



CITY OF PITTSBURG AGENDA

DECEMBER 12, 2022

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

******* AMENDED AGENDA *******

**SPECIAL MEETING
7:00 P.M.**

CITY COUNCIL

PRESIDING

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

**FOR HOUSING AUTHORITY:
S.L. Floyd, 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.pittsburgca.gov. Additionally, if any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports and documents will also be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Quarterly Overview of Use of Force by Law Enforcement Personnel and Overview of Internal Affairs Investigations
2. Presentation and Update of the Housing Element for the 2023-2031 Cycle

CITY MANAGER REPORTS/REMARKS

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

PUBLIC COMMENTS

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

COMMITTEE REPORTS

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

CITY COUNCIL MEETING

CONSIDERATION

3. Introduction and Waive First Reading of an Ordinance Amending Title 2 of the Pittsburg Municipal Code

The City Council approved a Handbook for City Advisory Bodies to guide and assist them in the performance of their duties. A revision to this Handbook was approved on November 7, 2022 necessitating an amendment to Title 2 of the Pittsburg Municipal Code. Staff recommends the City Council take comments and waive first reading of an Ordinance to update Title 2 of the Pittsburg Municipal Code.

4. Introduce and Waive First Reading of an Ordinance to Rescind and Amend Pittsburg Municipal Code Title 15, "Buildings and Construction," to Adopt by Reference the 2022 California Building Code, Residential Code, Electrical Code, Fire Code, Mechanical Code, Plumbing Code, Historical Building Code, Green Building Standards Code, Existing Building Code and Energy Code with State of California and Local Amendments

The California Building Standards Code is published every three years and amends the California Code of Regulations, Title 24. These codes are commonly referred to as the California Building Code ("Codes") and include building, plumbing, mechanical, electrical, fire, energy, residential, historical, and green standards.

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

AB 1600 (Government Code Sections 66000–66008) requires cities to justify and account for developer fees which they enact, increase or impose as a condition of new development for the purposes of financing “public facilities and improvements.” AB 1600 also requires an annual review of the developer fees that have been collected and spent during the previous year. This report fulfills the AB 1600 requirements.

CONFLICT OF INTEREST STATEMENT

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

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

6. Minutes of November 7, 2022, November 21, 2022, and December 5, 2022

7. Adoption of a City Council Resolution Allocating American Rescue Plan Act (ARPA) Funds for the Frontage Road Living Green Trail Project

The City has been awarded \$1,354,000 for the Frontage Road Living Green Trail and Community Outreach Project. This project includes Green Stormwater Infrastructure improvements to the Frontage Road corridor, and educational outreach campaign to promote stormwater pollution prevention, and environmentally conscious practices.

8. Adoption of a City Council Resolution Authorizing the Execution of a Consulting Services Agreement with TRC Solutions, Inc. for the H Cycle Renewable Hydrogen Project

The proposed item would authorize the City Manager to execute a Consulting Services Agreement with TRC Solutions, Inc. (TRC) in an amount not to exceed \$306,691 and would allocate \$245,353 to the consultant budget for contract planning services related to the proposed H Cycle Renewable Hydrogen Project at 1301 Standard Oil Avenue, Pittsburg.

9. Adoption of a City Council Resolution Making Findings in Support of Continuing to Hold Public Subcommittee Meetings by Teleconference Pursuant to California Government Code Section 54953(e)

Assembly Bill 361 (AB 361) amended the Brown Act to allow local legislative

bodies to continue to meet remotely during proclaimed states of emergency under specified conditions. Findings must be made every 30 days.

10. Adoption of a City Council Resolution to Amend the Master Pay Schedule to Include Amendments to the Seasonal Salary Schedule and Previously Approved Positions and Compensation

To comply with CalPERS' interpretation of the requirements of California Code of Regulations, Title 2, Section 570.5 by amending the single master pay schedule already on the City's website representing all previously approved actions on the individual classifications of the pay schedule and amending the Seasonal Salary Schedule to comply with the State of California minimum wage increase from \$15.00 per hour to \$15.50 per hour, effective January 1, 2023. The single master pay schedule is submitted to the City Council for approval each time any single MOU or compensation plan is brought to the City Council for approval.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

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

COUNCIL MEMBER REMARKS

Council Members may make brief announcements or informal comments at this time. (No Action Required)
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ADJOURNMENT to January 17, 2023

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.pittsburgca.gov. If any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports or documents will be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

SPEAKER'S CARD

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

PUBLIC HEARINGS

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

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

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled 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 electronic devices, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

LIVE MEDIA BROADCASTING ADVISEMENT

City Council meetings are webcast live on the City's website at www.pittsburgca.gov on the Streaming Media page. Past meetings are also archived on that webpage. Watch the live meeting via the City's webcast (www.pittsburgca.gov), or on Delta TV Comcast Channel 32, or Delta TV AT&T U-Verse Channel 99. For more information, please contact the City Clerk's office at 252-4850.

City Council Outside Agency / Liaison / Sub-Committees Assignments - 2022

Updated September 19, 2022

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Shanelle Scales-Preston / Holland White Alt.	Standing	Annual	G. Evans
Delta Diablo**	Juan Banales / Shanelle Scales-Preston Alt.	Standing	2 nd Wednesday	R. Abono
East Co. Co. County Habitat Conservancy	Juan Banales / Jelani Killings Alternate	Standing	Monthly	J. Davis
East County Water Management	Juan Banales / Jelani Killings Alternate	Standing	Annual	R. Abono
MCE Clean Energy Board	Shanelle Scales-Preston / Holland White Alt.	Standing	4 Per Year	D. Buchanan
TRANSPLAN / ECCRFFA	Holland White / Juan Banales Alternate	Standing	2 nd Thursday	R. Abono
Tri-Delta Transit (2 reps)***	S. Scales-Preston & Merl Craft / Jelani Killings Alt.	Standing	Last Wednesday	R. Abono
<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Shanelle Scales-Preston / Merl Craft Alt.	Standing	3 rd Thursday	*Rotational
Mayor's Conference	Holland White / Shanelle Scales-Preston Alt.	Standing	1 st Thursday	G. Evans
School Districts Committee (2x2)	Shanelle Scales-Preston & Merl Craft / Jelani Killings Alt.	Standing	2nd Thursday even months	G. Evans
<u>SUBCOMMITTEES</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
American Rescue Plan Act (ARPA)	Holland White / S. Scales-Preston / Juan Banales Alt.	Ad Hoc	As needed	G. Evans
CAC CDBG Subcommittee	S. Scales-Preston & Jelani Killings / Holland White Alt.	Standing	As needed	M. Aliotti
City Council Policy and Procedures Review	Juan Banales & Merl Craft	Ad Hoc	As needed	G. Evans
City Infrastructure and Transportation	S. Scales-Preston & Juan Banales / Holland White Alt.	Standing	As needed	R. Abono
Community Services Subcommittee	Merl Craft & Shanelle Scales-Preston / Juan Banales Alt.	Standing	As needed	M. Aliotti
Constituent Management Services	S. Scales-Preston & Juan Banales / Holland White Alt.	Ad Hoc	As needed	G. Evans
Economic Develop/Waterfront Subcommittee	Jelani Killings & Holland White / S. Scales-Preston Alt.	Standing	As needed	J. Davis
Finance Subcommittee	Juan Banales & Holland White / S. Scales-Preston Alt.	Standing	As needed	P. Rodrigues
Government Performance Subcommittee	Holland White & Jelani Killings	Ad Hoc	As needed	G. Evans
Hills Committee	Juan Banales & Jelani Killings / Merl Craft Alt.	Ad Hoc	As needed	G. Evans
Land Use Subcommittee	Juan Banales & Holland White / S. Scales-Preston Alt.	Standing	As needed	J. Davis
Los Medanos Health Advisory Committee	S. Scales-Preston & Jelani Killings	Ad Hoc	As needed	G. Evans
My Brothers Keeper Subcommittee	S. Scales-Preston & Jelani Killings	Ad Hoc	As needed	G. Evans
Pittsburg Arts & Community Foundation	Merl Craft & S. Scales-Preston / Jelani Killings Alt.	Standing	As needed	G. Evans
Pittsburg Police Activities League (PAL)	Holland White & S. Scales-Preston / Jelani Killings Alt.	Standing	Monthly	B. Addington
Pittsburg Recognition Committee	Holland White / Shanelle Scales-Preston Alt.	Standing	As needed	K. Simonton
Power Company Advisory	Holland White & S. Scales-Preston / Juan Banales Alt.	Standing	As needed	D. Buchanan
Public Safety Subcommittee	Holland White & Shanelle Scales-Preston	Standing	As needed	B. Addington
Sister City Committee	Jelani Killings & Holland White / Merl Craft Alt.	Standing	As needed	K. Simonton
Tobacco, Cannabis, Alcohol Policy Review	Shanelle Scales-Preston & Jelani Killings	Ad Hoc	As needed	G. Evans

*Rotational Staff as assigned by City Manager

**Stipend of \$170 per month

***Stipend of \$100 per month



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Introduction and Waive First Reading of an Ordinance Amending Title 2 of the Pittsburg Municipal Code

MEETING DATE: December 12, 2022

EXECUTIVE SUMMARY

The City Council approved a Handbook for City Advisory Bodies to guide and assist them in the performance of their duties. A revision to this Handbook was approved on November 7, 2022 necessitating an amendment to Title 2 of the Pittsburg Municipal Code. Staff recommends the City Council take comments and waive first reading of an Ordinance to update Title 2 of the Pittsburg Municipal Code.

FISCAL IMPACT

There is no fiscal impact from this action.

RECOMMENDATION

City Council introduce and waive first reading of an ordinance to update Title 2 of the Pittsburg Municipal Code.

BACKGROUND

On June 15, 2015, the City Council approved Resolution 15-13052A to adopt a Handbook for City Advisory Bodies as a training and guidance document for the City's advisory bodies.

On November 19, 2018, the city Council approved Resolution 18-13565 which amended the Handbook for City Advisory Bodies and dates for terms of office. The terms of office are set by Ordinance.

These bodies provide information and assistance in addressing specific issues, facilitate community decision-making and serve as a conduit between citizens, City staff and the Council. Currently, these bodies include the Community Advisory Commission, Historic Resources Commission, Housing Authority, Pittsburg Planning Commission, Measure M Citizen Oversight Committee and Sister Cities Committee.

The roles and responsibilities of each advisory body are set forth in the Pittsburgh Municipal Code or by City Council resolution. From time to time, the City Council has adopted and revised bylaws governing the mission, purpose and procedures under which commissions perform their function.

On November 19, 2018 a revision to the Handbook for City Advisory Bodies was revised necessitating an amendment to Title 2 of the Pittsburgh Municipal Code.

On November 7, 2022, the Handbook was revised necessitating an amendment to Title 2 of the Pittsburgh Municipal Code.

SUBCOMMITTEE FINDINGS

An ad hoc committee of the City Council worked with the City Clerk, City Attorney and Commission liaison staff to review the current handbook. The subcommittee agreed that after adoption of the revised Handbook, an amendment to the Municipal Code would be necessary.

STAFF ANALYSIS

To aid the City's various advisory bodies in their role assisting the City Council in addressing specific issues and providing a conduit for information from the public, the City Council recently adopted a Handbook for City Advisory Bodies.

Apart from the Handbook, roles and responsibilities of each advisory body are set forth in the Pittsburgh Municipal Code, by City Council resolution and through various regulations and state laws. The Planning Commission, Historical Resources Commission, Community Advisory Commission and Youth Advisory Commission also use bylaws adopted by the City Council to govern their meetings and activities.

The Handbook and bylaws are designed as reference documents for basic protocols and procedures to be followed by each commission. The documents also set forth requirements for meeting times, attendance and eligibility for appointment to the advisory bodies.

The recent revision of the Handbook has necessitated an update to Title 2 of the Pittsburgh Municipal Code.

The most significant changes to the Municipal Code reflect the following:

- Revised commission terms to four years from two; and
- Revised dates of appointment and terms; and
- Extending the number of terms from four consecutive two year terms to no more than two consecutive four year terms; and,
- Inclusion of the Pittsburgh Youth Advisory Commission

ATTACHMENTS: Ordinance

Report Prepared By: Alice E. Evenson, City Clerk

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending Title 2 of the Pittsburgh Municipal
Code to Revise Requirements and Terms
and Appointments to City Commissions

ORDINANCE NO. 22-1504

The Pittsburgh City Council DOES ORDAIN as follows:

WHEREAS, advisory bodies play an important role in City governance by assisting the City Council in addressing specific issues in detail, and providing a conduit for information between the public and the City Council; and

WHEREAS, currently, the advisory bodies include the Community Advisory Commission, Historic Resources Commission, Housing Authority governing board, Planning Commission, Measure M/P Citizen Oversight Committee, Youth Advisory Commission and Sister Cities Committee; and

WHEREAS, the roles and responsibilities of each advisory body are set forth in the Pittsburgh Municipal Code, and City Council resolution, and are subject to state law; and

WHEREAS, on November 7, 2022, the City Council by resolution adopted a Handbook for City Advisory Bodies as a training and guidance document for the City's advisory bodies; and

WHEREAS, the Planning Commission, Community Advisory Commission and Youth Advisory Commission are subject to bylaws adopted by the City Council to govern their meetings and activities.

NOW, THEREFORE, the City Council of the City of Pittsburgh Does ORDAIN as follows:

(new language in ***bold italic***, deleted language in ~~strikethrough~~)

Section 1. Amendment. Section 2.04.060 of the Pittsburgh Municipal Code is hereby amended as follows:

2.04.060 City commissions – Appointment – Removal from office of city commissioners – Conduct of business of city commissions.

A. Commission appointments shall be made by the city council. Unless the appointment involves filling a vacancy, the term of a newly appointed commissioner shall begin on July 1st, ***except that the term of a newly appointed planning commissioner shall begin on the date of the second regular meeting in March.*** The city council may remove, at its pleasure, any commissioner during his/her term of office, by a majority vote of the city council.

B. Commissioners who have reached their term limits, who resign or are removed from a commission by the city council must wait ~~one~~ **two** years before seeking reappointment to the same commission. The city council may adopt, by resolution, guidelines and requirements for the conduct of commission business.

Section 2. Amendment. Section 2.40.020 of the Pittsburgh Municipal Code is hereby amended as follows:

2.40.020 Membership.

The city planning commission shall consist of seven voting members and three ex officio members, as follows:

A. The voting members of the city planning commission shall be appointed by the city council and shall be residents of the city;

B. No city officer, official, employee or member of the city council shall be appointed as a voting member of the planning commission;

C. The city planner, city attorney and city engineer shall be ex officio members of the planning commission and shall serve as members thereof during their official tenure;

~~D. A planning commissioner shall serve no more than four consecutive, two-year terms in office. If a commissioner has completed four consecutive terms, then the commissioner is not eligible for reappointment to the planning commission until one year has passed; however, if a commissioner has served six years or less at the time their current term expires, then they are eligible for reappointment;~~

The term of office for members is four years. Members shall not serve more than two consecutive four-year terms. Members who have served six years or less at the time their terms expire are eligible for reappointment. After a member's second consecutive term expires, there must be at least a two-year break before that member may be appointed to the planning commission. The city council may reappoint members if there are no other applicants or if the council has already considered the current applicants and determined to reappoint a member whose term has exceeded the term limits.

~~E. Notwithstanding the term limits contained herein, if a commissioner's term has expired or is expiring and there is an insufficient number of applicants to fill all vacant seats on the commission, the city council shall be entitled, in its discretion, to reappoint one or more commissioners who would otherwise be ineligible to reapply under subsection (D) of this section. Nothing in this section shall require a commissioner to accept reappointment.~~

Section 3. Amendment. Section 2.50.020 is hereby amended as follows:

A. The commission shall consist of seven voting members selected from any sector of the city. All commissioners shall be appointed by and serve at the pleasure of the city council.

B. All candidates for membership shall be ~~registered voters~~ **residents** in the city and shall not be a current officeholder. The commissioners should be representative of the community as a whole, as determined by the city council.

~~C. A community advisory commissioner shall serve no more than four, consecutive, two-year terms in office. If a commissioner has completed four terms, the commissioner is not eligible for reappointment to the community advisory commission until after one year has passed.~~

The term of office for members is four years. Members shall not serve more than two consecutive four-year terms. Members who have served six years or less at the time their terms expire are eligible for reappointment. After a member's second consecutive term expires, there must be at least a two-year break before that member may be appointed to the community advisory commission. The city council may reappoint members if there are no other applicants or if the council has already considered the current applicants and determined to reappoint an existing member whose term has exceeded the term limits.

~~D. If a commissioner is appointed to a vacant seat and serves less than two years of the unexpired seat, the appointed commissioner shall be eligible to serve two additional four-year terms in addition to completing the term of the vacant seat the appointed commissioner fills.~~

~~E. Notwithstanding the term limits contained herein, if a commissioner's term has expired or is expiring and there is an insufficient number of applicants to fill all vacant seats on the commission, the city council shall be entitled, in its discretion, to reappoint one or more commissioners who would otherwise be ineligible to reapply under subsection (C) of this section. Nothing in this section shall require a commissioner to accept reappointment.~~

Section 4. Amendment. Section 2.50.050 is hereby amended to read as follows:

2.50.050 Meetings.

Meetings of the commission generally shall be conducted ***held no less than 10 days during a calendar year and are generally conducted*** once each month at a city facility unless an alternate location is selected. Agendas shall be prepared by city staff and shall be properly posted and noticed as prescribed by law. Commission members shall attend all meetings or notify staff if they are unable to attend.

Section 5. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

Section 6. 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.

Section 7. Publication. The ordinance shall be posted and published in accordance with the California Government Code.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on December 12, 2022, and was adopted and ordered published at a meeting of the City Council held on _____, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Introduce and Waive First Reading of an Ordinance to Rescind and Amend Pittsburg Municipal Code Title 15, "Buildings and Construction," to Adopt by Reference the 2022 California Building Code, Residential Code, Electrical Code, Fire Code, Mechanical Code, Plumbing Code, Historical Building Code, Green Building Standards Code, Existing Building Code and Energy Code with State of California and Local Amendments

MEETING DATE: December 12, 2022

EXECUTIVE SUMMARY

The California Building Standards Code is published every three years and amends the California Code of Regulations, Title 24. These codes are commonly referred to as the California Building Code ("Codes") and include building, plumbing, mechanical, electrical, fire, energy, residential, historical, and green standards.

FISCAL IMPACT

None from this action.

RECOMMENDATION

City Council introduce, waive further reading, and pass to second reading of the attached Ordinance to rescind and amend Chapters 1.12, 1.20, 15.08, 15.16, 15.18, 15.20, 15.22, 15.26, 15.28, 15.32, 15.60, and 15.64 of the Pittsburg Municipal Code.

BACKGROUND

The 2022 California Codes will take effect statewide on January 1, 2023. Building regulations or standards have the same force of law and are confirmed 180 days after their publication unless otherwise stipulated. This code applies to all occupancies in the State of California as annotated.

This is the first reading of an ordinance to rescind and amend sections of the Pittsburg municipal code to reflect the 2022 California Building Code, California Code of Regulations, Title 24, Part 2, Volumes 1 and 2, California Building Standards Commission, based upon the 2021 International Building Code as published by the International Code Council.

The 2022 California Electrical Code, California Code of Regulations, Title 24, Part 3, California Building Standards Commission, based upon the 2020 National Electrical Code as published by the National Fire Protection Association.

The 2022 California Mechanical Code, California Code of Regulations, Title 24, Part 4, California Building Standards Commission, based upon the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials.

The 2022 California Plumbing Code, California Code of Regulations, Title 24, Part 5, California Building Standards Commission, based upon the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials.

The 2019 California Historical Building Code, California Code of Regulations, Title 24, Part 8, as published by the California Building Standards Commission.

The 2022 Green Building Standards Code, California Code of Regulations, Title 24, Part 11, California Building Standards Commission as published by the International Code Council.

The 2022 California Existing Building Code, California Code of Regulations, Title 24, Part 10, California Building Standards Commission based upon the 2021 International Existing Building Code.

The 2022 Residential Code, California Code of Regulations, Title 24, Part 2.5, California Building Standards Commission, based upon the 2021 International Residential Building Code as published by the International Code Council.

The 2022 California Fire Code, California Code of Regulations, and Appendix Chapter 1, Administration, Title 24, Part 9 based on the 2021 International Fire Code published by the International Code Council.

The 2021 California Energy Code, Title 24, Part 6, California Building Standards Commission as published by the International Code Council.

The City may establish more restrictive building standards as reasonably necessary because of local climatic, geological, or topographical conditions. The proposed amendments are based upon these tangible conditions and past practice.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Adoption of this ordinance formalizes the City's participation in enforcing the building codes as adopted by the State Building Standards Commission. This will provide necessary clarification regarding the adopted regulations governing property development, building construction and maintenance.

ATTACHMENTS: Proposed Ordinance to Adopt 2022 California Codes

Report Prepared By: Shelby Rose, Permit Center Supervisor

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Ordinance to Rescind and Amend Pittsburg)
Municipal Code Chapters 1.12, 1.20, 15.08,)
15.16, 15.18, 15.20, 15.22, 15.26, 15.28,) ORDINANCE NO. 22-
15.32, 15.60, 15.64 Which Adopts by Reference)
the Applicable 2022 California Codes)

WHEREAS, the California Building Standards Code is published every three years and amends the California Code of Regulations, Title 24; and

WHEREAS, these codes are commonly referred to as the California Building Code ("Codes") and include building, plumbing, mechanical, electrical, fire, energy, residential, historical, and green standards; and

WHEREAS, the 2022 California Codes will take effect statewide on January 1, 2023; and

WHEREAS, building regulations or standards have the same force of law and are confirmed 180 days after their publication unless otherwise stipulated; and

WHEREAS, this code applies to all occupancies in the State of California as annotated; and

WHEREAS, each city in California is required to adopt the California Building Standards Code and is authorized to do so by reference (Health and Safety Code §17922 and Government Code §50022.2); and

WHEREAS, the City may establish more restrictive building standards as reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the proposed amendments are based upon these tangible conditions and past practice, and

WHEREAS, adoption of this ordinance formalizes the City's participation in enforcing the building codes as adopted by the State Building Standards Commission. This will provide necessary clarification regarding the adopted regulations governing property development, building construction and maintenance; and

WHEREAS, the City has provided notice of, and taken all actions necessary for, the proposed adoption by reference of certain uniform State codes as set forth in this Ordinance and as required by Government Code section 50020 et. seq.

NOW, THEREFORE, the City Council of the City of Pittsburg DOES ORDAIN as follows:

SECTION 1. PRIOR ENACTMENTS REPEALED

All prior enactments of the City, which conflict with this Ordinance, are hereby repealed, effective upon the date on which this Ordinance becomes effective and operative.

SECTION 2. CONTINUING EFFECT

2.1 Notwithstanding Section 1 of the Ordinance, and solely for the purposes of this Section 2.1, this Ordinance shall be construed as a continuation of said prior enactments as the same may have been heretofore amended from time to time, and compliance therewith prior to the effective date hereof shall be deemed to be compliance with this Ordinance unless provided otherwise herein.

2.2 Except as specifically or by necessary implication required to the contrary by this Ordinance, no right or entitlement granted, or obligation imposed, or action or proceeding commenced or taken pursuant to a prior resolution or ordinance repealed or modified hereby shall be deemed to be invalidated, waived, terminated or otherwise affected by the enactment hereof.

SECTION 3. EFFECT OF ENACTMENT

Except as specifically provided herein, nothing contained in this Ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 4. FINDINGS

4.1 The International Code Council (ICC) is a private organization which has been in existence for at least three (3) years.

4.2 The 2022 California Design Building Codes, the 2022 California Fire Code, the California Building Standards Code, and the California Fire Code Standards published by said organization, are a nationally recognized compilation of proposed rules, regulations, and standards of said organization.

4.3 The California Design Building Codes and the California Fire Code have been printed and published as a code in books form within the meaning of Section 50022.2 et seq., of the California Government Code and said code has been adopted and amended by the California Building Standards Commission into the California Code of Regulations (CCR) as Title 24, 2022 edition.

4.4 That one (1) copy of the 2022 California Design Building Codes based on the 2021 International Design Building Codes and one (1) copy of the 2022 California Fire Code based on the 2021 International Fire Code have been on file for use and examination by the public in the office of the Building Official prior to adoption of this Ordinance.

4.5 That the sections of the International Design Building Codes and California Building Code Standards may be referred to by the same number used in said published compilation preceded by the words "City of Pittsburg International Building Code Section" or "International Building Code Section" or "Building Code Section". Said amendments to the California Building Standards Code under the California Design Building Codes shall be referred to in the same manner as listed above for ease of application.

4.6 That the sections of the California Fire Code may be referred to by the same number used in said published compilation preceded by the words "City of Pittsburg California Fire Code Section" or "California Fire Code Section" or "Fire Code Section". Said amendments to the California Building Standards Code under the California Fire Code shall be referred to in the same manner as listed above for ease of application.

4.7 Pursuant to Section(s) 17958.5(a) and (b) as well as Section 17958.7 of the California Health and Safety Code, the Section contained herein shall be submitted as the "Findings of Need" with regard to the specific California Design Building Codes and California Fire Code Ordinance Amendments adopted by the City of Pittsburg and addressed herein. Additional requirements and standards herein are necessary to properly protect the health, safety, and welfare of the existing and future residents as well as workers of the City of Pittsburg. Under the provisions of Section 17958.7 of the Health and Safety Code, local amendments shall be based on climatic, geological, or topographical conditions. The "Findings of Need" contained herein shall address each of these situations and shall present the local situation which singularly or in combination cause the established amendments to be adopted. Each such modification is identified as to which section such finding refers.

4.7.1 Life Safety: That the additional requirements and standard established herein are needed to properly protect the health, safety, life and limb, and welfare of existing and future residents, workers, and guests of the City of Pittsburg.

4.7.2 That these changes and modifications to the standards published in the California Design Building Codes and California Fire Code are reasonably necessary because of local climatic, geological, and topographical conditions. The following are hereby adopted as non-inclusive specific findings in respect to such local conditions and refer to amendments made to the California Design Building Codes, California Code of Regulations, Title 24, and International Fire Code as more particularly set forth below.

4.7.2.1. **Climatic Conditions:**

1. **Precipitation and Relative Humidity**

Conditions:

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. 96% of precipitation falls during the months of October through April and four percent from May through September. This is a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from 45-65% during spring, summer, fall, and from 60-90% in the winter. It occasionally falls as low as 15%.

Impact:

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush, and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely.

Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks, and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. **Temperature**

Conditions:

Temperatures have been recorded as high as 114° F. Average summer highs are in the 90° range, with average maximums of 105° F.

Impact:

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building and wildland fires.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass, and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant

higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more Fire District resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire District.

3. **Winds**

Conditions:

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 mph to 23 mph ranges, gusting to 25 to 35 mph. 40 mph winds are experienced occasionally and winds up to 55 mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

Impact:

Winds such as those experienced locally can and do cause fires, both interior and exterior, to burn and spread rapidly. Fires involving non-irrigated weeds, grass, and brush can grow to a magnitude and be fanned to intensity beyond the control capabilities of the Fire District very quickly even by relatively moderate winds. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. When such fires are not controlled, they can extend to nearby buildings, particularly those with untreated wood shakes or shingles. In building fires, winds can literally force fires back into the building and can create a blow torch effect, in addition to preventing “natural” ventilation and cross-ventilation efforts.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently

cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

4.7.2.2 **Topographic Conditions:**

Development has occurred and continues to occur in Pittsburg at a rapid pace. Traffic congestion occurs during certain peak business hours, weekends, and on holidays along main thoroughfares. (Information provided by the Transportation Engineering Division of the Public Works Department).

The distance between fire stations, and the response time in our city compared to the time when flashover generally occurs creates a need for on-site fire suppression capability in all structures, and the need for specific turning radius and turnaround requirements for fire apparatus. In order to accommodate fire equipment during emergency response, we find that fire apparatus roads, grades, turning radius and turnaround dimensions are required as set forth herein.

Conditions:

Vegetation: The service area of the Contra Costa County Fire Protection District has a varied topography and vegetative cover. A conglomeration of flat lands, hills, and ridges make up the terrain. Development has occurred on the flat lands in the District and in the past 15 years development has spread into the hills, valleys, and ridge lands of the District. Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six to eight months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout the Fire District, especially in those fully developed areas and those areas marked for future development.

Surface Features: The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit efficient response routes for Fire District resources into and through many areas.

Buildings, Landscaping and Terrain: Many of the “newer” large buildings and building complexes have access and landscaping features or designs which preclude, or greatly limit, efficient approach or operational access to them by Fire District vehicles. In addition, the presence of security gates, roads of inadequate width and grades which are too steep for Fire

District vehicles create an adverse impact on fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires additional fire personnel and resources to successfully and safely mitigate the event. Access problems often result in severely delaying, misdirecting, or making fire and smoke control efforts unsuccessful.

4.7.2.3 **Geological Conditions:**

Pittsburg, CA has a very high earthquake risk, with a total of 3,904 earthquakes since 1931. The USGS database shows that there is a 97.98% chance of a major earthquake within 50km of Pittsburg, CA within the next 50 years. The largest earthquake within 30 miles of Pittsburg, CA was a 6.0 Magnitude in 2014.

Within the 20 miles of the City of Pittsburg, there are four (4) earthquake faults; the Concord Fault, Clayton Fault, Davis Fault, and the Kirby Hills Fault. There are also other faults in the immediate adjacent areas. In the event of a severe earthquake these faults present the potential for catastrophic damage including fire, damage to roadways, and other impairments of emergency apparatus (Fault information from California Division of Mines and Geology). This finding supports our modifications to the California Design Building Codes and the California Fire Codes.

Seismicity

Conditions:

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area.

The fire environment of a community is primarily a combination of two factors: the area's physical geologic characteristics and a historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area's fire protection needs. The Fire District has 3 distinct areas. They are: the West, which includes the City of San Pablo and the communities of North Richmond, El Sobrante, and East Richmond Heights; the Central, which includes the Cities of Lafayette, Martinez, Pleasant Hill, Concord, Walnut Creek, Clayton, and the communities of Clyde, Pacheco, Alhambra Valley, and Alamo; and the East, which includes the Cities of Antioch and Pittsburg and the community of Bay Point.

Because of the size of the Contra Costa County Fire Protection District (304 square miles), the characteristics of the fire environment changes from one location to the next. Therefore, the District has not one, but a number of fire environments, each of which has its individual fire protection needs from two major oil refineries, to heavy industrial facilities, freeways, rail lines, waterways, port facilities, wildland areas, urban and suburban town settings, and major downtown areas.

Interstates 80 and 680, State Highways 4, 24, and 242, Bay Area Rapid Transit District (BART), and major thoroughfares travel throughout the district. There are 2 major rail lines which run through the district. An overpass or underpass crossing collapse would alter the response route and time for responding emergency equipment. This is due to the limited crossings of the major highways and rail lines.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities, which, in turn, cause power failures while at the same time starting fires throughout the Fire District. The occurrence of multiple fires will quickly deplete existing fire district resources; thereby reducing and/or delaying their response to any given fire. Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems, and other electrical equipment urgently needed for building evacuation and fire control in large buildings without emergency generator systems would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

Impact:

A major earthquake could severely restrict the response of the Fire District and its capability to control fires involving buildings of wood frame construction, with ordinary wood shake and

shingle exteriors, or with large interior areas not provided with automatic smoke and fire control systems.

Soil Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy. Throughout the Fire District, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. Many of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as down trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be practically impassable. This finding supports our modifications to the California Design Building Codes and the California Fire Codes

SECTION 5. California Building Code

Chapter 15.08 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.08 California Building Code

Sections:

15.08.010 Adoption

15.08.040 Amendments to Appendix Chapter 1, Administration.

15.08.010 Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the building code of the city the 2022 California Building Code (CBC), California Code of Regulations, Title 24, Part 3, and Appendices (based on the 2021 International Building Code published by the International Code Council.)

B. One copy of the CBC is on file with the building division for use and examination by the public, along with changes, additions and deletions relating to sections of the CBC as set forth in this chapter. In addition, all subsequent supplements to the CBC and related publications are adopted by reference.

15.08.040 Amendments to Appendix Chapter 1, Administration.

Set forth below are the local amendments, additions, and deletions to the administrative portion of the 2022 California Building Code. Chapter and section numbers used herein are those of Chapter 1 of the 2022 California Building Code.

Section 107.5, Retention of Construction Documents, is hereby amended to read:

Section 107.5 Retention of Construction Documents. The building division of the City of Pittsburg shall maintain an official copy, which may be on microfilm or other type of photographic copy of the plans of every building, during the life of the building, for which the department issued a building permit. "Building Division" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings. Except for plans of a common interest development as defined in Section 1351 of the Civil Code, plans need not be retained after 180 days of completion for:

- (a) Single or multiple dwellings not more than two stories and basement in height.
- (b) Garages and other structures appurtenant to buildings described under subdivision (a).
- (c) Farm or ranch buildings.
- (d) Any one-story building where the span between bearing walls does not exceed 25 feet.

The exemption in this subdivision does not apply to a steel frame or concrete building.

Section 109.4 is hereby added to read:

Section 109.4 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

Section 109.5, Related Fees, is hereby amended to read:

Section 109.5 "Fees" Reinspection's. If reinspection's are required, fees for the same may be assessed in accordance with Section 109.

To obtain a re-inspection, the permittee shall pay any assessed re-inspection fee. In those instances where the building official has assessed a re-inspection fee, the building inspector shall perform no additional inspections of the work until the required fee has been paid."

SECTION 6. California Electrical Code

Chapter 15.16 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.16 California Electrical Code

Sections:

- 15.16.010 Adoption.
- 15.16.020 Electrical permit – Applicant qualifications.
- 15.16.040 Amendments, additions, and deletions to the National Electrical Code.
- 15.16.050 Violation – Penalty.
- 15.16.060 Small residential rooftop solar energy system review process.
- 15.16.070 Expedited electric vehicle charging station permitting.

15.16.010 Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the electrical code of the city the 2022 California Electrical Code (CEC), California Code of Regulations, Title 24, Part 3, and Appendices (based on the 2021 National Electrical Code published by the National Fire Protection Association).

B. One copy of the CEC is on file with the building division for use and examination by the public, along with changes, additions and deletions relating to sections of the CEC as set forth in this chapter. In addition, all subsequent supplements to the CEC and related publications are adopted by reference.

15.16.020 Electrical permit – Applicant qualifications.

No permit shall be issued to any person to do or cause to be done any electrical work regulated by this chapter, unless such applicant qualifies under one of the following conditions:

A. Applicant possesses a valid, unexpired, and unrevoked electrical contractor’s license issued to him or her under the applicable provisions of the Business and Professions Code of the state; or

B. Applicant is the bona fide owner of the premises, which premises consists of a single-family dwelling, duplex, or a single unit in a condominium complex used exclusively for living purposes, and all accessory buildings thereto; provided, that the owner or a member of his/her immediate family shall perform all labor pursuant to the permit.

15.16.040 Amendments, additions, and deletions to the 2021 National Electrical Code.

Set forth below are the local amendments, additions, and deletions to the 2022 California

Electrical Code. Chapter and section numbers used herein are those of the 2021 California Electrical Code.

Section 89.108.8, Appeals Board, is replaced by Section 113, Board of Appeals, of Appendix Chapter 1 of the 2022 California Building Code.

Article 100, Definitions, is hereby amended by the addition of the following words or phrases:

“CITY” or “THE CITY” shall refer to the City of Pittsburg as the text requires.

“CITY COUNCIL” shall refer to the City Council of the City of Pittsburg.

“ELECTRICAL CONTRACTOR” shall refer to a contractor in possession of a valid license issued in accordance with the provisions of the California Contractors State License Board.

“ELECTRICAL INSPECTOR” shall refer to the Building Official of the City of Pittsburg or his or her authorized representative.

“ELECTRICAL WORK” shall refer to the installation, construction, maintenance, and repair of electrical equipment.

“PERSON” shall refer to a natural person, his or her heirs, executors, administrators, or assignees, and also includes a firm, partnership, or corporation, its or their successors or assignees, or the agent of any of the aforesaid.

“SINGLE FAMILY DWELLING” shall refer to a residential building containing one or two dwelling units.

15.16.050 Violation – Penalty.

A violation of any provision under this chapter is punishable as a misdemeanor and upon conviction may be punished by a fine not more than \$1,000 or by imprisonment in the county jail for not more than six months, or both.

15.16.060 Small residential rooftop solar energy system review process. Share

A. The following words and phrases as used in this section are defined as follows:

“Electronic submittal” means the utilization of one or more of the following:

1. E-mail.
2. The Internet.
3. Facsimile.

“Small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

3. A solar energy system that is installed on a single or duplex family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

“Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

B. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

C. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such checklist. (Note: Your city may adopt an ordinance that modifies the checklists and standards found in the California Solar Permitting Guidebook due to unique climatic, geological, seismological, or topographical conditions.)

D. The checklist shall be published on the city’s Internet website. The applicant may submit the permit application and associated documentation to the city’s building division by personal, mailed, or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature. (Or, if the city will not accept electronic signature, the reasons for the inability to accept electronic signatures must be described.)

E. Prior to submitting an application, the applicant shall:

1. Verify to the applicant’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. At the applicant’s cost, verify to the applicant’s reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground, and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic

electrical loads.

F. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief. (Note: A separate fire inspection may be performed if your city does not have an agreement in place with your local fire authority to conduct a fire safety inspection on behalf of the fire authority.) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, the subsequent inspection need not conform to the requirements of this subsection.

G. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

H. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

15.16.070 Expedited electric vehicle charging station permitting.

A. The ordinance codified in this section shall be known as the city of Pittsburg electric vehicle charging station permit expediting ordinance. The terms, phrases, and words used in this section shall be construed in compliance with the definitions set forth by California Government Code Section 65850.7.

B. Electric vehicle charging stations which qualify for expedited permit processing, pursuant to Government Code Section 65850.7, shall be subject to the administrative permitting procedures set forth in this section.

C. Expedited Review Process. Consistent with Government Code Section 65850.7, the building official shall implement an expedited administrative permit review process for electric vehicle charging stations and adopt a checklist of all requirements with which electric vehicle charging stations shall comply in order to be eligible for expedited review. The expedited administrative permit review process and checklist may refer to the recommendations in the checklist prescribed by the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Governor's Office of Planning and Research. The city's adopted checklist shall be published on the city's website.

D. Electronic Submittals. Consistent with Government Code Section 65850.7, the building official shall allow for electronic submittal of permit applications covered by this section and associated supporting documentation. In accepting such permit applications, the building

official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

E. Association Approval. Consistent with Government Code Section 65850.7, the building official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

F. Permit Application Processing. A permit application that satisfies the information requirements in the city's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the building official that the permit application and supporting documents meet the requirements of the city-adopted checklist, and are consistent with all applicable laws, the building official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the city. If the building official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

G. Technical Review. It is the intent of this section to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the building official's authority to address higher priority life-safety situations. If the building official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in Government Code Section 65850.7, the city may require the applicant to apply for a use permit."

SECTION 7. Historical Building Code

Chapter 15.18 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

"Chapter 15.18 Historical Building Code

Sections:

- 15.18.010 Adoption.
- 15.18.020 Violation – Penalty.
- 15.18.010 Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the historical code of the city the 2022 California Historical Building Code (CHBC), California Code of Regulations, Title 24, Part 8 (as published by the California Building Standards Commission).

B. One copy of the CHBC is on file with the Building Division for use and examination by the public, along with changes, additions and deletions relating to sections of the CHBC as set forth in this chapter, in addition, all subsequent supplements to the CHBC and related publications are adopted by reference.

15.18.020 Violation – Penalty.

A violation of any provision under this chapter is punishable as a misdemeanor and upon conviction may be punished by a fine not more than \$1,000 or by imprisonment in the county jail for not more than six months, or both.”

SECTION 8. California Fire Code

Chapter 15.20 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.20
California Fire Code

- 15.20.010 Adoption.
- 15.20.020 Enforcement.
- 15.20.040 Amendments.

15.20.010 Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the fire code of the city the 2022 California Fire Code (California Code of Regulations, and Appendix Chapter 1, Administration, Title 24, Part 9 (based on the 2021 International Fire Code published by the International Code Council)).

B. One copy of the CFC is on file with the city clerk for use and examination by the public, along with changes, additions and deletions relating to sections of the CFC as set forth in this chapter. In addition, all subsequent supplements to the CFC and related publications are adopted by reference.

15.20.020 Enforcement.

A. The provisions of this chapter shall be enforced by the Contra Costa County fire protection district (district) under the direction of the fire chief and/or the chief building official of the city. The fire chief or his duly authorized agents may issue citations for violations of the district ordinances as adopted by the city in the same manner as a county or city is authorized to do so by Chapter 5-C (commencing with Section 853.5, Title 3, Part 2) of the Penal Code.

B. A report of the fire activities within the city shall be made annually and transmitted to the city manager by the Contra Costa County fire protection district. It shall contain all proceedings under this code, with such statistics as the fire chief deems necessary.

15.20.040 Amendments.

Chapter and section numbers used below are those of the 2022 California Fire Code.

A. Chapter 1, Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of the Contra Costa County Fire Protection District and is hereinafter referred to as “this code.”

Section 102.1 is amended to add item 5, to read:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 105.5 is amended to read:

105.5 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.5.1 through 105.5.63.

Section 105.5.33 is amended to read:

105.5.33 Motor Fuel Dispensing Facilities. An operational permit is required for the operation of automotive, marine, and fleet motor fuel dispensing facilities, including for sites that allow mobile fueling from a service provider to the general public, fueling of motor vehicles at approved locations from a tank vehicle and limited or temporary fueling operations for special events (fueling of watercraft from shore, piers, floats, or barges).

Section 105.5.40 is amended to read:

105.5.40 Cannabis/Plant Extraction Related System(s)/Operations. An operational permit is required for any of the following cannabis/plant extraction related systems operations.

1. Cultivation
2. Plant Extraction Systems
3. Testing/Lab
4. Manufacturing
5. Distribution

6. Carbon Dioxide Systems or volatile solvent

Section 105.5 is amended by adding Sections 105.5.52 through 105.5.63 to read:

105.5.52 Wood products. An operational permit is required to store chips, hogged material, wood or other combustible pallets, lumber, or plywood in excess of 200 cubic feet (6 m³).

Section 105.5 is amended by adding Sections 105.5.55 through 105.5.63 to read:

105.5.55 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 3319

105.5.56 Automobile Wrecking or Dismantling Yard. An operation permit is, required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

105.5.57 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees

105.5.58 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19, and Chapter 56 of this code

105.5.59 Model rockets. A permit is required to sell model rocket motors or launch model rockets pursuant to California Code of Regulations, Title 19, Division 1, Article 17. Permits issued in accordance with this section are for the site and are effective as long as site conditions have not changed.

105.5.60 Temporary Occupancy. A permit is required for any temporary occupancy.

105.5.61 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3313.1.

105.5.62 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 34.

105.5.63 Indoor Growing Operation. A permit is required to operate an indoor growing operation.

Exception: Agricultural Greenhouses in an agricultural zone.

Section 105.6 is amended to read:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.29.

Section 105.6.25 is amended by adding Sections 105.6.25 through 105.6.29 to read:

105.6.25 Access for Fire Apparatus. Plans shall be submitted, and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code.

105.6.26 Construction, Substantial Alteration, Additions of a Building for Which a Building Permit is Required. Plans shall be submitted to the fire code official for all land developments or for the construction, substantial alteration, additions or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or substantial alteration.

105.6.27 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.6.28 Water Supply for Fire Protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings, or portions of buildings either constructed or moved into the District pursuant to Section 507.

105.6.29 Land Development. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction.

105.7 Responsibility of permittee. Construction permits shall be presumed by the Fire District, Fire Department to incorporate all of the work that the applicant or the applicant's agent, employees, or contractors shall carry out. Work performed shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 112.4 is added to read:

112.4 Violation Penalties. Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor in accordance with health and safety Code Section 13871 and Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or permit the continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions.

B. Chapter 2, Definitions.

Section 202 is amended by adding the following definitions to read:

Administrator. Shall mean the Fire Chief

Aerial Pre-Plans. An overhead layout of a parcel that contains structure(s) that identifies specific first responder related items to assist in effectively managing incidents and events for the protection of occupants, responding personnel, property, and the environment. The preplan shall be developed in accordance with a format approved by the AHJ. Preplan symbols shall comply with AHJ or the latest edition of NFPA 170 (Standard for Fire Safety and Emergency Symbols), and NFPA 1620 (Standard for Pre-Incident Planning).

All-weather driving surface. A roadway with a minimum surface finish that is designed to carry the imposed weight loads of fire apparatus.

Automobile Dismantling or Wrecking Yard. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Combustible Material. Rubbish, litter, or material of any kind other than hazardous vegetation that is combustible and endangers the public safety by creating a fire hazard as determined by the fire code official.

Defensible Space. The area adjacent to a structure or dwelling as determined by the fire code official where wildfire prevention or protection practices are implemented to provide the key point of defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term that includes, but is not limited to a fire lane, public street, private street, driveway, parking lot lane, and access roadway.

Fire Code Official. The Fire Chief or a duly authorized representative, or other person as may be designated by law, appointment or delegation and charged with the administration and enforcement of this code.

Firebreak. A continuous strip of land upon and from which all combustible material hazardous vegetation or other growth has been removed to bare mineral soil to stop or prevent the extension of fire from one area to another.

Fire Trail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires. Must be able to support the safe travel of a Type 3 Fire Apparatus.

Fuel Break. A strategically located block or strip, on which a cover of dense, heavy, or combustible vegetation has been changed to one of lower fuel volume or reduced combustibility, as an aid to fire control. Fuel breaks require annual and recurring maintenance.

Hazardous Vegetation. Vegetation that is combustible and endangers the public safety by creating a fire hazard including but not limited to seasonal and recurrent grasses, weeds, stubble, brush, dry leaves, dry needles, dead, dying or diseased trees and any other vegetation as determined by the fire code official.

Key Box or Knox Box. (Underwriters Laboratory) UL "Listed" box, size and style, approved by the Fire Code Official or designee that meets the requirements and uses the same security key code adopted by the Fire Department

Ladder Fuel. Fuel that provides vertical continuity between surface fuel and canopy fuel strata, increasing the likelihood that fire will carry from surface fuel into the crowns of shrubs and trees.

Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Ornamental Landscaping. Decorative plants growing within a tended garden or yard which are appropriately irrigated, maintained, and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control. The use of fire-resistant plants and the removal of fire hazardous vegetation will enhance fire safety.

Person. Includes any agency of the county, city, district or other local public agency and any individual, firm, association, partnership, business trust, corporations, limited liability company, or company.

Public Nuisance. A declaration by the fire code official that the presence of combustible materials on any parcel creates a fire hazard or threat to public safety (Health and Safety Code 14875 and 14876) or any violation of this code.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes and/or amount of

vegetation (native and ornamental), and/or other conditions favorable to fast moving fires.

Response Time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Rubbish. Waste matter, litter, trash, refuse, debris, and dirt on streets or private property in the jurisdiction, which is or when dry may become a fire hazard. See combustible material.

Rural Area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural Residential Area. An area generally designated for single-family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Sprinkler Alarm and Supervisory System (SASS). A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, paper street and easements.

Substantial Addition. The addition of new gross floor area exceeds fifty percent of the existing gross floor area, and the total new gross floor area is 5,000 square feet or greater.

Substantial Alteration. Where fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed or replaced within a one-year period.

Temporary Fire Department Access Road for Construction. An approved temporary roadway for emergency vehicle uses during construction of residential subdivision projects.

Temporary Fire Department Access Road for Construction of One (1) Residential (R3) Unit. A temporary roadway for emergency vehicle uses during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary Water Supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree Litter. Any limbs, bark, branches, and/or leaves in contact with other vegetation or left to gather on the ground.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

C. Chapter 3, General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees, or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 320.

Section 304.3.5 is added, to read:

304.3.5 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct, and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4, Exception 1, is amended to read:

Exception 1. Residential Occupancies.

Section 324 is added to Chapter 3, to read:

SECTION 324 Exterior Hazard Control.

324.1 Subsurface Fires.

324.1.1 Peat Fire. It is the duty of each person, firm corporation, or association not to permit a peat fire or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

324.1.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter, or vegetation, and the owner or occupant thereof has not

taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, the Fire District may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of providing rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 325 is added to Chapter 3, to read:

SECTION 325 Automobile Wrecking Yards,

325.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

325.2 Definitions. The following terms are defined in Chapter 2:

Automobile Dismantling

Automobile Wrecking Yard

325.3 Requirements.

325.3.1 Permits. An operational Fire code permit is required as in Section 105.6.53.

325.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

325.3.3 Welding and Cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires, and all other debris.

325.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms, or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

325.3.5 Fire Protection. Offices, storage buildings, and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

325.3.6 Tire Storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

325.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no

further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

325.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

325.3.8 Burning Operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

325.3.9 Motor Vehicle Fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

325.3.9.1 Mitigation of Leaking Fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems, and transmissions shall be kept available on site. Single-use plugs, diking, and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state, and local requirements.

325.3.10 Fuel Tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

325.3.10.1 Repair of Vehicle Fuel Tanks. The repair of fuel tanks, including cutting, welding, or drilling of any kind is prohibited.

325.3.11 Lead Acid Batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

D. Chapter 4, Emergency Planning and Preparedness.

Section 401.5 is added to read:

401.5.1 Nuisance Fire Alarm fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 401.10 is added to read:

401.10 Aerial Pre-Plans. For all new construction the fire official is authorized to require a fire aerial pre-plan to be prepared by an approved vendor at the cost of the developer.

Section 401.11 is added to read:

401.11 Standby Personnel. Where, in the opinion of the fire code official or Fire Chief, it is essential for public safety in a place of assembly, or any other place

where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, or activity, the owner, agent, or lessee shall provide standby personnel as required and approved by the fire code official or Fire Chief. If the activity requires fire watch, fire watch shall be provided in accordance with Sections 403.11.1.1 and 403.11.1.2 Standby personnel needed for EMS standby shall be provided in accordance with Contra Costa County EMS Protocols.

E. Chapter 5, Fire Service Features.

Section 503.1.4 is added to read:

503.1.4 Access to Open Spaces. When access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide alternate acceptable access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.1.5 is added to read:

503.1.5 Existing Fire Trail Systems Shall Be Maintained. When conditions make maintenance of existing trails impractical, alternate means of access shall be provided and requires approval by fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A minimum sixteen (16) foot wide driveway is acceptable for access to one or two single-family dwellings.

Section 505.3 is added to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

F. Chapter 6, Building Services and Systems.

Section 605.3.1 is added to read:

605.3.1 Spark Arrestors. All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrestor per CBC 2113.9.2

H. Chapter 9, Fire Protection Systems.

Section 901.6.3 is amended to read:

901.6.3 Records. Records of all system inspections, tests, and maintenance

required by the reference standards shall be submitted to a third-party electronic record keeping service as chosen by the fire district.

Section 902 is amended to add:

Substantial Addition or Expansion.

Section 902.1 is amended to add:

Substantial Addition. The addition of new gross floor area exceeds fifty percent of the existing gross floor area, and the total new gross floor area is 5,000 square feet or greater.

Substantial Alteration. Where fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof area removed or replaced within a one- year period.

Section 903.2.1.1 is amended to read:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.3 is amended to read:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for fire areas containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.

Section 903.2.1.4 is amended to read:

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.2 is amended in its entirety, to read:

903.2.2 Group B. An automatic sprinkler system shall be provided for Group B occupancies and intervening floors of the building where the fire area exceeds 5,000 square feet.

903.2.2.1 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.
3. In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor as well as all floors below where such care is provided, and all floors between the level of ambulatory care and the nearest level of exit discharge, the level of exit discharge, and all floors below the level of exit discharge.

Exception: Floors classified as an open parking garage are not required to be sprinklered.

Section 903.2.3 is amended to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 2,000 square feet in area.

Exception: An automatic sprinkler system is not required in any Group E Day Care Facility less than 5,000 square feet

2. The Group E fire area is located on a floor other than a level of exit discharge serving such occupancies.

Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area.

3. The Group E fire area has an occupant load of 300 or more.
4. In rooms or areas with special hazards such as laboratories, vocational shops, and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
5. Throughout any Group E structure greater than 4,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than 4-hour fire resistance rating without openings.
6. For public school state-funded construction projects, see Section 903.2.19.
7. For public school campuses, Kindergarten through 12th grade, see

Section 903.2.4 is amended in its entirety to read:

903.2.4 Group F.

903.2.4. Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeding 2,500 square feet.

Section 903.2.4.4 is added to read:

903.2.4.4 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy greater than 5,000 square feet.

Section 903.2.7 is amended to read:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.

2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet.
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls less than 4-hour fire-resistance rating without openings.

Section 903.2.8 is amended to read:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies. An automatic sprinkler system shall be installed in new manufactured homes, new mobile homes, and multifamily manufactured homes with two dwelling units, including those located in mobile home parks, in accordance with Title 25 of the California Code of Regulations.

Section 903.2.8.1.1 is amended to read:

903.2.8.1.1 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where either of the following occurs

1. Substantial Addition. The addition of new gross floor area exceeds fifty percent of the existing gross floor area, and the total new gross floor area is 3,600 square feet.
2. Substantial Alteration. Where fifty percent or great of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed or replaced within a one-year period.

Section 903.2.9 is amended to read:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group S-1 occupancy used for the storage of upholstered furniture or

mattresses exceeding 2,500 square feet.

Section 903.2.9.1 is amended to read:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet.

Section 903.2.10 is amended in its entirety to read:

903.2.10 Group S-2.

903.2.10.1 Group S-2 parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code where either of the following conditions exists:

1. Where the fire area of the enclosed garage exceeds 5,000 square feet.
2. Where the enclosed parking garage is located beneath other occupancy groups.
Exception: Enclosed parking garages located beneath Group R-3 occupancies.
3. Where the fire area of the open parking garage, in accordance with Section 406.5 of the California Building Code, exceeds 48,000 square feet.

Section 903.2.10.3 is added to read:

Section 903.2.10.3 Group S-2 Low Hazard Storage. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy exceeding 5,000 square feet.

Exception: Open parking garages, including canopies and photovoltaic panel systems with open parking underneath, shall meet automatic sprinkler system requirements in accordance with the 2022 California Building Code and 2022 California Fire Code without local amendment.

Section 903.3.1.1.4 is added to read:

903.3.1.1.4 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet, the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet, the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.1.3 is amended to read:

903.3.1.3 Sprinkler Systems for One- and Two- family dwellings. Automatic sprinkler systems for one- and two- family dwellings shall be permitted to be installed in accordance with sections 903.3.1.3.1

903.3.1.3.1 Pipe limitations. Where CPVC pipe is installed above the insulation or is otherwise located in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum of R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 903.3.5.3 is added to read:

903.3.5.3 Non-permissible Water Supply Storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.9 is amended to read:

903.3.9. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies.

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6.1 and 903.6.2 are added to read:

903.6.1 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs, and the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.1.

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 912.5 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). R-3 occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.4.4 is added to read:

907.4.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored in compliance with Section 907.6.5.

Section 907.5.2.3.1 is amended to read:

907.5.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms and locker rooms.
2. Corridors, hallways, aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies.
10. Meeting/Conference rooms.

11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms.
16. Copy or work rooms.
17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

Section 907.6.6 is amended to read:

907.6.6 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL listed central station is not required for:

1. Single and multiple station smoke alarms required by section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with section 907.2.6.3.4.
3. Residential Day Care Facilities (occupancy load of 14 or less).
4. One- and two- family dwellings.
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.6.7 is added to read:

907.6.7 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.6.7.1 is added to read:

907.6.7.1 Posting of Certificate. The UL Certificate shall be posted in a durable

transparent cover within three feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

I. Chapter 10, Means of Egress.

Section 1028.5.1 is added to read:

1028.5.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather and shall terminate at a public way as defined in the California Building Code.

J. Chapter 33, Fire Safety During Construction and Demolition.

Section 3303.1.2 is added to read:

3303.1.2 Amendments. Amendments may be required to an approved site safety plan if deemed necessary by both the building official and fire official, based on previous fires or hazards that occurred on site or occurring within the jurisdiction.

Section 3303.1.3 is added to read:

3303.1.3 Site Security Requirements. Site security requirements include the following if deemed necessary by both the building official and fire official:

1. Controlled access points
2. Site fencing, up to 12 feet in height with tamper sensors and security wires on top
3. Security guards, full-time 24/7 presence on-site, to perform fire watch and patrols
4. Detection check points located throughout the buildings for fire watch and patrol verification
5. Security camera coverage throughout the site with motion detection notifications
6. Identify measures taken to prevent tampering with security cameras and motion sensors
7. Necessary lighting throughout the project site

Section 3319 Asbestos Removal is added to read:

3319.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3319.

Exception: Section 3319 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.

2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

3319.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

3319.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

3319.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

K. Chapter 50, Hazardous Materials – General Provisions.

Section 5001.5.1 is amended to add item 10 and 11 to read as follows:

10. Fire Department related safety equipment

A. Fire alarm control panel (FACP)

B. Sprinkler riser

C. Fire Department Connection (FDC)

D. Knox Box location

E. Gas valve shutoff

F. Electrical main shutoff

G. Water shutoff

H. Elevator equipment room

11. A Site Fire/Explosion/Hazardous material Release Analysis Assessment. A Fire Protection engineer (FPE) stamped risk assessment is required for each possible hazard risk associated with fire, explosion, smoke, and toxicity associated with the possible incident at a facility that is identified as a bulk transfer/process/storage facility. Refer to NFPA 550 & 551 for references.

Section 5001.5.3 is added to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1.2 is added to read:

5003.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

L. Chapter 56, Explosives and Fireworks.

Section 5601.1.3 is added to read:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited within the jurisdiction or District.

Exceptions:

1. The use of fireworks for fireworks displays, pyrotechnics before a proximate audience, pyrotechnic special effects in motion pictures, television, theatrical, or group entertainment productions as allowed by Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and the Health and Safety Code Division 11.

2. Snap caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.2 is amended to read:

5601.2.2 Sale and retail display. No person shall construct a retail display or offer for sale any explosives, explosive materials, or fireworks within the jurisdiction.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshall as pyrotechnic devices.

5601.2.4 is amended to read:

5601.2.4 Financial responsibility. Before a permit is issued pursuant to Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$2,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicated a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Exception: Fireworks in accordance with California Code of Regulations, Title 19, Division 1 Chapter 6. See Section 5608.

Section 5601.9 is added to read:

5601.9 Prohibited and Limited Acts. The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with California Fire Code Section 5601.8.

M. Chapter 57, Flammable and Combustible Liquids.

Section 5703.3.1 is added to read:

5703.3.1 Facility Site Fire/Explosion/Hazardous Material Release Analysis Assessment. A fire Protection engineer (FPE) stamped risk assessment is required for each possible hazard risk associated with fire explosion, smoke, and toxicity associated with the possible incident at a facility that is identified as a bulk transfer/process/storage facility when required by the fire official. Refer to NFPA 550 & 551 for references.

Section 5704.2.9.6.1 is amended to read:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706 L) for Class I or II liquids, or 1,000 gallons (3785.412 L) for Class III liquids.

Section 5706.2.4.4 is amended to read:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except

districts zoned for commercial, industrial, or agricultural use.

N. Chapter 58, Flammable Gases and Flammable Cryogenic Fluids.

Section 5806.2 is amended to read:

5806.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with section 5806.3 or 5806.4.

O. Chapter 61, Liquefied Petroleum Gases.

Section 6103.2.1.7 is amended in its entirety to read:

6103.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A or Group B occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the California Mechanical Code and NFPA 58.

Section 6104.2 is amended to read:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

P. Chapter 80, Referenced Standards.

Chapter 80 is amended by adding the following referenced standards:

NFPA 3 (2021): Recommended Practice for Commissioning of Fire Protection and Life Safety Systems.

NFPA 850 (2020): Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations.

Chapter 80 is further amended by amending the NFPA 13D (2022) (Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes) standard as follows:

Section 7.7.1 is added to read:

7.7.1 Where CPVC pipe is installed above the normal insulation in an unconditioned

space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 8.3.5.1.2 is amended to read:

8.3.5.1.2 Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space. In unconditioned spaces, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Q. Appendix B, Fire-Flow Requirements for Buildings.

Section B105.2 is amended to read:

TABLE B105.2
Required Fire-Flow for Buildings Other
Than One- and
Two-Family Dwellings, Group R-3 and
R-4 Buildings and Townhouses

AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)	MINIMUM FIRE-FLOW (GALLONS PER MINUTE)	FLOW DURATION (HOURS)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute= 3.785 Liters

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

R. Appendix C, Fire Hydrant Locations and Distribution.

Table C102.1 is amended as follows:

The title of Table C102.1 is amended to read:

TABLE C102.1 REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS (footnote h and J)

The heading of the fourth column of Table C102.1 to read:

MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT. (d,f,g,i)

Footnotes “i” and “j” are added to Table C102.1, to read:

- i. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.
- j. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

S. Appendix D, Fire Apparatus Access Roads.

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (34,473 kg) in accordance with CalTrans Design Standard HS-20-44.

Exception: Driveways serving one or two single-family dwellings may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted in its entirety.

Section D103.2 is amended to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000-pound (19 958 kg) traction load. The grooves in the concrete surface shall be 1/2 inch (13 mm) wide by 1/2 inch (13 mm) deep and 1 1/2 inch (38 mm) on center and set at a 30-to-45-degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is amended to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13716 mm) outside.

Figure D103.1 is amended to read:

Figure D103.1

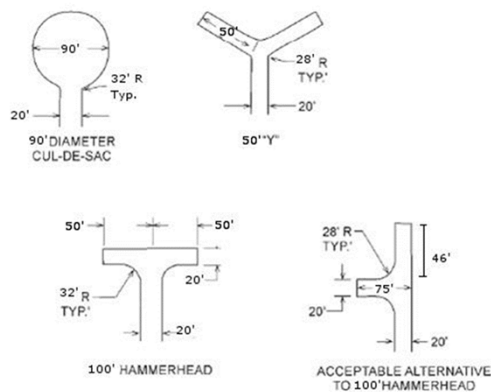


Figure D103.1 Dead-end Fire Apparatus Access Road Turnaround

Table D103.4 is amended to read:

Table D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20 ^a	None required
151 - 750	20 ^a	100-foot Hammerhead, 50-foot "Y", 75-foot Shunt or 90-foot- diameter cul-de-sac in accordance with figure D103.1
Over 750	Special approval required ^b	

a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family dwellings.

b. Any fire apparatus access roadway or driveway that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8-foot-wide turnout that extends at least 40 feet in length.

Section D103.5 is amended as follows:

Criteria 1 of Section D103.5 is amended to read:

1. The minimum clear width shall be 20 feet (6096 mm).

Exception: For access to one or two single-family dwellings, 16 feet clear width is acceptable.

Criteria 9 is added to Section D103.5 to read:

9. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as fire lane.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a fire lane.

Section D106.1 is amended by deleting the exception and to read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D106.2 is deleted in its entirety.”

SECTION 9. GREEN BUILDING STANDARDS CODE

Chapter 15.22 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.22 GREEN BUILDING STANDARDS CODE

Sections:

15.22.010 Adoption.
15.22.020 Violation – Penalty.

15.22.010 Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the green building code of the city the 2022 California Green Building Standards Code (CGBSC), California Code of Regulations, Title 24, Part 11 (as published by the California Building Standards Commission).

B. One copy of the CGBSC is on file with the building division for use and examination by the public, along with changes, additions and deletions relating to sections of the CGBSC as set forth in this chapter. In addition, all subsequent supplements to the CGBSC and related publications are adopted by reference.

15.22.020 Violation – Penalty.

A violation of any provision under this chapter is punishable as a misdemeanor and upon conviction may be punished by a fine not more than \$1,000 or by imprisonment in the county jail for not more than six months, or both.”

SECTION 10. CALIFORNIA RESIDENTIAL CODE

Chapter 15.26 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.26 CALIFORNIA RESIDENTIAL CODE

Sections:

15.26.010 Adoption.

15.26.020 Violation – Penalty.

15.26.010 Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the residential code of the city the 2022 California Residential Code (CRC), California Code of Regulations, Title 24, Part 2.5 (based upon the 2021 International Residential Code as published by the International Code Council).

B. One copy of the CRC is on file with the building division for use and examination by the public, along with changes, additions and deletions relating to sections of the CRC as set forth in this chapter. In addition, all subsequent supplements to the CRC and related publications are adopted by reference.

15.26.020 Violation – Penalty.

A violation of any provision under this chapter is punishable as a misdemeanor and upon conviction may be punished by a fine not more than \$1,000 or by imprisonment in the county jail for not more than six months, or both.”

SECTION 11. CALIFORNIA MECHANICAL CODE

Chapter 15.28 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.28 CALIFORNIA MECHANICAL CODE

Sections:

- 15.28.010 Adoption.
- 15.28.020 Applicant qualifications – Mechanical permit.
- 15.28.030 Adoption, Appendix Chapter 1, Administration.
- 15.28.040 Amendments, additions and deletions to the mechanical code.
- 15.28.050 Violation – Penalty.

15.28.010 Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the mechanical code of the city the 2022 California Mechanical Code (CMC), California Code of Regulations, Title 24, Part 4, and Appendices (based on the 2021 Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials).

B. One copy of the CMC is on file with the building division for use and examination by the public, along with changes, additions and deletions relating to sections of the CMC as set forth in this chapter. In addition, all subsequent supplements to the CMC and related publications are adopted by reference.

15.28.020 Applicant qualifications – Mechanical permit.

No permit shall be issued to any person to do or cause to be done any mechanical installations or related work regulated by this chapter unless such applicant qualifies under one of the following conditions:

A. Applicant possesses a valid, unexpired, and unrevoked mechanical contractor's license issued to him or her under the applicable provisions of the Business and Professions Code of the state; or

B. Applicant is the bona fide owner of the premises, which premises consists of a single-family dwelling, duplex or single unit in a condominium complex used exclusively for living purposes, and all accessory buildings thereto; provided, that the owner or a member of his/her immediate family shall perform all labor pursuant to the permit.

15.28.030 Adoption, Appendix Chapter 1, Administration.

Appendix Chapter 1, Administration, 2022 California Building Code (Code of Regulations, Title 24, Part 2, Volume 2) is hereby adopted as the administrative chapter for the

mechanical code for the city of Pittsburg.

15.28.040 Amendments, additions, and deletions to the mechanical code.

Set forth below are the local amendments, additions, and deletions to the 2022 California Mechanical Code. Chapter and section numbers used herein are those of the 2022 California Mechanical Code.

Appendix Chapter 1 is hereby adopted as the administrative chapter for this code. Reference is made to the Appendix Chapter 1, Administration, of the 2022 California Building Code, which is based on the 2021 International Building Code as published by the International Code Conference and amended by the city of Pittsburg. Where there is a conflict between administrative requirements of each code, the administrative requirements of the building code shall prevail.

Section 101.0, Title. The first sentence of Section 101.1 is hereby amended to read:

Section 101.1 This ordinance may be cited and shall be known as the “Mechanical Code of the City of Pittsburg.”

Section 104.5, Permit Issuance, is hereby amended to read:

Section 104.5.1 Applicant Qualifications. No permit shall be issued to any person to do or cause to be done any plumbing work regulated by this chapter unless such applicant qualifies under one of the following:

A. Applicant possesses a valid, unexpired, and unrevoked plumbing contractor’s license issued to him/her under the applicable provisions of the Business and Professions Code of the state; or

B. Applicant is the bona fide owner of the property, which property consists of a single-family dwelling, duplex or single unit in a condominium complex used exclusively as a dwelling, and all accessory buildings thereto; provided, that the owner or a member of his/her immediate family shall perform all labor pursuant to the permit.

Section 203, Definition of Terms, is hereby amended to read:

ADMINISTRATIVE AUTHORITY shall mean the City Building Official of the City of Pittsburg or his or her duly authorized representative.

“CITY OF” or “THE CITY” shall refer to the City of Pittsburg as the text may require. “CITY COUNCIL” shall refer to the City Council of the City of Pittsburg.

15.28.050 Violation – Penalty.

A violation of any provision under this chapter is punishable as a misdemeanor and upon conviction may be punished by a fine not more than \$1,000 or by imprisonment in the county jail for not more than six months, or both.”

SECTION 12. CALIFORNIA PLUMBING CODE

Chapter 15.28 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.32 CALIFORNIA PLUMBING CODE

Sections:

- 15.32.010 Adoption.
- 15.32.020 Permit – Applicant qualifications – Plumbing permit.
- 15.32.030 Backflow prevention valve.
- 15.32.040 Adoption, Appendix Chapter 1, Administration.
- 15.32.050 Amendments, additions, and deletions to the Uniform Plumbing Code.
- 15.32.060 Violation – Penalty.

15.32.010 Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the plumbing code of the city the 2022 California Plumbing Code (CPC), California Code of Regulations, Title 24, Part 5, and Appendices (based on the 2021 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials).

B. One copy of the CPC is on file with the building division for use and examination by the public, along with changes, additions and deletions relating to sections of the CPC as set forth in this chapter. In addition, all subsequent supplements to the CPC and related publications are adopted by reference.

15.32.020 Permit – Applicant qualifications – Plumbing permit.

No permit shall be issued to any person to do or cause to be done any plumbing work regulated by this chapter unless such applicant qualifies under one of the following:

A. Applicant possesses a valid, unexpired, and unrevoked plumbing contractor's license issued to him or her under the applicable provisions of the Business and Professions Code of the state; or

B. Applicant is the bona fide owner of the premises, which premises consists of a single-family dwelling, duplex or single unit in a condominium complex used exclusively for living purposes, and all accessory buildings thereto; provided, that the owner or a member of his/her immediate family shall perform all labor pursuant to the permit.

15.32.030 Backflow prevention valve.

All buildings and structures shall be protected from backflow of sewage by installing an approved type of backflow valve or device installed at the required sewer cleanout on the

lower end of the building drain. The installation of this device shall be approved by the building official.

15.32.040 Adoption, Appendix Chapter 1, Administration.

Appendix Chapter 1, Administration, 2022 California Building Code (Code of Regulations, Title 24, Part 2, Volume 2) is hereby adopted as the administrative chapter for the building codes for the city of Pittsburg.

15.32.050 Amendments, additions, and deletions to the Uniform Plumbing Code.

Set forth below are the local amendments, additions, and deletions to the 2022 California Plumbing Code. Chapter and section numbers used herein are those of the 2022 California Plumbing Code.

Reference is made to the Appendix Chapter 1, Administration, of 2022 California Building Code, which is based on the 2021 International Building Code as published by the International Code Conference and amended by the city of Pittsburg. Where there is a conflict between administrative requirements of each code the administrative requirements of the building code shall prevail.

Section 101.0, Title. The first sentence of Section 101.0 is hereby amended to read:

Section 101.0, Title. This ordinance may be cited and shall be known as the "Plumbing Code of the City of Pittsburg."

Section 103.3, Permit Issuance, is hereby amended to read as follows:

Section 103.3 Permit Issuance.

103.3.1 Applicant Qualifications. No permit shall be issued to any person to do or cause to be done any plumbing work regulated by this chapter unless such applicant qualifies under one of the following:

C. Applicant possesses a valid, unexpired and unrevoked plumbing contractor's license issued to him/her under the applicable provisions of the Business and Professions Code of the state; or

D. Applicant is the bona fide owner of the property, which property consists of a single-family dwelling, duplex or single unit in a condominium complex used exclusively as a dwelling, and all accessory buildings thereto; provided, that the owner or a member of his/her immediate family shall perform all labor pursuant to the permit.

Section 203, Definition of Terms, is amended by adding:

ADMINISTRATIVE AUTHORITY shall mean the City Building Official of the City of Pittsburg or his or her duly authorized representative.

“CITY OF” or “THE CITY” shall refer to the City of Pittsburg as the text may require.

“CITY COUNCIL” shall refer to the City Council of the City of Pittsburg.

15.32.060 Violation – Penalty.

A violation of any provision under this chapter is punishable as a misdemeanor and upon conviction may be punished by a fine not more than \$1,000 or by imprisonment in the county jail for not more than six months, or both.”

SECTION 13. CALIFORNIA EXISTING BUILDING CODE

Chapter 15.60 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.60 CALIFORNIA EXISTING BUILDING CODE

Sections:

15.60.010 Adoption.

15.60.020 Violation – Penalty.

15.60.010 – Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the existing building code of the city the 2022 Existing Building Code (CEBC), California Code of Regulations, Title 24, Part 10 (based upon portions of the 2021 International Existing Building Code published by the International Code Council).

B. One copy of the CEBC is on file with the building division for use and examination by the public, along with changes, additions and deletions relating to sections of the CEBC as set forth in this chapter. In addition, all subsequent supplements to the CEBC and related publications are adopted by reference.

15.60.020 Violation – Penalty.

A violation of any provision under this chapter is punishable as a misdemeanor and upon conviction may be punished by a fine not more than \$1,000 or by imprisonment in the county jail for not more than six months, or both.”

SECTION 14. CALIFORNIA ENERGY CODE

Chapter 15.64 of Title 15 of the City of Pittsburg Municipal Code is hereby repealed and replaced in its entirety to read as follows:

“Chapter 15.64
CALIFORNIA ENERGY CODE

Sections:

15.64.010 Adoption.
15.64.020 Violation – Penalty.

15.64.010 Adoption.

A. Pursuant to Sections 50022.1 to 50022.10, inclusive, of the Government Code, the city council adopts and enacts as the energy code of the city the 2022 California Energy Code, California Code of Regulations, Title 24, Part 10 (as published by the California Building Standards Commission).

B. One copy of the California Energy Code is on file with the building division for use and examination by the public, along with changes, additions and deletions relating to sections of the California Energy Code as set forth in this chapter. In addition, all subsequent supplements to the California Energy Code and related publications are adopted by reference.

15.64.020 Violation – Penalty.

A violation of any provision under this chapter is punishable as a misdemeanor and upon conviction may be punished by a fine not more than \$1,000 or by imprisonment in the county jail for not more than six months, or both.”

SECTION 15. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the meaning portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsection, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 16. PUBLICATION

The ordinance shall be posted and published in accordance with the California Government Code.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on, December 12, 2022, and was adopted and ordered published at a meeting of the City Council held on _____, 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Receive and File Report on the Review of Development Impact Fees Received by the City of Pittsburg that are Subject to AB 1600 Reporting Requirements

MEETING DATE: December 19, 2022

EXECUTIVE SUMMARY

AB 1600 (Government Code Sections 66000–66008) requires cities to justify and account for developer fees which they enact, increase or impose as a condition of new development for the purposes of financing “public facilities and improvements.” AB 1600 also requires an annual review of the developer fees that have been collected and spent during the previous year. This report fulfills the AB 1600 requirements.

FISCAL IMPACT

There is no fiscal impact in receiving the report on the review of the Development Impact Fees received by the City of Pittsburg.

RECOMMENDATION

Receive and file report pertaining to the review of Development Impact Fees received by the City of Pittsburg that are subject to AB 1600 reporting requirements.

BACKGROUND

Many cities charge fees on new development to fund public facilities and improvements such as streets, libraries, sewer and water systems and storm drains. These fees are commonly known as Development Impact Fees. In order to ensure that these fees are spent in a timely manner and on projects for which they were collected, the State Legislature passed a bill known as AB 1600 (Mitigation Fee Act). This bill applies to developer fees increased or imposed, on or after January 1, 1989. Mitigation Fee Act enacts Government Code Sections 66000-66008 that generally contain the following four requirements:

1. A local jurisdiction must follow the process set forth in the bill and make certain determinations regarding the purpose and use of the fees, and establish a “nexus” or connection between a development project or class of project and the public improvement being financed with the fee.
2. The fee revenue must be segregated from the general fund in order to avoid commingling of public improvement fees and the general fund.
3. If a local jurisdiction has had possession of a developer fee for five years or more and has not committed that money to a project or actually spent that money, then it must make findings describing the continuing need for that money. In addition, an annual report must be made of fees collected, interest earned, projects on which fees were expended, and any transfers or loans from the fee account. This report is to be reviewed by the local agency assessing the fees.
4. If a local jurisdiction cannot make the findings required under Paragraph 3, the city or county must refund the fees collected.

It should be noted that Mitigation Fee Act reporting requirements do not apply to the following fees:

- Fees charged in lieu of parkland dedication
- Regulatory and processing fees
- Fees collected pursuant to development agreements
- Fees collected pursuant to a reimbursement agreement that exceeds the developer’s share of an improvement
- Assessment district proceeds or taxes

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The City of Pittsburg assesses the following Developer Impact Fees:

- Kirker Creek Drainage Fee
- Local Traffic Mitigation Fee
- Park Dedication Fee
- Inclusionary Housing In-Lieu Fee
- Traffic Impact Fair Share Fee
- Pittsburg Regional Transportation Development Impact Mitigation Fee
- Water Facility Reserve Fees
- Sewer Facility Reserve Fees

The Traffic Mitigation Fees, Pittsburg Regional Transportation Development Impact Mitigation Fees, Kirker Creek Drainage Fees, Inclusionary Housing In-Lieu Fees, Traffic Impact Fair Share Fee and the Sewer and Water Facility Reserve Fees that the City of Pittsburg collects, qualify as Development Impact Fees. Therefore, these fees must comply with the above referenced Government Code. Government Code Section 66001 requires the City to make available to the public certain information regarding development impact fees for each fund within 180 days after the end of the fiscal year.

Expenditures of the fees collected must occur within a 5-year period of collection unless the City can make the appropriate findings that there remains reasonable relationships between the current need for the fees and the purpose for which they were originally proposed.

Kirker Creek Drainage Fees collected in the amount of \$362,971 have been on deposit for over five years and these findings are stated on page 2 of the attached report. In summary, the Kirker Creek Drainage Fund is insufficient to construct the prioritized improvements recommended in the 2001 Storm Water Master Plan. As development continues in the Kirker Creek watershed area, additional funds will be collected and deposited for construction of the prioritized improvements.

In addition, there are Traffic Impact Fair Share funds in the amount \$527,032 that have been on deposit for over five years and these findings are stated on Page 7 of the attached report. In summary, the fair share funds have been on deposit to address future capital projects in the areas near West Leland Road/Oak Hills Drive; East Leland Road/Century Boulevard; Willow Pass Road/Avila Road; San Marco Boulevard/West Leland Road; and Bailey Road/West Leland Road. The funding held on deposit will be augmented as development in the respective areas occur.

Although the Park Dedication Fee is covered under the Quimby Act and not Mitigation Fee Act, staff has included the Park Dedication Fee in this report for reporting purposes only.

ATTACHMENTS: AB1600 Report
 On File in the Office of the City Clerk

Report Prepared By: Priscilla Wong-O'Rourke, Financial Analyst

Report Reviewed By: Paul Rodrigues, Finance Director

MINUTE ORDER/REPORT CERTIFICATION

State of California
County of Contra Costa
City of Pittsburg

I, Alice E. Evenson, City Clerk in and for said City Council, City of Pittsburg, County of Contra Costa, State of California, do hereby certify that the hereto attached and foregoing document is a full, true and correct copy of the Minute Order, on file in this office of said City. This Minute Order was approved at a regular meeting of the City Council of the City of Pittsburg on _____, 2022 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

WITNESS, my hand, and Official Seal
this _____ day of _____, 2022

Alice E. Evenson
City Clerk

Kirker Creek Drainage Fees Revenues and Expenditures - Fund 302 FY17/18 - FY21/22					
	Proj #	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Fund Balance - July 1		\$ 408,774	\$ 391,638	\$ 383,361	\$ 379,680
<u>REVENUES:</u>					
Kirker Creek Drainage Fees Collected			335		
Other Revenue:					
Interest Earnings		2,164	12,292	11,133	1,288
Transfers-In:		9,911		5,009	
Total Revenues:		12,075	12,628	16,142	1,288
<u>EXPENDITURES:</u>					
Project Expenditures:					
Railroad Ave. Storm Drainage Improvements	3202	1,653	2,905		
Pump Station Repairs	3205	9,911		1,462	2,287
Transfers - Out:					
Tsfr-Out to General Fund (Engineering Support)		17,647	18,000	18,360	18,360
Tsfr-Out to NPDES					
Total Expenditures:		29,211	20,905	19,822	20,647
Revenues Over/Under Expenditures:		(17,136)	(8,277)	(3,680)	(19,359)
Fund Balance - June 30		\$ 391,638	\$ 383,361	\$ 379,680	\$ 360,321

There have been no fee refunds to-date.

The description of this fee and fee amounts per Ordinance No. 01-1180 dated April 16, 2001 and Ordinance No. 05-1236 dated 02/07/05.

The five-year CIP was adopted by the City Council on June 21, 2021 per Resolution No. 21-13944

ACCOUNT # 306-55501-5495
TRANSPORTATION MITIGATION (TRAFFIC IMPACT) FAIR SHARE REVENUE
at June 30, 2022

Deposit #	Date	Payee	Description	Amt. Paid	*Interest Earned	Receipt #	Funds Used or Returned	Balance
1	05/18/01	A. D. Seeno	Fair Share - West Leland Signal at Oak Hills Drive	19,415.00	8,083.35	R000595397	(27,048.00)	\$ 450
2	05/18/01	A. D. Seeno	Re-Align Driveway at Los Medanos College with Signal at Leland and Century Blvd.	78,774.52	42,796.34	R000595312	-	\$ 121,571
3	12/12/06	William Lyon Homes	Fair Share for Intersection Improvements at - (1) West Leland Rd/Bailey Road Intersection (2) Avila Road/Willow Pass Road (3) San Marco/West Leland Intersection	351,448.00	83,562.58	0634602-1#17	(30,000.00)	\$ 405,011
Totals:				\$ 449,637.52	\$ 134,442.26		\$ (57,048)	\$ 527,032

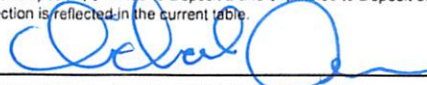
Funds related to Items 1, 2, and 3 have been on deposit for over 5 years. Findings are as follows:

- 1 Traffic Signal at West Leland Road and Oak Hills Drive has been completed. Additional development on the vacant parcel between the Oak Hills Shopping Center and BART will also contribute a share of the traffic impacts at this intersection once it is constructed. A separate traffic signal project lies within the project area for several infrastructure projects planned in the Bailey Road/Leland Road area. The pace of development in this area is outside the City's control. Once the remaining development in the area is identified, the intersection will be redesigned and signalized using these funds and Local Traffic Mitigation Fee funding.
- 2 Fees collected in the amount of \$78,774.52 are for improvements to the intersection of East Leland Road and Century Boulevard, near the intersection of East Leland Road and Los Medanos College's eastern entrance. This project is included in the City's adopted Capital Improvement Program as ST-30, but has not yet been scheduled or constructed. Additional development on a vacant parcel on the southeast corner of this intersection will also contribute a share of the traffic impacts at this intersection. A roadway that is proposed to connect this intersection with Buchanan Road and James Donlon Boulevard may also contribute to these impacts. The pace of development in this area is outside the City's control, but it is a factor that has delayed implementation of this project. Once the remaining development in the area is identified, the project will be designed and constructed using these funds.
- 3 Intersection improvements are planned at three intersections that will be impacted by development in this area of the city. Specifically,
 - (a) At Willow Pass Road and Avila Road, including addition of left turn lanes in the westbound and southbound directions, and a right turn lane from the northbound direction; and
 - (b) At San Marco Boulevard and West Leland Road, including converting northbound shared lane into exclusive right turn lane, and convert northbound left turn lane to a thru-lane; and
 - (c) At Bailey Road and West Leland Road, including addition of westbound shared thru/right turn lane, addition of eastbound left turn lane, and eastbound right turn lane.

The timing of the construction of these projects is subject to the pace of development in the area of the City, among other factors. In addition, a portion of the project area lies outside the City's jurisdiction. These funds will be retained pending development of a project scope, schedule and design.

- * Interest in FY 2016/17 was misallocated. The original allocations were \$117.07 to Deposit 1, \$477.03 to Deposit 2 and \$1,473.89 to Deposit 3. The correct allocations were \$1.77 to Deposit 1, \$474.76 to Deposit 2 and \$1,590.45 to Deposit 3. This correction is reflected in the current table.

Reviewed and Confirmed By:


Richard Abono - Director of Public Works/City Engineer

Local Traffic Mitigation Fees Revenues and Expenditures - Fund 303 FY17/18 - FY21/22						
	Proj #	FY17/18	FY18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1		\$ 2,490,964	\$ 2,174,701	\$ 1,835,666	\$ 2,157,901	\$ 3,906,276
REVENUES:						
Traffic Mitigation Fees Collected		198,647	1,443,301	422,541	2,120,918	1,330,212
Transfers-in from Reg Traffic Mitigation			420,069	236,304		
Other Revenue:						
Interest Earnings		13,004	68,485	181,516	10,087	39,317
Other Revenue ⁽¹⁾						7,412
Total Revenues:		211,651	1,931,855	840,361	2,131,005	1,376,941
EXPENDITURES:						
Project Expenditures:						
California Ave. Widening Phase I (North)	3006	4,673	5,000			
W. Leland Road Extension (San Marco to Avila)	3011	2,346	14,449	13,207		
San Marco Blvd/ Santa Teresa Signal	3012	131,935				
Intelligent Transportation System Upgrade	3013		289			
San Marco Right Turn @West Leland	3014	54,367				
James Donlon Blvd Extension PHASE I	3015	181,350	2,167,793	366,742	6,318	8,424
Other Expenditures:						
Administration/Engineering Support		79,967	83,359	84,892	76,311	67,546
Land Acquisition*				53,285		
Transfers - Out:						
Tsfr-Out to Gas Tax - 15/16 Citwide Pavement Management Project		73,276				
Tsfr-Out to Pittsburg CIP - Traffic Signal Installation (3104)						
Tsfr-Out to Measure J - BART Multimodal Facility	2010					
Tsfr-Out to Measure J - Ped & Bicycle Connectivity	2019				300,000	
Total Expenditures:		527,914	2,270,890	518,126	382,629	75,970
Revenues Over/Under Expenditures:		(316,263)	(339,035)	322,235	1,748,376	1,300,971
Fund Balance - June 30		\$ 2,174,701	\$ 1,835,666	\$ 2,157,901	\$ 3,906,276	** \$ 5,207,247

There have been no fee refunds to-date.

The description of this fee and fee amounts per Resolution No. 06-10687 dated December 18, 2006.

The five-year CIP was adopted by the City Council on June 21, 2021 per Resolution No. 21-13944

* During the FY 19/20, \$53,285 was used to acquire a parcel of vacant surplus land from Contra Costa County adjacent to intersection of Harbor Street and California Avenue. The parcel will be used for expansion of this intersection to improve the safe and efficient flow of traffic through the intersection.

** A portion of these funds have been allocated towards the San Marco Right Turn @ W. Leland (\$45,633)

⁽¹⁾ Other revenues associated with CIP project

Park Dedication Fees Revenues and Expenditures - Fund 304 FY17/18 - FY21/22					
	Proj #	FY17/18	FY18/19	FY19/20	FY20/21
Fund Balance - July 1		\$ 1,389,615	\$ 1,284,856	\$ 755,706	\$ 1,538,367
REVENUES:					
Park Dedication Fees Collected		19,531	58,160	457,221	1,223,013
Other Revenue:					
Interest Earnings		1,217	32,801	43,637	3,736
Measure WW Grant - Ambrose Park Pool Renovation		153,957			
Ambrose Park Pool Renovation - County Share					
Ambrose Park Restroom Renovation - County Share				510,000	318,788
Ambrose Park Pool Renovation - Ambrose District Share					
John Henry Johnson Park - Housing Related Parks Grant					
Transfers-In:					
Tsfr-In from Infrastructure Repair/Rplcment Fund - Buckley Square		(40,481)			
Total Revenues:		134,224	90,962	1,010,858	1,545,536
EXPENDITURES:					
Project Expenditures:					
Small World Park New Features	3054	935			
Ambrose Park Master Plan & Improvements	3057	135,305	3,720	534	809
John Henry Johnson Park Improvements	3062	1,299			
San Marco Park	3065	23,477	359,665		
John Buckley Square (Old Town Park)	3066	10,901			
DeAnza Park Rehabilitation	3069		5,879		
PK-3 Small World Park Improvements	3070		23,438		
PK-4 Annual Playground Replacement	3071				
PK-6 City Park Soccer Field Replacement	3072		14,680		
PK-9 Annual Park Features Replacement	3073		15,093	1,385	21,498
PK-10 Biennial Restroom Repl/Rehab	3074		6,377		
pk-15 Annual Park Sign Replacement	3075				43,633
PK-8 Biennial Playfield Replacement	3076			20,344	
PK-13 Annual Park and Landscaping Imp	3077			18,947	8,206
Downtown Ice Rink	3078			19,283	
Ambrose Park Restroom Construction	3079			49,085	245,432
Delta View Sports Field	3080				
Oak Hills Restroom	3123				
Other Expenditures:					
Administration/Engineering Support					
Interest Accrual - Interfund Loans					
Interfund Loan Payoff to Sewer Fund					
Interfund Loan Payoff to Power Fund					
Transfers - Out:					
Tsfr-Out to General Fund - Engineering Support		58,731	59,906	61,104	58,049
Tsfr-Out to Measure J Fund			108,689	32,515	
Tsfr-Out to Gas Tax Fund - Standard Detail Update		8,335	22,665	25,000	
Total Expenditures:		238,983	620,111	228,197	377,627
Revenues Over/Under Expenditures:		(104,759)	(529,149)	782,661	1,167,909
Fund Balance - June 30		\$ 1,284,856	\$ 755,706	\$ 1,538,367	\$ 2,706,276

There have been no fee refunds to-date.

The description of this fee and fee amounts per Ordinance No. 06-1275 dated October 16, 2006.

The five-year CIP was adopted by the City Council on June 21, 2021 per Resolution No. 21-13944

*A major portion of these funds have been allocated towards the following: West Leland Street Lighting (\$25,000), Small World Park Improvements (\$990), Annual Playground Replacement (\$240,000), City Park Soccer Field Turf Replacement (\$235,320), Annual Park Features Replacement (\$262,024), Biennial Restroom Replacement/Rehab (\$383,623), Annual Park Sign Replacement (\$106,367), Biennial Playfield Replacement (\$346,226), Annual Park and Landscaping Improvements (\$222,847), Downtown Ice Rink (\$280,717), Ambrose Park Restroom (\$547,073), Delta View Sports Field (\$600,000), Oak Hills Restroom (\$500,000)

Inclusionary Housing In-Lieu Fees Revenues and Expenditures - Fund 305 FY17/18 - FY21/22				
	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Fund Balance - July 1	\$ 389,133	\$ 391,255	\$ 404,014	\$ 416,121
<u>REVENUES:</u>				
Inclusionary Housing In Lieu Fees Collected				
Other Revenue:				
Interest Earnings	2,122	12,759	12,107	2,397
Transfers-In:				
Total Revenues:	2,122	12,759	12,107	2,397
<u>EXPENDITURES:</u>				
Project Expenditures:				
Transfers - Out:				
Total Expenditures:	-	-	-	-
Revenues Over/Under Expenditures:	2,122	12,759	12,107	2,397
Fund Balance - June 30	\$ 391,255	\$ 404,014	\$ 416,121	\$ 418,518

There have been no fee refunds to-date.

The description of this fee and fee amounts are per Resolution No. 05-10215 dated 2/7/2005 and Ordinance No. 04-1229 dated 11/15/04.

Traffic Impact Fair Share Fund Revenues and Expenditures - Fund 306 FY17/18 - FY21/22						
	Proj #	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1		\$ 487,174	\$ 489,831	\$ 505,805	\$ 520,962	\$ 522,702
REVENUES:						
Traffic Impact Fair Share Fees Collected						
Other Revenue:						
Interest Earnings		2,657	15,973	15,158	1,740	4,331
Total Revenues:		2,657	15,973	15,158	1,740	4,331
EXPENDITURES:						
Transfer-Out to Pittsburg CIP - Traffic Signal Installation	3104					
Total Expenditures:		-	-	-	-	-
Revenues Over/Under Expenditures:		2,657	15,973	15,158	1,740	4,331
Fund Balance - June 30		\$ 489,831	\$ 505,805	\$ 520,962	\$ 522,702	\$ 527,033

11/14/13 - A fee refund of \$3,750.00 + \$726.00 interest was paid to Empire Business Park (Lonne Carr). Refund due to a deposit intended to extend the left turn lanes at the intersection that was proposed, however there are no plans by the City, Contra Costa County or Caltrans to complete this at this time.

Description of fee:

Traffic Impact Fair Share fees were collected for the purpose of funding transportation projects in the area of new developments. Developers of individual projects paid a fee consistent with their percentage share of the cost of the traffic project, such as road widening or traffic signal, made necessary by their development. The share of responsibility was determined by a traffic study required by the City during the permit approval process. For example, if a fast food restaurant was determined by a traffic study to add 3 percent of the traffic at an intersection that will need a traffic signal, the developer would pay a fee in an amount equivalent to 3 percent of the cost of a signal, or \$6,600 for a \$220,000 traffic signal project. (See attachment for the amount collected per developer and the description of the specific traffic impact.)

KIRKER CREEK DRAINAGE FEES

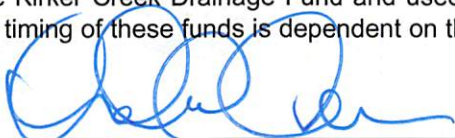
Fiscal Year Collected	Amt. Collected
FY 06/07	145,558
FY 07/08	78,676
FY 08/09	1,526
FY 09/10	18,986
FY 10/11	61
FY 11/12	1,638
FY 12/13	1,937
FY 13/14	710
FY 14/15	99,647
FY 15/16	14,232
FY 16/17	-
Total Fees :	362,971

The above fees collected in the amount of \$362,971 have been on deposit for over 5 years. Findings are as follows:

The Kirker Creek Drainage Fee was established in May 2001 for the purpose of providing funding for improvements to the storm water drainage system, which was overwhelmed by floodwaters in 1998. The City Council adopted Ordinance No. 01-1180 on May 7, 2001, adding Chapter 15.104, entitled "Storm Water Management Plan for Kirker Creek Watershed Drainage Area", to the Pittsburg Municipal Code. Chapter 15.104.080 set out a fee schedule, currently \$1.19 per square foot of impervious area for development in the watershed. Fees collected are deposited in the account of the drainage facilities fund, and may be expended for land acquisition, construction, engineering, administration, repair, maintenance and operation of planned drainage facilities or to reduce the principal or interest of any bonded indebtedness of the Kirker Creek drainage area.

Some of these fees were collected more than five years ago. Currently, the Kirker Creek Drainage Fund is insufficient to construct the watershed improvements recommended in the 1999 Storm Water Master Plan and City's Green Stormwater Infrastructure Plan. As development continues in this area of the City, additional funds will be collected and deposited into the Kirker Creek Drainage Fund and used to construct improvements identified by the Master Plan. Unfortunately, the timing of these funds is dependent on the pace of development within the watershed and is therefore inexact.

Reviewed and Confirmed By:


Richard Abono - Director of Public Works/City Engineer

Pittsburg Regional Transportation Development Impact Mitigation (PRTDIM) Fees

Revenues and Expenditures - Fund 307

FY17/18 - FY21/22

	Proj #	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Fund Balance - July 1		\$ 1,673,471	\$ 632,061	\$ 213,588	\$ (20,910)
<u>REVENUES:</u>					
PRTDIM Fees Collected					
Other Revenue:					
Interest Earnings		6,420	18,772	3,687	323
Prior Year Revenue			(17,176)		
Total Revenues:		6,420	1,596	3,687	323
<u>EXPENDITURES:</u>					
Project Expenditures:					
James Donlon Blvd. Extension	3701	46,606			
Railroad Avenue Traffic Signal Timing	3702	830			
BART Access Improvements Project	3703	123		1,881	
BART Parking and Access Strategy	3704	1,270			
Transfers - Out:					
Tsfr-Out to eBART CFD					
Transfer-Out to Measure J (BART Multimodal)		999,001			
Transfer-Out to Local TMF Fund			420,069	236,304	
Total Expenditures:		1,047,830	420,069	238,185	-
Revenues Over/Under Expenditures:		(1,041,410)	(418,473)	(234,498)	323
Fund Balance - June 30		\$ 632,061	\$ 213,588	\$ (20,910) *	\$ (20,587)

These fees were used to help fund regional transportation improvements, necessary to offset the impacts of continuing growth and development within the City, and to cooperate with the City's regional partners, including East Contra Costa Regional Fee and Financing Authority (ECCRFFA), to fund and implement transportation projects in the regional area. Fees are no longer retained at the City level, but instead are collected and passed through to ECCRFFA to be used for regional projects.

The description of this fee and fee amounts per Resolution No. 10-11533 dated 09/20/10 and Ordinance No. 10-1329 dated 10/04/10.

There have been no fee refunds to-date.

The five-year CIP was adopted by the City Council on June 21, 2021 per Resolution No. 21-13944

* A portion of these fees have been programmed for the James Donlon Blvd Extension Phase I (\$236,304) Railroad Ave Traffic Signal Timing, (\$4,540) BART Access Improvements (\$7,483), BART Parking and Access Strategy (\$5,127)

Water Facility Reserve Fees - Water Treatment Plant Expansion Revenues and Expenditures - Fund 502 FY17/18 - FY21/22					
	Proj #	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Fund Balance - July 1		\$ 804,648	\$ 867,412	\$ 991,394	\$ 1,258,217
<u>REVENUES:</u>					
Water Facility Reserve Fees Collected		74,500	96,937	80,089	234,579
Other Revenue:					
Interest Earnings		3,751	27,046	31,739	3,803
Transfers-In from Water Bond					
Transfers-In from Water Fund		607,608	34,688	168,660	
Transfers-In from Water Fund (iBank loan funds)		339,170			
Transfers-In from Water Facility Reserve (Other Fund)					
Total Revenues:		1,025,029	158,671	280,488	238,382
<u>EXPENDITURES:</u>					
Project Expenditures:					
Water Treatment Plant SCADA Upgrades	5035	15,487			3,402
Water Treatment Plant Sludge Handling Facility	5040	946,778	34,688	13,665	2,330
W-55 Buchanan Road Waterline	5049				
WTP Disinfection Modification & Conversion	5062				
Main on W. Leland (WTP to SW Hills)	5071				
Total Expenditures:		962,265	34,688	13,665	5,732
Revenues Over/Under Expenditures:		62,764	123,982	266,823	232,650
Fund Balance - June 30		\$ 867,412	\$ 991,394	\$ 1,258,217	\$ 1,490,867

The description of this fee and fee amounts collected prior to August 20, 2005 per Resolution No. 98-8551.

The description of this fee and fee amounts collected on or after August 20, 2005 per Resolution No. 05-10291.
Revised fee amounts per Resolution No. 12-11778 dated 02/21/12

The five-year CIP was adopted by the City Council on June 21, 2021 per Resolution No. 21-13944

* A portion of these funds have been allocated to upgrade the Supervisory Control and Data Acquisition (SCADA) system at the Water Treatment Plant (\$3,402), WTP Disinfection Modification & Conversion (\$400,000), Main on W. Leland (WTP to SW Hills) \$1,796,000.

Water Facility Reserve Fees - Water Distribution Revenues and Expenditures - Fund 503 FY17/18 - FY21/22					
	Proj #	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Fund Balance - July 1		\$ 394,913	\$ 383,204	\$ 909,057	\$ 455,303
REVENUES:					
WFR - Water Distribution Fees Collected		231,622	502,803	337,243	1,062,084
Other Revenue:					
Interest Earnings		2,122	23,050	36,503	(520)
Total Revenues:		233,744	525,853	373,746	1,061,563
EXPENDITURES:					
Project Expenditures:					
Delta Diablo Recycled Water - John Buckley Park	5056	102,500			
Waterline School Street between Harbor/Vincent	5057	220,453			
Transfers-Out to Water Facility Reserve Fund 502 - 2016/17 Water Main Installation Project	5054	(77,500)			
Transfers - Out to Sewer Fund:				827,500	
Total Expenditures:		245,453	-	827,500	-
Revenues Over/Under Expenditures:		(11,709)	525,853	(453,754)	1,061,563
Fund Balance - June 30		\$ 383,204	\$ 909,057	\$ 455,303	* \$ 1,516,867

There have been no fee refunds to-date.

The description of this fee and fee amounts per Resolution No. 05-10291 dated June 20, 2005.
Revised fee amounts per Resolution No.12-11778 dated 02/21/12

These fees ensure the distribution system has available operational capacity to meet the demands of new development outside the Southwest Hills.

The five-year CIP was adopted by the City Council on June 21, 2021 per Resolution No. 21-13944

*A portion of these funds have been programmed for 10/11 Sewer Replacement Program (\$750,000), CCTV/Inspection/Sewer Replacement Program-Completed (\$77,500)

Water Facility Reserve Fees - Zone 1 & 2 Reservoir Revenues and Expenditures - Fund 504 FY17/18 - FY21/22					
	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1	\$ 965,043	\$ 970,305	\$ 1,001,946	\$ 1,031,972	\$ 1,035,418
<u>REVENUES:</u>					
WFR - Zone 1/11 Reservoir Fees Collected					
Other Revenue:					
Interest Earnings	5,262	31,641	30,026	3,446	8,580
Transfers-In:					
Total Revenues:	5,262	31,641	30,026	3,446	8,580
<u>EXPENDITURES:</u>					
Project Expenditures:					
Transfers - Out:					
Total Expenditures:	-	-	-	-	-
Revenues Over/Under Expenditures:	5,262	31,641	30,026	3,446	8,580
Fund Balance - June 30	\$ 970,305	\$ 1,001,946	\$ 1,031,972	\$ 1,035,418	\$ 1,043,998

There have been no fee refunds to-date.

The description of this fee and fee amounts per Resolution No. 05-10291 dated June 20, 2005.
Revised fee amounts per Resolution No. 12-11778 dated 02/21/12

These fees will be used to fund the cost of a water reservoir for Zones 1 and 2 which are not within the Southwest Hills area.

Water Facility Reserve Fees - SE 20" Trans Line Revenues and Expenditures - Fund 505 FY17/18 - FY21/22						
	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1	\$ 859,357	\$ 131,100	\$ 157,075	\$ 233,334	\$ 287,032	\$ 400,066
<u>REVENUES:</u>						
WFR - SE 20" Trans Line Fees Collected	30,590	25,184	69,538	45,491	112,288	18,232
Other Revenue:						
Interest Earnings	1,175	791	6,721	8,207	747	3,429
Transfers-In:						
Total Revenues:	31,765	25,975	76,258	53,698	113,035	21,661
<u>EXPENDITURES:</u>						
Project Expenditures:						
Interest Expense	22					
Transfers Out to Water Fund (W-55 Buchanan Road Waterline)	760,000					
Total Expenditures:	760,022	-	-	-	-	-
Revenues Over/Under Expenditures:	(728,257)	25,975	76,258	53,698	113,035	21,661
Fund Balance - June 30	\$ 131,100	\$ 157,075	\$ 233,334	\$ 287,032	\$ 400,066	\$ 421,727

There have been no fee refunds to-date.

The description of this fee and fee amounts per Resolution No. 05-10291 dated June 20, 2005.
Revised fee amounts per Resolution No. 12-11778 dated 02/21/12

These fees will be used to fund the Segment 1E and Zone 2 Transmission Pipeline to the new Zone 2 Reservoir.

Water Facility Reserve Fees - SW Hills CIP - Phase I & II Revenues and Expenditures - Fund 506 FY17/18 - FY21/22					
	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1	\$ 57,467	\$ 5,501	\$ 0	\$ 0	\$ 0
<u>REVENUES:</u>					
WFR - SW Hills CIP Fees Collected	151,251	150,179	123,773	567,849	602,686
Other Revenue:					
Interest Earnings		1,840	3,166	(939)	3,705
Total Revenues:	151,251	152,018	126,939	566,910	606,391
<u>EXPENDITURES:</u>					
Project Expenditures:					
Interest Expense	34				
Transfers - Out:					
Transfer-Out to Water Revenue Bond ⁽¹⁾	203,183	157,519	126,939	566,910	606,391
Total Expenditures:	203,217	157,519	126,939	566,910	606,391
Revenues Over/Under Expenditures:	(51,966)	(5,501)	-	-	-
Fund Balance - June 30	\$ 5,501	\$ 0	\$ 0	\$ 0	\$ 0

The description of this fee and fee amounts per Resolution No. 05-10291 dated June 20, 2005.

Revised fee amounts per Resolution No. 12-11778 dated 02/21/12

(1) The fees collected will reimburse Water Bond funds used in prior years to construct the new 3.0 MG Zone 2 Reservoir, two pump stations (Zone 2 & 3) and Transmission Pipeline Segments 2-5 to serve Southwest Hills. Reimbursement will take place as funds become available, starting in Fiscal Year 2011/12. Project Descriptions and Expenses incurred are as follows:

West Leland Waterline	\$ 234,766
Vista Del Mar Waterline	235,154
Southwest Hills Water Improvement Project	13,200,368
Total Eligible for Reimbursement:	13,670,288
Reimbursed in Prior Years	(1,208,021)
Reimbursed in Fiscal Year 14/15	(265,688)
Reimbursed in Fiscal Year 15/16	(428,624)
Reimbursed in Fiscal Year 16/17	(214,782)
Reimbursed in Fiscal Year 17/18	(203,183)
Reimbursed in Fiscal Year 18/19	(157,519)
Reimbursed in Fiscal Year 19/20	(126,939)
Reimbursed in Fiscal Year 20/21	(566,910)
Reimbursed in Fiscal Year 21/22	(606,391)
Balance Remaining to Reimburse Water Bond	\$ 9,892,231

Water Facility Reserve Fees - SW Hills Phase III Pipe/Reservoir Revenues and Expenditures - Fund 507 FY17/18 - FY21/22					
	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1	\$ 2,292,965	\$ 2,339,136	\$ 2,425,179	\$ 3,255,808	\$ 3,417,391
REVENUES:					
WFR - SW Hills Phase III Pipe Fees Collected	33,593	9,831	3,860	150,961	261,685
Other Revenue:					
Interest Earnings	12,578	76,212	72,769	10,622	29,964
Transfers-In:					
Tsfr-In from Water Bond			754,000		
Total Revenues:	46,171	86,043	830,629	161,583	291,649
EXPENDITURES:					
Project Expenditures:					
Transfers - Out:					
Total Expenditures:	-	-	-	-	-
Revenues Over/Under Expenditures:	46,171	86,043	830,629	161,583	291,649
Fund Balance - June 30	\$ 2,339,136	\$ 2,425,179	\$ 3,255,808	\$ 3,417,391	\$ 3,709,040

The description of this fee and fee amounts per Resolution No. 05-10291 dated June 20, 2005.
Revised fee amounts per Resolution No.12-11778 dated 02/21/12

A portion of these funds have been programmed for the Water Main at West Leland, from Water Treatment Plant to Southwest Hills (\$1,796,000)

In addition to funding segment P-1, the fees collected will reimburse Water Bond funds used in prior years to construct the new Transmission Pipeline Segments P2-5 to serve Southwest Hills. Reimbursement will take place as funds become available, and after the other segments of the pipeline are completed.

Water Facility Reserve Fees - SW Hills Phase III Pump Revenues and Expenditures - Fund 508 FY17/18 - FY21/22					
	Project Number	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Fund Balance - July 1		(0)	(0)	(0)	(0)
<u>REVENUES:</u>					
WFR - SW Hills Phase III Pump Fees Collected					
Other Revenue:					
Transfers-In:					
Total Revenues:		0	-	-	-
<u>EXPENDITURES:</u>					
Project Expenditures:					
Transfers - Out:					
Transfer-Out to Water Revenue Bond ⁽¹⁾					
Total Expenditures:		-	-	-	-
Revenues Over/Under Expenditures:		0	-	-	-
Fund Balance - June 30		\$ (0)	\$ (0)	\$ (0)	\$ (0)

The description of this fee and fee amounts per Resolution No. 05-10291 dated June 20, 2005.
Revised fee amounts per Resolution No. 12-11778 dated 02/21/12

(1) The fees collected will reimburse Water Bond funds used in prior years to acquire the Zone 4 site at San Marco for water lines serving Zones 3 and higher within the Southwest Hills area. Reimbursement will take place as funds become available, starting in Fiscal Year 2011/12. Project Description and Expenses incurred are as follows:

San Marco Site Land Acquisition	\$325,000
Total Eligible for Reimbursement:	\$325,000
Reimbursed in FY 2011/12:	(103,102)
Balance Remaining to Reimburse Water Bond	\$221,898

Water Treatment Plant Sludge Handling Revenues and Expenditures - Fund 509 FY17/18 - FY21/22						
	Proj #	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1		\$ 75,989	\$ 166,546	\$ 293,858	\$ 401,761	\$ 697,402
REVENUES:						
WFR - Water Treatment Plant Sludge Handling		89,909	119,387	96,599	294,805	159,813
Other Revenue:						
Interest Earnings		648	7,925	11,304	836	6,741
Total Revenues:		90,557	127,312	107,903	295,641	166,554
EXPENDITURES:						
Project Expenditures:						
Interest Expense						
Transfers-Out to Water Facility Reserve - Fund 502 (W-33 WTP Sludge Handling Facility)	5040					
Total Expenditures:		-	-	-	-	-
Revenues Over/Under Expenditures:		90,557	127,312	107,903	295,641	166,554
Fund Balance - June 30		\$ 166,546	\$ 293,858	\$ 401,761	\$ 697,402	\$ 863,956

The Water Treatment Plant (WTP) Sludge Handling Fee (Fund 509) covers the cost of increasing the WTP's capacity for handling additional sedimentation basin sludge, a result of increased WTP water production resulting from additional development within the City.

Revised fee amounts per Resolution No. 12-11778 dated 02/21/12

\$550,000 was programmed for a Sludge Handling Facility at the Water Plant. Fund 502, Water Treatment Plant Expansion funded \$300,000 of the project, \$250,000 was funded with Sludge Handling funds (fund 509). The balance of \$300,000 has been reimbursed from Water Treatment Plant Sludge Handling funds in FY 2015/16.

Water Facility Reserve Fees - Zone 1 Reservoir Revenues and Expenditures - Fund 510 FY17/18 - FY21/22					
	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1	\$ 320,266	\$ 440,985	\$ 714,829	\$ 910,980	\$ 1,465,197
<u>REVENUES:</u>					
WFR - Zone 1 Reservoir Fees Collected	118,612	254,174	170,049	552,231	85,841
Other Revenue:					
Interest Earnings	2,107	19,670	26,102	1,986	12,678
Transfers-In:					
Total Revenues:	120,719	273,844	196,151	554,217	98,520
<u>EXPENDITURES:</u>					
Project Expenditures:					
Transfers - Out:					
Total Expenditures:	-	-	-	-	-
Revenues Over/Under Expenditures:	120,719	273,844	196,151	554,217	98,520
Fund Balance - June 30	\$ 440,985	\$ 714,829	\$ 910,980	\$ 1,465,197	\$ 1,563,716

There have been no fee refunds to-date.

The description of this fee and fee amounts per Resolution No. 05-10291 dated June 20, 2005.
Revised fee amounts per Resolution No. 12-11778 dated 02/21/12

These fees will be used to fund the cost of a water reservoir for Zones 1 which are not within the Southwest Hills area.

Water Facility Reserve Fees - Zone 2 Reservoir Revenues and Expenditures - Fund 511 FY17/18 - FY21/22					
	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1	\$ 87,438	\$ 87,914	\$ 114,040	\$ 130,588	\$ 131,734
<u>REVENUES:</u>					
WFR - Zone 1 Reservoir Fees Collected		22,586	12,828	708	
Other Revenue:					
Interest Earnings	476	3,540	3,720	438	1,092
Transfers-In:					
Total Revenues:	476	26,126	16,548	1,146	1,092
<u>EXPENDITURES:</u>					
Project Expenditures:					
Transfers - Out:					
Total Expenditures:	-	-	-	-	-
Revenues Over/Under Expenditures:	476	26,126	16,548	1,146	1,092
Fund Balance - June 30	\$ 87,914	\$ 114,040	\$ 130,588	\$ 131,734	\$ 132,826

There have been no fee refunds to-date.

The description of this fee and fee amounts per Resolution No. 05-10291 dated June 20, 2005.
Revised fee amounts per Resolution No. 12-11778 dated 02/21/12

These fees will be used to fund the cost of a water reservoir for Zone 2 which are not within the Southwest Hills area.

Sewer Facility Reserve Fees -Collection System Capacity Buy-In Revenues and Expenditures - Fund 522 FY17/18 - FY21/22					
	Proj #	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Fund Balance - July 1		\$ 674,101	\$ 788,994	\$ 1,257,154	\$ 676,537
<u>REVENUES:</u>					
Sewer Facility Reserve Buy In - Fees Collected		111,218	517,676	188,897	643,818
Other Revenue:					
Interest Earnings		3,675	32,796	40,487	315
Transfers-In:					
Total Revenues:		114,893	550,472	229,383	644,133
<u>EXPENDITURES:</u>					
Project Expenditures:					
Sewer Line Replacement East of Loveridge	5207		82,312		
Transfers - Out:					
Transfer-Out to Sewer Operating - Sewer Rehab				810,000	235,000
Total Expenditures:		-	82,312	810,000	235,000
Revenues Over/Under Expenditures:		114,893	468,160	(580,617)	409,133
Fund Balance - June 30		\$ 788,994	\$ 1,257,154	\$ 676,537	* \$ 1,085,670

There have been no fee refunds to-date.

The description of this fee and fee amounts collected prior to August 20, 2005 per Resolution No. 97-8495.

The description of this fee and fee amounts collected on or after August 20,2005 per Resolution No. 05-10291.

Revised fee amounts per Resolution No. 05-10372

*Fees have been programmed for the Highway 4 Trunk Line Relief Project (\$133,113). Fees have also been programmed for the CCTV/Inspection/Sewer Rehab project (\$460,000), Montezuma Pump Station Replacement (\$585,000)

Sewer Facility Reserve Fees - Hwy 4 Trunk Line Revenues and Expenditures - Fund 523 FY17/18 - FY21/22					
	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Fund Balance - July 1	\$ 20,166	\$ 20,276	\$ 21,818	\$ 22,472	\$ 34,114
REVENUES:					
SFR-Pipe - Fees Collected		872		11,568	(1,614)
Other Revenue:					
Interest Earnings	110	670	654	75	264
Transfers-In:					
Total Revenues:	110	1,542	654	11,643	(1,350)
EXPENDITURES:					
Project Expenditures:					
Reimbursement - prior year revenue ¹					
Transfers - Out:					
Total Expenditures:	-	-	-	-	-
Revenues Over/Under Expenditures:	110	1,542	654	11,643	(1,350)
Fund Balance - June 30	\$ 20,276	\$ 21,818	\$ 22,472	\$ 34,114	\$ 32,764

¹: A developer refund was made in 2016/17 - for reimbursement of Sanitary Sewer Video costs.

The description of this fee and fee amounts per Resolution No. 05-10291 dated June 20, 2005.
Revised fee amounts per Resolution No. 12-11778 dated 02/21/12.

These fees will be used to fund the increase in size for the Highway 4 Sewer Trunk Line to serve new development.

Funds in the amount of \$200,000 for the Hwy 4 Trunk Line Relief project are payable to fund 522
Sewer Facility Reserve Buy-In fund when revenue receipts are sufficient.

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

DATE: November 7, 2022

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

CITY COUNCIL/AGENCY MEMBERS

Holland Barrett White, Mayor/Chair
Shanelle Scales-Preston, Vice-Mayor/Chair
Juan Antonio Banales, Council/Agency Member
Jelani Killings, Council/Agency Member
Marilyn Craft, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

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

Vice-Mayor/Chair Scales-Preston called the meeting to order at 7:00 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA after convening in Closed Session at 6:00 P.M. for the following items:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Section 54956.8

Property: Stoneman Park (APN: 094-080-014, 094-090-001, 094-080-002); City negotiators: Garrett Evans, Maria Aliotti, Jordan Davis; Negotiating parties: Albert Seeno III and Louis Parsons, Discovery Builders LLC; Under negotiation: Price and terms of payment

2. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Section 54957.6

City designated representatives: Mary Egan, MRG, LLC; Jennifer Brizel

Unrepresented employees: City Manager and City Attorney

City Attorney Mooney stated there was no reportable action taken in Closed Session.

ROLL CALL

Mayor White was absent and excused.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PROCLAMATIONS

3. Veterans Day

PRESENTATIONS

4. New Employee Introductions
5. Community Development Department Overview

CITY MANAGER REPORTS/REMARKS

City Manager Evans reported on upcoming City events.

PUBLIC COMMENTS

Dianna Schepers, Pittsburg, thanked the City for support of Pittsburg Theater Company.

Bruce Ohlson, Pittsburg, hoped the City Manager would advocate regionally for bicycle lanes at the new Brentwood Costco project.

Yousef Saad El Din, Pittsburg, asked for assistance in creating a free “little library” project that young people could use to foster literacy.

COMMITTEE REPORTS

Vice Mayor Scales-Preston attended the PACF subcommittee meeting, the PAL meeting, and the Public Safety Subcommittee meeting.

CITY COUNCIL MEETING

CONSIDERATION

6. Adoption of a City Council Resolution to Approve the Amended Handbook for City Advisory Bodies

On Motion by Member Craft, seconded by Member Banales to adopt and carried by the following vote:

AYES: Banales, Craft, Killings, Scales-Preston
ABSENT: White

7. Adoption by Minute Order of a City Council Recess for Winter Months

On Motion by Member Killings, seconded by Member Banales to recess January 3, 2023 and carried by the following vote:

AYES: Banales, Craft, Killings, Scales-Preston
ABSENT: White

CONFLICT OF INTEREST STATEMENT

There were no conflicts of interest statements.

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

On Motion by Member Banales, seconded by Member Craft to adopt carried by the following vote:

AYES: Banales, Craft, Killings, Scales-Preston
ABSENT: White

8. Minutes of October 17, 2022
9. Adoption of a Southwest Pittsburg GHAD II Resolution to Authorize Summary Vacation of a 7,720 sf Geologic Hazard Abatement District Maintenance Access Easement
10. Adoption of a City Council Resolution Making Findings in Support of Continuing to Hold Public Subcommittee Meetings by Teleconference Pursuant to California Government Code Section 54953(e)
11. Adoption of an Ordinance Amending Title 8.08 of the Pittsburg Municipal Code Regarding Sustainable Food Packaging and Condiments
12. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Consultant Agreement with Luhdorff and Scalmanini for Engineering Services
13. Adoption of a City Council Resolution Amending Staffing Allocation in the Engineering Division
14. Adoption of a City Council Resolution Authorizing the City Manager to Negotiate and Execute a Consultant Agreement for Design Services for the Frontage Road Living Green Trail Project
15. Adoption of City Council Resolution Authorizing the City Manager to Execute a Contract for the Purchase of a New Brush Chipper
16. Adoption of a City Council Resolution to Modify the Standby Pay and Amend the IBEW Agreement
17. Adoption of a City Council Resolution to Authorize Allocation of U.S. Department of Justice – Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG)

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

COUNCIL MEMBER REMARKS

Member Craft attended the Halloween Event at Small World Park and stated it was very well attended with over 2,700 in attendance.

ADJOURNMENT

The City Council adjourned at 7:57 P.M. to November 21, 2022.

Respectfully submitted,

Alice E. Evenson, City Clerk

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

DATE: November 21, 2022

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

CITY COUNCIL/AGENCY MEMBERS

Holland Barrett White, Mayor/Chair
Shanelle Scales-Preston, Vice-Mayor/Chair
Juan Antonio Banales, Council/Agency Member
Jelani Killings, Council/Agency Member
Marilyn Craft, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

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

Mayor White called the regular meeting to order at 7:56 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA after convening at 6:00 P.M. in Open Session for a Special Meeting and Planning Commission Appeal.

1. Appeal of the Planning Commission's Decision to Deny Use Permit and Design Review for upgrade, remodel, and improvements to an existing Gas Station and construct a 1,600 square foot commercial convenience store, at 1005 Railroad Avenue, AP-21-1572 (UP, DR).

The following spoke in favor of the Valero project:

Diane Kindermann
Wolfgang Croskey
Oliver Kellow
Harkanwal Singh

The following spoke against the Valero project:

Terri Brewer
Shawn Dooley
Jimmy Dorsey
Carol Dooley
Roderick Coleman
Cynthia Walters
Peter Glenk
Debbie Villanueva
Nazar Aryaedi
Terrence Brewer

Marta Wolfe
Domini Callejah
Sikandar Aryaei

Bruce Ohlson asked that bike lanes be included in the project on both Railroad Avenue and 10th Street.

On Motion by Member Craft, seconded by Member Killings to deny the appeal and approve the Use Permit and Design Review without prejudice to not allow alcohol sales for one year before review of a Use Permit and carried unanimously.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PROCLAMATIONS

2. Delta View Cats
3. Small Business Saturday
4. Homeless Awareness Month (Honoring The Bay Church, New Destiny Church, St. Vincent dePaul Society and Loaves and Fishes)

CITY MANAGER REPORTS/REMARKS

City Manager Evans stated he had nothing to report.

PUBLIC COMMENTS

Alaysia Delk, Pittsburg, reported on fundraising efforts for the student trip to Washington.

COMMITTEE REPORTS

Member Killings attended the Economic Development subcommittee

Member Banales attended the Land Use and Finance subcommittees.

Member Craft attended the Pittsburg Arts and Foundation subcommittee.

Vice-Mayor Scales-Preston attended the Community Services subcommittee.

CONSIDERATION

5. Adoption of a City Council Resolution Authorizing the City Manager to Execute a

Memorandum of Understanding for a Feasibility Study of Expanded Ferry Service in Contra Costa County

On Motion by Member Killings, seconded by Member Craft to adopt and carried unanimously.

6. Adoption of a City Council Resolution to Adopt a Pledge to Address Persistent Opportunity Gaps Experienced by Young Men and Women of Color

On Motion by Member Killings, seconded by Vice-Mayor Scales-Preston to adopt and carried unanimously.

7. Adoption of a City Council Resolution for Consideration to Hire a CalPERS Retired Annuitant in Accordance with Government Code Sections 7522.56, 21221(h) and 21224

On Motion by Member Banales, seconded by Member Killings to adopt and carried unanimously.

8. Adoption of a City Council Resolution to Authorize the City Manager to Negotiate and Execute an Agreement with Local Edition Creative for Citywide Art Planning and Mural Installation Services

On Motion by Member Killings, seconded by Member Banales to adopt and carried unanimously.

CONFLICT OF INTEREST STATEMENT

There were no conflicts of interest statements.

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

Mayor/Chair White read the following statements with regards to Items 14 and 15 on the Consent Calendar:

“Agenda Item 14: Adoption of a City Council Resolution to Amend the City Attorney’s Employment Agreement

“Pursuant to Government Code Section 54953 (c) (3), Agenda Item 15 is a recommendation to approve the Amendments to the City Attorney’s employment agreement. The amendment includes a revision of agreement terms, an increase in the salary by Five Percent (5%), to \$21,252 monthly, effective July 10, 2022, and provides for salary increases based on the Consumer Price Index (CPI) per Council approval.”

“Agenda Item 15: Adoption of a City Council Resolution to Amend the City Manager’s Employment Agreement

“Pursuant to Government Code Section 54953 (c) (3), Agenda Item 15 is a

recommendation to approve the Amendments to the City Manager's employment agreement. The amendment includes a salary increase of Seven and a Half Percent (7.5%), to \$23,097.83 monthly, effective July 10, 2022, and revision of the annual evaluation terms."

On Motion by Member Craft, seconded by Member Banales to adopt and carried unanimously.

9. Minutes of November 7, 2022

10. Adoption of a City Council Resolution Authorizing Division of Boating and Waterways Funding Requests and Agreements

11. Receive and File the Treasurer's Report for the Quarter Ending September 30, 2022

12. Adoption of a City Council Resolution to Temporarily Amend the Senior Executive Staffing Allocation

13. Adoption of a City Council Resolution Making Findings in Support of Continuing to Hold Public Subcommittee Meetings by Teleconference Pursuant to California Government Code Section 54953(e)

14. Adoption of a City Council Resolution to Authorize a Third Amendment to the Employment Agreement for the City Attorney

15. Adoption of a City Council Resolution to Authorize a Fourth Amendment to the Employment Agreement for the City Manager

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

COUNCIL MEMBER REMARKS

Vice-Mayor Scales-Preston, along with Member Craft, attended an event at Delta Landing (formerly Motel 6) with the Buffalo Soldiers and Supervisor Federal Glover delivering holiday meals to each resident. She also attended a Youth Conference for young women hosted by Andrea Taylor.

Member Craft also attended the movie *Till* at Maya Cinema courtesy of Souljas.

ADJOURNMENT

The City Council adjourned at 9:38 P.M. to December 5, 2022 ***in memory of Joan Lanphier and Elaine Brooks-Cox.***

Respectfully submitted,

Alice E. Evenson, City Clerk

**CITY OF PITTSBURG
CITY COUNCIL SPECIAL MEETING MINUTES**

DATE: December 5, 2022

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

CITY COUNCIL AGENCY MEMBERS

Holland Barrett White, Mayor/Chair
Shanelle Scales-Preston, Vice-Mayor/Chair
Juan Antonio Banales, Council/Agency Member
Jelani Killings, Council/Agency Member
Marilyn Craft, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

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

Mayor White called the meeting to order at 6:12 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITY MANAGER REPORTS/REMARKS

City Manager Evans had nothing to report.

PUBLIC COMMENTS

Gregory Osorio and Lillian Hornbeck presented outgoing Council Members and incoming Mayor with flowers.

CITY COUNCIL CONSENT CALENDAR

1. Adoption of a City Council Resolution Declaring Results of the General Municipal Election Held on November 8, 2022

On Motion by Member Banales, seconded by Member Craft to adopt carried unanimously.

REMARKS AND RECOGNITION OF OUTGOING MAYOR/CHAIR AND COUNCIL MEMBER

2. Remarks from Outgoing Mayor
3. Mayor's Special Acknowledgement
4. Presentations/Comments for Outgoing Mayor
5. Remarks from Outgoing Council Member Craft
6. Presentations/Comments for Outgoing Council Member Craft

ADMINISTRATION OF OATH OF OFFICE FOR NEWLY ELECTED OFFICERS

7. Council Member Scales-Preston
8. Council Member Dionne Adams
9. Council Member Angelica Lopez
10. City Clerk Alice E. Evenson
11. City Treasurer Nancy Parent
12. General Presentations/Comments

CITY COUNCIL REORGANIZATION

13. Selection of Mayor/Chair

On motion by Member Banales, seconded by Member Killings to appoint Shanelle Scales-Preston as Mayor/Chair and carried by the following vote:

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

14. Selection of Vice-Mayor/Chair

On motion by Member Killings, seconded by Mayor Scales-Preston to appoint Juan Banales as Vice-Mayor/Vice-Chair and carried unanimously.

15. Remarks from New Vice-Mayor/Chair
16. Remarks from New Mayor/Chair
17. Remarks from New Council Members

ADJOURNMENT

The City Council adjourned at 7:58 P.M. to December 12, 2022.

Respectfully submitted,

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Allocating American Rescue Plan Act (ARPA) Funds for the Frontage Road Living Green Trail Project

MEETING DATE: December 12, 2022

EXECUTIVE SUMMARY

The City has been awarded \$1,354,000 for the Frontage Road Living Green Trail and Community Outreach Project. This project includes Green Stormwater Infrastructure improvements to the Frontage Road corridor, and educational outreach campaign to promote stormwater pollution prevention, and environmentally conscious practices.

FISCAL IMPACT

The total project budget is estimated at \$2,166,250. Of this total cost, the Clean California Grant is providing \$1,354,000. The grant program requires the City to provide matching funds in the amount of \$812,250. A Budget Summary is attached as Exhibit A.

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution to allocate the required grant match from ARPA funds and establish a budget for design and construction for the Living Green Pittsburg Trail and Community Outreach Project.

BACKGROUND

In December 2021, staff applied for the Clean California Local Grant Program for the construction of a Class I pedestrian and bike trail on an unused parcel along Frontage Rd. parallel to State Route 4 between Dover Way and Chelsea Way.

On August 1, 2022, the City Council adopted Resolution No. 22-14145, accepting the grant in the amount of \$1,354,000 and allocating matching funds of \$812,250 from the American Rescue Plan Act (ARPA) for a total project budget of \$2,166,250.

On November 7, 2022, the City Council adopted Resolution No. 22-14203, authorizing a consultant agreement with Sandis Engineers Surveyors and Planners for Design Services for the Frontage Road Living Green Trail project.

SUBCOMMITTEE FINDINGS

The project was presented to the Land Use Subcommittee on November 19, 2021, and the Infrastructure and Transportation Committee on October 26, 2022.

STAFF ANALYSIS

The Clean California Grant Program, administered by the California Department of Transportation, provides \$296 million in assistance to communities for the reduction of waste, enhancement of public spaces, reduction of urban heat island effect, improvement of public health, improvement of cultural and community connection, and advancement of equity for underserved communities.

The trail will serve as a model greenspace for future green spaces around the City and will feature educational signage to promote proper waste disposal, recycling, green infrastructure, and active transport. The pedestrian trail will have bioswale features and drought tolerant vegetation and trees to treat stormwater and reduce urban heat island effects. The site will also have benches for seating, trash receptacles, water fountains, pet waste stations, community art, and lighting.

ATTACHMENTS: Resolution
 Exhibit A Budget Summary

Report Prepared By: Jolan Longway
 Clean Water Program Coordinator

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adopting a City Council Resolution Allocating)
Funds for the Clean California Grant Frontage) RESOLUTION NO. 22-
Road Trail and Outreach Project)

WHEREAS, the Living Green Pittsburg Trail and Community Outreach Project is a Clean California Grant project that includes the construction of a Class I trail along Frontage Road from Dover Way to Chelsea Way, and an educational outreach campaign to promote stormwater pollution prevention and environmentally conscious practices; and

WHEREAS, the Frontage Road Living Green Trail Project will include the construction of Green Stormwater Infrastructure, bioswale features, and drought tolerant vegetation and trees to treat stormwater and reduce urban heat island effects. The trail will also have benches for seating, trash receptacles, water fountains, pet waste stations, community art, and lighting; and

WHEREAS, on August 1, 2022, the City Council adopted Resolution No. 22-14145, accepting the grant in the amount of \$1,354,000 and allocating matching funds of \$812,250 from the American Rescue Plan Act (ARPA) for a total project budget of \$2,166,250; and

WHEREAS, on October 26, 2022, the City Infrastructure and Transportation Committee affirmed the use of American Rescue Plan Act (ARPA) funds in the amount of \$812,250 for the Frontage Road Living Green Trail and Community Outreach Project.

WHEREAS, on November 7, 2022, the City Council adopted Resolution No. 22-14203, authorizing the City Manager to execute a consultant agreement with Sandis Engineers Surveyors and Planners for design services in the amount of \$274,420.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburg hereby authorizes the City Manager to allocate \$812,250 from ARPA funds for the City's grant match and establish a budget for design and construction for the Living Green Pittsburg Trail and Community Outreach Project.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 12th the day of December 2022, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Attachment A: Budget Summary

Living Green Pittsburgh – Trail and Community Outreach Project

This proposed project will build a new Class I trail along Frontage Rd from Dover Rd to Chelsea Wy. The new trail will serve as a model for future greenspaces in the city, complete with anti-littering amenities and signage. This project will also include an outreach portion with events and improvements to other identified public spaces around the city as part of a citywide "Living Green Pittsburgh" initiative.

Project Funding

Grant Amount Awarded	\$1,354,000
Total Project Cost	\$2,166,250
Local Match %	37.5
Total Local Match	\$812,250

Project Expenditures

Infrastructure Costs – Construction of approximately 1400LF of multipurpose trail along Frontage.

Construction Items	\$1,227,531
Construction Item Contingencies (10%)	\$122,753
Pre-construction Costs (PE+RW)	\$310,500
Construction Engineering	\$200,000
Total Infrastructure	\$1,860,784

Non-infrastructure Costs – Outreach and website development.

Consultant Costs	\$182,000
Staff Time Costs	\$123,466
Total Non-infrastructure	\$305,466

Total Project Cost	\$2,166,250
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**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the Execution of a Consulting Services Agreement with TRC Solutions, Inc. for the H Cycle Renewable Hydrogen Project

MEETING DATE: December 12, 2022

EXECUTIVE SUMMARY

The proposed item would authorize the City Manager to execute a Consulting Services Agreement with TRC Solutions, Inc. (TRC) in an amount not to exceed \$306,691 and would allocate \$245,353 to the consultant budget for contract planning services related to the proposed H Cycle Renewable Hydrogen Project at 1301 Standard Oil Avenue, Pittsburg.

FISCAL IMPACT

Staff is requesting the City Council allocate to the consultant budget \$306,691 to cover consultant costs related to the processing of the proposed application. The requested budget would cover the estimated \$245,353 cost for California Environmental Quality Act (CEQA) services by TRC, along with an approximately 25% contingency of \$61,338.

Prior to execution of any consultant contracts, the applicant, HC (Contra Costa), LLC (H Cycle), would be required to execute a reimbursement agreement with the City and provide funds to cover the base cost. As such, there is no fiscal impact to the City.

RECOMMENDATION

City Council adopt the attached resolution authorizing the City Manager to execute a consulting services agreement with TRC for CEQA services related to the H Cycle Renewable Hydrogen Project.

BACKGROUND

The H Cycle Pittsburg Renewable Hydrogen Project involves the development, construction and operation of a renewable hydrogen facility utilizing waste materials as feedstock in a non-combustion thermal conversion process. The proposed project site is located at 1301

Standard Oil Avenue in the City of Pittsburg, on a 7.5-acre parcel that is approximately 0.4 miles northeast of the intersection between Pittsburg-Antioch Highway and Loveridge Road.

The site is zoned as IG (General Industrial) and is currently unoccupied, except for water storage tanks which remain from a previous development. The land use surrounding the site is primarily industrial, including Corteva Agriscience's manufacturing facility (to the north), Calpine's Delta Energy Center (to the east), the Delta Diablo wastewater treatment facility (to the east), and multiple, other industrial facilities (to the west). The nearest residence is located approximately 0.6 miles to the southwest.

SUBCOMMITTEE FINDINGS

The item was not presented to a subcommittee.

STAFF ANALYSIS

Due to the complexity of the project, staff and the applicant anticipate a full environmental impact report (EIR) be prepared pursuant to CEQA, and recommends the City utilize TRC to prepare the environmental document. Prior to entering into any contract, the City will require a fully executed reimbursement agreement submitted by the applicant.

ATTACHMENTS:

1. Resolution
2. Contract and Services Agreement TRC Solutions, Inc.

Report Prepared By: Alison Hodgkin, Associate Planner

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the Execution of a)
Consulting Services Agreement)
with TRC Solutions, Inc. for the)
H Cycle Renewable Hydrogen Project)

RESOLUTION NO. 22-

WHEREAS, the applicant has made a formal application for the development of the proposed project titled "H Cycle Renewable Hydrogen Project" located at 1301 Standard Oil Avenue; and

WHEREAS, in 2022, the City and applicant solicited proposals for environmental review services pursuant to the California Environmental Quality Act (CEQA) from multiple consultants and selected the proposal of TRC Solutions, Inc.; and

WHEREAS, TRC Solutions, Inc., has provided their respective services to the City for more than a decade, and were chosen for their thorough analyses and satisfactory performance; and

WHEREAS, HC (Contra Costa), LLC (H Cycle) will be required to deposit funds with the City in an amount sufficient to reimburse the cost of project management and environmental review services.

NOW, THEREFORE BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a Consulting Services Agreement with TRC Solutions, Inc., in an amount not to exceed \$306,691 upon completion of a reimbursement agreement with H Cycle and allocates \$245,353 to the consultant budget.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 12th day of December 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

**CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF PITTSBURG AND
TRC SOLUTIONS, INC.
(Environmental Consultant)**

THIS Agreement ("Agreement") for consulting services is made by and between the City of Pittsburg ("City") and TRC Solutions, Inc., a California corporation ("Consultant") (together referred to as the "Parties") as of December 12, 2022 (the "Effective Date").

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

- 1.1 Term of Services.** The term of this Agreement shall begin on the Effective Date and shall end on December 31, 2024, or the date the Consultant completes the services specified in Exhibit A, whichever occurs first, unless the term of the Agreement is otherwise terminated or extended, as referenced herein.
- 1.2 Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement according to the standards observed by a competent practitioner of the profession in which Consultant is engaged.
- 1.3 Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, requests in writing the reassignment of any such persons to ensure Consultant performs services in accordance with the Standard of Performance, Consultant shall, immediately upon receiving City's request, reassign such persons.
- 1.4 Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided herein above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agrees to pay Consultant a sum not to exceed Three Hundred Six Thousand, Six Hundred Ninety One dollars (\$306,691), \$245,353 (plus a 25% contingency of \$61,338) as set forth in Exhibit B, attached hereto and incorporated herein for services to be performed and reimbursable

expenses incurred under this Agreement. This dollar amount is not a guarantee that the City will pay that full amount to the Consultant, but is merely a limit of potential City expenditures under this Agreement.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

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

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

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

- 2.3 Final Payment.** Consultant shall submit its final invoice within 60 days of completing its services. Consultant's failure to submit its final invoice within this 60-day period shall constitute Consultant's waiver of any further billings to, or payments from, City.
- 2.4 Reimbursable Expenses.** Reimbursable expenses, if any, are specified in Exhibit B and included in the total compensation referenced in Section 2. Expenses not listed in Exhibit B are not chargeable to, or reimbursable by, City.
- 2.5 Payment of Taxes.** Consultant is solely responsible for the payment of all federal, state and local taxes, including employment taxes, incurred under this Agreement.
- 2.6 Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of a written authorization from the City Manager, or his or her designee.

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

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

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

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General requirements. Consultant, at its own cost and expense, shall maintain commercial general liability insurance for the term of this Agreement in an amount not less than \$2,000,000 per occurrence and \$4,000,000 aggregate, combined single limit coverage for risks associated with the work contemplated by this Agreement.

Consultant, at its own cost and expense, shall maintain commercial automobile liability insurance for the term of this agreement in an amount not less than \$1,000,000 per occurrence for risks associated with the work contemplated by this Agreement.

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

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

- a. The Commercial General and Automobile Liability Insurance shall cover on an occurrence basis.
- b. City, its officers, officials, employees, agents, shall be covered as additional insureds for liability arising out of work or operations on behalf of the Consultant, including materials, parts, or equipment furnished in connection with such work or operations; or automobiles owned, leased, hired, or borrowed by the Consultant. Coverage can be provided in the form of an endorsement to the Consultant’s insurance at least as broad as CG 20 10 11 85, or both CG 20 10 12 19 and CG 20 37 12 19.

- c. For any claims related to this Agreement or the work hereunder, the Consultant's insurance covered shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Consultant's insurance and non-contributing.
- d. The policy shall cover inter-insured suits and include a "separation of Insureds" or "severability" clause which treats each insured separately.
- e. Consultant agrees to give at least 30 days prior written notice to City before coverage is canceled or modified as to scope or amount.

4.3 Professional Liability Insurance.

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

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

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

4.4 All Policies Requirements.

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

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

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

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

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

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

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

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

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

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

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES.

5.1 General Indemnification. Consistent with California Civil Code Section 2782.8, Consultant shall, to the fullest extent permitted by law, indemnify, protect, defend and hold harmless City, and its employees, officials, and agents, from any and all demands, losses, claims, costs, liabilities, and expenses for any damage, injury, or death, (collectively "Liability") , arising out of or in connection with the negligence, recklessness, or willful misconduct of Consultant, its officers, employees, agents, contractors, subconsultants, or any persons under its direction or control. Consultants' obligations under this section exist regardless of concurrent negligence or willful misconduct on the part of City or any other person; provided, however, that Consultant will not be required to indemnify, including the cost to defend, City for the proportion of liability a court determines does not arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant, its officers, employees, agents, contractors, subconsultants, or any persons under its direction or control. Neither Party shall be liable to the other for any special, indirect, consequential, or punitive damages. Consultant assumes no duty to defend separate from this indemnity. This Section **5.1** shall survive any expiration or termination of this Agreement.

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

the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Section 6. STATUS OF CONSULTANT.

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

Section 7. LEGAL REQUIREMENTS.

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

this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Section 8. TERMINATION AND MODIFICATION.

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

- 8.5.1** Immediately terminate the Agreement;
- 8.5.2** Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;
- 8.5.3** Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or
- 8.5.4** Charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.
- 8.5.5** The remedies mentioned in this Agreement are not exclusive of any other right, power or remedy permitted by law. The City's failure or delay in exercising any remedy shall not constitute a waiver of such remedy or preclude the further exercise of City's rights.

Section 9. KEEPING AND STATUS OF RECORDS.

- 9.1 Records Created as Part of Consultant's Performance.** All final versions of reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement, and the City may use, reuse or otherwise dispose of the documents without Consultant's permission. However, any reuse of documents for another project or modification of the aforementioned materials, work products or documents by the City without the Consultant's written permission shall be at the City's sole risk, and the Consultant shall have no liability with respect to such reuse or modification. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential drafts and

will not be released to third parties by Consultant without prior written approval of City.

- 9.2 Consultant's Books and Records.** Consultant shall maintain any and all records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of 3 years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement. All such records shall be maintained in accordance with generally accepted accounting principles and shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Pursuant to Government Code Section 8546.7, the Agreement may be subject to the examination and audit of the State Auditor for a period of 3 years after final payment under the Agreement.

Section 10 MISCELLANEOUS PROVISIONS.

- 10.1 Attorneys' Fees.** If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.
- 10.2 Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in Contra Costa County or in the United States District Court for the Northern District of California.
- 10.3 Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 10.4 No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

10.5 Successors and Assigns. The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

10.6 Conflict of Interest. Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a “conflict of interest,” as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

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

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

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

Consultant: TRC Solutions, Inc.
1850 Gateway Blvd., Suite 1000
Concord, CA 94520
ATTN: Brenda Peters

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

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

stamp/seal shall be in a block entitled "Seal and Signature of Registered Professional with report/design responsibility."

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

<u>Exhibit A</u>	Scope of Services
<u>Exhibit B</u>	Compensation Schedule

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

10.12 Construction of Agreement. Each party hereto has had an equivalent opportunity to participate in the drafting of the agreement and/or to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting party shall not apply hereto.

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

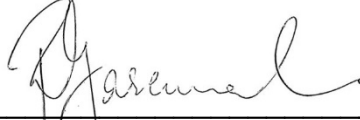
[SIGNATURES ON FOLLOWING PAGE]

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

CITY OF PITTSBURG

CONSULTANT

Garrett Evans, City Manager



Name: Rameeta Garewal
Title: Principal-in-Charge

Attest:

Alice Evenson, City Clerk

Approved as to Form:

Donna Mooney, City Attorney

EXHIBIT A

SCOPE OF SERVICES

Consultant shall perform the following:

Task 1 Project Initiation

Consultant and/or the Applicant will prepare the following technical studies which will complete the Applicant's Conditional Use Permit Application.

- Critical Issues Analysis
- Biological Technical Memo/Biological Assessment
- Cultural Resources Technical Report
- Traffic Study
- Air Quality Emissions Calculations
- Energy and Greenhouse Gas Analysis
- ESA Phase I
- Noise Study
- Wastewater Management Plan
- Hydrology Report

Consultant shall initiate work under this scope with the review of work previously completed, including but not necessarily limited to, prior Site visits and photos, and the technical studies listed above. Following review of available information, Consultant shall convene a team meeting with City staff to review the proposed approach and scope of work, confirm communication channels and responsibilities, and to discuss the planning approach to be integrated into the CEQA Project description. If necessary, following the initial kickoff meeting, Consultant shall provide a data request to the City to support preparation of the EIR.

Deliverables:

- Data Request
- Comments on the Project description
- Editing and production of the final Project description as directed by the City

Task 2 Prepare Notice of Preparation of an EIR

Consultant shall assist the City with the preparation of a Notice of Preparation (NOP) as required by CEQA Guidelines Section 15082 to inform the public and other agencies of the City's intent to prepare a Project EIR. The NOP shall include a description of the project, location of the project and the probable environmental effects of the project.

Deliverable:

- TRC shall prepare an initial draft and final NOP (electronic format)

Task 3 Attend Scoping Meeting and Prepare Scoping Summary

Consultant Project Manager shall attend one Project public Scoping Meeting in the City of Pittsburgh. During the meeting, Consultant Project Manager shall assist the City with preparing for the meeting and taking notes during the meeting. Following the scoping meeting and after receiving agency responses to the NOP, Consultant shall prepare a Scoping Summary.

Deliverable:

- TRC shall prepare a draft and final Scoping Summary (electronic format)

Task 4 Prepare Administrative Draft EIR

Consultant shall prepare an Administrative Draft EIR, consistent with the requirements of CEQA. The Administrative Draft EIR shall examine the environmental impacts potentially associated with construction and operation of the Renewable Hydrogen Production Project. If potential impacts of the Project are identified, appropriate reasonable and feasible mitigation measures shall be presented, where needed to mitigate potentially significant impacts. The completion of the Administrative Draft EIR shall include the review of available data and information from the data requests to the City and/or H Cycle, input derived from the scoping process and the Project's technical studies. If there are significant changes to the Project Description, new alternatives identified, and/or directives for more specific technical studies to be undertaken, Consultant reserves the right to make efforts to negotiate an amendment to this Agreement to expand the scope and increase compensation accordingly to complete the CEQA process.

Consultant shall consult with H Cycle and the City to identify a reasonable range of potential alternatives to the proposed Project that can be used to complete the alternatives analysis within the EIR. Consultant shall include three alternatives within the EIR, including the No Project alternative.

The Administrative Draft CEQA EIR document shall include:

- Executive Summary
- Goals and Objectives of the Project (as defined by the Applicant in the Project Conditional Use Application)
- Documents Incorporated by Reference
- Description of the construction and operation of the Project and Alternatives

- Description of existing environmental conditions within the Project area
- A discussion of potential environmental impacts associated with implementation of the Project using criteria outlined in Appendix G of the CEQA Guidelines, 2018 for the following environmental resources topics:
 - Aesthetics and Visual Resources
 - Agriculture and Forestry Resources
 - Air Quality
 - Biological Resources
 - Cultural Resources
 - Energy Efficiency
 - Geology and Soils Analysis
 - Greenhouse Gases and Climate Change
 - Hazards & Hazardous Materials
 - Hydrology & Water Quality
 - Land Use and Planning
 - Mineral Resources
 - Noise & Vibration
 - Paleontological Resources
 - Population & Housing
 - Public Services
 - Recreation
 - Transportation
 - Tribal Cultural Resources
 - Utilities & Service Systems
 - Wildfire
 - Mandatory Findings of Significance
 - Description of mitigation for identified potentially significant adverse environmental effects
 - Draft Mitigation Monitoring and Reporting Program
 - Discussion of a reasonable range of alternatives to be evaluated to reduce and/or avoid any identified significant adverse environmental impacts
 - Documentation of consultation and coordination with interested federal, state, and/or local agencies
 - List of Preparers
 - List of References
 - Technical Appendices and Supporting Information

In preparing the Administrative Draft EIR, Consultant shall describe the environmental setting and prepare an analysis of the direct and indirect environmental impacts of construction and operation of the Project. Consultant shall use tables, charts, and graphics as appropriate to illustrate and help communicate the impact analyses. Consultant shall apply existing impact significance criteria from responsible agencies where available and other criteria as directed by City for each resource area or CEQA significant impact criterion and clearly establish whether an impact is significant or less

than significant. Where appropriate, Consultant shall prescribe mitigation measures to reduce potentially significant impacts to a less than significant level, or to the maximum extent feasible for any unavoidable significant impact.

Deliverables:

- Draft and revised alternatives description (electronic transmittal)
- Initial draft and final draft Administrative Draft EIR for review and comment (electronic transmittal, plus up to twenty (20) hard copies if requested)

Task 5 Prepare Public Review Draft EIR

Screencheck Draft EIR

Consultant shall incorporate one set of consolidated comments to the Administrative Draft EIR from the City and will produce a Screencheck Draft EIR and draft Notice of Completion for review and approval by the City. In preparation of the Screencheck Draft EIR, Consultant shall discuss any comments from the Applicant or other stakeholders with the City and any responses and/or revisions based on these comments will be agreed upon in consultation with the City. The Screencheck Draft EIR shall be submitted by Consultant for final review by the City prior to going out for public review.

Deliverables:

- Five (5) hardcopies and one thumbnail drive of the Screencheck Draft EIR, including technical appendices, will be provided for City review and approval
- Notice of Completion (draft)

Public Review Draft EIR and Notice of Completion/Notice of Availability

After any minor changes received from the City on the Screencheck Draft EIR, Consultant shall prepare the Public Review Draft EIR and will distribute it for a 45-day public review period. As part of this effort, Consultant shall draft the necessary public notice of availability of the draft EIR for the City's review and approval. Consultant shall also complete the required filings with the State Clearinghouse on behalf of the City. We anticipate that the City will be responsible for noticing and distributions beyond the State Clearinghouse. Mailings in addition to the State Clearinghouse can be completed by Consultant at the cost set forth in Exhibit B if requested by the City. Consultant shall compile any comments received in response to the Notice of Availability of the Public Review Draft EIR and prepare appropriate responses as part of this task.

Deliverables:

- Twenty (20) hard copies and one (1) thumbnail drive of the public review Draft EIR, including technical appendices.

- Twenty (20) hard copies of the Summary form and twenty (20) CD copies will be submitted to the State Clearinghouse.
- Notice of Completion (Screencheck and final).

Public Hearing

Because CEQA does not require a public hearing for a Draft EIR, a Draft EIR public hearing is omitted from this Exhibit A.. Consultant shall assist in conducting a public hearing to present the Draft EIR and receive public comments if requested by the City, for a cost to be negotiated.

Task 6 Prepare Final EIR

Upon completion of the 45-day public review period, Consultant shall compile the comments received and prepare appropriate responses. The responses to comments package will include:

- Comments received during the public review period with individual comments delineated.
- Responses to each individual comment.

Consultant shall prepare an Administrative Draft Final EIR, which will consist of the written corrections to the Draft EIR (i.e., in strike and underline or errata format, depending on extent of changes) and the response to comments package. In response to one set of comments by the City on the Administrative Draft Final EIR, Consultant shall prepare a Screencheck Draft Final EIR, if necessary, for the City's review and approval. Following final minor comments or the City's approval of the Screencheck Draft Final EIR, Consultant shall prepare the Final EIR for distribution. Consultant shall provide up to fifteen (15) hard copies and fifty (50) CD copies of the Final EIR. It is assumed that the City will distribute all copies of the Final EIR, as needed.

Consultant assumes 100 hours for responding to comments. If appropriate, Consultant may include one or more master responses where multiple similar or connected comments are received. If the nature or number of comments requires efforts exceeding this assumption TRC reserves the right to evaluate the comments received and make efforts to negotiate an amendment to this Agreement to set forth a schedule, expand the scope and increase the compensation accordingly.

Deliverables:

- Consultant shall provide five (5) CD copies of the Administrative Draft Final EIR.
- Consultant shall provide one (1) hard copy and five (5) CD copies of the Screencheck Final EIR.

- Consultant shall provide fifteen (15) hardcopies and fifty (50) CD copies of the Final EIR (Extra copies, if needed, can be provided at cost).
- Consultant shall submit fifteen (15) paper copies of the Summary Form and fifteen (15) CD copies of the Final EIR to the State Clearinghouse.

Public Hearing

Consultant shall have two key staff available to participate in one public hearing each with the Planning Commission and the City Council. Consultant assumes that the City will send Notice of these meetings. The Notice of Determination is addressed in Task 7 below.

Deliverable:

- Consultant shall prepare a PowerPoint presentation for use at the public hearings.

Task 7 Prepare CEQA Findings and Notices

As directed by the City, Consultant shall support City staff's development of written Findings of Fact for each significant impact identified in the EIR, pursuant to CEQA Guidelines Section 15091 and 15096(h). The findings shall contain a conclusion regarding each significant impact, and an explanation of how the substantial evidence supports the conclusion. If the EIR concludes that the Project would have significant and avoidable environmental effects, Consultant shall support City staff as directed in preparing a draft Statement of Overriding Considerations as required by Public Resources Code Section 21081 and CEQA Guidelines, Section 15093.

Deliverables:

- Upon Project approval by the City of Pittsburgh's City Council, Consultant shall prepare the Notice of Determination (NOD) for CEQA purposes and deliver it to the State Clearinghouse.
- Consultant shall prepare the draft Findings of Fact, and a draft Statement of Overriding Consideration, if needed. Consultant shall prepare an Administrative Draft and a Screencheck Draft for use by the City incorporating one consolidated set of comments.
- Consultant shall prepare draft Final Findings of Fact and Statements of Overriding Consideration, if needed, for use by the City.

Task 8 Project Management

Consultant's Project Manager and up to one other appropriate professional shall attend up to 18 meetings (two per month over 9 months) with City staff to discuss Project status, details of the Project description, action items, and/or to review comments. Consultant

assumes that these meetings will be held at the City's office or via conference calls. Consultant may attend additional meetings at a cost to be negotiated by the Parties at the rates set forth in Exhibit B.

Consultant shall participate in conference calls (e.g., weekly calls) to continuously coordinate Project details and schedule. Following the NOD Consultant will provide the City with copies of all referenced materials.

Deliverable:

- Up to 18 status meetings, Consultant to prepare Agenda, Meeting Minutes, and Action Items for meetings and calls.

Additional Work Assumptions

- The City will publish all public meeting advertisements, conduct mailings to interested parties and responsible agencies, and digitally file notices with the County Clerk and State Clearinghouse.
- This work scope may be amended to reduce or increase scope as work proceeds since key project parameters are yet to be defined (e.g., site development configurations and roadway alignments).
- City comments to deliverables will be provided to Consultant as a single consolidated set of comments for each deliverable that provides clear direction for revisions.
- Enough Project design information will be provided to Consultant by the City to develop the final CEQA Project description.
- Once work is initiated and a Project description is complete, no change to the Project design is made that requires revision to past work or change in effort moving forward.
- Work will not be stopped or slowed by others beyond Consultant's control.
- Offsite project features (e.g., utility interconnections), once identified, could require additional efforts or analysis with associated cost and schedule effects. CEQA will need to include a potential impact area(s) for offsite features needed for Project feasibility.
- In accordance with City of Pittsburg Policy and CEQA Guidelines, environmental documents prepared pursuant to CEQA must reflect the independent judgment of the City as the lead agency. The final responsibility for the content and adequacy of the EIR lies in the sole discretion of the City of Pittsburg and its designated representatives. Consultant shall take direction on substantive CEQA matters from the City of Pittsburg through its designated representatives.

Schedule

The following schedule sets forth the timing of each task.

Task	Completion Week
Task 1 -- Project Initiation	Week 1
Task 2 – Prepare Notice of Preparation	Week 3
Task 3 – Attend Scoping Meeting and Prepare Scoping Summary	Week 8
Task 4 – Prepare Administrative Draft EIR	Week 17
Task 5 – Public Review Draft EIR	Week 28
Task 6 – Final EIR	Week 37
Task 7 – CEQA Findings and Notices	Week 39
Task 8 – Project Management	Week 40

EXHIBIT B
COMPENSATION SCHEDULE

Task	Fee
Task 1 -- Project Initiation	\$19,475
Task 2 – Prepare Notice of Preparation	\$3,520
Task 3 – Attend Scoping Meeting and Prepare Scoping Summary	\$3,577
Task 4 – Prepare Administrative Draft EIR	\$77,157
Task 5 – Public Review Draft EIR	\$49,928
Task 6 – Final EIR	\$42,344
Task 7 – CEQA Findings and Notices	\$9,794
Task 8 – Project Management	\$39,558
Total	\$245,353

The cost for completion of the environmental consulting services described in Exhibit A – Scope of Services is anticipated not to exceed \$245,353 as shown in Exhibit B – Compensation Schedule above.

Consultant shall perform the tasks described in Exhibit A – Scope of Services on time and materials basis according to the rate sheet on the following page.

TRC Environmental 2022 Rate Schedule

CODE	TRC LABOR CLASSIFICATION/Category	2022 HOURLY LABOR RATE
Principal/Technical Director		
EV28	Level IV	\$324
EV27	Level III	282
EV26	Level II	252
EV25	Level I	234
Program Manager/Senior Technical Manager		
EV24	Level IV	\$226
EV23	Level III	210
EV22	Level II	204
EV21	Level I	195
Project/Technical Manager		
EV20	Level IV	\$188
EV19	Level III	179
EV18	Level II	172
EV17	Level I	166
Senior Scientist/Engineer/Specialist		
EV16	Level IV	\$159
EV15	Level III	151
EV14	Level II	144
EV13	Level I	138
Project Scientist/Engineer/Specialist		
EV12	Level IV	\$131
EV11	Level III	124
EV10	Level II	118
EV09	Level I	110
Scientist/Engineer/Specialist, Technicians, and Project Support		
EV08	Level VIII	\$104
EV07	Level VII	98
EV06	Level VI	90
EV05	Level V	84
EV04	Level IV	76
EV03	Level III	69
EV02	Level II	63
EV01	Level I	51

(1) A 15% Mark-up will be added to non-labor costs and expenses/ODCs. The markup does not apply to equipment & laboratory rates.

(2) A 6% Communication/Digital Fee will be applied to labor charges in lieu of separate reimbursement for digital productivity solutions/applications, photocopying, report production, faxing, computer usage, software usage, telephone charges, and postage costs. Digital productivity solutions/applications include mobile and desktop applications designed to increase efficiency in data collection and representation, excluding custom development as required on a per project basis.

(3) Overtime rates will apply to non-exempt (hourly) staff in conformance with applicable law.

(4) N/A

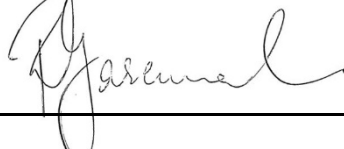
(5) A 2% fee will be applied to the invoice amount to cover Professional Liability and Related Insurance costs.

(6) For Litigation or Litigation Support Services, please request a copy of our Standard Rates for Litigation Services.

CERTIFICATE OF COMPLIANCE WITH LABOR CODE § 3700

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

CONSULTANT

By:  _____

Title: Principal-in-Charge



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Making Findings in Support of Continuing to Hold Public Subcommittee Meetings by Teleconference Pursuant to California Government Code Section 54953(e)

MEETING DATE: December 19, 2022

EXECUTIVE SUMMARY

Assembly Bill 361 (AB 361) amended the Brown Act to allow local legislative bodies to continue to meet remotely during proclaimed states of emergency under specified conditions. Findings must be made every 30 days.

FISCAL IMPACT

There is no fiscal impact to the General Fund by this action.

RECOMMENDATION

The City Council adopt the attached resolution, continue in-person meetings with the exception of subcommittee meetings which will remain virtual.

BACKGROUND

Beginning in March 2020, Governor Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. Among these were Executive Orders—N-25-20 and N-29-20 (collectively, the “Brown Act Orders”) — that waived requirements in the Brown Act expressly or impliedly requiring the physical presence of legislative body members, staff, or the public at local agency meetings.

On June 11, 2021, the Governor issued Executive Order N-08-21, to begin winding down some of the prior measures that were adopted to respond to COVID-19. Notably, N-08-21 established an end date to the Brown Act Orders, effective September 30, 2021.

On September 16, Governor Newsom signed Assembly Bill 361 which amended the Brown Act to allow local legislative bodies to continue to meet remotely during proclaimed states of emergency under specified conditions and so long as certain findings are made by a majority of the legislative body. As detailed in the attached resolution, findings were made on November 21, 2022, and are effective for 30 days.

SUBCOMMITTEE FINDINGS

This item was not submitted to a subcommittee.

STAFF ANALYSIS

Local legislative bodies such as a city council that wish to continue meeting by teleconference must comply with the requirements of California Government Code Section 54953, which was amended by AB 361.

Specifically, newly amended Government Code Section 54953 requires the following procedures:

- Give notice and post agendas as otherwise required by the Brown Act;
- List on the agenda how the public can electronically attend and comment at the meeting. Note that a public agency is not required to offer an in-person option for the public to attend and comment at such a meeting;
- Provide an opportunity to comment in advance of and during the meeting;
- Allow a reasonable amount of time to register, if required, and comment on each agenda item or at least the amount of time allowed per agency meeting protocols, whichever is longer;
- No action may be taken during a disruption that inhibits the broadcast of the meeting or the public's ability to comment;
- All votes must be via rollcall;
- Comply with state and federal civil rights and non-discrimination laws; and
- Take all precautions to protect the statutory and constitutional rights of the public.

While it only applies in situations where the Governor has proclaimed a state of emergency, and not, for instance, when only a local health officer has declared an emergency, AB 361 provides an explicit avenue for local public agencies to meet remotely in the case of a public health, or other, emergency that inhibits the opportunity to meet in person. AB 361 provides the flexibility to meet by teleconference through December 31, 2023, unless extended.

The City Council resolution, if approved, would authorize teleconferenced meetings of subcommittees.

Making the findings would allow teleconferenced meetings for the next 30 days.

ATTACHMENTS: Resolution

Report Prepared By: Garrett Evans, City Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Making Findings in Support of Continuing to)
Hold Public Subcommittee Meetings By) RESOLUTION NO. 22-
Teleconference Pursuant to California)
Government Code Section 54953(e))

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a state of emergency due to COVID-19; and

WHEREAS, on March 10, 2020, the Contra Costa County Board of Supervisors issued an emergency proclamation to respond to COVID-19; and

WHEREAS, on March 16, 2020, the City Council proclaimed the existence of a local emergency in response to COVID-19; and

WHEREAS, on March 12, 2020, the Governor issued Executive Order N-25-20, which suspended specified requirements under the Brown Act with regard to teleconferenced meetings of legislative bodies during the period in which state or local public health officials have imposed or recommended measures to promote social distancing; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, which modified and replaced the Brown Act language of Executive Order N-25-20, continuing to suspend specified requirements under the Brown Act for teleconferenced meetings of legislative bodies during the period in which state or local public health officials have imposed or recommended social distancing measures; and

WHEREAS on June 11, 2021, the Governor issued Executive Order N-08-21, which modified and replaced the Brown Act language of Executive Order N-29-20 and set forth an end date of September 30, 2021; and

WHEREAS, in September 2021 the State Legislature passed Assembly Bill 361, which was signed into law by the Governor on September 19, 2021; and

WHEREAS, AB 361 amended the Brown Act at Government Code Section 54953 to allow, until January 1, 2024, a legislative body to use teleconferencing without adhering to specified requirements so long as, among other circumstances, the meeting is held during a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing, and so long as the legislative body reconsiders the circumstances every 30 days; and

WHEREAS, on September 20, 2021, the Contra Costa County Health Officer issued recommendations for public meetings, which recommendations include social distancing; and

WHEREAS, on October 4, 2021, and November 1, 2021, the City Council adopted a resolution authorizing teleconferenced meetings for the City Council, commissions, and subcommittees; and

WHEREAS, following an improvement in the incidence of COVID cases, the City Council adopted Resolutions on November 29, 2021, December 20, 2021, January 18, 2022, February 7, 2022, March 7, 2022, April 4, 2022, May 2, 2022, June 6, 2022, June 20, 2022, July 18, 2022, August 15, 2022, September 19, 2022, October 17, 2022, November 7, 2022 and November 21, 2022 to authorize meetings with public participation by teleconference and in-person attendance by members of the City Council and commissions, and otherwise fully teleconferenced meetings for subcommittees; and

WHEREAS, with the emergence of the Omicron variant, which may spread more easily than other variants, and in the wake of holiday gatherings of persons, the incidence of COVID increased markedly and then decreased but continues to be transmitted in the community.

NOW, THEREFORE BE IT RESOLVED that the City Council hereby makes the following findings:

1. The circumstances of the state of emergency have been reconsidered. The state of emergency declared by the Governor has not been terminated. The state of emergency declared by the County Board of Supervisors has not been terminated. The state of emergency declared by the City Council has not been terminated.

State or local officials continue to impose or recommend measures to promote social distancing. The County Health Official on October 4, 2022, reissued a recommendation for social distancing, among other recommendations, during public meetings.

BE IT FURTHER RESOLVED that the City Council hereby approves meetings of subcommittees to be held by teleconference in compliance with California Government Code Section 54953(e). As there are numerous subcommittees, some which are comprised of members of more than one legislative body, and meet frequently, for the protection of the health of attendees all subcommittee meetings are to be held by teleconference.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 12th day of December 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution to Amend the Master Pay Schedule to Include Amendments to the Seasonal Salary Schedule and Previously Approved Positions and Compensation

MEETING DATE: December 19, 2022

EXECUTIVE SUMMARY

To comply with CalPERS' interpretation of the requirements of California Code of Regulations, Title 2, Section 570.5 by amending the single master pay schedule already on the City's website representing all previously approved actions on the individual classifications of the pay schedule and amending the Seasonal Salary Schedule to comply with the State of California minimum wage increase from \$15.00 per hour to \$15.50 per hour, effective January 1, 2023. The single master pay schedule is submitted to the City Council for approval each time any single MOU or compensation plan is brought to the City Council for approval.

FISCAL IMPACT

The fiscal impact for the remainder of FY22/23 is estimated to be \$5,000 to amend the Seasonal Salary schedule. The amendment of previously approved separate pay schedules has no additional fiscal impact to the City for preparation or distribution, as the actions already occurred.

RECOMMENDATION

The City Council adopt a resolution to amend the City of Pittsburg's master pay schedule for all employee classifications, so the City is in compliance with the requirements of the California Code of Regulations, Title 2, Section 570.5 and the California Public Employees' Retirement System (CalPERS) relating to publicly available pay schedules for purposes of determining the amount of "compensation earnable" pursuant to Government Code Sections 20630, 20636, and 20636.1 as well as amend the Seasonal Salary due to the State minimum wage increase.

BACKGROUND

CalPERS, pursuant to their interpretation of California Code of Regulations, Title 2, Section 570.5, recommends all CalPERS employers to maintain their compensation levels in one publicly available document, approved and adopted by the governing body, which must meet all of the following requirements:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
- Identifies the position title for every employee position;
- Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
- Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
- Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
- Indicates an effective date and date of any revisions;
- Is retained by the employer and available for public inspection for not less than five years; and
- Does not reference another document in lieu of disclosing the pay rate.

Effective January 1, 2023, the California minimum wage will increase from \$15.00 to \$15.50 per hour. As the seasonal salary schedule presently has wages below the minimum, the City is required to increase the salaries affected by the State's new minimum wage and update the seasonal classification salary schedule.

SUBCOMMITTEE FINDINGS

This item was not reviewed by a subcommittee.

STAFF ANALYSIS

The updates to master pay schedule reflect salary adjustments approved by the City Council on July 18, 2022 and August 1, 2022 for classifications represented by Management/ Professional/Confidential (MPC) and Miscellaneous A Unit represented by the American Federation of State, County, and Municipal Employees (AFSCME) Union, Local 512, International Brotherhood of Electrical Workers Union, Local 1245 I(BEW), Police Officers' Association (POA), Police Managers' Group (PMG), Management Group, and Senior Executive Team. The salary schedule also includes salary changes to the City Manager and City Attorney contracts approved by the City Council on November 21, 2022.

Effective January 1, 2023, the California minimum wage will increase from \$15.00 to \$15.50 per hour. As the seasonal salary schedule presently has wages below the minimum, the City is required to increase the salaries affected by the State's new minimum wage and update the seasonal classification salary schedule.

The increase due to the minimum wage law has an impact on the City's seasonal classifications of High School Intern and Recreation Leaders. The City currently has thirty seven Recreation Leader I's at less than minimum wage whose salary needs to be adjusted to minimum wage and one High School Intern. The fiscal impact to the Recreation Department is estimated at \$5,000 assuming the affected Recreation Leaders work 20 hours a week between April and June.

Staff recommends modifying the seasonal salary schedule effective December 25, 2022, the beginning of the first pay period of 2023. In accordance with the City's Personnel Rule 11.1, the City Council is asked to establish salary ranges. Salary ranges are set for each class by the City Council. Staff will work with affected departments to implement the salary adjustments for seasonal employees effective December 25, 2022.

The adoption of the resolution will comply with CalPERS' interpretation of the requirements of Code of Regulations section 570.5 by amending the single master pay schedule already on the City's website representing all previously approved actions on the individual classifications of the pay schedule.

ATTACHMENTS:

Resolution
Pay Schedule

Report Prepared By: Griselda Clift, Senior Human Resources Analyst

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending the Master Pay Schedule)
to Include Amendments to the Seasonal)
Salary Schedule and Previously Approved)
Positions and Compensation)

RESOLUTION NO. 22-

WHEREAS, the California Public Employees' Retirement System (CalPERS) has requested all CalPERS employers list their compensation levels on one document, approved and adopted by the governing body, in accordance with Title 2 California Code of Regulations section 570.5, and meeting all of the following requirements thereof:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
- Identifies the position title for every employee position;
- Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
- Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
- Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
- Indicates an effective date and date of any revisions;
- Is retained by the employer and available for public inspection for not less than five years; and
- Does not reference another document in lieu of disclosing the pay rate; and

WHEREAS, the State of California minimum wage increased from \$15.00 per hour to \$15.50 per hour effective January 1, 2023; and

WHEREAS, the current seasonal salary schedule has salary steps which are less than the new minimum wage and the City of Pittsburg is required to pay employees at the minimum wage or greater; and

WHEREAS, updated seasonal classifications and salary steps are needed to align the City's pay rates with the median pay rates of comparable cities with similar classifications; and

WHEREAS, the seasonal salary schedule is prepared for 2023 State minimum wage increase; and

WHEREAS, the City now desires to amend the master pay schedule to include the amended Seasonal Salary rates and previously approved compensation levels for all bargaining groups and all compensation plans of the City of Pittsburg.

NOW, THEREFORE BE IT RESOLVED that the City Council hereby amends the master pay schedule as shown in the attached salary schedule.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 12th day of December 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

CITY OF PITTSBURG
MONTHLY SALARY SCHEDULE FY22/23

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CLASSIFICATION	CODE	EFFECTIVE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	Top Step w/Max Incentives*	UNIT
Account Clerk (Part 1 of 2)	109	07/10/22	4,002	4,202	4,412	4,633	4,865			4,915	AFSCME
Account Clerk (Part 2 of 2)	170	07/10/22	4,591	4,821	5,062	5,315	5,581			5,631	AFSCME
Accountant I	355	08/07/22	6,129	6,435	6,757	7,095	7,450			7,500	MPC
Accountant II	500	08/07/22	6,861	7,204	7,564	7,942	8,340			8,390	MPC
Accounting Technician	220	07/10/22	5,361	5,629	5,910	6,206	6,516			6,566	AFSCME/MPC
Administrative Analyst I	390	08/07/22	6,453	6,776	7,115	7,471	7,845			7,895	MPC
Administrative Analyst II	702	08/07/22	7,472	7,846	8,238	8,650	9,083			9,133	MPC
Administrative Assistant (Part 1 of 2)	100	07/10/22	3,995	4,195	4,405	4,625	4,856			4,906	AFSCME
Administrative Assistant (Part 2 of 2)	160	07/10/22	4,626	4,857	5,100	5,355	5,623			5,673	AFSCME/MPC
Administrative Officer	868	08/07/22	10,124	10,630	11,161	11,719	12,305			12,355	MPC
Administrative Coordinator	350	07/10/22	6,068	6,371	6,690	7,025	7,376			7,426	MPC
Administrative Specialist	290	07/10/22	5,730	6,017	6,318	6,634	6,966			7,016	MPC
Assistant City Clerk	820	07/10/22	8,404	8,824	9,265	9,728	10,214			10,264	MPC
Assistant City Engineer	920a	07/10/22	11,056	11,609	12,189	12,798	13,438			13,488	MPC
Assistant City Manager	950	07/10/22	15,869				20,249			20,249	Sr. Exec Team
Assistant Director of Finance	887	07/10/22	11,516				13,995			13,995	Mgmt Group
Assistant Director of Planning	888	08/07/22	11,570				14,060			14,763	Mgmt Group
Assistant Director of Public Works	896	08/07/22	12,061	12,664	13,297	13,962	14,660			14,710	MPC
Assistant Engineer	510	08/07/22	7,055	7,408	7,778	8,167	8,575			9,054	MPC
Assistant Planner	450	07/10/22	6,686	7,020	7,371	7,740	8,127			8,583	MPC
Assistant to the City Manager	835	07/10/22	11,062				13,444			13,444	Mgmt Group
Associate Engineer	780	08/07/22	8,169	8,577	9,006	9,456	9,929			10,475	MPC
Associate Planner	740	07/10/22	7,740	8,127	8,533	8,960	9,408			9,928	MPC
Building Inspection Supervisor	810	07/10/22	9,424	9,895	10,390	10,909	11,454			11,504	MPC
Business License Coordinator	315	07/10/22	5,919	6,215	6,526	6,852	7,195			7,245	AFSCME
Chief Building Official	895	07/10/22	12,049	12,651	13,284	13,948	14,645			14,695	MPC
Chief of Police	955	08/07/22	16,449				20,795			24,954	Sr. Exec Team
City Attorney	943	07/10/22					21,242			21,242	Contract
City Clerk							470			470	Elected Official
City Council							500			500	Elected Official
City Council -- member of a different governing board											
if serving on Tri Delta Transit		\$100 per meeting					visit www.TriDeltaTransit.com				
if serving on Delta Diablo Sanitation District		\$209 per meeting					visit ddsd.org				

*Please see Benefit Matrix for additional information on incentives by Unit.

Council Approval Date:

CITY OF PITTSBURG
MONTHLY SALARY SCHEDULE FY22/23

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CLASSIFICATION	CODE	EFFECTIVE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	Top Step w/Max Incentives*	UNIT
City Engineer	9352	07/10/22	12,328				14,985			14,985	Mgmt Group
City Manager	960	07/10/22					23,098			23,098	Contract
City Treasurer		01/00/00					470			470	Elected Official
Code Enforcement Officer I	258	07/10/22	5,579	5,858	6,151	6,459	6,782			6,832	AFSCME
Code Enforcement Officer II	415	07/10/22	6,458	6,781	7,120	7,476	7,850			7,900	AFSCME
Code Enforcement Supervisor	820	07/10/22	8,404	8,824	9,265	9,728	10,214			10,264	MPC
Combination Building Inspector	520	07/10/22	7,018	7,369	7,737	8,124	8,530			8,580	AFSCME
Community Outreach Coordinator	315	07/10/22	5,919	6,215	6,526	6,852	7,195			7,245	AFSCME
Community Relations Manager	703	08/07/22	7,623	8,004	8,404	8,824	9,265			9,315	MPC
Community Services Manager	855	07/10/22	9,670	10,153	10,661	11,194	11,754			11,804	MPC
Community Services Specialist	258	07/10/22	5,579	5,858	6,151	6,459	6,782			6,832	AFSCME
Compliance Principal	832	08/07/22	9,152	9,610	10,090	10,594	11,124			11,730	MPC
Contract Analyst	390	08/07/22	6,453	6,776	7,115	7,471	7,845			7,895	MPC
Crime Analyst	700	07/10/22	7,260	7,623	8,004	8,404	8,824			8,874	MPC
Customer Service Representative	96	08/07/22	3,654	3,837	4,029	4,230	4,442			4,492	AFSCME
Deputy Chief Information Systems Officer	887	07/10/22	11,516	0	0		13,995			13,995	Mgmt Group
Deputy City Clerk	330	07/10/22	6,017	6,318	6,634	6,966	7,314			7,364	MPC
Director of Community & Economic Development	9403	08/07/22	13,633				17,231			17,231	Sr. Exec Team
Director of Community Services	9402	07/10/22	13,569				17,151			17,151	Sr. Exec Team
Director of Finance	9401	07/10/22	13,569				17,151			17,151	Sr. Exec Team
Director of Human Resources	9400	07/10/22	13,569				17,151			17,151	Sr. Exec Team
Director of Public Works	945	08/07/22	14,678				17,843			17,843	Sr. Exec Team
Director of Recreation	9400	07/10/22	13,569				17,151			17,151	Sr. Exec Team
Director of Records and Council Services	8351	07/10/22	11,062				13,444			13,444	Sr. Exec Team
Economic Development Manager	867	08/07/22	10,120	10,626	11,157	11,714	12,300			12,300	MPC
Electrical Technician	420	07/10/22	6,470	6,793	7,133	7,490	7,865			8,494	Teamsters
Electrical Technician Apprentice	200	07/10/22	5,168	5,426	5,697	5,982	6,281			6,783	Teamsters
Engineering Analyst	825	08/07/22	8,650	9,082	9,536	10,013	10,514			10,564	MPC
Engineering Technician I	310	07/10/22	5,858	6,151	6,459	6,782	7,121			7,171	AFSCME
Engineering Technician II	460	07/10/22	6,785	7,124	7,480	7,854	8,247			8,297	AFSCME
Environmental Affairs Manager	890	08/07/22	11,227	11,788	12,377	12,995	13,645			13,695	MPC
Environmental Health Specialist I	390	08/07/22	6,453	6,776	7,115	7,471	7,845			7,895	MPC

*Please see Benefit Matrix for additional information on incentives by Unit.

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CLASSIFICATION	CODE	EFFECTIVE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	Top Step w/Max Incentives*	UNIT
Environmental Health Specialist II	702	08/07/22	7,472	7,846	8,238	8,650	9,083			9,133	MPC
Environmental Health & Safety Officer	832	08/07/22	9,152	9,610	10,090	10,594	11,124			11,174	MPC
Equipment Mechanic	270	07/10/22	5,715	6,001	6,301	6,616	6,947			7,503	Teamsters
Equipment Shop Supervisor	531	08/07/22	7,205	7,565	7,943	8,340	8,757			8,807	MPC
Executive Assistant	400	07/10/22	6,476				7,872			7,872	Mgmt Group
Executive Assistant to the Chief of Police	330	07/10/22	6,017	6,318	6,634	6,966	7,314			7,364	MPC
Finance Division Manager	855	07/10/22	9,670	10,153	10,661	11,194	11,754			11,804	MPC
Financial Analyst	580	08/07/22	7,752	8,140	8,547	8,974	9,423			9,473	MPC
Geographical Information Systems (GIS) Analyst	760	07/10/22	7,887	8,281	8,695	9,130	9,587			9,637	MPC
Harbormaster	830	07/10/22	8,890	9,335	9,802	10,292	10,807			10,857	MPC
Housing Inspector	315	07/10/22	5,919	6,215	6,526	6,852	7,195			7,245	AFSCME
Housing Manager	855	07/10/22	9,670	10,153	10,661	11,194	11,754			11,804	MPC
Housing Program Analyst I	390	08/07/22	6,453	6,776	7,115	7,471	7,845			7,895	MPC
Housing Program Analyst II	702	08/07/22	7,472	7,846	8,238	8,650	9,083			9,133	MPC
Housing Specialist	210	07/10/22	5,271	5,535	5,812	6,103	6,408			6,458	AFSCME
Human Resources Analyst	701	08/07/22	7,456	7,829	8,220	8,631	9,062			9,112	MPC
Human Resources Specialist	330	07/10/22	6,017	6,318	6,634	6,966	7,314			7,364	MPC
Information Technology Analyst I	420a	07/10/22	6,470	6,793	7,133	7,490	7,865			7,915	MPC
Information Technology Analyst II	720	07/10/22	7,573	7,952	8,350	8,767	9,205			9,255	MPC
Information Technology Manager	866	08/07/22	9,990	10,490	11,015	11,566	12,144			12,194	MPC
Laboratory Supervisor	810	07/10/22	9,424	9,895	10,390	10,909	11,454			11,835	MPC
Lead Community Services Specialist	415	07/10/22	6,458	6,781	7,120	7,476	7,850			7,900	AFSCME
Lead Electrical Technician	705	07/10/22	7,490	7,864	8,257	8,670	9,104			9,832	Teamsters
Lead Marina Services Worker	320	07/10/22	5,982	6,281	6,595	6,925	7,271			7,635	Teamsters
Lead Police Records Clerk	255	07/10/22	5,623	5,904	6,199	6,509	6,834			6,884	AFSCME
Lead Public Works Superintendent	885	07/10/22	11,499	12,074	12,678	13,312	13,978			14,028	MPC
Maintenance Assistant	095	07/10/22	3,629	3,810	4,001	4,201	4,411			4,632	Teamsters
Maintenance Ld Worker	320	07/10/22	5,982	6,281	6,595	6,925	7,271			7,853	Teamsters
Maintenance Worker I	140	07/10/22	4,465	4,688	4,922	5,168	5,426			5,697	Teamsters
Maintenance Worker II	200	07/10/22	5,168	5,426	5,697	5,982	6,281			6,783	Teamsters
Office Assistant	095a	07/10/22	3,629	3,810	4,001	4,201	4,411			4,461	AFSCME
Payroll Specialist	330	07/10/22	6,017	6,318	6,634	6,966	7,314			7,364	MPC

*Please see Benefit Matrix for additional information on incentives by Unit.

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CITY OF PITTSBURG
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CLASSIFICATION	CODE	EFFECTIVE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	Top Step w/Max Incentives*	UNIT
Permit Center Supervisor	820	07/10/22	8,404	8,824	9,265	9,728	10,214			10,264	MPC
Permit Technician	260	07/10/22	5,654	5,937	6,234	6,546	6,873			6,923	AFSCME
Pest Control Specialist	470	07/10/22	6,719	7,055	7,408	7,778	8,167			8,575	Teamsters
Planning Manager	890	08/07/22	11,227	11,788	12,377	12,995	13,645			13,695	MPC
Planning Technician	260	07/10/22	5,654	5,937	6,234	6,546	6,873			6,923	AFSCME
Police Captain	650	07/10/22	14,485	15,209	15,969	16,767	17,605	18,485		23,938	PMG
Police Evidence Technician I	260	07/10/22	5,654	5,937	6,234	6,546	6,873			6,923	AFSCME
Police Evidence Technician II	425	07/10/22	6,546	6,873	7,217	7,578	7,957			8,007	AFSCME
Police Lieutenant	640	07/10/22	12,626	13,257	13,920	14,616	15,347	16,114		20,868	PMG
Police Officer	600	07/10/22	6,576	6,905	7,250	7,613	7,994	8,394	8,814		POA
Police Officer (Continuation of Steps H & I)	600	01/00/00						9,255	9,718	13,459	POA
Police Records Clerk (Part 1 of 2)	110	07/10/22	4,196	4,406	4,626	4,857	5,100			5,150	AFSCME
Police Records Clerk (Part 2 of 2)	180	07/10/22	4,856	5,099	5,354	5,622	5,903			5,953	AFSCME
Police Records Supervisor	540	08/07/22	7,232	7,594	7,974	8,373	8,792			8,842	MPC
Police Sergeant	625	07/10/22	9,343	9,810	10,300	10,815	11,356	11,924		16,515	POA
Police Services Administrator	831	08/07/22	9,068	9,521	9,997	10,496	11,021			11,071	MPC
Power Company Manager	920	07/10/22	12,328	0	0		14,985			14,985	Mgmt Group
Property and Evidence Coordinator	410	07/10/22	6,456	6,779	7,118	7,474	7,848			7,898	AFSCME
Public Works Superintendent	880	07/10/22	9,933	10,430	10,951	11,499	12,074			12,124	MPC
Public Works Supervisor	530	08/07/22	7,110	7,465	7,838	8,230	8,642			9,124	MPC
Purchasing Analyst	720	07/10/22	7,573	7,952	8,350	8,767	9,205			9,255	MPC
Records Specialist	330	07/10/22	6,017	6,318	6,634	6,966	7,314			7,364	AFSCME
Recreation Coordinator	230	07/10/22	5,441	5,713	5,999	6,299	6,614			6,664	AFSCME
Recreation Supervisor	550	07/10/22	7,107	7,462	7,835	8,227	8,638			8,688	MPC
Redevelopment Project Manager	820	07/10/22	8,404	8,824	9,265	9,728	10,214			10,264	MPC
Revenue Operations Supervisor	745	07/10/22	7,790	8,180	8,589	9,018	9,469			9,519	MPC
Senior Administrative Analyst	825	08/07/22	8,650	9,082	9,536	10,013	10,514			10,564	MPC
Senior Civil Engineer	865	08/07/22	9,953	10,451	10,974	11,523	12,099			12,149	MPC
Senior Combination Building Inspector	760	07/10/22	7,887	8,281	8,695	9,130	9,587			9,637	MPC
Senior Financial Analyst	790	08/07/22	8,975	9,424	9,895	10,390	10,909			10,959	MPC
Senior Housing Program Analyst	825	08/07/22	8,650	9,082	9,536	10,013	10,514			10,564	MPC
Senior Human Resources Analyst	821	08/07/22	8,630	9,061	9,514	9,990	10,490			10,540	MPC

*Please see Benefit Matrix for additional information on incentives by Unit.

Council Approval Date:

CITY OF PITTSBURG
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CLASSIFICATION	CODE	EFFECTIVE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	Top Step w/Max Incentives*	UNIT
Senior Information Technology Analyst	820	07/10/22	8,404	8,824	9,265	9,728	10,214			10,264	MPC
Senior Planner	840	07/10/22	8,961	9,409	9,879	10,373	10,892			11,487	MPC
Senior Redevelopment Project Manager	860	07/10/22	9,835	10,327	10,843	11,385	11,954			12,004	MPC
Sweeper Operator	140	07/10/22	4,465	4,688	4,922	5,168	5,426			5,697	Teamsters
Utility Lineworker	742	07/24/22	7,689	8,073	8,477	8,901	9,346			9,813	IBEW
Utility Maintenance Worker	312	07/24/22	5,857	6,150	6,458	6,781	7,120			7,476	IBEW
Utility Supervisor	810	07/10/22	9,424	9,895	10,390	10,909	11,454			11,504	MPC
Utility Technician	863	07/24/22	9,770	10,258	10,771	11,310	11,876			12,470	IBEW
Water Instrument/Maintenance Technician I	480	07/10/22	7,577	7,956	8,354	8,772	9,211			9,672	Teamsters
Water Instrument/Maintenance Technician II	750	07/10/22	8,771	9,210	9,670	10,154	10,662			11,195	Teamsters
Water Maintenance Mechanic I	480	07/10/22	7,577	7,956	8,354	8,772	9,211			9,672	Teamsters
Water Maintenance Mechanic II	750	07/10/22	8,771	9,210	9,670	10,154	10,662			11,195	Teamsters
Water Plant Apprentice Operator	200	07/10/22	5,168	5,426	5,697	5,982	6,281			6,595	Teamsters
Water Plant Operator	560	07/10/22	7,610	7,990	8,390	8,810	9,251			10,476	Teamsters
Water Plant Superintendent	883	07/10/22	10,952	11,500	12,075	12,679	13,313			13,763	MPC
Water Plant Supervisor	810	07/10/22	9,424	9,895	10,390	10,909	11,454			12,558	MPC
Water Quality Analyst I	380	07/10/22	6,670	7,004	7,354	7,722	8,108			8,973	Teamsters
Water Quality Analyst II	710	07/10/22	8,030	8,432	8,854	9,297	9,762			10,710	Teamsters
Water Utilities Manager	920	07/10/22	12,328				14,985			14,985	Mgmt Group
HOURLY / SEASONAL CLASSIFICATIONS	Code	Effective	Minimum								Maximum
Expert Consultant	910	03/16/15	30.00								100.00
High School Intern	0550	12/25/22	15.50								15.50
Intern (college-level)	0510	01/01/20	16.00								19.00
Maintenance Aide	0530	12/25/22	15.50								23.46
Police Officer Trainee	6009	07/10/22	31.62								31.62
Recreation Leader I	0550	12/25/22	15.50								15.50
Recreation Leader II	0560	12/25/22	15.50								21.50
Recreation Leader III	0570	12/25/22	16.50								24.50
HOURLY / SEASONAL CLASSIFICATIONS ARE NOT ELIGIBLE FOR INCENTIVES						Please contact HR for seasonal salary schedule with salary steps					

*Please see Benefit Matrix for additional information on incentives by Unit.