is authorized to form the Community Facilities District and conduct the election as provided herein; and

WHEREAS, on the basis of the foregoing, the Council has determined at this time to call an election in the Community Facilities District to authorize the levy of a special tax therein (as the rate and method of apportionment of such tax, is more particularly set forth in Exhibit B, attached hereto and incorporated herein and made a part hereof) to pay for the Services proposed to be provided in and for the Community Facilities District, and to establish an appropriations limit for the Community Facilities District;

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

Section 1. The above recitals are true and correct, and the Council so finds and determines.

Section 2. The Council hereby reapproves and readopts the Resolution, and reconfirms all of its findings and determinations contained therein.

Section 3 The City Council, pursuant to Section 53339.3 of the Act, hereby identifies all of the parcels within the corporate limits of the City, not already included within the boundaries of the Community Facilities District, as territory proposed for annexation in the future into the Community Facilities District, provided, prior to the annexation of any portion of such territory under the authority of this section, unanimous written approval of the owner or owners of each parcel or parcels to be annexed is delivered to the City Clerk.

Section 4. The Council hereby approves the rate and method of apportionment of the special tax in and for the Community Facilities District as set forth in Exhibit B attached hereto and incorporated herein and made a part hereof, and upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code of the State of California, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District, which lien shall continue in force and effect until the lien is cancelled in accordance with law, or until collection of the special tax by the City ceases. In the case of any special tax to pay for the public services and to be levied against any parcel used for private residential purposes, under no circumstances will the special tax levied against any parcel be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District by more than 10 percent.

Section 5. The Council finds and determines that written protests to the establishment of the Community Facilities District and the levy of such special tax, or the extent of the Community Facilities District, or the provision of any of the Services proposed therefore, are insufficient in number and in amount under the Act, and the Council hereby further orders and determines that all protests to the establishment of the Community Facilities District therefore, or the levy of the special tax proposed to be levied therein, or the extent of the Community Facilities District, or provision of any of the Services therefore, or the establishment of an appropriations limit for the Community Facilities District, are hereby overruled.

Section 6. The Council finds and determines that all prior proceedings had and taken by the Council with respect to the establishment of the Community Facilities District are valid and in conformity with the requirements of the Act; and accordingly, the Council finds, determines and orders that, consistent with the Resolution, the Community Facilities District is hereby established under and pursuant to the terms and provisions of the Act, and the boundaries of which are as set forth in the Boundary Map on file with the City Clerk.

Section 7. Except where funds are otherwise available, a special tax sufficient to pay for the Services as described in Exhibit A shall be secured by recordation of a continuing lien against all nonexempt property in the Community Facilities District, will be annually levied within the boundaries of the Community Facilities District. For particulars as to the rate and method of apportionment of such special tax, reference is made to Exhibit B, attached hereto and incorporated herein and made a part hereof, which sets forth the rate and method of apportionment of such special tax in sufficient detail to allow each landowner or resident within the Community Facilities District to estimate the maximum amount that such person will have to pay for the Services.

Section 8. It is the intention of the Council, pursuant to Section 53317.3 of the Government Code of the State of California, to levy the special tax on property that is not otherwise exempt from the special tax and that is acquired by a public entity through a negotiated transaction, or by gift or devise.

Section 9. It is the intention of the Council, pursuant to Section 53317.5 of the Government Code of the State of California, to treat the special tax levied against property that is acquired by a public entity through eminent domain proceedings as if it were a special annual assessment.

Section 10. It is the intention of the Council, pursuant to Section 53340.1 of the Government Code of the State of California, to levy the special tax on the leasehold or possessory interests in property owned by a public agency (which property is otherwise exempt from the special tax) to be payable by the owner of the leasehold or possessory interests in such property.

Section 11. A special mailed-ballot election shall be and is hereby called and ordered to be held in the Community Facilities District on Tuesday, January 16, 2007, in accordance with and subject to the Act and applicable law and the terms hereof, at which special election there shall be submitted to the landowners within the Community Facilities District (which landowners are the electors and persons qualified to vote at said special election) the question of levying such special tax and the establishment of an appropriations limit in the amount of eight million dollars (\$8,000,000) per fiscal year in connection therewith for the Community Facilities District, as defined by Article XIII B, Section 8(h) of the Constitution of the State of California, and the Council hereby directs that the election at which the question of levying such special tax and establishing such appropriations limit is submitted to the landowners within the Community Facilities District shall be consolidated with the election at which the question of levying such special tax and establishing such appropriations limit shall be combined in one ballot proposition and to be secured by a special tax to be levied within the Community Facilities District, all as provided by the Act.

Section 12. The City Clerk of the City is hereby designated as the official to conduct said special election, in accordance with and subject to the Act and applicable law and the following provisions:

(a) Said special election shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined, as provided herein; and in all particulars not prescribed by this resolution said special election shall be held and conducted and the votes received and canvassed in the manner provided by law for the holding of special elections in the City and consistent with the Act.

(b) All landowners within the Community Facilities District upon the date of the special election herein provided for shall be qualified to vote upon the proposition to be submitted at said special election.

(c) Said special election shall be conducted as a mailed-ballot election, in accordance with the Act and the prior proceedings of the City taken thereunder, and there shall be no polling places for said special election. All ballots shall be delivered by the City Clerk of the City or her designee to such landowners, and all voted ballots are required to be received at the office of the City Clerk of the City not later than 8:00 o'clock P.M. on the day of the election in order to be counted, except that if all qualified electors have voted on the proposition hereby submitted, the election shall be closed.

(d) Each voter to vote for the proposition to be submitted at said special election and for levying such special tax and establishing such appropriations limit shall mark a cross (x) in the blank space opposite the word "YES" on the ballot to the right of said proposition, and to vote against said proposition and against levying such special tax and establishing such appropriations limit shall mark a cross (x) in the blank space opposite the word "NO" on the ballot to the right of said proposition, which cross (x) may be marked with either pen or pencil.

(e) The City Clerk of the City shall commence the canvass of the returns of said special election at 8:00 P.M. on Tuesday, January 16, 2007, at the City Council Chambers at 65 Civic Avenue, Pittsburg, California 94565, and at the conclusion thereof shall determine the results of said special election; provided, that if all the qualified voters have voted prior to such date and time, the City Clerk of the City shall close said special election and thereupon shall proceed to canvass the returns of said special election and to determine the results thereof.

(f) The Council shall meet at its regular meeting on Tuesday, January 16, 2007, at its usual meeting place and declare the results of said special election, and shall cause to be spread upon its minutes a statement of the results of said special election as ascertained by said canvass.

Section 13. The Council hereby approves the form of Waiver and Consent Shortening Time Periods and Waiving Various Requirements for Conducting Mailed-Ballot Election in the Community Facilities District, a copy of which is attached hereto as Exhibit D. The Council hereby finds that the rights, procedures and time periods therein waived are solely for the protection of the voters, may be waived under Government Code Section 53326(a), and that the waiver constitutes a full and knowing waiver, by any voter who has executed the form, of those rights, procedures and time periods.

Section 14. The Council hereby accepts the Certificate of the City Clerk certifying that 100% of the voters eligible to vote in this election have delivered to the City Clerk properly executed waivers in the form of Exhibit D.

Section 15. If two-thirds (2/3) of the votes cast upon the question of levying such special tax and establishing such appropriations limit are cast in favor of levying such special tax and establishing such appropriations limit, as determined by the Council after reviewing the canvass of the returns of such consolidated election, the Council may levy such special tax within the territory of the Community Facilities District under the Act in the amount and for the purposes specified in this resolution, and such appropriations limit shall be established for the Community Facilities District, as defined by Article XIII B, Section 8(h) of the Constitution of the State of California. Such special tax may be levied only at the rate and may be apportioned only in the manner specified in this resolution, subject to the Act, except that such special tax may be levied at a rate lower than that specified herein. Such special tax may be levied only so long as it is needed to pay for the Services referred to in Section 6 of this resolution.

Section 16. The City Manager of the City at 65 Civic Avenue, Pittsburg, California 94565 will be responsible for preparing annually a current roll of special tax levy obligations by Contra Costa County Assessor's parcel numbers, and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Government Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 16th day of January, 2007, by the following vote:

AYES: Council Members Casey, Evola, Kee, Parent and Mayor Johnson

NOES: None

ABSTAINED: None

ABSENT: None



Ben Johnson, Mayor

ATTEST:



Alice E. Evenson, City Clerk

EXHIBIT A

CITY OF PITTSBURG, CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PARK MAINTENANCE SERVICES)

DESCRIPTION OF AUTHORIZED SERVICES TO BE FUNDED BY THE DISTRICT

The authorized services to be funded by special tax revenues include maintenance, operations (but not including recreation program services), and repair of parks and related facilities, including replacements, as needed, of related facilities, including but not limited to, buildings and structures, asphalt paths, concrete curbs and walks, trees, shrubs, vines, ground cover, turf, lights and irrigation systems. The services to be provided include, but are not limited to, litter and debris removal, graffiti abatement, painting repairs to landscape structures, building maintenance and repairs, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, mowing of lawns, trimming of vegetation, and maintenance, repair and replacement of lighting systems within the parks.

The District may also fund any of the following: (i) administrative fees of the City related to the District, including costs associated with preparing the annual special tax levy, or (ii) costs associated with legal services, advertising, legal notices, and mailings related to formation or administration of the District.

EXHIBIT B

CITY OF PITTSBURG COMMUNITY FACILITIES DISTRICT No. 2007-1 (PARK MAINTENANCE SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2007-1 (Park Maintenance Services) shall be levied and collected according to the tax liability determined by the City Council acting in its capacity as the legislative body of CFD No. 2007-1, through the application of the appropriate Special Tax rate, as described below. All Residential Property in CFD No. 2007-1 shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"Administrative Expenses" means any or all of the following: the expenses of the City in carrying out its duties for CFD No. 2007-1, including, but not limited to, the levy and collection of the Special Tax, the fees and expenses of its counsel, charges levied by the County, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

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

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

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

“Authorized Services” means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“CFD No. 2007-1” or **“CFD”** means the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services).

“City” means the City of Pittsburg.

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

“County” means the County of Contra Costa.

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

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

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

“Residential Property” means, in any Fiscal Year, all Parcels in CFD No. 2007-1 for which a final building permit inspection was conducted prior to June 30 of the preceding Fiscal Year for construction of a structure consisting of one or more Residential Units. If such final building permit inspections have been conducted for Residential Units on a Parcel, such Parcel shall be designated as Residential Property for purposes of this Rate and Method of Apportionment of Special Tax, regardless of the underlying zoning designation for the Parcel.

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

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

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

B. DATA FOR ANNUAL TAX LEVY

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

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Residential Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each Parcel of Residential Property, then applying the sum of the individual Special Taxes to the original Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax for all Parcels of Residential Property within CFD No. 2007-1 shall be \$72 per Residential Unit for Fiscal Year 2007-08. Beginning July 1, 2008 and each July 1 thereafter, the Maximum Special Tax shall be increased by five percent (5%) of the amount in effect in the prior Fiscal Year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAX

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

The Special Tax for CFD No. 2007-1 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet CFD No. 2007-1 financial obligations, and the Special Tax shall be equally subject to foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on Parcels within CFD No. 2007-1 that are not Residential Property. Accessory Dwelling Units shall not be counted in determining the Special Tax to be levied on the Parcels on which such units are located.

F. INTERPRETATION OF SPECIAL TAX FORMULA

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

EXHIBIT C

CITY OF PITTSBURG, CALIFORNIA COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PARK MAINTENANCE SERVICES)

INCIDENTAL EXPENSES

It is anticipated that the following incidental expenses may be incurred for

CFD 2007-1:

- Engineering services
- Election costs
- Special tax consultant services
- City review and administration
- Legal counsel services and expenses
- Publishing, mailing and posting of notices
- Governmental notification and filing costs
- Charges and fees of City other than those waived
- Mapping and recording costs with respect to annexations

Certain annual costs may be included in each annual special tax levy.

These include:

- Special tax consultant costs
- Other necessary consultant costs
- Costs of posting and collecting the special taxes
- Personnel and administrative costs of the City
- Mapping and recording costs

WAIVER AND CONSENT OF LANDOWNERS
IN THE PROPOSED CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PARK MAINTENANCE SERVICES)
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A SPECIAL ELECTION

The undersigned is the owner (or the authorized representative of the owner if the owner is not a natural person) of certain real property in the City of Pittsburg (the assessor's parcel number[s] of which is[are] Former Parcel No. 097-700-003 (subdivided per Final Map 8448 recorded on August 25, 2006, 494 M 27, subdivided parcel numbers not yet available); Parcel No. 097-180-013; and Parcel No. 097-210-012), which real property is located in the proposed City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services) (the "Community Facilities District"), as the boundaries of the Community Facilities District are set forth on the map entitled "Proposed Boundary Map, City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services), Contra Costa County, California" as shown in Attachment A attached hereto and incorporated herein, and in such capacity the undersigned certifies that the undersigned is legally entitled and authorized to cast the ballot for the above-referenced owner in the special election to be conducted within the Community Facilities District to determine, among other things, whether the land owned by the above-referenced owner shall be subject to the levy of a special tax by the Community Facilities District.

The undersigned hereby waives any and all minimum time requirements relative to such election pursuant to Section 53326(a) of the California Government Code, and the undersigned hereby waives the preparation and distribution of an impartial analysis of the ballot measure to be submitted at such election, as well as arguments and rebuttal arguments in favor of or against such ballot measure pursuant to Section 53327(b) of the California Government Code, and the undersigned hereby waives the requirement to publish a notice of such election pursuant to Section 53352 of the California Government Code, and the undersigned hereby waives the timing requirements regarding the mailing of ballots to the qualified electors within the Community Facilities District pursuant to Section 4101 of the California Elections Code.

The undersigned hereby further agrees to accept either mailed service or personal service of the ballot, and the undersigned hereby waives the requirements regarding identification envelopes for the return of mailed ballots pursuant to Section 53327.5 of the California Government Code, and the undersigned further waives any and all defects in notice or procedure in the conduct of such election, whether known or

unknown (other than the right to have ballots accurately counted), and the undersigned hereby states that the election is being expedited, pursuant to this waiver and consent, at the particular instance and request of the above-referenced owner.

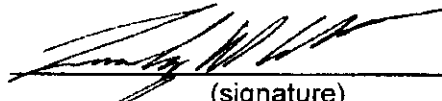
Dated: January 9, 2007

LYON VISTA DEL MAR 533 LLC
a Delaware Limited Liability Company

By: William Lyon Homes, Inc.
a California Corporation
its Managing Member

By 
(signature)

Douglas F. Bauer
(print name of Owner or
Authorized Representative)
Senior Vice President
Corporate Title

By 
(signature)

Timothy M. Cuthow
(print name of Owner or
Authorized Representative)
Assistant Secretary
Corporate Title

PROPOSED BOUNDARY MAP
CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PARK MAINTENANCE SERVICES)
CONTRA COSTA COUNTY, CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF PITTSBURG THIS 27 DAY OF
NOVEMBER, 2006.

Alice E. Evenden
ALICE E. EVENDEN, CITY CLERK
CITY OF PITTSBURG

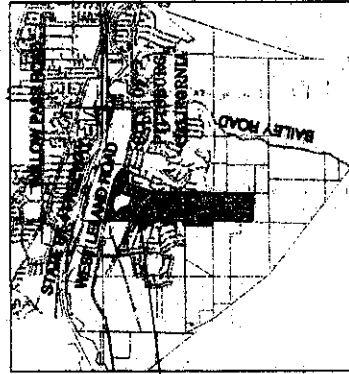
I HEREBY CERTIFY THAT THIS MAP WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF PITTSBURG
AT A REGULAR MEETING THEREOF, HELD ON THE 27 DAY OF NOVEMBER, 2006, AT ITS
REGISTRATION NO. 06-104679.

Alice E. Evenden
ALICE E. EVENDEN, CITY CLERK
CITY OF PITTSBURG

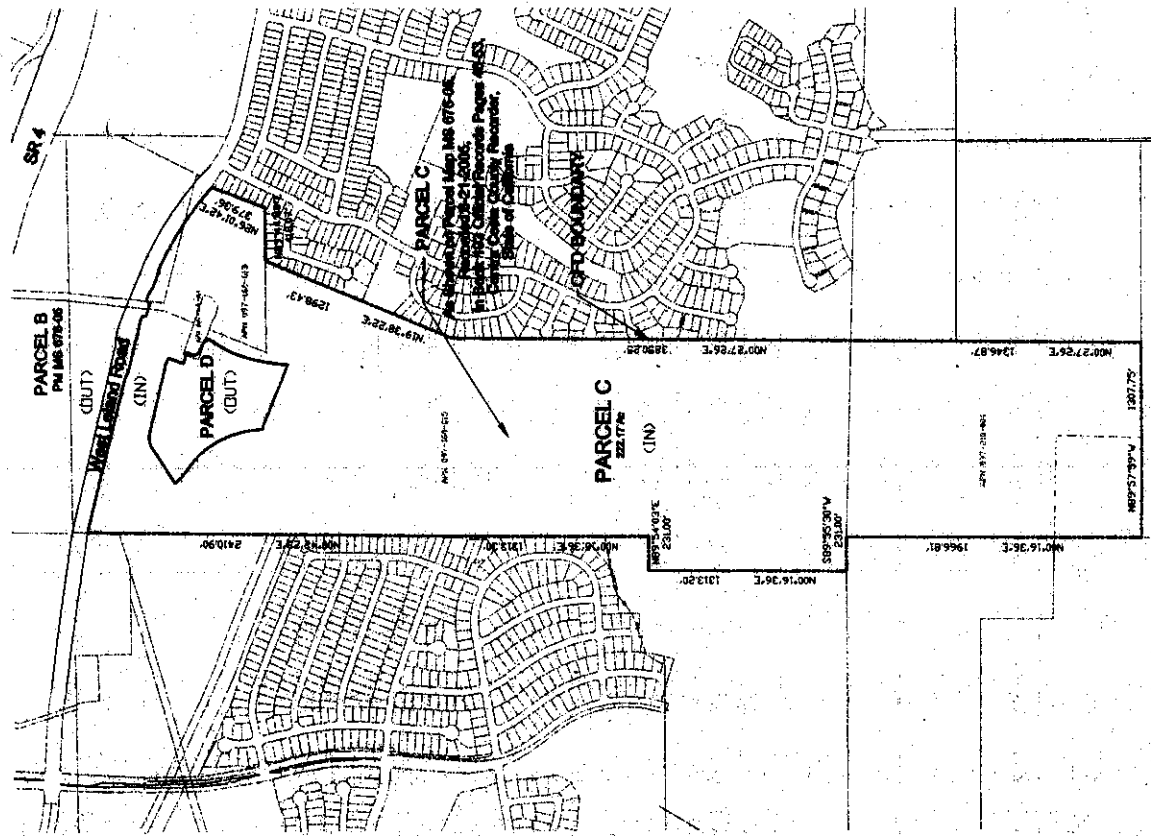
FILED THE 18th DAY OF December, 2006, AT THE HOUR OF 2:10 O'CLOCK P.M.
IN BOOK 81 OF MAPS OF ASSURMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE
12 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CONTRA COSTA, STATE
OF CALIFORNIA.

06-346398

Shirley L. Wain
SHIRLEY L. WAIN
COUNTY RECORDER
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA



VICINITY MAP
N.T.S.



CLERK'S CERTIFICATE

I, Alice E. Evenson, City Clerk of the City of Pittsburg, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 16th day of January, 2007, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: Council Members Casey, Evola, Kee, Parent and Chair Johnson

NOES: None

ABSENT: None

ABSTAINED: None

An agenda of said meeting was posted at least 72 hours before said meeting at 65 Civic Avenue, Pittsburg, California 94565, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: January 17, 2007



Alice E. Evenson,
City Clerk of the City of Pittsburg

[SEAL]



**OFFICE OF THE CITY MANAGER
Administrative Offices
65 Civic Avenues
Pittsburg, California 94565-3814**

MEMO: January 16, 2007

TO: Mayor and Council Members

FROM: Marc S. Grisham, City Manager

RE: **CITY COUNCIL TO CONDUCT PUBLIC HEARING, ADOPT RESOLUTION OF FORMATION AND CALLING ELECTION, CONDUCT ELECTION; ADOPT RESOLUTION DECLARING RESULTS OF ELECTION; INTRODUCE FIRST READING OF ORDINANCE LEVYING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT (CFD) NO. 2007-1 PARK MAINTENANCE SERVICES.**

EXECUTIVE SUMMARY

In accordance with the terms of the Development Agreement (DA) between the City of Pittsburg and William Lyon Homes, Inc. (the "Developer"), a Community Facilities District (CFD) or other financing mechanism shall be formed to provide funding for Park Maintenance and related services in the Vista Del Mar Subdivision. This matter was considered by the City Council at the November 27, 2006 meeting. By Resolution No. 06-10678 the City Council approved a proposed boundary map, declared Council intention to establish a Community Facilities District No. 2007-1 (Park Maintenance Services) and to levy a special tax therein to finance Park Maintenance and related services therein, including but not limited to the maintenance, operations (not including recreation program services) and repair of parks and related facilities, including replacements as needed of related facilities, including but not limited to buildings and structures, asphalt paths, concrete curbs and walks, trees, shrubs, vines, ground cover, turf, lights and irrigation systems, and services including but not limited to litter and debris removal, graffiti abatement, painting repairs to landscape structures, building maintenance and repairs, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, moving of lawns, trimming of vegetation, and the maintenance, repair and replacement of lighting systems within the parks, as defined in Exhibit A of the attached resolution ("Park Maintenance"). This resolution also provided for the future annexation of territory and had set a public hearing for January 16, 2007.

FISCAL IMPACT

The cost of providing Park Maintenance services shall be paid through the Community Facilities District special tax that will be levied on residential properties within the proposed boundaries of the District. This 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.

RECOMMENDATION

That the City Council, take action to conduct a Public Hearing, approve a Hearing Report, adopt Resolution of Formation and Calling Election, conduct election; then adopt Resolution Declaring Results of Election and Introduce First Reading of Ordinance Levying Special Tax in CFD No. 2007-1 (Park Maintenance Services).

BACKGROUND

At the November 6, 2006 meeting, the City Council took action to initiate proceedings pursuant to the Landscaping and Lighting Act of 1972 ("1972 Act") for the creation of an overlay landscaping and lighting assessment district for the San Marco, Vista Del Mar and Bailey Estates Subdivisions. Staff recommended the above overlay district because the installation, construction and maintenance costs for landscaping and lighting projects within the City continue to rise. The existing Citywide Landscaping and Lighting Assessment District 1988-01 (the "1988 District") does not provide sufficient funding for the maintenance of landscaping and lighting for City parks and facilities, medians, rights of way and streets. For Fiscal Year 2006-2007 it is projected that the City's General Fund will have to contribute approximately \$1,523,000 to cover the shortfall due to the insufficient funding generated from the District's assessments. Due to this shortfall, the overlay district was proposed to ensure that new developments within the overlay district pay an accurate amount for the new parks and facilities services they receive from the City.

The City has traditionally used lighting and landscaping districts to help finance the cost of maintenance and repair of parks and related facility improvements. In exploring options, City staff has determined that community facilities districts can be used to finance this same range of services, but offer more flexibility for staff as to the financing of various park and related facility improvements. Accordingly, staff is now recommending the use of a Community Facilities District ("CFD") as an overlay district for new residential development so that new residential development pays its fair share. The City will continue to use the Citywide LLAD 1988-01 for base level assessments for all existing and new residential and non-residential development. These services will include landscaping and lighting for City medians, rights-of-way and streets. In addition the new CFD will be used to fund the impacts of new park and related facility improvements relating to new residential development.

It should be noted that at the November 29, 2004 meeting, the City Council took final action to approve a Development Agreement with William Lyon Homes and Alves Ranch, LLC in conjunction with the Vista Del Mar Development Project. In accordance with the terms of the agreement, both William Lyon Homes and Alves Ranch, LLC will participate in the Community Facilities District to fund Park Maintenance services.

Currently, William Lyon Homes has submitted plans for development and will be the initial participant in the formation of Community Facilities District No. 2007-1 (Park Maintenance Services). The Lyon Homes subdivision initially has plans to develop 540 residential homes. It is planned that the San Marco and Bailey Estates subdivisions will be annexed to the District at a future date.

Staff has been in contact with the developer (property owner) regarding the formation of this Communities Facility District. A public hearing has been scheduled for January 16, 2007 to receive testimony from the affected developer (property owner) concerning any matters related to the formation and services to be provided within this District. The property owner must agree in writing to participate in this District.

The attached resolution also identifies all of the parcels within the corporate limits of the City that are not already included within the boundaries of CFD No. 2007-1 as territory proposed for annexation in the future into CFD No. 2007-1. This would occur only if prior to the annexation of any portion of such territory that unanimous written approval of the owner or owners of each parcel or parcels is delivered to the City Clerk by a predetermined date.

As additional residential development projects come forward, they can be annexed into CFD No. 2007-1 which will increase the Park Maintenance coverage area and provide funding for the increased demand of Park Maintenance services placed on the City.

A public hearing is scheduled for January 16, 2007 to receive testimony from the affected property owner concerning any matters related to the formation of CFD No. 2007-1 and services to be provided within the District.

STAFF ANALYSIS

Staff retained the services of Goodwin Consulting Group to develop the methodology for the special tax rate that will be levied on residential development within the CFD No.2007-1 for Park Maintenance 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 special tax rate for residential development within this District would be set at the same rate as proposed for the overlay district at the November 6, 2006 meeting. The rate for Fiscal Year 2007-2008 would be \$72.00 per residential unit. This rate is recommended so that all future developed residential units throughout the City are treated the same as the units within the proposed CFD No. 2007-1.

The special tax would be levied in the next subsequent fiscal year on those residential units for which a final building permit inspection was conducted prior to June 30 of the preceding tax year. Beginning July 1, 2008 and each July 1 thereafter, the maximum special tax shall be increased by five percent (5%) of the amount in effect during the prior Fiscal Year. The special tax assessment will be used to fund all formation and administrative costs, in addition to the costs of providing Park Maintenance services.

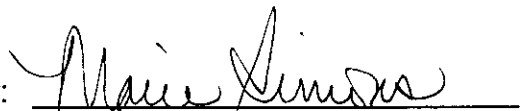
CITY COUNCIL ACTION ITEMS

1. OPEN THE PUBLIC HEARING and hear public testimony or protests.
2. CLOSE THE PUBLIC HEARING and, if no protests, proceed to take the following actions.
3. ADOPT A RESOLUTION of the City Council of the City of Pittsburg Establishing the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services), Providing for Future Annexation of Territory and Providing for the Levy of a Special Tax Therein to Finance Certain Public Services in and for Such Community Facilities District and Calling a Special Election to Submit to the Qualified Electors Within Such Community Facilities District the Question of Levying Such Special Tax and Establishing an Appropriations Limit for Such Community Facilities District.
4. CONDUCT AN ELECTION: The City Clerk shall count the ballots, close the election and declare the election result.
5. ADOPT A RESOLUTION of the City Council of the City of Pittsburg Determining the Result of the Special Mailed-Ballot Election Held in its Community Facilities District No. 2007-1 (Park Maintenance Services), on January 16, 2007.
6. INTRODUCE AN ORDINANCE of the City Council of the City of Pittsburg Levying a Special Tax for the Fiscal Year 2007-2008 and Following Fiscal Years Solely Within and Relating to the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services).



Marc S. Grisham, City Manager

Report Prepared by:


Marie Simons, Director of Finance

- Attachments:
- 1.) Resolution; Establishing the City of Pittsburgh Community Facilities District No. 2007-1 including:
 - Exhibit A, Description of Authorized Services to be Funded by the District
 - Exhibit B, Rate and Method of Apportionment of Special Tax
 - Exhibit C, Incidental Expenses
 - Exhibit D, Form of Waiver and Consent of Landowners
 - 2.) Resolution; Determining the Result of the Special Mailed-Ballot Election
 - 3.) Ordinance; Levying a Special Tax for Fiscal Year 2007-2008 and Following Fiscal Years (First Reading)

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution of the City Council of the City of	)	
Pittsburg Determining the Result of the Special	)	
Mailed-Ballot Election Held in its Community	)	RESOLUTION NO. 07-10699
Facilities District No. 2007-1 (Park Maintenance	)	
Services), on January 16, 2007	)	

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

WHEREAS, the City Clerk of the City of Pittsburg has duly canvassed the votes cast in its Community Facilities District No. 2007-1 (Park Maintenance Services) (the "Community Facilities District") at the special mailed-ballot election held in the Community Facilities District on January 16, 2007, by the qualified electors of the Community Facilities District upon the proposition hereinafter set forth, and has certified to this City Council the result of the votes cast at such special mailed-ballot election upon said proposition, which said certification is now on file in the office of the City Clerk of the City of Pittsburg;

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

Section 1. All of the above recitals are true and correct, and the City Council so finds and determines.

Section 2. The canvass of the votes cast in the Community Facilities District at the special mailed-ballot election held in the Community Facilities District on January 16, 2007, as shown by said certification, is hereby approved and confirmed.

Section 3. At such special mailed-ballot election in the Community Facilities District the following proposition was submitted to the qualified voters of the Community Facilities District:

MEASURE (A): Shall the City of Pittsburg be authorized to levy a special tax in its Community Facilities District No. 2007-1 (Park Maintenance Services) ("CFD 2007-1") on an annual basis to pay for certain public services which are in addition to the services currently provided in the territory of CFD 2007-1 as described in the Resolution of Formation adopted by the City Council of the City of Pittsburg on January 16, 2007, and shall an annual appropriations limit in the amount of eight million dollars (\$8,000,000) be established for fiscal year 2006-2007 in connection with CFD 2007-1?

Section 4. The total number of votes cast in the Community Facilities District at such special mailed-ballot election for and against such proposition was and is set forth in said canvass.

Section 5. More than two-thirds (2/3) of all the votes cast at such special mailed-ballot election was cast in favor of such proposition, and such proposition carried, and the Community Facilities District has been duly organized and is duly authorized to finance the public services set forth in said proposition and to levy the special tax set forth in said proposition.

Section 6. The City Clerk of the City of Pittsburg is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such special mailed-ballot election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the Streets and Highways Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 16th day of January, 2007, by the following vote:

AYES: Council Members Casey, Evola, Kee, Parent and Mayor Johnson

NOES: None

ABSTAINED: None

ABSENT: None



Ben Johnson, Mayor

ATTEST:



Alice E. Evenson, City Clerk

CERTIFICATE OF ELECTION RESULT
FOR THE SPECIAL ELECTION HELD
IN THE CITY OF PITTSBURG
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PARK MAINTENANCE SERVICES)
ON JANUARY 16, 2007

I, Alice E. Evenson, City Clerk of the City of Pittsburgh, certify that:

I personally counted the ballots cast at the special election held on
January 16, 2007, called by the City Council in its Resolution of Formation adopted on
January 16, 2007, and I hereby certify the result of that count to be as follows:

TOTAL VOTES CAST "YES": 223

TOTAL VOTES CAST "NO": 0

TOTAL VOTES CAST: 223

THE VOTES CAST "YES" EQUAL 100 % OF THE TOTAL
VOTES CAST.

Dated: January 16, 2007

CITY OF PITTSBURG

By Alice E. Evenson
Alice E. Evenson
City Clerk of the City of Pittsburgh

CLERK'S CERTIFICATE

I, Alice E. Evenson, City Clerk of the City of Pittsburg, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 16th day of January, 2007, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: Council Members Casey, Evola, Kee, Parent and Chair Johnson

NOES: None

ABSENT: None

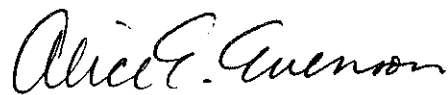
ABSTAINED: None

An agenda of said meeting was posted at least 72 hours before said meeting at 65 Civic Avenue, Pittsburg, California 94565, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: January 17, 2007



Alice E. Evenson,
City Clerk of the City of Pittsburg

[SEAL]

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

An Ordinance of the City Council of the City of Pittsburg	)	
Levying a Special Tax for the Fiscal Year 2007-2008	)	
and Following Fiscal Years Solely Within and Relating	)	ORDINANCE NO. 07-1283
to the City of Pittsburg Community Facilities District No.	)	
2007-1 (Park Maintenance Services)	)	

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PITTSBURG:

1. Pursuant to Government Code Sections 53328 and 53340, and in accordance with the Rate and Method of Apportionment of Special Tax as shown in Exhibit B to the Resolution Establishing the City of Pittsburg Community Facilities District No. 2007-1 (Park Maintenance Services) adopted by the City Council (the "Council") of the City of Pittsburg (the "City") on January 16, 2007 (the "Resolution"), a special tax is hereby levied on all taxable parcels within the City's Community Facilities District No. 2007-1 (Park Maintenance Services), for all fiscal years in the amount of the maximum authorized tax; provided, that the amount of special tax levied in each year may be adjusted annually as provided in Section 2 of this Ordinance, subject to the maximum authorized special tax limit.

2. The City Manager of the City is authorized and directed, with the aid of the appropriate officers and agents of the City, to determine each year, without further action of the Council, the Calculation of Special Taxes as provided in Exhibit B of the Resolution, to prepare the annual special tax roll in the amounts specified in said Exhibit B and, without further action of the Council, to provide all necessary and appropriate information to the Contra Costa County Auditor in proper form, and in proper time, necessary to effect the correct and timely billing and collection of the special tax on the secured property tax roll of the County; provided, that as provided in the Resolution and Section 53340 of the California Government Code, the Council has reserved the right to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the City, including but not limited to, direct billing by the City to the property owners and supplemental billing.

3. The appropriate officers and agents of the City are authorized to make adjustments to the special tax roll prior to the final posting of the special taxes to the County tax roll each fiscal year, as may be necessary to achieve a correct match of the special tax levy with the assessor's parcel numbers finally utilized by the County in sending out property tax bills.

4. The City agrees that, in the event the special tax is collected on the secured tax roll of the County, the County may deduct its reasonable and agreed charges for collecting the special tax from the amounts collected, prior to remitting the special tax collections to the City.

5. Taxpayers who have requested changes or corrections of the special tax and who are not satisfied with the decision of the City Manager (whether the City Manager simply disagrees with the taxpayer or feels the City Manager is not authorized to consider the change

requested) may appeal to the Council. The appeal must be in writing and fully explain the grounds of appeal, and must be based solely on the correction of mistakes in the levy based upon the status of the property, and no other appeals will be allowed. The City Manager shall schedule the appeal for consideration within a reasonable time at a Council meeting.

6. If for any cause any portion of this ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this ordinance, and the application of the special tax to the remaining parcels, shall not be affected.

7. This ordinance shall take effect and be in force immediately as a tax measure; and before the expiration of fifteen (15) days after its passage the same shall be published, with the names of the members voting for and against the same, at least once in a newspaper of general circulation published and circulated in Community Facilities District No. 2007-1 (Park Maintenance Services).

I HEREBY CERTIFY that the foregoing ordinance was first read at a regular meeting of the Council of the City of Pittsburg on the 16th day of January, 2007, and was passed and adopted at a regular meeting of the Council on the ____ day of _____, 2007.

AYES:

NOES:

ABSTAINED:

ABSENT:

Ben Johnson, Mayor

ATTEST:

Alice E. Evenson, City Clerk

[SEAL]



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

DATE: 7/25/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing a Competitive Application to Contra Costa County for the Community Development Block Grant for Fiscal Year 2017/18 Special Infrastructure/Public Utilities

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

Contra Costa County is requesting applications for additional Community Development Block Grant (CDBG) projects. Staff has identified a project area for curb ramp installations that will qualify for the grant and is requesting authorization to submit an application for this competitive grant.

FISCAL IMPACT

The total cost for the project to be requested with the grant application will be for a maximum of \$100,000. There will be a matching fund requirement of 25% of the project costs. The grant amount would be a maximum of \$75,000 with a \$25,000 match that is requested to be provided from the 2017/18 Citywide Pavement Management Project (Project 2212), which is currently funded with \$300,000 of Gas Tax funds. A Project Budget Summary is attached to this report.

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution authorizing Staff to apply to Contra Costa County for CDBG Fiscal Year 2017/18 Special Infrastructure/Public Utilities grant funding.

Staff recommends that the City accept the approved grant amount received as a result of the competitive grant application and direct Staff to deposit these funds along with the required matching funds previously allocated for the 2017/18 Citywide Pavement Management Project (Project 2212) in an account for use to construct the CDBG 2017/18 Special Infrastructure/Public Utilities Project.

BACKGROUND

Contra Costa County has issued a request for proposals from nonprofit organizations and others that serve the community that have “shovel ready” projects and are interested in applying for CDBG funds. The project would need to meet certain requirements and be able to be completed by March 31, 2018.

Staff has identified the need for 32 curb ramps to be installed in the area of Foothill Elementary School. The streets in the neighboring subdivision surrounding the school were constructed in the early 1970's without curb ramps on the corners. Streets without curb ramps are Gloria Drive, Jewett Avenue, Jensen Circle, San Miguel Circle, Palo Verde Drive, Jensen Drive, Rochelle Avenue, Sandalwood Court, and Alpine Drive. This neighborhood meets the eligibility requirements of the CDBG grant.

On June 19, 2017, the City Council approved Resoluiton 17-13337, approving the City's Operational Budget for Fiscal Year 2017-18 and appropriating funds. This Resolution allocated \$300,000 of Gas Tax funds to the 2017/18 Citywide Pavement Management Project.

Applications for the additional CDBG projects are due on Monday, August 14, 2017. An approved copy of the attached resolution is required as backup to the application.

SUBCOMMITTEE FINDINGS

N/A

STAFF ANALYSIS

Staff estimates that the total cost to design and construct 32 curb ramps in the Foothill Elementary area is \$230,000. The recommended maximum total project cost for the additional CDBG grant is \$100,000. This will not be sufficient to construct all of the ramps that are needed for the area.

Staff is currently designing Contract 2017-01, 2017/18 CDBG Sidewalk Replacement Project. Contract 2017-01 has been awarded a separate CDBG grant in the amount of \$178,671. This project is to complete the ongoing ADA sidewalk replacement on Buchanan Road between Harbor Street and Loveridge Road. Based on current estimates there will be sufficient funding remaining to construct several ramps on the streets listed above to help reduce the number of curb ramps needed around the school.

There is no guarantee that the City will receive the full grant amount requested for the proposed \$100,000 curb ramp project. Staff may be able to modify the project scope to adjust project costs to account for a reduced grant award amount if necessary.

Due to the already limited funding, Staff will need to determine the curb ramp installations that will be the most beneficial to the public. Further curb ramps will be constructed in the future when funding is allocated by City Council for that purpose.

ATTACHMENTS: Resolution
Project Funding Summary

Report Prepared By: Ronald A. Nevels, Senior Civil Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution to Authorize a Competitive)
Application to Contra Costa County)
For the Community Development Block)
Grant for Fiscal Year 2017/18 Special)
Infrastructure/Public Utilities)

RESOLUTION NO. 17-

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

WHEREAS, Contra Costa County has issued a request for proposals from nonprofit organizations and others that serve the community that have “shovel ready” projects and are interested in applying for Community Development Block Grant (CDBG) Fiscal Year 2017/18 Special Infrastructure/Public Utilities. The project would need to meet certain requirements and be able to be completed by March 31, 2018; and

WHEREAS, Staff has identified the need for 32 curb ramps to be installed in the area of Foothill Elementary School. The streets in the neighboring subdivision surrounding the school were constructed in the early 1970's without curb ramps on the corners. This neighborhood meets the eligibility requirements of the CDBG grant; and

WHEREAS, Staff estimates that the total cost to design and construct 32 curb ramps in the Foothill Elementary area is \$230,000; and

WHEREAS, the total cost for the project to be requested with the grant application will be for a maximum of \$100,000. There will be a matching fund requirement of 25% of the project costs; and

WHEREAS, on June 19, 2017, the City Council approved Resolution 17-13337, approving the City's Operational Budget for Fiscal Year 2017-18 and appropriating funds. This Resolution allocated \$300,000 of Gas Tax funds to the 2017/18 Citywide Pavement Management Project; and

WHEREAS, the grant amount would be a maximum of \$75,000 with a \$25,000 match that is requested to be provided from the 2017/18 Citywide Pavement Management Project (Project 2212), which is currently funded with \$300,000 of Gas Tax funds; and

WHEREAS, Staff requests authorization to apply to Contra Costa County for CDBG Fiscal Year 2017/18 Special Infrastructure/Public Utilities; and

WHEREAS, Staff further requests that the City accept the approved grant amount received as a result of the competitive grant application and direct Staff to deposit these funds along with the required matching funds previously allocated for the 2017/18 Citywide Pavement Management Project (Project 2212) in an account for use to construct the CDBG 2017/18 Special Infrastructure/Public Utilities Project.

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

Section 1.

The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City Council set forth below.

Section 2.

City Council hereby authorizes Staff to apply to Contra Costa County for CDBG Fiscal Year 2017/18 Special Infrastructure/Public Utilities grant funding.

Section 3.

The City Council hereby accepts the approved grant amount received as a result of the grant application.

Section 4.

Staff is hereby directed to deposit grant funds received along with the required matching funds previously allocated for the 2017/18 Citywide Pavement Management Project (Project 2212) in an account for use to construct the CDBG 2017/18 Special Infrastructure/Public Utilities Project.

Section 5.

The City Manager is hereby authorized to execute such documents as required to complete the grant application.

Section 6.

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

Section 7.

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 7th day of August 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

CDBG 2017/18 Special Infrastructure/Public Utilities Project
Project (2208)

Project Funding:

2017/18 Citywide Pavement Project (2212)	\$25,000
CDBG Grant Request	\$75,000
Funding Total	\$100,000

Project Expenditures:

Design: (Code 2122)	See Staff Time Below	0
	Subtotal	

Miscellaneous: (Code 1399)	Advertising	0
	Reproduction	0
	Subtotal	

Construction: (Code 2281)	Estimated Construction	\$90,000
	Subtotal	\$90,000

Staff Time: (Code 1101)	Staff Time During Design	\$5,000
	Staff Time During Construction	\$5,000
	Subtotal	\$10,000

Admin: (Code 2372)	Staff Administrative Overhead During Design	\$0
	Staff Administrative Overhead During Construction	\$0
	Subtotal	\$0

Expenditures Total **\$100,000**



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

DATE: 7/26/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution to Accept Contract 2014-11, Southeast Hills Water Transmission Pipeline Project as Complete and Authorize the City Engineer to File a Notice of Completion

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

Contract 2014-11, Southeast Hills Water Transmission Pipeline Project (the "Project"), consisted of the construction of a new water transmission main in Buchanan Road from Railroad Avenue to Ventura Drive. This Resolution will accept the construction contract as complete and authorize the City Engineer to file a Notice of Completion.

FISCAL IMPACT

The Project was originally funded from four different sources as follows; \$15,260 of Water Operations Funds (WOF) (Fund 501), \$100,000 Facility Reserves (Fund 502), \$760,000 of Facility Reserves (Fund 505) and \$3,699,740 of Economic Development Bank (I-Bank) for a total of \$4,575,000.

To allow for faster drawdown of I-Bank funding, on June 19, 2017, the City Council approved Resolution 17-13329, re-allocating the funding amounts from the above sources as follows: \$790,798 of Water Operations Funds (WOF) (Fund 501), \$100,000 Facility Reserves (Fund 502), \$760,000 of Facility Reserves (Fund 505) and \$2,924,202 of Economic Development Bank (I-Bank). The total Project budget remains the same at \$4,575,000.

After payment of all expenditures for design, construction, and release of retention, staff estimates a remaining balance of \$10,000 of WOF can be returned to the source fund. A Budget Summary is attached to this staff report.

RECOMMENDATION

City Council adopt the attached resolution accepting the Contract as complete, authorizing the City Engineer to execute a Notice of Completion for the Project, and returning unspent funds (approximately \$10,000) to the WOF fund source for use on other water related projects.

BACKGROUND

The Project was for construction of a water transmission pipeline along Buchanan Road from Railroad Avenue to Ventura Drive. The City's 2010 Water Master Plan indicated that this transmission main was needed to accommodate growth in the Southeast Hills Area of the City.

On May 20, 2013, the City Council approved Resolution 13-11968, adopting the City's Five-Year Capital Improvement Program for 2013/14 through 2017/18 (CIP) which allocated funding for several projects. With adoption of Resolution 13-11968, CIP Project W-55, 24"/20"/16"/12" Main Buchanan Road was allocated \$400,000 of Water Operation Funds, and \$100,000 from Water Facility Reserves for a total Project budget of \$500,000.

On March 17, 2014, the City Council approved Resolution 14-12101 that reallocated \$220,000 from the Project to the Water Treatment Plant Capital Improvement Project, thereby reducing the total Project budget to \$280,000.

On March 16, 2015, the City Council approved Resolution 15-13019, allocating \$220,000 of I-Bank Loan funds to the Project and Authorizing a Consultant Agreement for Design of Contract 2014-11, Southeast Hills Transmission Waterline Project with Hydrosience Engineers, Inc. from Concord, California. The resulting Project budget was \$500,000.

On June 15, 2016, the City Council approved Resolution 15-13053, approving the City's operating budget for fiscal year 2015/16 and allocating \$1,590,000 of Water Operation Funds (Fund 501) and \$760,000 of Water Facility Reserve Funds (Fund 505) to the Project for a revised total Project budget of \$2,850,000.

On May 16, 2016, the City Council approved Resolution 16-13183, awarding Contract 2014-11, Southeast Hills Water Transmission Pipeline Project to Ghilotti Bros/Terracon Constructors Joint Venture of Healdsburg, California for a base bid of \$3,376,768. With adoption of this Resolution, additional funding of \$1,725,000 was allocated from 2005 Water Bond funds (Fund 500) to the Project budget (Project 5049) for a total Project budget of \$4,575,000.

On June 6, 2017, the City Council approved Resolution 17-13329, approving of a City Council Resolution to re-allocate Funding Sources for Various California Infrastructure and Economic Development Bank (I-Bank) Funded Projects. The total Project budget remained \$4,575,000.

SUBCOMMITTEE FINDINGS

NA

STAFF ANALYSIS

There were two contract change orders with this Project for a total amount of \$436,464.65.

The change orders included \$57,950 for installation of vehicle detection cameras; \$58,495.62 for re-striping; \$76,000 for removal and replacement of 2" of asphalt in the damaged or impacted by this Project. The remainder of the change order was for extra work related to mismarked utilities, re-installing a damaged storm water pipe, and additional potholing. A large portion of the contingency was spent on trench resurfacing on Buchanan Road where the asphalt was thicker than anticipated.

The Contractor reached substantial completion on May 26, 2017. The one-year warranty period began on May 26, 2017.

The total anticipated expenditures for the Project are \$4,564,942. After all expenditures are paid for design, construction, the release of retention, there will be approximately \$10,000 that may be returned to the source fund for use on other water related projects.

ATTACHMENTS: Resolution
Budget Summary
Notice of Completion

Report Prepared By: Mahta Khalatbari,
Civil Engineer II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution to Accept Contract 2014-11,)
Southeast Hills Water Transmission) RESOLUTION NO 17-
Pipeline Project as Complete and Authorize)
the City Engineer to File a Notice of)
Completion)

The Pittsburgh City Council DOES RESOLVE as follows:

WHEREAS, Contract 2014-11, Southeast Hills Water Transmission Pipeline Project (the "Project"), consisted of the construction of a new water transmission main in Buchanan Road from Railroad Avenue to Ventura Drive; and

WHEREAS, the Project was originally funded from four different sources as follows; \$15,260 of Water Operations Funds (WOF) (Fund 501), \$100,000 Facility Reserves (Fund 502), \$760,000 of Facility Reserves (Fund 505) and \$3,699,740 of Economic Development Bank (I-Bank) for a total of \$4,575,000; and

WHEREAS, to allow for faster drawdown of I-Bank funding, on June 19, 2017, the City Council approved Resolution 17-13329, re-allocating the funding amounts for above sources as follows: \$790,798 of Water Operations Funds (WOF) (Fund 501), \$100,000 Facility Reserves (Fund 502), \$760,000 of Facility Reserves (Fund 505) and \$2,924,202 of Economic Development Bank (I-Bank). The total Project budget remained \$4,575,000; and

WHEREAS, on May 16, 2015, the City Council approved Resolution 16-13183, awarding Contract 2014-11, Southeast Hills Water Transmission Pipeline Project to Ghilotti Bros/Terracon Constructors Joint Venture for a base bid of \$3,376,768; and

WHEREAS, there were two contract change orders with this Project for a total amount of \$436,464.65; and

WHEREAS, the change orders included \$57,950 for installation of vehicle detection cameras; \$58,495.62 for re-striping; \$76,000 for removal and replacement of 2" of asphalt damaged or impacted by the Project; and

WHEREAS, the remainder of the change order work was for extra work related to mismarked utilities, re-installing a damaged storm water pipe, and additional potholing. A large portion of the contingency was spent on trench resurfacing on Buchanan Road where the asphalt was thicker than anticipated; and

WHEREAS, the total contract amount, including two contract change orders is \$4,564,942; and

WHEREAS, the Contractor reached substantial completion on May 26, 2017 and the one-year warranty period began on May 26, 2017; and

WHEREAS, the total anticipated expenditure for the Project including design, construction, and staff costs is \$4,564,942; and

WHEREAS, there will be a total of approximately \$10,000 remaining in the Project budget that can be returned to the source fund for use on other water related projects.

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

Section 1.

The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City Council set forth below.

Section 2.

The Project is hereby accepted as complete.

Section 3.

The City Engineer is hereby authorized and directed to execute a Notice of Completion.

Section 4.

The remaining total estimated balance of approximately \$10,000 from the Project budget shall be returned to the source fund for use on other water related projects.

Section 5.

The City Clerk shall attach a certified copy of this Resolution to the executed Notice of Completion.

Section 6.

The City Engineer is directed to file said document with the Office of the Recorder of the County of Contra Costa, State of California, within ten (10) days from the date hereof.

Section 7.

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

Section 8.

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 7th day of August 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

Resolution No. 17-

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Budget Summary
Contract 2014-11, Southeast Hills Transmission Waterline Project
 Project 5049

Project Funding

Water Operations (Fund 501)	\$790,798
Facility Reserves (Fund 502)	\$100,000
Facility Reserves (Fund 505)	\$760,000
I-Bank Financing	\$2,924,202
Funding Total	\$4,575,000

Project Expenditures:

Design:

(Code 2122)

Hydroscience Consultant Agreement	\$393,134
Subtotal	\$393,134

Miscellaneous:

(Code 1399)

Advertising	\$801
Reproduction	\$453
Fedex	\$19
Miscellaneous	\$118
Subtotal	\$1,391

Construction:

(Code 2281)

Construction	\$3,813,233
Camera Installation	\$57,950
Material Testing	\$57,800
Subtotal	\$3,928,983

Staff Time:

(Code 1101)

Staff Time During Design	\$32,332
Staff Time During Construction	\$88,386
Subtotal	\$120,718

Admin:

(Code 2372)

Admin Overhead During Design	\$32,331
Admin Overhead During Construction	\$88,386
Subtotal	\$120,717

Expenditures

Total **\$4,564,942**

Remaining **\$10,058**

NOTICE OF COMPLETION

Upon Recording Return To:

City of Pittsburg
Engineering Records
65 Civic Avenue
Pittsburg, CA94565-3814

NOTICE IS HEREBY GIVEN PURSUANT TO SECTION 3093 OF THE CALIFORNIA CIVIL CODE:

1. That on the 16th day of May, 2016, the City of Pittsburg, State of California, did enter into a contract with:

Ghilotti/Terracon Constructors JV
PO Box 276
Healdsburg, CA 95448

as Contractor for certain improvement work: To wit,Contract 2014-11, Southeast Hills Water Transmission Pipeline Projectat 65 Civic Avenue, in Pittsburg, CA of which the City of Pittsburg is the Owner.

2. That the surety upon the bond of the Contractor for said improvement work is:

The Ohio Casualty Insurance Company
71 Stevenson Street #600
San Francisco, CA 94105

Fidelity and Deposit Company of Maryland
525 Market Street #2900
San Francisco, CA 94105

3. That said improvement work was accepted by the City Council of the City of Pittsburg as complete on the7th day of August, 2017.

Francis P. McKinley
City Engineer

State of California)
County of Contra Costa)

4. I, Francis P. McKinley, being first duly sworn, depose and say that: I am the City Engineer of the City of Pittsburg, a municipal corporation of the State of California, and I am authorized to make this verification for, and on behalf of, said City, that I have read the foregoing Notice of Completion and know the contents thereof; and the same is true to the best of my knowledge and belief.

Francis P. McKinley
City Engineer

A notary public or other officer completing this certificate
Verifies only the identity of the individual who signed the
Document to which this certificate is attached, and not the
truthfulness, accuracy. or validity of that document.

Subscribed and sworn to (or affirmed) before me on this day of , 2017 by
Francis P. McKinley proved to me on the basis of satisfactory evidence to be the person who
appeared before me. I certify under PENALTY OF PURJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

Amanda J. McVey, Notary Public



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

DATE: 7/25/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution to Accept Contract 2013-24B Dover Well Pump Station Project as Complete and Authorize the City Engineer to File a Notice of Completion

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

Contract 2013-24B Dover Well Pump Station Project (the "Project"), consisted of the construction of a drinking water well to replace the Rossmoor Well at 580 Frontage Road on Dover Way. This Resolution will accept the construction contract as complete and authorize the City Engineer to file a Notice of Completion.

FISCAL IMPACT

The Project was funded with \$1,200,000 of Water Operation Funds (WOF) and a \$430,000 Proposition 84 grant for a total budget of \$1,630,000 (Project 5045, Rossmoor Well Replacement).

After payment of all expenditures for design, construction, the release of retention, staff estimates a remaining total balance of \$69,000 that will be returned to the source fund. A more detailed Budget Summary is attached to this staff report.

RECOMMENDATION

City Council adopt the attached resolution accepting the Contract as complete, authorizing the City Engineer to execute a Notice of Completion, and returning all unspent funds (approximately \$69,000) to the fund source for use on other water related projects.

BACKGROUND

The Dover Well site is located at 580 Frontage Road and is adjacent to the existing Rossmoor Well. The previous Rossmoor Well was constructed in 1991 and provided

approximately 700 acre-feet per year of groundwater (220 million gallons). In 2011, a routine video survey revealed that the well casing for Rossmoor Well was in a deteriorated condition. Staff determined that the Rossmoor Well required replacement.

On July 16, 2012, the City Council approved Resolution 12-11847, adopting the City of Pittsburgh Five-Year Capital Improvement Program (CIP) 2012/13 through 2016/17, and allocating \$200,000 of Water Operation Funds (WOF) to the Project, identified in the CIP as "W-107: Design and Construction of a Replacement for Rossmoor Well."

On May 20, 2013, the City Council approved Resolution 13-11968, adopting the City of Pittsburgh Five-Year CIP 2013/14 through 2017/18, and allocating an additional \$1,000,000 of WOF to the Project, for a total Project funding amount of \$1,200,000.

On April 7, 2014, the City Council approved Resolution 14-12117, authorizing the City Manager to enter into a grant agreement with the California Department of Water Resources (DWR) for a Proposition 84, Round 2 grant in the amount of \$430,000, for construction of improvements related to the Dover Well Construction.

On March 16, 2015, the City Council approved Resolution 15-13014, accepting Plans and Specification and authorizing the award of Phase 1 to Roadrunner Drilling & Pump Company, Inc. Phase 1 was for drilling and capping the new well. The work and testing for Phase 1 was completed in June 2015.

On December 14, 2015, the City Council approved Resolution 15-13136, awarding Contract 2013-24B, Dover Well Construction to Pacific Infrastructure Corporation of Pleasanton, California for a base bid of \$768,000 to construct Phase 2 of the Project. Phase 2 was for construction of the well house, site improvements, pump, and plumbing for the new well.

The Project had one contract change order in the amount of \$19,476. The total resulting contract amount, including one change order is \$787,476.

SUBCOMMITTEE FINDINGS

NA

STAFF ANALYSIS

There was one contract change order with this Project for a total amount of \$19,476, approximately 17% of the contingency, which was set at \$115,200. The contract change order was for additional trench drain; revised flapper valve; removal of hazardous materials from the old building prior to demolition; demolition of an obstruction beneath the old building; installation of an additional 30' of permanent fencing; and additional work as required by PG&E. The Project had 317 extra calendar days added due to the delay with PG&E, ordering of the pump, and weather days.

The Contractor reached substantial completion on June 20, 2017. The one-year warranty period began on June 20, 2017.

The total anticipated expenditures for the Project are \$1,561,000. After all expenditures are paid for design, construction, the release of retention, there will be approximately \$69,000 that can be returned to the source fund for use on other water related projects.

ATTACHMENTS: Resolution
Budget Summary
Notice of Completion

Report Prepared By: Mahta Khalatbari, Civil Engineer II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution to Accept Contract)
2013-24B, Dover Well Pump Station) RESOLUTION NO. 17-
Project as Complete and Authorize the City)
Engineer to File a Notice of Completion)

The Pittsburgh City Council DOES RESOLVE as follows:

WHEREAS, Contract 2013-24B Dover Well Pump Station Project (the "Project"), consisted of construction of a drinking water well to replace the Rossmoor Well at 580 Frontage Road on Dover Way; and

WHEREAS, the Project was funded with \$1,200,000 of Water Operation Funds (WOF) and a \$430,000 Proposition 84 grant for a total budget of \$1,630,000 (Project 5045); and

WHEREAS, staff opened bids for the Project on November 18, 2015, and the lowest responsible and responsive bidder was Pacific Infrastructure Corporation of Pleasanton, California with a base bid in the amount of \$768,000; and

WHEREAS, on December 14, 2015, the City Council approved Resolution 15-13136, awarding Contract 2013-24B, Dover Well Construction to Pacific Infrastructure Corporation of Pleasanton, California for a base bid of \$768,000 to construct Phase 2 of the Project; and

WHEREAS, phase 2 was for construction of the well house, site improvements, pump, and plumbing for the new well; and

WHEREAS, the Project had one contract change order for a total amount of \$19,476; and

WHEREAS, the change order was for additional trench drain, revised flapper valve; removal of hazardous materials from the old building prior to demolition; demolition of an obstruction underneath of the old building; installation of an additional 30' of permanent fencing; and additional work as required by PG&E; and

WHEREAS, the Project had 317 extra calendar days added due to the delay with PG&E, ordering of the pump, and weather days; and

WHEREAS, the total contract amount, including one change order is \$787,476;
and

WHEREAS, the Contractor reached substantial completion on June 20, 2017;
and

WHEREAS, the one year warranty period began on June 20, 2017; and

WHEREAS, the total anticipated expenditure for the Project including design, construction, and staff costs is \$1,561,000. This also includes costs from Phase 1 of the Project (drilling and capping the new well); and

WHEREAS, there will be a total of approximately \$69,000 that can be returned to the source fund for use on other water related projects.

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

Section 1.

The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City Council set forth below.

Section 2.

The Project is hereby accepted as complete.

Section 3.

The City Engineer is hereby authorized and directed to execute a Notice of Completion.

Section 4.

The remaining total estimated balance of approximately \$69,000 from the Project budget shall be returned to the source fund for use on other water related projects.

Section 5.

The City Clerk shall attach a certified copy of this Resolution to the executed Notice of Completion.

Section 6.

The City Engineer is directed to file said document with the Office of the Recorder of the County of Contra Costa, State of California, within ten (10) days from the date hereof.

Section 7.

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

Section 8.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 7th day of August 2017, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Project Budget Summary

Contract 2013-24B, Dover Well Construction and Testing Project Project 5045

Project Funding	Water Operations Fund	\$1,200,000
	Proposition 84 Grant	\$430,000
Funding Total		\$1,630,000

Project Expenditures:

Design: (Code 2122)	Consultant Design	\$230,000
	Subtotal	\$230,000

Miscellaneous: (Code 1399)	Advertising	\$679
	Reproduction	\$1,267
	Miscellaneous	\$1,868
	Subtotal	\$3,814

Construction: (Code 2281)	Dover Well Construction and Testing (Phase 1)	\$258,376
	Phase 1 Change Orders	\$5,472
	Dover Well Pump Station Project (Phase 2)	\$768,000
	Phase 2 Change Orders	19,476.00
	Material Testing	\$10,464
	PG&E	\$18,769
	Building Permit	\$6,125
	Consultant Construction support	\$23,352
	Labor Compliance Consultant	\$35,000
	Well Drilling Permits	\$12,152
Subtotal		\$1,157,186

Staff Time: (Code 1101)	Staff Costs for Design Phase	\$15,000
	Staff Construction Management Costs for Const	\$70,000
Subtotal		\$85,000

Admin Overhead (Code 2372)	Staff Costs for Design Phase	\$15,000
	Staff Construction Management Costs for Const	\$70,000
Subtotal		\$85,000

Expenditures Total	\$1,561,000
Remaining	\$69,000

NOTICE OF COMPLETION

Upon Recording Return To:

City of Pittsburg
Engineering Records
65 Civic Avenue
Pittsburg, CA94565-3814

NOTICE IS HEREBY GIVEN PURSUANT TO SECTION 3093 OF THE CALIFORNIA CIVIL CODE:

1. That on the 14th day of December, 2015, the City of Pittsburg, State of California, did enter into a contract with:

Pacific Infrastructure Corp.
435 Boulder Court, Suite 200
Pleasanton, CA 94566

as Contractor for certain improvement work: To wit,Contract 2013-24B, Dover Well Pump Station Intersection of Dover Way & Frontage Roadat 65 Civic Avenue, in Pittsburg, CA of which the City of Pittsburg is the Owner.

2. That the surety upon the bond of the Contractor for said improvement work is:

Virginia Black
The Ohio Casualty Insurance Company
71 Stevenson Street
San Francisco, CA 94105

3. That said improvement work was accepted by the City Council of the City of Pittsburg as complete on the7th day of August, 2017.

Francis P. McKinley
City Engineer

State of California)
County of Contra Costa)

4. I, Francis P. McKinley, being first duly sworn, depose and say that: I am the City Engineer of the City of Pittsburg, a municipal corporation of the State of California, and I am authorized to make this verification for, and on behalf of, said City, that I have read the foregoing Notice of Completion and know the contents thereof; and the same is true to the best of my knowledge and belief.

Francis P. McKinley
City Engineer

A notary public or other officer completing this certificate
Verifies only the identity of the individual who signed the
Document to which this certificate is attached, and not the
truthfulness, accuracy. or validity of that document.

Subscribed and sworn to (or affirmed) before me on this day of , 2017 by
Francis P. McKinley proved to me on the basis of satisfactory evidence to be the person who
appeared before me. I certify under PENALTY OF PURJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

Amanda J. McVey, Notary Public



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

DATE: 7/19/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution to Authorize the Harbor Master to make Minor Amendments to Marina Rules and Regulations

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

Per the Pittsburg Municipal Marina's Rules and Regulations, "The Harbor Master, or a duly authorized appointee, shall be the City's representative in charge of all marina operations." As an independent enterprise that serves the public 24 hours a day, seven days a week, it is important that the Harbor Master has a limited range of discretion for minor amendments when enforcing the Rules and Regulations of the Pittsburg Municipal Marina (Marina).

FISCAL IMPACT

Fiscal impact will be limited as proposed berth rental rate discretion will be limited to a 5% increase or decrease of fees approved per the City's annual fee schedule, and to a maximum of 10 berths. For example, per fiscal year 2017 berth rates, a 5% fluctuation in the most expensive annual lease would have affected the Marina's revenues by only +/- \$365. At the proposed limit, the maximum fiscal impact in fiscal year 2017 would have been +/- \$4,380.

RECOMMENDATION

City Council adopt the Resolution granting the Harbor Master or a duly authorized appointee a limited range of discretion for Minor Amendments to the Rules and Regulations of the Marina.

BACKGROUND

The Harbor Master, or "City's representative in charge of all Marina operations," is charged with conducting the Marina in a way that generates revenues at self-sustaining levels (Marina Rules and Regulations). The Marina Rules and Regulations also name the Harbor Master as responsible for enforcement of local Rules and Regulations, as well as regional,

statewide, and national laws. As a Marina that serves local and distant transient vessels as well as short and long-term tenants on a 24-hour a day basis, the Marina staff encounter complex situations that require discretion in enforcing these rules, regulations, and laws while balancing the Marina's financial responsibilities.

The City Council currently allows an "Amendments" clause in the City's Master Lease Agreement which gives the City Manager limited discretion in the execution of property leases in the City. Similar to the Amendments clause in the Master Lease Agreement, the proposed minor amendments shall be limited including modifications that do not make a substantive change, modification or deviation to the Pittsburgh Municipal Marina Rules and Regulations regarding but not limited to berth rental rates, maintenance responsibilities, square footage available for lease, and lease terminations. Additionally, proposed Minor Amendments will require approval by the prior written consent of the Harbor Master. The Harbor Master's determination as to the status of any Minor Amendment would be final. The Harbor Master also would, at his/her discretion, determine that a Minor Amendment shall be reviewed and acted upon by the City Manager and not by the Harbor Master.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The purpose of authorizing minor amendments is to facilitate efficiency and fairness, and therefore increased service levels for boaters, when enforcing Pittsburgh Municipal Marina Rules and Regulations. It is also a pertinent component in maintaining a safe, orderly and peaceful Marina as described in the Marina's Mission Statement.

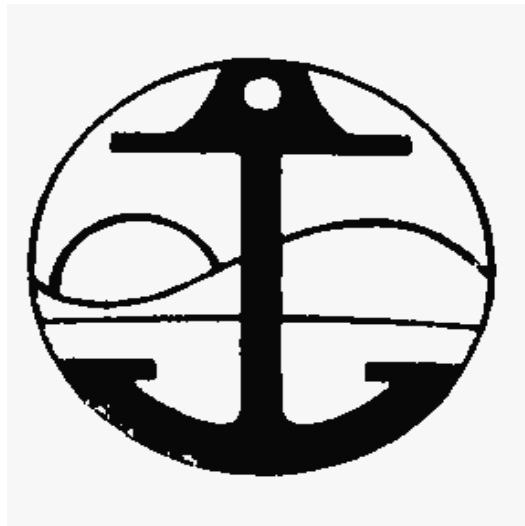
It is proposed that berth rental rate discretion be limited to a 5% increase or decrease of fees approved per the City's annual fee schedule, and to a maximum of 10 berths. The proposed range of discretion was derived in order to minimize negative impacts on the Marina's revenue while allowing a beneficial level of discretion for the management of the Marina.

If approved, the Resolution will authorize the Harbor Master or duly authorized appointee to exercise a limited range of minor amendments when enforcing Rules and Regulations of the Pittsburgh Municipal Marina.

ATTACHMENTS: Resolution
Rules and Regulations of the Pittsburgh Municipal Marina

Report Prepared By: Sara Aliotti, Analyst II

RULES AND REGULATIONS OF THE PITTSBURG MUNICIPAL MARINA



Pittsburg Municipal Marina
51 E Marina Blvd.
Pittsburg, CA 94565
(925) 439-4958

MISSION STATEMENT

The spirit and intent of these Rules and Regulations is to provide a clean, safe, orderly and peaceful Marina for your vessel, and for those individuals permitted to live here.

If this rulebook does not specifically say you can do something consider it not allowed.

PITTSBURG MUNICIPAL MARINA
51 E MARINA BLVD.
PITTSBURG, CA 94565
RULES AND REGULATIONS

Section 1 – DEFINITIONS

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases shall have the meaning ascribed to them as follows:

- A. “BERTH” shall mean a place to tie a vessel assigned by the Harbor Master.
- B. “CHANNEL” shall mean any waterway now navigable by vessels including the structure and facilities created to facilitate navigation.
- C. “CITY” shall mean the City of Pittsburg.
- D. “FLOAT” shall include any floating platform normally used for the mooring or securing of vessels.
- E. “MARINA” shall mean a portion of inland waters within the jurisdiction of the City including public lands and shore, and the structures and facilities provided within the enclosed body of water and shore for the mooring and servicing of vessels and the servicing of their crews and passengers.
- F. “HARBOR MASTER” shall mean the person charged with the daily operations of the Marina or his duly authorized representative.
- G. “PIER” shall mean a structure built out into the water with piles for use as a landing place.
- H. “ON LIFE SUPPORT” shall mean any vessel requiring full time electrical use of bilge pumps to keep afloat.
- I. “RESIDENCE” shall mean any vessel, located within the Marina boundaries, used as a residence in accordance with State of California definitions of a “Residence” as amended from time to time.
- J. “RESIDENTIAL PRIVILEGES” shall mean the month to month contract by which a permittee will rent a berth to be used as a residence, (Live Aboard).
- K. “ONE VISIT REPAIR” shall mean a single repair of an unscheduled nature. A repair that is not part of normal maintenance.

Section 2 – HARBOR MASTER

The Harbor Master for the Pittsburg Marina, or a duly authorized appointee, shall be the City's representative in charge of all Marina operations. All persons entering the Marina area, whether by boat or as pedestrians, should contact the Harbor Master in regards to the rules and operational procedures of these docking facilities.

The Harbor Master shall interpret and enforce the rules, regulations, and ordinances pertaining to the Pittsburg Marina. In the absence of the appointment of a Harbor Master, the duties of the Harbor Master shall be exercised by the City Manager or any assistant, deputy, or employee designated by him.

Every vessel entering the Marina shall immediately become subject to the order and direction of the Harbor Master and he/she will have authority to enter upon any vessel in the Marina in the performance of his/her duties.

The Harbor Master, or his/her assistants, shall have the authority to designate the area in which any vessel shall be berthed and may require any vessel to change its berth in the Marina. If a vessel does not change berths after notification, it may be moved by the Harbor Master and towing charges added. Vessels may anchor in the Marina only with the permission of the Harbor Master.

The Harbor Master, or his/her authorized representative, may refuse Marina use to any vessel at his/her discretion. For example, derelict boats, vessels needing major overhaul and non-self-propelled vessels other than sailboats.

Section 3 – LIABILITY AND VESSEL INSURANCE

- A. Pittsburg Marina personnel will provide assistance to tenants and other vessels as feasible and during emergency situations. However, the vessel owner shall be responsible and assume all liability for damages caused to City property, or to other vessels within the Marina. Owner agrees to pay any damage caused by his/her vessel, family, guests, employees or agents.
- B. Lessee shall procure and maintain, for the duration of this Lease Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Lessee's use of the Pittsburg Municipal Marina. The cost of such insurance shall be borne by the Lessee and shall in the amounts of no less than Three Hundred Thousand Dollars(\$300,000) combined single limit (CSL) for each occurrence.

Section 4 – REGISTRATION AND NUMBERING

- A. The owners of every undocumented vessel entering and berthing in the Marina must be registered and numbered as provided by the laws of the State of California, or the State in which it is registered. The owner shall keep the registration of each vessel current.
- B. The owners of documented vessels entering the Marina shall furnish all information relating to the vessel and the ownership thereof as may reasonably be required by the Harbor Master.

Section 5 – COMPLIANCE WITH RULES AND REGULATIONS

All persons using the Marina shall comply with all of the Rules and Regulations adopted by the United States of America, State of California, and local agencies with regard to water safety requirements, operation and maintenance of boats. The Harbor Master is authorized to enforce all said Rules and Regulations and to deny use of the facilities at said Marina for violation of said Rules and Regulations.

Section 6 – VIOLATION OF RULES AND REGULATIONS

- A. An applicant for a berth assignment agrees by his/her signature on the application form, to comply with these Rules and Regulations.
- B. The Harbor Master shall have the right to deny the use of the Marina and to cancel the berth assignment and require removal of any boat of any owner, who in the opinion of the Harbor Master fails to comply with the Rules and Regulations of the Pittsburg Marina.

Section 7 - PENALTY

Every person violating the provisions of these Rules and Regulation, local laws and Harbors and Navigation laws, shall be deemed guilty of an infraction and subject to eviction from the Pittsburg Marina. That will include any threats made against the Harbor Master, his/her assistants or other tenants in the Marina.

Section 8 – ENFORCEMENT

The Harbor Master, his/her assistants and Pittsburg Police Department shall enforce the provisions of this document, local laws, and the provisions of the Harbors and Navigation codes.

Section 9 – BERTHING

- A. There are two classes of berth rentals in the Pittsburg Marina; permanent and transient.
 - 1. Permanent rentals are made to owners desiring to berth their boats for a period of one month or longer.
 - 2. Transient rentals, as available, are assigned to owners desiring to berth their boats for one month or less.
- B. Applications for berths in the Marina shall be made to the Harbor Master on the forms furnished by him/her. Berth assignments will be made according to the precedence of the request.
- C. Every boat shall be berthed in the space assigned by the Harbor Master. The Harbor Master shall designate the proper berth size. No exchanges of berths between boat owners will be permitted without the prior approval of the Harbor Master.
- D. An Owner, upon approval of the Harbor Master, may retain the same berth assignment for another boat owned by him/her provided the latter boat is within the classification of the berthing space assigned.
- E. The Harbor Master will not recognize the sale or change of ownership of any vessel berth within the Pittsburg Marina in regards to berth assignment, berth, fee and or overall responsibility, until vacate documents are completed and new ownership is approved through the application process. No guarantee is made or implied that any vessel sold in the Pittsburg Marina will be reinstated under new ownership or given preference over applicants on a waiting list.
- F. The berth assignment of any berth holder, absent from his/her assigned berth, for a total of less than six (6) months in any twelve month period shall be cancelled. The only exception to this rule shall be an extended absence for a bona fide reason of which the Harbor Master has been informed in writing prior to the absence. The Harbor Master may require reasonable proof of the continued ownership and location of the vessel from time to time during the absence from the Marina. **Subletting is not allowed.**
- G. The holder of a permanent berth assignment of a specific size has no right to a larger berth in the event the holder purchases a larger boat, and must apply for the assignment of an appropriate berth in accordance with Marina Rules and Regulations. Berthing of a boat, the size of which is greater than that of the berth assigned to the holder, is not permitted.
- H. A berth holder that desires to cancel a berth agreement must give a two (2) weeks advance notice. To cancel a berthing agreement, a vacate form must be completed and arrangements will be made to credit your bill with any advance

payments that have been made. Berth holders must return all security keys and pay any outstanding bills that have been incurred.

- I. The Harbor Master shall have the authority to move, or relocate in the Marina, any boat berthed therein, that is in violation of any rules and regulations and has failed to cure such violation within ten (10) business days following written notice from the Harbor Master of the nature of the violation and demand to cure, or if such relocation is required for the safety and protection of persons or property, or is appropriate in order to obtain optimum utilization of facilities available. Owner also hereby appoints the Marina as his/her agent for designating a place of storage and safekeeping at his/her expense in the event that the Marina cannot store the boat described above on its own premises. Under the provisions of this contract, owner shall also reimburse the Marina for the cost of removal and transportation to and from said storage facility. Owner hereby grants the Marina permission to board the vessel for the said purpose.
- J. Unauthorized berth occupancy is prohibited and the Harbor Master is authorized to move or secure the boat until berthage has been assigned and fees have been paid. Unauthorized boats may be charged with trespassing.
- K. No vessel may be berthed in a manner, bow first or stern first, which results in any part of the vessel extending more than 2 feet beyond the end of the dock. All extra vessels such as dinghies must be moored within dock space assigned. All extra vessels moored in other berths will be considered unlawfully berthed and may be moved by the Harbor Master at the owner's expense.

Section 10 – BERTHING CHARGES

All charges for rent shall be due and payable monthly in advance of or before the first day of each month and shall be delinquent on the 15th day of each month for which the payment is due. All charges for service and supplies shall be due upon billing and shall be delinquent fifteen (15) calendar days thereafter. If any payment is delinquent as provided herein, a penalty of ten percent (10%) shall be added and paid in addition hereto.

Section 11 - NON-PAYMENT OF CHARGES

- A. Any berth assignment, the fees for which are 15 days delinquent shall be given a 30 day written warning.
- B. No person shall remove or cause to be removed from the Marina any vessel upon which charges for berthing or any other proper charges, are delinquent, without paying all such delinquent charges.
- C. In accordance with the provisions of Division 3, Chapter 2 of the Harbors and Navigation Code of the State of California, the charges for berthing fees or charges for service liens upon a vessel, and when these are delinquent fifty (50) days or more, an action may be brought against the owner or berth holder to enforce payment of the lien by the Harbor Master, and the vessel with all its

appurtenances and furnishing may be attached as security for the satisfaction of any judgment that may be recovered in the action.

If the attachment is not discharged, and the judgment is recovered, and an execution is issued thereon, the vessel and all of its appurtenances and furnishings may be sold at public auction and the proceeds applied in accordance with the above provisions of the Harbors and Navigation Code.

- D. Any berth holder whose berth rent payment is delinquent on three (3) or more occasions within a three (3) year period shall be designated a “Habitual Late Payer.” The Harbor Master shall have the option to terminate the berthing agreement of any “Habitual Late Payer” on the occasion of any subsequent delinquencies in payment of berth rent.

Section 12 – MAINTENANCE AND CARE OF BERTHING, ANCHORING AND MOORING OF VESSELS

No person shall willfully or carelessly destroy, damage, deface, or interfere with any public property within the Pittsburg Marina including docks, restrooms, showers, laundry room, and parking areas. No person shall alter any berth or install or construct anything in the Pittsburg Marina without prior written permission from the Harbor Master.

- A. All vessels shall be berthed and secured with proper care and equipment, and such berthing or equipment shall be maintained at all times in such a condition as to meet with the approval of the Harbor Master.
- B. In the event that vessels are not so maintained, the Harbor Master may supply lines or fittings, or replace inadequate lines and fittings or may care for the vessel in such a manner as to minimize damage to the vessel or floats. A charge for this service and for any lines, fittings and materials used and supplied by the Harbor Master to protect vessels is not returnable.

Section 13 – MAINTENANCE OF VESSELS

- A. It is the vessel owner’s responsibility to monitor and maintain the corrosion protection system on his/her vessel as specified by the manufacturers of that vessel.
- B. Repair or the maintenance of a vessel may be accomplished while such vessel is in its berth provided all such work is done within the confines of the vessel itself and is not carried on in any manner whatsoever upon floats, gangways, docks or boats. All materials used in such repair or maintenance work must also be kept within the confines of the vessel and may not be kept upon floats, gangways or docks. Spray painting is not permitted in the Marina.
- C. All vessels must be maintained in a reasonable manner and not allowed to become unseaworthy or in deteriorated condition.
- D. All vessels not maintained to reasonable standards will be given a 30-day notice of cancellation of berth privileges.

- E. Any and all canvas on a boat must be maintained in a reasonable condition, free of tears, rips, etc. No plastic tarps are allowed. All vessel coverings must be marine quality canvas material.
- F. No boat shall be materially or structurally altered, repaired, rebuilt or engine(s) removed /installed except in such authorized spaces as designated by the Harbor Master.
- G. No paint shall be removed by any means from any boat in a slip other than for minimum maintenance. All residual, paint and dust must be controlled and kept out of the marina waters and off other boats.
- H. Fueling and defueling of vessels other than at fuel pier is prohibited.
- I. Oil absorbent pads must be kept in bilge at all times.

Section 14 – SEAWORTHINESS

All berth holders shall use their vessels on a regular basis. Berth holders may be required to demonstrate to the satisfaction of the Harbor Master that the vessel is capable of navigating under its own power. All vessels must be maintained in operable condition for emergency purposes. Any vessels designated as “sinkers” by the Harbor Master are subject to Eviction.

Section 15– CONTINUOUS USE OF VESSEL

A vessel that is berthed in the Marina can be used for eating and sleeping purposes for a period not to exceed 3 days in any seven-day period. Any owner or operator wanting to use his/her vessel longer than 3 days must notify the Harbor Master and may be designated to live aboard status and subject to live aboard rules specified in Section 38.

Section 16 – MAINTENANCE OF FLOATS, DOCKS, GANGWAYS, ETC.

- A. Floats, gangways, top of lockers and docks shall be kept clear at all times, of skiffs, tenders, miscellaneous gear, debris or other hazardous obstructions.
- B. Any condition aboard or around any boat, float, or gangplank caused by the berth holder, which, in the opinion of the Harbor Master constitutes a fire hazard, health menace, or danger to public safety, shall be corrected or removed immediately to the satisfaction of the Harbor Master. In the event of the refusal or neglect of the owner to remedy forthwith the said conditions the Harbor Master shall effect such correction or removal and may cancel the berth assignment for non-compliance.
- C. Boarding platforms or ladders on floats shall be permitted, subject to the prior approval of the Harbor Master, provided that any platform used for boarding shall not be over eighteen (18) inches in width and not over three (3) feet high, and shall be of a lightweight construction. The platform shall not be used as a storage locker. Any deviation in specifications must be approved by the Harbor Master.

- D. No person shall build or place in or about the Marina, any structures, such as walkways, gangplanks, finger floats, rubbing piles, dock boxes, etc. without prior written approval of the Harbor Master.
- E. Dock Boxes are not allowed. All existing dock boxes will be removed as opportunities arise.
- F. All garbage must be deposited in receptacles furnished by the City for that purpose, or removed from the Marina area. Receptacles provided by the City shall be used only for refuse generated at the Marina. No garbage, trash tree trimmings, grass clippings, discarded furniture, appliances, junk, etc., from outside the Marina area shall be placed in the trash receptacles.
- G. The City of Pittsburg will not be liable for any cost, damage, or service charge incurred in the event that City staff or its agents must act to remove or contain the above discharged or dumped materials. In addition, a service fee will be charged to the responsible party for staff time, materials and equipment used for containment or removal.
- H. Fuel containers may not be stored on docks or walkways. Fuels stored in vessels must be in proper containers and not visible from docks.
- I. Batteries, waste oil or any other hazardous substance may not be placed on any docks, floats or gangways at any time. All such hazardous substances must be hauled for proper disposal to the appropriate facility designated by the Harbor Master.

Section 17 – PUMPING AND RAISING

- A. If in the opinion of the Harbor Master, a boat is in danger of sinking he/she may pump out the water from the vessel and charge the cost of the emergency service to the berth holder, in accordance with the fee schedule established by the City of Pittsburg.
- B. Any vessel requiring more than one pump out to avoid sinking will be considered unseaworthy.
- C. Any vessel requiring electrical lifeline support for continuous pumping to avoid sinking will be considered unseaworthy.
- D. All vessels considered to be unseaworthy by the Harbor Master will be given a 30-day notice of cancellation of berth assignment.

Section 18 – ABANDONED VESSELS

- A. It is unlawful for any owner or other person in control of any vessel to abandon any vessel, watercraft or object in the Marina or on the tidelands or submerged lands.

- B. Any such vessel, watercraft or other object may be removed and disposed of by the Harbor Master as provided by the Harbors and Navigation code. The cost of such removal and disposition incurred shall be paid by the owner or person in control of such vessel, watercraft or other object.

Section 19 – SUNKEN VESSELS

- A. Any owner or operator of a vessel, watercraft or object which sinks accidentally or otherwise within the Marina or entrance thereto, shall immediately mark it with a buoy or beacon by day and by a lantern or light by night and maintain such markings until the sunken vessel, watercraft or obstruction is removed.
- B. The owner or operator of a vessel, watercraft or object shall immediately advise the Harbor Master of the sinking and immediately commence removal of such vessel, watercraft or object and prosecute the removal diligently to completion.
- C. If the owner or operator of such sunken vessel, watercraft, or other object fails, neglects or refuses to remove such sunken vessel, watercraft or other object in a reasonable time, the Harbor Master may cause the removal of such vessel, watercraft or other object and dispose of it as provided by the Harbors and Navigation Code or other applicable law.
- D. The owner or owners of such vessel, watercraft or object shall be liable to the City or its service vendor for costs incidental to the removal raising and/or disposition.
- E. In the event a sunken vessel discharges any oil and or hazardous substance into the water, it shall be the responsibility by law for the sunken vessel owner/operator to contact and advise the Coast Guard Marine Safety Station at (415) 671-5016 or 1-800-424-8802 that an oil and/or hazardous spill has occurred. (33 United States Code 1321).
- F. It shall also be owner/operator responsibility to assume all liability and cost incurred for the removal of oil or hazardous substance discharged into the water. (33 United States Code 1321).
- G. Oil/hazardous substance includes oil of any kind or in any form including, but not limited to petroleum, fuel oil, sludge oil, refuse oil, mixed waste and other substance declared hazardous by Coast Guard regulations.
- H. A fee will be charged to owners/operators of sunken vessels for all City of Pittsburg staff time, equipment and material expended relative to the sunken vessel.

Section 20 – USE OF WATER AND ELECTRICITY

- A. Charges for water and electricity under normal usage are included in mooring fees.

- B. Continuous use of water for siphoning is prohibited except in the case of emergency. The existence and nature of the emergency shall be reported immediately to the Harbor Master.
- C. Excessive use of electricity for heating, cooling and other purposes is prohibited. If the Harbor Master is of the opinion that there is excessive use of electricity by a berth holder, he/she may attach a meter to the outlet for measuring actual consumption.
- D. Only marine approved electrical connections shall be allowed. Only marine approved shore power cords may be used.

No household extension cords for dockside power shall be used to transfer shore power.
- E. Any vessel requiring multiple cords for multiple bilge pumps, and is therefore on continuous electrical life support will be evicted.

Section 21 – LABOR AND SERVICES FOR HIRE

No person shall perform any work on, or provide any service to any lessee or boat within the Marina for which said person received a fee, compensation or any other thing of value, unless said person has first complied with the following provisions.

- A. A business license has been obtained from the City of Pittsburgh.
- B. Permission granted to enter the docking facility by the Harbor Master.
- C. Acknowledges to agree to perform such service or work in conformity with regulations imposed by the Harbor Master.
- D. Has proof of liability insurance.
- E. Harbor Master must approve “one visit repairs”. Maximum of one “one visit repair” per year is allowed.

Section 22 – TEMPORARY CLOSINGS

Marina assets, such as parking lots, basins, docks, etc. may be closed temporarily for dredging repairs, maintenance repairs, city wide festivals, water sport activities, etc. The Harbor Master will attempt to give notification of any such closures.

Section 23 – ACCIDENT REPORTS

A duplicate copy of any report of any accident occurring in the Marina shall immediately be filed with the Harbor Master.

Section 24 – BBQ RULES OF OPERATION

- A. No open fires
- B. A water supply must be available within 3 feet of BBQ such as, water hose or bucket of water.
- C. A fire extinguisher must be available within 20 feet.
- D. A BBQ must not be left unattended at anytime.
- E. A BBQ must be sufficiently small so it can be stored aboard a vessel.
- F. Due to all wood construction there is no dockside BBQ allowed in sheds 1, 2, and 3. Sheds 1, 2, and 3 will require marine approved BBQ that suspends out over the water.
- G. All tenants using a BBQ understand and accept full responsibility for any BBQ related fires or other incidents of harm to other tenants or their property.

Section 25 – MINORS IN MARINA

No person under the age of sixteen (16) years may go, remain, or be upon any of the gangways, floats or vessels in the Marina, unless such person is accompanied by an adult.

Section 26 – FISHING

- A. No fishing from rocks lining the Marina shoreline. No climbing over barriers onto non-pedestrian areas for the purpose of fishing. No fishing from docks other than the dock containing the berth the tenant has been assigned.
- B. Cleaning of fish on floats, docks and gangways is strictly prohibited within Marina.
- C. All fish caught outside Marina must be processed daily. No person shall throw fish overboard at the dock or from vessel within Marina. No fish shall be discarded in Marina trash bins.

Section 27 – UNNECESSARY DISTURBANCE

The owner of the vessel is responsible for his/her conduct and action of his/her crew and guests at all times. No excessive noise, constant boarding and debarking of vessel, propping open gates, etc., especially from 10:00 p.m. to 7:00 a.m., shall be allowed. Violation of this rule shall be cause for cancellation of the berth assignment by the Harbor Master.

Section 28 – SWIMMING IN MARINA PROHIBITED

No person may swim, bathe, or wade in any portion of the Marina, with the exception of entering the water to clean or maintain the bottom of a vessel. Bottom cleaning by tenant entering the water must be approved by Harbor Master.

Section 29 – ANIMALS

- A. In accordance with county and city regulations, no person owning or possessing any animal, licensed or unlicensed, shall permit it to be at large within the Pittsburg Marina. Dogs or other animals must be kept under restraint by leash or other secure methods while within the Marina area.
- B. Tenants allowing their animals to defecate on docks, floats, gangways, etc. will be evicted.
- C. Tenants will not allow their animals to become a nuisance.

Section 30 – DISPOSING OF REFUSE

- A. No person shall throw, discharge or deposit from any vessel or from the shore or float any refuse matter of any kind whatsoever into or upon the waters of the Marina, or in, on or upon the banks, walls, sidewalks, or beaches of any waters within the boundaries of the Marina area.
- B. No person shall discharge upon the waters of the Marina any refuse from cooking activities; this includes food leftovers, dirty dishwater, etc.
- C. No person shall dump or discharge oil, spirits, inflammable liquid, or contaminated bilge water into the Marina.
- D. All garbage must be deposited in receptacles furnished by the Marina for that purpose, or removed from the Marina area.
- E. Oil, oily water, and batteries will be accepted and properly disposed of by Marina office.

Section 31 – SEWAGE AND SANITARY FACILITIES, PUMP OUTS

- A. It is unlawful for any person to discharge sewage into the waters of the Marina.
- B. No person shall operate or berth in the Marina any vessel equipped with a toilet unless such toilet is sealed or otherwise rendered inoperable or designed so that no human excrement can be discharged into the waters of the Marina.
- C. All tenants granted live-aboard status are subject to the regulations as written in Section 38 of this document.

- D. Pump out services are available at the Marina fuel dock.

Section 32 – RESTROOMS AND SHOWERS

- A. Several restrooms are located within the Marina area. If at any time a berther notices something unusual or that the restrooms are in need of service, the berther should notify the Marina office.
- B. These facilities are for tenant use only and are designated men-women. No co-ed showering is permitted

Section 33 – SECURITY, GATES, FENCES

In an effort to provide security for Marina tenants, boats, vehicles and other property we have a gate key system. This system is only as secure as the people using it.

- A. Anyone holding gates open, propping gates open, or disabling gates in any way will be subject to eviction.
- B. All areas within the Marina gate system are regarded as private property. Anyone observed within this area and not a guest of a Marina tenant will be regarded as a trespasser. Any past tenant having vacated or having been evicted entering this private property with a non-returned key will be regarded as a trespasser.
- C. Anyone observed jumping the fence or on another dock other than his/her own without permission will be regarded as a trespasser.
- D. All trespassers will be reported.

Section 34 – PARKING

- A. Parking allowance is one berth, one vehicle. An additional vehicle may be allowed at the discretion of the Harbor Master. Long-term parking is by permission only. All vehicles parked on Marina property must display a Marina parking decal, which can be obtained from the Marina office.
- B. No boats, trailers, or motor homes are allowed.

Section 35 – VESSEL TRAFFIC WITHIN THE MARINA

- A. As this public inlet is in cooperation with private docks and housing, the following sections shall apply to Marina park waters only.
- B. The water within the Marina Park shall be under the jurisdiction of the Pittsburg Municipal Marina.

- C. All applicable Marina rules and regulations shall be enforced to maintain public and vessel safety within this inlet.
- D. All vessels approaching or within the Marina must be operated in a safe and prudent manner and in no event shall the entrance to the Marina be blocked by boating activities.
- E. The speed of any vessel within the Marina shall not exceed five (5) miles per hour, except under emergency conditions.
- F. No vessel shall be operated in the Marina except for the purpose of entering or leaving a berth and necessary maneuvering in connection therewith.

Section 36 – CHARTER VESSELS

All charter vessels must obtain a permit from the Harbor Master and a business license from the City of Pittsburg prior to the use of any Marina facilities for the purpose of boarding or discharging passengers. Upon obtaining the permit, such vessels must use the area designated by the Harbor Master, must schedule their activities with the Marina Office, and pay fees established by the Pittsburg City Council.

Section 37 – SOLICITATION, ADVERTISING, AND SIGNS

- A. Solicitation of patronage in the Marina is prohibited.
- B. No person shall row, propel, navigate or maintain any vessel or float in the marina for the purpose of advertising.
- C. No signs of any kind or description shall be posted anywhere in the Marina without receiving prior approval from the Harbor Master.
- D. No vessel shall display a “For Sale” sign and/or price that is visible to the public. All such transactions must be handled by the tenant without request for showing vessel or allowing access to docks by Marina personnel.

Section 38 - VESSELS USED AS A RESIDENCE

Staying aboard a vessel four (3) nights in any seven (7) consecutive day/night period, regularly, will be considered residing on a vessel and a permit is required. The Harbor Master will consider written requests for temporary use of a vessel for residency such as vacation, temporary or visitor’s berthing, or extenuating circumstances or other reasonable use. Unauthorized use of a vessel as a place of residence may result in cancellation of the permit to berth the vessel in the Marina. The Harbor Master shall designate those berths available for residential status at his/her discretion, in accordance with any rules as provided by the Harbors and Navigation Code. Permittees and their vessels will be subject to the following conditions:

- A. Residential Privileges received from the Harbor Master by a permittee must be for a vessel minimum 28 feet in length, kept in good repair and in seaworthy condition. The vessels must not be permanently attached to the dock and must leave the Marina waters at least once for a minimum of four (4) hours in each ninety (90) day period. Only the owners of the vessel may reside aboard. The applicant shall furnish proof of ownership of the vessel for which residential privileges are requested. The vessel must be equipped with a telephone capable of accessing the local telephone system. The installation, maintenance and monthly cost of said telephone is to be borne solely by the permittee.
- B. The Harbor Master has the right to refuse a request for a vessel to be used as a residence in the Marina, for derelict vessels, vessels in need of substantial repairs, and vessels not in operational order as intended by design.
- C. Any emergency, unusual event or violation of regulations noted by the permittee shall be reported to the Harbor Master.
- D. Only a permittee with residential privileges and two (2) other persons may use the vessel as a residence. Persons who are not permittees may reside on the vessel only when a permittee is in residence. The Harbor Master is to be notified in writing of the names of all persons residing on the vessel. A vessel may not be rented out for residential purposes. **No subletting is allowed.**
- E. Residence privileges are not transferable with the sale of the vessel. Permittees who have residence privileges may purchase a new vessel and retain these privileges, if a suitable berth for the new vessel is available, and the vessel otherwise meets the requirements in subdivision (a) of this Section.
- F. The owner of a pet that creates a nuisance or generates in excess of three complaints will be required to remove that pet from the Marina. Unless on board a vessel, animals must be kept on a leash not exceeding six (6) feet in length. Pets are prohibited in the restrooms. Excessive violations may result in cancellation of the permit to berth vessel.
- G. Permission to use a vessel as a residence will be revoked if the Harbor Master receives continuous complaints of loud, boisterous, or unseemly conduct by those on board, or for violation of these or other Marina regulations as set forth herein.
- H. No signs for advertising or display shall be placed on the vessel.
- I. The vessel must be equipped with a sink, toilet, marine head, or other permanent waste receptacle, and must be equipped with a holding tank designed to retain all solid and liquid wastes until the wastes can be discharged into a sanitary sewer system or otherwise discharged according to law. The permittee will allow the Harbor Master to inspect such holding tank(s) from time to time upon demand. No waste matter from toilets, marine heads, holding tanks or any other such receptacle may be discharged into the waters of the Marina, and no waste or other matter may be discharged or thrown into said water.

- J. Permittees receiving residential privileges shall keep the area immediately surrounding their vessels in a sanitary and orderly condition to assure the preservation of the public health and safety. Extra dock boxes, lockers, clotheslines, bicycles on deck or dock, etc. are prohibited. Failure of any person residing on a vessel in the Marina to abide by these requirements will be cause for revocation of the privilege of using such vessel for residential purposes
- K. Payments of berthing fees and all other residence related charges must be kept current. If any charges become delinquent for thirty (30) days, the residence privilege will be revoked.
- L. At the end of each quarter of the calendar year, a permittee granted residence privileges must submit a log of his or her vessel's trips out of the Marina and a log of the dates the holding tank pump out station was used by the permittee.
- M. Permittees with residential privileges may park one vehicle in the Marina parking lot per person with a maximum of two vehicles at any one time.
- N. The use of any vehicle for the purpose of storage while parked in the Marina area is prohibited.
- O. Permittees with residential privileges must maintain a mailing address other than the Pittsburg Marina, and must have their mail delivered to such address.
- P. It is unlawful for any child under the age of sixteen (16) years to be upon any of the docks, gangways, floats or vessels in the Pittsburg Marina, unless accompanied by an adult.
- Q. The Harbor Master at his/her sole discretion may cancel the residential privileges upon giving thirty (30) days written notice to the permittee. The Harbor Master may order the immediate cancellation of a residential privilege if the vessel poses a danger to persons or property during a thirty-day cancellation notice period.

Section 39 – Contra Costa County Taxes

- A. Each berth holder will be responsible for county property taxes as determined by the County.

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BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a Resolution Authorizing)
the Harbor Master to Make Minor Amendments) RESOLUTION NO. 17-
to Marina Rules and Regulations)

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

WHEREAS, Pittsburgh Municipal Marina Rules and Regulations name the Harbor Master as responsible for enforcement of local Rules and Regulations, as well as regional, statewide, and national laws; and

Whereas, the Pittsburgh Municipal Marina is an independent enterprise responsible for producing revenues at self-sustaining levels, and;

WHEREAS, Pittsburgh Municipal Marina staff encounter complex situations that require discretion in enforcing these rules, regulations, and laws while balancing the Marina's financial responsibilities, and;

WHEREAS, limited discretion in enforcing Marina rules and regulations will foster a safe, orderly, and peaceful marina, therefore;

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 authorizes Harbor Master to make Minor Amendments to Marina Rules and Regulations.

Section 3.

Staff is hereby directed to cause the necessary data to be prepared and application to be signed and filed with the Division of Boating and Waterways.

Section 4.

The City Manager is hereby authorized to execute any and all documents and take such further actions as may be necessary or appropriate to carry out the City Council's direction pursuant to this Resolution.

Section 5.

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

Section 6.

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 7th day of August, 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: 7/26/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the Filing of an Application for Funding Assigned to MTC and Stating Assurance to Complete the BART Pedestrian Bicycle Connectivity Project

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

On June 21, 2017, the Contra Costa Transportation Authority (CCTA) approved a list of projects recommended for funding through the One Bay Area Grant, Cycle 2 (OBAG2) program. One of the projects included in this list is the BART Pedestrian Bicycle Connectivity Project. While CCTA has forwarded this list to MTC, the City will need to submit the attached resolution of local support as part of the OBAG2 process.

FISCAL IMPACT

The City anticipates an OBAG2 grant award of \$3,870,000 for the BART Pedestrian Bicycle Connectivity Project. The total project cost is estimated to be \$4,520,000. Matching funds for this project are anticipated to come from Measure J's Pedestrian Bicycle and Trails Facilities funds (\$600,000), and Transportation Development Act, Article 3 funds (\$50,000), which are pending. No additional City funds are requested.

RECOMMENDATION

City Council adopt the attached resolution authorizing the filing of an application for funding assigned to MTC, committing necessary matching funds, and stating assurance to complete the City Council adopt the attached resolution authorizing the filing of an application for funding assigned to MTC, committing necessary matching funds, and stating assurance to complete the BART Pedestrian Bicycle Connectivity Project.

BACKGROUND

On September 21, 2016, the Contra Costa Transportation Authority released a Call for Projects for the OBAG2 program to allocate approximately \$56.1 million in federal funding for transportation related projects across Contra Costa County.

On June 21, 2017, the Contra Costa Transportation Authority approved recommended OBAG 2 and Measure J Funding Programs and directed to staff to submit the OBAG 2 recommendations to MTC. Included in that approval was a recommendation to fund the BART Pedestrian Bicycle Connectivity Project as requested.

SUBCOMMITTEE FINDINGS

na

STAFF ANALYSIS

The BART Pedestrian Bicycle Connectivity Project has four components, 1.) Class 1 Trail along west side of Railroad Avenue, from Alvarado Avenue (Delta DeAnza Trail) to SR4 eastbound off-ramp, 2.) Class 1 Trail along SR4 eastbound on-ramp (back of Bliss Avenue parcels), from BART parking lot to Railroad Avenue, 3.) Class 1 Trail along south side of California Avenue, from Harbor Street to Railroad Avenue, and 4.) Class IV Separated Bikeway (a.k.a. Buffered Bike Lanes) along both sides of Railroad Avenue, from 17th Street to SR4 westbound on-ramp/California Avenue.

ATTACHMENTS: Resolution

Report Prepared By: Paul Reinders, Senior Civil Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the Filing of an Application for)
Funding Assigned to MTC and Committing Any)
Necessary Matching Funds and Stating the)
Assurance to Complete the BART Pedestrian)
Bicycle Connectivity Project)

RESOLUTION NO. 17-

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the City of Pittsburg (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$3,870,000 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the BART Pedestrian Bicycle Connectivity Project (herein referred to as PROJECT) for the One Bay Area Grant, Cycle 2, Program (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

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

Section 1. The APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding.

Section 2. The APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide any required matching funds; and
2. APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
4. PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
5. APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
6. PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM.

7. In the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency.

Section 3. APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects.

Section 4. APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT.

Section 5. There is no legal impediment to APPLICANT making applications for the funds.

Section 6. There is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT.

Section 7. APPLICANT authorizes its City Manager or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution.

Section 8. A copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.

Section 9. The MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August, 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: 7/20/2017
TO: Mayor and Council Members
FROM: Joe Sbranti, City Manager
SUBJECT: Adoption of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Allowable Uses in the CP-1 District, AP-17-1245 (RZ).
MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

On July 17, 2017, the City Council held a duly noticed public hearing to consider an amendment to Title 18 of the Pittsburg Municipal Code in order to allow 'Personal Improvement Services' and 'Personal Services,' subject to limitations, within the CP-1 District.

FISCAL IMPACT

There would be no negative fiscal impact on the City from the proposed amendments relating to new allowable uses in the CP-1 District; rather, the proposed amendments would provide more flexibility for new businesses, which should help to fill vacant spaces and generate additional business license revenues for the City.

RECOMMENDATION

City Council move to adopt Ordinance No. 17-1435 amending the Pittsburg Municipal Code (PMC) Title 18 related to allowable uses in the CP-1 District.

BACKGROUND

On July 17, 2017, the City Council held a public hearing to consider the proposed amendments. After closing the public hearing, the City Council moved to introduce, waive further reading, and pass to second reading an ordinance amending PMC Title 18 allowing personal improvement services and personal services in the CP-1 District, subject to limitations.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

After introducing an ordinance, the City Council must approve the action by adopting the ordinance by a majority vote at a subsequent meeting. The ordinance becomes effective 30 days after the date of its adoption.

ATTACHMENTS: 1. Proposed Ordinance No. 17-1435

Report Prepared By: Kristin Pollot, AICP, Planning Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending Title 18 of the Pittsburgh Municipal)
Code Related to Allowable Uses in the CP-1)
District, AP-17-1245 (RZ))

ORDINANCE NO. 17-1435

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

SECTION 1. Recitals

- A. This is a City-initiated proposal to consider potential amendments to Title 18 of the Pittsburgh Municipal Code (PMC) in order to allow 'Personal Improvement Services' and 'Personal Services,' subject to limitations, within the CP-1 District.
- B. In 2013, the Land Use Subcommittee began discussing and reviewing potential options for modification of the zoning regulations within the city's downtown core, in order to help decrease commercial vacancies.
- C. On April 19, 2017, the Land Use Subcommittee met and specifically discussed some potential zoning changes related to a recent proposal for a karate studio to locate at 760 Railroad Avenue, in the CP-1 District. During this meeting, the subcommittee directed staff to review potential changes to the CP-1 District as a whole, that could allow for "Personal Improvement Services," and possibly, "Personal Services" as well (as defined by PMC 18.08.080.21 and .22), subject to approval of a use permit.
- D. On April 25, 2017, the Planning Commission unanimously moved by minute order to initiate a zoning study related to allowable uses in the CP-1 District.
- E. On May 9, 2017, the Planning Commission conducted a study session to review the first draft of the proposed amendments. During this session, suggestions were made to ensure that, 1) home electronic equipment repair is not excluded as an allowable use, subject to a use permit; and 2) the required additional finding for new "personal improvement services" and "personal services" in the downtown core should be expanded to include an economic component.
- F. On June 27, 2017, the Planning Commission held a public hearing and subsequently adopted Resolution No. 10069, recommending approval of the proposed amendments.
- G. Before adoption of an ordinance, the City Council shall make findings that the proposed regulation is consistent with the policies of the general plan and the notice and hearing provisions of PMC Title 18, in accordance with PMC section 18.48.030.
- H. On or prior to July 7, 2017, notice of the July 17, 2017, public hearing to consider this proposal was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburgh Library; was published in the local

newspaper (East Contra Costa County Times) as a 1/8th page advertisement; and was mailed via first class mail or electronic mail to interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

- I. On July 17, 2017, the City Council held a public hearing on the proposed zoning amendments, at which time oral and/or written testimony was considered.

SECTION 2. Findings

- A. Based on the City Council Staff Report entitled, "Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Allowable Uses in the CP-1 District, AP-17-1245 (RZ)," and based on all the information contained in the Planning Division files, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the City Council finds that:
 1. All recitals above are true and correct and are incorporated herein by reference.
 2. The proposed amendments are consistent with the objectives, policies, general land uses and programs in the General Plan, in that they would apply to land within both the Downtown Commercial and Mixed Use land use designations. The definition provided in the General Plan for 'Downtown Commercial' uses specifically includes "personal services" in addition to retail, restaurants, offices, financial institutions, and other businesses serving the daily needs of downtown residents. The definition for 'Mixed Use' is less clear on the specific types of uses that are allowed; however, the General Plan does state that the designation is intended to allow for greater flexibility of land uses. In addition, General Plan policies 2-P-32, 5-P-3, 5-P-6 and 5-P-38, all support the proposed amendments in that they encourage a concentration of commercial activity in the downtown (including personal services) and pedestrian oriented commercial activities in ground-level storefronts within the downtown core.
 3. The proposed amendments are compatible with uses and regulations of the land use district for which they are proposed, in that "personal services" and "personal improvement services" are already allowable uses in the CP-2 District, and they would only be allowed in the CP-1 District with some additional controls including a use permit and an additional finding related to the goal of creating a vibrant pedestrian activity center in the downtown core.
 4. There is a community need for the change proposed in that there are a large number of storefronts in downtown Pittsburg that have been vacant for many years, providing evidence that the retail market in the area is struggling. The increase in major retail bankruptcies in the first quarter of 2017, further indicate that the retail markets are struggling on a much larger scale (and not just at the local level). The proposed amendments would shift the regulatory emphasis to focus more on how downtown businesses interact with their surrounding

environment, rather than just the types of businesses allowed, thereby furthering the economic development goals without sacrificing the pedestrian oriented character that is needed for a successful downtown.

5. The proposed change would be in conformity with the public convenience, general welfare, and good zoning practice, in that “personal services” and “personal improvement services” are already allowable uses in the CP-2 District, and they would only be allowed in the CP-1 District with some additional controls including a use permit and an additional finding related to the goal of creating a vibrant pedestrian activity center in the downtown core.

SECTION 3. CEQA

This project is exempt from the requirements of the California Environmental Quality Act under the general rule of applicability of the state CEQA Guidelines, section 15061, in that there is no possibility that the activity in question would have a significant negative physical impact on the environment. The amendments proposed are procedural in nature and the two land use classifications that would be added to the CP-1 District are already allowable uses within the CP-2 District, which in many cases would apply to a separate portion of the same building. Allowing “personal services” and “personal improvement services” in tenant spaces that front onto Railroad Avenue within the downtown core would not result in any new impacts beyond those that could exist without the change, specifically as they may relate to aesthetics, air quality, transportation, noise, hazards, utilities and/or public services.

SECTION 4. Decision.

- A. Based on the findings and the authority set forth above, the City Council hereby amends the PMC Title 18, as identified below:

1. The schedule in PMC section 18.52.010 related to “Land use regulations” is amended as follows (new text shown in underline font and text proposed for deletion is shown in ~~strikethrough~~ font):

	CO	CN	CC	CS	CSD	CW	CP
Personal Improvement Services	L-117	L-117	L-117	L-117	L-117	L-109, L-117	L-115, L-132, L-133, <u>L-165</u>
Personal Services	L-12	P	P	P	P	L-12	L-134, <u>L-165</u>

2. The schedule in PMC section 18.52.010 related to “Additional use regulations,” is amended to add a new limitation, in appropriate numeric order, as follows (new text shown with underlines):

<u>L-165</u>	<u>Conditional use permit required in the CP-1 area.* In approving the use permit, the planning commission must make an additional finding that the use will support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging pedestrian oriented atmosphere along the primary downtown corridor.</u>
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3. The schedule in PMC section 18.52.010 related to “Additional use regulations,” is amended to modify the text of limitations L-133 and L-134, as follows (new text shown in underline font and text proposed for deletion is shown in strikethrough font):

L-133	<u>Permitted in CP-2 area.*</u> Driving school classrooms and drivers’ training permitted in the CP-2 area*; provided, that no more than two training vehicles are used by the business <u>and vehicles are stored off-street.</u> Dance studios are permitted in the CP-2 area,* and permitted in the CP-1 area* with a conditional use permit. Classroom uses, including language learning schools and test preparation facilities, are permitted in the CP-2 area* only.
L-134	<u>Permitted in CP-2 area.*</u> Self-service laundry permitted in the CP-2 area* only when ancillary <u>to an</u> eating or drinking establishment or indoor commercial entertainment. <u>Self-service laundry prohibited in CP-1 area.*</u> Barber shop, beauty shop, tanning salon, and similar services are permitted in the CP-2 area.* Watch and jewelry repair, engraving, picture framing, tailoring, and shoe repair are permitted in the CP-2 area* and permitted in the CP-1 area* when ancillary to watch and jewelry retail. Dry cleaning, locksmiths, and film developing are permitted in the CP-2 area.*

4. Chapter 18.96 “Land Use Regulations” and Chapter 18.98 “Property Development Regulations” shall be removed in their entirety.

SECTION 5.Severability

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

SECTION 6.Effective Date

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

SECTION 8.Publication

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

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on July 17, 2017, and was adopted and ordered published at a meeting of the City Council held on August 7, 2017, by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

DATE: 7/21/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Accessory Dwelling Units and Side Yard Setbacks, AP-17-1227 (RZ)

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

On July 17, 2017, the City Council held a duly noticed public hearing to consider amendments to Title 18 of the Pittsburg Municipal Code (PMC) in order to: 1) bring the City's current Accessory Dwelling Unit (ADU) ordinance into conformance with recently-adopted state legislation; and 2) modify the interior side yard setback requirement for detached single-family dwellings within the RS-4 (Single Family Residential, 4,000 Square Foot Minimum Lot Size), RM (Medium Density Residential), and RM-D (Downtown Medium Density Residential) Districts.

FISCAL IMPACT

There is no fiscal impact on the City from the proposed amendments regarding ADUs, as the ordinance would not allow for development of these dwellings in any zone district in which they are not already permitted, nor would the ordinance result in any indirect changes to existing impact fees. The proposed amendments regarding side yard setbacks would provide additional flexibility and promote development of long-standing vacant parcels in neighborhoods with existing infrastructure, and would increase the City's residential property tax base, and increase the values of neighboring properties.

RECOMMENDATION

City Council move to adopt Ordinance No. 17-1433 amending PMC Title 18 related to accessory dwelling units and side yard setbacks.

BACKGROUND

The public hearing for this item was held before the City Council on July 17, 2017. After the close of the public hearing, the Council moved to introduce and waive further reading of Ordinance No. 17-1433, amending PMC Title 18, "Zoning," as it relates to accessory dwelling units and side yard setbacks.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

After introducing an ordinance, the City Council must approve the action by adopting the ordinance by a majority vote at a subsequent meeting. The ordinance becomes effective 30 days after the date of its adoption.

ATTACHMENTS: 1. Proposed Ordinance No.17-1433
2. Exhibit A to Proposed Ordinance No. 17-1433

Report Prepared By: Jordan Davis, AICP, Associate Planner

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending Title 18 of the Pittsburgh)
Municipal Code as it Relates to)
Accessory Dwelling Units and Side)
Yard Setbacks, AP-17-1227 (RZ))

ORDINANCE NO. 17-1433

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

SECTION 1. Recitals

- A. This is a City-initiated proposal to consider amendments to Title 18, "Zoning," of the Pittsburgh Municipal Code in order to: 1) bring the City's current Accessory Dwelling Unit (ADU) Ordinance into conformance with recently-adopted state legislation; and 2) modify the interior side yard setback requirement for detached single-family dwellings within the RS-4 (Single Family Residential, 4,000 Square Foot Minimum Lot Size), RM (Medium Density Residential), and RM-D (Downtown Medium Density Residential) Districts.
- B. In September 2016, Governor Jerry Brown signed into law Senate Bill (SB) 1069 and Assembly Bill (AB) 2299, intended to streamline the approval process for ADUs. Both pieces of legislation went into effect January 1, 2017.
- C. On April 19, 2017, the Land Use Subcommittee met and discussed potential updates, including those required to bring the City's current ADU ordinance into conformance with state law, as well as additional measures proposed by staff to promote development of quality ADUs. The Subcommittee voiced general support for the use of ADUs to help the City meet its housing goals, but raised specific concerns regarding the current lack of a minimum ADU size, the need for ADUs to commit to the City's Residential Rental Inspection Program (RRIP), and the proposed definition and allowance of "efficiency kitchens" within a newly proposed Junior Accessory Dwelling Unit (JADU) classification. Direction was given to staff to proceed with work associated with potential amendments to the PMC, which also address the Subcommittee's concerns.
- D. On May 9, 2017, the Planning Commission adopted Resolution No. 10063, initiating a zoning study as it relates to ADUs, as well as a study of the current transportation impact and facility reserve fee rates to ensure they are charged at a rate proportionate to the burden of the proposed ADU, as mandated by state law.
- E. Staff's research determined that the current transportation impact and facility reserve change fee rates are proportionate to the burden of the ADU, and therefore, proposed no changes. In addition, staff found no clear benefit to creating a new JADU zoning classification, as the traffic mitigation fees would not be reduced as a result of a potential limited occupancy for the smaller units. Since the creation of JADUs is optional under state law, it was eliminated from the project proposal.

- F. On June 13, 2017, the Planning Commission held a public hearing and subsequently adopted Resolution No. 10066, recommending approval of the proposed amendments.
- G. Before adoption of an ordinance, the City Council shall make findings that the proposed regulation is consistent with the policies of the general plan and the notice and hearing provisions of PMC Title 18, in accordance with PMC section 18.48.030.
- H. On or prior to July 7, 2017, notice of the July 17, 2017, public hearing to consider this proposal was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East Contra Costa County Times) as a 1/8th page advertisement; and was mailed via first class mail or electronic mail to interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.
- I. On July 17, 2017, the City Council held a public hearing on the proposed zoning amendments, at which time oral and/or written testimony was considered.

SECTION 2. Findings

- A. Based on the City Council Staff Report entitled, "Introduction and Waive First Reading of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to Accessory Dwelling Units and Side Yard Setbacks, AP-17-1227 (RZ)," and based on all the information contained in the Planning Division files, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the City Council finds that:
 - 1. All recitals above are true and correct and are incorporated herein by reference.
 - 2. The proposed amendments regarding ADUs are consistent with the objectives, policies, general land uses and programs in the General Plan, and would help ensure consistency with state law. Most specifically, Housing Element Policy P-1.5 encourages the construction of accessory dwelling units, or "second units," that allow extended families to live near each other, increase the affordable and rental housing stock, and provide income assistance to homeowners. The proposed amendments would also be consistent with the following additional General Plan goals/policies: 1) Housing Element (HE) Goal G-1 (Land Use Goal 2.g.5), which promotes a variety of housing types, densities, and prices to balance the City's housing stock and meet Pittsburg's regional fair share housing needs for people of all income levels; 2) HE Goal G-2, to promote the expansion of the City's affordable housing stock, including that which accommodates special needs households; 3) HE Goal G-4, which promotes preserving the existing housing stock including affordable housing units where feasible and appropriate; 4) HE Goal G-5, which states the intent of the City to enhance the visual quality of Pittsburg's residential neighborhoods; 5) HE Policy

P-2.2, which encourages accommodating the development of housing that is accessible to disabled persons and facilitates aging in place; and 6) HE Policy P-2.5, which encourages increasing the supply of rental housing available and affordable to extremely low-, very low-, low-, and moderate-income households and in particular large families.

The proposed amendments regarding side yard setbacks for detached single family dwellings in the RS-4, RM, and RM-D Districts would affect properties with General Plan land use designations of Downtown Low Density, Medium Density, and Downtown Medium Density, which allow for detached single-family residences, at average densities of 8-16 units per gross acre. While the proposed amendment would not allow for increased density above what was considered in the General Plan, it would provide additional flexibility that could help to promote development of long-standing vacant parcels on older, predominantly single-family neighborhoods with new detached single family structures.

3. The proposed amendments are compatible with uses and regulations of the land use district for which they are proposed, in that the proposed amendments would not permit the establishment of new uses or ADUs in any zoning district in which they are not currently allowed, or provide for increased residential densities. Regarding side yard setbacks, the RS-4, RM and RM-D districts already include slightly reduced front yard setbacks, smaller minimum lot areas (2,500-4,000 square feet), and reduced lot widths (30-40 feet), from what is required for the RS-5 and RS-6 Districts, so the proposed reduction in side yard setback requirements would be in character and appropriate for the RS-4, RM and RM-D districts.
4. There is a community need for the proposed changes regarding ADUs, in that ADUs help increase housing supply, provide an affordable housing option for many low- and moderate-income residents, allow elderly and/or disabled persons live independently yet close to family members or caregivers, and benefit homeowners by providing extra income that can assist in mitigating the cost of living. Furthermore, ADUs do not necessarily require new infrastructure, since ADUs can be created within existing buildings and connected to the existing utilities of a primary dwelling. There is also a community need for the proposed amendments related to side yard setbacks for detached single family dwellings in the RS-4, RM, and RM-D Districts, as these amendments would provide additional flexibility that could promote development of long-standing vacant parcels on older, predominantly single-family neighborhoods with new single-family structures, ensuring a consistent neighborhood character.
5. The proposed changes would be in conformity with the public convenience, general welfare, and good zoning practice, in that the proposed amendments regarding ADUs would help ensure consistency with state law, streamline the approval process, encourage the use of ADUs to help the City meet its housing goals, and ensure quality development in the City's residential neighborhoods. The proposed changes regarding setbacks for detached single-family dwellings

in the RS-4, RM, and RM-D Districts would reduce required side yard setbacks to be generally in line with existing reduced front yard setbacks, smaller minimum lot areas, and reduced lot widths for parcels in those districts. The reduced setbacks will help to facilitate construction of larger market-rate single-family homes on smaller lots, similar to other residential developments recently approved by the Planning Commission and/or City Council.

SECTION 3. CEQA

This project is exempt from the requirements of the California Environmental Quality Act (CEQA) under the general rule of applicability of the state CEQA Guidelines, section 15061, in that there is no possibility that the activity in question would have a significant negative physical impact on the environment. The amendments proposed are procedural in nature, and do not allow for additional residential density or residential uses which are not currently allowed in the affected zone districts by state law.

SECTION 4. Decision.

Based on the findings and the authority set forth above, the City Council hereby amends the regulations outlined in PMC Chapter 18.50, Article II, Schedule 18.50.105, “RR, RS-40, RS-10, RS-6, RS-5, RS-4, RM, RMD, RH and RHD Districts – Property Development Regulations,” Article IV, “Accessory Dwelling Units,” sections 18.50.300 through 18.50.315, and Chapter 18.84, Article I, “Accessory Structures,” section 18.84.005(D), as identified in the attached “Exhibit A.”

SECTION 5. Severability

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

SECTION 6. Effective Date

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

SECTION 8. Publication

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

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on July 17, 2017, and was adopted and ordered published at a meeting of the City Council held on August 7, 2017, by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Amend the PMC Chapter 18.50, Article II, Schedule 18.50.105, “RR, RS-40, RS-10, RS-6, RS-5, RS-4, RM, RMD, RH and RHD Districts – Property Development Regulations,” Article IV, “Accessory Dwelling Units,” and Chapter 18.84, Article I, “Accessory Structures,” section 18.84.005(D), as follows (new text shown in underline font, and text proposed for deletion is shown in ~~strikethrough font~~):

Chapter 18.50

Article II. Development Standards

Schedule 18.50.105:RR, RS-40, RS-10, RS-6, RS-5, RS-4, RM, RMD, RH AND RHD DISTRICTS – PROPERTY DEVELOPMENT REGULATIONS

Minimum side yard (ft.)										
Development Classification	RR	RS-40	RS-10	RS-6	RS-5	RS-4	RM	RMD	RH	RHD
Single-family dwellings, detached	15	10	7.5	5	5	<u>3-5^d</u>	<u>3-5^d</u>	<u>3-5^d</u>	–	–

^d Interior side yard setbacks shall be a minimum 10% of the lot width, with a 3-foot minimum and a 5-foot maximum required. This section shall not be construed as to disallow side yard setbacks greater than 5 feet. If, in applying the requirements of this section, a fractional number is obtained, the required setback shall be rounded to the nearest half-foot increment.

Article IV. Accessory Dwelling Units

18.50.300 General.

This article is intended to implement the general plan housing policy on ~~second~~accessory dwelling units, adopted in part in response to Government Code Section 65852.1 et seq., by allowing an accessory dwelling unit in residential districts, subject to approval by the city planner.

18.50.302 Definition.

An “accessory dwelling unit” shall mean an attached or detached residential dwelling that is subordinate to a primary dwelling on the same lot, and that provides complete independent and permanent facilities for living, sleeping, eating, cooking, and

sanitation on the same parcel as the primary dwelling. An accessory dwelling unit may include a prefabricated or manufactured home on a permanent foundation.

A “primary dwelling” refers to the main single family dwelling unit on site, absent the space devoted to or designated as the accessory dwelling unit.

18.50.305 Where permitted.

An accessory dwelling unit is permitted in any residential district or planned development district on each lot that has a single-family dwelling.

18.50.310 Administrative review.

An application for an accessory dwelling unit meeting the following development standards shall be processed ministerially and shall be accompanied by plans and elevations showing the proposed accessory dwelling and its relation to the principal dwelling, description of building materials, landscaping and exterior finish to be used, parking to be provided, and any other information required to determine whether the proposed unit conforms to the requirements of this article. In accordance with PMC 18.32.010(B), an accessory dwelling unit shall be approved if the unit complies with all of the following:

- A. The unit is not intended for sale and may be rented;
- B. The lot is zoned for single-family or multifamily residential use;
- C. The lot contains a maximum of one single-family dwelling;
- D. The dwelling conforms to the design and development standards for an accessory dwelling unit established in PMC 18.50.315;
- E. The accessory unit structure is compatible with the design of the primary dwelling unit in terms of building materials, colors and exterior finishes, and architectural style;
- F. Public and utility services including emergency access are adequate to serve both dwellings;
- G. ~~The accessory dwelling unit complies with the development standards applicable to the residential or planned development district in which the primary residence is located, except as allowed by PMC 18.50.315(B); and~~ The accessory dwelling unit complies with the development standards applicable to “single-family dwellings, detached,” within the residential or planned development district in which the primary dwelling is located, except as allowed by PMC 18.50.315.
Accessory dwelling units proposed within RH or RHD Districts shall comply with

the development standards established for “single-family dwellings, detached,” within the RM District;

- H. The primary dwelling and accessory dwelling units shall not be occupied by two separate households under two separate leases. The primary dwelling and accessory dwelling units built on the property shall be separately occupied only if the owner occupies one of the units. This rental restriction shall be recorded with the Contra Costa County recorder, on a form prepared by the city planner, and shall be a covenant running with the land. No certificate of occupancy shall be issued or no final inspection shall be conducted for the accessory dwelling unit unless the owner has submitted to the city planner a copy of the recorded restriction required by this subsection.Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
- I. The property owner must file an application with the Planning Division, which shall include:
- a. Plans and elevations showing the proposed accessory dwelling unit and its relation to the primary dwelling, all existing or proposed structures onsite, and all property lines;
 - b. Description of building materials;
 - c. Landscaping and exterior finish to be used;
 - d. Location of required parking pursuant to PMC 18.50.315(D);
 - e. Footprint (in square feet) of all existing and proposed structures, as well as the total lot coverage;
 - f. Any other information required to determine whether the proposed unit conforms to the requirements of this article.
- J. The property owner must register the accessory dwelling unit with the City of Pittsburg Residential Rental Inspection Program.

18.50.315 Design and development standards.

- ~~A. Unit Size. The size of an accessory dwelling unit shall not exceed 50 percent of the total finished heated floor area of the primary dwelling unit, or 750 square feet, whichever is less.~~
- ~~B. Location. An accessory dwelling unit is not permitted in a required front yard. An accessory dwelling that is constructed within or attached to the primary dwelling unit shall comply with the minimum side and rear yards applicable to the~~

~~residential or planned development district in which the primary residence is located. A detached accessory dwelling unit must be located at least five feet from a side or rear property line, and must be located at least five feet from the walls of the primary dwelling unit or an accessory structure.~~

- ~~C. Lot Coverage and Building Height. The lot coverage requirements of this chapter apply unless modified by an overlay or planned development district. The maximum height of an accessory dwelling unit shall not exceed the maximum height of the zoning district in which the accessory dwelling unit is located, except that no portion of an accessory dwelling unit that is located within a required rear yard shall exceed 10 feet in height, or 12 feet in height if the roof of the accessory dwelling unit has a pitch of 3:12 or greater.~~
- ~~D. Parking. A minimum of one uncovered offstreet parking space must be provided on site, in addition to any parking required on site for the primary dwelling unit. The parking space may be in tandem with required parking for the primary dwelling unit.~~
- ~~E. Design. The exterior design must be in harmony with the primary dwelling unit. Building materials, colors and exterior finish must be substantially the same as those on the primary dwelling unit.~~
- ~~F. The property retains the appearance of a single-family residence from adjoining right(s) of way.~~

Schedule 18.50.315 prescribes specific design and development standards for accessory dwelling units. The column beneath each accessory dwelling unit classification heading establishes basic requirements for accessory dwelling unit development. Additional land use-specific development regulations are identified in sections 18.50.310 and 18.50.320 of this article.

Schedule 18.50.315: Accessory Dwelling Units – Development Regulations

<u>ADU Classification</u>	<u>Attached</u>	<u>Detached</u>
<u>Maximum Unit Size</u>	<u>Lesser of 50 percent of the primary dwelling floor area, or 1,200 square feet.</u>	<u>1,200 square feet</u>
<u>Minimum Unit Size</u>	<u>200 square feet</u>	
<u>Minimum Length/Width</u>	<u>10 feet</u>	
<u>Height and Setbacks</u>	<u>Shall comply with the height and setback standards applicable to “single-family dwellings, attached,” within the R or PD district in which the primary dwelling is located; however, accessory dwelling units proposed within RH or RHD Districts shall comply with the development standards established for “single-family dwellings, attached,” as outlined in the RM District.</u>	(1) <u>Shall comply with the height and setback standards applicable to “single-family dwellings, detached,” within the R or PD district in which the primary dwelling is located; however, accessory dwelling units proposed within RH or RHD Districts shall comply with the development standards established for “single-family dwellings, detached,” as outlined in the RM District.</u> (2) <u>Not permitted within any portion of an established front yard, as defined by PMC 18.06.745(B).</u> (3) <u>Must be located at least 5 feet from the walls of the primary dwelling unit or an accessory structure.</u> (4) <u>May encroach up to five feet into a required rear yard, provided the maximum height does not exceed 10 feet, or 12 feet with a roof having a pitch of 3:12 or greater.</u>
<u>Lot Coverage</u>	<u>Shall comply with standards applicable to “single-family dwellings, attached,” within the R or PD district in which the primary dwelling is located.</u>	<u>Shall comply with standards applicable to “single-family dwellings, detached,” within the R or PD district in which the primary dwelling is located.</u>

<u>Minimum Private Storage Area</u>	<u>200 cubic feet.^a</u>	
<u>Exterior Appearance</u>	<u>The accessory dwelling unit must be compatible with the design of the primary dwelling unit in terms of building materials, colors and exterior finishes and architectural style. The entrance of an attached accessory dwelling unit shall not be visible from the public right-of-way.</u>	<u>The accessory dwelling unit must be in harmony with the primary dwelling unit or convey the appearance of a single family home.</u>
<u>Conversion of Existing Accessory Structures</u>	(1) <u>An accessory structure lawfully established that does not conform to one or more of the development standards contained in this section may be converted to an accessory dwelling unit, provided the structure: a) meet the criteria established in PMC 18.50.310; b) is not altered or reconstructed so as to increase the discrepancy between the existing nonconforming conditions and the standards contained in PMC 18.50.315; and 3) any walls within setback areas comply with applicable building and fire codes.</u> (2) <u>An existing garage may only be converted to an accessory dwelling unit if the garage conversion conforms to the standards established in PMC 18.50.130.</u>	
<u>Building Foundation</u>	<u>Permanent foundation required.</u>	
<u>Unit Access</u>	<u>Separate unit access required. The exterior entry shall not be visible from the public right-of-way. If the exterior entry is on the second floor, the stairway shall not be located in the front of the primarydwelling. Interior access between an attached accessory dwelling unit and the primarydwelling may be provided and may be a door equipped with a double lock.</u>	<u>Separate unit access required. If the exterior entry is on the second floor, the stairway shall not be located in the front of the primarydwelling.</u>
<u>Kitchen Facilities</u>	<u>Separate kitchen facilities required.</u>	
<u>Sanitation Facilities</u>	<u>Separate sanitation facilities required.</u>	
<u>Home Occupations</u>	<u>Not permitted.</u>	

<u>Utility Meters</u>	<u>Separate gas and electric meters may be permitted if approved by the Chief Building Official and utility provider.</u>
<u>Required Parking</u>	<u>1 space^b</u>

^a Each private storage space required by this section shall have minimum horizontal area of 24 square feet, and shall consist of enclosed, weather-proofed and lockable private storage space in addition to clothes closets customarily provided. The space for each unit may be provided in a location approved by the city planner, but must not be divided into two or more locations.

^b Required parking space(s) may be in tandem with required parking for the primary dwelling unit. No additional parking shall be required for an accessory dwelling unit which meets one or more of the following: (a) is located within one-half mile of a public transit stop (in such cases, the one-half mile standard shall be based on the actual walking route between the accessory dwelling unit and the transit stop rather than on a straight line between the two points); (b) is located within an architecturally and historically significant historic district; (c) is located entirely within the existing primary dwelling or an existing habitable accessory structure and results in no net addition of habitable floor area on the property; (d) when on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or (e) when there is a car share vehicle located within one block of the accessory dwelling unit.

Chapter 18.84

Article I. Accessory Structures

18.84.005 In R districts.

- D. Size. The total gross floor area of all nonresidential accessory structures more than four feet in height may not exceed 800 square feet or six percent of the lot area, whichever is more. The gross floor area is included in computing lot coverage.



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

DATE: 7/26/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the Filing of an Application for Funding Assigned to MTC and Stating Assurance to Complete the City of Pittsburg Pavement Improvements Project

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

On June 21, 2017, the Contra Costa Transportation Authority (CCTA) approved a list of projects recommended for funding through the One Bay Area Grant, Cycle 2 (OBAG2) program. One of the projects included in this list is the City of Pittsburg Pavement Improvements Project. While CCTA has forwarded this list to MTC, the City will need to submit the attached resolution of local support as part of the OBAG2 process.

FISCAL IMPACT

The City anticipates an OBAG2 grant award of \$1,385,000 for the City of Pittsburg Pavement Improvements Project. The total project cost is estimated to be \$1,565,000. A local match of \$180,000 is required and will come from City's Five Year Capital Improvement Program.

RECOMMENDATION

City Council adopt the attached resolution authorizing the filing of an application for funding assigned to MTC, committing necessary matching funds, and stating assurance to complete the City of Pittsburg Pavement Improvements Project.

BACKGROUND

On September 21, 2016, CCTA released a Call for Projects for the OBAG program to allocate approximately \$56.1 million in federal funding for transportation related projects across Contra Costa County. Part of this program included Local Streets and Roads Program (LSRP) funding for preserving and rehabilitating streets and street pavements. The City applied for, and was selected by CCTA to receive \$1,385,000 in LSRP funds.

On June 21, 2017, the Contra Costa Transportation Authority approved recommended OBAG 2 and Measure J Funding Programs and directed to staff to submit the OBAG 2 recommendations to MTC. Included in that approval was a recommendation to fund the City of Pittsburg Pavement Improvements Project as requested.

SUBCOMMITTEE FINDINGS

na

STAFF ANALYSIS

The City of Pittsburg Pavement Improvements Project will rehabilitate the pavements on West Leland Road and Loveridge Road. The project may include base failure repairs, crack sealing, asphalt concrete grinding and paving, traffic signal detector replacement, signing and striping, as well as concrete curb, gutter and sidewalk repair.

ATTACHMENTS: Resolution

Report Prepared By: Paul Reinders, Senior Civil Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the Filing of an Application for)
Funding Assigned to MTC and Committing Any)
Necessary Matching Funds and Stating the) RESOLUTION NO. 17-
Assurance to Complete the City of Pittsburgh)
Pavement Improvements Project)

The Pittsburgh City Council DOES RESOLVE as follows:

WHEREAS, the City of Pittsburgh (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,385,000 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the City of Pittsburgh Pavement Improvements Project (herein referred to as PROJECT) for the One Bay Area Grant, Cycle 2, Program (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

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

Section 1. The APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding.

Section 2. The APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide any required matching funds; and
2. APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
4. PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
5. APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
6. PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM.

7. In the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency.

Section 3. APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects.

Section 4. APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT.

Section 5. There is no legal impediment to APPLICANT making applications for the funds.

Section 6. There is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT.

Section 7. APPLICANT authorizes its City Manager or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution.

Section 8. A copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.

Section 9. The MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August, 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: 7/26/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution Approving a Request to the Metropolitan Transportation Commission (MTC) for the Allocation of FY 2017/18 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

The Metropolitan Transportation Commission (MTC) provides Transportation Development Act (TDA), Article 3 funds to projects exclusively for the benefit and/or use of pedestrians and bicyclists. The City Council must first approve a request to MTC before these funds may be allocated. The attached resolution approves the application to MTC for FY 2017/18 TDA Article 3 Pedestrian/Bicycle Funds to construct a Class I Multi-use Trail along the south side of California Avenue, from Railroad Avenue to Harbor Street.

FISCAL IMPACT

The application to MTC is for \$110,000 in TDA funds for construction of the project improvements. Staff will provide construction management services for the project. The total project cost is estimated to be \$1,510,000. Matching funds are anticipated to come from One Bay Area Grant Cycle 2 (\$1,000,000), Measure J's Pedestrian and Bicycle Trails Fund (\$200,000), and remaining funds through the City's Five Year Capital Improvements Program (\$200,000).

RECOMMENDATION

City Council approve the request to MTC for an allocation of TDA, Article 3 Pedestrian/Bicycle Funds for FY 2017/18 for the California Avenue Class I Trail Project and authorize the City Engineer to execute all documents pertaining to this program.

BACKGROUND

This project will connect existing sidewalk along Harbor Street with existing sidewalk and the proposed BART Center Station on Railroad Avenue with a Class I multi-use trail. It will also provide additional parking on the south side of California Avenue within the project limits. The project is expected to improve pedestrian and bicycle connectivity to the BART Center Station currently being constructed in the freeway median under Railroad Avenue.

SUBCOMMITTEE FINDINGS

na

STAFF ANALYSIS

This project would address the safety of bicycles and pedestrians traveling along the south side of California Avenue between Harbor Street and Railroad Avenue by providing them with a minimum eight-foot wide path with two-foot wide shoulders. California Avenue will be widened to accommodate parallel parking on the south side.

The proposed multi-use trail will benefit BART patrons, students attending Pittsburg High School, residents of the adjacent High School Village neighborhood, as well as residents in other nearby neighborhoods. It will encourage walking and benefit all users. It will also encourage more walking and reduces vehicle travel and greenhouse gases.

ATTACHMENTS: Resolution
Attachment A, Findings
Attachment B, Application

Report Prepared By: Paul Reinders, Senior Civil Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Approving a Request to the Metropolitan	)	
Transportation Commission (MTC) for the	)	RESOLUTION NO. 17-
Allocation of FY 2017/18 Transportation	)	
Development Act (TDA) Article 3	)	
<u>Pedestrian/Bicycle Project Funding</u>	)	

The Pittsburgh City Council DOES RESOLVE as follows:

WHEREAS, Article 3 of the Transportation Development Act (TDA) Public Utilities Code (PUC), Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim for each county in the San Francisco Bay region; and

WHEREAS, the City of Pittsburgh desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the project described in Attachment "B" to this resolution, which is for the exclusive benefit and/or use for pedestrians and/or bicyclists.

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 City of Pittsburgh declares it is eligible to request an allocation of TDA Article 3 Funds pursuant to Section 99234 of the Public Utilities Code.

Section 3. There is no pending or threatened litigation that might adversely affect the project described in Attachment "B" to this resolution, or that might impair the ability of the City of Pittsburgh to carry out the project.

Section 4. The project has been reviewed by the countywide Bicycle Advisory Committee (BAC) and has been approved by MTC to use the countywide BAC and the countywide BAC provides for expanded representation of the City of Pittsburgh and the designated representative is familiar with the bicycle and pedestrian needs of the City of Pittsburgh.

Section 5. The City of Pittsburgh attests to the accuracy of and approves the statements in

Attachment "A" to this resolution.

Section 6. A certified copy of this resolution and its attachments and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency of Contra Costa County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

Section 7. The Director of Finance is hereby authorized to receive the grant funds in the name of the City of Pittsburg to be established in a separate account for the purpose of administering the program.

Section 8. The City Engineer is hereby authorized to spend the grant funds in accordance with the City's Purchasing Policies and Procedures.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of August, 2017 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

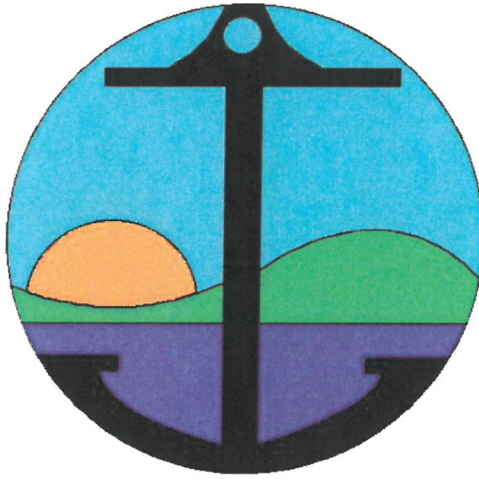
Alice E. Evenson, City Clerk

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2017/18 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

1. That the City of Pittsburg is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Pittsburg legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the City of Pittsburg has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Pittsburg within the prior five fiscal years.
8. That the project(s) described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B will be completed before the funds expire.
11. That the City of Pittsburg agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.



City of Pittsburgh

2017/2018 TDA Grant Application for

California Avenue Class 1 Trail

TDA Article 3 Project Application Form

Fiscal Year of this Claim: **2017-18**

Applicant: **City of Pittsburg**

Contact person: **Paul Reinders**

Mailing Address: **65 Civic Avenue, Pittsburg CA 94565**

E-Mail Address: **PReinders@ci.pittsburg.ca.us**

Telephone: **(925) 252-4822**

Secondary Contact (in event primary not available) **Fritz McKinley, City Engineer**

E-Mail Address: **FMckinley@ci.pittsburg.ca.us**

Telephone: **(925) 252-4930**

Short Title Description of Project: California Avenue Class 1 Trail

Amount of claim: **\$110,000**

Functional Description of Project:

Construct approximately 1850 lf of Class 1 bikeway (pedestrian and bicycle trail) on the south side of California Avenue, between Railroad Avenue and Harbor Street. This will provide improved bicycle and pedestrian access to the proposed BART Center Station located in the SR 4 freeway median at Railroad Avenue.

Financial Plan:

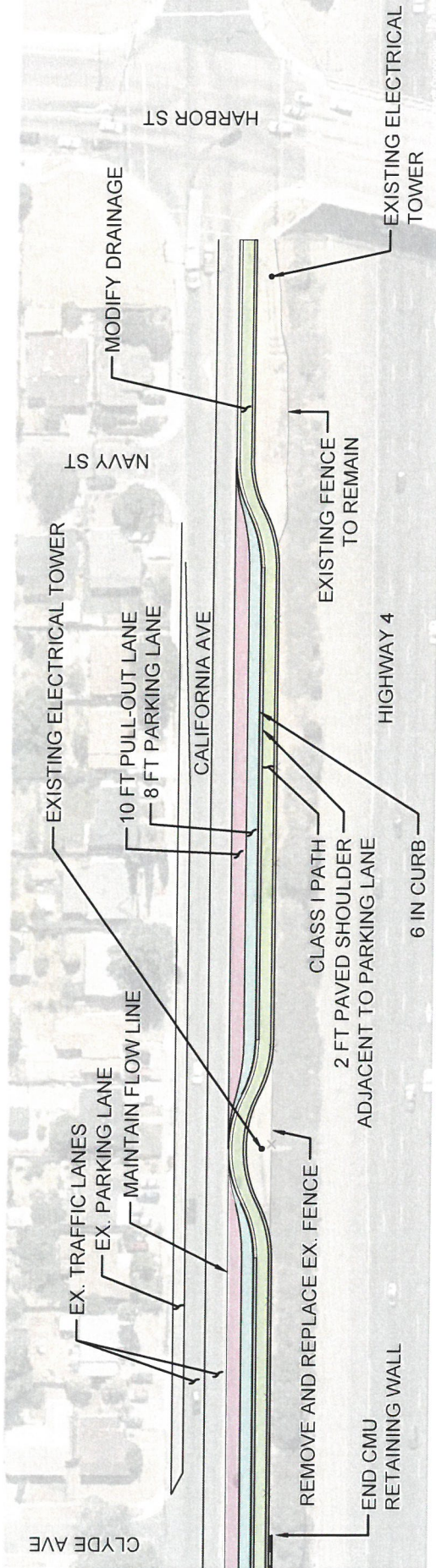
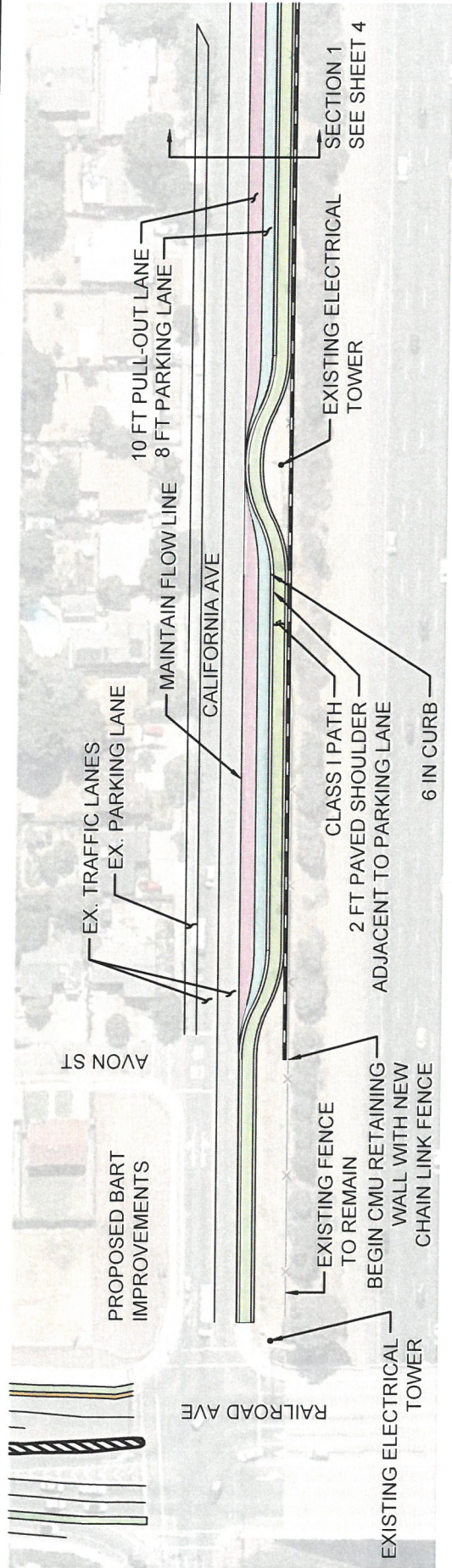
List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

Project Elements: TDA funding will be used for construction and construction contract contingency only.

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3			\$110,000		\$110,000
list all other sources:					
1. OBAG 2			\$1,000,000		\$1,000,000
2. PBTF			\$200,000		\$200,000
3. Local			\$200,000		\$200,000
4.					
Totals			\$1,510,000		\$1,510,000

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	NO, 3/10/17
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	NO
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	YES
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: _____	NA
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	TBD
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) May 2020	YES
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	YES





WORK ORDER NO.
CIPBG.150263.04
SHEET 1
OF 4 SHEETS

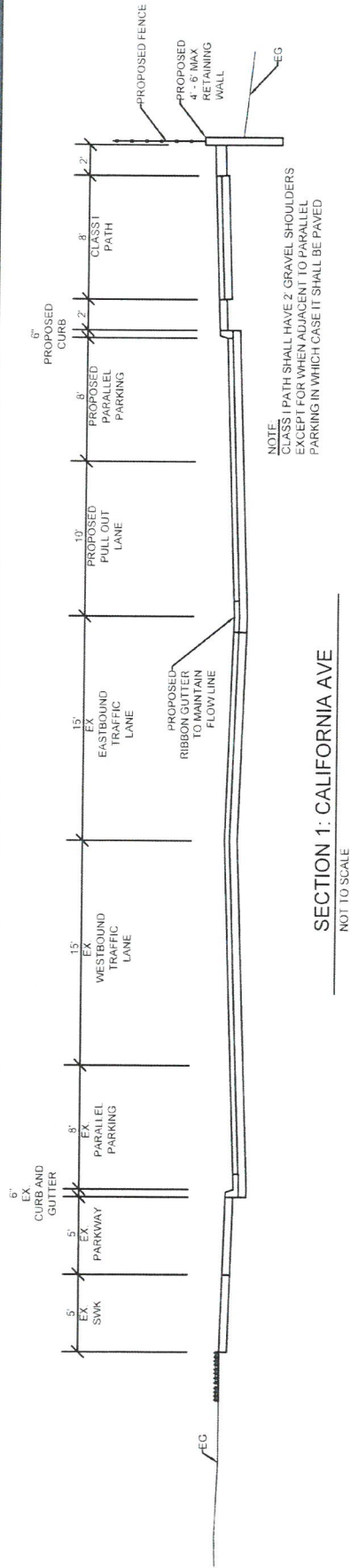
City of Pittsburg
California Avenue
Pedestrian and Bicycle Improvements
Exhibit A



SCALE:
1" = 70'

201 Industrial Way
Buellton, CA 93427
Phone: 805-688-5200
www.mnsengineers.com





NOTE:
CLASS 1 PATH SHALL HAVE 2 GRAVEL SHOULDERS
EXCEPT FOR WHEN ADJACENT TO PARALLEL
PARKING IN WHICH CASE IT SHALL BE PAVED

SECTION 1: CALIFORNIA AVE
NOT TO SCALE

NOTE:
PROPOSED PULL OUT LANE TO BE USED FOR VEHICLES
MANEUVERING INTO AND OUT OF PARALLEL PARKING STALLS AS
WELL AS A DROP-OFF FOR BART PASSENGERS.

WORK ORDER NO.
CIPBG.150263.04
SHEET 4
OF 4 SHEETS

City of Pittsburgh
Pedestrian and Bicycle Improvements
Exhibit D: Section Views

201 Industrial Way
Buellton, CA 93427
Phone: 805-688-5200
www.mnsengineers.com

SCALE:
NOT TO SCALE



Pedestrian and Bicycle Connectivity to Proposed BART Transit Station and Multimodal Transfer Facility

Project Location:

California Avenue: The addition of parking and a Class I path along the south side of California Avenue between Railroad Avenue and Harbor Street connecting to the planned BART station from the east.

Project Description:

The Pedestrian and Bicycle Connectivity Project will design and construct Class I bikeway within existing public right-of-way that will include additional parallel parking, trail lighting, intersection corner treatments, wayfinding and service information signage, walls and fencing.

The addition of parking and a Class I path along the south side of California Avenue between Railroad Avenue and Harbor Street connecting to the planned BART station from the east.

Background:

With the introduction of the a planned BART transit station and multimodal transfer facility located at the State Route 4 /Railroad Avenue freeway interchange, the City began studying the surrounding area to determine improvements necessary to improve connectivity. It was determined there were deficient areas without clear and safe paths of travel for both pedestrians and bicycles from the surrounding neighborhoods, retail and commercial businesses, and other public facilities such as schools and government offices, to utilize the planned facility and system.

- 1) The addition of parking and a Class I path along the south side of California Avenue between Railroad Avenue and Harbor Street connecting the planned BART station from the east.

The areas in need of improvement as described above were noted and prioritized with connection from existing pedestrian and bicycle facilities to the planned BART transit station. The desire to have consistent accessibility was a key factor in determining a solution. Conceptually creating separated bicycle paths or at a minimum buffered bike paths was determined feasible given the available Caltrans right-of-way and existing City road widths.

Discussions were initiated with Caltrans regarding the use of available Caltrans right-of-way for the connectivity project, and it was an agreeable proposal. The City has since begun working on the preliminary concepts and feasibility study, as well as begun seeking adequate funding to support the project.

Purpose:

The proposed project will close a gap in the regional trail network. The proposed project will provide a safe, efficient, and enjoyable bicycle and pedestrian corridor for students, commuters and recreation that are separated from vehicle traffic. The project will connect existing trails and surrounding neighborhoods with a planned BART transit station and multimodal transfer facility located at the State Route 4 /Railroad Avenue freeway interchange. The project is also in close proximity to several retail and commercial businesses, City Hall, City Park, County Superior Court, and within one mile of seven different schools. This project will encourage more bicycle and pedestrian use of this corridor by making it safer and more user friendly with a wide, paved Class 1 multiuse trail or Class IV buffered bikeway that will include and trail lighting, intersection improvements, and additional parking. The project will benefit students traveling to and from seven nearby schools as well as commuters traveling to and from the proposed BART Center Station.

Need:

California Avenue is the neighborhood cross street where the planned BART transit station is to be constructed and it is currently a two lane road with parallel parking along the north side and approximately a two foot shoulder. With the expected increase of vehicles in the area, additional parking is proposed along the south side as well as a Class I path to keep the pedestrians and cyclists away from the traffic.

Deficiencies:

Currently there is no bike facility along California Avenue. With on street parking on one side and no shoulder as well as the frequent driveways of the neighborhood, a separate bicycle way is needed. With the planned BART transit station, it is expected more parking will be necessary and that can be accommodated along the south of California Avenue. However there is no pedestrian path on the south side of California Avenue, so therefore a combination multiuse trail is a solution to provide pedestrian and bicycle access and safety.

California Avenue Class II bike lanes and sidewalk improvements – Installing Class II bike lanes along both sides of California Avenue as well as providing parallel parking on both sides was rejected due to the conflicts it creates with door opening and vehicle pullout collisions with cyclists.

Community Involvement:

The City held public events and had discussions with potential users of the project to solicit input and feedback on potential design concepts and features. City staff analyzed alternatives to this Class 1 trail project, such as installing Class 2 and/or Class 4 bicycle facilities. These alternatives were deemed ineffective and/or unfeasible due to design, right-of-way, and cost considerations involved in the widening of the existing street (i.e. moving curb lines, including raised medians).

The public was engaged through community workshops and public hearings related to the project and the Railroad Avenue Specific Plan, which was adopted in 2009 (Ordinance No. 09-1319, Resolution No. 09-11303). The public was also engaged during a Bike to Work Day event held on May 14, 2015, with a survey about the project given to the public walking or bicycling past an energizer station located on the proposed project route. Sixty-six (66) trail users were contacted at the Bike to Work Day event, 55 pedestrians and 11 bicyclists. The project was also discussed at two public “Walkabout” events held specifically for this project on May 22, 2015 at 9 am and 3:30 pm. Seventeen (17) members of the community attended the “Walkabout” events, 11 recreational walkers and 6 bicyclists.

Feedback received at the Bike to Work Day event included nine (9) completed surveys regarding the project. All nine (9) respondents stated they would use a Class 1 trail along the project route and that they felt safer riding/walking on a paved trail than on a street, sidewalk or shoulder. Respondents also stated that a connected bikeway network, more trails, and living closer to work would encourage them to walk and bicycle more often. And feedback received during the “Walkabout” events included many useful suggestions and comments. They included suggestions to use soundwalls, drought tolerant landscaping, and non-metallic benches in the project. The public input and feedback received for the project has improved its effectiveness.

Environmental:

The City will be required to comply with the State Water Board National Pollutant Discharge Elimination System (NPDES) General Permit and the Regional Water Boards Post-Construction requirements. The addition of impervious surfaces triggers stormwater regulations that must be accounted for in design such as retention, detention, and peak flow control depending on quantity of impervious area added.

No environmental impacts besides stormwater are anticipated. The City will have CEQA Categorical Exemption and depending on funding sources may require NEPA clearance or Categorical Exclusion.

Estimate:

The cost estimate was used utilizing Caltrans Cost Estimate Data for District 4. The attempt was made to determine costs from current project listings and adequate units. Project specific items not found in the Caltrans Cost Estimate Database were determined from previous project estimates.

For this PSR we have included a 25% contingency on the construction cost as is standard practice for this level of study. In addition, construction management costs shall be estimated at 15% of construction cost. PS&E preparation shall be estimated as 20% of construction cost, and shall include survey necessary to develop a detailed design as well as environmental work and project management.

CALIFORNIA AVENUE

DESCRIPTION	COST ESTIMATE
PS&E/SURVEY/ENVIRON/PM	\$223,730.00
CONSTRUCTION	\$1,118,651.00
CONSTRUCTION MANAGEMENT	\$167,798.00
CALIFORNIA AVE. TOTAL	\$1,510,179.00

Project Milestones		Milestone	Milestone Designation (Target/Actual)
PROGRAM PROJECT	M015	April 2017	Target
BEGIN ENVIRONMENTAL	M020	July 2017	Target
NOTICE OF PREPARATION (NOP)	M030	August 2017	Target
NOTICE OF INTENT (NOI)	M035	December 2017	Target
CIRCULATE DED EXTERNALLY	M120	April 2018	Target
PA & ED	M200	July 2018	Target
PS&E TO DOE	M377	Jan 2019	Target
DRAFT STRUCTURES PS&E	M378	N/A	N/A
RIGHT OF WAY CERTIFICATION	M410	Jan 2019	Target
READY TO LIST	M460	Feb 2019	Target
FUND ALLOCATION	M470	March 2019	Target
ADVERTISE	M480	April 2019	Target
AWARD	M495	June 2019	Target
APPROVE CONTRACT	M500	July 2019	Target
CONTRACT ACCEPTANCE	M600	December 2019	Target
END PROJECT	M800	December 2019	Target

California Department of Transportation (Caltrans)

The City will coordinate with the Caltrans Permits Division to apply for encroachment permits as necessary for work proposed in Caltrans right-of-way.

**ENGINEER'S ESTIMATE CITY OF PITTSBURG
PEDESTRIAN AND BICYCLE CONNECTIVITY PROJECT
CALIFORNIA AVENUE - EXHIBIT A**

BID SCHEDULE A

ITEM	ITEM DESCRIPTION	UNIT	EST QTY
1	Mobilization, Bonds & Insurance	LS	1
2	Project Safety & Traffic Control	LS	1
3	Stormwater Management	LS	1
4	Hot Mix Asphalt (Type A)	TN	1,012
5	Class 2 Aggregate Base	TN	1,906
6	Minor Concrete (Curb and Gutter)	CY	52
7	Clearing and Grubbing	LS	1
8	Retaining Wall (Masonry Wall)	SF	3,700
9	Chain Link Railing	LF	740
10	Painted Stall Lines and Pavement Markings	SF	2,232
11	Painted Traffic Stripe	LF	1,370
12	Remove Catch Basin	EA	1
13	Remove Chain Link Fence	LF	1,440
14	Chain Link Fence	LF	699
15	Roadside Sign	EA	4
16	Lighting, Bollards, Ped Lights	LS	1
17	Install Catch Basin	EA	1
18	Adjust Utility	EA	6
19	End Path Treatment	EA	2
20	Excavation	CY	3,573
21	Grading	SY	5,359

25% Contingency:

BID SCHEDULE A CONSTRUCTION ESTIMATE :

**PS&E (20% includes Survey, Environmental, and
Project Management):**

Construction Management (15%):

TOTAL:

ENGINEER'S ESTIMATE

UNIT PRICE	ITEM TOTAL
\$75,000.00	\$75,000.00
\$25,000.00	\$25,000.00
\$15,000.00	\$15,000.00
\$210.00	\$212,520.00
\$75.00	\$142,950.00
\$670.00	\$34,840.00
\$23,000.00	\$23,000.00
\$40.00	\$148,000.00
\$65.00	\$48,100.00
\$6.00	\$13,392.00
\$3.00	\$4,110.00
\$2,500.00	\$2,500.00
\$10.00	\$14,400.00
\$45.00	\$31,455.00
\$580.00	\$2,320.00
\$20,000.00	\$20,000.00
\$4,800.00	\$4,800.00
\$1,500.00	\$9,000.00
\$5,000.00	\$10,000.00
\$70.00	\$250,110.00
\$6.00	\$32,154.00
\$279,662.75	
\$1,118,651.00	

\$223,730.00

\$167,798.00

\$1,510,179.00



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

DATE: 7/26/2017

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution Approving the Terms and Conditions of Employment for Employees in the Pittsburg Police Officers' Association for the Period July 1, 2017–June 30, 2020

MEETING DATE: 8/7/2017

EXECUTIVE SUMMARY

The Memorandum of Understanding between the City of Pittsburg and the Pittsburg Police Officers' Association (POA) expired on June 30, 2017. The City and POA representatives have been meeting since March 2017 to develop a successor Memorandum of Understanding, and have reached a tentative agreement on the terms and conditions of employment for fiscal years 2017–2018, 2018-2019, and 2019-2020 that provides for a salary adjustment for all classifications, as well as the implementation of significant cost sharing measures relating to the California Public Employees Retirement System (CalPERS). Should Council approve these terms, staff will prepare a successor MOU that incorporates the agreed upon changes.

FISCAL IMPACT

The total net cost of the comprehensive compensation package is \$1,438,720.00 over fiscal years 2017-18, 2018-19, and 2019-20. This Pittsburg Police Officers' Association agreement includes significant cost containment of the City's CalPERS employer contributions that reduces the City's financial obligation by approximately \$150,000.00.

The City shall issue POA employees a one-time cash payment of \$3,000.00 with a total projected cost of \$220,500.00 should the City receive at least \$500,000.00 in non-budgeted, one-time general fund revenue during the term of the agreement.

Funding for FY 2018-19 and FY 2019-20 will be incorporated into the City's future annual budgets.

RECOMMENDATION

Adopt a Resolution approving the July 19, 2017 tentative agreement, authorizing the City Manager to prepare and execute a successor memorandum of understanding between the City of Pittsburgh and the Pittsburgh Police Officers' Association for the period of July 1, 2017 – June 30, 2020, and authorizing corresponding budget appropriations, expenditures, and funding to be incorporated into the 2018, 2019 and 2020 annual budgets.

BACKGROUND

Pittsburg employees are deeply committed to providing a level of excellence in public service, and strive to respond effectively and efficiently to the needs of the Pittsburgh community. City employees within the Pittsburgh Police Officers' Association bargaining unit have not received a salary adjustment since July 2016, at which time a 4% increase was applied. No other wage increases or cost of living adjustments have been provided since that time. Recruitment efforts have been impacted as the City's pay ranges for police officers have remained stagnant while other organizations have provided cost of living increases and adjusted salary ranges accordingly. In addition, in recognition of the increasing cost and future liability created by CalPERS, the parties agreed to cost sharing of employer contributions made on behalf of the employee to the retirement system that results in significant cost containment savings. Council received a detailed briefing on these financial aspects at their public meeting of June 15, 2017.

The key terms of the agreement are as follows, and apply to all employees represented by the Pittsburgh Police Officers' Association:

TERM & COMPENSATION

Term of contract:

Three (3) years (July 1, 2017 – June 30, 2020)

Compensation Adjustment:

Effective the first full pay period in July 2017, all employees will receive a 2.5% cost of living increase.

Effective the first full pay period in July 2018, all employees will receive a 2.5% cost of living increase.

Effective the first full pay period in July 2019, all employees will receive a 2.5% cost of living increase.

Effective July 2, 2017, a new Step A and Step B of the Police Officer salary range shall be added to the existing range.

CalPERS Cost Sharing:

Effective July 2, 2017, Tier I (3% @ 50 formula) and Tier II (3% @ 55 formula) employees will pay an additional one percent (1%) of his/her salary to CalPERS for a total of 11%.

Effective July 1, 2018, Tier I (3% @ 50 formula) and Tier II (3% @ 55 formula) employees will pay an additional one percent (1%) of his/her salary to CalPERS for a total of 12%.

Incentive Pay:

Two percent (2%) shift differential paid on shifts ending between 9:00 p.m. and 12:00 a.m.
Four and one-half percent (4.5%) shift differential paid on shifts ending between 12:01 a.m. and 7:00 a.m.

Three percent (3%) incentive pay paid for regularly assigned detective assignment.

Off Salary Range One-Time-Only Payment:

Should the City realize \$500,000.00 in non-budgeted one-time revenue between July 1, 2017 and June 30, 2020, the City shall pay each employee a one-time cash payment of \$3,000.00 on the first full pay period following receipt of the revenue.

BENEFIT ADJUSTMENTS

Deferred Compensation:

The City's matching contribution to the 457 Plan shall increase to \$100.00 per month, providing alignment with other bargaining units and employee groups.

Service Awards:

Effective July 2, 2017, the City shall discontinue issuing service awards.

Service Achievement Incentive Plan:

Effective July 2, 2017, at the completion of a milestone of service, the City shall issue the following hours into the employee's reserve vacation bank:

- Five (5) years of service – 40 hours
- Ten (10) years of service – 50 hours
- Fifteen (15) years of service – 60 hours
- Twenty (20) years of service – 70 hours
- Twenty-five (25) years of service – 80 hours

Upon implementation, employees with at least five (5) years of service, but less than 10 years of service, shall receive a preliminary reserve vacation bank of 20 hours; employees with 10 years or more of service shall receive a preliminary reserve vacation bank of 40 hours.

The POA membership ratified the parameters of the tentative agreement on June 8, 2017. For additional details and changes to terms and conditions of employment, please refer to Attachment 1 (Tentative Agreement between the City of Pittsburgh and the Pittsburgh Police Officers' Association).

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

The City Council had four goals for this round of negotiations:

1. Treat employees fairly;
2. Position the City to be competitive for recruitment and retention;
3. Obtain agreements that meet the City's long-term goal of fiscal sustainability; and
4. Modify CalPERS cost sharing to achieve sustainability of the benefit and significantly reduce the City's unfunded liability.

All of these goals have been achieved by the Agreement. The cost containment measures for the CalPERS cost sharing will have a positive and significant financial impact on the City and results in a more sustainable retirement program for current and future retirees.

ATTACHMENTS: 1. Tentative Agreement dated July 19, 2017 between the City of Pittsburgh and the Pittsburgh Police Officers' Association
2. Resolution No. 17-_____

Report Prepared By: Stacy R. Shell, Director of Human Resources

COLLECTIVE BARGAINING BETWEEN
CITY OF PITTSBURG
AND
PITTSBURG POLICE OFFICERS' ASSOCIATION

MOU PROPOSAL

June 2017

6.8 Deferred Compensation

The City will make a "matching" contribution to the 457 deferred compensation plan for participating regular full-time employees up to a maximum of ~~fifty-one~~ hundred dollars and zero cents (\$~~5100.00~~ 5100.00) per month. ~~The City will make a "matching" contribution to the 457 deferred compensation plan for participating regular part-time employees up to a maximum of twenty-five dollars and zero cents (\$25.00) per month.~~

TA



Date: 7-19-17

TA



Date: 7/19/17

COLLECTIVE BARGAINING BETWEEN
CITY OF PITTSBURG
AND
PITTSBURG POLICE OFFICERS' ASSOCIATION

MOU PROPOSAL

June 2017

6.9 Retirement

All current and new employees will be covered by the Public Employees' Retirement System (PERS) plans in accordance with the California Public Employees' Pension Reform Act of 2013 (PEPRA)

A. Hired before October 30, 2011

All represented employees are covered by a pension program provided by the State of California Public Employees' Retirement System (PERS) to the City through a contract. This system, known as the 3% at 50 formula, is described periodically in brochures distributed by PERS.

The City agrees to provide and maintain the following enhancements to the basic PERS 3% at 50 formula:

1. One Year Final Compensation (Section 20042)
2. Annual Cost-of-Living Increase at 3% (Section 21335)
3. Military Service Credit as Public Service (Section 21024)
4. Credit for Unused Sick Leave (Section 20965)
5. Fourth Level 1959 Survivor Benefits (Section 21574)
6. Effective June 17, 2007 through July 9, 2011: EPMC as Additional Compensation (Section 20691). Effective July 10, 2011 the City shall not report EPMC as additional compensation.

Of the required employee share for retirement benefits, the employee shall pay from his/her salary to the PERS system, as provided under IRC § 414(h)(2):

- a)1. effective July 8, 2012 the employee will pay two percent (2%) from his/her salary of the required employee contribution to the PERS system;
- b)2. effective July 7, 2013, the employee will pay an additional two percent (2%) from his/her salary, for a total of four percent (4%), of the required employee contribution to the PERS system;

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COLLECTIVE BARGAINING BETWEEN
CITY OF PITTSBURG
AND
PITTSBURG POLICE OFFICERS' ASSOCIATION

- e)3. effective July, 6, 2014, the employee will pay an additional two percent (2%) from his/her salary, for a total of six percent (6%), of the required employee contribution to the PERS system;
- e)4. effective July, 5, 2015, the employee will pay an additional two percent (2%) from his/her salary, for a total of eight percent (8%), of the required employee contribution to the PERS system;
- e)5. effective July, 3, 2016, the employee will pay an additional two percent (2%) from his/her salary, for a total of nine percent (9%), of the required employee contribution and one-percent (1%) of the employer contribution to the PERS system;¹
- 6. effective July 2, 2017, the employee will pay an additional one percent (1%) from his/her salary (9% employee contribution and 2% employer contribution) to CalPERS for a total of 11%.¹
- 7. effective July 1, 2018, the employee will pay an additional one percent (1%) from his/her salary (9% employee contribution and 3% employer contribution) to CalPERS for a total of 12%.¹

The additional ~~one-percent (1%) employer contribution of the required employer-contribution-percentage~~ will only apply to those employees CalPERS defines as classic members. Members who are provided CalPERS benefits consistent with PEPPRA will make contributions as detailed in Section 6.9 (C) below.

B. Hired on or after October 30, 2011

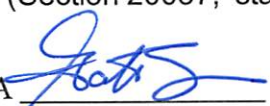
For implementation as of October 30, 2011 or as reasonably possible thereafter, all represented employees hired by the City of Pittsburgh on or following October 30, 2011 and enrolled in the City's safety PERS benefit with an effective date of October 30, 2011 or later the employee shall be covered by a pension program provided by the State of California Public Employees' Retirement System (PERS) to the City through a contract under the 3% at 55 formula, as described periodically in brochures distributed by PERS.

The City agrees to provide and maintain the following enhancements to the basic 3% at 55 formula:

- 1. Final compensation based on 3 year average (Section 20037, standard benefit, not enhancement)

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COLLECTIVE BARGAINING BETWEEN
CITY OF PITTSBURG
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2. Annual Cost-of-Living Increase at 2% (Section 21329, standard benefit, not enhancement)
3. Military Service Credit as Public Service (Section 21024)
4. Credit for Unused Sick Leave (Section 20965)
5. Fourth Level 1959 Survivor Benefits (Section 21574)

Of the required employee share for retirement benefits, the employee shall pay from his/her salary the entire nine percent (9%) required employee contribution to the PERS system, as provided under IRC § 414(h)(2):.

1. Effective July 3, 2016, the employee will pay an additional one percent (1%) from his/her salary, for a total of ten percent (10%), of the required employee contribution and one-percent (1%) of the employer contribution to the PERS system.¹
2. effective July 2, 2017, the employee will pay an additional one percent (1%) from his/her salary (9% employee contribution and 2% employer contribution) to CalPERS for a total of 11%.¹
3. effective July 1, 2018, the employee will pay an additional one percent (1%) from his/her salary (9% employee contribution and 3% employer contribution) to CalPERS for a total of 12%.¹

The additional ~~one percent (1%) employer~~ contribution ~~of the required employer contribution percentage~~ will only apply to those employees CalPERS defines as classic members. Members who are provided CalPERS benefits consistent with PEPPRA will make contributions as detailed in Section 6.9 (C) below.

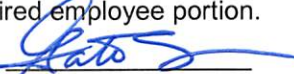
C. Hired on or after January 1, 2013

For all represented employees hired on or after January 1, 2013, who are considered "new members" under California Government Code Section 7522.04(f) shall be in the 2.7% at 57 CalPERS retirement formula described in Government Code Section 7522.20(a). In addition, "new members" shall be subject to the equal sharing and contribution requirements in Section 7522.30(a) and (c) and shall pay 50% of the normal costs.

¹ The current required employee contribution to CalPERS is 9%. Should the law change to require a higher required employee contribution percentage of 10% or more, the additional 1% POA employees will contribute towards the employer contribution will be applied towards the required employee portion.

TA 

Date: 7-19-17

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COLLECTIVE BARGAINING BETWEEN
THE CITY OF PITTSBURG
AND
THE PITTSBURG POLICE OFFICERS' ASSOCIATION

MOU PROPOSAL

June 2017

7.5 Shift Differential

The City agrees to pay represented regular full time employees a shift differential of two percent (2.0%) of the employee's regular straight-time rate of pay to an employee who regularly works any shift where the shift's ending time is between 9:00 p.m. and 12:00 a.m.

The City agrees to pay represented regular full time employees a shift differential of ~~two~~four-point-five percent (24.5%) of the employee's regular straight-time rate of pay ~~for~~ to an employee who regularly works any shift where the shift's startending time is between ~~midnight~~ 12:01 a.m. and 7:00 a.m.

Theseis differentials shall be paid through payroll as other incentives are paid.

TA 

Date: 7-19-17

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Date: 7/19/17

COLLECTIVE BARGAINING BETWEEN
THE CITY OF PITTSBURG
AND
THE PITTSBURG POLICE OFFICERS' ASSOCIATION

MOU PROPOSAL

June 2017

7.10 Detective Pay

Police Officers Regularly assigned to the duties of a Detective shall receive an additional three percent (3%) of the employee's regular straight-time rate of pay and shall be reported as a specialty division assignment pay. ~~when they are assigned to Detective duties.~~

Only those officers recognized by the department as a Detective may be eligible to receive the incentive pay.

TA 

Date: 7-19-17

TA 

Date: 7/19/17

COLLECTIVE BARGAINING BETWEEN
THE CITY OF PITTSBURG
AND
THE PITTSBURG POLICE OFFICERS' ASSOCIATION

MOU PROPOSAL

June____, 2017

7.110 Service Award

A regular full-time employee shall receive in December, if currently employed, service award pay based upon his/her total years of continuous City service, based on the following timetable and amounts:

<u>Years of City Service</u>	<u>Service Award Amount</u>
10 years	\$200
15 years	\$300
20 years	\$400
25 years	\$500
30 years	\$600
35 years	\$700
40 years	\$800
45 years	\$900

Effective July 2, 2017, the City shall discontinue issuing service awards to employees and implement the Service Achievement Incentive Plan outlined in section 8.1 – Vacation Accrual.

TA 

Date: 7-19-17

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Date: 7/19/17

COLLECTIVE BARGAINING BETWEEN
THE CITY OF PITTSBURG
AND
THE PITTSBURG POLICE OFFICERS' ASSOCIATION

MOU PROPOSAL

June 2017

8.1 Vacation Accrual

The vacation accrual rate for regular full-time employees shall be:

<u>Years of City Service</u>	<u>Accrual Rate</u>
0-5 years	Accrue 4.00 hours per pay period (13 days)
6-10 years	Accrue 5.53 hours per pay period (18 days)
11 years	Accrue 5.84 hours per pay period (19 days)
12 years	Accrue 6.15 hours per pay period (20 days)
13 years	Accrue 6.46 hours per pay period (21 days)
14 years	Accrue 6.76 hours per pay period (22 days)
15-19 years	Accrue 7.07 hours per pay period (23 days)
20 and more years	Accrue 8.62 hours per pay period (28 days)

Regular part-time employees shall accrue vacation in the amount proportionate to the ratio of scheduled hours of work per work week to the standard work week, but in no case shall the number of days of vacation accrued per year exceed those days allowed for a similarly classified full-time employee.

A. Service Achievement Incentive Plan - The City acknowledges the value of retaining experienced employees. In recognition of previous years of full-time continuous service with the City, the City shall implement a Service Achievement Incentive Plan as follows:

1. At the completion of five (5) years of service, the employee shall receive 40 hours of vacation to be added to the employee's reserve vacation bank.
2. At the completion of 10 years of service, the employee shall receive 50 hours of vacation to be added to the employee's reserve vacation bank.

TA



Date: 7-19-17

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COLLECTIVE BARGAINING BETWEEN
THE CITY OF PITTSBURG
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3. At the completion of 15 years of service, the employee shall receive 60 hours of vacation to be added to the employee's reserve vacation bank.
4. At the completion of 20 years of service, the employee shall receive 70 hours of vacation to be added to the employee's reserve vacation bank.
5. At the completion of 25 years of service, the employee shall receive 80 hours of vacation to be added to the employee's reserve vacation bank.
6. Upon initial implementation of the Service Achievement Incentive Plan, effective July 2, 2017:
 - a) Employees with at least five (5) years, but less than 10 years of full-time continuous service with the City shall receive a preliminary reserve vacation bank of 20 hours.
 - b) Employees with 10 years or more of full-time continuous service with the City shall receive a preliminary reserve vacation bank of 40 hours.
7. The Service Achievement Incentive Plan bank shall not have a vacation leave accrual limit. Employees may utilize the reserve vacation bank accrued hours in accordance with section 8.4 - Use of Vacation.

TA



Date: 7-19-17

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COLLECTIVE BARGAINING BETWEEN
THE CITY OF PITTSBURG
AND
THE PITTSBURG POLICE OFFICERS' ASSOCIATION

MOU PROPOSAL

June 2017

8.2 Vacation Fronting

Upon hire, Aa regular full-time employee shall receive a bank of 40 hours of vacation ~~his/her calendar year's vacation accrual in a lump sum on the first paycheck of each year. This practice is also known as "fronting" vacation. and begin accrual in accordance with section 8.1 – Vacation Accrual on the 11th pay period following his/her hire date.~~

Effective December 17, 2017, regular full-time employees shall begin vacation accrual in accordance with section 8.1 – Vacation Accrual.

During the second pay period of November 2017, each member will be able to do a one-time transfer from their regular vacation bank into their reserve vacation bank. Members will be able to transfer up to 100 hours into the reserve bank but will not be able to deplete their regular vacation bank lower than 50% of a single years vacation accrual after doing the one time transfer. Choosing to complete the one time transfer does not exclude a member from participating in the vacation buy back or vice versa.

TA



Date:

7-19-17

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COLLECTIVE BARGAINING BETWEEN
THE CITY OF PITTSBURG
AND
THE PITTSBURG POLICE OFFICERS' ASSOCIATION

MOU PROPOSAL

June 2017

Appendix A

1. Effective the first full pay period in July 2017, salary ranges for employees in each classification shall increase as follows:

<u>Effective July 2017</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>	<u>Step F</u>	<u>Step G</u>	<u>Step H</u>	<u>Step I</u>
Police Officer	\$ 5,762	\$ 6,050	\$ 6,352	\$ 6,670	\$ 7,003	\$ 7,354	\$ 7,721	\$ 8,107	\$ 8,513
Police Sergeant	\$ 8,185	\$ 8,594	\$ 9,023	\$ 9,475	\$ 9,948	\$ 10,446			
<u>Effective July 2018</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>	<u>Step F</u>	<u>Step G</u>	<u>Step H</u>	<u>Step I</u>
Police Officer	\$ 5,906	\$ 6,201	\$ 6,511	\$ 6,837	\$ 7,178	\$ 7,537	\$ 7,914	\$ 8,310	\$ 8,725
Police Sergeant	\$ 8,389	\$ 8,809	\$ 9,249	\$ 9,711	\$ 10,197	\$ 10,707			
<u>Effective July 2019</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>	<u>Step F</u>	<u>Step G</u>	<u>Step H</u>	<u>Step I</u>
Police Officer	\$ 6,053	\$ 6,356	\$ 6,674	\$ 7,008	\$ 7,358	\$ 7,726	\$ 8,112	\$ 8,518	\$ 8,944
Police Sergeant	\$ 8,599	\$ 9,029	\$ 9,480	\$ 9,954	\$ 10,452	\$ 10,975			

Effective July 2, 2017, a new Step A and Step B of the Police Officer salary shall be added to the existing range for the initial salary placement of future Police Officer employees. Upon implementation, current Police Officer employees assigned to Step A or Step B shall be reassigned to Steps that correspond with their assigned rate of pay C or Step D, correspondingly.

The current monthly salary ranges for employees in each classification is:

- A) Effective July 6, 2014 the current monthly salary ranges for employees in each classification is:

Police Officer ~~5653 5935 6232 6543 6870 7213 7502~~
Police Sergeant ~~7198 7558 7936 8333 8750 9100~~

- B) Effective July 5, 2015 the current monthly salary ranges for employees in each classification is:

Police Officer ~~5879 6172 6481 6805 7145 7502 7802~~
Police Sergeant ~~7486 7860 8253 8666 9100 9464~~

- C) Effective July 3, 2016 the current monthly salary ranges for employees in each classification is:

TA 

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COLLECTIVE BARGAINING BETWEEN
THE CITY OF PITTSBURG
AND
THE PITTSBURG POLICE OFFICERS' ASSOCIATION

~~Police Officer 6114 6419 6740 7077 7431 7802 8114~~
~~Police Sergeant 7785 8174 8583 9013 9464 9843~~

2. Whenever an individual is employed, in a listed classification with a monthly salary listed, at less than full-time, then said employee shall receive an hourly equivalent of the stated monthly salary.

3. Off Salary Range One-Time-Only Payment

- A. Should the City realize \$500,000.00 in non-budgeted unanticipated one-time revenue between July 1, 2017 and June 30, 2020~~19~~, the City shall pay each bargaining unit member a one-time cash payment of \$3,000.00 on the first full pay period following the receipt of the \$500,000.00 in revenue.

~~Retroactive to the first pay period in July 2015, a salary survey of the monthly salary ranges for represented classifications shall be conducted for Police Officer with a maximum increase of four percent (4%) based on the average salary based on "survey group". The increase with a maximum of four percent (4%) shall be applied to Police Officer salary steps A through G, and Police Sergeant salary steps A through F.~~

~~A separate salary survey shall be conducted for Police Sergeants with a maximum of five percent (5%) and will be conducted and applied to Step F of Police Sergeant. Should the increase create a difference between Steps E and Step F that exceed five percent (5%) the percent above five percent (5%) will be applied to a new Step G for Police Sergeants.~~

~~The survey shall be conducted after October 15, 2015 and shall include the Police Officer or Police Sergeant (whichever is applicable) "survey group" top step base salary, employer paid member contributions and employee paid employer portions of the retirement plan. Such survey is to be completed by November 15, 2015 with the "survey group" to be as follows: the public agencies of Antioch, BART, Brentwood, Concord, El Cerrito, Martinez, Pleasant Hill, Richmond, and San Ramon, and the County of Contra Costa.~~

TA



Date:

7-19-17

TA



Date:

7/13/17

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution Approving a Successor Memorandum of)
Understanding between the City of Pittsburg and the) RESOLUTION NO. 17-
Pittsburg Police Officers' Association for the Period of)
July 1, 2017 through June 30, 2020)

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

WHEREAS, the Memorandum of Understanding between the City of Pittsburg and the Pittsburg Police Officers' Association expired on June 30, 2017; and

WHEREAS, City representatives and the duly appointed representatives of the Pittsburg Police Officers' Association have met and conferred in accordance with Section 3500 et seq. of the California Government Code; and

WHEREAS, the membership of the Pittsburg Police Officers' Association ratified the attached agreement on June 8, 2017; and

WHEREAS, the City Manager and City staff recommend the terms and conditions of the Memorandum of Understanding to be approved by the City Council.

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 adopts this Resolution 17-_____

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

PASSED AND ADOPTED this 7th day of August 2017 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Marilyn Craft, Mayor

ATTEST:

Alice E. Evenson, City Clerk