

**CORONAVIRUS ADVISORY  
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**CITY COUNCIL**

Roy Swearingen, Mayor  
Norma Martinez-Rubin, Mayor Pro Tem  
Peter Murray, Council Member  
Vincent Salimi, Council Member  
Anthony Tave, Council Member

**PINOLE CITY COUNCIL  
MEETING AGENDA**

**TUESDAY  
SEPTEMBER 15, 2020  
VIA ZOOM TELECONFERENCE**

**5:00 P.M.**

**Please note early start time.**

**The public portion of the agenda will be heard immediately following  
the conclusion of the Closed Session items.**

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**DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS  
MEETING IS BEING HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR  
NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS ARE  
NO LONGER OPEN TO IN-PERSON ATTENDANCE.**

**SUBMIT PUBLIC COMMENTS TO CITY CLERK BEFORE OR DURING THE MEETING VIA EMAIL**

[hiopu@ci.pinole.ca.us](mailto:hiopu@ci.pinole.ca.us)

Comments received before the close of the public comment period for that item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on. Any comments received after the close of the public comment period will be distributed to Council and relevant staff after the meeting and filed with the agenda packet.

**WAYS TO WATCH THE MEETING**

**LIVE ON CHANNEL 26.** They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us).

**VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE,** [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us), and remain archived on the site for five (5) years.

**If none of these options are available to you, or you need assistance with public comment, please contact the City Clerk, Heather Iopu at (510) 724-8928 or [hiopu@ci.pinole.ca.us](mailto:hiopu@ci.pinole.ca.us).**

**Americans With Disabilities Act:** In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**Note:** Staff reports are available for inspection on the City Website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). You may also contact the City Clerk via e-mail at [hiopu@ci.pinole.ca.us](mailto:hiopu@ci.pinole.ca.us).

**Ralph M. Brown Act. Gov. Code § 54950.** In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

**2. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT**

*An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87105.*

**3. CONVENE TO A CLOSED SESSION**

**Citizens may address the Council regarding a Closed Session** item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

**A. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray

Employee organizations: Unrepresented positions - Assistant City Manager, Development Services Director/City Engineer, Finance Director, Fire Chief, Police Chief, Fire Battalion Chief, Human Resources Specialist, Planning Manager, Police Lieutenant, Public Works Manager, Recreation Manager, & WWTP Manager

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Gov. Code § 54956.8

Property: APNs: 402-230-015, 402-230-016, 402-230-017, 402-230-018, 402-230-020 and 402-230-022

Agency negotiator: City Manager Andrew Murray, Assistant City Manager Hector De La Rosa, Legal Counsel Stephanie Downs

Negotiating parties: General Realty CE, LLC

Under negotiation: Price and terms

**4. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION**

**5. CITIZENS TO BE HEARD (Public Comments)**

*Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes, and is subject to modification by the Mayor. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.*

**6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

**A. Proclamations**

**B. Presentations / Recognitions**

1. Proclamation Honoring Wastewater Treatment Plant Manager, Ron Tobey, on the Occasion of His Retirement

## 7. CONSENT CALENDAR

*All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.*

- A. Approve the Minutes of the Meeting of July 7, 2020
- B. Receive the August 29, 2020 – September 11, 2020 List of Warrants in the Amount of \$365,499.09 and the September 4, 2020 Payroll in the Amount of \$453,402.96.
- C. Resolution Confirming Continued Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Amendment to the City of Pinole Conflict of Interest Code **[Action: Adopt Resolution per Staff Recommendation (Iopu)]**

## 8. PUBLIC HEARINGS

*Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.*

- A. Approve The City Of Pinole Fiscal Year (FY) 2020-21 Through 2024-25 Five-Year Capital Improvement Plan And Adopt The FY 2020-21 Capital Budget **[Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Miller)]**
- B. Amendment To Chapter 15.54 Water Efficient Landscape Ordinance (WELO) Of The Pinole Municipal Code **[Action: Conduct Public Hearing on First Reading of Ordinance per Staff Recommendation (Hanham)]**

## 9. OLD BUSINESS

- A. Direction To The City's Voting Delegate To The League Of California Cities Annual Conference Regarding The Resolution Being Considered By The League's Members **[Action: Discuss and Provide Direction (Murray)]**
- B. Urgency Ordinance Amending Ordinance No. 2020-03 Of The City Of Pinole Authorizing The Zoning Administrator To Issue Temporary Use Permits To Waive Requirements Of Title 17 Of The Pinole Municipal Code And Permit The Use Of Public Property To Facilitate Business Operations Impacted By Novel Coronavirus (Covid-19) **[Action: Adopt Urgency Ordinance per Staff Recommendation (Casher)]**

## 10. NEW BUSINESS

- A. Receive Old Town Pinole Parking And Pedestrian Safety Study **[Action: Receive and File Report (Hanham)]**
- B. Approve A Policy To Permit The Installation Of Lights On City Trees In The Old Town Business District By Business Owners **[Action: Approve Policy per Staff Recommendation (Miller)]**

- C. Receive The Fiscal Year (FY) 2019-20 Fourth Quarter Financial Report (Unaudited) And Adopt A Resolution Approving Budget Adjustments **[Action: Adopt Resolution per Staff Recommendation (G. Rocha)]**

## **11. REPORTS & COMMUNICATIONS**

- A. Mayor Report
  - 1. Announcements
- B. Mayoral & Council Appointments
- C. City Council Committee Reports & Communications
- D. Council Requests For Future Agenda Items
- E. City Manager Report / Department Staff
- F. City Attorney Report

## **12. ADJOURNMENT** to the Regular City Council Meeting of October 6, 2020 In Remembrance of Amber Swartz.

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

**POSTED: September 10, 2020 at 4:00 P.M.**

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**Heather Iopu, CMC**  
**City Clerk**



**CITY COUNCIL MEETING  
MINUTES  
July 7, 2020**

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

The City Council Meeting was held via Zoom teleconference and broadcast from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Swearingen called the Regular Meeting of the City Council to order **6:02** p.m. and led the Pledge of Allegiance.

**2. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT**

**A. COUNCILMEMBERS PRESENT**

Roy Swearingen, Mayor  
Norma Martinez-Rubin, Mayor Pro Tem  
Peter Murray, Councilmember  
Vincent Salimi, Councilmember  
Anthony Tave, Councilmember

**B. STAFF PRESENT**

Andrew Murray, City Manager  
Hector De La Rosa, Assistant City Manager  
Heather Iopu, City Clerk  
Eric Casher, City Attorney  
Tamara Miller, Development Services Director/City Engineer  
Neil Gang, Police Chief  
Chris Wynkoop, Fire Chief

City Clerk Iopu announced the agenda was posted on July 2, 2020 at 4:00 p.m. All legally required notice was provided.

Following an inquiry to the Council, the Council reported there were no conflicts with any items on the agenda.

Mayor Swearingen gave a report highlighting current local information relating to the COVID-19 pandemic.

**3. CONVENE TO A CLOSED SESSION**

***Citizens may address the Council regarding a Closed Session*** item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

**NO CLOSED SESSION**

**4. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION**

## 5. CITIZENS TO BE HEARD (Public Comments)

*Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes, and is subject to modification by the Mayor. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.*

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **David Ruport, Ivette Ricco, Jeff Rubin, Maria Alegria, Rafael Menis, Sal Spataro**

## 6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations / Recognitions

## 7. CONSENT CALENDAR

*All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.*

Assistant City Manager Hector De La Rosa made a verbal announcement of Item 7C, in accordance with government code.

The following speaker submitted written comments regarding 7D that were read aloud and will be filed with the agenda packet for this meeting: **Rafael Menis**

Mayor Pro Tem Martinez-Rubin announced a typo for correction in Item 7A for the record.

Council member Tave asked for clarification regarding details of the report for Item 7E. Community Development Director/City Engineer Miller responded to the question.

- A. Approve the Minutes of the Meeting of May 5, 2020
- B. Receive the June 13, 2020 – July 3, 2020 List of Warrants in the Amount of \$2,146,4173.74 and the June 26, 2020 Payroll in the Amount of \$394,308.62
- C. Approve An Amendment To City Manager Andrew Murray's And City Clerk Heather Iopu's Employment Agreement To Reflect A 3% Cost Of Living Increase Effective July 6, 2020 **[Action: Adopt Resolutions per Staff Recommendation (De La Rosa)]**
- E. Approve For Bidding The Plans And Specifications For The Fiscal Year 2019/20 Residential Slurry Seal Project **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**

- F. Adopt A Resolution Approving The Submittal Of Calendar Years 2018 And 2019 Growth Management Program (GMP) Compliance Checklist For Allocation Of Fiscal Years 2019-20 And 2020-21 Measure J Local Street Maintenance And Improvement Funds By The Contra Costa Transportation Authority (CCTA) **[Adopt Resolution per Staff Recommendation (T. Miller)]**

**ACTION: Motion by Councilmembers Murray/Tave to Approve Consent Calendar Items A, B, C, E and F**

**Vote:**           **Passed**           **5-0**  
                  **Ayes:**           **Swearingen, Murray, Martinez-Rubin, Salimi, Tave**  
                  **Noes:**           **None**  
                  **Abstain:**       **None**  
                  **Absent:**       **None**

The following Consent Calendar Item 7D was pulled for further discussion:

- D. Review and Approve Financial Policies **[Action: Adopt Resolution per Staff Recommendation (A. Miller)]**

Council members asked questions regarding details of the report. Finance Director Miller and City Manager Murray responded to the questions. City Manager Murray suggested that the financial policies be reviewed at the next meeting of the Finance Subcommittee and brought back to the Council. Council gave its consensus.

## **8. PUBLIC HEARINGS**

*Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.*

- A. Amendment to Section 17.70 Accessory Dwelling Unit Ordinance of the Pinole Municipal Code **[Action: Conduct Public Hearing on First Reading (T. Miller)]**

Community Development Director/City Engineer Miller presented a report.

At 6:46 p.m. Mayor Swearingen opened and closed the public hearing. There were no public speakers.

Council members asked questions regarding details of the report regarding noise concerns, length of stay, parking regulations, use permit changes, quantity, status of current ADUs, and code enforcement. Staff addressed questions.

**ACTION: Motion by Councilmembers Swearingen/Salimi to Continue the Public Hearing and First Reading of the Amendment to Section 17.70 Accessory Dwelling Unit Ordinance of the Pinole Municipal Code to the August 21, 2020 meeting**

**Vote:**           **Passed**           **5-0**  
                  **Ayes:**           **Swearingen, Murray, Martinez-Rubin, Salimi, Tave**  
                  **Noes:**           **None**  
                  **Abstain:**       **None**

**Absent:       None**

## **9.       OLD BUSINESS**

- A.       Previously Approved Sewer User Rate Increase [**Action: Receive and file report (T. Miller)**]

Community Development Director/City Engineer Miller presented an overview and highlighted details of the report.

There were no comments from the public or Council.

- B.       Potential Funding Sources for the Faria House Renovation [**Action: Discuss and Provide Direction (De La Rosa)**]

Council members Tave and Murray provided an update from the Faria House Re-Use Ad Hoc Committee. Committee is in early stages of work and reviewing the history and creating a timeline of future meetings and path forward. Will be reporting back to the Council with findings at a future meeting.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Aleta Martinez, Allen Dorsey, David Rupert, Elaine Jaymot, Eugene Stone, Frederick Hollister, Gary and Colleen Tipp, Irma Rupert, Ivette Ricco, Jack Meehan, Jeff Rubin, John Bender, Kristi McGuire, Laurelle Martin, Maria Alegria, Rafael Menis, Robert Sandner, Sal Spataro, Susan Varela**

Council members held discussion regarding the history of the project, the City's role, costs for and potential funding sources for restoration of the building.

No action taken. The ad hoc committee will report back to Council at a future meeting.

## **10.       NEW BUSINESS**

## **11.       REPORTS & COMMUNICATIONS**

- A.       Mayor Report  
1.       Announcements

Mayor Swearingen announced attendance at WCCTAC meeting and reviewed discussion topics. Discussed the impact that people returning to work as businesses reopen from pandemic related closures will have on traffic conditions.

Mayor Pro Tem announced attendance at WestCat meeting and reported that bids are being put out to contract construction of a bus wash. Announced Census 2020 updates. Encouraged public to continue to take precautions with regard to COVID-19 and stay safe.

Council member Murray announced attendance at WCCIMA meeting and reviewed discussion of topics; budget approval, RecycleMore's new offices and discounted bin promotion.

Council member Tave announced attendance at WestCat meeting and summarized the topics of discussion; monitoring of budget and ridership, drivers and riders complying well with health

orders. Cautioned the public that the age group contracting COVID-19 in high percentages in Pinole is young adults and asked the public to stay safe.

Council member Salimi encouraged any Pinole business owners in need to apply for the federal payroll protection plan. The application deadline was extended to August 8, 2020.

- B. Mayoral & Council Appointments
- C. City Council Committee Reports & Communications
- C. Council Requests For Future Agenda Items

Mayor Pro Tem Martinez-Rubin requested a future agenda item for the Faria House Reuse Committee to return with a report. Mayor Swearingen stated that he had already discussed having a regular report of the committee come back to the Council when there is information to report.

Council member Salimi requested a future agenda item to clarify the Council's direction regarding placing a fire services parcel tax measure on the ballot for the November 3, 2020 General Election. Consensus given.

Council member Murray requested a future agenda item to discuss a request from community members for permission for volunteers to rehabilitate the Fernandez Park basketball court in memoriam of Patrick Underwood. Consensus given.

Council member Salimi requested a future agenda item to provide an update on resources for business who are struggling due to the pandemic. City Manager Murray stated that the City's website has links to relevant information and County services and encouraged businesses to go there for resources.

Mayor Swearingen requested a future agenda item for an update report on park conditions. Consensus given.

- D. City Manager Report / Department Staff

City Manager Murray announced reopening of some City offices and facilities based on recent updates to health orders and stated that more information is available on the City's website.

- F. City Attorney Report

No report.

**12. ADJOURNMENT** to the Regular City Council Meeting of July 21, 2020 In Remembrance of Amber Swartz.

At 9:44 p.m. Council member Tave announced the passing and made comments in honor of Pinole community members Morris Kevin Osman and James "Jim" Shattuck.

At, Mayor Swearingen adjourned the meeting to the Regular City Council Meeting of July 21, 2020 In Remembrance of Amber Swartz, Morris Kevin Osman and James Shattuck.



City of Pinole, CA

# 7B WARRANT LISTING By Vendor Name

Payment Dates 8/29/2020 - 9/11/2020

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
<b>Vendor: ALH01 - ALHAMBRA &amp; SIERRA SPRINGS</b>					
19593757 090320	94777	09/11/2020	100-222-42201	PD DRINKING WATER	207.50
<b>Vendor ALH01 - ALHAMBRA &amp; SIERRA SPRINGS Total:</b>					<b>207.50</b>
<b>Vendor: AME41 - AMERICAN LEGAL PUBLISHING</b>					
2320	94741	09/04/2020	100-112-42101	INTERNET RENEWAL 09/20 - 09/21	495.00
<b>Vendor AME41 - AMERICAN LEGAL PUBLISHING Total:</b>					<b>495.00</b>
<b>Vendor: AME52 - AMERICAN MESSAGING SERVICE, LLC</b>					
W4102378UI	94778	09/11/2020	525-118-43101	FD MESSENGING SERVICE	43.52
<b>Vendor AME52 - AMERICAN MESSAGING SERVICE, LLC Total:</b>					<b>43.52</b>
<b>Vendor: MOR17 - ANA AVILA</b>					
08272020	94779	09/11/2020	285-464-42514	RECORDING FEES FOR 1160 RISING GLEN CT	20.00
<b>Vendor MOR17 - ANA AVILA Total:</b>					<b>20.00</b>
<b>Vendor: 2005 - ANIMAL DAMAGE MANAGEMENT, INC</b>					
3357C	94780	09/11/2020	100-345-42108	PEST CONTROL - FERNANDEZ & PINOL...	250.00
<b>Vendor 2005 - ANIMAL DAMAGE MANAGEMENT, INC Total:</b>					<b>250.00</b>
<b>Vendor: ARA01 - ARAMARK UNIFORM SERVICES</b>					
704979752	94742	09/04/2020	100-343-44410	CY LAUNDRY SERVIC...	15.27
704979753	94742	09/04/2020	500-641-44410	WPCP LAUNDRY SERVICE	331.08
704989753	94742	09/04/2020	100-343-44410	CY LAUNDRY SERVIC...	15.27
704989754	94742	09/04/2020	500-641-44410	WPCP LAUNDRY SERVICE	331.08
704998958	94742	09/04/2020	100-343-44410	CY LAUNDRY SERVIC...	15.27
704998959	94742	09/04/2020	500-641-44410	WPCP LAUNDRY SERVICE	331.08
704998985	94742	09/04/2020	209-552-43804	PSC KITCHEN LAUNDRY SERVICE	238.12
705008127	94742	09/04/2020	100-343-44410	CY LAUNDRY SERVIC...	15.27
705008128	94742	09/04/2020	500-641-44410	WPCP LAUNDRY SERVICE	331.08
705017397	94781	09/11/2020	100-343-44410	CY LAUNDRY SERVICE	263.30
705017397	94781	09/11/2020	500-642-44410	CY LAUNDRY SERVICE	26.85
705026412	94781	09/11/2020	100-343-44410	CY LAUNDRY SERVICE	263.30
705026412	94781	09/11/2020	500-642-44410	CY LAUNDRY SERVICE	26.85
705035416	94781	09/11/2020	100-343-44410	CY LAUNDRY SERVICE	263.30
705035416	94781	09/11/2020	500-642-44410	CY LAUNDRY SERVICE	26.85
705044232	94781	09/11/2020	100-343-44410	CY LAUNDRY SERVICE	263.30
705044232	94781	09/11/2020	500-642-44410	CY LAUNDRY SERVICE	26.85
705052956	94781	09/11/2020	100-343-44410	CY LAUNDRY SERVICE	263.30
705052956	94781	09/11/2020	500-642-44410	CY LAUNDRY SERVICE	26.85
<b>Vendor ARA01 - ARAMARK UNIFORM SERVICES Total:</b>					<b>3,074.27</b>
<b>Vendor: ARM04 - ARMOR LOCKSMITH SERVICES</b>					
72861	94743	09/04/2020	100-343-42108	DUPLICATE KEY	98.22
<b>Vendor ARM04 - ARMOR LOCKSMITH SERVICES Total:</b>					<b>98.22</b>
<b>Vendor: ARM09 - ARMOUR PETROLEUM SVC/EQUP</b>					
WO-19120	94782	09/11/2020	100-343-42108	CY - REPLACE VAPO...	717.56
<b>Vendor ARM09 - ARMOUR PETROLEUM SVC/EQUP Total:</b>					<b>717.56</b>
<b>Vendor: ASB02 - ASBURY ENVIRONMENTAL SVCS</b>					
I500-00603596	94783	09/11/2020	500-641-42107	USED OIL SERVIC...	160.00
<b>Vendor ASB02 - ASBURY ENVIRONMENTAL SVCS Total:</b>					<b>160.00</b>
<b>Vendor: BAY34 - BAY AREA NEWS GROUP- EAST BAY</b>					
0006506455	94784	09/11/2020	200-342-47205	CLASSIFIED ADVERTISING	370.80
0006506852	94784	09/11/2020	212-461-42514	CLASSIFIED ADVERTISING	126.90

## WARRANT LISTING

Payment Dates: 8/29/2020 - 9/11/2020

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
0006508358	94784	09/11/2020	212-461-42514	CLASSIFIED ADVERTISING	161.10
0006508360	94784	09/11/2020	212-461-42514	CLASSIFIED ADVERTISING	247.50
0006509515	94784	09/11/2020	212-461-42514	CLASSIFIED ADVERTISING	171.90
0006511308	94784	09/11/2020	212-461-42514	CLASSIFIED ADVERTISING	128.70
Vendor BAY34 - BAY AREA NEWS GROUP- EAST BAY Total:					1,206.90
Vendor: BOU01 - BOUND TREE MEDICAL, LLC					
83741259	94744	09/04/2020	100-231-42104	FIRE MEDICAL SUPPLIES	2,376.69
83742975	94744	09/04/2020	100-231-42104	FIRE MEDICAL SUPPLIES	40.78
83746182	94744	09/04/2020	100-231-42104	FIRE MEDICAL SUPPLIES	501.47
Vendor BOU01 - BOUND TREE MEDICAL, LLC Total:					2,918.94
Vendor: CAL20 - CALIFORNIA ASSOCIATION OF PROFESSIONAL FIREFIGHTERS					
082020	94745	09/04/2020	100-231-41008	FIRE - LONG TERM DISABILITY SEPT 2020	324.50
Vendor CAL20 - CALIFORNIA ASSOCIATION OF PROFESSIONAL FIREFIGHTERS Total:					324.50
Vendor: PER03 - CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTM					
100000016158507	94785	09/11/2020	100-117-41004	CALPERS UNFUNDED ACCRUED LIABILITY	96,163.89
100000016158513	94785	09/11/2020	100-117-41004	CALPERS UNFUNDED ACCRUED LIABILITY	108,287.08
100000016158520	94785	09/11/2020	100-117-41004	CALPERS UNFUNDED ACCRUED LIABILITY	184.47
100000016158527	94785	09/11/2020	100-117-41004	CALPERS UNFUNDED ACCRUED LIABILITY	445.96
100000016158535	94785	09/11/2020	100-117-41004	CALPERS UNFUNDED ACCRUED LIABILITY	294.19
Vendor PER03 - CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTM Total:					205,375.59
Vendor: CCP03 - CCP INDUSTRIES					
IN02590548	94786	09/11/2020	500-641-42107	WPCC - FLASH FLOOD CARTRIDGE	213.18
Vendor CCP03 - CCP INDUSTRIES Total:					213.18
Vendor: COM20 - COMCAST					
08072020	94746	09/04/2020	100-221-42514	PD CABLE BILL	176.20
081420	94787	09/11/2020	100-117-43105	CH CABLE SERVICE	29.89
08142020	94746	09/04/2020	100-231-43105	FIRE DEPT CABLE BILL	54.42
Vendor COM20 - COMCAST Total:					260.51
Vendor: CCC13 - CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT					
703420	94748	09/04/2020	200-342-42101	TRAFFIC SIGNAL MAINTENANCE JULY 2020	7,048.30
703420	94748	09/04/2020	310-347-42101	TRAFFIC SIGNAL MAINTENANCE JULY 2020	459.78
Vendor CCC13 - CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT Total:					7,508.08
Vendor: CON54 - CONTRA COSTA COUNTY TAX COLLECTOR					
20-027873	94788	09/11/2020	317-345-43201	POSSESSORY INTEREST PARCEL 360-210-002-0	697.24
Vendor CON54 - CONTRA COSTA COUNTY TAX COLLECTOR Total:					697.24
Vendor: CON67 - CONTRA COSTA COUNTY					
08212020	94747	09/04/2020	100-222-42101	CHILDRENS INTERVIEW CENTER JULY 20 - JUNE 21	3,012.82
Vendor CON67 - CONTRA COSTA COUNTY Total:					3,012.82
Vendor: DEP01 - DEPARTMENT OF JUSTICE/ACCOUNTING OFFICE					
461128	94749	09/04/2020	100-116-42101	FINGERPRINTIN...	32.00
461128	94749	09/04/2020	100-221-42110	FINGERPRINTIN...	275.00
Vendor DEP01 - DEPARTMENT OF JUSTICE/ACCOUNTING OFFICE Total:					307.00
Vendor: 1443 - DIESEL DIRECT WEST, INC.					
83704483	94789	09/11/2020	100-10601	CY GASOLINE	1,515.91
83708281	94789	09/11/2020	100-10601	CY GASOLINE	1,981.72
Vendor 1443 - DIESEL DIRECT WEST, INC. Total:					3,497.63

## WARRANT LISTING

Payment Dates: 8/29/2020 - 9/11/2020

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
<b>Vendor: 1779 - D-TAC K9 LLC</b>					
2009	94790	09/11/2020	100-221-42514	PD - K9 TRAINING	700.00
<b>Vendor 1779 - D-TAC K9 LLC Total:</b>					<b>700.00</b>
<b>Vendor: 1420 - EARL COMBS PHOTOGRAPHY</b>					
08192020	94750	09/04/2020	100-117-42514	PHOTO PRINTING	391.96
<b>Vendor 1420 - EARL COMBS PHOTOGRAPHY Total:</b>					<b>391.96</b>
<b>Vendor: EBM01 - EBMUD</b>					
1364808272020	94791	09/11/2020	100-343-43102	2161 Plum St--Parking Lot Irrigation	83.71
2458908282020	94791	09/11/2020	100-345-43102	592 Marlesta Rd--Irrigation Use Only	2,387.68
2681908202020	94791	09/11/2020	100-345-43102	2501 Pfeiffer Way--Irrigation Use Only	153.44
2982108282020	94791	09/11/2020	209-552-43102	2500 Charles St--Senio...	891.91
2985208282020	94791	09/11/2020	209-552-43102	2500 Charles St--Senio...	966.92
3177108262020	94791	09/11/2020	100-343-43102	2691 APPALOOSA TRAIL-IRRIGATION USE ONLY	213.46
3177208262020	94791	09/11/2020	100-343-43102	2785 SIMAS AVE--IRRIGATION USE ONLY	213.46
3177408272020	94791	09/11/2020	100-343-43102	3001 Simas Ave--Irrigation Use Only	142.71
3177508272020	94791	09/11/2020	100-343-43102	3061 Simas Ave--Irrigation Use Only	142.71
3200008282020	94791	09/11/2020	201-343-43102	2361 San Pablo Ave--Offices--Old Bank Building	562.33
3218708272020	94791	09/11/2020	100-343-43102	2601 Charles St--Irrigation Use Only	55.42
3236408172020	94751	09/04/2020	100-345-43102	1267 ADOBE RD-HAZEL DOWNER-THORNTON PICNIC GROVE	94.24
3260608172020	94751	09/04/2020	100-345-43102	1270 ADOBE RD-CARETAKER'S SHED FO...	147.37
3446208172020	94751	09/04/2020	100-345-43102	3450 SAVAGE AVE-IRRIGATION USE ONLY	54.77
3547408242020	94791	09/11/2020	209-559-43102	2937 Pinole Valley Rd--Tennis Court Restrooms	60.72
357408172020	94751	09/04/2020	209-553-43102	2454 SIMAS AVE-TIN...	47.81
357408172020	94751	09/04/2020	209-557-43102	2454 SIMAS AVE-TIN...	1,545.94
4049908272020	94791	09/11/2020	100-343-43102	1230 Pinole Valley Rd--Irrigation Use Only	55.42
4078708272020	94791	09/11/2020	201-343-43102	2361 San Pablo Ave--Irrigation Use Only	55.42
4139708272020	94791	09/11/2020	100-343-43102	1601 Marlesta Rd--Irrigation Use Only	55.47
4446108282020	94791	09/11/2020	100-110-43102	2131 Pear St--Offices--Cit...	2.44
4446108282020	94791	09/11/2020	100-111-43102	2131 Pear St--Offices--Cit...	5.88
4446108282020	94791	09/11/2020	100-112-43102	2131 Pear St--Offices--Cit...	5.39
4446108282020	94791	09/11/2020	100-115-43102	2131 Pear St--Offices--Cit...	15.97
4446108282020	94791	09/11/2020	100-116-43102	2131 Pear St--Offices--Cit...	5.39
4446108282020	94791	09/11/2020	100-117-43102	2131 Pear St--Offices--Cit...	43.11
4446108282020	94791	09/11/2020	100-343-43102	2131 Pear St--Offices--Cit...	76.82
4446108282020	94791	09/11/2020	200-342-43102	2131 Pear St--Offices--Cit...	13.72
4446108282020	94791	09/11/2020	212-461-43102	2131 Pear St--Offices--Cit...	5.19
4446108282020	94791	09/11/2020	212-462-43102	2131 Pear St--Offices--Cit...	13.82
4446108282020	94791	09/11/2020	285-464-43102	2131 Pear St--Offices--Cit...	4.12
4446108282020	94791	09/11/2020	505-119-43102	2131 Pear St--Offices--Cit...	4.12
4547408282020	94791	09/11/2020	100-110-43102	2131 Pear St--Offices--Cit...	7.05
4547408282020	94791	09/11/2020	100-111-43102	2131 Pear St--Offices--Cit...	16.87
4547408282020	94791	09/11/2020	100-112-43102	2131 Pear St--Offices--Cit...	15.46
4547408282020	94791	09/11/2020	100-115-43102	2131 Pear St--Offices--Cit...	45.83
4547408282020	94791	09/11/2020	100-116-43102	2131 Pear St--Offices--Cit...	15.46
4547408282020	94791	09/11/2020	100-117-43102	2131 Pear St--Offices--Cit...	123.71



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4547408282020	94791	09/11/2020	100-343-43102	2131 Pear St--Offices--Cit...	220.43
4547408282020	94791	09/11/2020	200-342-43102	2131 Pear St--Offices--Cit...	39.36
4547408282020	94791	09/11/2020	212-461-43102	2131 Pear St--Offices--Cit...	14.90
4547408282020	94791	09/11/2020	212-462-43102	2131 Pear St--Offices--Cit...	39.64
4547408282020	94791	09/11/2020	285-464-43102	2131 Pear St--Offices--Cit...	11.81
4547408282020	94791	09/11/2020	505-119-43102	2131 Pear St--Offices--Cit...	11.81
5382608202020	94791	09/11/2020	310-348-43102	2677 Pinole Valley Rd-- Irrigation Use Only	450.85
5416708262020	94791	09/11/2020	100-345-43102	1600 Primrose Lane-- Irrigation Use Only	737.66
5418108172020	94751	09/04/2020	100-231-43102	3790 PINOLE VALLEY RD- FIRE STATION	1,193.12
5418208172020	94751	09/04/2020	100-231-43102	3790 PINOLE VALLEY RD- FIRE STATION	283.95
5462508282020	94791	09/11/2020	209-558-43102	601 Tennent Ave--Memorial Hall	370.71
6458908272020	94791	09/11/2020	100-345-43102	659 Tennent Ave--Parks & Gardens--Blackies Storage	55.43
6459508282020	94791	09/11/2020	209-554-43102	635 Tennent Ave--Pinole Youth Center/CTV	48.47
6459508282020	94791	09/11/2020	505-119-43102	635 Tennent Ave--Pinole Youth Center/CTV	48.47
6459608282020	94791	09/11/2020	100-345-43102	2310 Park St--Fernandez Park Baseball Field	8,248.54
6516708282020	94791	09/11/2020	201-343-43102	2100 San Pablo Ave--Offices- -Faria House	370.27
6516808282020	94791	09/11/2020	201-343-43102	2100 San Pablo Ave-- Irrigation Use Only	61.06
6516908282020	94791	09/11/2020	201-343-43102	2100 San Pablo Ave--Offices- -Faria House	100.88
6518308282020	94791	09/11/2020	201-343-43102	2361 San Pablo Ave--Old Bank Building	55.42
6519008272020	94791	09/11/2020	201-343-43102	813 Fernandez Ave--Irrigation Use Only	55.42
6539508282020	94791	09/11/2020	100-345-43102	1095 Nob Hill Ave--Parks & Gardens--Meadow Park	1,456.60
6542208282020	94791	09/11/2020	500-641-43102	80 TENNENT AVE--WASTE WATER TREATMEN...	779.91
6555308262020	94791	09/11/2020	100-343-43102	2301 1/2 San Pablo Ave-- Irrigation Use Only	83.71
6556908272020	94791	09/11/2020	209-558-43102	601 Tennent Ave--Memorial Hall	83.72
6592208272020	94791	09/11/2020	100-343-43102	636 Tennent Ave--Irrigation Use Only	55.43
6592308282020	94791	09/11/2020	100-231-43102	880 Tennent Ave--Public Safety Facility/Building	562.33
6592408282020	94791	09/11/2020	100-222-43102	880 Tennent Ave--Public Safety Facility/Building	1,166.56
6592408282020	94791	09/11/2020	100-223-43102	880 Tennent Ave--Public Safety Facility/Building	259.24
6592408282020	94791	09/11/2020	100-231-43102	880 Tennent Ave--Public Safety Facility/Building	1,166.56
6636308282020	94791	09/11/2020	100-345-43102	1818 Canyon Dr--Irrigation Use Only	971.07
6652908262020	94791	09/11/2020	100-345-43102	656 Pinole Shores Dr-- Irrigation Use Only	83.71
6653108282020	94791	09/11/2020	100-343-43102	800 PINOLE SHORES DR- IRRIGATION USE ONLY	213.48
6653208272020	94791	09/11/2020	100-343-43102	901 Pinole Shores Dr-- Irrigation Use Only	142.72
6653508272020	94791	09/11/2020	100-343-43102	1001 Pinole Shores Dr-- Irrigation Use Only	142.72
6653608282020	94791	09/11/2020	100-343-43102	2401 Del Monte Way-- Irrigation Use Only	55.43

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Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
6664008272020	94791	09/11/2020	100-343-43102	726 San Pablo Ave--Irrigation Use Only	83.71
6664108262020	94791	09/11/2020	100-343-43102	880 San Pablo Ave--Irrigation Use Only	422.02
6664208272020	94791	09/11/2020	100-343-43102	1400 San Pablo Ave--Irrigation Use Only	83.64
6664308272020	94791	09/11/2020	100-343-43102	2000 San Pablo Ave--Irrigation Use Only	83.72
7010808312020	94791	09/11/2020	310-347-43102	1303 Pinole Valley Rd--Irrigation Use Only	929.53
7191908272020	94791	09/11/2020	100-343-43102	2329 Orleans Dr--Irrigation Use Only	114.43
8776508172020	94751	09/04/2020	100-345-43102	2520 APPIAN WAY-IRRIGATION USE ONLY	295.22
8805708202020	94791	09/11/2020	100-343-43102	1960 Sarah Dr--Irrigation Use Only	237.92
885068172020	94751	09/04/2020	100-345-43102	1470 FITZGERALD DR-IRRIGATION USE ONLY	152.46
<b>Vendor EBM01 - EBMUD Total:</b>					<b>30,395.30</b>
<b>Vendor: 2021 - ECMS, INC.</b>					
INV414543	94752	09/04/2020	100-231-44410	FIRE SAFETY CLOTHING	81.64
<b>Vendor 2021 - ECMS, INC. Total:</b>					<b>81.64</b>
<b>Vendor: LEW14 - EUGENE LEW</b>					
08272020	94753	09/04/2020	100-221-42302	COSTS TO ATTEND FTO COURSE - SEPT 2020	377.10
08272020	94753	09/04/2020	100-221-42303	COSTS TO ATTEND FTO COURSE - SEPT 2020	135.00
<b>Vendor LEW14 - EUGENE LEW Total:</b>					<b>512.10</b>
<b>Vendor: FAS02 - FASTENAL</b>					
CAS1719444	94795	09/11/2020	500-641-42107	PARTS - TP	376.84
<b>Vendor FAS02 - FASTENAL Total:</b>					<b>376.84</b>
<b>Vendor: FED01 - FEDEX</b>					
7-100-88239	94754	09/04/2020	100-115-42203	FEDEX SERVICES	8.29
<b>Vendor FED01 - FEDEX Total:</b>					<b>8.29</b>
<b>Vendor: FIR31 - FIRE PROTECTION MANAGEMENT, INC.</b>					
114536	94796	09/11/2020	209-554-42108	REPAIR DAMAGED FDC	740.00
114536	94796	09/11/2020	209-558-42108	REPAIR DAMAGED FDC	740.00
<b>Vendor FIR31 - FIRE PROTECTION MANAGEMENT, INC. Total:</b>					<b>1,480.00</b>
<b>Vendor: FOR02 - FORENSIC SERVICES DIVISION</b>					
PINPD-2007	94755	09/04/2020	100-222-42101	ALCOHOL & FORENSIC TESTING - PD	250.00
<b>Vendor FOR02 - FORENSIC SERVICES DIVISION Total:</b>					<b>250.00</b>
<b>Vendor: 1979 - GALAXY PRESS</b>					
33543	94756	09/04/2020	100-231-42201	FIRE- ENVELOPES	167.83
<b>Vendor 1979 - GALAXY PRESS Total:</b>					<b>167.83</b>
<b>Vendor: GLO08 - GLOBALSTAR</b>					
00000004779023	94797	09/11/2020	525-118-43101	MONTHLY CHARGES - IT	219.22
<b>Vendor GLO08 - GLOBALSTAR Total:</b>					<b>219.22</b>
<b>Vendor: GRA13 - GRAFIX SHOPPE</b>					
135032	94757	09/04/2020	100-221-42107	PD DRIVERS SIDE FENDER STRIPE/EMBLEM	132.50
135033	94757	09/04/2020	100-221-42107	PD PASSENGER SIDE FENDER GRAPHICS	110.00
<b>Vendor GRA13 - GRAFIX SHOPPE Total:</b>					<b>242.50</b>
<b>Vendor: GRA03 - GRAINGER</b>					
9619250021	94798	09/11/2020	500-641-42107	WPCP - CRYOGENI...	176.05
9626771308	94798	09/11/2020	500-641-42107	SUPPLIES TP	26.99
<b>Vendor GRA03 - GRAINGER Total:</b>					<b>203.04</b>

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<b>Vendor: HAC01 - HACH COMPANY</b>					
12026451	94799	09/11/2020	500-641-44305	SUPPLIES - TP	1,772.72
12082537	94799	09/11/2020	500-641-44305	SUPPLIES - TP	4,006.20
12093329	94799	09/11/2020	500-641-42107	DISSOLVED OXYGEN - TP	173.06
<b>Vendor HAC01 - HACH COMPANY Total:</b>					<b>5,951.98</b>
<b>Vendor: HOR05 - HORIZON</b>					
1R276754	94758	09/04/2020	100-345-42108	PARTS PW	44.12
<b>Vendor HOR05 - HORIZON Total:</b>					<b>44.12</b>
<b>Vendor: 1575 - HUNT &amp; SONS, INC</b>					
571125	94759	09/04/2020	500-641-42107	CY - CHEV MULTIFAK EP	477.78
<b>Vendor 1575 - HUNT &amp; SONS, INC Total:</b>					<b>477.78</b>
<b>Vendor: CUL03 - ISING'S CULLIGAN-LIVERMORE</b>					
379X04437401	94800	09/11/2020	500-641-44305	DEIONIZATION SERVICE ...	442.55
<b>Vendor CUL03 - ISING'S CULLIGAN-LIVERMORE Total:</b>					<b>442.55</b>
<b>Vendor: JWE01 - J. W. ENTERPRISES - NORTH</b>					
225002	94760	09/04/2020	100-117-42511	PORTABLE TOILET RENTAL	137.70
225626	94760	09/04/2020	100-117-42511	PORTABLE TOILET RENTAL	137.70
<b>Vendor JWE01 - J. W. ENTERPRISES - NORTH Total:</b>					<b>275.40</b>
<b>Vendor: TOR12 - JOE TORRES</b>					
09032020	94801	09/11/2020	100-231-42302	FOOD & FUEL - HAZMAT TRANING 08-13-2020	46.00
<b>Vendor TOR12 - JOE TORRES Total:</b>					<b>46.00</b>
<b>Vendor: KEL09 - KELLER CANYON LANDFILL</b>					
4212-000029395	94802	09/11/2020	500-641-44302	WPCP - SLUDGE REMOVAL	5,285.00
<b>Vendor KEL09 - KELLER CANYON LANDFILL Total:</b>					<b>5,285.00</b>
<b>Vendor: BRE09 - KYLE BRECKENRIDGE</b>					
08272020	94761	09/04/2020	100-221-42302	COSTS TO ATTEND FTO COURSE SEPT 2020	377.10
08272020	94761	09/04/2020	100-221-42303	COSTS TO ATTEND FTO COURSE SEPT 2020	135.00
<b>Vendor BRE09 - KYLE BRECKENRIDGE Total:</b>					<b>512.10</b>
<b>Vendor: 1014 - LABORATORY BY DESIGN, INC.</b>					
20396	94803	09/11/2020	500-641-44305	SUPPLIES - TP	121.60
<b>Vendor 1014 - LABORATORY BY DESIGN, INC. Total:</b>					<b>121.60</b>
<b>Vendor: CUR03 - LN CURTIS &amp; SONS</b>					
INV415879	94762	09/04/2020	100-231-42107	FIRE - UNLIMITED PADLOCK BREAKER	125.64
<b>Vendor CUR03 - LN CURTIS &amp; SONS Total:</b>					<b>125.64</b>
<b>Vendor: MCM05 - MCMASTER-CARR SUPPLY CO.</b>					
44042087	94804	09/11/2020	500-641-42107	SUPPLIES - WPCP	1,536.22
<b>Vendor MCM05 - MCMASTER-CARR SUPPLY CO. Total:</b>					<b>1,536.22</b>
<b>Vendor: MUN10 - MUNICIPAL EMERGENCY SERVICES INC.</b>					
IN1492244	94805	09/11/2020	100-231-44410	FD - WILDLAND PANTS	471.94
<b>Vendor MUN10 - MUNICIPAL EMERGENCY SERVICES INC. Total:</b>					<b>471.94</b>
<b>Vendor: MUN01 - MUNICIPAL MAINTENANCE EQUIPMENT</b>					
0151692-IN	94763	09/04/2020	500-642-42107	TOGGLE SWITCH - PW	28.65
<b>Vendor MUN01 - MUNICIPAL MAINTENANCE EQUIPMENT Total:</b>					<b>28.65</b>
<b>Vendor: 2024 - MV CHENG &amp; ASSOCIATES, INC.</b>					
8/31/2020	94806	09/11/2020	100-115-42101	FINANCE CONSULTING SERVICES	23,490.00
<b>Vendor 2024 - MV CHENG &amp; ASSOCIATES, INC. Total:</b>					<b>23,490.00</b>
<b>Vendor: OTI01 - OTIS ELEVATOR COMPANY</b>					
100400080750	94764	09/04/2020	100-343-42108	CH BUILDIN...	113.15
100400080785	94764	09/04/2020	100-222-42108	PUBLIC SAFETY BUILDING MAINTENANCE	56.55

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100400080785	94764	09/04/2020	100-223-42108	PUBLIC SAFETY BUILDING MAINTENANCE	11.31
100400080785	94764	09/04/2020	100-231-42108	PUBLIC SAFETY BUILDING MAINTENANCE	45.24
Vendor OTI01 - OTIS ELEVATOR COMPANY Total:					226.25
Vendor: 1555 - OWEN EQUIPMENT					
00050421	94807	09/11/2020	207-344-42107	EQUIPMENT MAINTENANCE - PW	3,819.07
Vendor 1555 - OWEN EQUIPMENT Total:					3,819.07
Vendor: PAC55 - PACIFIC SITE MANAGEMENT					
59742	94808	09/11/2020	100-222-42108	MONTHLY LANDSCAPE MAINTENANCE	122.50
59742	94808	09/11/2020	100-231-42108	MONTHLY LANDSCAPE MAINTENANCE	327.50
59742	94808	09/11/2020	100-343-42108	MONTHLY LANDSCAPE MAINTENANCE	174.40
59742	94808	09/11/2020	100-345-42108	MONTHLY LANDSCAPE MAINTENANCE	5,619.33
59742	94808	09/11/2020	200-342-42108	MONTHLY LANDSCAPE MAINTENANCE	326.00
59742	94808	09/11/2020	201-343-42108	MONTHLY LANDSCAPE MAINTENANCE	532.60
59742	94808	09/11/2020	209-552-42108	MONTHLY LANDSCAPE MAINTENANCE	198.00
59742	94808	09/11/2020	209-553-42108	MONTHLY LANDSCAPE MAINTENANCE	206.00
59742	94808	09/11/2020	209-557-42108	MONTHLY LANDSCAPE MAINTENANCE	206.00
59742	94808	09/11/2020	310-347-42108	MONTHLY LANDSCAPE MAINTENANCE	60.00
59742	94808	09/11/2020	310-348-42108	MONTHLY LANDSCAPE MAINTENANCE	65.00
Vendor PAC55 - PACIFIC SITE MANAGEMENT Total:					7,837.33
Vendor: PET08 - PET FOOD EXPRESS CORP					
15-2007PN	94765	09/04/2020	100-221-42514	PD - DOG SUPPLIES	47.18
24-2008PN	94765	09/04/2020	100-221-42514	PD - DOG SUPPLIES	47.51
30-2007PN	94765	09/04/2020	100-221-42514	PD - DOG SUPPLIES	45.05
58-2007PN	94765	09/04/2020	100-221-42514	PD - DOG SUPPLIES	45.05
Vendor PET08 - PET FOOD EXPRESS CORP Total:					184.79
Vendor: JAR01 - PINOLE GOODYEAR					
026309	94766	09/04/2020	100-231-42107	FIRE VEHICLE SERVICE	115.77
Vendor JAR01 - PINOLE GOODYEAR Total:					115.77
Vendor: PIT06 - PITNEY BOWES					
1016114335	94809	09/11/2020	100-117-42203	POSTGAGE ADMIN	308.74
Vendor PIT06 - PITNEY BOWES Total:					308.74
Vendor: 1009 - PRECISION IT CONSULTING					
11068	94810	09/11/2020	525-118-42101	AGREEMENT PRECISION 360 GOLD	12,500.00
11068	94810	09/11/2020	525-118-42105	AGREEMENT PRECISION 360 GOLD	820.00
11068	94810	09/11/2020	525-118-42105	AGREEMENT PRECISION 360 GOLD	995.00
11068	94810	09/11/2020	525-118-42106	AGREEMENT PRECISION 360 GOLD	80.30
11068	94810	09/11/2020	525-118-42106	AGREEMENT PRECISION 360 GOLD	308.85
Vendor 1009 - PRECISION IT CONSULTING Total:					14,704.15
Vendor: 2025 - RAY MORGAN COMPANY, LLC.					
3049899	94811	09/11/2020	525-118-42107	IT SERVICES CANON	696.03
Vendor 2025 - RAY MORGAN COMPANY, LLC. Total:					696.03

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<b>Vendor: J&amp;O01 - RUBBER DUST INC.</b>					
133736	94767	09/04/2020	500-642-42107	TRUCK REPAIRS - PW	196.10
133886	94812	09/11/2020	500-641-42107	WPCP - TRUCK TIR...	635.53
133942	94767	09/04/2020	500-642-42107	TRUCK REPAIRS - PW	146.43
<b>Vendor J&amp;O01 - RUBBER DUST INC. Total:</b>					<b>978.06</b>
<b>Vendor: 1714 - SHERRI D. LEWIS</b>					
PC02PINOLE - FY20/21	94814	09/11/2020	212-461-42514	MINUTES FOR PLANNING COMMISSION 08-24-2020	525.00
<b>Vendor 1714 - SHERRI D. LEWIS Total:</b>					<b>525.00</b>
<b>Vendor: SHR02 - SHRED DEFENSE INC</b>					
34779	94768	09/04/2020	100-222-42101	PD SHREDDING	166.40
<b>Vendor SHR02 - SHRED DEFENSE INC Total:</b>					<b>166.40</b>
<b>Vendor: STA56 - STAILING S&amp;S RV REPAIRS</b>					
6447-808	94769	09/04/2020	100-221-42107	PD VEHICLE SERVICE	1,901.46
6457-806	94815	09/11/2020	100-221-42107	PD VEHICLE SERVICE	498.49
6458-807	94815	09/11/2020	100-221-42107	PD VEHICLE SERVICE	47.88
6468-803	94815	09/11/2020	100-221-42107	PD VEHICLE SERVICE	67.81
6470-804	94815	09/11/2020	100-221-42107	PD VEHICLE SERVICE	500.00
<b>Vendor STA56 - STAILING S&amp;S RV REPAIRS Total:</b>					<b>3,015.64</b>
<b>Vendor: STE20 - STERICYCLE, INC.</b>					
3005230583	94770	09/04/2020	100-222-42101	PD HAZARDOUS WASTE	55.84
<b>Vendor STE20 - STERICYCLE, INC. Total:</b>					<b>55.84</b>
<b>Vendor: 1253 - TARAH ORNELAS</b>					
485	94816	09/11/2020	209-552-43809	SEPTEMBER 2020 NEWSLETTERS	311.80
<b>Vendor 1253 - TARAH ORNELAS Total:</b>					<b>311.80</b>
<b>Vendor: TOD01 - TED TODD</b>					
20-003	94817	09/11/2020	100-221-42101	PD - PRE-EMPLOYMENT POLYGRAPH EXAMINATION	350.00
<b>Vendor TOD01 - TED TODD Total:</b>					<b>350.00</b>
<b>Vendor: EDJ01 - THE ED JONES CO., INC.</b>					
46363	94771	09/04/2020	100-221-42514	BADGE SERVICES - PD	431.76
<b>Vendor EDJ01 - THE ED JONES CO., INC. Total:</b>					<b>431.76</b>
<b>Vendor: UNI38 - UNIVAR USA INC</b>					
48612269	94772	09/04/2020	500-641-44303	WPCP SOD HYPO 12.5%	3,573.23
48656058	94772	09/04/2020	500-641-44303	CHEMICALS - TP	3,464.43
48704805	94818	09/11/2020	500-641-44303	WPCP - SOD BISULFITE	6,116.09
58702580	94818	09/11/2020	500-641-44303	WPCP - SOD HYPO 12.5%	3,538.43
<b>Vendor UNI38 - UNIVAR USA INC Total:</b>					<b>16,692.18</b>
<b>Vendor: UNI07 - UNIVERSAL BUILDING SVCS.</b>					
257323	94773	09/04/2020	209-557-42108	SWIM CTR JANITORIA...	170.20
257327	94773	09/04/2020	100-343-42108	JANITORAL SERVICES - CY	228.06
257327-1	94819	09/11/2020	100-343-42108	CY JANITORAL SUPPLIES	68.94
479920	94819	09/11/2020	500-641-42108	WPCP - AUGUST JANITORIAL SERVICES	508.00
<b>Vendor UNI07 - UNIVERSAL BUILDING SVCS. Total:</b>					<b>975.20</b>
<b>Vendor: USB06 - US BANK</b>					
420076457	94776	09/08/2020	525-118-42107	IT COPIER SERVICES	2,491.56
422540104	94776	09/08/2020	525-118-42107	IT COPIER SERVICES	2,699.56
<b>Vendor USB06 - US BANK Total:</b>					<b>5,191.12</b>
<b>Vendor: VAL04 - VALLEJO FIRE EXTINGUISHER</b>					
08142020	94774	09/04/2020	100-222-42108	ANNUAL MAINTENANCE	95.00
08142020	94774	09/04/2020	100-343-42108	ANNUAL MAINTENANCE	842.67
08142020	94774	09/04/2020	100-343-42108	ANNUAL MAINTENANCE	133.15
08142020	94774	09/04/2020	209-552-42108	ANNUAL MAINTENANCE	91.00
08142020	94774	09/04/2020	209-553-42108	ANNUAL MAINTENANCE	13.00
08142020	94774	09/04/2020	209-554-42108	ANNUAL MAINTENANCE	125.10

## WARRANT LISTING

Payment Dates: 8/29/2020 - 9/11/2020

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
08142020	94774	09/04/2020	209-557-42108	ANNUAL MAINTENANCE	52.00
08142020	94774	09/04/2020	209-558-42108	ANNUAL MAINTENANCE	80.08
<b>Vendor VAL04 - VALLEJO FIRE EXTINGUISHER Total:</b>					<b>1,432.00</b>
<b>Vendor: VIS01 - VISION SERVICE PLAN</b>					
810203817	94775	09/04/2020	100-110-41003	VISION PREMIUMS FOR SEPT 2020	74.44
810203817	94775	09/04/2020	100-111-41003	VISION PREMIUMS FOR SEPT 2020	74.44
810203817	94775	09/04/2020	100-112-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	100-113-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	100-115-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	100-116-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	100-221-41003	VISION PREMIUMS FOR SEPT 2020	353.59
810203817	94775	09/04/2020	100-222-41003	VISION PREMIUMS FOR SEPT 2020	55.83
810203817	94775	09/04/2020	100-223-41003	VISION PREMIUMS FOR SEPT 2020	241.93
810203817	94775	09/04/2020	100-231-41003	VISION PREMIUMS FOR SEPT 2020	204.71
810203817	94775	09/04/2020	100-341-41003	VISION PREMIUMS FOR SEPT 2020	55.83
810203817	94775	09/04/2020	100-343-41003	VISION PREMIUMS FOR SEPT 2020	130.27
810203817	94775	09/04/2020	100-465-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	105-221-41003	VISION PREMIUMS FOR SEPT 2020	111.66
810203817	94775	09/04/2020	105-231-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	106-222-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	106-231-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	204-227-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	209-551-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	209-552-41003	VISION PREMIUMS FOR SEPT 2020	37.22
810203817	94775	09/04/2020	209-554-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	212-461-41003	VISION PREMIUMS FOR SEPT 2020	18.61
810203817	94775	09/04/2020	212-462-41003	VISION PREMIUMS FOR SEPT 2020	37.22
810203817	94775	09/04/2020	500-641-41003	VISION PREMIUMS FOR SEPT 2020	167.49
810203817	94775	09/04/2020	500-642-41003	VISION PREMIUMS FOR SEPT 2020	55.83
810203817	94775	09/04/2020	505-119-41003	VISION PREMIUMS FOR SEPT 2020	37.22
810203817	94775	09/04/2020	998-20106	VISION PREMIUMS FOR SEPT 2020	18.61
<b>Vendor VIS01 - VISION SERVICE PLAN Total:</b>					<b>1,879.61</b>
<b>Vendor: VWR01 - VWR INTERNATIONAL, LLC.</b>					
8801915583	94820	09/11/2020	500-641-44305	LAB SUPPLIES - TP	64.44
8801922788	94820	09/11/2020	500-641-44305	LAB SUPPLIES - TP	1,014.69

**WARRANT LISTING**

Payment Dates: 8/29/2020 - 9/11/2020

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
8801924571	94820	09/11/2020	500-641-44305	LAB SUPPLIES - TP	235.06
				<b>Vendor VWR01 - VWR INTERNATIONAL, LLC. Total:</b>	<b>1,314.19</b>
<b>Vendor: 1520 - WEX BANK</b>					
67389198	94821	09/11/2020	100-221-44301	FUEL PURCHASES - PD	62.00
				<b>Vendor 1520 - WEX BANK Total:</b>	<b>62.00</b>
				<b>Grand Total:</b>	<b>365,499.09</b>

## Report Summary

## Fund Summary

Fund	Payment Amount
100 - General Fund	282,726.25
105 - Measure S -2006	130.27
106 - MEASURE S-2014	37.22
200 - Gas Tax Fund	7,798.18
201 - Restricted Real Estate Maintenance Fund	1,793.40
204 - Police Grants	18.61
207 - NPDES Storm Water Fund	3,819.07
209 - Recreation Fund	7,261.94
212 - Building & Planning	1,490.48
285 - Housing Land Held for Resale	35.93
310 - Lighting & Landscape Districts	1,965.16
317 - Pinole Valley Caretaker Fund	697.24
500 - Sewer Enterprise Fund	36,751.07
505 - Cable Access TV	101.62
525 - Information Systems	20,854.04
998 - Payroll Clearing	18.61
<b>Grand Total:</b>	<b>365,499.09</b>

## Account Summary

Account Number	Account Name	Payment Amount
100-10601	Gas Tanks/Corp Yard	3,497.63
100-110-41003	Emp Benefits/Vision Ca..	74.44
100-110-43102	Utilities/Water	9.49
100-111-41003	Emp Benefits/Vision Ca..	74.44
100-111-43102	Utilities/Water	22.75
100-112-41003	Emp Benefits/Vision Ca..	18.61
100-112-42101	Prof Svcs/Professional ...	495.00
100-112-43102	Utilities/Water	20.85
100-113-41003	Emp Benefits/Vision Ca..	18.61
100-115-41003	Emp Benefits/Vision Ca..	18.61
100-115-42101	Prof Svcs/Professional ...	23,490.00
100-115-42203	Office Exp/Shipping & ...	8.29
100-115-43102	Utilities/Water	61.80
100-116-41003	Emp Benefits/Vision Ca..	18.61
100-116-42101	Prof Svcs/Professional ...	32.00
100-116-43102	Utilities/Water	20.85
100-117-41004	Emp Benefits/PERS Ret..	205,375.59
100-117-42203	Office Exp/Shipping & ...	308.74
100-117-42511	Admin Exp/Equipment ...	275.40
100-117-42514	Admin Exp/Special Dep..	391.96
100-117-43102	Utilities/Water	166.82
100-117-43105	Utilities/Cable	29.89
100-221-41003	Emp Benefits/Vision Ca..	353.59
100-221-42101	Prof Svcs/Professional ...	350.00
100-221-42107	Prof Svcs/Equipment M...	3,258.14
100-221-42110	Prof Svcs/Fingerprinting	275.00
100-221-42302	Travel & Training/Milea...	754.20
100-221-42303	Travel & Training/Meal ...	270.00
100-221-42514	Admin Exp/Special Dep..	1,492.75
100-221-44301	Other Materials Supp/F...	62.00
100-222-41003	Emp Benefits/Vision Ca..	55.83
100-222-42101	Prof Svcs/Professional ...	3,485.06
100-222-42108	Prof Svcs/Building-Struc..	274.05
100-222-42201	Office Expense	207.50
100-222-43102	Utilities/Water	1,166.56
100-223-41003	Emp Benefits/Vision Ca..	241.93
100-223-42108	Prof Svcs/Building-Struc..	11.31



## Account Summary

Account Number	Account Name	Payment Amount
100-223-43102	Utilities/Water	259.24
100-231-41003	Emp Benefits/Vision Ca..	204.71
100-231-41008	Emp Benefits/Long Ter...	324.50
100-231-42104	Prof Svcs/Paramedic S...	2,918.94
100-231-42107	Prof Svcs/Equipment M...	241.41
100-231-42108	Prof Svcs/Building-Struc..	372.74
100-231-42201	Office Expense	167.83
100-231-42302	Travel & Training/Milea...	46.00
100-231-43102	Utilities/Water	3,205.96
100-231-43105	Utilities/Cable	54.42
100-231-44410	Safety Clothing	553.58
100-341-41003	Emp Benefits/Vision Ca..	55.83
100-343-41003	Emp Benefits/Vision Ca..	130.27
100-343-42108	Prof Svcs/Building-Struc..	2,376.15
100-343-43102	Utilities/Water	2,978.54
100-343-44410	Safety Clothing	1,377.58
100-345-42108	Prof Svcs/Building-Struc..	5,913.45
100-345-43102	Utilities/Water	14,838.19
100-465-41003	Emp Benefits/Vision Ca..	18.61
105-221-41003	Emp Benefits/Vision Ca..	111.66
105-231-41003	Emp Benefits/Vision Ca..	18.61
106-222-41003	Emp Benefits/Vision Ca..	18.61
106-231-41003	Emp Benefits/Vision Ca..	18.61
200-342-42101	Prof Svcs/Professional ...	7,048.30
200-342-42108	Prof Svcs/Building-Struc..	326.00
200-342-43102	Utilities/Water	53.08
200-342-47205	Improvements/Streets	370.80
201-343-42108	Prof Svcs/Building-Struc..	532.60
201-343-43102	Utilities/Water	1,260.80
204-227-41003	Emp Benefits/Vision Ca..	18.61
207-344-42107	Prof Svcs/Equipment M...	3,819.07
209-551-41003	Emp Benefits/Vision Ca..	18.61
209-552-41003	Emp Benefits/Vision Ca..	37.22
209-552-42108	Prof Svcs/Building-Struc..	289.00
209-552-43102	Utilities/Water	1,858.83
209-552-43804	Program Cost/Food Pr...	238.12
209-552-43809	Program Cost/Newslett...	311.80
209-553-42108	Prof Svcs/Building-Struc..	219.00
209-553-43102	Utilities/Water	47.81
209-554-41003	Emp Benefits/Vision Ca..	18.61
209-554-42108	Prof Svcs/Building-Struc..	865.10
209-554-43102	Utilities/Water	48.47
209-557-42108	Prof Svcs/Building-Struc..	428.20
209-557-43102	Utilities/Water	1,545.94
209-558-42108	Prof Svcs/Building-Struc..	820.08
209-558-43102	Utilities/Water	454.43
209-559-43102	Utilities/Water	60.72
212-461-41003	Emp Benefits/Vision Ca..	18.61
212-461-42514	Admin Exp/Special Dep..	1,361.10
212-461-43102	Utilities/Water	20.09
212-462-41003	Emp Benefits/Vision Ca..	37.22
212-462-43102	Utilities/Water	53.46
285-464-42514	Admin Exp/Special Dep..	20.00
285-464-43102	Utilities/Water	15.93
310-347-42101	Prof Svcs/Professional ...	459.78
310-347-42108	Prof Svcs/Building-Struc..	60.00
310-347-43102	Utilities/Water	929.53
310-348-42108	Prof Svcs/Building-Struc..	65.00

**Account Summary**

Account Number	Account Name	Payment Amount
310-348-43102	Utilities/Water	450.85
317-345-43201	Taxes/Property Tax	697.24
500-641-41003	Emp Benefits/Vision Ca..	167.49
500-641-42107	Prof Svcs/Equipment M...	3,775.65
500-641-42108	Prof Svcs/Building-Struc..	508.00
500-641-43102	Utilities/Water	779.91
500-641-44302	Other Materials Supp/S...	5,285.00
500-641-44303	Other Materials Supp/C...	16,692.18
500-641-44305	Other Materials Supp/L...	7,657.26
500-641-44410	Safety Clothing	1,324.32
500-642-41003	Emp Benefits/Vision Ca..	55.83
500-642-42107	Prof Svcs/Equipment M...	371.18
500-642-44410	Safety Clothing	134.25
505-119-41003	Emp Benefits/Vision Ca..	37.22
505-119-43102	Utilities/Water	64.40
525-118-42101	Prof Svcs/Professional ...	12,500.00
525-118-42105	Prof Svcs/Network Main..	1,815.00
525-118-42106	Prof Svcs/Software Mai...	389.15
525-118-42107	Prof Svcs/Equipment M...	5,887.15
525-118-43101	Utilities/Telephone	262.74
998-20106	Sal & Ben Payable/Visi...	18.61
	<b>Grand Total:</b>	<b>365,499.09</b>

**Project Account Summary**

Project Account Key	Payment Amount
**None**	365,499.09
<b>Grand Total:</b>	<b>365,499.09</b>

Approved by:  Date: 9-10-2020



## **CITY COUNCIL REPORT**

**7C**

**DATE: SEPTEMBER 15, 2020**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: ERIC CASHER, CITY ATTORNEY**

**BY: ALEX MOG, ASSISTANT CITY ATTORNEY**

**SUBJECT: RESOLUTION CONFIRMING CONTINUED EXISTENCE OF LOCAL  
EMERGENCY**

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### **RECOMMENDATION**

Staff recommends that the City Council adopt a resolution confirming the continued existence of a local emergency.

### **BACKGROUND & DISCUSSION**

On March 18, 2020, the City Manager, acting as Director of Emergency Services, proclaimed a local emergency pursuant to California Government Code Section 8630 and Pinole Municipal Code Chapter 2.32. The emergency declaration was based on public health and safety concerns for persons and property within the City as a consequence of the global spread of novel coronavirus 2019 ("COVID-19"), including confirmed cases in Contra Costa County, as well as, the Contra Costa County Department of Health's shelter in place order dated March 16, 2020. The City Council subsequently adopted a resolution affirming the City Manager's emergency declaration.

The California Emergency Services Act requires the City Council to review the need for continuing the local emergency at least once every 60 days. Although the local emergency does not end until terminated by the City Council, the Pinole Municipal Code requires the City Council to periodically review the need for continuing the local emergency. The City Council has confirmed the continued existence of the local emergency multiple times since the emergency was first declared, most recently on August 18, 2020.

Community transmission of COVID-19 continues to occur, and the number of cases within Contra Costa County has continued to rise. There have now been over 14,700 cases of COVID-19 within the County and approximately 187 deaths. There have been over 2,000 new cases in the last 2 weeks alone. In Pinole, there have been an estimated 15 new cases in the last 2 weeks, which is an approximate rate of 7 new cases per 100,000 people. This is similar to the median rate for Contra Costa County cities. Public health and safety concerns for persons and property within the

City as a consequence of the global spread of novel coronavirus 2019 continue to exist.

If the proposed resolution is adopted, the City Council will confirm the continued existence of the local emergency. In accordance with state law and the Municipal Code, the City Council will review the emergency declaration periodically until the conditions warrant a termination of the emergency declaration.

### **FISCAL IMPACT**

There is no direct fiscal impact from the adoption of the resolution ratifying a local emergency. However, the City will consider all options available to seek reimbursement for indirect expenses and fiscal impacts through the appropriate authorities.

### **ATTACHMENTS**

- A. Resolution Confirming Continued Existence of Local Emergency

CITY OF PINOLE

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE CONFIRMING  
THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY DUE TO COVID-19**

**WHEREAS**, Government Code Section 8630 and Pinole Municipal Code Section 2.32.060 authorize the Director of Emergency Service to proclaim a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist if the City Council is not in session and provides that the City Council shall ratify the proclamation within seven days thereafter; and

**WHEREAS**, in accordance with Government Code Section 8630 and Pinole Code Section 2.32.060, the Director of Emergency Services proclaimed the existence of a local emergency caused by the Novel Coronavirus (COVID-19), a respiratory disease first identified in China that may result in serious illness or death that is easily transmissible from person to person, on March 18; and

**WHEREAS**, on March 24, the City Council ratified and confirmed the proclamation of the existence of a local emergency issued by the Director of Emergency Services; and

**WHEREAS**, pursuant to Government Code Section 8630 and Pinole Municipal Code Section 2.32.060, the City Council must periodically review the need for continuing the local emergency; and

**WHEREAS**, the conditions that prompted the original declaration of a local emergency continue to exist; and

**WHEREAS**, the recitals contained in Resolution No. 2020-13, adopted by the City Council on March 24, are incorporated into this Resolution as if stated herein; and

**WHEREAS**, there have now been over 14,700 cases of COVID-19 and approximately 187 deaths within the County, and over 2,000 cases in the last 2 weeks alone; and

**WHEREAS**, the rate of new cases in Pinole is approximately 7 per 100,000 people, which is around the median rate for cities in Contra Costa County; and

**WHEREAS**, the public health and safety concerns for persons and property within the City as a consequence of the global spread of COVID-19 continue to exist; and

**WHEREAS**, the health, safety, and welfare of Pinole residents, businesses, visitors, and staff is of utmost importance to the City and additional future measures may be needed to protect the community; and

## ATTACHMENT A

**WHEREAS**, the City may require additional assistance in the future, and a formal declaration of emergency allows the City to access resources in a timely manner in a timely fashion; and

**WHEREAS**, the City Council finds that conditions of extreme peril to the safety of persons and property within the territorial limits of the City related to COVID-19 pandemic continue in existence; and

**WHEREAS**, the City Council finds that extraordinary measures are required to protect the public health, safety, and of persons and property within the City that are or are likely to be beyond the control or capability of the services, personnel, equipment, and facilities of the City; and

**WHEREAS**, the City Council have continued existence of a local emergency periodically since it was first declared on March 18, 2020; and

**WHEREAS**, the City Council desires to confirm the continued existence of a local emergency within Pinole due to COVID-19.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Pinole hereby declares as follows:

1. The local emergency declared by Resolution No. 2020-13 due to the COVID-19 Pandemic continues to exist within the City of Pinole.
2. During the existence of the declared local emergency, the powers, functions, and duties of the City Manager, acting as Director of Emergency Services, and the emergency organization of this City shall be those prescribed by State law and by ordinances and resolutions of the City of Pinole.
3. The declaration of local emergency shall remain in effect until such time that the Council determines that the emergency conditions have been abated.

**PASSED AND ADOPTED** at a regular meeting of the Pinole City Council held on the 18<sup>th</sup> day of August 2020, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

I hereby certify that the foregoing resolution was introduced, passed and adopted on adopted on this 18<sup>th</sup> day of August, 2020.

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Heather Iopu, CMC  
City Clerk



## **CITY COUNCIL REPORT**

**7D**

**DATE:** September 15, 2020

**TO:** MAYOR AND COUNCIL MEMBERS

**FROM:** HEATHER IOPU, CITY CLERK

**SUBJECT:** AMENDMENT TO THE CITY OF PINOLE CONFLICT OF INTEREST CODE

---

### **RECOMMENDATION**

Staff recommends that the City Council review, discuss and adopt a resolution approving amendments to the designated positions and disclosure categories in the appendix of the City of Pinole Conflict of Interest (COI) Code.

### **BACKGROUND**

The Political Reform Act requires every local government agency to review its Conflict of Interest Code and designated positions and reporting categories, every two years to determine if it is accurate, or alternatively, if the Code requires amendments. As the Code reviewing body for multi-governmental agencies, the California Fair Political Practices Commission (FPPC) must be given notice of any amendments to the City's Conflict of Interest Code. The Conflict of Interest Code defines which positions must disclose economic interests related to their job.

### **DISCUSSION & ANALYSIS**

Staff is advising the Council, as the Code reviewing body, that at this time amendments are necessary to reflect (1) the addition of job classifications and (2) the deletion of classifications that were eliminated by the Council since the last amendment. Any position that has authority to negotiate decisions, provide advice or make recommendations to the Council or City boards should be listed as a designated Code filer along with the determined level of disclosure. The disclosure categories were rewritten and adopted on November 4, 2010, under Resolution 2010-95, and require no further update.

Staff has conducted a comprehensive review, with participation from the City Attorney's office, and proposes the following amendments which are consistent with the organizational changes. If amendments are necessary they must be adopted within 90 days.

**Addition of four job classifications:**

These positions have authority to negotiate on behalf of the agency, and advise on agency decisions, make recommendations and attempt to influence decisions by the Council. They prepare and present reports and analysis that require exercising judgment.

- Building Inspector
- Senior Building Inspector
- Code Enforcement Officer
- Tiny Tots Program Coordinator

**Deletion of four job classifications:**

These positions are not authorized or funded and should be removed from the list.

- Information Services Administrator
- Human Resources Director
- Code Enforcement Officer/Building Inspector
- Associate Planner

**FISCAL IMPACT**

There is no fiscal impact associated with this recommended action.

**ATTACHMENTS:**

- A. Resolution
- B. 2020 Local Agency Biennial Notice



RESOLUTION NO. 2020-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AMENDING THE CITY OF PINOLE'S CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act of 1972 (G.C. Section 81000, et seq.) requires every local government agency to adopt and promulgate a Conflict of Interest Code; and

**WHEREAS**, the City of Pinole has incorporated by reference three State regulations pursuant to Code of Regulations Section 18730, and amendments to the Regulations duly adopted by the Fair Political Practices Commission, and the "Appendix of Designated Positions and Disclosure Categories for Each Position," setting forth by title those officers, employees and consultants holding designated positions in the City, whose positions have been determined that the persons holding these positions make or participate in the making of decisions which may foreseeably have a material effect on financial interests; and

**WHEREAS**, the Code may be amended by the Fair Political Practices Commission to conform to amendments of the Political Reform Act; and any changes are adopted by reference; and

**WHEREAS**, the City must review their Appendix (Exhibit A) to the Conflict of Interest Code for the City of Pinole biennially and it was last amended on July 3, 2018, pursuant to the requirements of Government Code Section 87300 *et seq.*; and

**WHEREAS**, biennial notice was provided to the Council on September 15, 2020 and the City Clerk recommended to Council that the Code be reviewed to determine whether certain positions should be added, deleted or modified, which constitute substantive amendments to the Code;

**NOW, THEREFORE**, the City Council of the City of Pinole does hereby resolve, as follows:

Section 1. The Appendix to the Conflict of Interest Code for the City of Pinole (attached) is hereby amended to read in the manner as set forth and attached hereto and by this reference, incorporated herein.

Section 2. Following adoption of the Code, any newly designated officials, employees, and consultants shall comply with the Conflict of Interest Code for the City of Pinole within 30 days.

Section 3. The Form 700 (Statement of Economic Interests) are filed and maintained in the Office of the City Clerk and retained pursuant to Government Code Section 81008 and 81009.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Pinole held on the **15<sup>th</sup>** day of **September 2020**, by the following vote:

**AYES: COUNCILMEMBERS:**  
**NOES: COUNCILMEMBERS:**  
**ABSENT: COUNCILMEMBERS:**  
**ABSTAIN: COUNCILMEMBERS:**

I hereby certify that the foregoing resolution was introduced, passed and adopted on adopted on this 15th day of September 2020.

---

Heather Iopu, CMC  
City Clerk

## Exhibit A to Resolution 2018-57

### APPENDIX to the CONFLICT OF INTEREST CODE DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

Pursuant to the Conflict of Interest Code of the City of Pinole, the following positions are designated positions as defined in City of Pinole Conflict of Interest Code and have been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests. Each must report their interests according to their assigned disclosure categories<sup>1</sup>.

<u>Department</u>	<u>Designated Position</u>	<u>Category</u>
Administration	Assistant City Manager	1, 5, 6
	<del>Assistant to City Manager</del>	<del>3, 5, 6</del>
	City Clerk	3, 5, 6
	Information Services Administrator	4
	Human Resources Director	3,5
	<del>Successor Agency to the Former Pinole Redevelopment Agency</del>	<del>1-5</del>
	<del>Oversight Board</del>	<del>1-5</del>
Public Works	Public Works Director <del>Manager</del>	1, 5, 6
	<del>Assistant City Engineer</del>	<del>1, 5, 6</del>
	<del>Associate Civil Engineer</del>	<del>1, 5, 6</del>
	<del>Public Works Superintendent</del>	<del>3, 5</del>
	Treatment Plant Manager	3, 5
	Transportation & Pedestrian Safety (TAPS) Committee	1, 3
Community Development	<del>Development Services Director/City Engineer</del>	1, 5, 6
	<del>Community Development Director</del>	
	Senior Project Manager	1, 5, 6
	Planning Manager	1, 5, 6
	Associate Planner	1, 5, 6
	Building Official	2, 4, 6
	Code Enforcement Officer/Building Inspector	2, 4, 6

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<sup>1</sup> In addition to the listed positions designated by the City, the following positions are subject to the disclosure requirements established by Government Code Section 87200: Planning Commission, City Manager, City Attorney, and City Treasurer.

Fire	Fire Chief	1, 5, 6
	Fire Battalion Chief	1, 5, 6
Recreation	Community Services Commission	1, 5, 6
	Recreation Manager	1, 5, 6
	<del>Recreation Director</del>	<del>1, 5, 6</del>
	Senior Center Coordinator	4
	Youth Center Coordinator	4
Police	Police Chief	1, 5, 6
	Police Lieutenant	1, 5, 6
	<del>Police Commander</del>	<del>1, 5, 6</del>
Finance	Finance <del>Officer</del> Director	1, 5, 6
City Attorney	Assistant City Attorney	1, 5, 6
	Assistant General Counsel	1, 5, 6

Consultants\* 1-5 or as appropriate\*

**For purposes of this code, a consultant is defined** pursuant to Title 2 Cal. Admin Code Section 18730(2)

- (A) Makes a governmental decision whether to:
  - (i) Approve a rate, rule, or regulation;
  - (ii) Adopt or enforce a law;
  - (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
  - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
  - (v) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
  - (vi) Grant agency approval to a plan, design, report, study, or similar item; or
  - (vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof.

\*Consultants are also defined for reporting purposes as persons who prepare a product, perform services of a general nature on an on-going basis and participate by direct advice to the decision makers, influence or participate in governmental decisions, or who act in a staff capacity (performing all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code). **With respect to consultants, the City Attorney (or designee) may determine in writing that a particular consultant has been retained to perform a range of duties that is sufficiently limited in scope so as to not require full disclosure, or no disclosure. Such written determination shall be based on the consultant's description of work, as defined in the Contract Scope of Services.** Such written determination shall be noted **in the** consultant contract, **including a recitation to the extent of disclosure requirements** and signed by the City Attorney (or designee). Any determination is a public record and shall be retained for public inspection.

## **DISCLOSURE CATEGORIES**

### **DISCLOSURE CATEGORY 1**

All interests in real property located within City of Pinole, or within two miles of the boundaries of Pinole or within two miles of any land used or owned by the Agency; and investments and business positions in business entities and income; including loans, gifts, and travel payments from all sources.

### **DISCLOSURE CATEGORY 2**

All interests in real property located within City of Pinole, or within two miles of the boundaries of Pinole or within two miles of any land used or owned by the agency.

### **DISCLOSURE CATEGORY 3**

All investments and business positions in business entities and all sources, including loans, gifts, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

### **DISCLOSURE CATEGORY 4**

All investments and business positions in business entities and all sources of income, including loans, gifts, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

### **DISCLOSURE CATEGORY 5**

All investments and business positions in business entities and sources of income, including loans, gifts, and travel payments from sources of the type to request a permit, license of any type, or entitlement to use agency properties or facilities, included but not limited to:

- Business licenses
- Utility permit, building or inspection permits, solicitor's, massage operator permits
- Land use entitlements
- Grant funding
- Facilities use permits

### **DISCLOSURE CATEGORY 6**

All investments and business positions in business entities, and income, including loans, gifts, and travel payments from sources that filed a claim against the agency during the previous two years, or has a claim pending.

**APPENDIX to the CONFLICT OF INTEREST CODE  
DESIGNATED POSITIONS  
AND  
DISCLOSURE CATEGORIES**

Pursuant to the Conflict of Interest Code of the City of Pinole, the following positions are designated positions as defined in City of Pinole Conflict of Interest Code and have been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests. Each must report their interests according to their assigned disclosure categories<sup>1</sup>.

<b><u>Department</u></b>	<b><u>Designated Position</u></b>	<b><u>Category</u></b>
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	City Clerk	3, 5, 6
	<del>Information Services Administrator</del>	<del>4</del>
	<del>Human Resources Director</del>	<del>3, 5</del>
Public Works	Public Works Manager	1, 5, 6
	Treatment Plant Manager	3, 5
	Transportation & Pedestrian Safety (TAPS) Committee	1, 3
Community Development	Development Services Director/City Engineer	1, 5, 6
	Senior Project Manager	1, 5, 6
	Planning Manager	1, 5, 6
	<del>Associate Planner</del>	<del>1, 5, 6</del>
	<del>Building Official</del>	<del>2, 4, 6</del>
	Code Enforcement Officer	2, 4, 6
	Building Inspector	2, 4, 6
	Sr. Building Inspector	2, 4, 6

<sup>1</sup> In addition to the listed positions designated by the City, the following positions are subject to the disclosure requirements established by Government Code Section 87200: Planning Commission, City Manager, City Attorney, and City Treasurer.

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	Fire Battalion Chief	1, 5, 6
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	Recreation Manager	1, 5, 6
	Senior Center Coordinator	4
	Tiny Tots Program Coordinator	4
	Youth Center Coordinator	4
Police	Police Chief	1, 5, 6
	Police Lieutenant	1, 5, 6
Finance	Finance Director	1, 5, 6
City Attorney	Assistant City Attorney	1, 5, 6
	Assistant General Counsel	1, 5, 6

Consultants\* 1-5 or as appropriate\*

**For purposes of this code, a consultant is defined** pursuant to Title 2 Cal. Admin Code Section 18730(2)

- (A) Makes a governmental decision whether to:
  - (i) Approve a rate, rule, or regulation;
  - (ii) Adopt or enforce a law;
  - (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
  - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
  - (v) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
  - (vi) Grant agency approval to a plan, design, report, study, or similar item; or
  - (vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof.



\*Consultants are also defined for reporting purposes as persons who prepare a product, perform services of a general nature on an on-going basis and participate by direct advice to the decision makers, influence or participate in governmental decisions, or who act in a staff capacity (performing all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code). **With respect to consultants, the City Attorney (or designee) may determine in writing that a particular consultant has been retained to perform a range of duties that is sufficiently limited in scope so as to not require full disclosure, or no disclosure. Such written determination shall be based on the consultant's description of work, as defined in the Contract Scope of Services.** Such written determination shall be noted **in the** consultant contract, **including a recitation to the extent of disclosure requirements** and signed by the City Attorney (or designee). Any determination is a public record and shall be retained for public inspection.

## **DISCLOSURE CATEGORIES**

### **DISCLOSURE CATEGORY 1**

All interests in real property located within City of Pinole, or within two miles of the boundaries of Pinole or within two miles of any land used or owned by the Agency; and investments and business positions in business entities and income; including loans, gifts, and travel payments from all sources.

### **DISCLOSURE CATEGORY 2**

All interests in real property located within City of Pinole, or within two miles of the boundaries of Pinole or within two miles of any land used or owned by the agency.

### **DISCLOSURE CATEGORY 3**

All investments and business positions in business entities and all sources, including loans, gifts, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

### **DISCLOSURE CATEGORY 4**

All investments and business positions in business entities and all sources of income, including loans, gifts, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

### **DISCLOSURE CATEGORY 5**

All investments and business positions in business entities and sources of income, including loans, gifts, and travel payments from sources of the type to request a permit, license of any type, or entitlement to use agency properties or facilities, included but not limited to:

- Business licenses
- Utility permit, building or inspection permits, solicitor's, massage operator permits
- Land use entitlements
- Grant funding
- Facilities use permits

### **DISCLOSURE CATEGORY 6**

All investments and business positions in business entities, and income, including loans, gifts, and travel payments from sources that filed a claim against the agency during the previous two years, or has a claim pending.

## 2020 Local Agency Biennial Notice

Name of Agency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No. \_\_\_\_\_

Email: \_\_\_\_\_ Alternate Email: \_\_\_\_\_

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☐ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) \_\_\_\_\_

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

---

### Verification (to be completed if no amendment is required)

*This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2020**, or by the date specified by your agency, if earlier, to:

(*PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE*)

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**



## **CITY COUNCIL REPORT**

**8A**

**DATE: SEPTEMBER 15, 2020**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: TAMARA MILLER, DEVELOPMENT SERVICES DIRECTOR/CITY  
ENGINEER  
MISHA KAUR, SR. PROJECT MANAGER**

**SUBJECT: APPROVE THE CITY OF PINOLE FISCAL YEAR (FY) 2020-21  
THROUGH 2024-25 FIVE-YEAR CAPITAL IMPROVEMENT PLAN AND  
ADOPT THE FY 2020-21 CAPITAL BUDGET**

---

### **RECOMMENDATION**

Staff recommends that the City Council adopt resolution approving the Fiscal Year (FY) 2020-21 through 2024-25 Five-Year Capital Improvement Plan (CIP) and adopting the FY 2020-21 Capital Budget.

### **BACKGROUND**

As provided by Section 2.04.150 of Title 2 of the Pinole Municipal Code, the City Manager in collaboration with the Finance Director, Development Services Director/ City Engineer, and Sr. Project Manager has compiled budget recommendations for City capital projects for the next five (5) fiscal years. The Capital Improvement Plan (CIP) is reviewed and updated annually for capital projects and programs that support City goals and objectives. The CIP reflects the priorities identified in the 2020-2025 Strategic Plan of developing a disciplined approach to funding infrastructure maintenance and improvements.

Capital improvement projects usually result in a permanent addition to the City's assets, including the design, construction, or purchase of land, buildings, or facilities, or major renovations of the same. The Proposed FY 2020-21 through 2024-25 Five-Year Capital Improvement Plan is comprised of projects that fall into the following broad categories:

- Facility Maintenance
- Parks
- Sewer Collection

- Sewer Treatment
- Stormwater
- Streets and Roadways

## **REVIEW & ANALYSIS**

The Proposed FY2020-21 through 2024-25 Five-Year Capital Improvement plan was reviewed by the Planning Commission at their August 24, 2020 meeting, and by the Finance Subcommittee at their August 26, 2020 meeting.

### ***Completed Projects in FY 2019-20***

The capital projects completed in FY 2019-20 include the following:

- Pinole Hercules Water Pollution Control Plant Upgrade
- Purchased New Street Patching Equipment (awaiting delivery)
- Replaced Restrooms in Fernandez Park
- Installed Sharrow Pavement Markings
- Annual Sidewalk Maintenance Project

The number of capital projects completed was limited due to the amount of time required by the Water Pollution Control Plant (WPCP) Upgrade Project and various development projects.

### ***Prior Year Projects Carried Forward to FY 2020-21***

As noted above, Fiscal Year 2019-20 activities were primarily focused on the \$53 million WPCP Upgrade Project, which was completed on March 5, 2020. In addition, the following projects were planned for FY 2019-20 and are either partially completed, or were not initiated, and are recommended for action in FY 2020-21.

- |  |             |
|--|-------------|
| • Senior Center Auxiliary Parking Lot (Fowler House lot reuse)     | \$200,000   |
| • Energy Upgrades (formerly known as Project #: FA1706 and FA1801) | \$220,000   |
| • Pinole Valley Soccer Field Rehabilitation                        | \$200,000   |
| • Fernandez Park Baseball Field Rehabilitation                     | \$200,000   |
| • Sewer Pump Station Rehabilitation                                | \$1,200,000 |
| • Hazel Street Drainage Improvements                               | \$200,000   |
| • Pavement Maintenance and Rehabilitation Program                  | \$1,699,213 |
| • Pinole Valley Road Improvements                                  | \$100,000   |
| • Pinole Valley Underground District                               | \$2,586,021 |
| • San Pablo Avenue Bridge over BNSF Railroad                       | \$1,029,798 |
| • Pedestrian Improvements at Tennent                               | \$100,000   |

### ***New Projects Scheduled for FY 2020-21***

The Capital Improvement Plan includes funding for a previously unfunded project, Prepare a Park Master Plan, in the amount of \$100,000. In addition, funding for five other new projects listed below are included in the FY 2020-21 capital budget for a total of \$975,700.

- Prepare a Park Master Plan \$100,000
- Post Office Maintenance \$80,000
- Electric Vehicle Charging Stations \$20,000
- Bocce Ball Court \$250,000
- Sanitary Sewer Collection System Master Plan \$425,700
- Water Pollution Control Plant Lab Remodel \$100,000

### ***Prior Year Projects Deferred Until FY 2021-22***

- Paint City Hall (inside and out) \$70,000
- Storm Drainage Master Plan \$75,000
- Hazel Street Gap Closure (Sunnyview) \$50,000

### ***Projects Previously Scheduled for FY 2021-22***

- Citywide Roof repairs and replacement \$272,000
- San Pablo Avenue Rehabilitation \$662,000
- Adobe Road Repair and Drainage Improvements \$150,000
- Roble Road Drainage Improvements \$200,000

Detailed project description sheets for all projects are included within the Capital Improvement Plan.

### **FISCAL IMPACT**

The Proposed FY 2020-21 through 2024-25 Five-Year Capital Improvement Plan includes \$12.1 million in identified projects of which \$1.7 million are listed as unfunded. Staff is requesting Council to adopt budget appropriations for the first year of the CIP, which constitutes the FY2020-21 CIP Budget in the amount of \$9,794,732.

<b>SOURCES BY FUND</b>	<b>FY 2020-21 REQUEST</b>	<b>REVENUE</b>	<b>USE OF FUND BALANCE</b>
106 - Measure S	\$1,694,242	\$200,000	\$1,494,242

2014			
200 - Gas Tax	\$1,054,395	\$359,213	\$697,182
215 - Measure J	\$586,000	\$586,000	-
PGE - Rule 20A	\$2,557,658	\$2,557,658	-
276 - Growth Impact Fees	\$8,000	-	\$8,000
325 - City Street Improvements	\$1,335,698	\$1,229,103	\$106,595
327 - Park Grants	\$189,758	\$189,758	-
377 - Arterial Streets Rehabilitation	\$643,281	\$250,000	\$393,281
500 - Sewer Enterprise Fund	\$1,725,700	-	\$1,725,700
<b>SOURCES TOTAL</b>	<b>\$9,794,732</b>	<b>\$5,371,732</b>	<b>\$4,423,000</b>

There is sufficient fund balance in each of these funds to cover the requests. Years two through five of the Plan will be used to forecast funding needs. Staff will provide Council with updated CIP budgets for each future Plan year during the appropriate fiscal year.

#### **ATTACHMENT(S)**

- A. FY 2020-21 through 2024-25 Five-Year Capital Improvement Plan
- B. Resolution Approving the FY 2020-21 through 2024-25 Five-Year Capital Improvement Plan and adopting the FY 2020-21 Capital Budget
- C. CIP PowerPoint Presentation



CITY OF PINOLE

# CAPITAL IMPROVEMENT PLAN

FY 2020/21 - 2024/25





# CAPITAL IMPROVEMENT PLAN

**FY 2020/21 - 2024/25**

## CITY COUNCIL

Roy Swearingen, Mayor

Norma Martinez-Rubin, Mayor Pro Tem

Pete Murray, Councilmember

Vincent Salimi, Councilmember

Anthony Tave, Councilmember

## CITY MANAGER

Andrew Murray

## DEVELOPMENT SERVICES DIRECTOR

Tamara Miller



## Overview

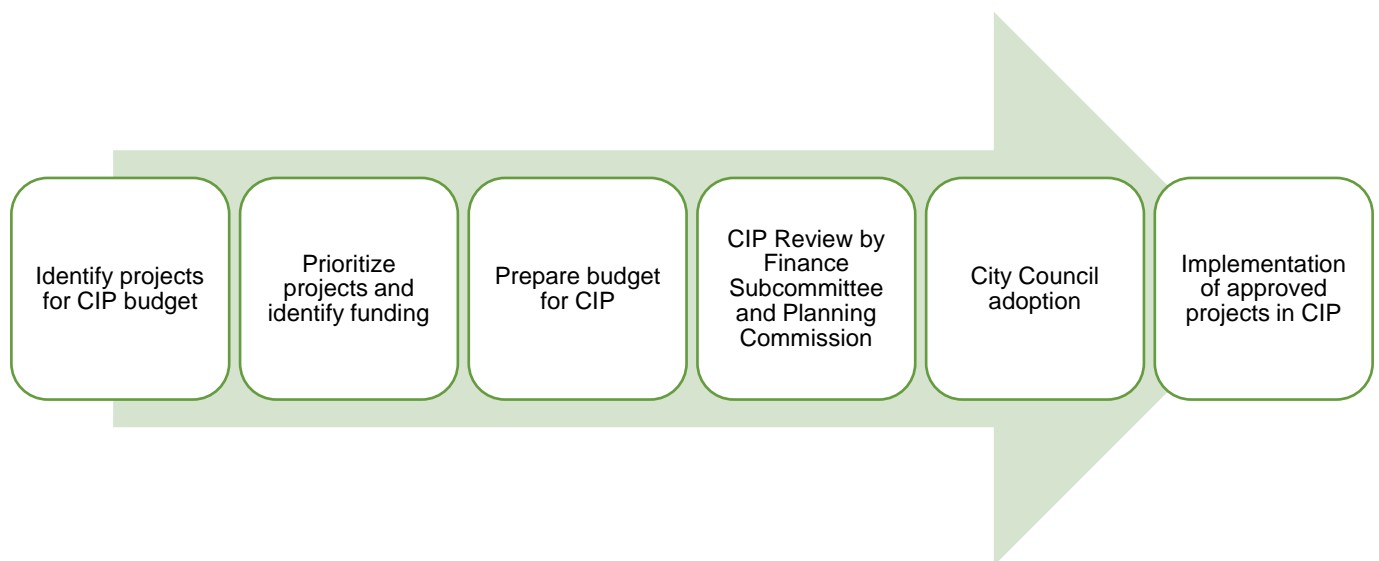
The Capital Improvement Plan (CIP) is a multi-year planning tool used to identify and implement the City's capital needs over the upcoming five-year period. The CIP aligns the needs with appropriate funding, scheduling, and implementation. This document is a working blueprint for building and sustaining publicly funded physical infrastructure. Capital improvements refer to physical assets and include the design, purchase, construction, maintenance, or improvement of public resources (i.e. parks public infrastructure, equipment, public spaces). These improvements influence Pinole's built and natural environment and help guide the trajectory of future growth or change.

The projects in the CIP fall into the following broad categories: facility maintenance, parks, sewer collection and treatment, stormwater, streets and roadways. These projects are developed in collaboration with department heads, and division managers under the direction of the City Manager to ensure all department needs are represented.

The CIP is reviewed and updated annually for capital projects and programs that support City goals and objectives including priorities identified in the 2020-2025 Strategic Plan of developing a disciplined approach to funding infrastructure maintenance and improvements. The CIP is reviewed by the Planning Commission for consistency with the General Plan and the Finance subcommittee. Project priority and selection is based on specific criteria, such as:

- Consistency with community plans and policies;
- Public and political support;
- Sustainability;
- Cost savings or revenue generation;
- Project demand, determined by inventory of existing land, equipment, and facility conditions;
- Economic, environmental, aesthetic or social impacts; and
- Public health, safety or other legal concerns.

The process for developing the CIP involves the following steps:



## Project Funding

A variety of funding sources support projects listed in the CIP. The first year's program in the CIP is adopted by the City Council as the Capital Budget, as a counterpart to the annual Operating Budget. The fiscal resources are appropriated only in the first year, the subsequent four years of the CIP are important for long term planning and subject to further review and modification.

The CIP is funded primarily with funds restricted for specific purposes. Below are various funding sources and their restrictions.

### Funding Sources

Fund #	Fund Name	Description
106	Measure S 2014	Accounts for 2014 voter-approved half-cent Local Use Tax which levies 0.5% each on all merchandise. Although these are unrestricted General Fund revenues, the 2014 Use Taxes have been allocated by the City Council to fund Infrastructure Projects as their highest funding priority.
200	Gas Tax	Accounts for the Highway Users Tax (HUTA) State imposed excise taxes on gasoline and diesel fuel sales within the City limits. Gas Tax funds are restricted for use in the construction, improvement and maintenance of public streets.
215	Measure J	Accounts for special override sales tax revenues collected by Contra Costa Transportation Authority (CCTA) and reapportioned to cities for local street projects.
PGE	Rule 20A	Through Rule 20A, the California Public Utilities Commission requires Pacific Gas and Electric (PG&E) to set aside funds annually to finance the undergrounding of overhead electrical facilities located on public streets within the City of Pinole.
276	Growth Impact Fees	Accounts for development fees collected to mitigate the impact of new development.
325	City Street Improvements	Accounts for funds set aside by the City of Pinole to fund street improvement projects.
327	Park Grants	Accounts for grants and reimbursements from the state and federal government and other agencies related to parks.
377	Arterial Street Rehabilitation	Accounts for funds set aside by the City of Pinole to fund arterial street rehabilitation projects.
500	Sewer Enterprise	Accounts for fees charged to residents and businesses for sewer utilities. Fees are used to operate the Pinole-Hercules Water Pollution Control Plant which services the Pinole and Hercules areas.

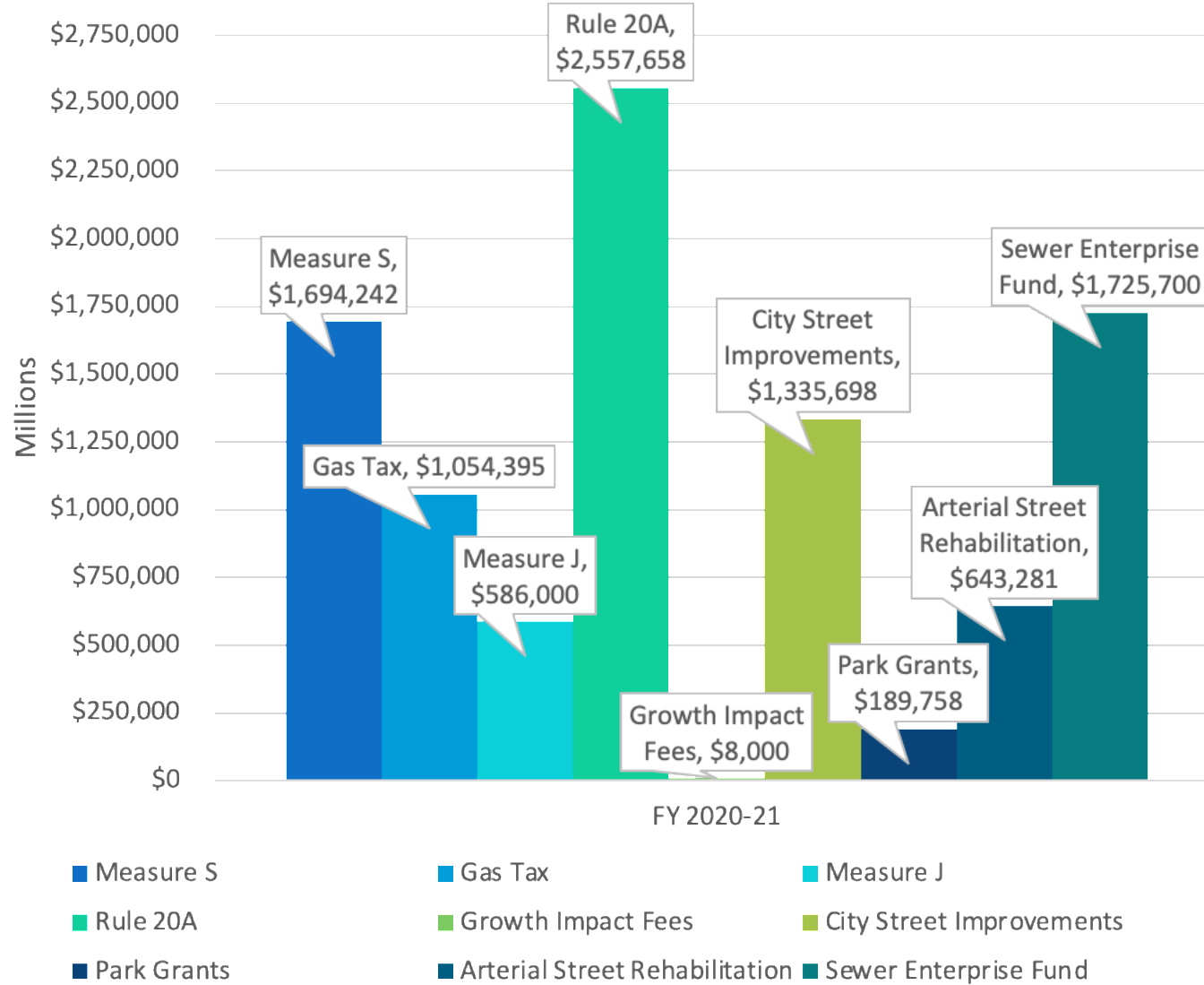


### CIP Funding Sources FY 2020-21

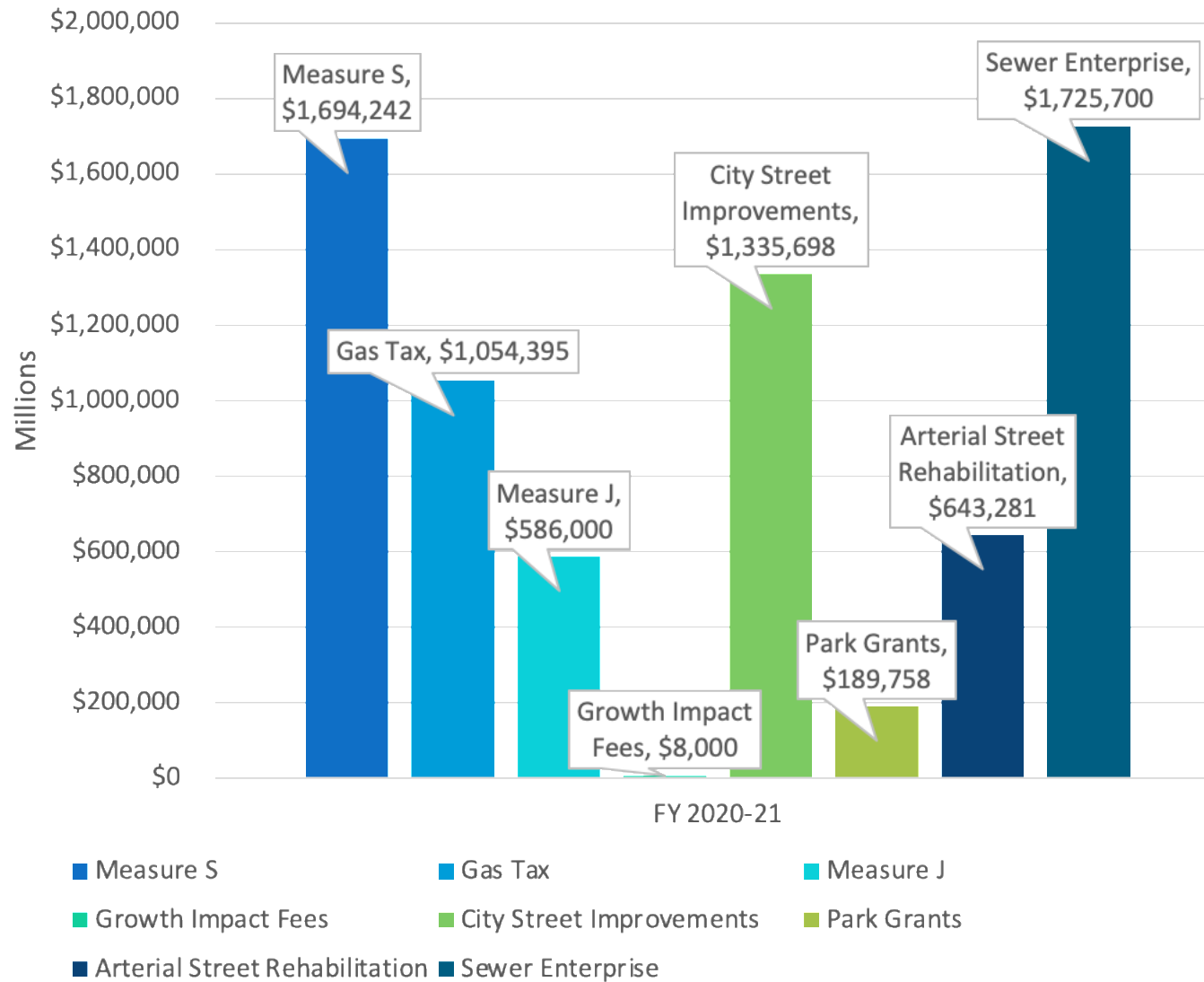
SOURCES BY FUND	FY 2020-21	FY 2020-21 w/o Rule 20A
106 – Measure S 2014	\$1,694,242	\$1,694,242
200 – Gas Tax	\$1,054,395	\$1,054,395
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<b>TOTAL</b>	<b>\$9,794,732</b>	<b>\$7,237,074</b>



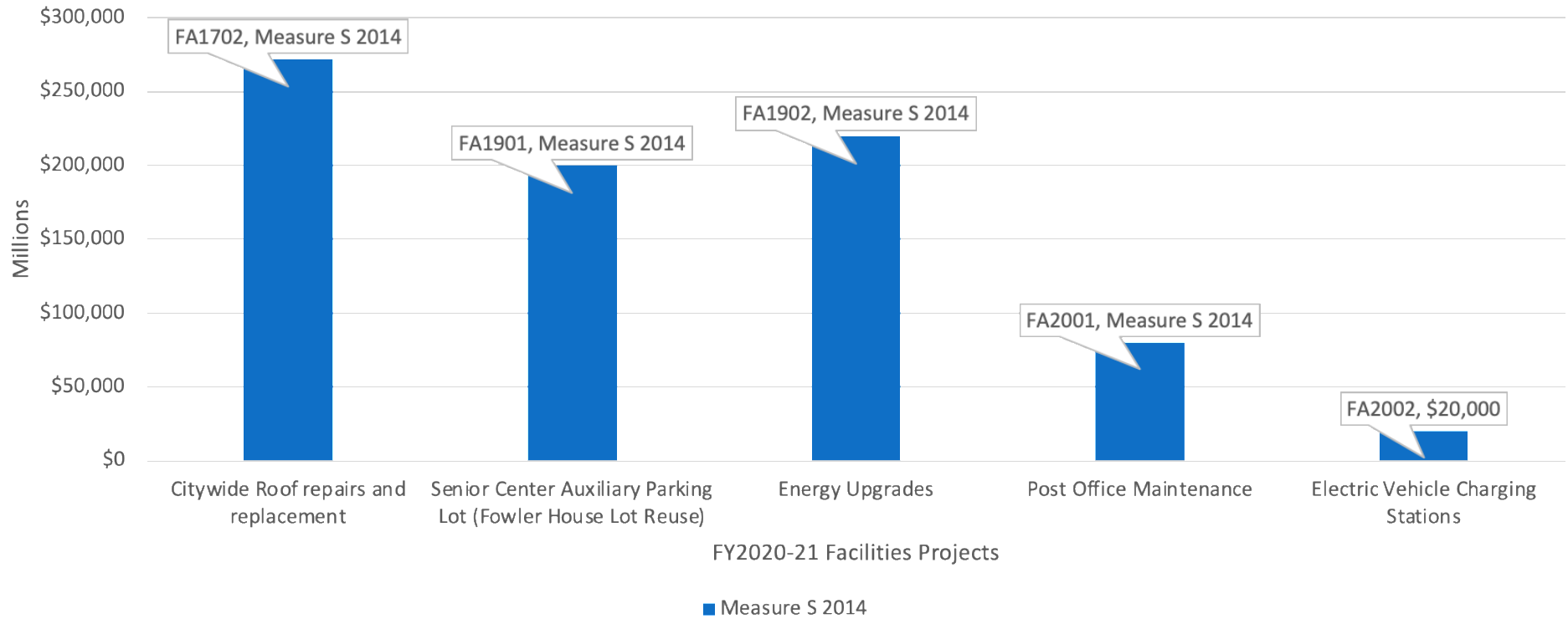
## FY 2020-21 Funding Sources



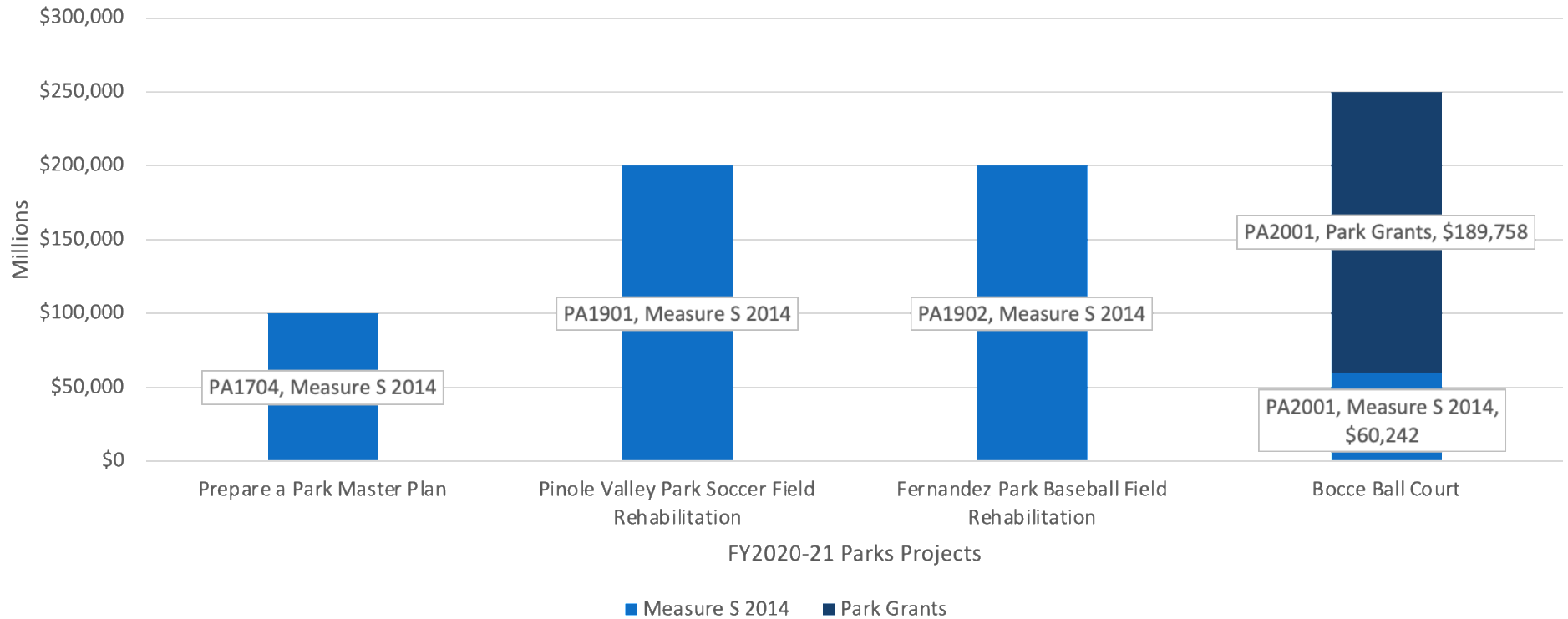
## FY 2020-21 Funding Sources w/o Rule20A



## FACILITIES PROJECTS: FY 2020-21



## PARKS PROJECTS: FY 2020-21

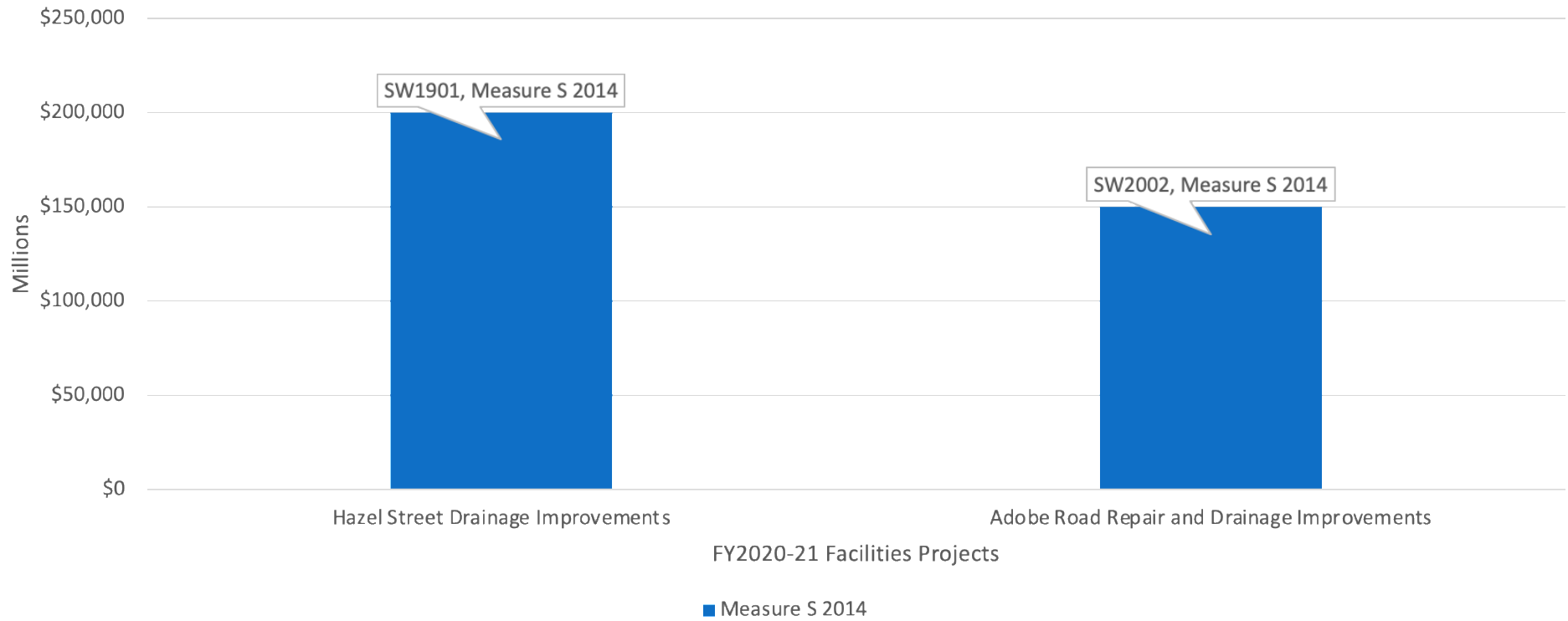




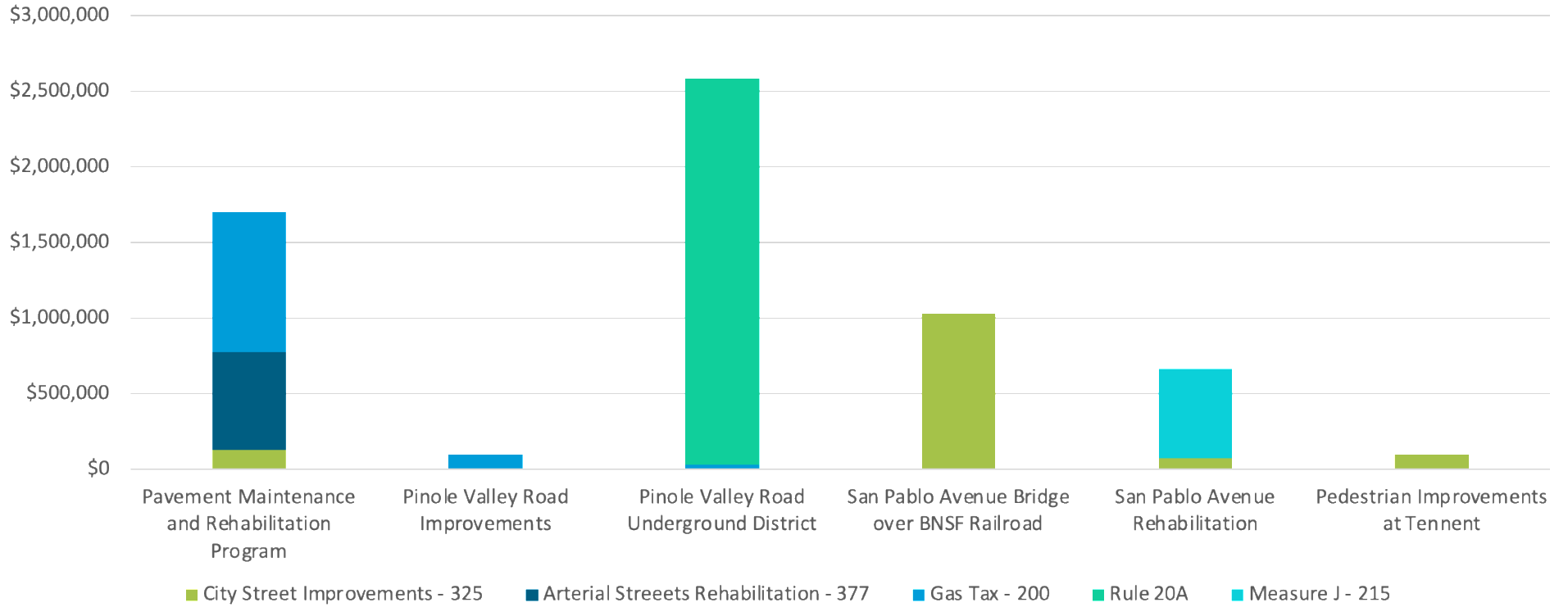
### SANITARY SEWER PROJECTS: FY 2020-21



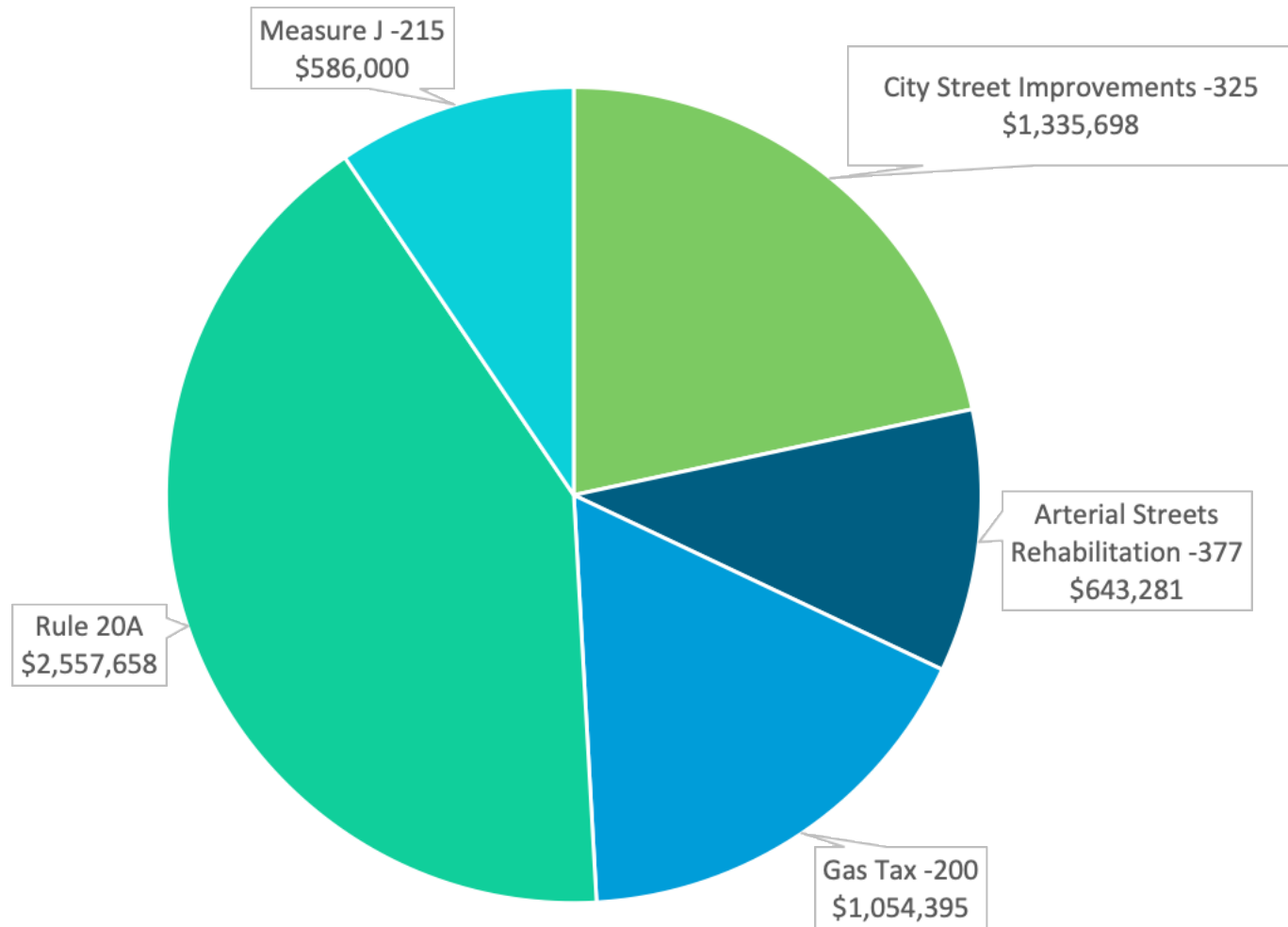
## STORMWATER PROJECTS: FY 2020-21



## ROAD PROJECTS: FY 2020-21



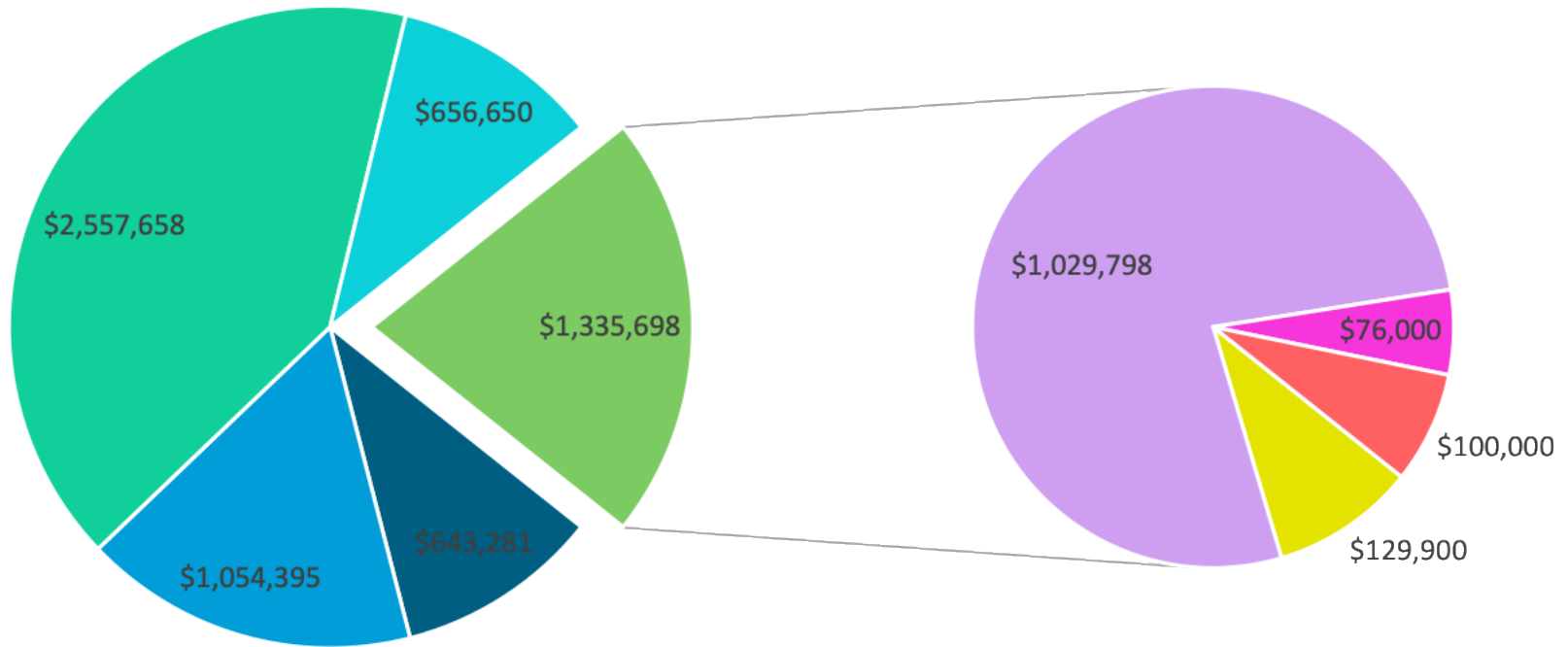
### FUNDING DETAIL: ROAD PROJECTS FY 2020-21



■ City Street Improvements -325 ■ Arterial Streets Rehabilitation -377 ■ Gas Tax -200 ■ Rule 20A ■ Measure J -215



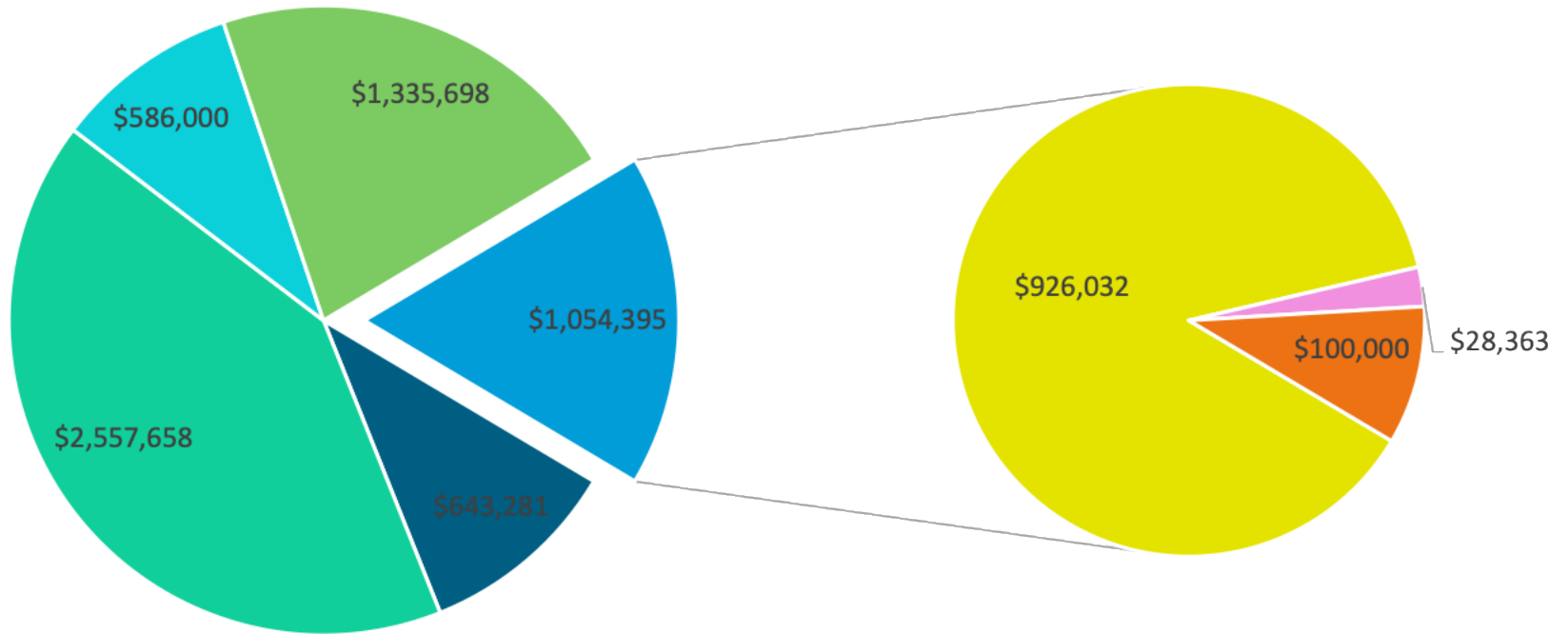
## ROAD PROJECTS: CITY STREET IMPROVEMENTS FUND 325



- Arterial Streets Rehabilitation -377
- Gas Tax -200
- Rule 20A
- Measure J -215
- Pavement Management and Rehabilitation Program
- San Pablo Avenue Bridge over BNSF Railroad
- San Pablo Avenue Rehabilitation
- Pedestrian Improvements at Tennent



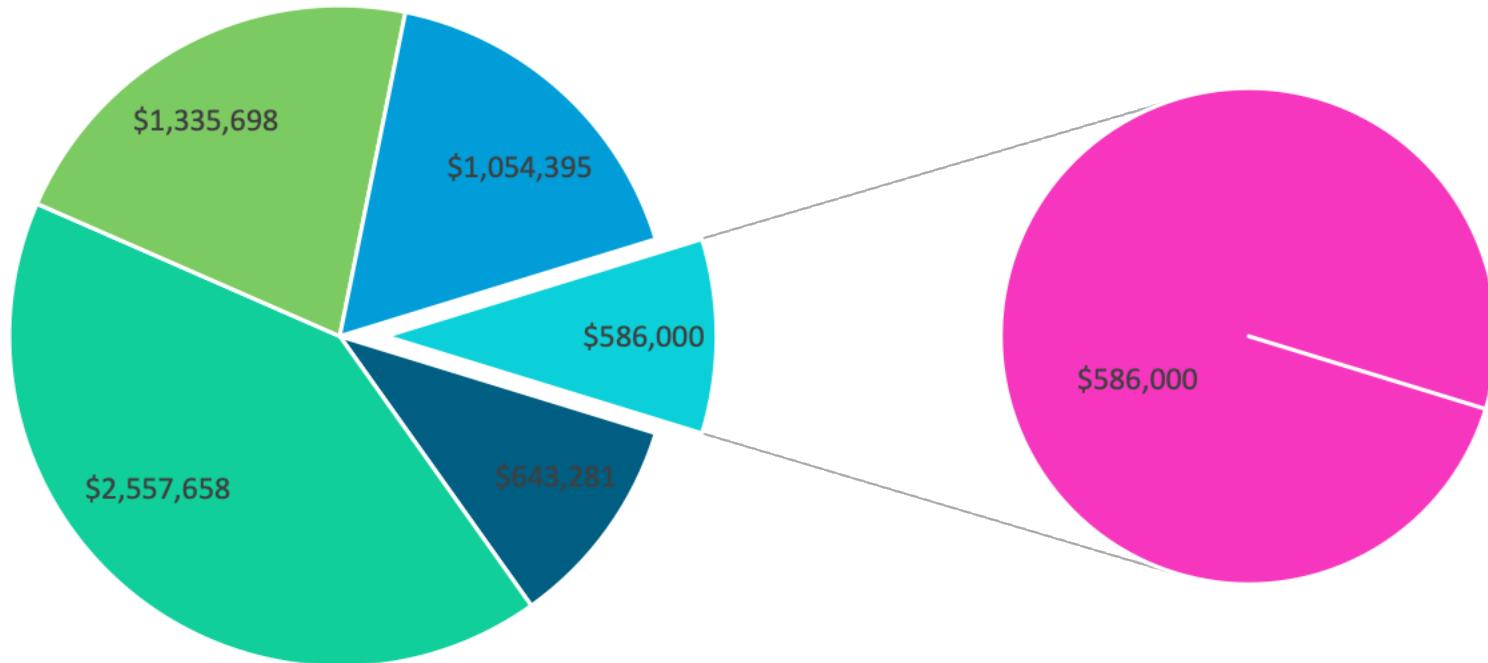
## ROAD PROJECTS: GAS TAX FUND-200



- Arterial Street Rehabilitation -377
- Rule 20A
- Measure J -215
- City Street Improvements -325
- Pavement Management and Rehabilitation Program
- Pinole Valley Road Underground District
- Pinole Valley Road Improvements



## ROAD PROJECTS: MEASURE J FUND-215



- Arterial Street Rehabilitation -377
- Rule 20A
- City Street Improvements -325
- Gas Tax -200
- San Pablo Avenue Rehabilitation





**CITY OF PINOLE  
FY2020-21 THROUGH FY2024-25  
FIVE-YEAR CAPITAL IMPROVEMENT PLAN**

**FUNDING SUMMARY**

<b>SOURCES BY FUND</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>	<b>FY 2024-25</b>	<b>5-Year Total</b>
<b>106 - Measure S 2014</b>	\$1,694,242	\$285,000				\$1,979,242
<b>200 - Gas Tax</b>	\$1,054,395					\$1,054,395
<b>215 - Measure J</b>	\$586,000				\$120,000	\$706,000
<b>PGE - Rule 20A</b>	\$2,557,658					\$2,557,658
<b>276 - Growth Impact Fees</b>	\$8,000					\$8,000
<b>325 - City Street Improvements</b>	\$1,335,698	\$246,905				\$1,582,604
<b>327 - Park Grants</b>	\$189,758					\$189,758
<b>377 - Arterial Streets Rehabilitation</b>	\$643,281					\$643,281
<b>500 - Sewer Enterprise Fund</b>	\$1,725,700					\$1,725,700
<b>Sources Total</b>	<b>\$9,794,732</b>	<b>\$531,905</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$120,000</b>	<b>\$10,446,638</b>
<b>Unfunded Total</b>		<b>\$1,667,896</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$1,667,896</b>
<b>Total Sources Required</b>	<b>\$9,794,732</b>	<b>\$2,199,801</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$120,000</b>	<b>\$12,114,534</b>





## FIVE-YEAR CAPITAL IMPROVEMENT PLAN: FY 2020-21 THROUGH FY 2024-25

FACILITIES										
PRJ #	USES BY PROJECT	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	Budget Unit	Account #	FY 2020-21 Funds	Funding Source
FA1702	Citywide Roof repairs and replacement	\$272,000	\$140,000				Facilities	106-343-47201	\$272,000	Measure S 2014
FA1703	Paint City Hall (Inside and Outside)		\$70,000				Facilities	106-343-47201	\$0	Measure S 2014
FA1901	Senior Center Auxiliary Parking Lot (Fowler House lot reuse)	\$200,000					Facilities	106-343-47201	\$200,000	Measure S 2014
FA1902	Energy Upgrades	\$220,000					Facilities	106-343-47201	\$220,000	Measure S 2014
FA2001	Post Office Maintenance	\$80,000					Facilities	106-343-47201	\$80,000	Measure S 2014
FA2002	Electric Vehicle Charging Stations	\$20,000					Facilities	106-343-47201	\$20,000	Measure S 2014
PARKS										
PRJ #	USES BY PROJECT	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	Budget Unit	Account #	FY 2020-21 Funds	Funding Source
PA1704	Prepare a Park Master Plan	\$100,000					Parks	106-343-47201	\$100,000	Measure S 2014
PA1901	Pinole Valley Park Soccer Field Rehabilitation	\$200,000					Parks	106-345-47203	\$200,000	Measure S 2014
PA1902	Fernandez Park Baseball Field Rehabilitation	\$200,000					Parks	106-345-47203	\$200,000	Measure S 2014
PA2001	Bocce Ball Court	\$250,000					Parks	106-345-47203 327-xxx-47203	\$60,242 \$189,758	Measure S 2014 Park Grants
SANITARY SEWER										
PRJ #	USES BY PROJECT	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	Budget Unit	Account #	FY 2020-21 Funds	Funding Source
SS1702	Sewer Pump Station Rehabilitation	\$1,200,000					Sewer Collection	500-642-47201	\$1,200,000	Sewer Enterprise
SS2001	Sanitary Sewer Collection System Master Plan	\$425,700					Sewer Collection	500-642-47201	\$425,700	Sewer Enterprise
SS2002	Water Pollution Control Plant Lab Remodel	\$100,000					Sewer Treatment	500-641-47201 500-641-47201	\$50,000 \$50,000	Sewer Enterprise City of Hercules
STORMWATER										
PRJ #	USES BY PROJECT	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	Budget Unit	Account #	FY 2020-21 Funds	Funding Source
SW1901	Hazel Street Drainage Improvements	\$200,000					Stormwater	106-344-47206 276-344-47206	\$192,000 \$8,000	Measure S 2014 Impact Fees
SW2001	Roble Road Drainage Improvements		\$200,000				Stormwater	276-344-47206	\$0	Impact Fees
SW2002	Adobe Road Repair and Drainage Improvements	\$150,000					Stormwater	106-344-47206	\$150,000	Measure S 2014
SW1703	Storm Drainage Master Plan		\$75,000				Stormwater	106-344-42101	\$0	Measure S 2014



# FIVE-YEAR CAPITAL IMPROVEMENT PLAN: FY 2020-21 THROUGH FY 2024-25 (CONTINUED)

ROADS										
PRJ #	USES BY PROJECT	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	Budget Unit	Account #	FY 2020-21 Funds	Funding Source
RO1707	Pavement Maintenance and Rehabilitation Program	\$1,699,213					Roads	325-342-47205 377-342-47205 200-342-47205	\$129,900 \$643,281 \$926,032	City Street Improvements Arterial Rehabilitation Gas Tax - RMRA
RO1708	Pinole Valley Road Improvements	\$100,000					Roads	200-342-47205	\$100,000	Gas Tax
RO1709	Pinole Valley Road Underground District	\$2,586,021					Roads	200-342-47205 Rule 20A	\$28,363 \$2,557,658	Gas Tax Rule 20A
RO1710	San Pablo Avenue Bridge over BNSF Railroad **	\$1,029,798	\$1,664,801				Roads	325-342-47205 325-342-47205	\$150,695 \$879,103	WCCTAC STMP Fees State Funding: HBP Program
RO1714	HAWK at Appian Way and Marlesta - <i>Deferred</i>					\$120,000	Roads	215-342-47205	\$0	Measure J/(TLC)
RO1801	San Pablo Avenue Rehabilitation	\$662,000					Roads	325-342-47205 215-342-47205	\$76,000 \$586,000	City Street Improvements Measure J/(OBAG 2)
RO1802	Hazel Street Gap Closure (Sunnyview)		\$50,000				Roads	276-344-47205	\$0	Impact Fees
RO1902	Pedestrian Improvements at Tennent (Engineering and planning Only) - Bay Trail Gap	\$100,000					Roads	325-342-47205	\$100,000	WCCTAC STMP Fees
Uses by Project Total		\$9,794,732	\$2,199,801	\$0	\$0	\$120,000				

## LEGEND:

- Items highlighted in blue are unfunded projects.
- Items highlighted in orange indicate a project or project funding is carried over from prior fiscal year.
- Items highlighted in purple are new projects, or new funding allocations in FY 2020-21.
- Project numbers: **FA** = Facilities; **PA** = Parks; **SS** = Sanitary Sewer; **SW** = Storm Water; **RO** = Roads.

\*\*Caltrans funded total project cost is \$16.8 million and extends beyond the proposed Plan years.



**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** Citywide Roof Repairs and Replacement

**Description:** Roof Repair and Replacement on buildings identified by inspection.

**Justification:** The City hires contract services to repair and/or replace roofs on City Facilities. A comprehensive inspection was performed on all facilities in early 2015 and identified several of the roofs which need to be repaired or replaced. The roofs at City hall and the Public Safety building need to be replaced.



**Project Number:** FA1702

**Projected Timing:**

**Estimated Start Date:** July 2020

**Estimated End Date:** June 2022



**Total Estimated Cost:**

**Planning and Design:**

**Engineering and Administrative:**

**Construction:** \$412,000

**Equipment:**

**Contingency:**

**Total:** \$ 412,000

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	\$272,000	\$140,000	-	-	-
	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>\$272,000</b>	<b>\$140,000</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** Paint City Hall

**Description:** Paint City Hall building (interior and exterior)

**Justification:** The interior and exterior surfaces of City Hall require repainting as the paint system has reached the end of its useful life. Exterior painting is necessary to maintain external protection from the environment. Fading, chipping paint, along with water and mildew damage necessitates the painting project.



**Project Number:** FA1703

**Projected Timing:**

**Estimated Start Date:** July 2021

**Estimated End Date:** June 2022

**Total Estimated Cost:**

**Planning and Design:**

**Engineering and Administrative:**

**Construction:** \$70,000

**Equipment:**

**Contingency:**

**Total:** \$ 70,000

**Funding Source:**

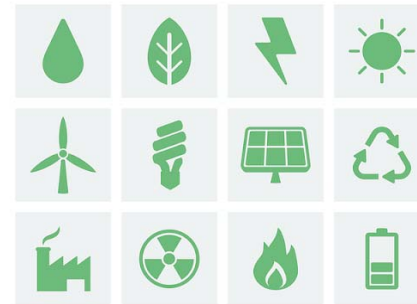
	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	-	\$70,000	-	-	-
	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>\$70,000</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** Energy Upgrades

**Description:** Replace HVAC at City Hall and Senior Center  
(formerly known as Project #: FA1706 and FA1801)

**Justification:** The HVAC systems at City Hall and Senior Center have reached the end of its useful life. In March 2020, Engie Services Inc. was retained by the City to assess and provide recommendations on energy conservation and generation improvements at City Hall, Senior Center, and other City facilities. A portion of the roof at the Senior Center will also need be replaced.



**Project Number:** FA1902

**Projected Timing:**

**Estimated Start Date:** July 2020

**Estimated End Date:** June 2021

**Total Estimated Cost:**

**Planning and Design:**

**Engineering and Administrative:**

**Construction:** \$220,000

**Equipment:**

**Contingency:**

**Total:** \$ 220,000

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	220,000	-	-	-	-
	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>220,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

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**Project:** Senior Center Auxiliary Parking Lot (Fowler House Lot Reuse)

**Description:** Repurpose the former Fowler House lot located at 2548 Charles Avenue for additional parking.

**Justification:** The parcel is surrounded by municipal parking lots serving recreational use as well as Old Town Pinole. The Fowler House Re-Use Committee evaluated uses for the lot and determined the best use for the property is a parking lot.



**Project Number:** FA1901

**Projected Timing:**

**Estimated Start Date:** July 2020

**Estimated End Date:** June 2021

**Total Estimated Cost:**

**Planning and Design:**

**Engineering and Administrative:**

**Construction:** \$200,000

**Equipment:**

**Contingency:**

**Total:** \$ 200,000

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	\$200,000	-	-	-	-
	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>\$200,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

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**Project:** Post Office Maintenance

**Description:** Maintenance of the Post Office building located at 2101 Pear Street.

**Justification:** Per lease agreement with United States Post Office, the City is responsible for facility maintenance, which includes painting all interior and exterior surfaces and maintenance of the parking lot.



**Project Number:** FA2001

**Projected Timing:**

**Estimated Start Date:** July 2020

**Estimated End Date:** June 2021

**Total Estimated Cost:**

**Planning and Design:**

**Engineering and Administrative:**

**Construction:** \$80,000

**Equipment:**

**Contingency:**

**Total:** \$ 80,000

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	\$80,000	-	-	-	-
	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>\$80,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Project:** Electric Vehicle Charging

**Justification:** Charging stations will support increased adoption and use of zero emission vehicles. An assessment of City facilities coupled with grant funding opportunities will determine the most suitable location(s) for installation of charging stations.



**Project Number:** FA2002

### Projected Timing:

**Estimated Start Date:** July 2020

**Estimated End Date:** June 2021

**Total Estimated Cost:**

### Planning and Design:

**Engineering and Administrative:**

**Construction:** \$20,000

**Equipment:**

**Contingency:**

<b>Total:</b>	<b>\$ 20,000</b>
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**Funding Source:**

Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
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<b>Measure S 2014 - 106</b>	-	\$20,000	-	-	-	-
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<b>Total</b>	-	<b>\$20,000</b>	-	-	-	-
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**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** Prepare a Park Master Plan

**Description:** A master plan for parks will aid the City in developing a strategic approach to park maintenance and operation.

**Justification:** Master planning allows the City to quantify and qualify the existing park system, identify deficiencies, develop financial analysis of the cost to maintain, operate, and if opportunity arises, expand the park system. Master planning also identifies funding opportunities for projects and positions the City to strategically respond to grant solicitations.



**Project Number:** PA1704

**Projected Timing:**

Estimated Start Date: July 2020  
Estimated End Date: June 2021

**Total Estimated Cost:**

Planning and Design:	\$ 100,000
Engineering and Administrative:	
Construction:	
Equipment:	
Contingency:	
<b>Total:</b>	<b>\$ 100,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	\$100,000	-	-	-	-
<b>Total</b>	<b>-</b>	<b>100,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

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**Project:** Pinole Valley Park Soccer Field Rehabilitation

**Description:** Rehabilitate Pinole Valley Park soccer field.

**Justification:** Soccer fields are a high use area of the Pinole Park system and warrant routine rehabilitation to enhance play.



**Project Number:** PA1901

**Projected Timing:**

Estimated Start Date: July 2020  
Estimated End Date: June 2021

**Total Estimated Cost:**

Planning and Design:	\$ -
Engineering and Administrative:	\$ -
Construction:	\$ 200,000
Equipment:	\$ -
Contingency:	\$ -
<b>Total:</b>	<b>\$ 200,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	200,000	-	-	-	-
<b>Total</b>	<b>-</b>	<b>200,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

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**Project:** Fernandez Park Baseball Field Rehabilitation

**Description:** Rehabilitate Fernandez Park baseball field.

**Justification:** Baseball fields are a high use area of the Pinole Park system and warrant routine rehabilitation to enhance play.



**Project Number:** PA1902

**Projected Timing:**

Estimated Start Date: July 2020

Estimated End Date: June 2021

**Total Estimated Cost:**

Planning and Design:	\$ -
Engineering and Administrative:	\$ -
Construction:	\$ 200,000
Equipment:	\$ -
Contingency:	\$ -
<b>Total:</b>	<b>\$ 200,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	200,000	-	-	-	-
<b>Total</b>	<b>-</b>	<b>200,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

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**Project:** Bocce Ball Court

**Description:** Installation of a Bocce Ball Court to provide the opportunity to play Bocce Ball year round.

**Justification:** There is strong community interest in adding a bocce ball court in the City of Pinole. The location of the Court is TBD. The City intends to use utilize State of California Department of Parks and Recreation Per Capita Grant Program funds for this project.



**Project Number:** PA2002

**Projected Timing:**

**Estimated Start Date:** July 2020

**Estimated End Date:** June 2021

**Total Estimated Cost:**

**Planning and Design:**

**Engineering and Administrative:**

**Construction:** \$250,000

**Equipment:**

**Contingency:**

**Total:** \$ 250,000

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Park Grants - 327	-	\$189,758	-	-	-	-
Measure S 2014 - 106	-	\$60,242	-	-	-	-
<b>Total</b>	<b>-</b>	<b>\$250,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

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**Project:** Sanitary Pump Station Rehabilitation

**Description:** Perform an overall assessment of the two sewer pump stations. Address issues identified by the assessment including improvements to the structure and controls at Hazel Street to facilitate construction on a through road.

**Justification:** Both the existing pump stations have reached the end of their useful life and need to be rehabilitated.



**Project Number:** SS1702

**Projected Timing:**

**Estimated Start Date:** October 2020  
**Estimated End Date:** August 2022

**Total Estimated Cost:**

Planning and Design:	\$ 22,500
Engineering/Administrative:	\$ 150,000
Construction:	\$ 884,000
Equipment:	\$ -
Contingency:	\$ 143,500
<b>Total:</b>	<b>\$ 1,200,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Sewer Enterprise Fund- 500	-	\$1,200,000	-	-	-	-
		-				
<b>Total</b>	<b>-</b>	<b>\$1,200,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

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**Project:** Sanitary Sewer Collection System Master Plan

**Description:** Update the 2008 Sanitary Sewer Master Plan

**Justification:** Master planning is critical to identify when and where infrastructure upgrades or improvements will be needed to accommodate growth such that the wastewater needs of the residents and businesses can be effectively served. The update will allow the City to develop a prioritized capital plan which will provide the best utilization of capital funds.



**Project Number:** SS2001

**Projected Timing:**

**Estimated Start Date:** July 2020  
**Estimated End Date:** June 2021

**Total Estimated Cost:**

Planning and Design:	\$ 425,700
Engineering and Administrative:	\$ -
Construction:	\$ -
Equipment:	\$ -
Contingency:	\$ -
<b>Total:</b>	<b>\$ 425,700</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Sewer Enterprise Fund- 500	-	\$425,700	-	-	-	-
<b>Total</b>	<b>-</b>	<b>\$425,700</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** Water Pollution Control Plant Lab Remodel

**Description:** Remodel of the WPCP lab

**Justification:** The California Environmental Laboratory Accreditation Program (ELAP) is responsible for accrediting environmental testing labs including the Pinole-Hercules WPCP. The 2019 ELAP inspection results indicated that the lab apparatus, countertops, and the fume hood are past their useful life and recommended for replacement.



**Project Number:** SS2002

**Projected Timing:**

Estimated Start Date: July 2020

Estimated End Date: June 2021

**Total Estimated Cost:**

Planning and Design:	\$ -
Engineering and Administrative:	\$ -
Construction:	\$ 100,000
Equipment:	\$ -
Contingency:	\$ -
<b>Total:</b>	<b>\$ 100,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Sewer Enterprise Fund- 500	-	\$50,000	-	-	-	-
City of Hercules		\$50,000				
<b>Total</b>	<b>-</b>	<b>\$100,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

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**Project:** Hazel Street Storm Drainage Improvements

**Description:** Convert existing stormwater collection open channel to underground pipe and add drainage

**Justification:** The existing system is an open trench and needs to be converted to an underground conveyance system to facilitate construction of a through road. Converting the system to underground also aids in compliance with the MSP4 by reducing the potential of contaminants including litter from entering the stormwater system.



**Project Number:** SW1901

**Projected Timing:**

Estimated Start Date: July 2020  
Estimated End Date: June 2021

**Total Estimated Cost:**

Planning and Design:	
Engineering and Administrative:	\$ 20,000
Construction:	\$ 160,000
Equipment:	
Contingency:	\$ 20,000
<b>Total:</b>	<b>\$ 200,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	\$192,000	-	-	-	-
Growth Impact Fees - 276	-	\$8,000	-	-	-	-
<b>Total</b>	<b>-</b>	<b>\$200,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

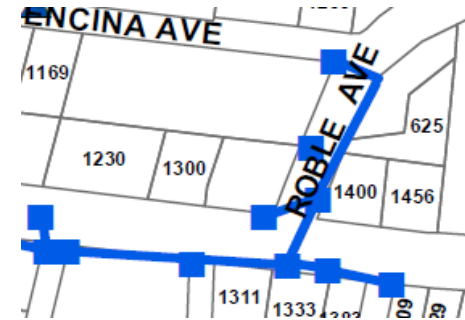


**City of Pinole**  
**Capital Improvement Plan**  
**Fiscal Years 2020-21 through 2024-25**

**Project:** Roble Road Storm Drainage Improvements

**Description:** Assess collection system at Roble and Encina for capacity and hydraulic profile and upgrade system as warranted.

**Justification:** The existing system appears to have capacity issues that warrant review and upgrade.



**Project Number:** SW2001

**Projected Timing:**

Estimated Start Date: July 2020  
 Estimated End Date: June 2021

**Total Estimated Cost:**

Planning and Design:	
Engineering and Administrative:	\$ 20,000
Construction:	\$ 160,000
Equipment:	
Contingency:	\$ 20,000
<b>Total:</b>	<b>\$ 200,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Growth Impact Fees - 276		-	\$200,000	-	-	-
*Unfunded						
<b>Total</b>	-	-	<b>\$200,000</b>	-	-	-

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

---

**Project:** Adobe Road Storm Drainage Improvements

**Description:** Install culvert. Regrade area and restore road surface.

**Justification:** Adobe Road experienced a failure due to drainage impacts. The drainage in the area needs to be controlled to allow the road to be rebuilt.



**Project Number:** SW2002

**Projected Timing:**

Estimated Start Date: July 2020  
Estimated End Date: June 2021

**Total Estimated Cost:**

Planning and Design:	
Engineering and Administrative:	\$ 15,000
Construction:	\$ 120,000
Equipment:	
Contingency:	\$ 15,000
<b>Total:</b>	<b>\$ 150,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106	-	\$150,000	-	-	-	-
<b>Total</b>	<b>-</b>	<b>\$150,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole**  
**Capital Improvement Plan**  
**Fiscal Years 2020-21 through 2024-25**

**Project:** Storm Drainage Master Plan

**Description:** Prepare a storm drainage master plan

**Justification:** Preparation of a storm drain master plan will provide an analysis of the existing collection system. The plan will identify system deficiencies related to capacity, functionality, and permit compliance. The plan can serve to guide future budget allocations for improvements to the system.



**Project Number:** SW1703

**Projected Timing:**

**Estimated Start Date:** July 2020  
**Estimated End Date:** June 2023

**Total Estimated Cost:**

Planning and Design:	\$ 75,000
Engineering and Administrative:	\$ -
Construction:	\$ -
Equipment:	\$ -
Contingency:	\$ -
<b>Total:</b>	<b>\$ 75,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Measure S 2014 - 106		-	\$75,000	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>\$75,000</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** Pavement Maintenance and Rehabilitation Program

**Description:** Road maintenance and rehabilitation projects

**Justification:** Pavement maintenance and rehabilitation projects are programmed using asset management software focussing on a "fix it first" decision matrix. The most recent Pavement Management Report dated March 2019 includes a condition assessment for each segment of roadway in Pinole. The Report helps identify roads, that because of their Pavement Condition Index (PCI), should receive pavement maintenance or rehabilitation with the intent of extending the useful life of the road. In the Report, the overall system PCI was 67. The desirable overall system PCI is 80. Funding availability is limited and insufficient to adequately maintain the PCI of the entire existing road system. The overall system PCI will continue decline with the available funding.



**Current Pending Projects:** Visit <https://www.ci.pinole.ca.us/pavement> to view the latest information

**Project Number:** RO1707

**Projected Timing:**

Estimated Start Date: 2020  
Estimated End Date: 2021

<b>Funding Source:</b>	<b>Prior Actual</b>	<b>FY 2020-21 Proposed</b>	<b>FY 2021-22 Proposed</b>	<b>FY 2022-23 Proposed</b>	<b>FY 2023-24 Proposed</b>	<b>FY 2024-25 Proposed</b>
City Street Improvements - 325 *	-	\$129,900	-	-	-	-
Arterial Street Rehab - 377 *	-	\$643,281	-	-	-	-
Gas Tax (RMRA/SB1 Funds) - 200 **	-	\$926,032	-	-	-	-
<b>Total</b>	<b>-</b>	<b>\$1,699,213</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

\* Original funding source is Measure S 2014

\*\* RMRA/SB1 funding is estimated pending confirmation of actual sources available.

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** Pinole Valley Road Improvements

**Description:** Improvements on Pinole Valley Road at completion of Pinole Valley High School construction.

**Justification:** As part of the high school construction project WCCUSD provided road improvements along the school frontage. Improvements to Pinole Valley Road - from Shea to Granada - will extend the useful life of the pavement. The existing pavement score is high in this area, so a slurry seal would be the recommended treatment.



**Project Number:** RO1708

**Projected Timing:**

Estimated Start Date: 2020  
Estimated End Date: 2021

**Total Estimated Cost:**

Planning and Design:	\$ -
Engineering and Administrative:	\$ 5,000
Construction:	\$ 87,000
Equipment:	\$ -
Contingency:	\$ 8,000
<b>Total:</b>	<b>\$ 100,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Gas Tax - 200	-	\$100,000	-	-	-	-
<b>Total</b>	<b>-</b>	<b>\$100,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole**  
**Capital Improvement Plan**  
**Fiscal Years 2020-21 through 2024-25**

**Project:** Pinole Valley Road Underground District

**Description:** Undergrounding utilities on Pinole Valley Road to complement the Pinole Valley High School Project.

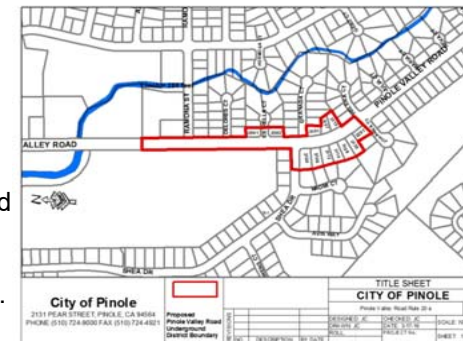
**Justification:** The underground district will allow the City of Pinole to use Rule 20A credits, funds paid by PG&E to the PUC, to underground overhead utility lines. As part of the underground project, the City will need to add a streetlight that must be funded outside the Rule20A program. The project will be coordinated with the Pinole Valley Road Improvement Project.

**Project Number:** RO1709

**Projected Timing:**

Estimated Start Date: 2017

Estimated End Date: 2021



**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Rule 20A Credits	-	\$2,557,658	-	-	-	-
Gas Tax - 200	-	\$28,363	-	-	-	-
Measure J - 215	\$315,552	-	-	-	-	-
<b>Total</b>	<b>\$315,552</b>	<b>\$2,586,021</b>	-	-	-	-

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** San Pablo Avenue Bridge over BNSF Railroad

**Description:** Replace San Pablo Avenue Bridge ( Bridge # 28C0062)

**Justification:** The San Pablo Avenue Bridge is an integral part of the area's transportation system. The age of the bridge and the condition assessment support replacement. Further, the existing bridge does not meet the current standards for pedestrian access. Caltrans has placed the Bridge in their funding plan and programmed \$879,103 in funding for 88.5% of the design and environmental cost. The estimated cost for the bridge replacement has increased to \$37,775,600. We have reapplied for additional funding and are awaiting a revised budget allocation of 88.5% of the overall cost. This project is partially funded by the CCTA TLC Program.



**Project Number:** RO1710

**Projected Timing:**

**Estimated Start Date:** 2017  
**Estimated End Date:** Beyond 5 year term

**Total Estimated Cost:**

Planning and Design:	\$ 2,494,600
Construction:	\$ 35,181,000
R/W	\$ 100,000
<b>Total:</b>	<b>\$ 37,775,600</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed	Beyond Proposed
City Street Improvements - 325 *		\$ 150,695	246,905		-	-	\$1,202,399
State Contribution		\$ 879,103	-	-	-	-	
Measure J (TLC) - 215**	\$ 100,059		-	-	-	-	\$ 286,941
Funding Shortfall - State			1,417,896				\$ 31,145,739
Funding Shortfall - Local Match		-		-	-	-	\$ 2,345,862
<b>Total</b>	<b>\$100,059</b>	<b>\$1,029,798</b>	<b>\$1,664,801</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$34,980,941</b>

\* WCCTAC STMP funds

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** HAWK at Appian and Marlesta

**Description:** Install a High-Intensity Activated Cross Walk (HAWK) Beacon

**Justification:** The intersection of Appian and Marlesta experiences high traffic volumes that can be hazardous for pedestrians. As a result, a HAWK, or High Intensity Activated Cross Walk Beacon, will increase pedestrian visibility and safety. This project is partially funded by the CCTA TLC Program.

**Project Number:** RO1714

**Projected Timing:**

Estimated Start Date: 2024  
Estimated End Date: 2025



**Total Estimated Cost:**

Planning and Design:	\$	-
Engineering and Administrative:	\$	15,600
Construction:	\$	109,000
Equipment:	\$	-
Contingency:		
<b>Total:</b>	<b>\$</b>	<b>124,600</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
City Street Improvements - 325 *	\$ 4,600	-	-	-	-	-
Measure J (TLC) - 215 *	-	-	-	-	-	\$ 120,000
<b>Total</b>	<b>\$ 4,600</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$ 120,000</b>

\* Funded \$120,000 by the CCTA TLC Program.



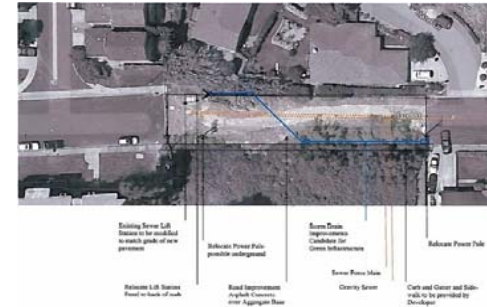


**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** Hazel Street Gap Closure (Sunnyview)

**Description:** Hazel Street Four-lot Subdivision Project: Roadway improvements

**Justification:** A developer has proposed to develop on a vacant lot identified as APN 402-013-060 at the end of Hazel Street. The project proposes the subdivision of the lot into four new parcels and development of single family residences on each new parcel, and execution of a development agreement to make public improvements, including the extension of Hazel Street for roadway connection to Sunnyview Drive - West end of Hazel St.



**Project Number:** RO 1802

**Projected Timing:**

**Estimated Start Date:** 2021  
**Estimated End Date:** 2022

**Total Estimated Cost:**

Planning and Design:	\$ -
Engineering and Administrative:	\$ -
Construction:	\$ 50,000
Equipment:	\$ -
Contingency:	\$ -
<b>Total:</b>	<b>\$ 50,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
Impact Fees	-	-	\$50,000	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>\$50,000</b>	<b>-</b>	<b>-</b>	<b>-</b>

**City of Pinole  
Capital Improvement Plan  
Fiscal Years 2020-21 through 2024-25**

**Project:** **Pedestrian Improvements at Tennent near RXR**

**Description:** Improvements to Tennent Avenue at the Railroad Crossing to facilitate the movement of bicycles and pedestrians adjacent to vehicle traffic.

**Justification:** The Bay Trail project recently finished by EBRPD nearly connects the Bay Trail through Pinole. There remains one very small gap on Tennent Avenue from Bayfront Park to Railroad Avenue. This area currently consists of asphalt paving with additional width for pedestrians. This project will improve the crossing controls.



**Project Number:** RO1902

**Projected Timing:**

Estimated Start Date: 2020  
Estimated End Date: 2021

**Total Estimated Cost:**

Planning and Design:	\$ 50,000
Engineering and Administrative:	\$ 50,000
Construction:	\$ -
Equipment:	\$ -
Contingency:	\$ -
<b>Total:</b>	<b>\$ 100,000</b>

**Funding Source:**

	Prior Actual	FY 2020-21 Proposed	FY 2021-22 Proposed	FY 2022-23 Proposed	FY 2023-24 Proposed	FY 2024-25 Proposed
WCCTAC STMP Fees	-	\$ 100,000	-	-	-	-
<b>Total</b>	-	<b>\$ 100,000</b>	-	-	-	-

**RESOLUTION NO. 2020-XX****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING THE FISCAL YEARS 2020-21 THROUGH 2024-25 FIVE-YEAR CAPITAL IMPROVEMENT PLAN AND ADOPTING THE FISCAL YEAR 2020-21 CAPITAL BUDGET**

**WHEREAS**, the City Manager has presented a Proposed Capital Improvement plan for the City of Pinole for Fiscal Years 2020-21 through 2024-25, and a proposed Capital Budget for Fiscal Year 2020-21; and

**WHEREAS**, the Planning Commission has reviewed the draft Five-Year Capital Improvement Plan for consistency with the City General Plan; and

**WHEREAS**, the City Council has solicited public input on the proposed Fiscal Years 2020-21 through 2024-25 Capital Improvement Plan and Capital Budget, at a Public meeting.

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

**Section 1.** The Capital Improvement Plan for Fiscal Years 2020-21 through 2024-25 and Fiscal Year 2020-21 Capital Budget commencing July 1, 2020 and ending on June 30, 2021 are hereby approved and adopted.

**Section 2.** That appropriations are for the 2020-21 Fiscal Year are established by fund, as follows:

106 - Measure S 2014	\$1,694,242
200 - Gas Tax	\$1,054,395
215 - Measure J	\$586,000
PGE - Rule 20A	\$2,557,658
276 - Growth Impact Fees	\$8,000
325 - City Street Improvements	\$1,335,698
327 - Park Grants	\$189,758
377 - Arterial Streets Rehabilitation	\$643,281
500 - Sewer Enterprise Fund	\$1,725,700
<b>TOTAL CAPITAL APPROPRIATIONS</b>	<b>\$9,794,732</b>

**Section 3.** That the appropriations established for FY2020-21 by fund shall be allocated to individual projects as presented in the Capital Improvement Plan.

**PASSED AND ADOPTED** at a regular meeting of the Pinole City Council held on the 15<sup>th</sup> day of September, 2020 by the following vote, to-wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

I, hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on the 15<sup>th</sup> day of September, 2020

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Heather Iopu, CMC  
City Clerk



CITY OF PINOLE



# PROPOSED CAPITAL IMPROVEMENT PLAN

## FY 2020/21 – 2024/25

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SEPTEMBER 15, 2020



# CAPITAL IMPROVEMENT PLAN (CIP)

- The Capital Improvement Plan (CIP) is a multi-year planning tool used to identify and implement the City's capital needs.
- CIP aligns the needs with the appropriate funding, scheduling, and implementation.
- CIP is a 5-year plan that serves as a blueprint for building and sustaining publicly funded physical infrastructure.
- Reviewed and updated annually for projects and programs that support City goals, objectives and priorities identified in the 2020-2025 Strategic Plan.





# CIP OVERVIEW

- 25 Planned Citywide Public Improvement Projects

Project Categories	# of projects
--------------------	---------------

Facilities	4
------------	---

Parks	6
-------	---

Sanitary Sewer	3
----------------	---

Stormwater	4
------------	---

Roads	8
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- Proposed FY 2020-21 CIP Budget: \$9,794,732
- Total 5-Year CIP Budget: \$12,114,534





# COMPLETED PROJECTS IN FY 2019-20



**WATER POLLUTION  
CONTROL PLANT  
UPGRADE**

Project #: SS1707  
Cost: \$54,962,016\*  
Start date: 05/11/16  
End date: 03/05/20

\*Shared 50% with City of  
Hercules



**PURCHASED NEW  
STREET PATCHING  
EQUIPMENT**

Project #: RO1901  
Cost: \$395,000  
Start date: 07/01/19  
End date: Awaiting  
delivery



**FERNANDEZ PARK  
RESTROOM  
REPLACEMENT**

Project #: PA1708  
Cost: \$357,837  
Start date: 11/10/17  
End date: 03/02/20



**SHARROW  
PAVEMENT  
MARKINGS**

Project #: RO1713  
Cost: \$15,170  
Start date: 05/01/19  
End date: 09/05/19



**ANNUAL  
SIDEWALK  
MAINTENANCE**

Project #: RO1704  
Cost: \$20,000  
Start date: 05/01/20  
End date: 06/30/20



# NEW PROJECTS

- **Prepare a Park Master Plan** – Master planning for parks to develop a strategic approach to park maintenance and operations.
- **Post Office Maintenance** – Per lease agreement, the City is responsible for facilities maintenance which includes painting exterior and interior and parking lot maintenance.
- **Electric Vehicle Charging Stations** – Installation of electric vehicle charging stations at City facilities.
- **Bocce Ball Court** – Installation of a Bocce Ball Court to provide opportunities to play Bocce Ball year round.
- **Sanitary Sewer Master Plan Update** – Master planning to identify location and timing of infrastructure upgrades and improvements.
- **Water Pollution Control Plant Lab Remodel** – Interior remodel of the WPCP lab.



# FACILITIES



## POST OFFICE MAINTENANCE

**Project #:** FA2001

**Total Project:** \$80,000

**Estimated Start Date:** July 2020

**Estimated:** June 2021

**Funding Source:** Measure S 2014



## ELECTRIC VEHICLE CHARGING STATIONS

**Project #:** FA2002

**Total Project:** \$20,000

**Estimated Start Date:** July 2020

**Estimated:** June 2021

**Funding Source:** Measure S 2014



# PARKS



## PARK MASTER PLAN

**Project #:** PA1704

**Total Project:** \$100,000



**Estimated Start Date:** July 2020

**Estimated:** June 2021

**Funding Source:** Measure S 2014



## BOCCE BALL COURT

**Project #:** PA2002

**Total Project:** \$250,000



**Estimated Start Date:** July 2020

**Estimated:** June 2021

**Funding Sources:**

-Park Grants: \$189,758

-Measure S 2014: \$60,242



# SANITARY SEWER



## SANITARY SEWER COLLECTION SYSTEM MASTER PLAN

**Project #:** SS2001

**Total Project:** \$425,700

**Estimated Start Date:** July 2020

**Estimated:** June 2021

**Funding Source:** Sewer Enterprise Fund



## WATER POLLUTION CONTROL PLANT LAB REMODEL

**Project #:** SS2002

**Total Project:** \$100,000

**Estimated Start Date:** July 2020

**Estimated:** June 2021

**Funding Source:** Sewer Enterprise Fund



# PRIOR YEAR PROJECTS



## PROJECTS CARRIED FORWARD

- Senior Center Auxiliary Parking Lot (Fowler House lot reuse) \$200,000
- Energy Upgrades (Project #: FA1706 and FA1801) \$220,000
- Pinole Valley Soccer Field Rehabilitation \$200,000
- Fernandez Park Baseball Field Rehabilitation \$200,000
- Sewer Pump Station Rehabilitation \$1,200,000
- Hazel Street Drainage Improvements \$200,000
- Pavement Maintenance and Rehabilitation Program \$1,699,213
- Pinole Valley Road Improvements \$100,000
- Pinole Valley Underground District \$2,586,021
- San Pablo Avenue Bridge over BNSF Railroad \$999,753
- Pedestrian Improvements at Tennent \$100,000



## DEFERRED PROJECTS UNTIL FY 2021-22

- Paint City Hall (interior and exterior) \$70,000
- Storm Drainage Master Plan \$75,000
- Hazel Street Gap Closure (Sunnyview) \$50,000



## PRIOR PROJECTS SCHEDULED FOR FY 2021-22

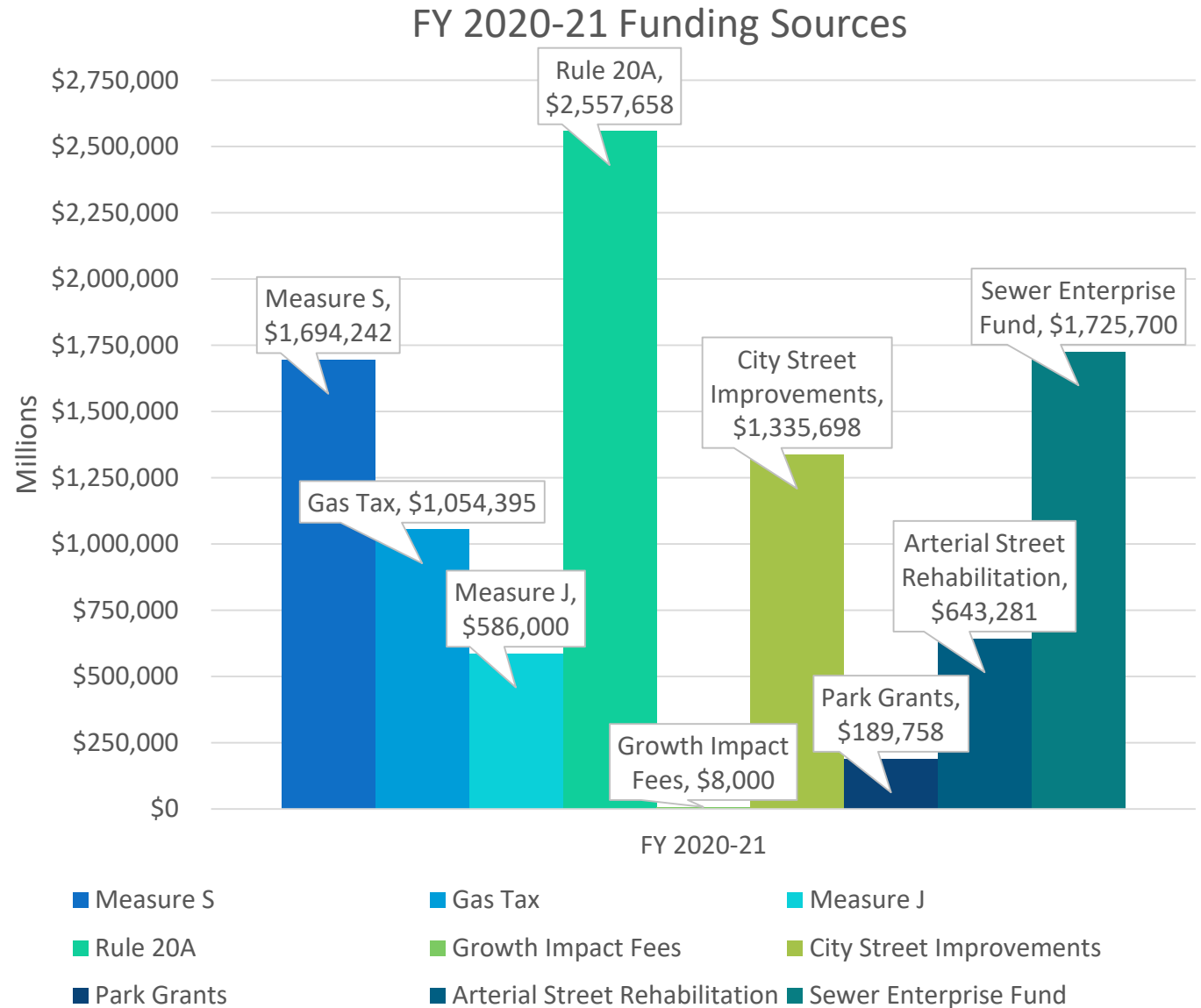
- Citywide Roof Repairs and replacement \$272,000
- San Pablo Avenue Rehabilitation \$662,000
- Adobe Road Repair and Drainage Improvements \$150,000
- Roble Road Drainage Improvements \$662,000





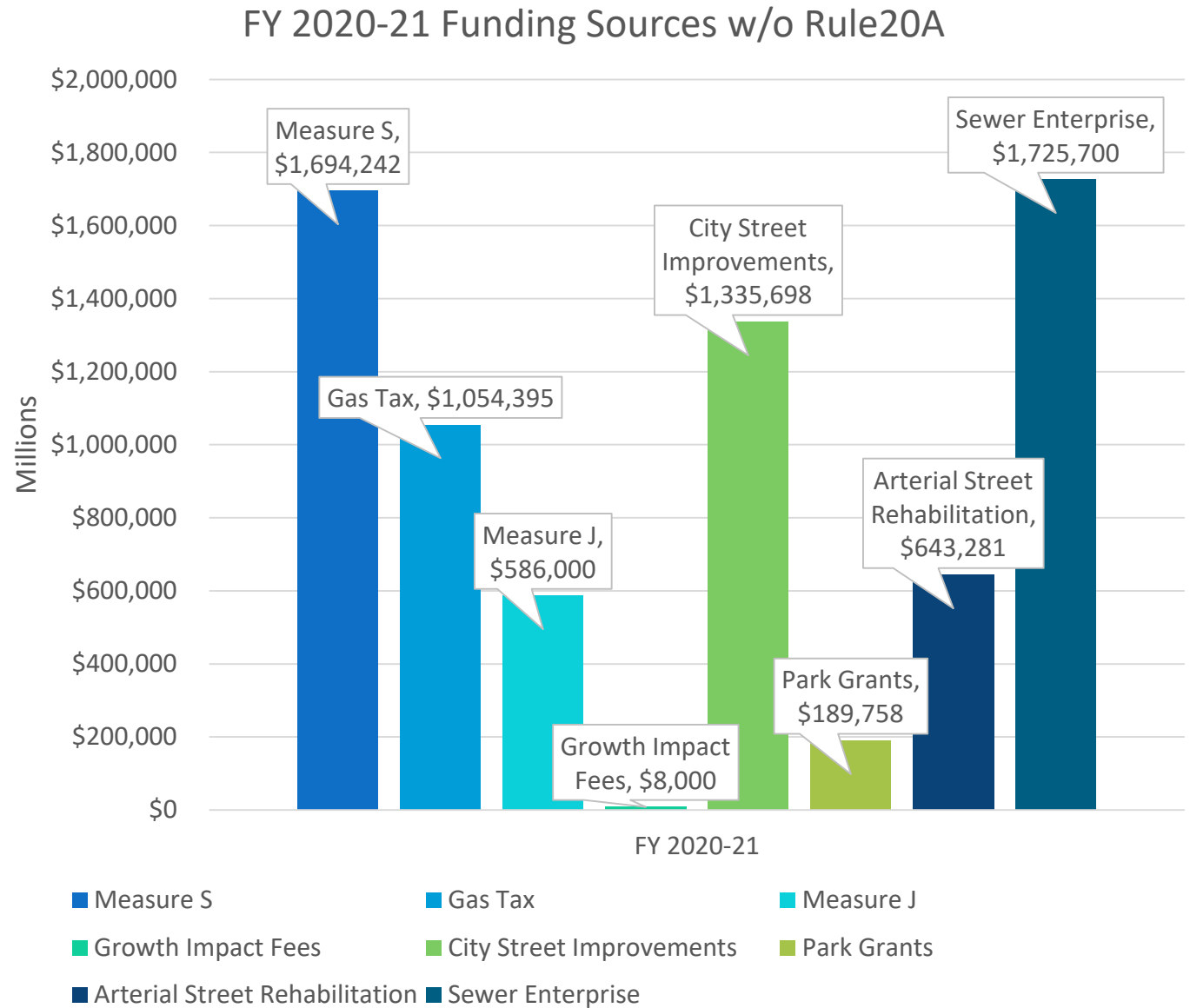
# CIP FUNDING SOURCES FY2020-21

SOURCES BY FUND	FY 2020-21
106 – Measure S 2014	\$1,694,242
200 – Gas Tax	\$1,054,395
215 – Measure J	\$586,000
PG&E – Rule 20A	\$2,557,658
276 – Growth Impact Fees	\$8,000
325 – City Street Improvements	\$1,335,698
327 – Park Grants	\$189,758
377 – Arterial Streets Rehabilitation	\$643,281
500 – Sewer Enterprise Fund	\$1,725,700
<b>TOTAL</b>	<b>\$9,794,732</b>



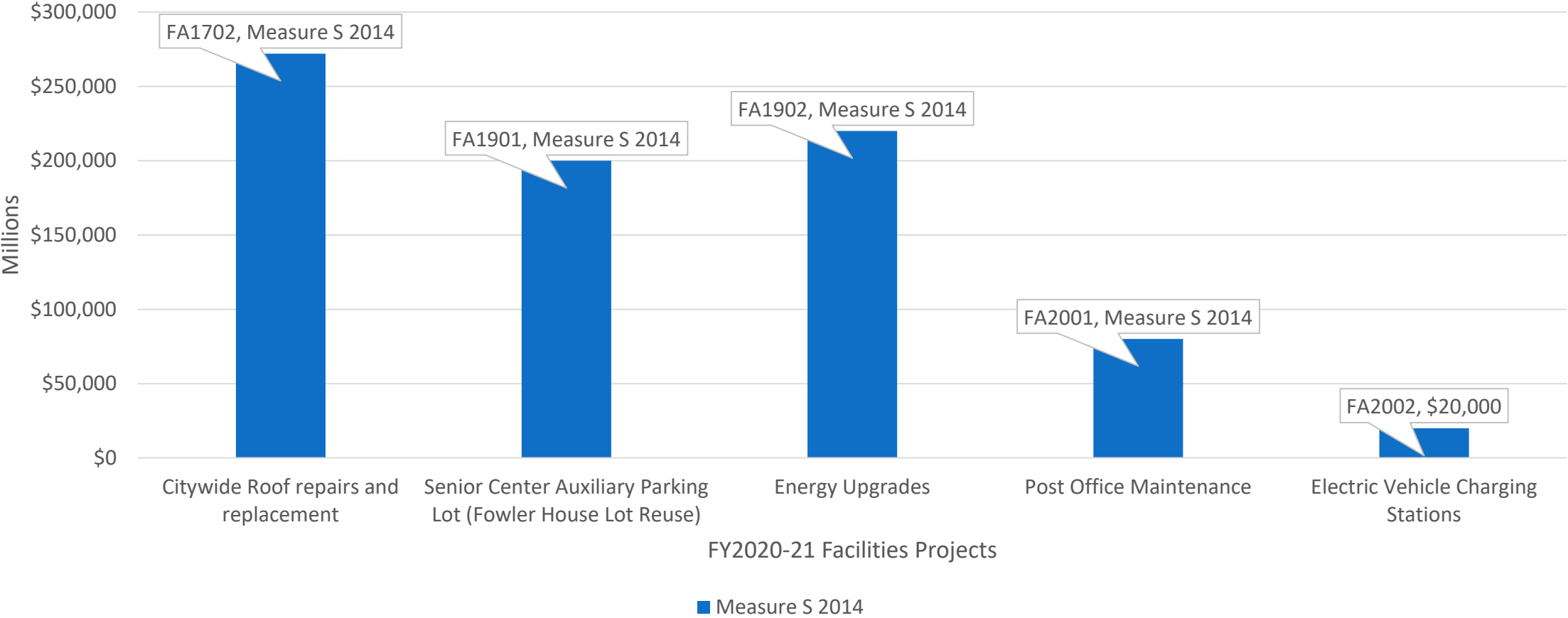
# CIP FUNDING SOURCES FY2020-21 w/o Rule 20A

SOURCES BY FUND	FY 2020-21
106 – Measure S 2014	\$1,694,242
200 – Gas Tax	\$1,054,395
215 – Measure J	\$586,000
276 – Growth Impact Fees	\$8,000
325 – City Street Improvements	\$1,335,698
327 – Park Grants	\$189,758
377 – Arterial Streets Rehabilitation	\$643,281
500 – Sewer Enterprise Fund	\$1,725,700
<b>TOTAL</b>	<b>\$7,237,074</b>

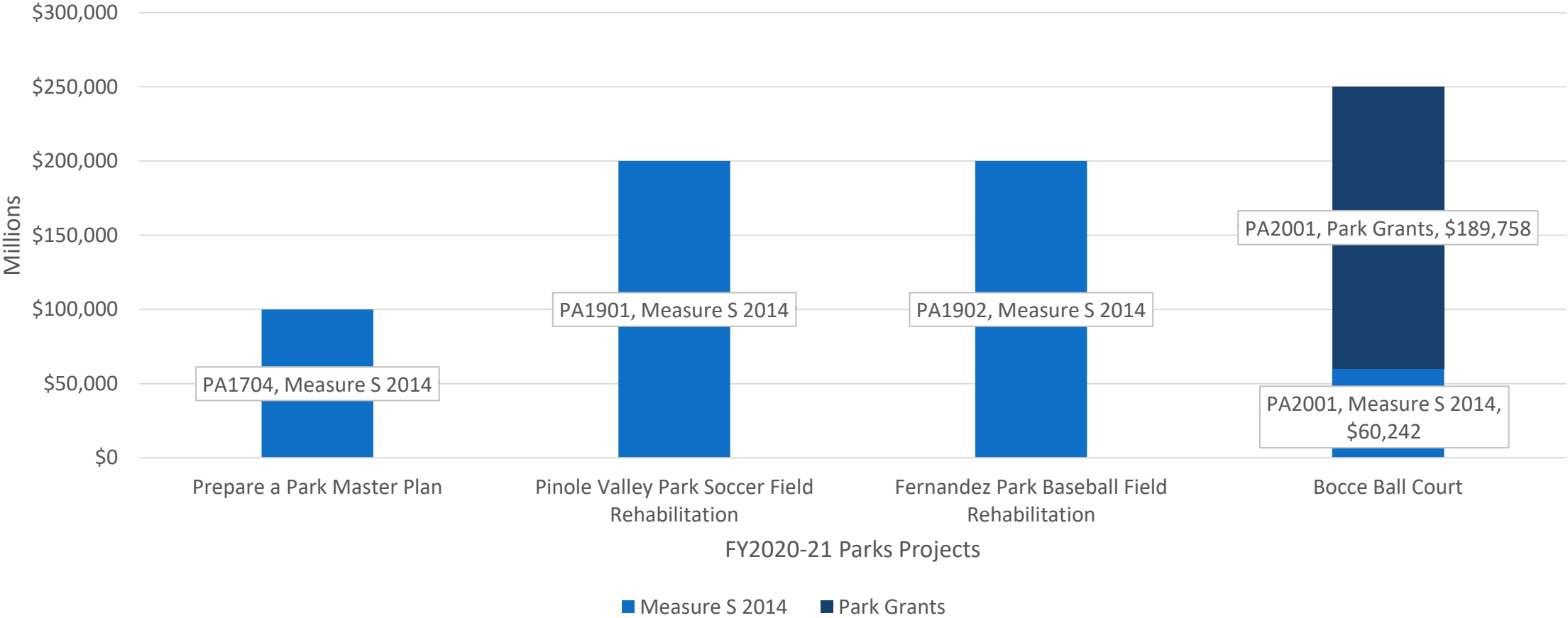




# FACILITIES PROJECTS: FY 2020-21



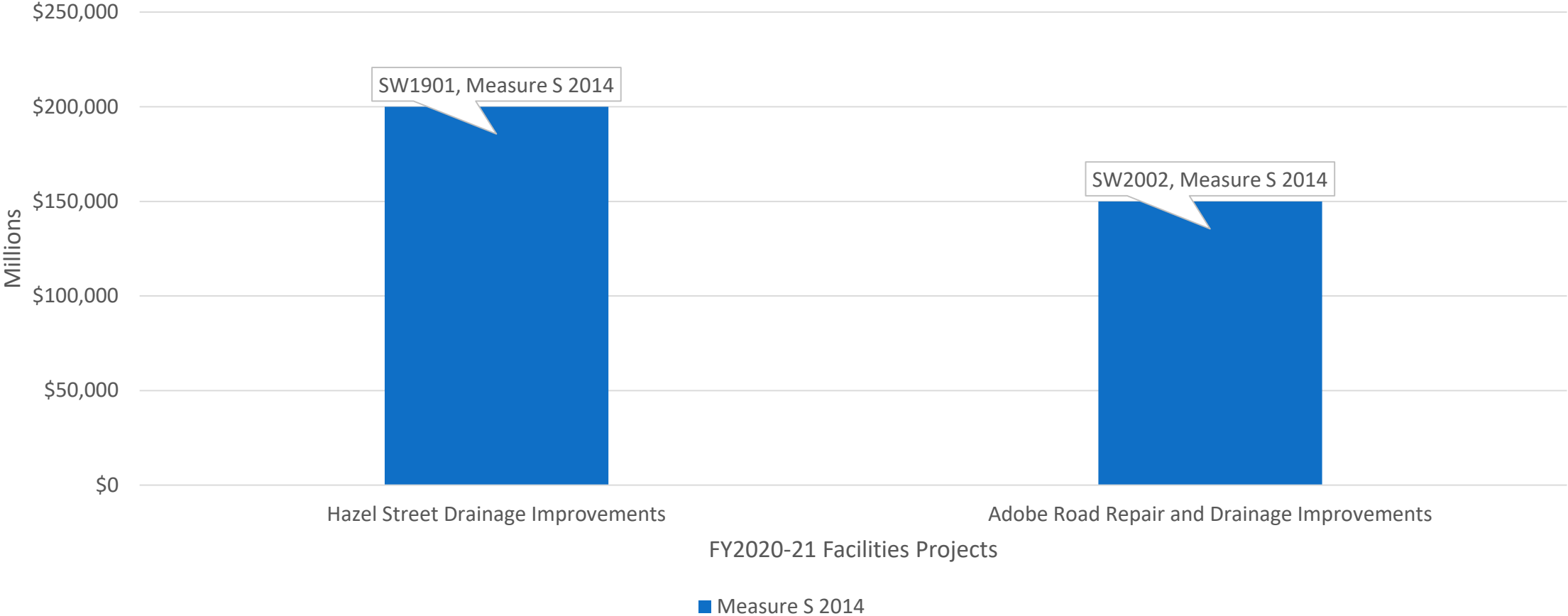
# PARKS PROJECTS: FY 2020-21



# SANITARY SEWER PROJECTS: FY 2020-21



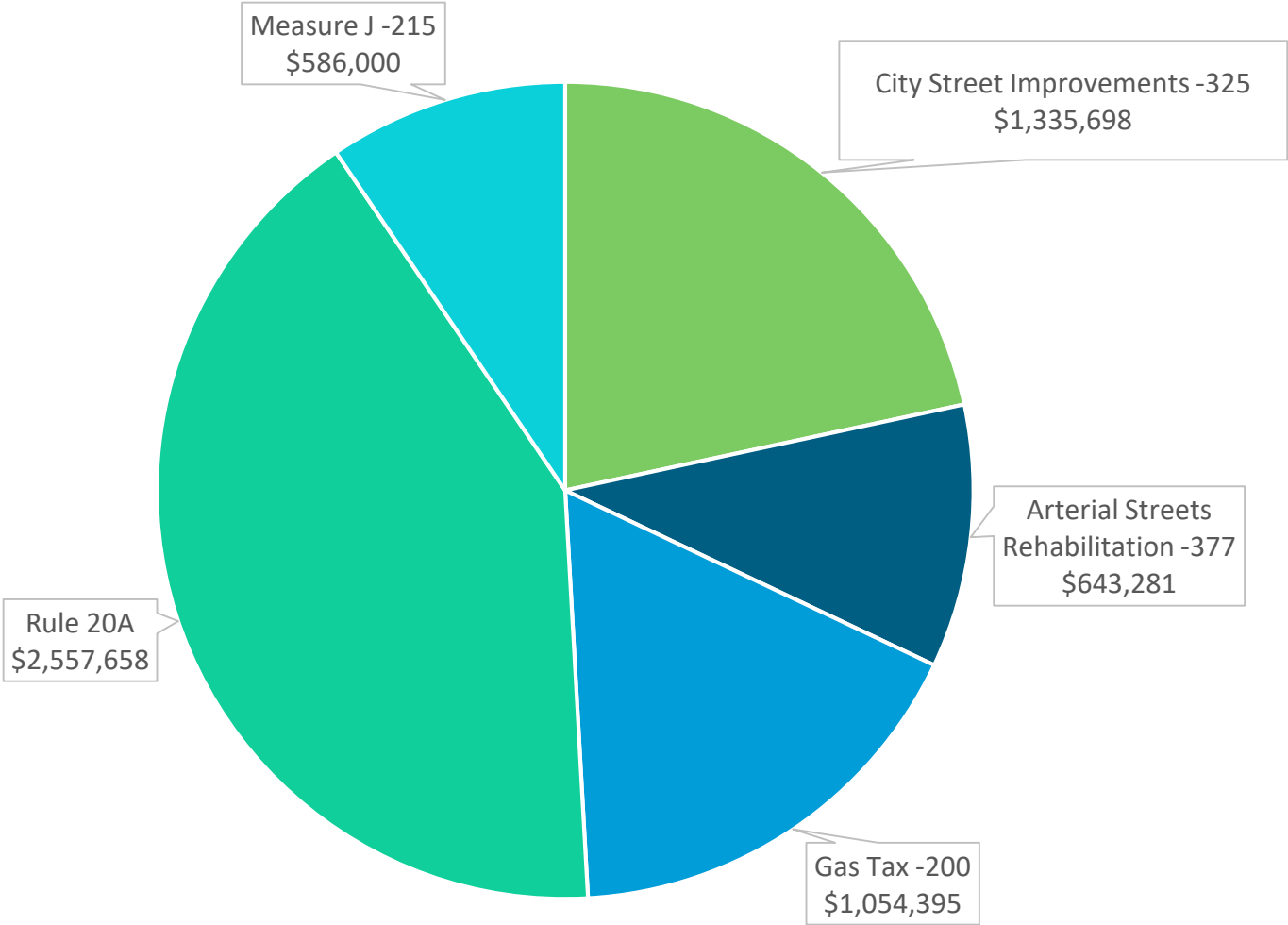
# STORMWATER PROJECTS: FY 2020-21



# ROAD PROJECTS: FY 2020-21



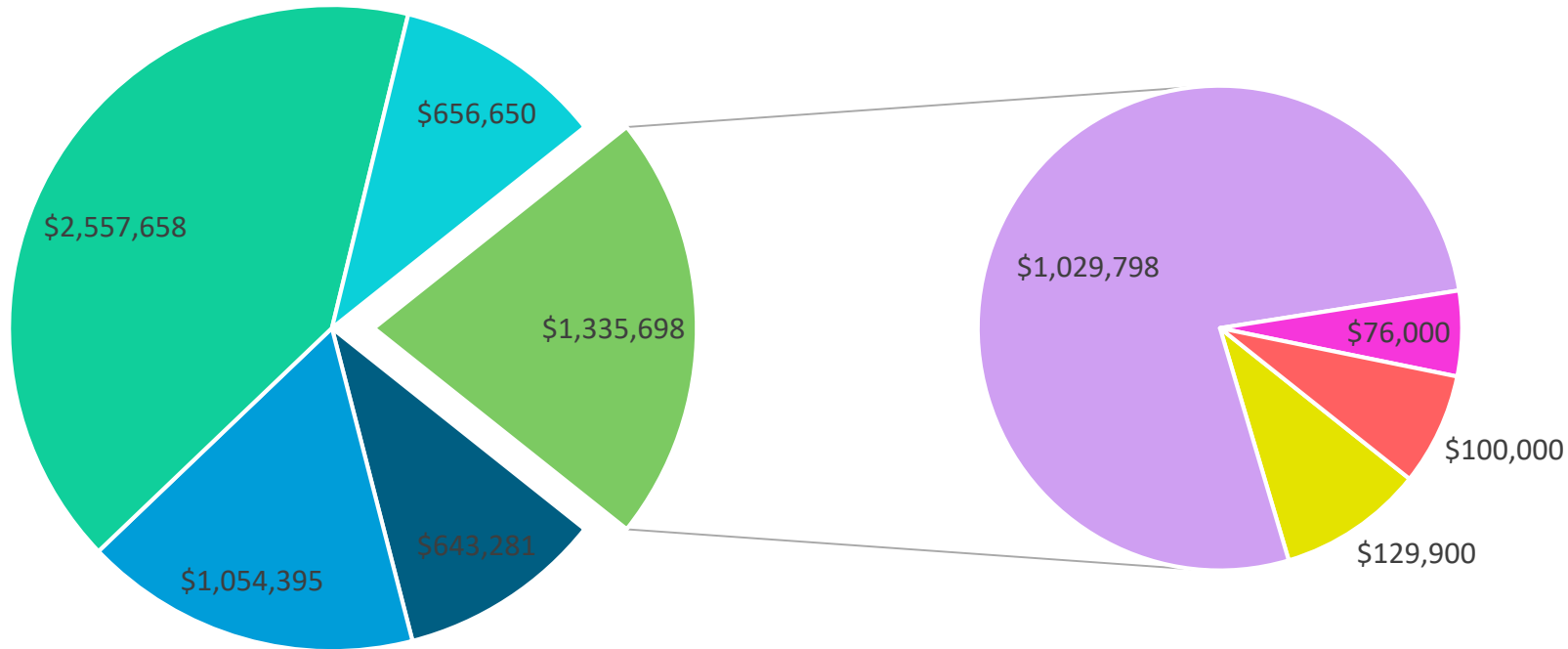
# FUNDING DETAIL: ROAD PROJECTS FOR FY2020-21



■ City Street Improvements -325 ■ Arterial Streets Rehabilitation -377 ■ Gas Tax -200 ■ Rule 20A ■ Measure J -215



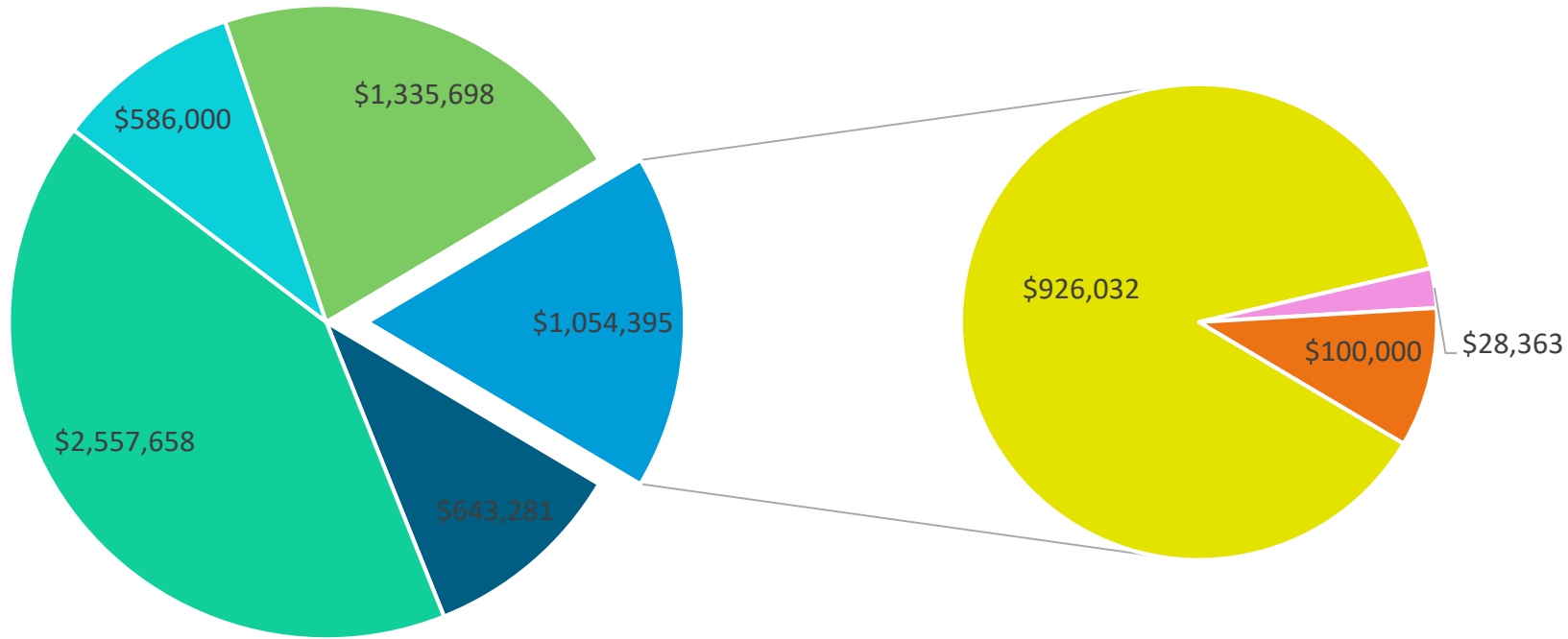
# ROAD PROJECTS: CITY STREET IMPROVEMENTS -325



- Arterial Streets Rehabilitation -377
- Rule 20A
- Pavement Management and Rehabilitation Program
- San Pablo Avenue Rehabilitation
- Gas Tax -200
- Measure J -215
- San Pablo Avenue Bridge over BNSF Railroad
- Pedestrian Improvements at Tennent



# ROAD PROJECTS: GAS TAX -200

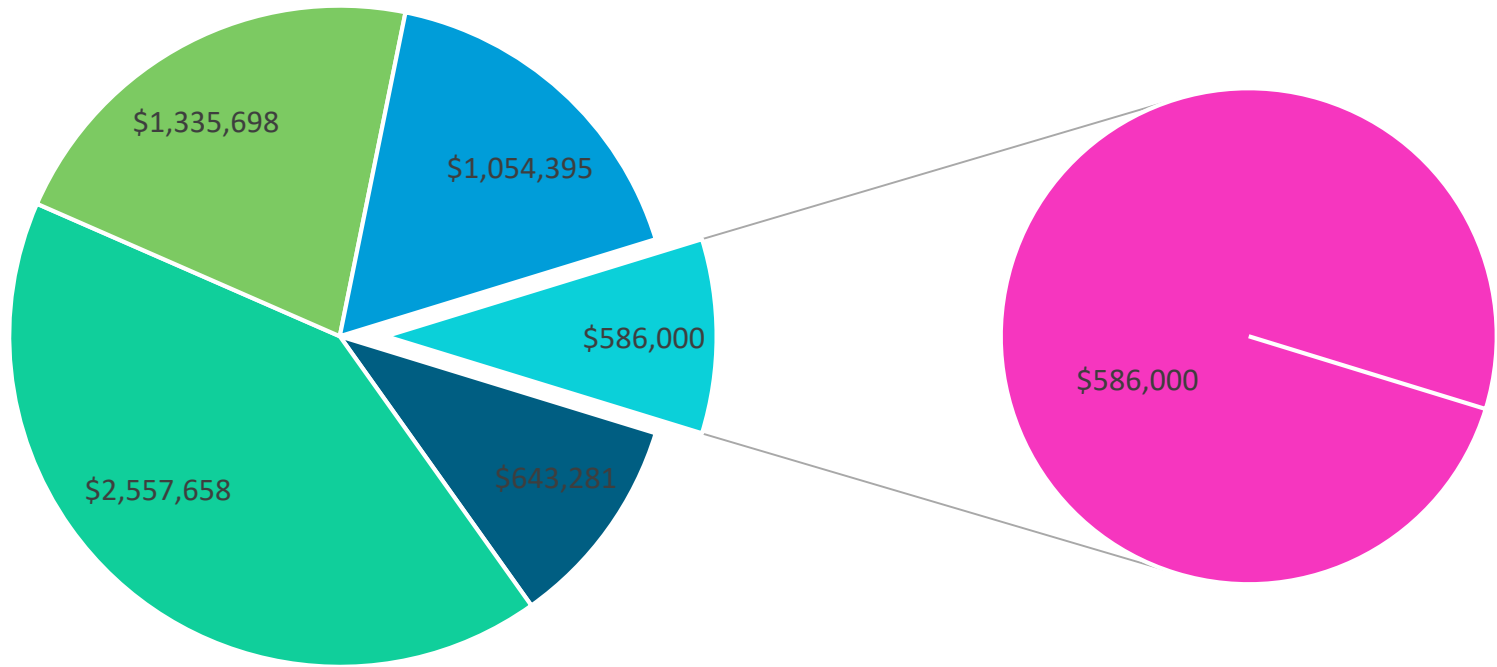


- Arterial Street Rehabilitation -377
- Rule 20A
- Measure J -215
- City Street Improvements -325
- Pavement Management and Rehabilitation Program
- Pinole Valley Road Underground District
- Pinole Valley Road Improvements





# ROAD PROJECTS: MEASURE J -215



- Arterial Street Rehabilitation -377
- Rule 20A
- City Street Improvements -325
- Gas Tax -200
- San Pablo Avenue Rehabilitation



# FUNDING BY SOURCE DRAFT

SOURCES BY FUND	FY 2020-21 REQUEST	REVENUE	USE OF FUND BALANCE
Measure S 2014 - 106	\$1,694,242	\$200,000	\$1,494,242
Gas Tax - 100	\$1,054,395	\$359,213	\$695,182
Measure J - 215	\$586,000	\$586,000	-
PG&E-Rule 20A	\$2,557,658	\$2,557,658	-
Growth Impact Fees - 276	\$8,000	-	\$8,000
City Street Improvements - 325	\$1,335,698	\$1,229,103	\$106,595
Park Grants - 327	\$189,758	\$189,758	-
Arterial Streets Rehabilitation - 377	\$643,281	\$250,000	\$393,281
Sewer Enterprise - 500	\$1,725,700	-	\$1,725,700
<b>SOURCES TOTAL</b>	<b>\$9,794,732</b>	<b>\$5,371,732</b>	<b>\$4,423,000</b>





THANK YOU



## **CITY COUNCIL REPORT**

**8B**

**DATE: SEPTEMBER 15, 2020**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: DAVID HANHAM, PLANNING MANAGER**

**SUBJECT: AMENDMENT TO CHAPTER 15.54 WATER EFFICIENT LANDSCAPE  
ORDINANCE (WELO) OF THE PINOLE MUNICIPAL CODE**

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### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council conduct a public hearing for the first reading on an ordinance amending Chapter 15.54 of the Pinole Municipal Code, the Water Efficient Landscape Ordinance (WELO).

### **BACKGROUND**

The City of Pinole had maintained regulations for water efficient landscaping under Chapter 15.54 of the Municipal Code, which is required to be consistent with State regulations.

Chapter 15.54 of the Municipal Code currently reflects the State's Model Water Efficient Landscape Ordinance (MWELO) that became effective in 2010, following the Water Conservation in Landscaping Act of 2006. The regulations under Chapter 15.54 became effective in the Pinole Municipal Code in 2010, and the Chapter has not been updated since that time.

In 2015, Governor Brown's Executive Order (EO) B-29-15 directed the Department of Water Resources (DWR) to update the State's MWELO to address statewide drought conditions and build up drought resiliency through increased water efficiency standards for new and rehabilitated landscapes.

Key provisions of the 2015 MWELO include:

- Updated size threshold for applicable projects
- More efficient irrigation systems
- Graywater usage
- On-site stormwater capture
- Limiting landscaping area planted with turf
- Prescriptive checklist option for landscapes under 2,500 square feet

The State requires local agencies to adopt, implement, and enforce the MWELO or a more stringent ordinance. The MWELO takes effect where local agencies have not adopted their own water efficient landscaping ordinance.

As Chapter 15.54 of the Municipal Code had not yet been amended to reflect changes in State law in 2015, the requirements under the MWELO became effective by default. Staff is proposing amendments to Chapter 15.54 to formally incorporate the requirements of the MWELO into the City's Municipal Code to ensure water efficient landscape requirements meet State standards and maintain internal consistency in the Municipal Code. The proposed amendments do not change the City's existing landscape regulations under Chapter 17.44 Landscaping, such as design and application requirements.

## **REVIEW & ANALYSIS**

### ***General Plan Goals and Policies***

The City's water efficient landscape ordinance (WELO) is consistent with the policies and actions of the General Plan to promote conservation and sustainable use of resources (shown below). The General Plan Sustainability Element promotes landscaping practices that promote the use of drought-tolerant landscaping and prudent water use in landscapes. The update of water efficient landscaping regulations within the Municipal Code ensures that the standards are up to date and consistent with State Law in promoting water efficiency in development.

**POLICY SE.7.2** Support the expansion of tree planting and landscaping practices that encourage the use of trees, plants, and vegetation to improve air quality to enhance the scenic quality of the City.

**Action SE.7.2.4** Develop landscape standards that require minimum planting and maintenance requirements for new and retrofit development and the use of native or drought-tolerant vegetation.

**POLICY SE.9.1** Encourage policies to prudently manage water resources to sustain plant and animal life, support urban activities and protect public health and safety.

**Action SE.9.1.2** Encourage the use of recycled water and drought-resistant landscaping in Pinole facilities, public roadway landscape, and new development.

**POLICY SE.9.4** Establish programs and policies to increase water conservation and the use of recycled water.

**Action SE.9.4.2** Establish criteria and standards to permit the safe and effective use of gray water (on-site water recycling). Review, and appropriately revise, without compromising health or safety, other building code requirements that might prevent the use of such systems.

**POLICY SE.9.5** Establish new policies that continue to encourage the maintenance and growth of Pinole's urban forest.

**Action SE.9.5.3** Pinole will install water-efficient landscapes and irrigation, including planting drought-tolerant plants and native species, covering exposed dirt with moisture-retaining mulch, using advanced technology such as moisture-sensing irrigation controls, and promoting urban agriculture by installing edible landscapes that provide local food.

### ***Proposed Changes to Water Efficient Landscaping Regulations***

Pinole Municipal Code Chapter 15.54 provides standards for water efficient landscaping. Chapter 15.54 was based on the structure and requirements of the State model water efficient landscaping ordinance when the City's ordinance was adopted in 2009 and became effective in 2010. The proposed amendments to Chapter 15.54, likewise, follow the structure and requirements of the updated 2015 State MWEL, with edits largely intended to mirror the regulations in the MWEL. Additional edits are made for internal consistency within this Chapter and with the Pinole Municipal Code, including the modifications to chapter/section numbers and references to chapters in the Municipal Code.

The attached draft ordinance (see Attachment A) shows the proposed changes to Chapter 15.54. For additional reference, the text of the 2015 State MWEL is available through the California Department of Water Resource webpage under the link to "2015 Updated Chapter 2.7: Model Water Efficient Landscape Ordinance": <https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance> .

### ***Key Changes***

A summary of the key changes in the WELO are described below:

- The water efficient landscape ordinance would apply to new construction with aggregate landscape areas of 500 square feet. The threshold for applicability has been reduced from 2,500 square feet.
- Projects with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of the ordinance by meeting the prescriptive measures contained in Appendix D of the MWEL (Prescriptive Compliance) – See Attachment B.

- Projects using graywater or rainwater captured on site on any lot or parcel that has less than 2,500 square feet and meets the lot or parcel's landscape water requirement entirely with graywater or rainwater captured on site are subject only to Appendix D section (5) of the MWELo.
- Changes in the formulas and factors used for calculations in the Water Efficient Landscape Worksheet.
- For Landscape Design Plans, additional requirements for soil preparation, mulch, and amendments:
  - Compacted soil shall be transformed to friable condition.
  - Compost coverage and composition requirements are added.
  - Mulch coverage requirements updated. Preference for organic mulch.
- For Irrigation Design Plans, additional requirements for systems:
  - Dedicated water meters/ private submeters and flow sensors for certain larger residential and nonresidential irrigated landscapes.
  - Master shut-off valve
  - Irrigation emission devices meeting standards.
- For Irrigation Efficiency, updates to factors used to calculate estimated total water use.
- Addition of provisions for graywater systems.
- For Stormwater Management, additional requirements and recommendations:
  - Planted landscapes are required to have friable soil.
  - Recommendation that landscaped areas are designed for capture and infiltration capacity sufficient to prevent runoff for described rain events or additional capacity regulations.
  - Recommendation for stormwater projects to incorporate elements to improve runoff capture and use, such as:
    - Grading to drain to vegetated areas
    - Minimizing impervious surfaces
    - Incorporating pervious surfaces
    - Directing runoff to plant beds
    - Incorporating catchment systems
    - Incorporating features to capture runoff and increase percolation into soil
    - Considering constructed ponds that retain water.

### ***Applicability***

The updated requirements of the WELO apply to the following types of new projects:

- New construction projects with 500 square feet or more of total landscape areas. This applies to projects that require design review and /or a building permit. New construction is defined, for the purposes of the WELO, as a new building with a landscape or other new landscape, such as a park, playground, or greenbelt, without an associated building.
- Rehabilitation of an existing landscape with 2,500 square feet or more of total landscape area. A rehabilitated landscape is defined, for the purposes of the

WELO, as any re-landscaping project that requires a permit, plan check, or design review.

For the purposes of the WELO, landscape area is defined as all planting areas, turf areas, and water features in a landscape plan. It excludes the footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

In general, the WELO is not likely to place additional requirements on smaller residential projects, including additions and remodels to existing single family residences, that make up most of the design review and building permits. Additions and remodels are not considered “new construction” projects for the purposes of the ordinance because they do not include a new building.

The WELO is most likely to have application in larger projects that may have larger sites and landscaping areas. A new single-family home would be subject to the ordinance if it includes a new total landscape area of 500 square feet or greater. Large multi-family residential development and non-residential development would be more likely to have a new landscape area of greater than 500 square feet, and therefore be more likely to be subject to the ordinance.

Even where the WELO may not apply for projects requiring Planning entitlements, these projects may still be subject to the requirements of the City’s Landscaping Ordinance (Chapter 17.44) or conditions of approval that also promote water efficient landscaping. The landscape ordinance applies to certain new projects (new commercial, industrial, mixed-use, multi-family residential, and single-family residential subdivisions) and certain existing developments (existing non-residential, mixed-use, and/or multi-family residential project requesting a change that increases the building square footage by 10% or more). In applying landscape ordinance standards, water efficiency is promoted through standards that emphasize drought-tolerant and native plant species in landscaping and that limit turf areas.

Planning Commission also provided the following recommendations for WELO:

- Clarification that tree removal permits that do not change a landscape area greater than or equal to 2,500 square feet preclude the need to meet WELO requirements. This has been incorporated in the proposed municipal code text amendment to section 15.54.010.
- If possible, incorporation of weblinks to referenced resources in the ordinance, such as webpages with MWELO appendices and the Sunset Western Climate Zone System, in the online version of the municipal code.

### ***Compliance Options***

The WELO includes two approaches to demonstrate project compliance.



- Prescriptive Compliance is a streamlined approach to show compliance for landscapes between 500 to 2,500 square feet in area and landscapes determined to be applicable, using Appendix D of the MWELO (See Attachment B). This approach reduces cost and complexity to demonstrate compliance for smaller landscape projects. Applicants would provide information as required under Appendix D and certify their projects would comply with the requirements under Appendix D, including project information, compost, plant material, turf, irrigation systems, and meters.

Smaller landscape projects that are eligible for use of Appendix D Prescriptive Compliance Option require the following items:

- Landscape compliance, as described in Appendix D
  - Compost compliance information
  - Plant material compliance information
  - Turf compliance information
  - Irrigation system compliance information
  - Non-residential meter compliance (as applicable)
- Performance Compliance is the approach following the requirements described in the WELO to show compliance for landscape areas greater than 2,500 square feet. This approach involves calculation of estimated total water use to demonstrate the landscape design can meet its maximum applied water allocation. Applicants would provide a landscape documentation package, water efficient landscape worksheet, soil management report, landscape design plan, irrigation design plan, and a grading design plan.

Larger landscape projects that use the Performance Compliance approach require the following items:

- Landscape Documentation Package, as described through WELO
  - Project Information
  - Water Efficient Landscape Worksheet, including a water budget calculations and hydro zone information
- Soil Management Report
- Landscape Design Plan
- Irrigation Design Plan
- Grading Design Plan

Projects subject to WELO would submit a landscape documentation package as part of the building permit plan check process. The applicants would submit a certificate of completion to the City, which certifies compliance with the Landscape Documentation Package after the landscape installation.

## **ENVIRONMENTAL REVIEW**

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061(b)(3) and section 15307. Section 15061(b)(3) establishes that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The project consists of amendments to text in the municipal code, which do not create direct site-specific physical impacts. Furthermore, the update of water efficient landscaping regulations consistent with State law serve to promote sustainable landscaping through water conservation in site development. Section 15307 provides a categorical exemption for actions taken by regulatory agencies as authorized by State law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. The amendments to the ordinance would be an action promoting protection of water resources in the City. Thus, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

## **FISCAL IMPACT**

Approving this Ordinance will have a small direct impact to the City in the collection of building fees and a potential small bump in property tax.

## **ATTACHMENT(S)**

- A. Draft City Council Ordinance with Exhibit A
- B. Appendix D of the MWEL

**CITY COUNCIL ORDINANCE NO. 2020- XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AMENDING CHAPTER 15.54 OF THE PINOLE MUNICIPAL CODE TO UPDATE WATER EFFICIENT LANDSCAPE REQUIREMENTS CONSISTENT WITH STATE LAW (ZCA 20-03)**

**WHEREAS**, the State of California has established provisions to promote water conservation and efficient use of water in landscaping through the Model Water Efficient Landscape Ordinance (MWEL0); and

**WHEREAS**, Chapter 15.54 of the City of Pinole Municipal Code had incorporated the State standards and requirements for the provision of water efficient landscapes; and

**WHEREAS**, Chapter 15.54 was adopted in 2009 and became effective in 2010; and

**WHEREAS**, Executive Order (EO) B-29-15 in 2015 resulted in an update the State's MWEL0 to address statewide drought conditions and build up drought resiliency through increased water efficiency standards for new and rehabilitated landscapes; and

**WHEREAS**, the State requires local agencies to adopt, implement, and enforce the MWEL0 or a more stringent ordinance; and

**WHEREAS**, Chapter 15.54 requires modification to be consistent with the changes to the State legal requirements currently in effect; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing related to the proposed municipal code amendment on August 24, 2020; and

**WHEREAS**, after close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by city staff, the staff report, and all other pertinent documents regarding the proposed municipal code amendments, and recommended that the City Council adopt the proposed amendments to the Municipal Code; and

**WHEREAS**, the City Council held a duly noticed public hearing related to the proposed Municipal Code amendment on September 15, 2020, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the proposed ordinance amendments are exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061(b)(3) and section 15307. Section 15061(b)(3) establishes that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Section 15307 provides a categorical exemption for actions taken by regulatory agencies as authorized by State law or

local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

**NOW THEREFORE, BE IT RESOLVED**, that the Pinole City Council does here ordain as follows made a part of this Ordinance.

### **Section 1. Recitals**

The above recitals are true and correct and made a part of this ordinance.

### **Section 2. Municipal Code Amendment**

Chapter 15.54 of the Pinole Municipal Code are hereby amended to read as set forth in Exhibit A, which is attached hereto and incorporated herein.

### **Section 3. Severability**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of Pinole hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

### **Section 4. Effective Date**

In accordance with California Government Code Section 36937, this Ordinance shall take effect and be in force on the thirty-first day after adoption.

### **Section 5. Publication**

Within fifteen (15) days after the passage of this Ordinance the City Clerk shall cause this Ordinance or a summary thereof to be published or to be posted in at least three public places in the City of Pinole in accordance with the requirements of California Government Code Section 36933.

**PASSED AND ADOPTED** by the City Council of the City of Pinole on this 6<sup>th</sup> day of October, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Roy Swearingen, Mayor, 2019-2020

ATTEST:

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Heather Iopu, City Clerk

# ***Exhibit A***

## ***COUNCIL ORDINANCE No.20-xx***

**Added text shown in underscore; deleted text shown in strike-through, and all other text of Chapter 15.54 unchanged**

### Chapter 15.54

#### WATER EFFICIENT LANDSCAPING

##### Sections:

- 15.54.010 Applicability.
- 15.54.012 Definitions.
- 15.54.014 Provisions for new construction or rehabilitated landscapes.
- 15.54.016 Compliance with landscape documentation package.
- 15.54.018 Penalties.
- 15.54.020 Elements of the landscape documentation package: submittal requirements.
- 15.54.022 Water efficient landscape worksheet.
- 15.54.024 Soil management report.
- 15.54.026 Landscape Design Plan.
- 15.54.028 Irrigation Design Plan.
- 15.54.030 Grading Design Plan.
- 15.54.032 Certificate of Completion.
- 15.54.034 Irrigation scheduling.
- 15.54.036 Landscape and irrigation maintenance schedule.
- 15.54.038 Irrigation audit, irrigation survey, and irrigation water use analysis.
- 15.54.040 Irrigation efficiency.
- 15.54.042 Recycled water.

##### **15.54.044 Graywater systems.**

- ~~15.54.044~~**0.46** Stormwater management **and rainwater retention.**
- ~~15.54.046~~**0.48** Public education.
- ~~15.54.048~~**0.50** Environmental review.
- ~~15.54.050~~**0.52** Provisions for existing landscapes **and irrigation analysis.**
- ~~15.54.052~~**0.54** Water waste prevention.
- ~~15.54.054~~**0.56** Effective precipitation.

##### 15.54.010 APPLICABILITY.

A. After ~~January 1, 2010~~ **December 1, 2015**, this chapter shall apply to all of the following landscape projects:

1. New construction and rehabilitated landscapes for public agency projects and private development projects with a **with an aggregate** landscape area equal to or greater than ~~two thousand~~ five hundred (2,500) square feet requiring a building or landscape permit, plan check or design review;

2. **Rehabilitated landscape projects with an aggregate** ~~New construction and rehabilitated landscapes which are developer installed in single family and multi family projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit~~ **(excluding tree removal permits that do not change a landscape area of such size)**, plan check, or design review;

~~3. New construction landscapes which are homeowner provided and/or homeowner hired in single family and multi family residential projects with a total project landscape area equal to or greater than five thousand (5,000) square feet requiring a building or landscape permit, plan check or design review;~~

**34.** Existing landscapes limited to Sections **15.54.050 and 15.54.052 and 15.54.054**; and

**45.** Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 15.54.022, 15.54.036 and 15.54.038; and existing cemeteries are limited to Sections **15.54.050 and 15.54.052 and 15.54.054**.

**5. Any project with an aggregate landscape area of two thousand five hundred (2,500) square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Appendix D of the state of California model water efficient landscape ordinance.**

**6. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than two thousand five hundred (2,500) square feet of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix D section (5) of the state of California model water efficient landscape ordinance.**

B. Exemptions. This chapter does not apply to:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. **Existing p**Plant collections, as part of botanical gardens and arboretums open to the public.

**C. This chapter shall be consistent with the California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance, and the regulations within the California Code of Regulations shall apply where any inconsistencies arise with the City of Pinole Municipal Code.**

**(Ord. 2020-xx (part), 2020; Ord. 2009-11 § 1(part), 2009).**

#### 15.54.012 DEFINITIONS.

The terms used in this chapter have the meaning set forth below:

A. APPLIED WATER. The portion of water supplied by the irrigation system to the landscape.

B. AUTOMATIC IRRIGATION CONTROLLER. An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers **are able to self-adjust and** schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

C. BACKFLOW PREVENTION DEVICE. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

D. CERTIFICATE OF COMPLETION. The document required under Section 15.54.032.

E. CERTIFIED IRRIGATION DESIGNER. A person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

F. CERTIFIED LANDSCAPE IRRIGATION AUDITOR. A person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

G. CHECK VALVE or ANTI-DRAIN VALVE. A valve located under a sprinkler head or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

H. COMMON INTEREST DEVELOPMENTS. Community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

**I. COMPOST. The safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.**

**J. CONVERSION FACTOR (0.62).** The number that converts acre-inches per acre per year to gallons per square foot per year.

**K. DISTRIBUTION UNIFORMITY. The measure of the uniformity of irrigation water over a defined area.**

**L. DRIP IRRIGATION.** Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

**M. ECOLOGICAL RESTORATION PROJECT.** A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

**N. EFFECTIVE PRECIPITATION or USABLE RAINFALL (EPPT).** The portion of total precipitation which becomes available for plant growth.

**O. EMITTER.** A drip irrigation emission device that delivers water slowly from the system to the soil.

**P. ESTABLISHED LANDSCAPE.** The point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one (1) or two (2) years of growth.

**Q. ESTABLISHMENT PERIOD OF THE PLANTS.** The first year after installing the plant in the landscape or the first two (2) years if irrigation will be terminated after establishment. Typically, most plants are established after one (1) or two (2) years of growth. **Native habitat mitigation areas and trees may need three (3) to five (5) years for establishment.**

**R. ESTIMATED TOTAL WATER USE (ETWU).** The total water used for the landscape as described in Section 15.54.022.



~~SO.~~ **ET ADJUSTMENT FACTOR (ETAF).** A factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two (2) major influences upon the amount of water that needs to be applied to the landscape. ~~A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is (0.7)/(0.5/0.71).~~ **The ETAF for new and existing (non-rehabilitated)** Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

**TR.** **EVAPOTRANSPIRATION RATE(ETo).** The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

**US.** **FLOW RATE.** The rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

**V. FLOW SENSOR.** An inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

**W. FRIABLE.** A soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

**X. FUEL MODIFICATION PLAN GUIDELINE.** Guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

**Y. GRAYWATER.** Untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

**ZF.** **HARDSCAPES.** Any durable material (pervious and non-pervious).

~~U. HOMEOWNER-PROVIDED LANDSCAPING.~~ Any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

**AAV.** **HYDROZONE.** A portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

**BBW.** **INFILTRATION RATE.** The rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

**CCX.** **INVASIVE PLANT SPECIES.** Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. ~~"Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list.~~ Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

**DDY. IRRIGATION AUDIT.** An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. **The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.**

**EEZ. IRRIGATION EFFICIENCY (IE).** The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. **The irrigation efficiency for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.** ~~The minimum average irrigation efficiency for purposes of this chapter is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.~~

**FFAA. IRRIGATION SURVEY.** An evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

**GGBB. IRRIGATION WATER USE ANALYSIS.** An analysis of water use data based on meter readings and billing data.

**HHCC. LANDSCAPE ARCHITECT.** A person who holds a license to practice landscape architecture in the State of California Business and Professions Code, Section 5615.

**IIDD. LANDSCAPE AREA.** All the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

**JJEE. LANDSCAPE CONTRACTOR.** A person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

**KKFF. LANDSCAPE DOCUMENTATION PACKAGE.** The documents required under Section 15.54.020.

**LLGG. LANDSCAPE PROJECT.** Total area of landscape in a project as defined in "landscape area" for the purposes of this chapter, meeting requirements under Section **15.54.010-490.1.**

**MM. LANDSCAPE WATER METER.** **An inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.**

**NNHH. LATERAL LINE.** The water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

**OO. LOCAL AGENCY.** **a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.**

**PPH. LOCAL WATER PURVEYOR.** Any entity, including a public agency, city, county or private water company that provides retail water service.

**QQH.** LOW VOLUME IRRIGATION. The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

**RRK.** MAIN LINE. The pressurized pipeline that delivers water from the water source to the valve or outlet.

**SS. MASTER SHUT-OFF VALVE. An automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.**

**TTL.** MAXIMUM APPLIED WATER ALLOWANCE (MAWA). The upper limit of annual applied water for the established landscaped area as specified in Section 15.54.022. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. **MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)]**

**UU. MEDIAN. An area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.**

**VVM.** MICROCLIMATE. The climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

**WWN.** MINED-LAND RECLAMATION PROJECTS. Any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

**XXO.** MULCH. Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**YYP.** NEW CONSTRUCTION. For the purposes of this chapter, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

**ZZ. NON-RESIDENTIAL LANDSCAPE. Landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.**

**AAAQ.** OPERATING PRESSURE. The pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

**BBRR.** OVERHEAD SPRINKLER IRRIGATION SYSTEMS **or OVERHEAD SPRAY IRRIGATION SYSTEMS.** Systems that deliver water through the air (e.g., spray heads and rotors).

**CCCS.** OVERSPRAY. The irrigation water which is delivered beyond the target area.

**DDD.** PARKWAY. **The area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.**

**EEET.** PERMIT. An authorizing document issued by local agencies for new construction or rehabilitated landscapes.

~~FFUU~~. PERVIOUS. Any surface or material that allows the passage of water through the material and into the underlying soil.

~~GGVV~~. PLANT FACTOR or PLANT WATER USE FACTOR. A factor when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this chapter, **the plant factor range for very low water use plants is 0 to 0.1**, the plant factor range for low water use plants is **0.1** to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this chapter are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species". **Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).**

~~WW~~. PRECIPITATION RATE. The rate of application of water measured in inches per hour.

~~HHXX~~. PROJECT APPLICANT. The individual or entity submitting a Landscape Documentation Package required under Section 15.54.020, to request a permit, plan check, or design review from the City of Pinole. A project applicant may be the property owner or his or her designee.

~~IIYY~~. RAIN SENSOR or RAIN SENSING SHUTOFF DEVICE. A component which automatically suspends an irrigation event when it rains.

~~JJZZ~~. RECORD DRAWING or AS-BUILTS. A set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

~~KKAAA~~. RECREATIONAL AREA. **Areas, excluding private single family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens** Areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

~~LLBBB~~. RECYCLED WATER, RECLAIMED WATER, or TREATED SEWAGE EFFLUENT WATER. Treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

~~MMMCCC~~. REFERENCE EVAPOTRANSPIRATION or ETo. A standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Appendix A, and is an estimate of the evapotranspiration of a large field of four (4)- to seven (7)-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

**NNN. REGIONAL WATER EFFICIENT LANDSCAPE ORDINANCE. A local Ordinance adopted by two (2) or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.**

~~OOODDD~~. REHABILITATED LANDSCAPE. Any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 15.54.010, and the modified landscape area is equal to or greater than two thousand five hundred (2,500) square feet, ~~is fifty percent (50%) of the total landscape area, and the modifications are completed within one (1) year.~~

**PPP. RESIDENTIAL LANDSCAPE. Landscapes surrounding single or multifamily homes.**

~~QQQEEE~~. RUNOFF. Water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

~~RRRFFF~~. SOIL MOISTURE SENSING DEVICE or SOIL MOISTURE SENSOR. A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

~~SSSGGG~~. SOIL TEXTURE. The classification of soil based on its percentage of sand, silt, and clay.

~~TTTHHH~~. SPECIAL LANDSCAPE AREA (SLA). An area of the landscape dedicated solely to edible plants, **recreational areas**, areas irrigated with recycled water, **or** water features using recycled water ~~and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.~~

~~UUUHH~~. SPRINKLER HEAD **or SPRAY HEAD**. A device which delivers water through a nozzle.

~~VVVJJ~~. STATIC WATER PRESSURE. The pipeline or municipal water supply pressure when water is not flowing.

~~WWWKKK~~. STATION. An area served by one (1) valve or by a set of valves that operate simultaneously.

~~XXXLLL~~. SWING JOINT. An irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

**YYY. SUBMETER. A metering device to measure water applied to the landscape that is installed after the primary utility water meter.**

~~ZZZMMM~~. TURF. A ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

~~AAAAANN~~. VALVE. A device used to control the flow of water in the irrigation system.

~~BBBBOOO~~. WATER CONSERVING PLANT SPECIES. A plant species identified as having a **very low** **or** low plant factor.

~~CCCCPPP~~. WATER FEATURE. A design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

~~DDDDQQQ~~. WATERING WINDOW. The time of day irrigation is allowed.

~~EEEERRR~~. WUCOLS. The Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources **2014** ~~and the Bureau of Reclamation, 2000.~~ (**Ord. 2020-xx (part), 2020;** Ord. 2009-11 § 1(part), 2009).

#### 15.54.014 PROVISIONS FOR NEW CONSTRUCTION OR REHABILITATED LANDSCAPES.

A. The City of Pinole may designate **by mutual agreement**, another agency, such as a water purveyor, to implement some or all of the requirements contained in this chapter. **The City of Pinole** ~~Local agencies~~ may collaborate with water purveyors to define each entity's specific responsibilities relating to this chapter. (**Ord. 2020-xx (part), 2020;** Ord. 2009-11 § 1(part), 2009).

#### 15.54.016 COMPLIANCE WITH LANDSCAPE DOCUMENTATION PACKAGE.

- A. Prior to construction, the City of Pinole shall:
  - 1. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
  - 2. Review the Landscape Documentation Package submitted by the project applicant;
  - 3. Approve or deny the Landscape Documentation Package;
  - 4. Issue a permit or approve the plan check or design review for the project applicant; and
  - 5. Upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.
- B. Prior to construction, the project applicant shall:
  - 1. Submit a Landscape Documentation Package to the City of Pinole.
- C. Upon approval of the Landscape Documentation Package by the City of Pinole, the project applicant shall:
  - 1. Receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;
  - 2. Submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
  - 3. Submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor EBMUD. (Ord. 2020-xx (part), 2020; Ord. 2009-11 § 1(part), 2009).

#### 15.54.018 PENALTIES.

- A. The City of Pinole may establish and administer penalties to the project applicant for non-compliance with the chapter to the extent permitted by law. (Ord. 2009-11 § 1(part), 2009).

#### 15.54.020 ELEMENTS OF THE LANDSCAPE DOCUMENTATION PACKAGE: SUBMITTAL REQUIREMENTS.

- A. The landscape documentation package shall include the following elements:
  - 1. Project information;
    - a. Date.
    - b. Project applicant.
    - c. Project address (if available, parcel and/or lot number(s)).
    - d. Total landscape area (square feet).
    - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed).
    - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well.
    - g. Checklist of all documents in Landscape Documentation Package.
    - h. Project contacts to include contact information for the project applicant and property owner.

i. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".

2. Water Efficient Landscape Worksheet.

a. Hydrozone information table.

b. Water budget calculations.

i. Maximum Applied Water Allowance (MAWA);

ii. Estimated Total Water Use (ETWU);

3. Soil management report;

4. Landscape design plan;

5. Irrigation design plan; and

6. Grading design plan. (Ord. 2009-11 § 1(part), 2009).

15.54.022 WATER EFFICIENT LANDSCAPE WORKSHEET.

A. A project applicant shall complete the Water Efficient Landscape Worksheet ~~which contains two (2) sections:~~ **in Appendix B of the state of California model water efficient landscape ordinance, which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The Maximum Applied Water Allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The Estimated Total Water Use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.**

**1. In calculating the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A of the state of California model water efficient landscape ordinance. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.**

~~— 1. A hydrozone information table for the landscape project; and~~

~~— 2. A water budget calculation for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo value of 41.8.~~

B. Water budget calculations shall adhere to the following requirements:

1. The plant factor used shall be from WUCOLS **or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR)**. The plant factor ranges from **0 to 0.1 for very low water using plants,** ~~0.10~~ to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

3. All Special Landscape Areas shall be identified and their water use calculated as **shown in Appendix B of the state of California model water efficient landscape ordinance** described below.

4. ETAF for **new and existing (non-rehabilitated)** Special Landscape Areas shall not exceed 1.0.

~~—C. Maximum Applied Water Allowance. The Maximum Applied Water Allowance shall be calculated using the equation:~~

~~—
$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$~~

~~—The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project in the City of Pinole. The ETo values used in these calculations are from the Reference Evapotranspiration Table in Appendix A, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.~~

~~—1. Example MAWA calculation: a hypothetical landscape project in Fresno, CA with an irrigated landscape area of fifty thousand (50,000) square feet without any Special Landscape Area (SLA= 0, no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value used is 51.1 inches as listed in the Reference Evapotranspiration Table in Appendix A.~~

~~—
$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$~~

~~—MAWA = Maximum Applied Water Allowance (gallons per year)~~

~~—ETo = Reference Evapotranspiration (inches per year)~~

~~—0.62 = Conversion Factor (to gallons)~~

~~—0.7 = ET Adjustment Factor (ETAF)~~

~~—LA = Landscape Area including SLA (square feet)~~

~~—0.3 = Additional Water Allowance for SLA~~

~~—SLA = Special Landscape Area (square feet)~~

~~—
$$\text{MAWA} = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 0)]$$~~

~~—
$$= 1,108,870 \text{ gallons per year}$$~~

~~—To convert from gallons per year to hundred-cubic feet per year:~~

~~—
$$= 1,108,870 / 748 = 1,482 \text{ hundred-cubic feet per year}$$~~

~~—(100 cubic feet = 748 gallons)~~

~~—2. In this next hypothetical example, the landscape project that has the same ETo value of 51.1 inches and a total landscape area of fifty thousand (50,000) square feet. Within the fifty thousand (50,000) square foot project, there is now a two thousand (2,000) square foot area planted with edible plants. This two thousand (2,000) square foot area is considered to be a Special Landscape Area.~~

~~—
$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$~~

~~—
$$\text{MAWA} = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})]$$~~

~~—
$$= 31.68 \times [35,000 + 600] \text{ gallons per year}$$~~

~~—
$$= 31.68 \times 35,600 \text{ gallons per year}$$~~

~~—
$$= 1,127,808 \text{ gallons per year or } 1,508 \text{ hundred-cubic feet per year}$$~~



~~a. Estimated Total Water Use. The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.~~

~~$$ETWU = (ETo)(0.62) \left( \frac{PF \times HA}{IE} + SLA \right)$$~~

~~Where:~~

~~—ETWU = Estimated Total Water Use per year (gallons)~~

~~—ETo = Reference Evapotranspiration (inches)~~

~~—PF = Plant Factor from WUCOLS (see Section 491)~~

~~—HA = Hydrozone Area [high, medium, and low water use areas] (square feet)~~

~~—SLA = Special Landscape Area (square feet)~~

~~—0.62 = Conversion Factor~~

~~—IE = Irrigation Efficiency (minimum 0.71)~~

~~(1) Example ETWU calculation: landscape area is fifty thousand (50,000) square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ETo value is 51.1 inches per year. There are no Special Landscape Areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.~~

Hydrozone	Plant Water Use Type (s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
—Sum				24,700

~~\* Plant Factor from WUCOLS~~

~~$$ETWU = (51.1)(0.62) \left( \frac{24,700}{0.71} + 0 \right)$$~~

~~= 1,102,116 gallons per year~~

~~—Compare ETWU with MAWA: For this example MAWA = (51.1) (0.62) [(0.7 x 50,000) + (0.3 x 0)] = 1,108,870 gallons per year. The ETWU (1,102,116 gallons per year) is less than MAWA (1,108,870 gallons per year). In this example, the water budget complies with the MAWA.~~

~~(2) Example ETWU calculation: total landscape area is fifty thousand (50,000) square feet, two thousand (2,000) square feet of which is planted with edible plants. The edible plant area is~~

considered a Special Landscape Area (SLA). The reference evapotranspiration value is 51.1 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

-

Hydrozone	Plant Water Use Type (s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			—Sum	23,500
6	SLA	1.0	2,000	2,000

-

\* Plant Factor from WUCOLS.

$$\text{ETWU} = (51.1)(0.62) \left( \frac{23,500}{0.71} + 2,000 \right)$$

-

$$= (31.68) (33,099 + 2,000)$$

$$= 1,111,936 \text{ gallons per year}$$

—Compare ETWU with MAWA. For this example:

$$\text{MAWA} = (51.1) (0.62) [(0.7 \times 50,000) + (0.3 \times 2,000)]$$

$$= 31.68 \times [35,000 + 600]$$

$$= 31.68 \times 35,600$$

$$= 1,127,808 \text{ gallons per year}$$

The ETWU (1,111,936 gallons per year) is less than MAWA (1,127,808 gallons per year). For this example, the water budget complies with the MAWA. (Ord. 2020-xx (part), 2020; Ord. 2009-11 § 1(part), 2009).

#### 15.54.024 SOIL MANAGEMENT REPORT.

A. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

1. Submit soil samples to a laboratory for analysis and recommendations.

a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

b. The soil analysis may include:

i. Soil texture;

ii. Infiltration rate determined by laboratory test or soil texture infiltration rate table;

iii. pH;

- iv. Total soluble salts;
- v. Sodium;
- vi. Percent organic matter; and
- vii. Recommendations.

**c. In projects with multiple landscape installations (i.e. production home developments), a soil sampling rate of one (1) in seven (7) lots or approximately fifteen percent (15%) will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to one (1) in seven (7) lots.**

- 2. The project applicant, or his/her designee, shall comply with one (1) of the following:
  - a. If significant mass grading is not planned, the soil analysis report shall be submitted to the City of Pinole as part of the Landscape Documentation Package; or
  - b. If significant mass grading is planned, the soil analysis report shall be submitted to the City of Pinole as part of the Certificate of Completion.
- 3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
- 4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the **City of Pinole local agency** with Certificate of Completion. **(Ord. 2020-xx (part), 2020; Ord. 2009-11 § 1(part), 2009).**

#### 15.54.026 LANDSCAPE DESIGN PLAN.

A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

- 1. Plant Material.
  - a. Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. **Methods to achieve water efficiency shall include one (1) or more of the following** ~~To encourage the efficient use of water, the following is highly recommended:~~
    - i. Protection and preservation of native species and natural vegetation;
    - ii. Selection of water-conserving plant, ~~tree~~, and turf species, **especially local native plants**;
    - iii. Selection of plants based on **local climate suitability**, disease and pest resistance;
    - iv. Selection of trees based on applicable tree shading guidelines or local tree ordinances (See Chapter 17.44 and 17.96 of the Pinole Municipal Code), **and size at maturity as appropriate for the planting area**; ~~and~~
    - v. Selection of plants from local and regional landscape program plant lists;
  - vi. Selection of plants from local Fuel Modification Plan Guidelines.**

~~bB.~~ Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 15.54.028**(A)(1)(c)(ii)(a)(2)(D).**

~~cC.~~ Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. **Methods to achieve water**

**efficiency shall include one (1) or more of the following** ~~To encourage the efficient use of water, the following is highly recommended:~~

1. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; **allow for adequate soil volume for healthy root growth**; and
3. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

~~dD.~~ Turf is not allowed on slopes greater than twenty-five percent (25%) where the toe of the slope is adjacent to an impermeable hardscape and where twenty-five percent (25%) means one (1) foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run x one hundred (100) = slope percent).

**e. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.**

~~fE.~~ A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. **Refer to the local Fuel Modification Plan guidelines.**

~~gF.~~ The use of invasive ~~and/or noxious~~ plant species, **such as those listed by the California Invasive Plant Council**, is strongly discouraged.

~~hG.~~ The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

#### **2H. Water Features.**

- ~~a1.~~ Recirculating water systems shall be used for water features.
- ~~b2.~~ Where available, recycled water shall be used as a source for decorative water features.
- ~~c3.~~ Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
- ~~d4.~~ Pool and spa covers are highly recommended.

#### **3I. Soil Preparation, Mulch and Amendments.**

**a. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.**

**b. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 15.54.024).**

**c. For landscape installations, compost at a rate of a minimum of four (4) cubic yards per one thousand (1,000) square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding compost and tilling.**

~~d1.~~ A minimum **three (3)** ~~two (2)~~ inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding

applications where mulch is contraindicated. **To provide habitat for beneficial insects and other wildlife, up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.**

**e2. Stabilizing mulching products shall be used on slopes that meet current engineering standards.**

**f3. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.**

**g. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.**

~~— 4. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 15.54.024).~~

**B1. The landscape design plan, at a minimum, shall have the following:**

1. Delineate and label each hydrozone by number, letter, or other method;
2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
3. Identify recreational areas;
4. Identify areas permanently and solely dedicated to edible plants;
5. Identify areas irrigated with recycled water;
6. Identify type of mulch and application depth;
7. Identify soil amendments, type, and quantity;
8. Identify type and surface area of water features;
9. Identify hardscapes (pervious and non-pervious);
10. Identify location, and installation details, **and twenty-four(24)-hour retention or infiltration** of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. **Project applicants shall refer to the City of Pinole or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.** Stormwater best management practices are encouraged in the landscape design plan and examples **are provided in Section 15.54.046** ~~include, but are not limited to:~~
  - a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground;
  - b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
  - c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
11. Identify any applicable rain harvesting or catchment technologies **as discussed in Section 15.54.046 and their twenty-four(24)-hour retention or infiltration capacity** (e.g., rain gardens, cisterns, etc.);
- 12. Identify any applicable graywater discharge piping, system components and area(s) of distribution;**

~~1342~~. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and

~~1413~~. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.) (**Ord. 2020-xx (part), 2020**; Ord. 2009-11 § 1(part), 2009).

#### 15.54.028 IRRIGATION DESIGN PLAN.

A. **This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period.** For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

1. System.

a. **Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of one thousand (1,000) square feet but not more than five thousand (5,000) square feet (the level at which Water Code 535 applies) and residential irrigated landscapes of five thousand (5,000) square feet or greater. A landscape water meter may be either:** ~~Dedicated landscape water meters are highly recommended on landscape areas smaller than five thousand (5,000) square feet to facilitate water management.~~

**i. a customer service meter dedicated to landscape use provided by the local water purveyor; or**

**ii. a privately owned meter or submeter.**

b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data **utilizing non-volatile memory** shall be required for irrigation scheduling in all irrigation systems.

c. **If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required** ~~The irrigation system shall be designed~~ to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

i. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

ii. Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

~~dB~~. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation

systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

e~~C~~. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

f~~D~~. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

g~~E~~. ~~High-flow~~ sensors that detect and report high flow conditions created by system damage or malfunction are **required for all on non-residential landscapes and residential landscapes of five thousand (5,000) square feet or larger** recommended.

**h. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.**

i~~F~~. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, nonirrigated areas, hardscapes, roadways, or structures.

j~~G~~. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

k~~H~~. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

l~~I~~. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 15.54.022 regarding the Maximum Applied Water Allowance.

**m. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard, All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.**

n~~J~~. It is highly recommended that the project applicant or City of Pinole local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

o~~K~~. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

p~~L~~. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

q~~M~~. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

r~~N~~. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent **to hardscapes or** to high traffic areas **of turfgrass**.

s~~O~~. Check valves or anti-drain valves are required **on all sprinkler heads where low point drainage could occur**for all irrigation systems.

~~\_\_\_tP.~~ ~~Narrow or irregularly shaped areas, including turf, less than eight (8)~~ **Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray low volume irrigation system.**

~~\_\_\_uQ.~~ Overhead irrigation shall not be permitted within twenty-four (24) inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

- ~~\_\_\_i1.~~ The landscape area is adjacent to permeable surfacing and no runoff occurs; or
- ~~\_\_\_ii2.~~ The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
- ~~\_\_\_iii3.~~ The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 15.54.028 ~~(Aa)(1)(iH).~~ Prevention of overspray and runoff must be confirmed during the irrigation audit.

~~\_\_\_vR.~~ Slopes greater than twenty-five percent (25%) shall not be irrigated with an **application irrigation system with a precipitation rate exceeding 0.75 inches per hour.** This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

## **2S. Hydrozone.**

~~a1.~~ Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

~~b2.~~ Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

~~c3.~~ Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf **to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.**

~~d4.~~ Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

~~ia.~~ Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

~~iiib.~~ The plant factor of the higher water using plant is used for calculations.

~~eF.~~ Individual hydrozones that mix high and low water use plants shall not be permitted.

~~fU.~~ On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

~~B-1.~~ The irrigation design plan, at a minimum, shall contain:

~~1a.~~ Location and size of separate water meters for landscape;



- 2b.** Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- 3e.** Static water pressure at the point of connection to the public water supply;
- 4d.** Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- 5e.** Recycled water irrigation systems as specified in Section 15.54.042;
- 6f.** The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
- 7g.** The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.) (**Ord. 2020-xx (part), 2020;** Ord. 2009-11 § 1(part), 2009).

#### 15.54.030 GRADING DESIGN PLAN.

A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
  - a. Height of graded slopes;
  - b. Drainage patterns;
  - c. Pad elevations;
  - d. Finish grade; and
  - e. Stormwater retention improvements, if applicable.
2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
  - a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
  - b. Avoid disruption of natural drainage patterns and undisturbed soil; and
  - c. Avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law. (Ord. 2009-11 § 1(part), 2009).

#### 15.54.032 CERTIFICATE OF COMPLETION.

- A. The Certificate of Completion shall include the following six (6) elements:
1. Project information sheet that contains:
    - a. Date;
    - b. Project name;

- c. Project applicant name, telephone, and mailing address;
  - d. Project address and location; and
  - e. Property owner name, telephone, and mailing address;
2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;
- a. Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;
  - b. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.**
- 3i.** Irrigation scheduling parameters used to set the controller (see Section 15.54.034);
  - 4ii.** Landscape and irrigation maintenance schedule (see Section 15.54.036);
  - 5iii.** Irrigation audit report (see Section 15.54.038); and
  - 6iv.** Soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 15.54.024).
- B—b.** The project applicant shall:
- 1i.** Submit the signed Certificate of Completion to the City of Pinole for review;
  - 2ii.** Ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.
- C—c.** The City of Pinole shall:
- 1i.** Receive the signed Certificate of Completion from the project applicant;
  - 2ii.** Approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the ~~City of Pinole local agency~~ shall provide information to the project applicant regarding reapplication, appeal, or other assistance. (**Ord. 2020-xx (part), 2020**; Ord. 2009-11 § 1(part), 2009).

#### 15.54.034 IRRIGATION SCHEDULING.

A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

- 1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
- 2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two (2) shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- 3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:

- a. The plant establishment period;
- b. The established landscape; and
- c. Temporarily irrigated areas.

5. Each irrigation schedule shall consider for each station all of the following that apply:

- a. Irrigation interval (days between irrigation);
- b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
- c. Number of cycle starts required for each irrigation event to avoid runoff;
- d. Amount of applied water scheduled to be applied on a monthly basis;
- e. Application rate setting;
- f. Root depth setting;
- g. Plant type setting;
- h. Soil type;
- i. Slope factor setting;
- j. Shade factor setting; and
- k. Irrigation uniformity or efficiency setting. (Ord. 2009-11 § 1(part), 2009).

#### 15.54.036 LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE.

A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.

B. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; **topdressing with compost**; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents **or with components with greater efficiency**.

D. A project applicant is encouraged to implement **established landscape industry sustainable Best Practices for all landscape maintenance activities** ~~sustainable or environmentally friendly practices for overall landscape maintenance.~~ (**Ord. 2020-xx (part), 2020**; Ord. 2009-11 § 1(part), 2009).

#### 15.54.038 IRRIGATION AUDIT, IRRIGATION SURVEY, AND IRRIGATION WATER USE ANALYSIS.

A. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor. **Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.**

**B. In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15%) will satisfy this requirement.**

**C.** For new construction and rehabilitated landscape projects installed after **December 1, 2015** ~~January 1, 2010~~, as described in Section 15.54.010:

1. The project applicant shall submit an irrigation audit report with the Certificate of Completion to the City of Pinole that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, **including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming;**

2. The City of Pinole shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance. **(Ord. 2020-xx (part), 2020;** Ord. 2009-11 § 1(part), 2009).

#### 15.54.040 IRRIGATION EFFICIENCY.

For the purpose of determining **Estimated Total Water Use** ~~Maximum Applied Water Allowance~~, average irrigation efficiency is assumed to be **0.75 for overhead spray devices and 0.81 for drip system devices** ~~0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.~~ **(Ord. 2020-xx (part), 2020;** Ord. 2009-11 § 1(part), 2009).

#### 15.54.042 RECYCLED WATER.

A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, ~~unless a written exemption has been granted as described in Section 15.54.042(b).~~

~~B. Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.~~

**BC.** All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.

**CD.** Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for **new and existing (non-rehabilitated)** Special Landscape Areas shall not exceed 1.0. **(Ord. 2020-xx (part), 2020;** Ord. 2009-11 § 1(part), 2009).

#### **15.54.044 GRAYWATER SYSTEMS.**

**A. Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to Section 15.54.010(A)(6) for the applicability of this ordinance to landscape areas less than two thousand five hundred (2,500) square feet with the Estimated Total Water Use met entirely by graywater. (Ord. 2020-xx, 2020)**

#### 15.54.044**046** STORMWATER MANAGEMENT **AND RAINWATER RETENTION.**

A. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices

into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.

B. Project applicants shall refer to the City of Pinole local agency or Regional Water Quality Control Board for information on any applicable stormwater technical requirements ~~ordinances and stormwater management plans.~~

**C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to Section 15.54.026 (A)(3).**

**D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: the one (1) inch, twenty-four(24)-hour rain event or the eighty-fifth (85<sup>th</sup>) percentile, twenty-four(24)-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.**

**E. It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:**

**1. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.**

**2. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.**

**3. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.**

**4. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.**

**5. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.**

**6. Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.**

**7. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.**

~~—C. Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended. (Ord. 2020-xx (part), 2020; Ord. 2009-11 § 1(part), 2009).~~

#### **15.54.046048 PUBLIC EDUCATION.**

A. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

1. The City of Pinole shall provide information to owners of permitted renovations and new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.

B. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this chapter.

1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as

**designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.**

2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes. (**Ord. 2020-xx (part), 2020;** Ord. 2009-11 § 1(part), 2009).

#### **15.54.048050** ENVIRONMENTAL REVIEW.

The City of Pinole must comply with the California Environmental Quality Act (CEQA), as appropriate. (Ord. 2009-11 § 1(part), 2009).

#### **15.54.050052** PROVISIONS FOR EXISTING LANDSCAPES **AND IRRIGATION ANALYSIS.**

A. The City of Pinole may **by mutual agreement** designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this chapter. **The City of Pinole** ~~Local agencies~~ may collaborate with water purveyors to define each entity's specific responsibilities relating to this chapter.

B. This section, **15.54.050052**, shall apply to all existing landscapes that were installed before **December 1, 2015** ~~January 1, 2010~~ and are over one (1) acre in size.

1. For all landscapes in **Section 15.54.052(B)** ~~15.54.038 (a)~~ that have a water meter, the City of Pinole shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as:  $MAWA = (0.8)(ET_o)(LA)(0.62)$ .

2. For all landscapes in **Section 15.54.052(B)** ~~15.54.038 (a)~~, that do not have a meter, the **City of Pinole** ~~local agency~~ shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

~~C—~~a. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor. (**Ord. 2020-xx (part), 2020;** Ord. 2009-11 § 1(part), 2009).

#### **15.54.052054** WATER WASTE PREVENTION.

A. Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

B. Restrictions regarding overspray and runoff may be modified if:

1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping. (Ord. 2009-11 § 1(part), 2009).

#### **15.54.054056** EFFECTIVE PRECIPITATION.

A. The City of Pinole may consider Effective Precipitation (twenty-five percent (25%) of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) (0.62) [(\underline{0.55} \text{ } \underline{0.7} \times \text{LA}) + (\underline{0.45} \text{ } \underline{0.3} \times \text{SLA})] \text{ for residential areas.}$$

$$\underline{\text{MAWA} = (\text{ETo} - \text{Eppt}) (0.62) [(0.45 \times \text{LA}) + (0.55 \times \text{SLA})] \text{ for non-residential areas.}}$$

**The Reference Evapotranspiration (ETo) Table can be found in Appendix A of the state of California model water efficient landscape ordinance.**

**Appendix A. Reference Evapotranspiration (ETo) Table.**

-

Month	Eto Rate
January	1.5
February	1.5
March	2.8
April	3.9
May	5.1
June	5.3
July	6
August	5.5
September	4.8
October	3.1
November	1.4
December	0.9
Total	41.8

**(Ord. 2020-xx (part), 2020; Ord. 2009-11 § 1(part), 2009)**

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 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

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 Title 23. Waters  
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 Chapter 2.7. Model Water Efficient Landscape Ordinance

23 CCR Appendix D

**Appendix D - Prescriptive Compliance Option.**

- (a) This appendix contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance.
- (b) Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:
- (1) Submit a Landscape Documentation Package which includes the following elements:
    - (A) date
    - (B) project applicant
    - (C) project address (if available, parcel and/or lot number(s))
    - (D) total landscape area (square feet), including a breakdown of turf and plant material
    - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
    - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
    - (G) contact information for the project applicant and property owner
    - (H) applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option to the MWELO".
  - (2) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);
  - (3) Plant material shall comply with all of the following:
    - (A) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;
    - (B) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
  - (4) Turf shall comply with all of the following:
    - (A) Turf shall not exceed 25% of the landscape area in residential areas, and there shall be no turf in non-residential areas;
    - (B) Turf shall not be planted on sloped areas which exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length;
    - (C) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.
  - (5) Irrigation systems shall comply with the following:
    - (A) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.
    - (B) Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.
    - (C) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
    - (D) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
    - (E) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard," All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
    - (F) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
  - (6) For non-residential projects with landscape areas of 1,000 sq. ft. or more, a private submeter(s) to measure landscape water use shall be installed.
- (c) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

**HISTORY**

1. New Appendix D filed 9-15-2015; operative 9-15-2015. Exempt from OAL review and submitted to OAL for printing only pursuant to Governor's Executive Order No. B-29-15 (4-1-2015) (Register 2015, No. 38).





## **CITY COUNCIL REPORT**

**9A**

**DATE**            **SEPTEMBER 15, 2020**

**TO:**             **MAYOR AND COUNCIL MEMBERS**

**FROM:**        **ANDREW MURRAY, CITY MANAGER**

**SUBJECT:    DIRECTION TO THE CITY'S VOTING DELEGATE TO THE LEAGUE OF  
CALIFORNIA CITIES ANNUAL CONFERENCE REGARDING THE  
RESOLUTION BEING CONSIDERED BY THE LEAGUE'S MEMBERS**

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### **RECOMMENDATION**

Staff recommends that the City Council provide direction to the City's delegate to the League of California Cities 2020 annual conference on how to vote on the City's behalf regarding the one resolution being considered.

### **BACKGROUND**

Every year, the League of California Cities, of which the City of Pinole is a member, hosts an annual conference. This year, the annual conference will be held, virtually, on October 7 – 9. The League conducts an Annual Business Meeting on the last day of the conference every year. During this meeting, member agencies vote on resolutions proposed by other member agencies that establish official League policy on issues of concern to the members. This year, one resolution will be considered, which calls for an amendment to Section 230 of the Communications Decency Act of 1996.

At its meeting on September 1, 2020, the City Council appointed a voting delegate (Mayor Pro Tem Martinez-Rubin) and two alternates (Council Member Tave and Council Member Salimi) to vote on the City's behalf at the 2020 League conference (staff report attached). The City Council also discussed the resolution that will be considered by the League membership at the conference and what direction to provide to the City's delegate regarding how to vote on the City's behalf. During the discussion, the City Council expressed concerns about the resolution, which relates to social media companies' liability for criminal acts advocated by the companies' users. The City Council was specifically concerned that the proposed resolution, which would call upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to limit the immunity of social media companies from civil liability, would have the effect of leading social media companies to offshore their operations, resulting in the loss of U.S. jobs without having any impact on the platforms' liability.

The City Council directed City staff to follow up with the League to see whether this concern had been considered by the resolution's proponents and to learn how the City could voice this concern in the normal process by which the resolution would be considered by the League's members.

## **REVIEW & ANALYSIS**

In reply to an inquiry from City staff, League staff responded that they did not know whether the resolution's proponents had considered the possibility of the loss of U.S. jobs without any impact on the platforms' liability due to the proposed change to the Communications Decency Act of 1996. This possibility was also not specifically addressed in the League staff's analysis of the resolution (Attachment B to the attached City Council staff report of September 1, 2020).

Regarding how the City could voice its concern about the resolution in the normal process by which the resolution would be considered by the League's members, the City can provide comment at the meetings of the two policy committees that will consider the resolution and the meeting of General Resolutions Committee, all of which will precede a vote at the Annual Business Meeting. The Governance, Transparency and Labor Relations Policy Committee will meet virtually on September 29, 2020 from 9:30 – 11:30 a.m. The Public Safety Policy Committee will meet the same day from 1:00 – 3:00 p.m. A League member agency's voting delegate can attend any policy committee meeting and provide comment on a proposed resolution. Resolutions with committee recommendations will be considered by the General Resolutions Committee, which will meet virtually at 1:00 p.m. on Thursday, October 8, 2020.

Staff recommends that the City Council provide direction to the City's delegate regarding how to vote on the City's behalf regarding the one resolution being considered. In addition to expressing the City's position through the vote of its delegate at the Annual Business Meeting, the City can also express its support or concerns regarding the resolution by communicating directly to the two policy committees and the General Resolutions Committee. The voting delegate can provide verbal comment during these committees' meeting and/or City staff could prepare a letter for the Mayor's signature on behalf of the full Council to the three committees expressing any concerns the City has.

## **FISCAL IMPACT**

There is no direct fiscal impact to the City related to taking a position on the resolution being considered by the League's membership.

## **ATTACHMENTS**

- A. Staff Report to City Council on September 1, 2020



## CITY COUNCIL REPORT

**10C**

**DATE:** SEPTEMBER 1, 2020

**TO:** MAYOR AND COUNCIL MEMBERS

**FROM:** HECTOR DE LA ROSA, ASSISTANT CITY MANAGER

**SUBJECT:** APPOINT A COUNCILMEMBER AND UP TO TWO ALTERNATIVE VOTING DELEGATES TO VOTE ON THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTION

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### **RECOMMENDATION**

It is recommended that, by minute order, the City Council appoint a Council Member as the voting delegate and two alternate voting delegates to vote on the League of California Cities annual conference resolution.

### **BACKGROUND**

Every year the League of California Cities hosts an annual conference. On the last day of the conference each agency's Voting Delegate may vote on the resolutions presented for consideration. This year the League of California Cities will be hosting a virtual annual conference scheduled for October 7-9th.

In years past, the Mayor and/or a Council Member who was registered to attend the conference was designated by the Council as Pinole's Voting Delegate. The voting customarily occurs during the General Assembly which will be held on the last day of the conference, Friday October 9<sup>th</sup>.

### **REVIEW & ANALYSIS**

For 2020 there is a single resolution being presented for consideration.

- ***Resolution #1 – Amendment to Section 230 of The Communications Decency Act of 1996***

The resolution is sponsored by the City of Cerritos and supported by the cities of Hawaiian Gardens, Lakewood, Ontario, Rancho Cucamonga, and Roseville.

This resolution is in response to online platform companies' immunity, under Section 230 of the Communications Decency Act of 1996, from civil liability based on third-party content and for the removal of content when the content calls for or is attributed to criminal acts. Additionally, online platform providers are also immune from

injunctive relief, preventing local governments from merely seeking an injunction against the online platform to have a post removed.

The resolution was prompted by a recent situation in which an anonymous post on Instagram.com called followers to “work together to loot Cerritos Mall”. Concerned for the public’s safety as well as public property, the City of Cerritos spent thousands of dollars to protect and secure the Mall. Under Section 230 of the Communications Decency Act of 1996, Instagram.com is immune from any liability resulting from the posting and ultimate cost to the City.

According to the League Staff Analysis for this resolution, which can be found starting on page 9 of the attached Annual Conference Resolution Packet, while the rationale for the resolution is defensible, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute. In the United States,

- the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine.
- With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them the identification of persons who use the services of the platform to solicit and to engage in criminal activity, would require them to search users’ accounts without a warrant based on probable cause, thus violating the persons Fourth Amendment.

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

#### Resolution Action

If the resolution is approved, the League will call upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

Following appointment of the City's Voting Delegate and alternates, along with a discussion on the matter, the Council shall direct the City's Voting Delegate to either support or not support the resolution.

### **FISCAL IMPACTS**

There is no direct fiscal impact to the City of Pinole related to this resolution. The costs to the League of California Cities to simply urge Congress to undertake certain action as described in the resolution is negligible.

### **ATTACHMENTS**

- A 2020 League of California Cities Voting Packet
- B 2020 League of California Cities Annual Conference Resolution Packet

June 30, 2020

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the

special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: \_\_\_\_\_

**2020 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM**

**Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.**

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

**1. VOTING DELEGATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**2. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**3. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.**

**OR**

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_  
(circle one) (signature)

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

**Please complete and return by Wednesday, September 30, 2020**

League of California Cities  
**ATTN: Darla Yacub**  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

**FAX: (916) 658-8240**  
E-mail: [dyacub@cacities.org](mailto:dyacub@cacities.org)  
(916) 658-8254





## Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



## *Annual Conference Resolutions Packet*

### *2020 Annual Conference Resolutions*



*October 7 – 9, 2020*

## INFORMATION AND PROCEDURES

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

**POLICY COMMITTEES:** Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

**GENERAL ASSEMBLY:** This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: [mdesmond@cacities.org](mailto:mdesmond@cacities.org) or (916) 658-8224

## **GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS**

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### **Guidelines for Annual Conference Resolutions**

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
  - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

## KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 - General Resolutions Committee		
		3 - General Assembly		

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### GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

### PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

## KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

### **KEY TO REVIEWING BODIES**

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

### **KEY TO ACTIONS TAKEN**

- |     |   |
|-----|---|
| A   | Approve   |
| D   | Disapprove  |
| N   | No Action   |
| R   | Refer to appropriate policy committee for study             |
| a   | Amend+  |
| Aa  | Approve as amended+   |
| Aaa | Approve with additional amendment(s)+                       |
| Ra  | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+                            |
| Da  | Amend (for clarity or brevity) and Disapprove+              |
| Na  | Amend (for clarity or brevity) and take No Action+          |
| W   | Withdrawn by Sponsor  |

### **ACTION FOOTNOTES**

- \* Subject matter covered in another resolution
- \*\* Existing League policy
- \*\*\* Local authority presently exists

### **Procedural Note:**

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

**1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES**

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

**WHEREAS**, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

**WHEREAS**, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

**WHEREAS**, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

**WHEREAS**, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

**WHEREAS**, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

**WHEREAS**, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

**WHEREAS**, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

**NOW, THEREFORE, BE IT RESOLVED** at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.



## **Background Information to Resolution**

**Source:** City of Cerritos

### **Background:**

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

## **League of California Cities Staff Analysis on Resolution No. 1**

Staff: Charles Harvey, Legislative Representative  
Bijan Mehryar, Legislative Representative  
Caroline Cirrincione, Policy Analyst  
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations  
Public Safety

### **Summary:**

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

### **Background:**

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

### **Staff Comments:**

#### **Overview:**

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

#### Nation's Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the "Black Lives Matter" movement. It has been uncovered that these "flash robs"<sup>1</sup> were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

#### Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

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<sup>1</sup> The "flash robs" phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

### Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

### Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

#### Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230’s liability shield would be to create additional exceptions, as it did with FOSTA and SESTA<sup>2</sup>. If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)<sup>3</sup>, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider’s decision to restrict access to content was not made in good faith.

#### Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

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<sup>2</sup> The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.

<sup>3</sup> Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

### **Fiscal Impact:**

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

### **Existing League Policy:**

#### **Public Safety:**

##### *Law Enforcement*

The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

##### *Violence*

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

### **Governance, Transparency & Labor Relations:**

#### *Private Sector Liability*

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

**Questions to Consider:**

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders' respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution's impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone's privacy?*

**Support:**

The following letters of concurrence were received:

City of Hawaiian Gardens

City of Lakewood

City of Ontario

City of Rancho Cucamonga

City of Roseville

# **LETTERS OF CONCURRENCE**

## **Resolution No. 1**

Amendment to Section 230 of the Communications  
Decency Act of 1996





# CITY OF HAWAIIAN GARDENS

*"Our Youth - Our Future"*

August 7, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,



Ernie Hernandez  
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)

Jeff Wood  
Vice Mayor

Steve Craft  
Council Member



Todd Rogers  
Mayor

Ariel Pe  
Council Member

Diane DuBois  
Council Member

August 5, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers  
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)

# Lakewood



PAUL S. LEON  
MAYOR

DEBRA DORST-PORADA  
MAYOR PRO TEM

ALAN D. WAPNER  
JIM W. BOWMAN  
RUBEN VALENCIA  
COUNCIL MEMBERS

SCOTT OCHOA  
CITY MANAGER

SHEILA MAUTZ  
CITY CLERK

JAMES R. MILHISER  
TREASURER

August 6, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner  
Council Member  
League of California Cities Board Member

c: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos – [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)



## CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | [www.CityofRC.us](http://www.CityofRC.us)

August 6, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael  
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)

August 7, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social media platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,



John B. Allard II,  
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)  
Jason Gonsalves, Joe A. Gonsalves and Son





## **CITY COUNCIL REPORT**

**9B**

**DATE: SEPTEMBER 15, 2020**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: ERIC CASHER, CITY ATTORNEY  
BY: ALEX MOG, ASSISTANT CITY ATTORNEY**

**SUBJECT: URGENCY ORDINANCE AMENDING ORDINANCE NO. 2020-03 OF THE CITY OF PINOLE AUTHORIZING THE ZONING ADMINISTRATOR TO ISSUE TEMPORARY USE PERMITS TO WAIVE REQUIREMENTS OF TITLE 17 OF THE PINOLE MUNICIPAL CODE AND PERMIT THE USE OF PUBLIC PROPERTY TO FACILITATE BUSINESS OPERATIONS IMPACTED BY NOVEL CORONAVIRUS (COVID-19)**

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### **RECOMMENDATION**

Staff recommends that the City Council adopt an urgency ordinance amending Ordinance No. 2020-03 authorizing the Zoning Administrator to issue temporary use permits to waive requirements of Title 17 of the Pinole Municipal Code and permit the use of public property to facilitate business operations impacted by Novel Coronavirus (COVID-19).

### **BACKGROUND**

National, state, and local health and governmental authorities are responding to an outbreak of a respiratory disease named COVID-19. COVID-19 is easily transmissible from person to person, and community spread of the diseases has occurred throughout the United States and California, including in Contra Costa County. Due to the threat posed by COVID-19, the Governor and the Contra Costa County Health Officer both declared public health emergencies. The City Manager proclaimed a local emergency on March 18, 2020, and that declaration has been continuously affirmed and extended by the City Council.

Over the last six months, the State Public Health Officer and the Contra Costa Health Officer have issued various orders limiting activity, travel, and business functions. These restrictions have been relaxed since they were first implemented in late March, but significant restrictions remain.

The State Public Health Officer recently articulated a blueprint for reducing COVID-19 in California with revised criteria for loosening and tightening restriction on activities. This new blueprint has replaced the previous four-stage framework for reopening that contained stages 1, 2a, 2b, 3 and 4. The current blueprint has four

color-coded tiers: widespread (purple), substantial (red), moderate (orange), and minimal (yellow). Each county is assigned a tier based on its test positivity and adjusted case rate. For example, a county must have less than 7 new cases per 100,000 people, and less than an 8% positivity rate, to move from the widespread stage to the substantial stage. Under the blueprint, a county must remain at each tier for a minimum of 3 weeks before moving onto the next tiers. Contra Costa County is currently in the widespread tier, which is the most restrictive.

The blueprint's objective standards make it easier for the public to understand when a county will move from one stage to the next. In contrast, the previous framework did not have clear thresholds for a county to progress (or regress) between stages, which led to significant confusion.

Many non-essential indoor businesses are prohibited while a county is in the widespread tier, and some are non-essential indoor businesses will remain prohibited while a county is in the substantial tier. Even when a county is in the moderate and minimal tiers, indoor business operations will be subject to significant modifications. For example, under the State blueprint, indoor exercise facilities are prohibited when a county is in the widespread tier, allowed with 10% capacity when a county is in the substantial tier, allowed with 25% capacity when a county is in the moderate tier, and allowed with only 50% when a county is in the minimal tier. In addition, the Contra Costa Health Official has issued orders that similarly restrict business operations.

During this time of shelter in place and other social distancing, many businesses are experiencing substantial declines in business income as a result of business closures or the loss of hours, which threatens businesses ability to pay rent, maintain payroll, and continue operating. In order to assist businesses impacted by COVID-19, on June 2, 2020, the City Council adopted Ordinance No 2020-03, authorizing the Zoning Administrator to issue temporary permits waiving the requirements of the Zoning Code to facilitate business operations affected by public-health orders.

## **DISCUSSION**

Numerous businesses remain subject to health orders that prevent them from operating or require them to operate at a reduced capacity, and it is anticipated that some businesses will be affected by these restrictions for the foreseeable future. The economic impacts from COVID-19 and related health orders have been significant, and have led to increased levels of unemployment and decreased incomes for many businesses and residents of Pinole.

In order to assist businesses impacted by COVID-19 and support the local economy, on June 2, 2020, the City Council adopted Ordinance No 2020-03 authorizing the Zoning Administrator to issue temporary permits waiving the requirements of the Zoning Code to facilitate business operations affected by public-health orders. The most common way the ordinance has been used is to more easily allow outdoor

seating for restaurants and cafes, which are prohibited from offering indoor dining under current health orders.

Health experts recommend businesses operate outdoors to the maximum extent possible in order to minimize the risk of spread of COVID-19. However, some businesses do not have access to outdoor space that is appropriate for the business's activities. For example, it is unusual for an exercise studio or gym to have access to an outdoor space that is sufficient for offering a socially distant exercise class.

The proposed urgency ordinance would amend the existing urgency ordinance to also authorize the Zoning Administrator to issue permits allowing businesses to use certain public property for their business operations. It is anticipated that the most common use of the new provisions in the ordinance will be to authorize gyms and exercise studios to use City parks to offer socially distant exercise classes, but the modified ordinance would allow other uses as well, if determined appropriate by the Zoning Administrator.

Prior to issuing a use permit to use City property, the Zoning Administrator is required to confer with the Assistant City Manager and/or Recreation Manager, who are the two City officials generally responsible for overseeing the use of City parks. This will ensure that temporary use permits are only issued for appropriate uses of City parks, but keep all temporary use permits under the authority of the Zoning Administrator in order to streamline the process for businesses. Additionally, all temporary use permits will establish strict hours for use of City parks or other city property to ensure that the business does not occupy the public property in a manner that unreasonably limits the public's use of the public property for an extended period of time. The exact time restrictions will depend on the proposed use and location. In general, the smaller the portion of the park that will be used, the longer the use can be without interfering with the public's use of the park.

Importantly, the broad authority of the Ordinance is not intended to suggest that Zoning Administrator will permit any proposed use of City property requested by a business. Each request will be evaluated individually based on the specifics of the proposed use and location. Furthermore, the Zoning Administrator may condition the issuance of a temporary use permit to use City property on compliance with any conditions he or she determines appropriate. All businesses operating on City property will be required to obtain insurance.

All special temporary use permits will contain appropriate conditions in order to preserve the public health, safety, and welfare. The City can revoke the temporary use permit of any business that fails to comply with the applicable conditions at any time.

All other requirements of the existing urgency ordinance allowing the Zoning Administrator to issue temporary use permits will remain in effect. No notice or hearing will be required for the issuance of a temporary use permit, and temporary



use permits will not be issued to authorize new businesses. A temporary use permit will continue to be valid for up to ninety (90) days, but may be extended if the permit remains necessary to facilitate business operations affected by public-health orders of the federal, state, or county. Pursuant to the existing ordinance, application fees will continue to be waived.

If adopted by a four-fifths (4/5) vote of the City Council, the proposed urgency ordinance will go into effect immediately.

### **FISCAL IMPACT**

The issuance of temporary use permits pursuant to the urgency ordinance will involve staff time to review and grant. Because no application fee is charged, those costs will be borne by the City. The exact amount of any program is unknown and will depend on demand from the local business community. It is possible that zoning waivers could result in increased economic activity, and ultimately increased sales tax revenues for the City, but the amount of any potential revenue is unknown.

### **ATTACHMENTS**

- A. Amended Urgency Ordinance

**AN URGENCY ORDINANCE AMENDING ORDINANCE  
NO. 2020-003 OF THE CITY OF PINOLE AUTHORIZING  
THE ZONING ADMINISTRATOR TO WAIVE  
REQUIREMENTS OF TITLE 17 OF THE PINOLE  
MUNICIPAL CODE AND PERMIT THE USE OF PUBLIC  
PROPERTY TO FACILITATE BUSINESS OPERATIONS  
IMPACTED BY NOVEL CORONAVIRUS (COVID-19)**

**WHEREAS**, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease named “coronavirus disease 2019” (“COVID-19”); and

**WHEREAS**, COVID-19 is easily transmissible from person to person, and community spread of the diseases has occurred throughout the United States and California, including in Contra Costa County; and

**WHEREAS**, on January 31, 2020, the Secretary of the United States Department of Health and Human Services declared a public health emergency for the entire United States to aid the nation’s healthcare community in responding to COVID-19; and

**WHEREAS**, on March 4, 2020, the Governor of California proclaimed a state of emergency regarding COVID-19; and

**WHEREAS**, on March 10, 2020, the Contra Costa County Board of Supervisors declared a local health emergency; and

**WHEREAS**, on March 13, 2020, the President of the United States of America declared a national state of emergency in response to the spread of COVID-19 within the United States of America; and

**WHEREAS**, in accordance with Government Code Section 8630 and Pinole Code Section 2.32.060, the Director of Emergency Services proclaimed the existence of a local emergency caused by the COVID-19 on March 18; and

**WHEREAS**, on March 24, the City Council ratified and confirmed the proclamation of the existence of a local emergency issued by the Director of Emergency Services; and

**WHEREAS**, on March 16, 2020, the Contra Costa County Health Officer, along with six other health officers within six Bay Area counties, took a unified step to slow the spread of COVID-19 and preserve critical health care capacity across the region by issuing a legal order directing their respective residents to shelter at home beginning March 17, 2020. The order in Contra Costa County limited activity, travel, and business functions to only the most essential needs. The guidance comes after substantial input from the CDC and best practices from other health officials around the world; and

**WHEREAS**, on March 19, 2020, the Governor of California issued Executive Order N-33-20 ordering all individuals within the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, critical government services, schools, childcare, and construction; and

**WHEREAS**, the Pinole City Council has repeatedly adopted resolutions confirming the continued existence of local emergency due to COVID-19, most recently on September 15, 2020; and

**WHEREAS**, the Contra County Health Officer has issued multiple orders extending the shelter in place order; and

**WHEREAS**, On May 4, 2020, the Governor of California issued Executive Order N-60-20 ordering all individuals within the State of California to comply with the State Public Health Officer's framework unless stricter local regulations exists; and

**WHEREAS**, the State Public Health Officer has articulated a four-stage blueprint for reducing COVID-19 in California with revised criteria for loosening and tightening restriction on activities, and this blueprint has replaced the previous 4 stage framework for reopening; and

**WHEREAS**, the blueprint has four color-coded tiers: widespread (purple), substantial (red), moderate (orange), and minimal (yellow), and each county is assigned a tier based on its test positivity and adjusted case rate; and

**WHEREAS**, at a minimum a county must remain at each tier 3 weeks before moving onto the next tiers; and

**WHEREAS**, many non-essential indoor businesses are prohibited while a county is in the widespread tier, and some are non-essential indoor businesses will remain prohibited while a county is in the substantial tier; and

**WHEREAS**, in the moderate and minimal tiers some indoor business operations are allowed with modifications; and

**WHEREAS**, Contra Costa County is currently in the widespread tier, which is the most restrictive; and

**WHEREAS**, the Contra Costa Health Official has issued orders that restrict business operations, in addition to restrictions imposed by the State's blueprint; and

**WHEREAS**, business allowed to reopen will be subject to health and safety guidelines to minimize the risk of spread of COVID-19; and

**WHEREAS**, the State Department of Public Health's guidelines for restaurants and other business specifically recommend prioritizing outdoor seating and curbside pickup to minimize cross flow of customers in enclosed environments; and

**WHEREAS**, even when businesses are allowed to reopen indoor operations, they will be subject to significant modifications and limitations that impact their ability to operate successfully; and

**WHEREAS**, under the State blueprint, indoor exercise facilities are prohibited when a county is in the widespread tier, allowed with 10% capacity when a county is in the substantial tier, allowed with 25%

capacity when a county is in the moderate tier, and allowed with only 50% when a county is in the minimal tier; and

**WHEREAS**, numerous businesses remain subject to health orders that prevent them from operating or require them to operate at a reduced capacity; and

**WHEREAS**, during this time of shelter in place and other social distancing, many businesses are experiencing substantial declines in business income as a result of business closures or the loss of hours, which threatens businesses ability to pay rent, maintain payroll, and continue operating; and

**WHEREAS**, the economic impacts from COVID-19 and related health orders have been significant, and have led to increased levels of unemployment and decreased incomes for many businesses and residents of Pinole; and

**WHEREAS**, many businesses may face layoffs or permanent closure as a result of the pandemic; and

**WHEREAS**, even as certain shelter in place restrictions begin to ease, many local businesses will continue to be affected by social distancing requirements; and

**WHEREAS**, businesses are an integral part of the economy and community of Pinole; and

**WHEREAS**, local businesses are a significant source of jobs, tax revenue and essential services for the community; and

**WHEREAS**, business closures will negatively impact the local economy by laying off employees and ceasing to provide services to residents of the City, and negatively impact local health by reducing the number of retail and commercial spaces available to provide essential services while maintaining social distancing, and will decrease tax revenues available to the City to respond to COVID-19 and other public health and safety concerns; and

**WHEREAS**, on June 2, 2020 the City Council adopted Ordinance No 2020-003 authorizing the Zoning Administrator to issue temporary permits waiving the requirements of the Zoning Code to facilitate business operations affected by public-health orders; and

**WHEREAS**, health experts recommend businesses operate outdoors to the maximum extent possible in order to minimize the risk of spread of COVID-19, but some businesses do not have access to outdoor space that is appropriate for the business's activities; and

**WHEREAS**, to assist businesses that are experiencing, and will continue to experience, severe negative economic impacts due to the COVID-19 pandemic, the City desires to authorize the Zoning Administrator to issue permits allowing businesses to use certain public property for their business operations; and

**WHEREAS**, California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the public health, safety, and general welfare, of their citizens; and

**WHEREAS**, California Government Code Section 36937 authorizes the City Council to introduce and adopt an ordinance it declares to be necessary as an urgency measure to preserve the public peace, health, and safety at one and the same meeting if passed by at least four-fifths affirmative votes; and

**WHEREAS**, COVID-19 and the public health orders designed to reduce the virus's spread have had a significant impact on the economy of the City, requiring the closure of numerous business, and this Urgency Ordinance will facilitate the prompt reopening of businesses impacted by COVID-19 consistent with public health orders thereby minimizing negative economic impacts; and

**WHEREAS**, the Urgency Ordinance is designed to reduce and slow the transmission of COVID-19 by facilitating required social distancing between and among patrons and employees; and

**WHEREAS**, the Urgency Ordinance is designed to promote economic business stability and prevent business closures during the COVID-19 pandemic by allowing businesses that otherwise do not have access to outdoor space to operate outdoors on public property in a manner that complies with social distancing orders and protocols, thereby serving the public peace, health, safety, and public welfare; and

**WHEREAS**, the City Council finds and determines that allowing the Zoning Administrator to permit businesses to operate on public property in compliance with applicable health orders is essential to support economic development, prevent layoffs, and maintain tax revenue in the City and thereby serve the public peace, health, and safety; and

**WHEREAS**, the City Council finds and determines that the findings contained in Ordinance No. 2020-003 remain true and correct; and

**WHEREAS**, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety as failure to adopt this urgency ordinance could result in the avoidable closure of local businesses.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PINOLE, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Findings** The City Council of the City of Pinole finds that all of the above Recitals are true and correct and incorporated herein by reference. The provisions of Ordinance No 2020-003 including its recitals, and the State of California's Blueprint for a Safer Economy" as published on the State of California's official COVID-19 website, [www.covid.ca.gov](http://www.covid.ca.gov), are incorporated herein as if fully set forth.

**SECTION 2. Urgency Findings**

The City Council of the City of Pinole hereby finds that there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency ordinance, which finding is based upon the facts stated in the recitals above, and in the staff report dated September 15, 2020, as well as oral and written testimony at the September 15, 2020 City Council meeting. This Ordinance is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The

facts constituting such urgency are all of those certain facts set forth and referenced in this Ordinance and the entirety of the record before the City Council.

### **SECTION 3. Ordinance**

The City Council hereby makes the findings contained herein and hereby amends Uncodified Ordinance No. 2020-003 adopted by the Pinole City Council on June 2, 2020, to read as follows:

#### **ORDINANCE AUTHORIZING THE ZONING ADMINISTRATOR TO WAIVE REQUIREMENTS OF TITLE 17 OF THE ZONING CODE AND PERMIT THE USE OF PUBLIC PROPERTY TO FACILITATE BUSINESS OPERATIONS IMPACTED BY COVID-19.**

##### **Section 1. Authority of Zoning Administrator**

The Zoning Administrator shall have the authority to issue a temporary use permit:

- a. Waiving any requirements and/or standards of Title 17, Zoning, of the Pinole Municipal Code to facilitate business operations affected by public-health orders of the federal, state, or county government designed to slow the transmission of the Novel Coronavirus (COVID-19). Temporary use permits issued pursuant to this Ordinance shall not be subject to the requirements of Municipal Code section 17.12.070.

Without limiting the foregoing, temporary use permits may waive requirements related to outdoor seating, outdoor merchandise displays, required off-street parking, signage and similar restrictions, including conditions contained in existing permits.

- b. Allowing businesses to use outdoor property owned or controlled by the City, including but not limited to, City parks. Use of public property shall be to facilitate business operations affected by public-health orders of the federal, state, or county government designed to slow the transmission of the Novel Coronavirus (COVID-19). Prior to issuing a temporary use permit allowing the use of a City park or other City property, the Zoning Administrator shall confer with the Assistant City Manager and/or Recreation Manager regarding the proposed use. If the business proposes to operate in an area for which reservations are available, a reservation shall be required for the use.

Temporary use permits authorizing the use of public property shall contain specific hours of use, that may only be modified with the approval of the Zoning Administrator. The hours of use shall be limited to ensure the business does not occupy the public property in a manner that unreasonably limits the public use of the public property for an extended period of time.

The issuance of a temporary use permit allowing a business to operate on public property is a license revocable at will by the City, with or without cause, and creates no property rights whatsoever for the holder of the permit.

Temporary use permits shall not be issued pursuant to this Ordinance to authorize wholly new businesses, but rather only to facilitate existing businesses.

The Zoning Administrator may condition the issuance of a temporary use permit on compliance with any conditions he or she determines appropriate. Businesses with temporary use permits must comply with all applicable state and county health orders. Failure to comply with such conditions may result in the revocation of the temporary use permit.

## **Section 2. Duration of Temporary Use Permit**

A temporary use permit issued by the Zoning Administrator pursuant to this Ordinance shall last for no longer than ninety (90) days, except that the temporary use permit may be extended by the Zoning Administrator if the Zoning Administrator determines, in his or her sole discretion, that such waiver remains necessary to facilitate business operations affected by public-health orders of the federal, state, or county.

## **Section 3. Procedures**

An individual or entity seeking a temporary use permit must submit an application on a form designated by the Zoning Administrator, along with any other documentation or information required by the Zoning Administrator. No public hearings or notices are required prior to the issuance of a Temporary Use Permit. There shall be no fee for the submittal of an application for a Temporary Use Permit pursuant to this Ordinance.

## **Section 4. Use of Public Property**

Any individual or entity seeking to use of any public property, including the sidewalk or other right-of-way, for their business operations must obtain and maintain appropriate insurance as required by the City. Business operations shall not be permitted on public property, including the sidewalk, if such operations will interfere with the ADA accessible path of travel or cause other safety hazards.

Any individual or entity seeking to use the sidewalk or other public right-of-way for their business operations must obtain an encroachment permit from the City. There shall be no fee for the submittal of an application for an Encroachment Permit pursuant to this Ordinance.

## **Section 5. Commercial Activity in Parks**

Commercial or business activities are prohibited in all parks owned by the City, except with a permit issued pursuant to this Ordinance or applicable provisions of the Municipal Code.

## **Section 6. Termination**

The ordinance shall take effect immediately and shall remain in effect until the expiration of the declaration of local emergency by the Pinole City Council. The Zoning Administrator may revoke any temporary use permit for violation of this Ordinance upon notice to the business.

#### **SECTION 4. Severability**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of Pinole hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

#### **SECTION 5. Effective Date**

Following adoption by at least a four-fifths vote of the City Council, this Ordinance shall be effective immediately upon adoption pursuant to Government Code section 36937. The City Clerk shall certify as to the adoption of this Urgency Ordinance and shall cause it to be published within fifteen (15) days of the adoption and shall post a certified copy of this Urgency Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with California Government Code Section 36933.

**PASSED AND ADOPTED** at a regular meeting of the Pinole City Council held on the 15th day of September, 2020, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

I hereby certify that the foregoing urgency ordinance was introduced, passed, and adopted on the 15th day of September 2020.

---

Heather Iopu, CMC  
City Clerk





## **CITY COUNCIL REPORT**

**10A**

**DATE: SEPTEMBER 15, 2020**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: DAVID HANHAM, PLANNING MANAGER**

**SUBJECT: RECEIVE OLD TOWN PINOLE PARKING AND PEDESTRIAN  
SAFETY STUDY**

---

### **RECOMMENDATION**

City staff recommends that the City Council receive the Old Town Pinole Parking and Pedestrian Safety Study.

### **BACKGROUND**

The City contracted with Alta Design Group on August 19, 2019 for the purpose of completing a parking study to determine parking utilization in accordance with the General Plan and in response to Old Town Pinole business concerns. The study also includes insight into the following:

- 1 Improving pedestrian routes of travel in arriving to destinations in Old Town Pinole, especially from underutilized parking lots.
2. Increasing connectivity between parking and destinations, including the Bayfront.
3. Enhancing Old Town Pinole's unique character as both a destination and as a pedestrian experience.

As part of the public outreach process, the City conducted a Public Workshop on November 6, 2019. The purpose of the workshop was to solicit public comments on bike and pedestrian uses, safety, and parking in the downtown. At the workshop, there were several comments referring to the distance some had to walk from where they parked to the business.

### **REVIEW & ANALYSIS**

Both the General Plan and Specific Plan identified Goals, Policies and Action items that were designed to enhance the parking and pedestrian amenities throughout the City of Pinole. Listed below are Goals and Action Plans from the General Plan and the Three Corridor Specific Plan that support this study. This list is not all inclusive but does illustrate the City's intention to create a more desirable city. The Study, in addition, outlined Study Goals, Guiding Principles from the Complete Streets

program outlined by Caltrans, Existing Conditions, Public Outreach, and sharing possibilities for future projects. The Study also outlined existing and potential parking scenarios that would connect the outlying areas of the City to Old Downtown using wayfinding ideas to be able to access the Pinole Trail and Bayfront Park. By being able to access the trail and the park, residents and visitors alike will be able to either start or end their trips in old town further enhancing the Old Town Pinole experience.

In conclusion, the Old Town Parking and Pedestrian Study identified potential ideas to help create a more pedestrian friendly downtown. The Study will allow the City to identify priorities that can be further studied through traffic engineering standards and create way finding systems to allow citizens and visitors have a better experience in Downtown Pinole.

### **General Plan**

Circulation Element Goal 5 Provide adequate parking and loading facilities while encouraging alternative means of the transportation.

*Action CE 5.1.1:* Continue to encourage shared parking facilities for both private businesses and public agencies.

*Action CE 5.1.2:* Continue to maintain the Old Town parking district.

Circulation Element Goal 8: Provide a safe network of well-maintained pedestrian walkways throughout Pinole that encourages walking as a form of non-motorized transportation.

*Action CE 8.1.1:* As feasible ensure that all intersections in area with pedestrian usage are signalized with curb ramp, bulb outs, high contrast crosswalks and pedestrian actuation, and other safety measures.

*Action CE 8.4.1:* Use strategic planning to establish land use patterns that encourage mixed-use, walkable development.

### **Three Corridors Specific Plan**

The Three Corridors Specific Plan is made up of the Appian Way Corridor, San Pablo Ave Corridor and the Pinole Valley Road Corridor. For the purposes of the Old Town Pinole Parking and Pedestrian Safety Study, the San Pablo Ave Corridor Plan is the guiding document for land use activities.

Within the Three Corridors Specific Plan, Chapter 7 Private Realm Design Guidelines discusses parking and pedestrian attributes such as Site Planning and Design, Site Amenities, Lighting, Design & Character, Materials and Colors, Signage, and Green Design that should be identified when defining parking and pedestrian facilities.

Section 6 discusses standard designs regarding Parking and Pedestrian facilities throughout the Three Corridors Areas.

### **FISCAL IMPACT**

The fiscal impact to the City was the cost of the contract. Any future fiscal impact will be determined on potential projects.

### **ATTACHMENTS**

- A. Old Town Pinole Parking & Pedestrian Safety Study
- B. Power Point Presentation by Alta

# Old Town Pinole Parking & Pedestrian Safety Study

March 2020

PREPARED FOR THE CITY  
OF PINOLE, CA

BY:





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# 1

# Study Overview

The primary goals of this study included the following:

- Completing a parking study to determine parking utilization in accordance to the General Plan and in response to Old Town Pinole business concerns
- Improving pedestrian safety in arriving to their destinations in Old Town Pinole, especially from underutilized parking lots
- Increasing connectivity between parking and destinations, including the Bayfront, and
- Enhancing Old Town Pinole's unique character as both a destination and as a pedestrian experience.

In developing this report, the following Plans were referenced: the Contra Costa Bicycle Plan (2009), the City of Pinole General Plan (2010), and the previous Parking Studies conducted in Old Town Pinole (2000, 2006, and 2008)

Old Town Pinole offers a vibrant small town setting that is still connected to the greater Bay Area. It has a unique shopping and dining district for both residents and visitors. Old Town Pinole is located adjacent to the San Pablo Bay shoreline at Bayfront Park, connected by the Pinole Creek Trail.

Old Town Pinole is close to regional

connections like Interstate 80 and the San Francisco Bay Trail. The Bay Trail is a collection of regional multi use trails that will encompass the Bay Area and, when completed, connect communities around the shoreline of the Bay Area with 500 miles of recreational trails.

The City of Pinole's one mile of publicly accessible waterfront is along a great regional destination: San Pablo Bay. Pinole Creek Trail connects Old Town Pinole to San Pablo Bay and the San Francisco Bay Trail. Highlighting these connections and the unique identity of Old Town Pinole can enhance the experience of residents and visitors alike.

Old Town Pinole is located half a mile from these regional destinations. The well-used trail passes by the Pinole Creek Demonstration Project, which restored tidal marsh and riparian vegetation and reduced flood risk along approximately 1,000 feet of lower Pinole Creek. The all-purpose trail is ADA accessible, provides creek access points and interpretive elements.





## Study Area

The study area consists of Old Town Pinole and nearby Bayfront Park. Old Town Pinole is the City of Pinole's historic commercial and civic district, encompassing the blocks around San Pablo Avenue from Oak Ridge Road to the west to John Street to the east; and Plum Street to the south and Fernandez Park to the north. Old Town Pinole includes City Hall, the Public Safety Building, the Youth Center, historic Bank of Pinole Building, the Senior Center, the Pinole Community Playhouse, and Fernandez Park. A variety of retail, dining, and commercial uses are situated along San Pablo Avenue and adjacent blocks. Pinole Creek and the paved Pinole Creek Trail extend through Old Town.

Bayfront Park is located along San Pablo Bay at the end of Tennent Avenue. The park provides access to the shoreline, near-by historic landmark Fernandez Mansion and to the San Francisco Bay Trail; a regional multi-purpose trail encircling the bay. Pinole Creek Trail terminates a short distance from Bayfront Park.

*SF Bay Trail*

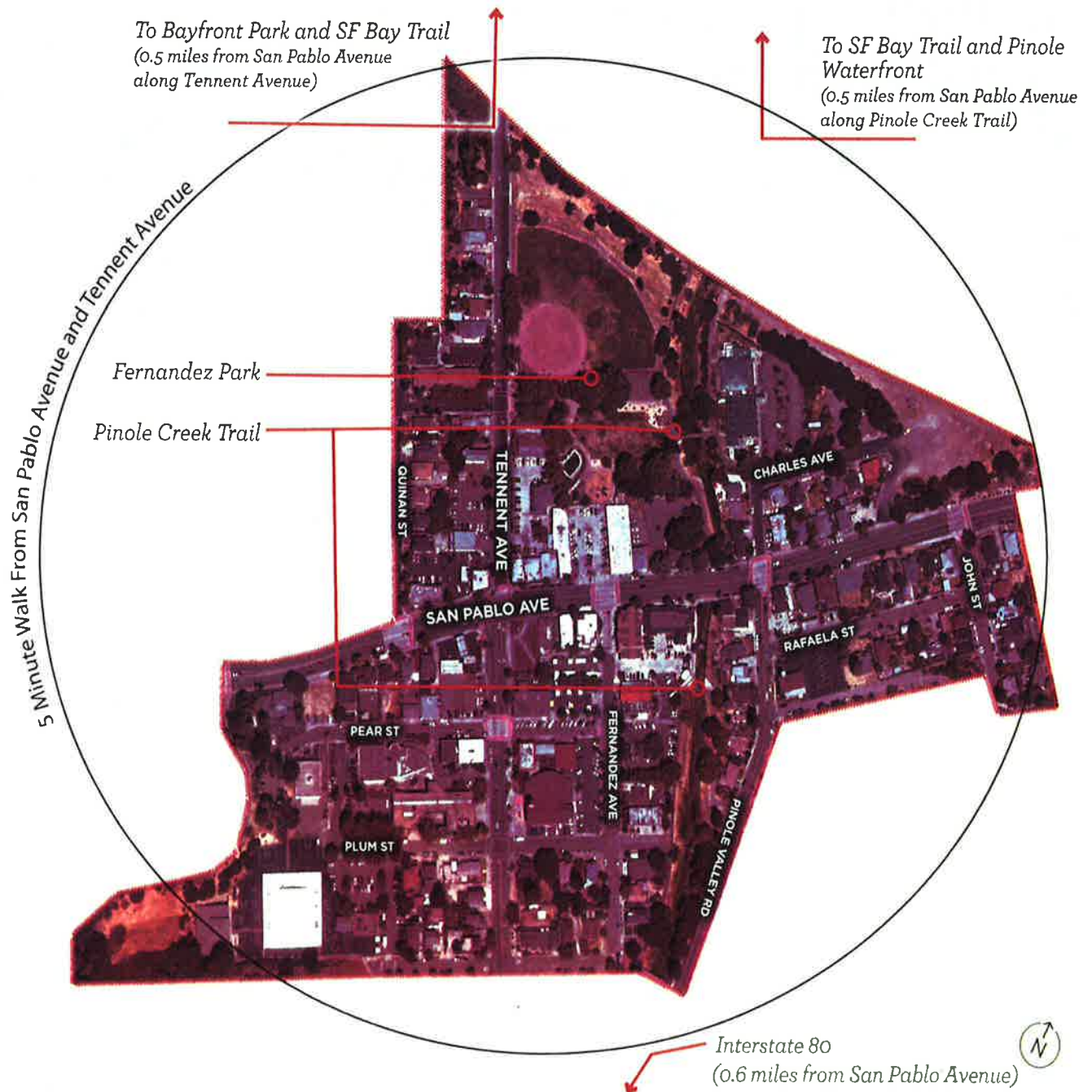
*Bayfront Park*

*Pinole Creek Trail*

*Old Town Pinole*

*Pinole Creek Trail*





The size of Old Town Pinole is conducive to an accessible pedestrian experience as many destinations are within a comfortable walking distance. Parking in Old Town Pinole is underutilized and inefficiently spread across the district. Parking is in higher demand closer to the destinations that Old Town Pinole boasts while parking that is farther away is underutilized. Improvements to the pedestrian experience can encourage better connections between available parking and visitor's destinations. This study found that existing available parking in Old Town Pinole is inefficiently utilized.



## Study Goals

- **Utilize parking more effectively.** Parking in Old Town Pinole is underutilized. With a more robust wayfinding system to guide drivers to parking lots, public parking spaces can be utilized more effectively. Pedestrian wayfinding improvements would further connect people to destinations from available parking.
- **Improve pedestrian safety.** An incomplete wayfinding system, difficult crossings, and obstructed pedestrian facilities present a barrier to a vibrant pedestrian experience in Old Town Pinole. Implementing complete streets principles aimed at increasing pedestrian safety would address safety concerns.
- **Improve connections.** Improvements to the pedestrian experience can encourage better connections between available parking, and visitor's destinations throughout Old Town Pinole. Additionally, this would enhance the connection between Old Town Pinole and the SF Bay Trail. When completed, the Bay Trail will connect communities around the Bay Area with a multi-use path for pedestrians and bicyclists to enjoy. It is vital that there are safe, convenient, and comfortable pedestrian connections for all visitors.
- **Old Town Character.** Fostering the small town design elements that make Old Town Pinole unique will enhance the experience of those walking in Old Town Pinole. Elements like wayfinding and informative signage and well-placed street trees would help create a more pleasant walking experience.

## Guiding Principles from Complete Streets

The process to develop recommendations for Old Town Pinole was informed by complete street principles that are intended to create a safe and inviting space for all users. These include:

- **Safety.** Balance the safety needs of all users and ability levels, including pedestrians, bicyclists, transit-riders, and drivers. Add additional lighting in key areas such as along the Pinole Creek Trail
- **Comfort.** Create a comfortable space for pedestrians to create a more pleasant walking experience in Old Town Pinole. This includes adding pedestrian scale lighting and streetscape amenities, increasing pedestrian lead times at crossings, as well as expanding sidewalk areas, reducing crossing distances, and installing a complete wayfinding system.
- **Convenience.** Make walking easier by improving the connectivity of the pedestrian facility network by creating safer crossings, especially along the Pinole Creek Trail and improving connections to regional attractions like the Bay Trail and Bayfront Park. Employ pedestrian oriented wayfinding to encourage walking and install bicycle parking throughout the district and close to destinations to make the area more accessible to bicyclists.



*Narrower travel lanes help promote slower speeds and reduce crash severity.*



*Street trees provide shade, reduce air pollution and positively impact mental health.*



*Wide sidewalks allow for a comfortable pedestrian experience for all ages where two people can walk side-by-side.*



*Curb extensions visually and physically narrow the roadway, creating safer and shorter crossings for pedestrians.*

## Outreach and Design Process

The data gathering and public outreach performed for this study helped inform the City of Pinole's recommendations to address goals of this study. The process was comprised of three chapters: Study Kick Off Meeting, the Parking Study, and an Open House.

- **Kick Off Meeting.** At the study kick off meeting, the City of Pinole identified areas of concern to be addressed through this study's recommendations.
- **Parking Study.** A consultant team analyzed parking trends, including demand, within Old Town Pinole. This data informed Pinole staff on the distribution of parking demand within Old Town Pinole.
- **Open House.** The public provided input and feedback on developed recommendations at the Open House, as well as parking and transportation habits and needs in Old Town Pinole.

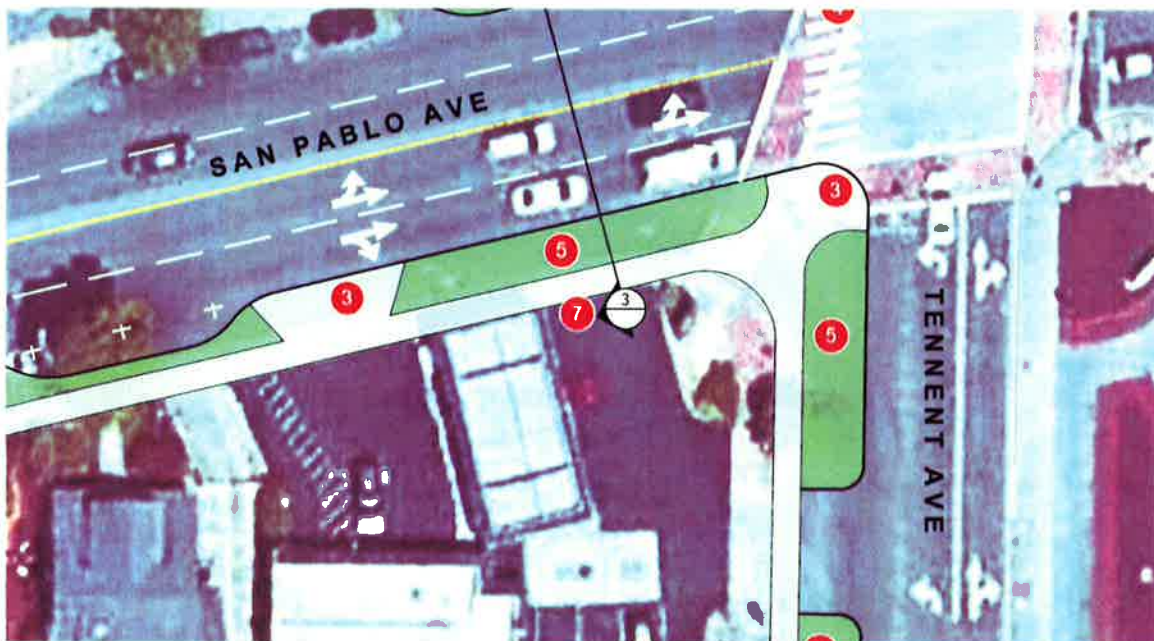




**Pedestrian Network Improvements** are improvements that expand pedestrian access to destinations.



**Wayfinding** helps direct users to destinations and can encourage active modes of travel.



**Crossing Improvements** are geared towards making intersections safer for all users. Crossing Improvements can include treatments like reducing the crossing distance, as well as installing crosswalks and curb extensions.

2

## Existing Conditions

The existing conditions investigation phase of this study was an important part of the development of the recommended pedestrian priority improvements. Hearing from the community and stakeholders on potential issues and concerns in Old Town Pinole informed the design goals. Conducting a parking study and comparing it to historical parking data shed light on how visitors behave in Old Town. Finally, reviewing pedestrian and bicyclist crash data with vehicles prioritized locations for improvements.





## Existing Conditions

Old Town Pinole is bisected by San Pablo Avenue, a regional north-south corridor connecting communities in the East Bay from Crockett to Oakland. Within Old Town Pinole San Pablo Avenue has two travel lanes in each direction and parking on both sides of the street that is free for one or two hours. Through Old Town Pinole San Pablo Avenue is signed as a Bike Route (Class III shared facility) and as part of the I-80 Bikeway. Pedestrian curb extensions are present at three existing intersections along San Pablo Avenue to increase visibility and reduce the crossing distances. Examples of curb extensions exist at the intersections along San Pablo Avenue and Quinnan Street, Tennent Avenue, and Fernandez Avenue. 6'-8' wide sidewalks are present along both sides of San Pablo Avenue. However, they are frequently interrupted by obstacles like signs posts, utility poles and boxes, and driveways to local businesses.

Old Town Pinole is adjacent to Bayfront Park and a segment of the Bay Trail. Currently, connections to these regional attractions can be challenging for pedestrians and bicyclists. Improving these connections will ease the flow of circulation for Pinole and neighboring communities.

## Existing Challenges and Opportunities

- Underutilized parking spaces leads to an inefficient distribution of parking demand.
- Uncomfortably wide and exposed crossings for pedestrians present barriers in the existing pedestrian network and are cause for jaywalking, endangering pedestrians and drivers.
- Improving connections to the Bay Trail will unlock greater connectivity to the greater Bay Area.
- Gaps in the existing wayfinding system make Old Town Pinole less easy to navigate, as a driver, a pedestrian and as a bicyclist.



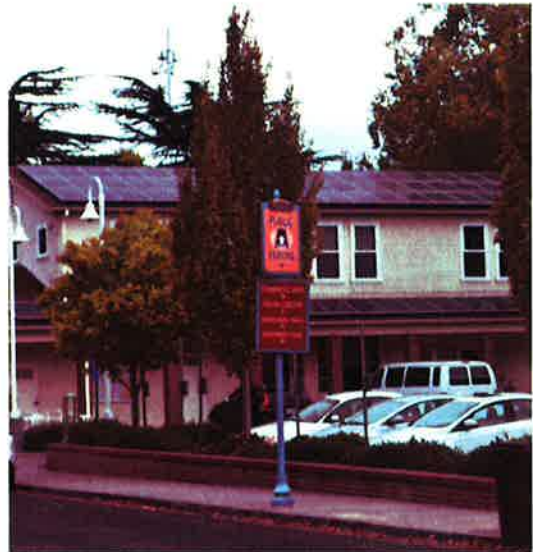
*Wide crossings across San Pablo Avenue can create uncomfortable walking experiences.*



*The existing pedestrian network is frequently interrupted by driveways or narrowed due to utility poles in the sidewalk zone.*



*Improving trail connections along San Pablo will increase the connectivity for a low stress multi-use network in Pinole.*



*An incomplete wayfinding system can present barriers to visitors and residents navigating Old Town Pinole. Existing wayfinding signage is not easily recognizable to drivers passing on San Pablo Avenue.*

## Parking Study

As a part of this study, a consultant team analyzed trends in parking demand in Old Town Pinole and the findings were compared to previous parking study findings completed in the following years 2000, 2006, and 2008.

Old Town Pinole has 13 off-street public parking lots, with a total of 453 available parking spaces. The district also has 415 available on-street parking spaces.

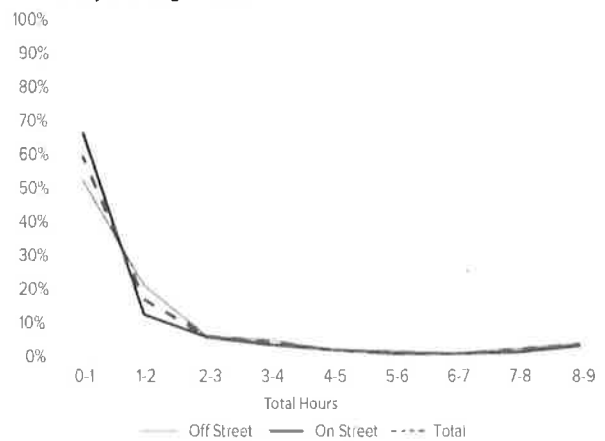
The compiled data showed that parking in Old Town Pinole, as a whole, is underutilized.

### Main Takeaways

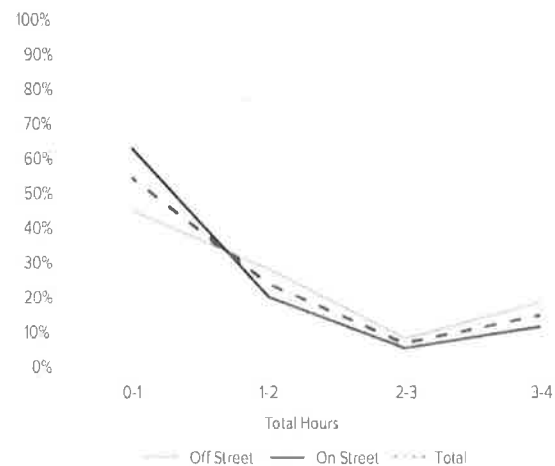
- A majority of those observed parking in Old Town Pinole did so for fewer than 4 hours.
- A 4 parking lots and 4 blocks of on-street public parking approach, or exceed, their capacities and are over utilized. These are primarily located in the central and southwestern portions of Old Town Pinole. During high demand times, typical driver behavior may include drivers circling these areas looking for parking, which might increase congestion.
- 9 parking lots and 7 blocks of on-street public parking are underutilized. These are primarily located in the northern and southeastern portions of Old Town Pinole.

- Developing a complete wayfinding system that includes wayfinding to on-street parking and public parking lots may guide drivers from the over-utilized parking to help distribute parking more efficiently.

Weekday Parking Duration

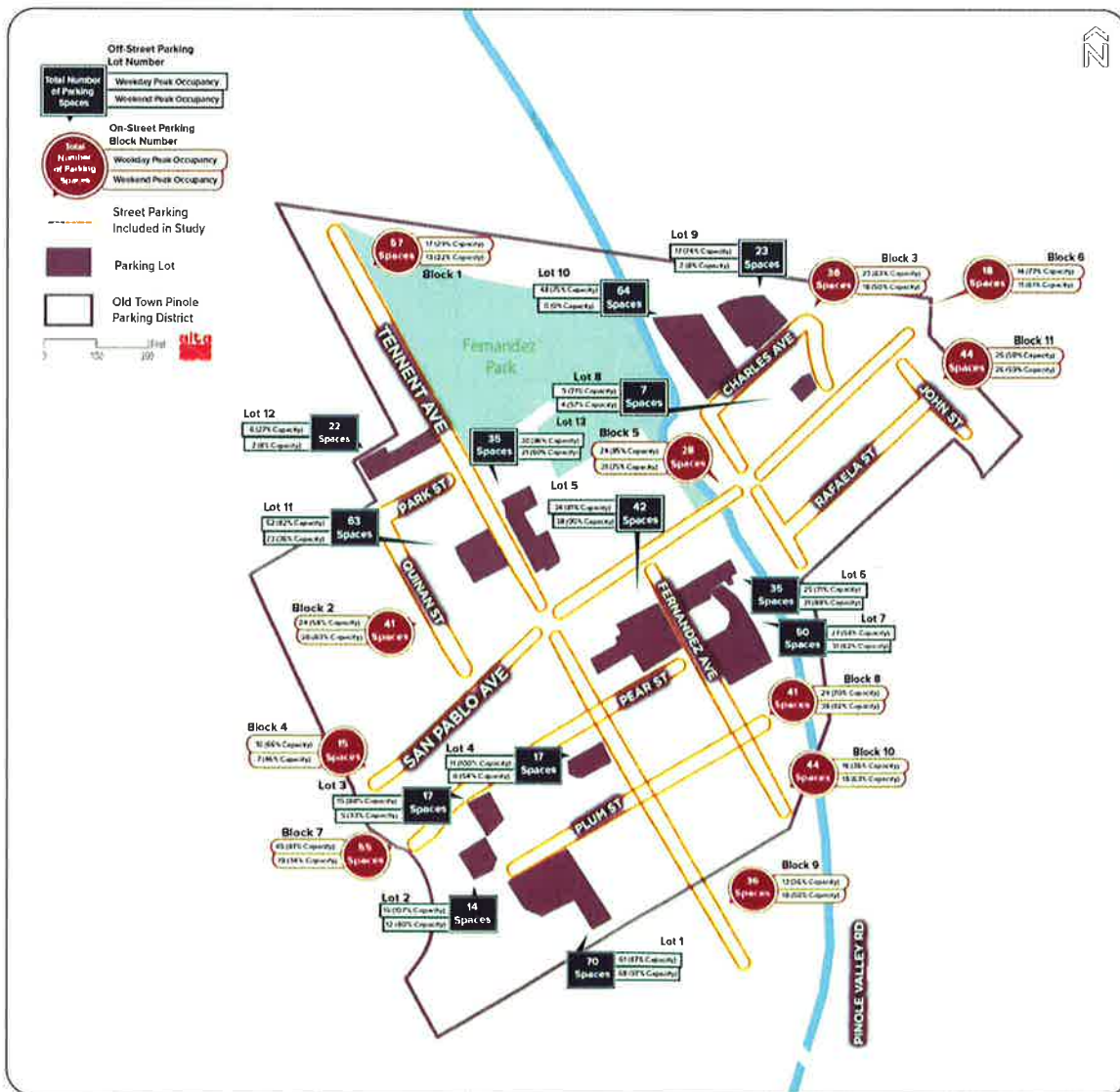


Weekend Parking Duration



## Parking Utilization in Old Town Pinole

As a part of this study, parking demand was recorded and evaluated on September 26th from 7am - 5pm and September 28th from 3pm - 8pm. Below is a map of the recorded parking demand on these dates, as well as the parking capacities for each block with on-street public parking and every public off-street parking lot. Analyzing the peak occupancies at these locations produced a better understanding of the parking demand at each parking lot or block. On-street parking blocks within the commercial areas should be prioritized for increasing commercial parking. These blocks include: 1, 3, 4, 5, 7, 8, and 10.



## Off-Street Parking in Old Town Pinole

Lot	Street Address	Number of Spaces	Weekday Peak	Weekday Peak Time	Weekend Peak	Weekend Peak Time
1	2180 Prune Street	70	61 (87%)	12pm	68 (97%)	7pm
2	Right of 2101 Pear Street	14	15 (107%)	8am	12 (85%)	5pm
3	2169 Pear Street	17	15 (88%)	10am-12pm, 1pm	5 (29%)	3-5pm, 6-8pm
4	836 Tennent Avenue	17	11 (65%)	10am	6 (35%)	3pm, 5pm
5	2372 Pear Street	42	34 (81%)	1pm	38 (90%)	7pm
6	2401 San Pablo Avenue	35	25 (71%)	7am	31 (89%)	7pm
7	813 Fernandez Avenue	50	27 (54%)	1pm	31 (62%)	6pm
8	2548 San Pablo Avenue	7	5 (71%)	3pm	4 (57%)	4pm, 7pm
9	2560 Charles Avenue	23	17 (74%)	12pm	2 (8%)	6pm
10	2518 Charles Avenue	64	48 (75%)	9am	0	-
11	648 Tennent Avenue	63	52 (83%)	12pm	23 (37%)	4pm
12	592 Tennent Avenue	22	6 (27%)	11am	2 (9%)	3pm
13	635 Tennent Avenue	35	30 (86%)	11am	21 (60%)	6pm
	TOTAL	442				

## On-Street Parking in Old Town Pinole

Block	Blocks included	From	To	Number of Spaces	Weekday Peak	Weekend Peak
1	East and West sides of Tennent Avenue	San Pablo Avenue	Buena Vista Drive	57	17	12
2	North and South sides of Park Street; and East and West sides of Quinnan Street	Beginning of Street; and Park Street	End of Street; and San Pablo Avenue	41	24	26
3	All sides of Charles Avenue	San Pablo Avenue	San Pablo Avenue	36	23	18
4	North and South sides of San Pablo Avenue	Tennent Avenue	Oak Ridge	15	10	7
5	North and South sides of San Pablo Avenue	Tennent Avenue	Pinole Valley Road	28	24	21
6	North and South sides of San Pablo Avenue	Pinole Valley Road	John Street	18	14	11
7	North and South sides of Pear Street	Oak Ridge	Fernandez Avenue	55	45	19
8	North and South sides of Plum Street	Beginning of Street	End of Street	41	29	38
9	East and West sides of Tennent Avenue	San Pablo Avenue	Prune Street	36	13	18
10	East and West sides of Fernandez Avenue	San Pablo Avenue	Prune Street	44	16	18
11	East and West sides of Pinole Valley Road; North and South sides of Rafaela St; and East and West sides of John Street	San Pablo Avenue; Beginning of Street; and San Pablo Avenue	Samuel Street; End of Street; and Samuel Street	44	26	26

## Pedestrian and Cyclist Safety Analysis

As a part of this study, collisions from the years of 2014 - 2018 involving vehicles and either pedestrians or bicyclists within Old Town Pinole were studied.

During the study period, three pedestrians and two bicyclists were injured in Old Town Pinole. Three of the five collisions involving bicyclists or pedestrians occurred along San Pablo Avenue or on the approach to the intersection of San Pablo on Tennent Avenue. Both of these streets lack bicycle facilities.

Of the three collisions involving pedestrians, two of the collisions involved pedestrians crossing at crosswalks. One of these collisions occurred at Tennent Avenue and San Pablo Avenue, a signalized crossing, while the other occurred at Tennent Avenue and Pear Street, an un-signalized crossing. The third collision at Oak Ridge Road and Pear Street involved a pedestrian crossing not in a crosswalk. Both of the bicyclist collisions that occurred during this time period occurred on streets without bicycle facilities.

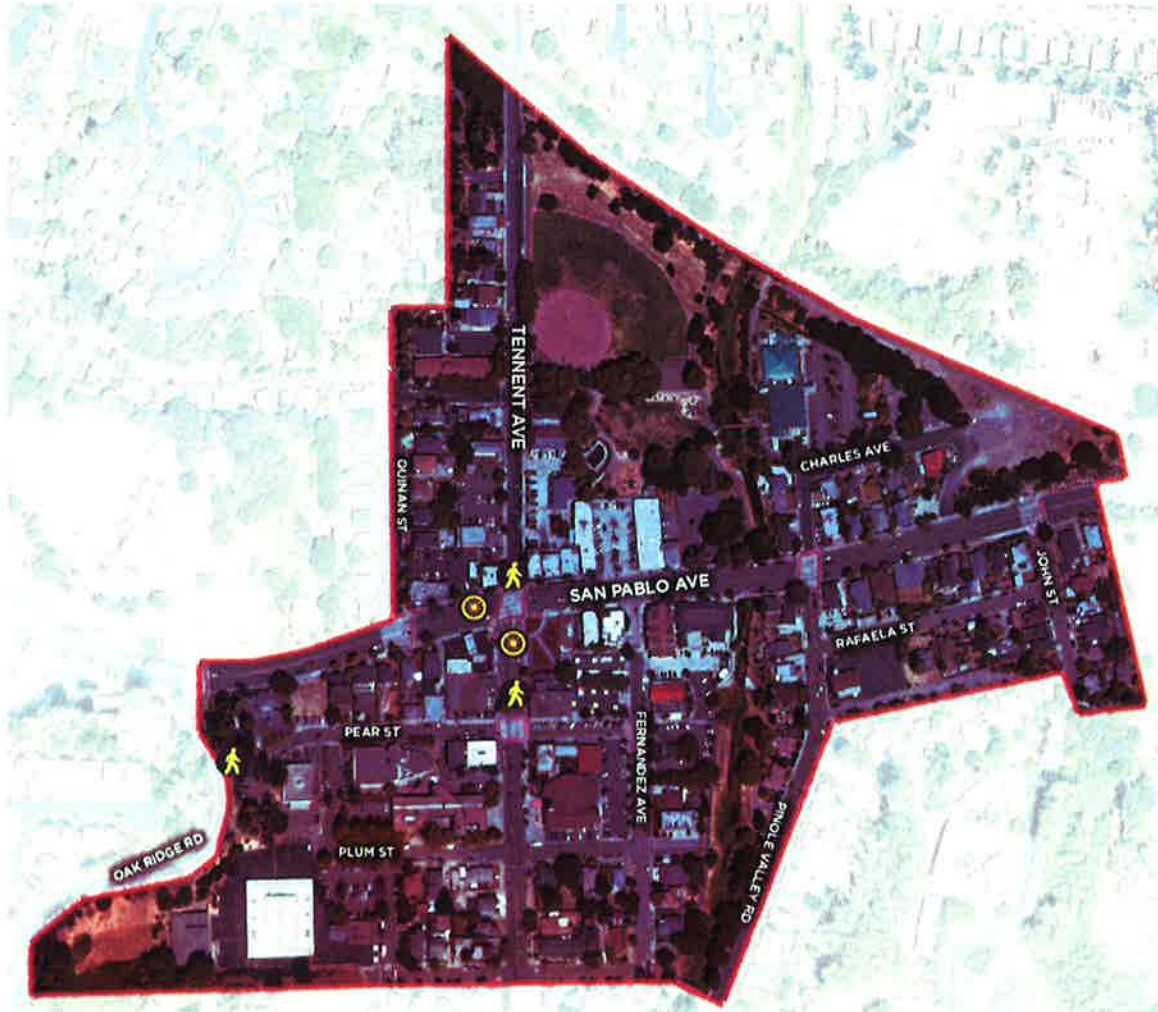
Of the five total crashes involving pedestrians or bicyclists, four of these occurred during daylight hours. Four of the five crashes happened on a weekday.

### Slowing Traffic Means Saving Lives

When traffic is slowed, fewer collisions happen and the severity of the collisions is reduced. Pedestrians and bicyclists are more vulnerable to collisions than their vehicular counterparts. Pedestrians involved in collisions with drivers going 40 miles per hour only have a 10% chance of surviving the collision, while pedestrians involved in collisions with drivers going 20 miles per hour have a 90% chance of survival.



## Collisions Involving Drivers and Bicyclists or Pedestrians (2014 - 2018)



*Pedestrian Injury*



*Bicyclist Injury*



## Outreach

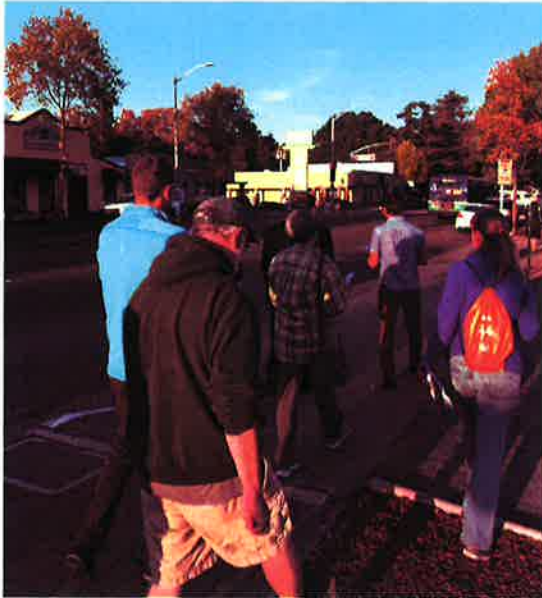
The outreach process for this study allowed for public input to guide the recommendations of this study.

To support this effort, the City held an Open House on November 6, 2019 from 3pm-7pm. The City of Pinole mailed and distributed 178 fliers to residents and businesses within Old Town Pinole to advertise the event. The event flyer was advertised on the City website and City Hall Community Board. The Open House included interactive displays of this study's recommendations, parking analysis, and collision analysis. The outreach event also included a "Walk and Talk" program that took participants along San Pablo Avenue and Tennent Avenue. During this activity participants observed the existing conditions in Old Town Pinole, identified specific concerns and discussed possible solutions.

During the Open House, the 12 event participants identified specific areas of concern, as well as general themes that should be incorporated to address the goals of this study.

More general areas of concern highlighted during the outreach process included the need to prioritize trail crossing facilities, creating a continuous pedestrian experience, slowing traffic speeds, reducing traffic noise, attracting visitors, installing new placemaking elements, planting street trees, fostering Old Town Pinole's Main Street character, adding additional lighting in key areas such as along the Pinole Creek Trail and installing more public art in Old Town Pinole. Art installations that should be considered include decorative installations for welcoming visitors to Old Town Pinole, painted utility boxes, and murals along the Pinole Creek Trail.

A specific area to be addressed identified through the public outreach process was the crossing for Pinole Valley Road across San Pablo Avenue. Pedestrians crossing San Pablo Avenue find this intersection difficult due to the congestion caused by drivers attempting to turn right at this intersection.



*During a Walk and Talk, participants were invited to provide input on how to create a safer, more walkable environment in Old Town Pinole.*



*An event participant studies the results of the parking study at the Open House.*



*The public was asked to comment and provide feedback on the walking and parking experience in Old Town Pinole during the outreach process for this study.*

3

# Recommendations

Recommendations were developed to address the goals of this study. The goals include utilizing parking more efficiently, improving pedestrian safety, increasing connectivity, and enhancing Old Town Pinole's character. The recommendations incorporated the data gathered through public input, the collision analysis, and the parking study to meet these goals.

The recommendations are based on current best practices to address the concerns that were identified as a part of this study. The following pages describe potential treatments that promote the goals of this study as described.



## Recommendations

Employing the data gathered through the community input process, the collision analysis, and the parking study, recommendations were developed to address the study's primary goals.

### Utilizing Parking More Efficiently

Improving the display and communication of information to visitors of Old Town Pinole will facilitate a greater ease of access for all users. Creating clear and recognizable signage for public parking surface lots will allow drivers to better utilize open parking. Employing signage and wayfinding features that are designed for pedestrians and trail users will help connect visitors to destinations through the area including between parking and destinations and Old Town and the shoreline. By directing traffic between lots through signage and wayfinding, Old Town Pinole's parking system can become more cohesive and more efficiently utilized.

### Pedestrian Safety

Improvements to increase the visibility of pedestrians will increase the safety of all road users. Relevant treatments include removing the slip lane on San Pablo Avenue at Tennent Avenue, installing high visibility crosswalks, curb extensions, and reducing turn radii.

A crucial benefit of these improvements is to slow drivers down and increase pedestrian visibility, key themes identified through the public outreach

process. Reducing drivers' speeds has been proven to be one of the most effective countermeasures at reducing the number of collisions and the severity of those that do occur.

### Connectivity

The need to improve trail connections and the ease of navigation in Old Town Pinole was identified during the public outreach process. Implementing a standardized and cohesive wayfinding system for pedestrians and drivers seeking parking will improve the convenience of navigation.

Improving connections to the Pinole Creek Trail, a commonly identified need from the received public input, will make it easier to navigate Old Town Pinole on a low stress network of pedestrian facilities. Increasing the connections of these facilities will also improve the connection to Old Town Pinole to the greater Bay Area through the Bay Trail.

### Old Town Pinole Character and Walking Experience

Many improvements will foster a more pleasant and comfortable walking experience in Old Town Pinole. They will also aid the small town character and placemaking that Pinole residents value.

Improvements to increase the comfort of the pedestrian experience in Old Town Pinole include street trees, planted medians, supporting Pinole Artisans by partnering with local artists to paint utility boxes in Old Town Pinole, and installing pedestrian scale lighting, bike parking, and street furniture.



## Typical Treatments



*High visibility crosswalks use marking patterns that are easier to spot to make pedestrians more visible to drivers. These should be paired with advanced warning markings and signage to better notify drivers.*



*Curb extensions reduce crossing distances and help make pedestrians more visible. They also provide space for plantings.*



*Pedestrian refuge islands provide a protected waiting space for pedestrians.*



*Shorter turn radii at corners shorten the crossing distance for pedestrians and require vehicles to turn more slowly.*



*Street trees create a more pleasant walking experience while also playing an important role in reducing driving speeds.*



*Pedestrian scale lighting provides a sense of comfort and safety and makes navigating areas easier at night.*



## Site Specific Recommendations (for Further Study)



### 1 Removing Slip Lanes

Slip lanes encourage faster turning speeds, endangering pedestrians at the crossing.



### 2 Leading Pedestrian Intervals

Leading Pedestrian Interval (LPI) gives pedestrians a 3-7 second (min) head start at crossings. LPIs increase pedestrian visibility and reinforce pedestrian right-of-way at intersections.



### 3 Street Trees

Street trees encourage slower vehicle speeds and add to the street character.



### 4 Bulb-outs/Curb Extensions

Curb extensions extend the sidewalk out into the parking lane on a street, reducing the effective street width and reducing the crossing distance.



### 5 High Visibility Crosswalk

High Visibility Crosswalk markings notify drivers of potential pedestrians crossing the street.



### 6 Pinole Creek Trail Crossing

Creating a safe crossing across San Pablo Ave will unlock access to Bayfront Park and the Bay Trail.



### 7 8 9 Extending Sidewalk

Extending sidewalks and removing obstacles such as driveways can increase the comfort and safety of the pedestrian network.

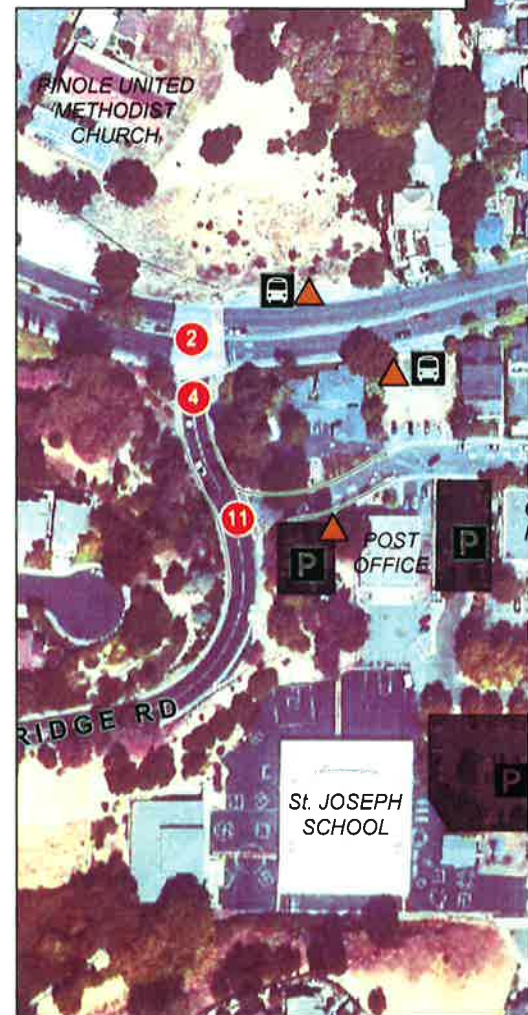


### 10 Formalize Intersection

Adding pedestrian amenities at this intersection will provide critical connections in the pedestrian network.

## NOTES

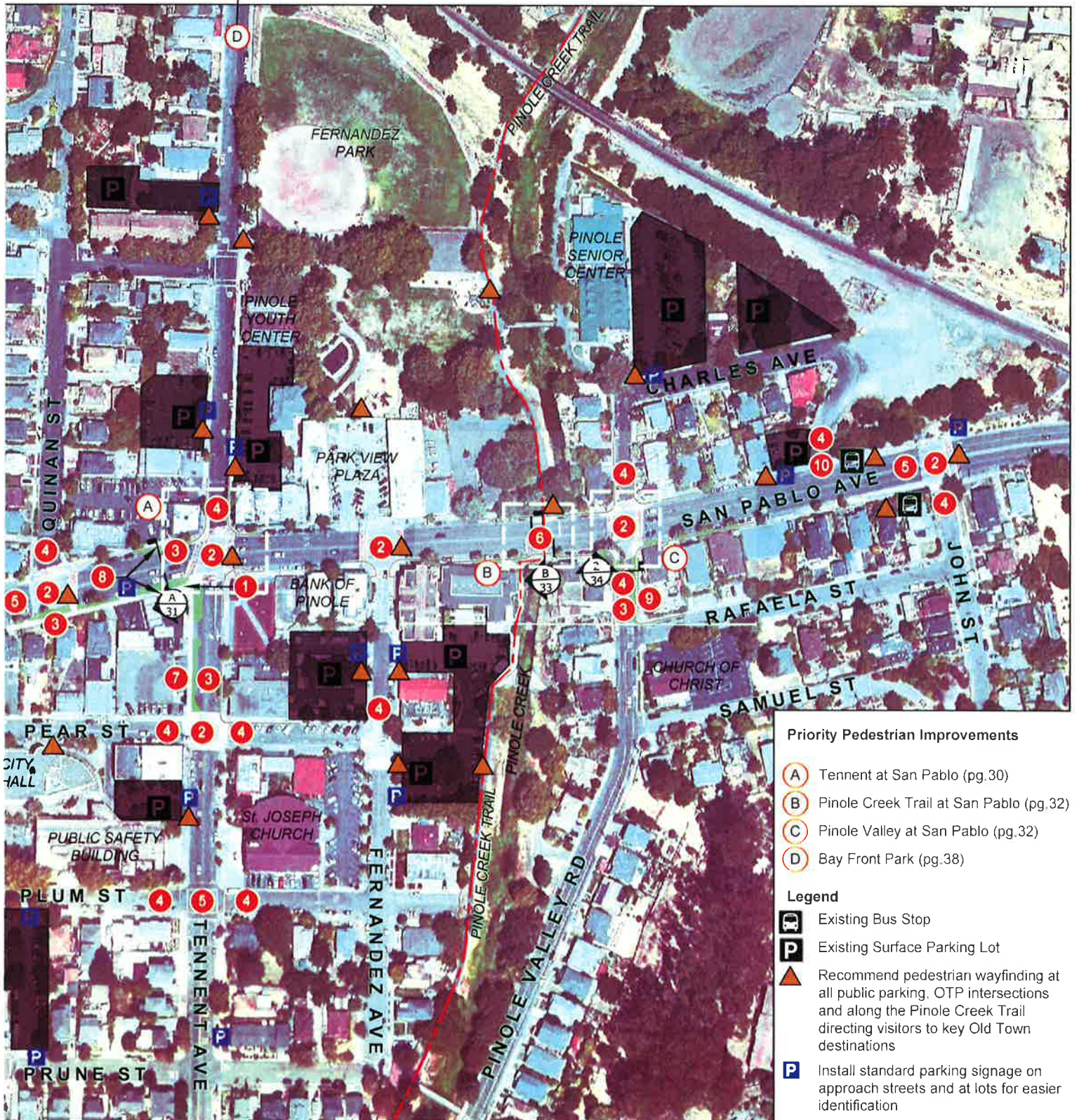
- 1 Remove Slip Lane
- 2 Leading Pedestrian Interval
- 3 Street trees
- 4 Curb Extension
- 5 High Vis Crossing Markings
- 6 Pinole Creek Trail Crossing
- 7 Extend Sidewalk, Relocate Parking
- 8 Extend Sidewalk, Remove Driveway
- 9 Extend Sidewalk, Relocate Driveway
- 10 Formalize Intersection
- 11 Wayfinding directing pedestrians to crossing at San Pablo





# Old Town Pinole Pedestrian Improvements Overview

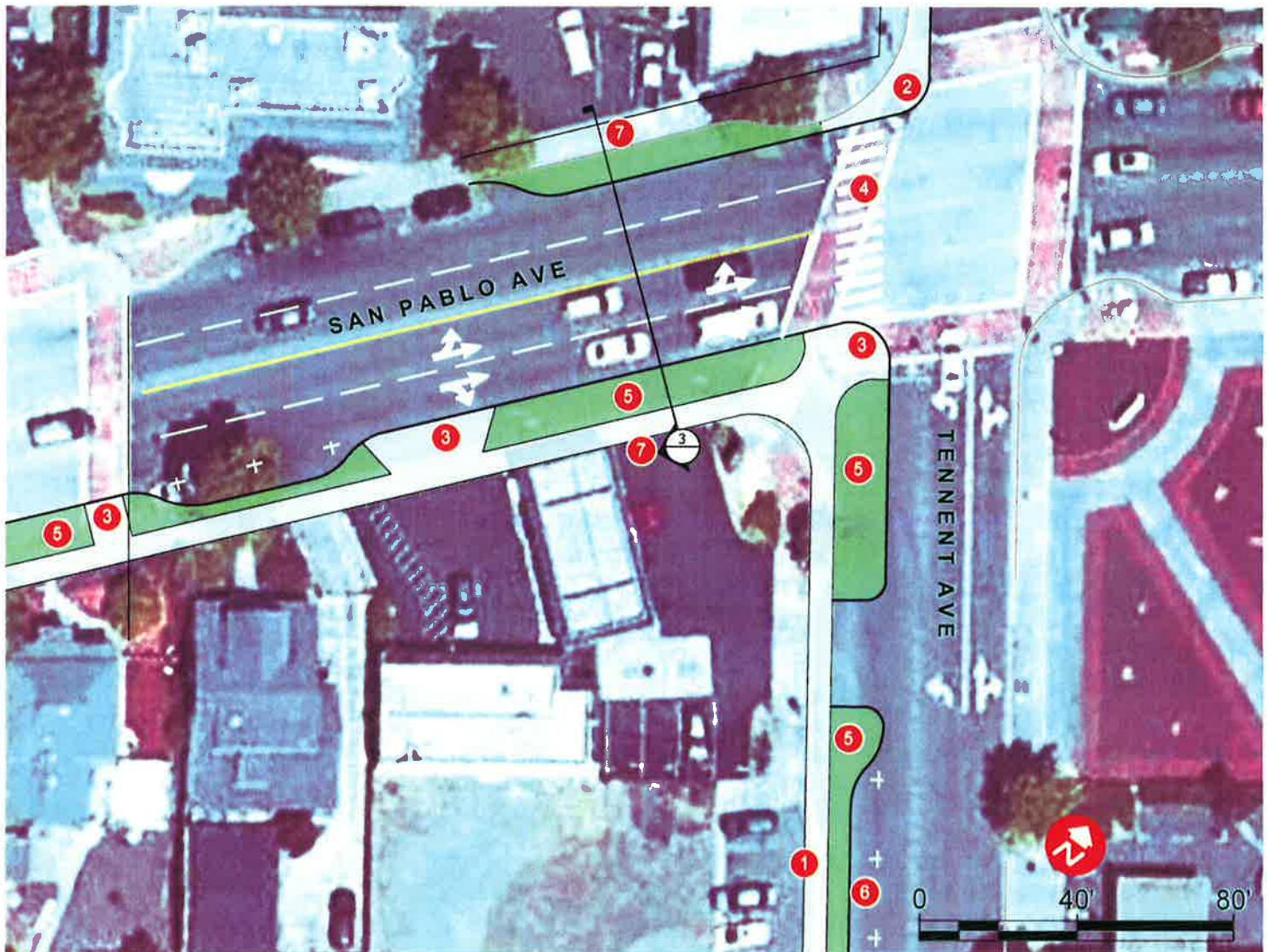
BAYFRONT PARK  
SF BAY TRAIL  
FERNANDEZ MANSION





## Improvements Plan View:

### Tennent Ave at San Pablo Ave



#### A SAN PABLO AVE AT TENNENT AVE

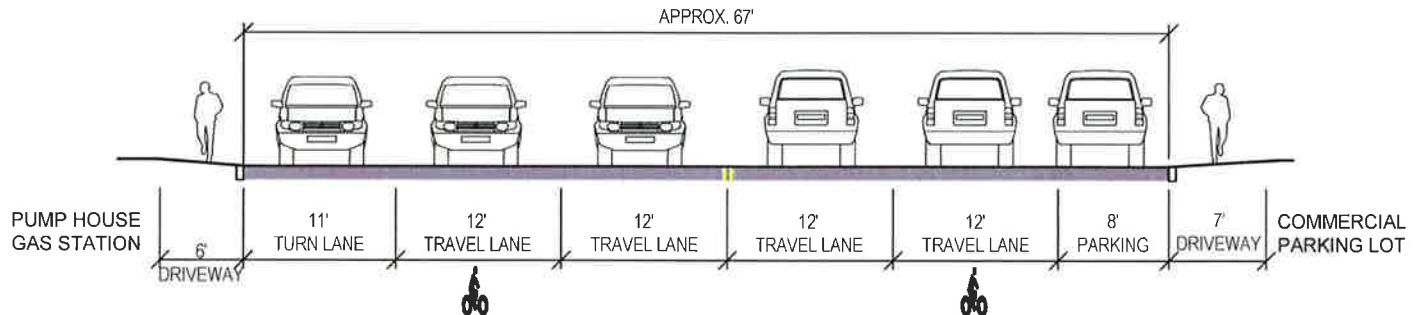
##### NOTES

- 1 Extend sidewalk to the intersection to remove gap
- 2 Reduced corner radius
- 3 Curb extension
- 4 High-Vis crossing markings
- 5 Street trees and planting
- 6 On street parking
- 7 Consolidate additional driveways

Improving pedestrian visibility through supportive infrastructure increases safety for all road users. By extending the sidewalks, removing on-street parking, reducing corner radii, installing curb extensions, and installing improved crossing facilities, pedestrian safety is enhanced. On-street parking and amenities such as street trees have been shown to reduce the speed of drivers. Adding to the existing assets of Old Town Pinole by installing these amenities, pedestrian visibility is further increased, as drivers have more time to observe their surroundings.

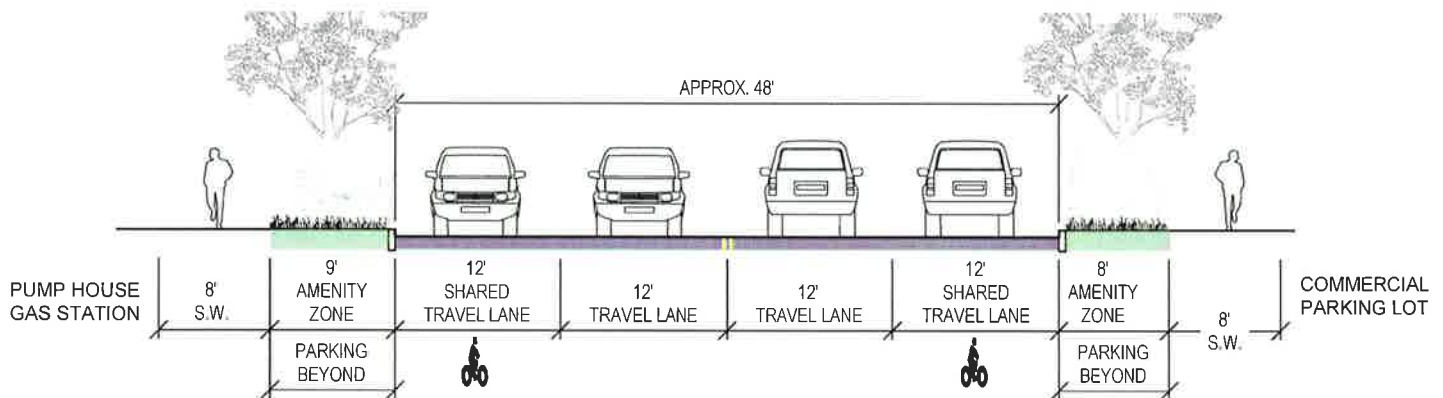
## Improvements Sections:

### San Pablo Ave at Tennent Ave



A1 EXISTING SAN PABLO AVE AND TENNENT AVE

FACING SOUTHWEST

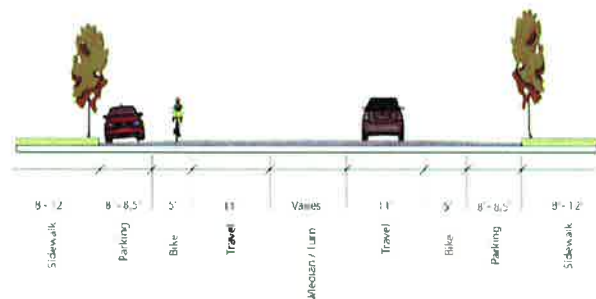


A2 PROPOSED SAN PABLO AVE AND TENNENT

FACING SOUTHWEST



Existing San Pablo Avenue and Tennent Avenue Intersection

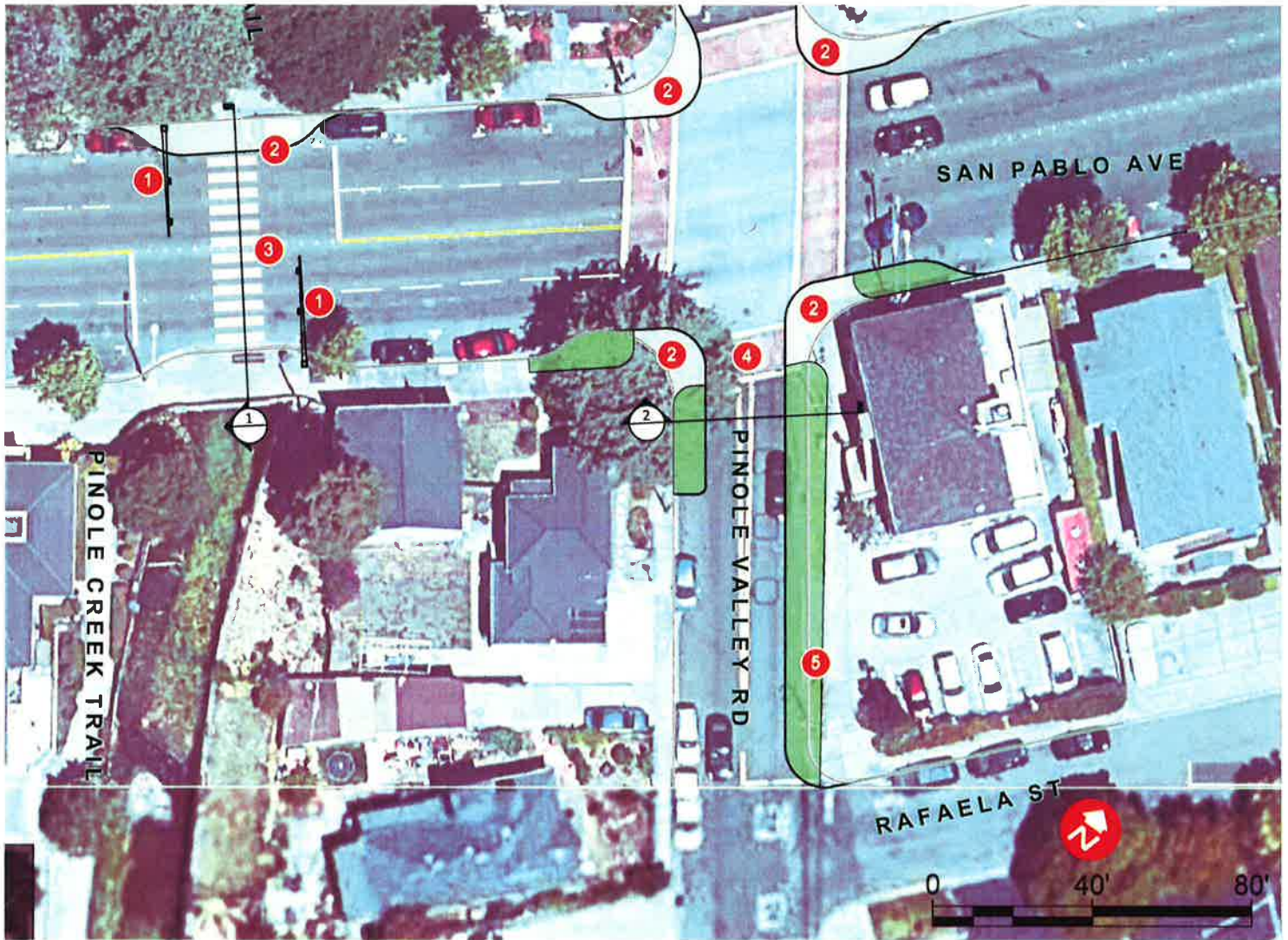


Proposed San Pablo Avenue and Tennent Avenue Intersection in the Three Corridors Specific Plan



# Improvements Plan View:

Pinole Creek Trail and Pinole Valley Rd at San Pablo Ave



(B) (C) IMPROVEMENT PLAN VIEW: PINOLE CREEK TRAIL AND PINOLE VALLEY RD AT SAN PABLO AVE

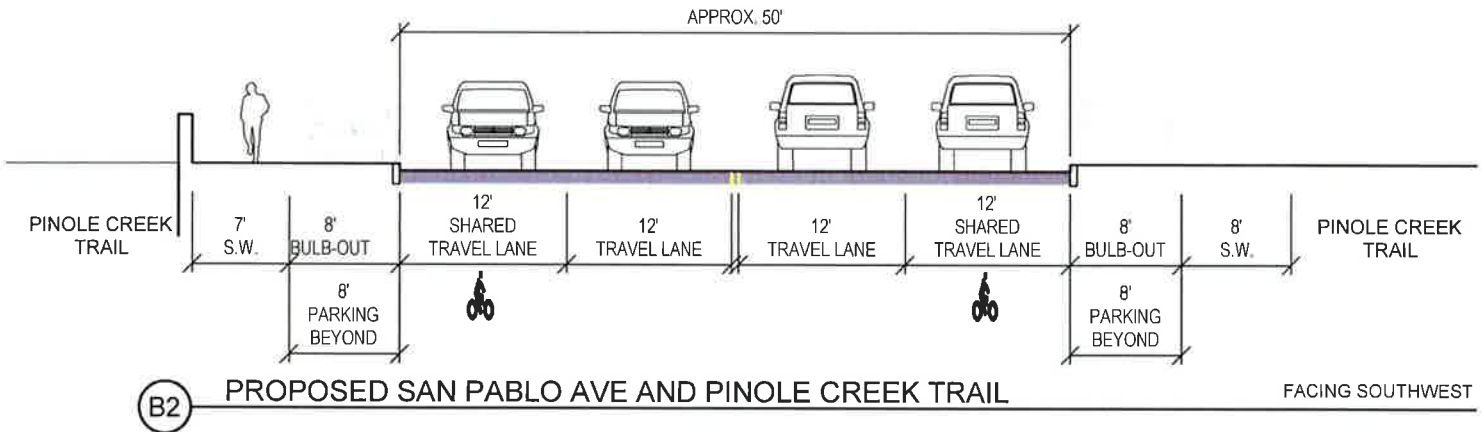
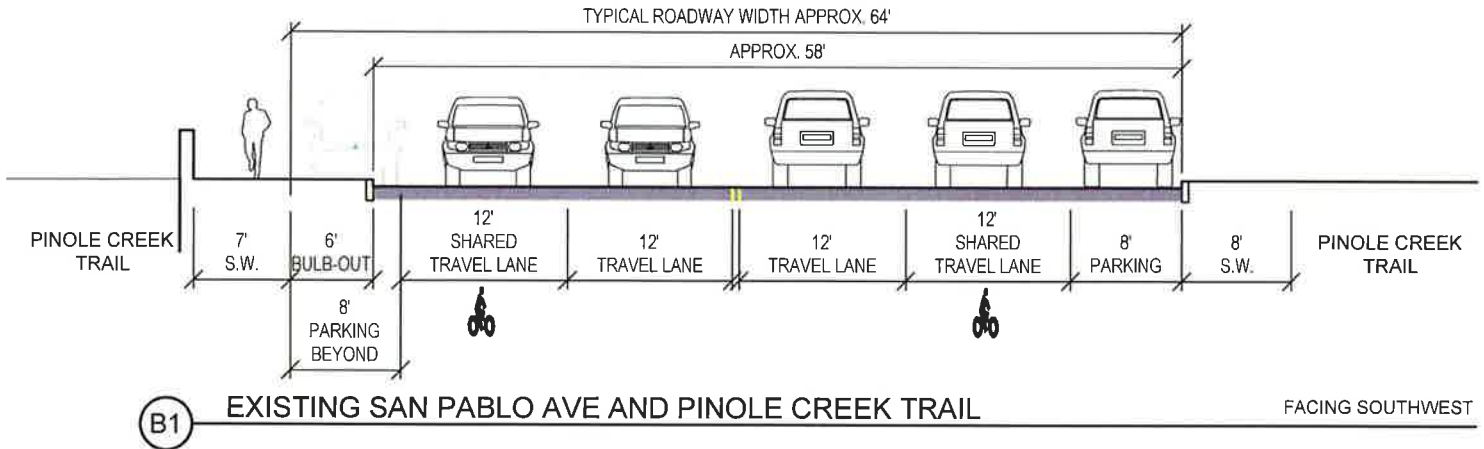
## NOTES

- 1 Pedestrian signal, synced with Pinole Valley
- 2 Curb extension
- 3 High Vis crossing markings
- 4 Match dimensions from Fernandez Ave
- 5 Relocate driveway to Rafaela St.

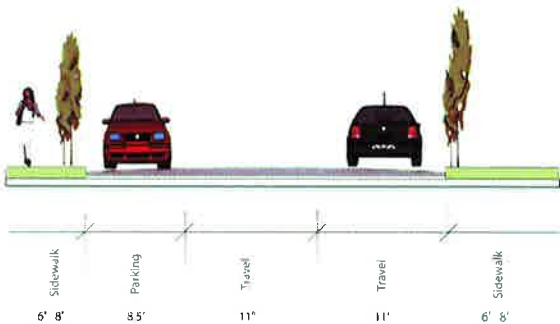
Installing improved crossing facilities, such as a pedestrian signal, curb extensions, and high visibility crosswalks, will allow drivers to see pedestrians more readily. Relocating the driveways along Pinole Valley Road to Rafaela Street will reduce potential conflicts between drivers and pedestrians at this location and will close the existing gap in the pedestrian network. This will have the additional benefit of providing space for potential street trees and other amenities such as benches and art installations.

# Improvements Sections:

## San Pablo Ave at Pinole Valley Rd



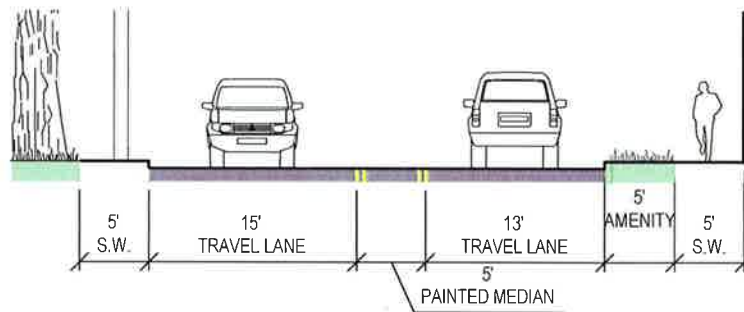
Existing Pinole Valley Road



Proposed Pinole Valley Road in the Three Corridors Specific Plan

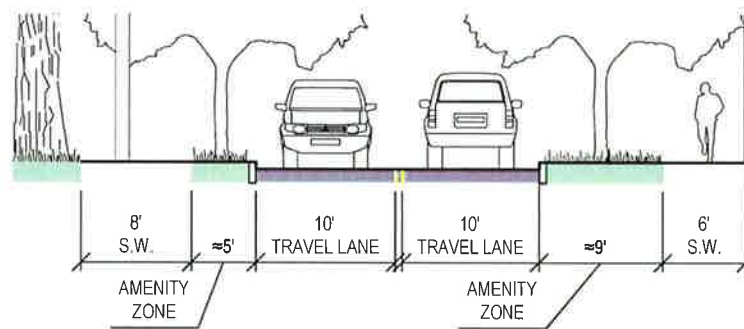
## Improvements Sections:

### Pinole Valley Rd at San Pablo Ave



**C1** EXISTING PINOLE VALLEY RD AT SAN PABLO

FACING NORTHWEST

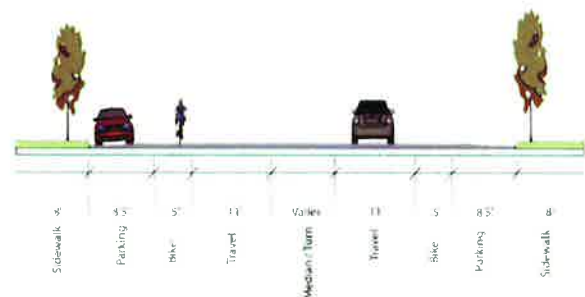


**C2** PINOLE VALLEY RD AT SAN PABLO AVE

FACING NORTHWEST



Existing Pinole Creek Trail Crossing along San Pablo Avenue



Proposed San Pablo Avenue near the Pinole Creek Trail crossing in the Three Corridors Specific Plan

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## Pinole Creek Trail Crossing Concept









## Bayfront Park

Bayfront Park is a 14 acre park located on San Pablo Bay. It offers scenic views of the San Pablo Bay. It is adjacent to the cultural and historic landmark, Fernandez Mansion, and the new Pinole Hercules Water Pollution Control Plant. Bayfront Park is connected to Old Town Pinole by the Pinole Creek Trail. Access to Bayfront Park and the SF Bay Trail can be improved by extending the shared use path to make a stronger connection between the end of the Pinole Creek Trail and the SF Bay Trail shown here. Creating a safe and comfortable experience for all trail users will enhance the connection between Old Town Pinole and the Bayfront Park.

By installing interpretive wayfinding and signage to explain the cultural and ecological significance of landmarks for regional bicyclists and path users, Bayfront Park can serve as an interactive connection to Old Town Pinole.



Possible rail crossing configuration at Bayfront Park. The existing crossing presents a barrier to pedestrian, bicyclists, and drivers attempting to access Old Town Pinole.



### NOTES

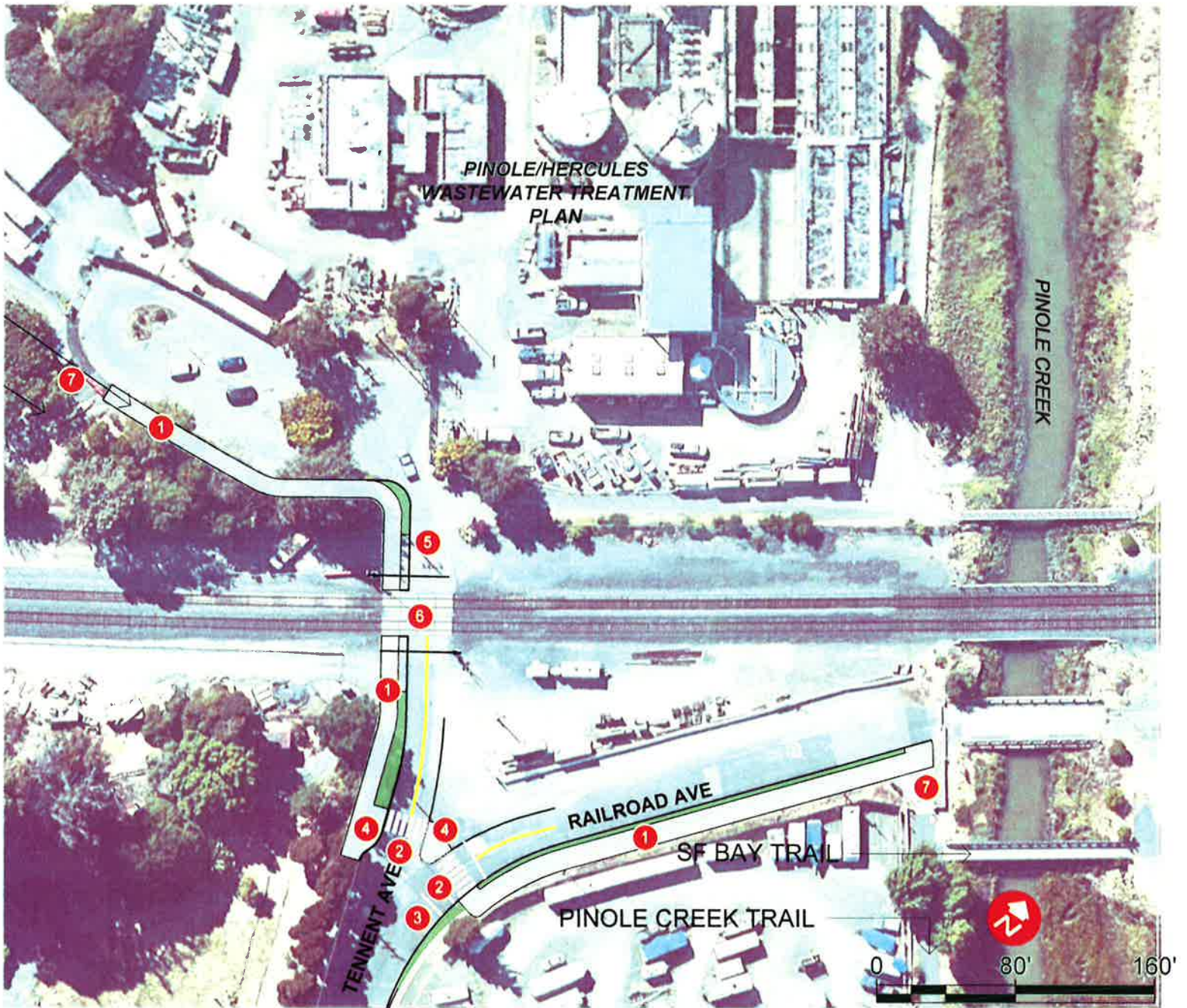
- 1 8'-10' wide Shared Use Path
- 2 High Vis Crossing markings
- 3 Re-orient existing crossing
- 4 Curb Extension
- 5 Maintain 22'-24' wide driveway
- 6 Existing RR tracks and crossing arms
- 7 Signage & Wayfinding Opportunity
  - Connections to SF Bay Trail, Pinole Creek Trail and Old Town Pinole
  - Interpretive signage for Environmental Context, Bayfront Park, Area History & Wastewater Treatment Plan



**D** BAYFRONT PARK

\*Aerial photo of





Bayfront Park shows construction trailers from Wastewater Treatment Plant project that were removed in Fall 2019

## Signage and Wayfinding

### Vehicular Wayfinding

Developing and implementing signage for public surface lots that utilize standardized symbols and language in accordance with best practices and CA MUTCD guidelines will encourage drivers to utilize all available parking. The need for consistent and recognizable public parking signage is an idea that came out of the public outreach with residence and business owners.



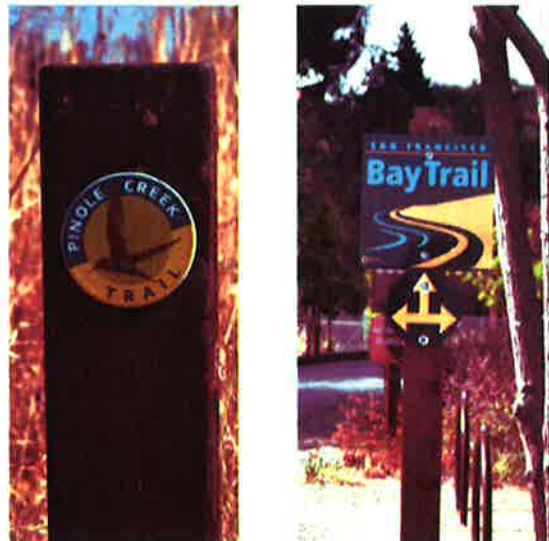
*Existing Old Town signage is oriented only for drivers. Unique symbols add character, but make it difficult to identify destinations such as parking*

### Pedestrian Oriented Wayfinding

Pedestrian wayfinding can encourage visitors to Old Town Pinole to walk to and between destinations. This means connecting remote parking lots to destinations. Developing and implementing pedestrian wayfinding at all parking areas, to the Pinole Creek Trail, and to intersections will encourage pedestrian access to Old Town Pinole.

### Bay Trail and Pinole Creek Trail

Old Town Pinole has exceptional access to both local and regional trails. Developing and implementing wayfinding to these trails will encourage visits to Old Town from the Bay Trail and to the Bayfront Park from Old Town.



*Expand on existing successful signage to connect people to Old Town Pinole, Bayfront Park, and the SF Bay Trail via the Pinole Creek Trail*



## Conceptual Wayfinding Upgrades



## Conclusion

This study developed recommendations to meet the four goals of increasing parking utilization, improving pedestrian and bicyclist safety in Old Town Pinole, creating greater connectivity between destinations in and around Old Town Pinole, and enhancing Old Town Pinole's character. The recommendations were developed by utilizing current best practices to address the concerns that were identified through the public outreach and engagement process, the collision analysis, and the parking study.

### Parking Utilization

Through the Parking Study that was conducted as a part of this study, it was found that parking is underutilized in some areas of Old Town Pinole. Signage and an improved wayfinding network should be installed to improve parking utilization in Old Town Pinole. Utilizing standard symbols and language will help direct drivers to lots throughout Old Town Pinole. This recommendation was supported by the public outreach process, with residents and business owners expressing the need for a standardized system. This will make navigation through Old Town Pinole easier as both a driver and as a pedestrian.

### Improving Pedestrian and Bicyclist Safety

The need to improve pedestrian and bicyclist safety was identified in the collision analysis and the public outreach process. A variety of recommendations were developed to meet this goal.

Facilities like curb extensions and high visibility crosswalks alert drivers to pedestrians and bicyclists crossing the street. This allows the driver more time to come to a complete stop, reducing the chance of a collision.

Other recommendations were developed for two key themes identified during the public outreach process: slow traffic down and improve pedestrian experience. These were two key themes identified during the public outreach process. Such recommendations include narrowing Pinole Valley Road to increase the pedestrian amenity zone, removing the right-turn slip lane on San Pablo Avenue, and installing more street trees throughout Old Town Pinole.

Slowing traffic reduces the chance of a collision. This is essential for increasing pedestrian safety in Old Town Pinole. These recommendations were developed by incorporating current best practices for reducing drivers' speed while also increasing the visibility of

pedestrians and bicyclists.

### Increasing Connectivity

To create a more cohesive pedestrian network in Old Town Pinole, pedestrian oriented wayfinding should be installed and pedestrian network gaps should be addressed. Improving trail connections will greatly enhance the pedestrian experience in Old Town Pinole by allowing users to travel through the area on a unique, low-stress network.

Pedestrian oriented wayfinding will help trail users connect to and from their destinations. This will make for a more pleasant pedestrian experience for both residents and visitors alike.

Addressing pedestrian network gaps, like extending the sidewalk along Tennent Avenue, will allow for a safer, more comfortable pedestrian experience in Old Town Pinole.

### Old Town Pinole Character

Old Town Pinole has a small town charm that its residents are proud of. Many recommendations in this report will help elevate this appeal.

Placemaking elements, such as branded wayfinding, extending and improving the existing trail network, pedestrian scale lighting, and an improved

pedestrian network will help attract new visitors to the area.

## Referenced Plans and Resources

- Contra Costa Transportation Authority. (2018). *Contra Costa Countywide Bicycle and Pedestrian Plan*. Accessed at: <https://ccta.net/2018/10/18/countywide-bicycle-and-pedestrian-plan/>
- City of Pinole, California. (2010) *General Plan Update*. Accessed at: [https://www.ci.pinoles.ca.us/city\\_government/planning/general\\_plan](https://www.ci.pinoles.ca.us/city_government/planning/general_plan)
- City of Pinole, California (2018). *Three Corridors Specific Plan*. Accessed at: [https://www.ci.pinoles.ca.us/city\\_government/planning/general\\_plan/three\\_corridors\\_specific\\_plan](https://www.ci.pinoles.ca.us/city_government/planning/general_plan/three_corridors_specific_plan)



# Old Town Pinole Parking and Pedestrian Safety Study

Presentation to City Council  
September 15, 2020

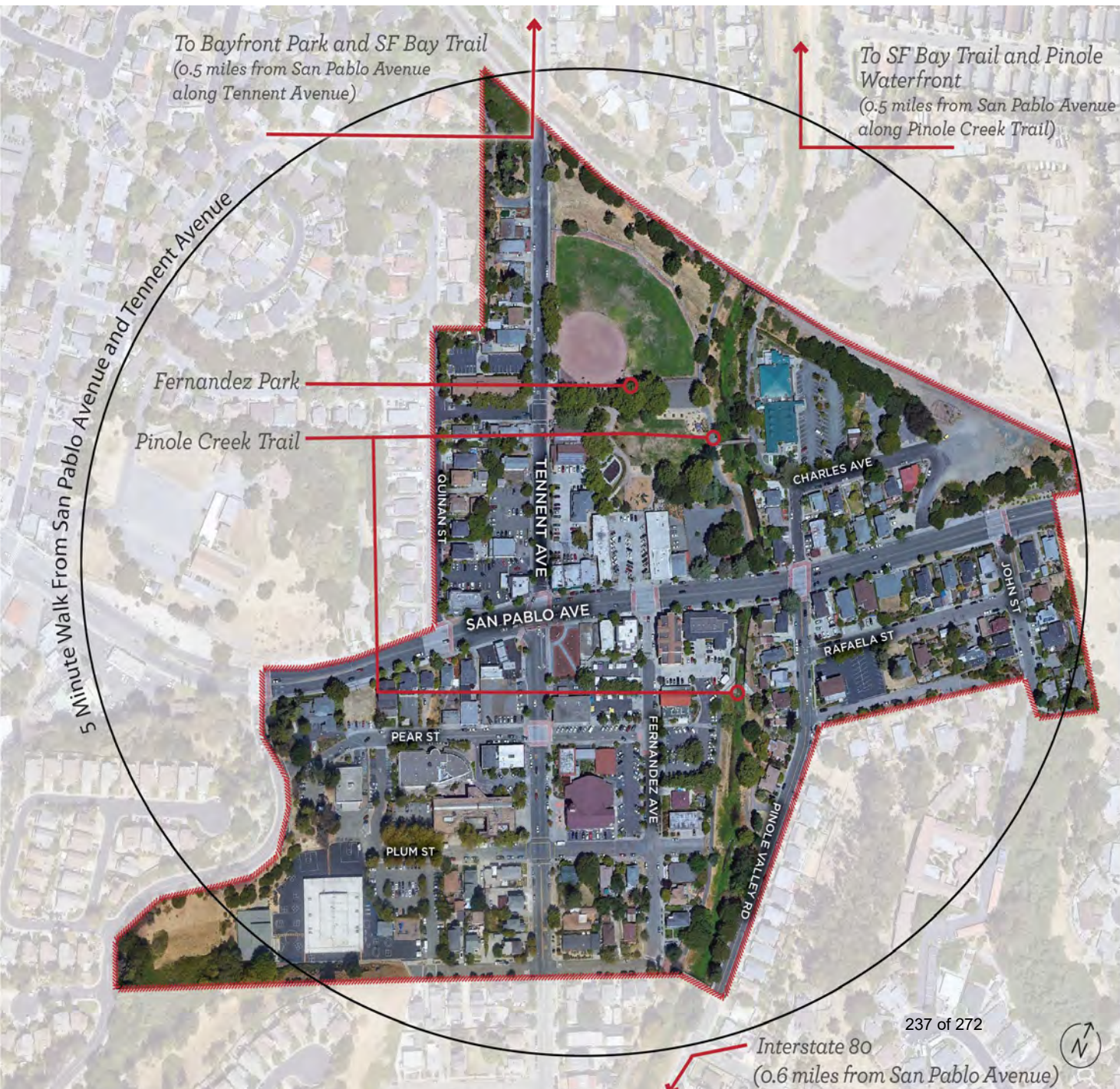
# Project Goals

- Completing a parking study to determine parking utilization in accordance to the General Plan and in response to Old Town Pinole business concerns
- Improving pedestrian safety in arriving to their destinations in Old Town Pinole, especially from underutilized parking lots
- Increasing connectivity between parking and destinations, including the Bayfront, and
- Enhancing Old Town Pinole's unique character as both a destination and as a pedestrian experience.
- Consistency with General Plan, Three Corridors Specific Plan, Countywide Bicycle Plan, prior parking studies





# Study Area





# Complete Streets Principles



*Wide sidewalks allow for a comfortable pedestrian experience for all ages where two people can walk side-by-side.*



*Curb extensions visually and physically narrow the roadway, creating safer and shorter crossings for pedestrians.*



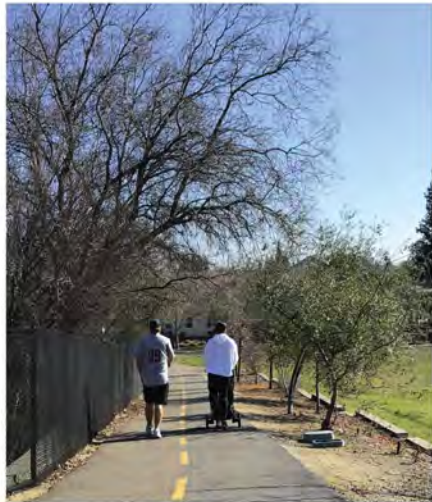
*Narrower travel lanes help promote slower speeds and reduce crash severity.*



*Street trees provide shade, reduce air pollution and positively impact mental health.*



# Existing Conditions



*Improving trail connections along San Pablo will increase the connectivity for a low stress multi-use network in Pinole.*



*An incomplete wayfinding system can present barriers to visitors and residents navigating Old Town Pinole. Existing wayfinding signage is not easily recognizable to drivers passing on San Pablo Avenue.*



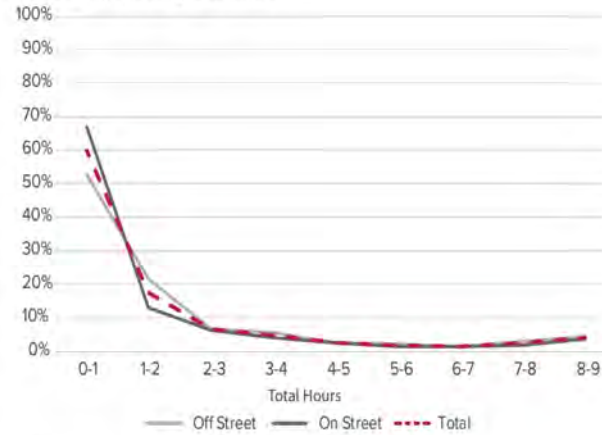
*Wide crossings across San Pablo Avenue can create uncomfortable walking experiences.*



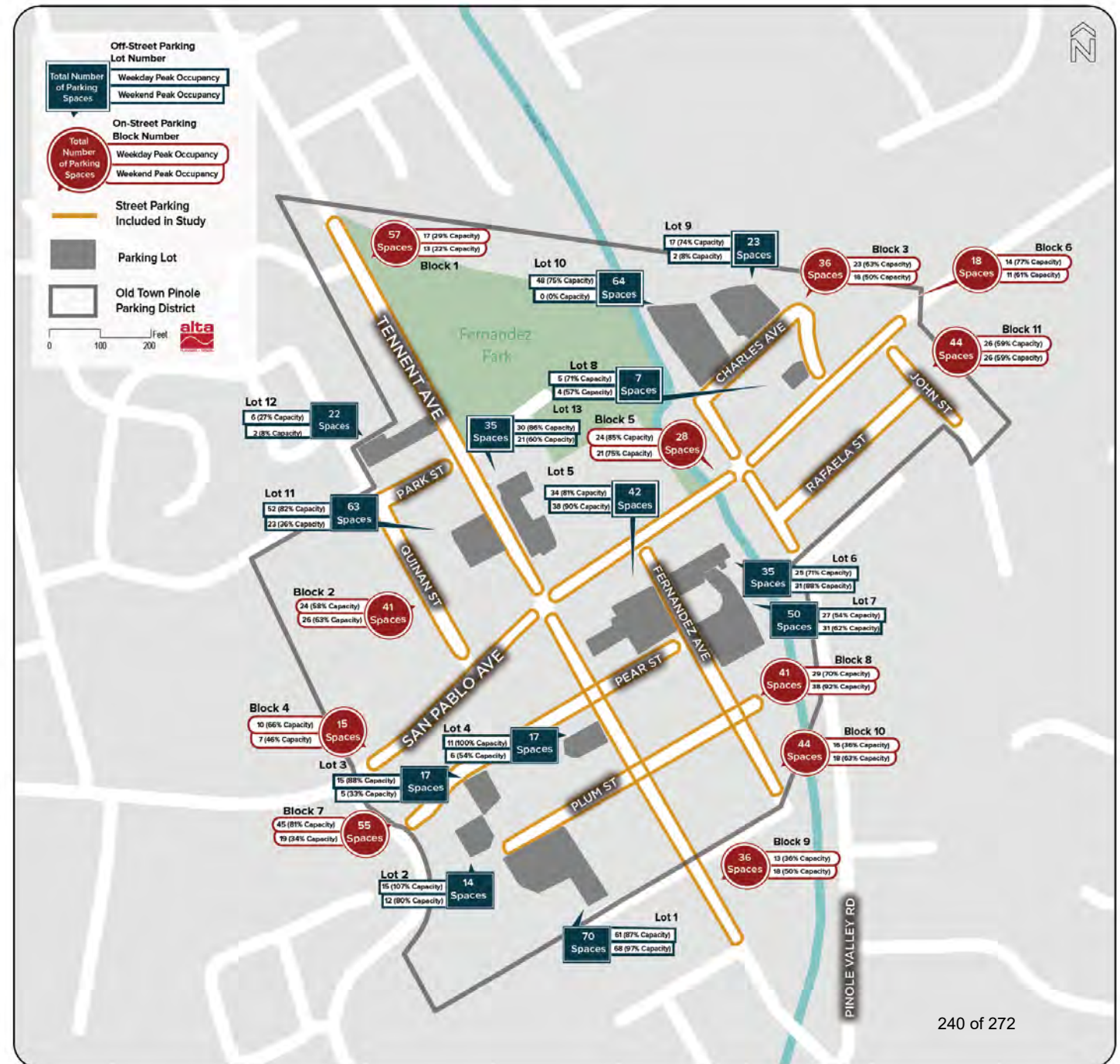
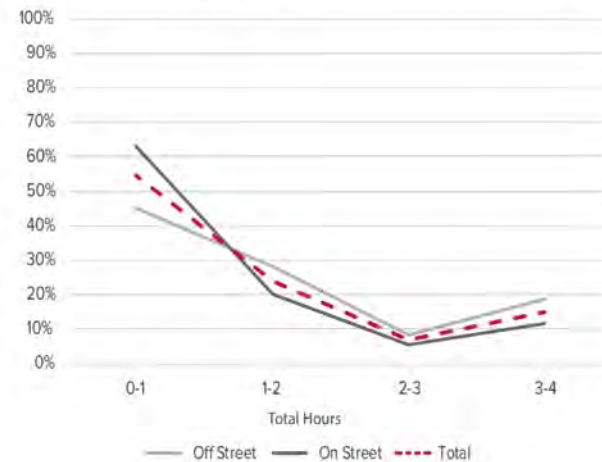
*The existing pedestrian network is frequently interrupted by driveways or narrowed due to utility poles in the sidewalk zone.*

# Parking Analysis

Weekday Parking Duration



Weekend Parking Duration





## Collisions Involving Drivers and Bicyclists or Pedestrians (2014 - 2018)

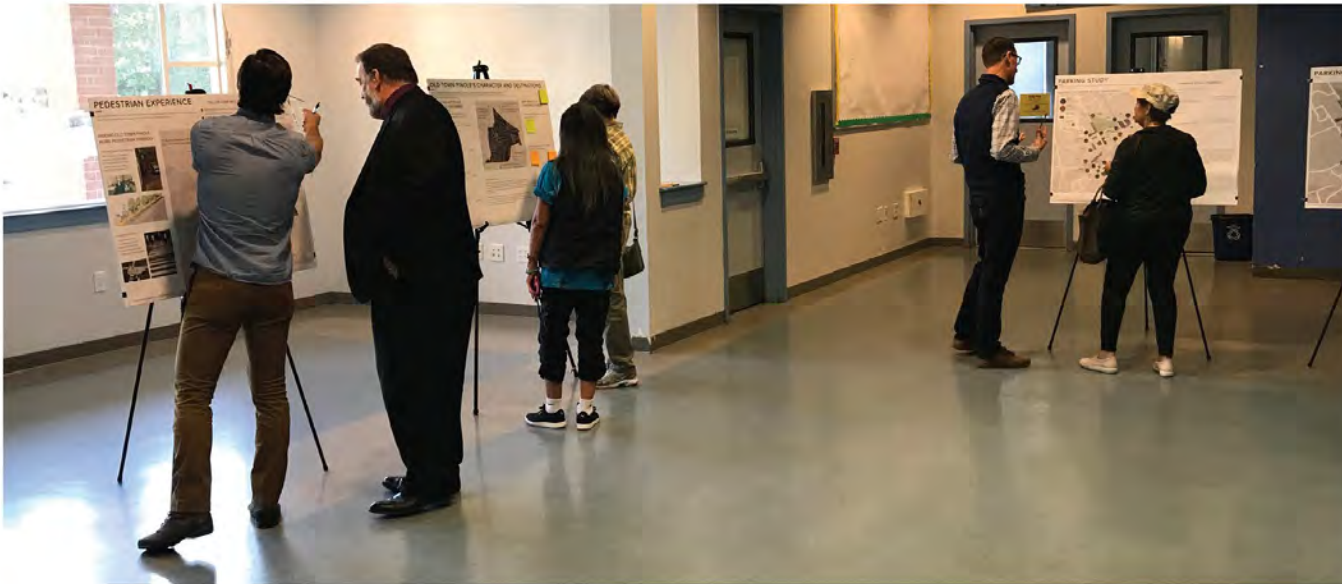
# Collisions

- Five total collisions 2014-2018
- 3 Pedestrian
- 2 Bicycle



# Outreach

- Open House held November 6, 2019
- Informational boards and Walk and Talk tour of project area



*The public was asked to comment and provide feedback on the walking and parking experience in Old Town Pinole during the outreach process for this study.*



*During a Walk and Talk, participants were invited to provide input on how to create a safer, more walkable environment in Old Town Pinole.*

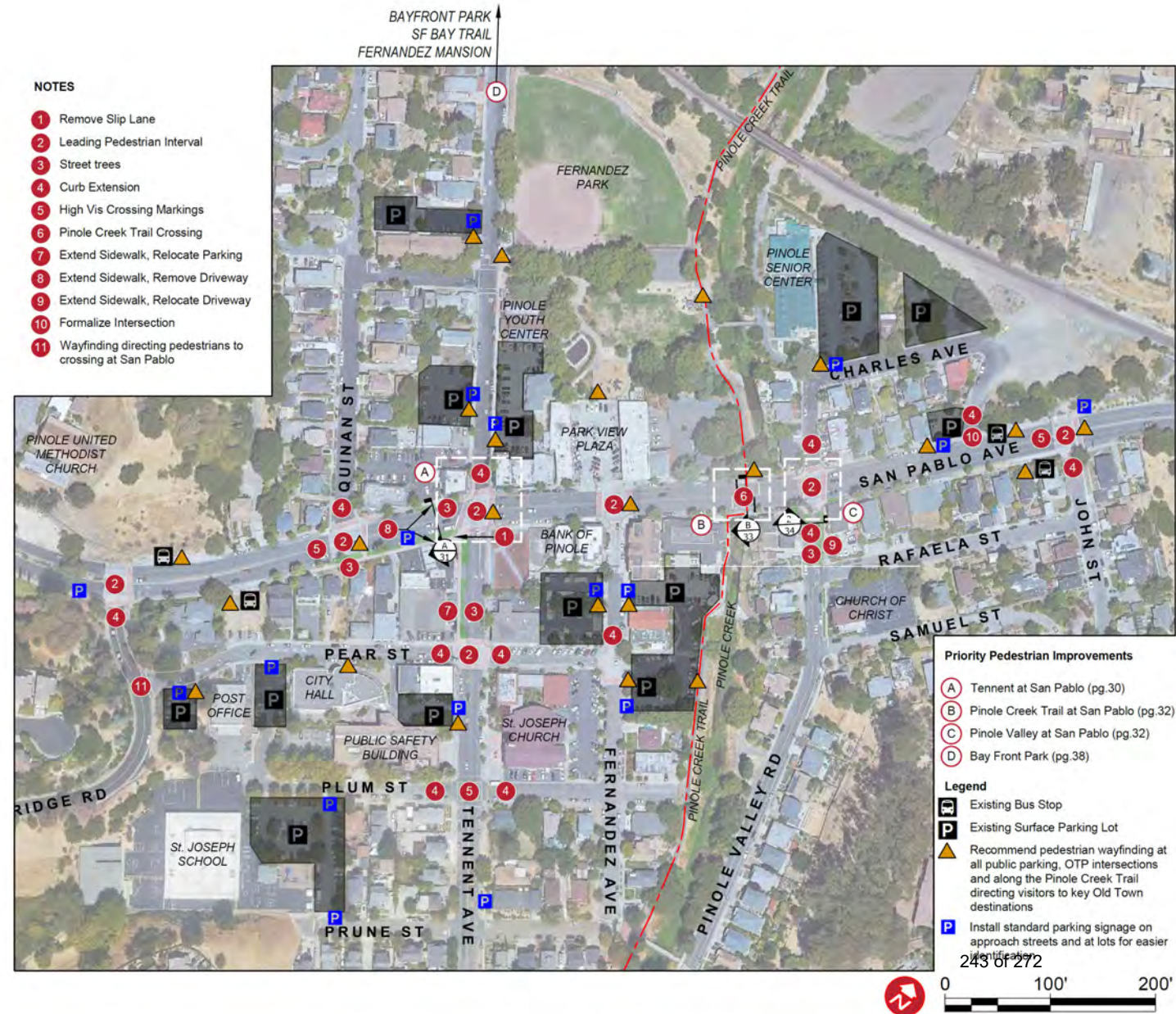


*An event participant studies the results of the parking study at the Open House.*



# Recommendations

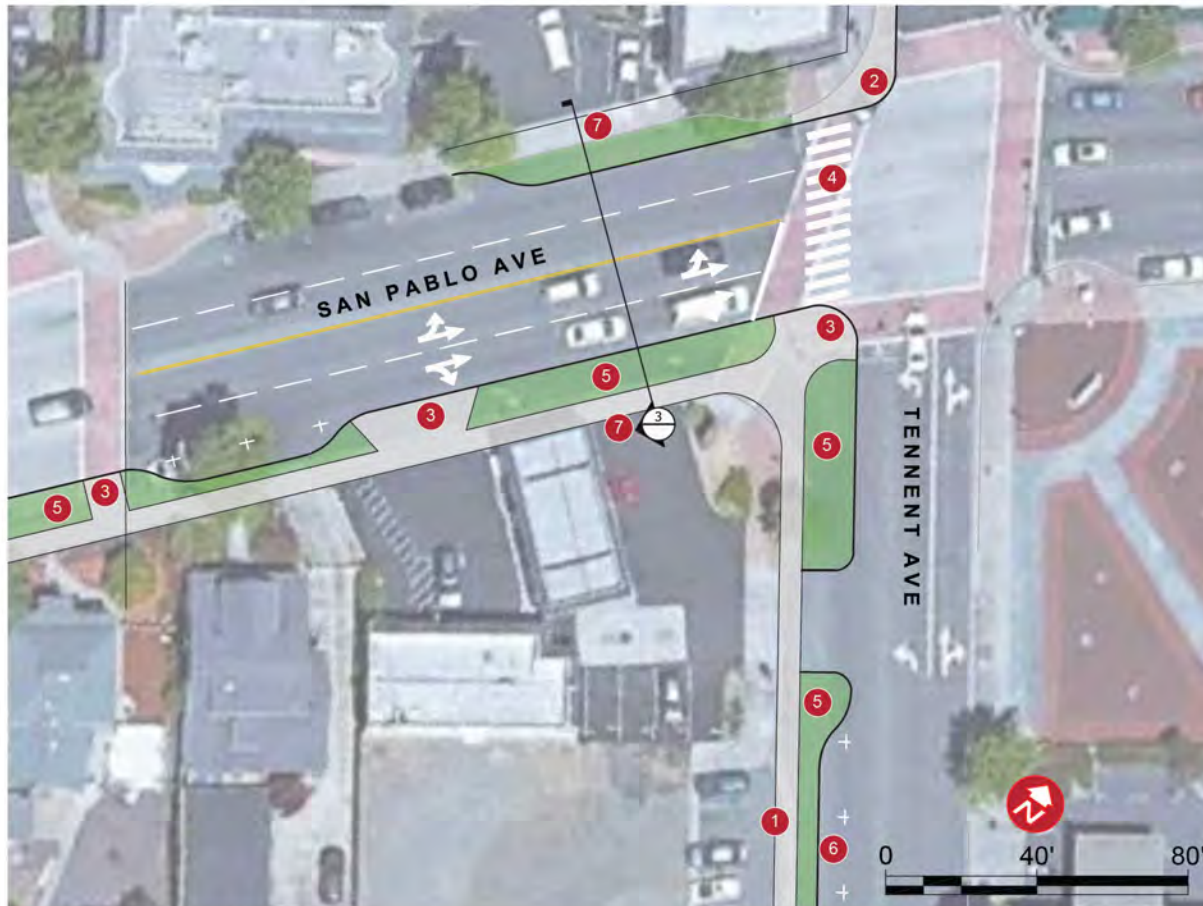
- Utilize parking more efficiently
- Pedestrian safety
- Connectivity
- Old Town Pinole Character and Walking Experience





# Improvements Plan View:

Tennent Ave at San Pablo Ave



## A SAN PABLO AVE AT TENNENT AVE

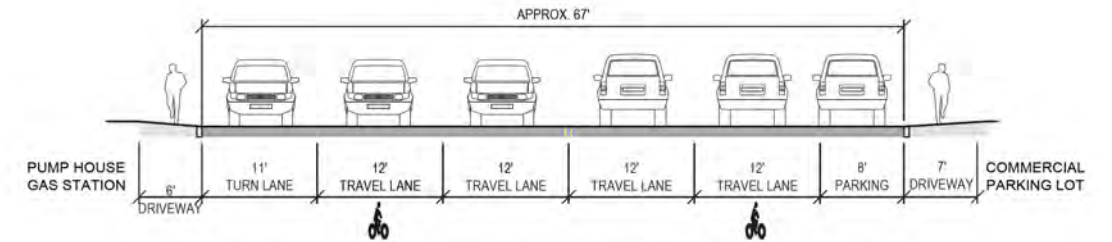
### NOTES

- 1 Extend sidewalk to the intersection to remove gap
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- 5 Street trees and planting
- 6 On street parking
- 7 Consolidate additional driveways

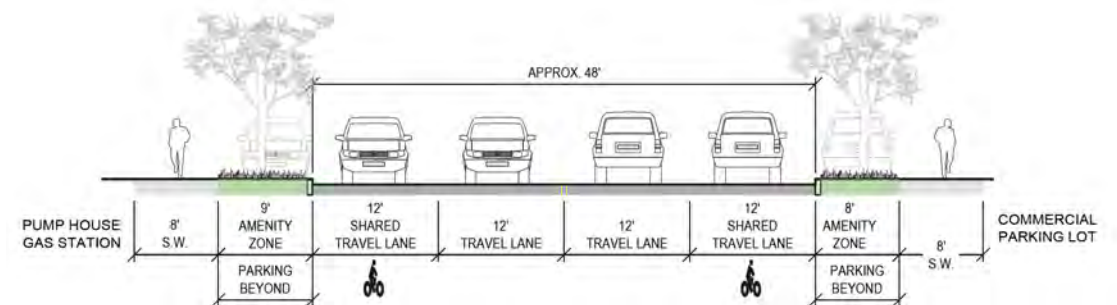
Improving pedestrian visibility through supportive infrastructure increases safety for all road users. By extending the sidewalks, removing on-street parking, reducing corner radii, installing curb extensions, and installing improved crossing facilities, pedestrian safety is enhanced. On-street parking and amenities such as street trees have been shown to reduce the speed of drivers. Adding to the existing assets of Old Town Pinole by installing these amenities, pedestrian visibility is further increased, as drivers have more time to observe their surroundings.

# Improvements Sections:

San Pablo Ave at Tennent Ave



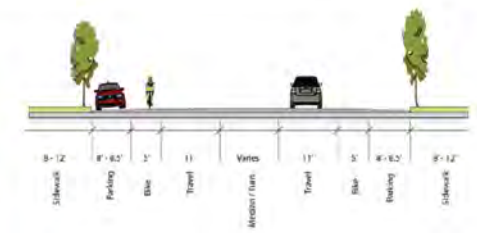
A1 EXISTING SAN PABLO AVE AND TENNENT AVE FACING SOUTHWEST



A2 PROPOSED SAN PABLO AVE AND TENNENT FACING SOUTHWEST



Existing San Pablo Avenue and Tennent Avenue Intersection



Proposed San Pablo Avenue and Tennent Avenue Intersection in the Three Corridors Specific Plan



# Improvements Plan View:

Pinole Creek Trail and Pinole Valley Rd at San Pablo Ave



(B) (C) IMPROVEMENT PLAN VIEW: PINOLE CREEK TRAIL AND PINOLE VALLEY RD AT SAN PABLO AVE

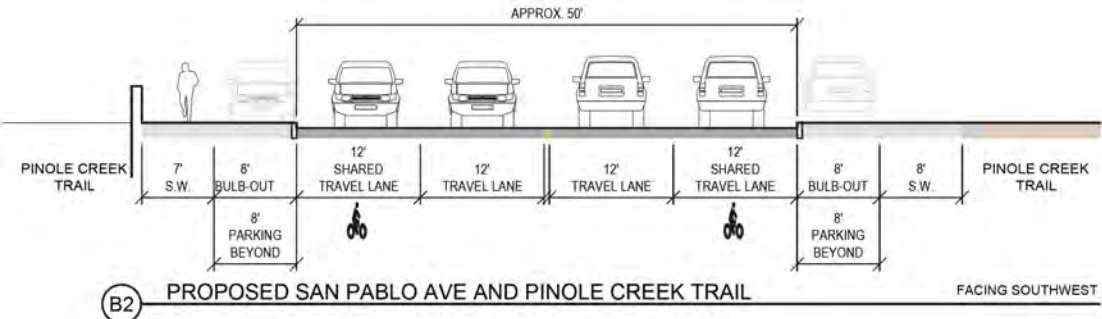
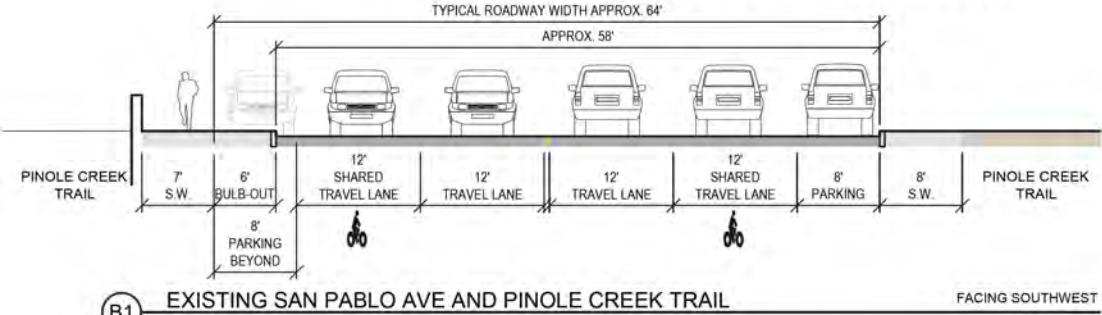
NOTES

- 1 Pedestrian signal, synced with Pinole Valley
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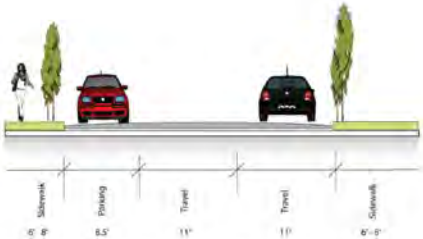
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## Improvements Sections:

San Pablo Ave at Pinole Valley Rd



Existing Pinole Valley Road



Proposed Pinole Valley Road in the Three Corridors Specific Plan



# San Pablo Avenue at Pinole Creek

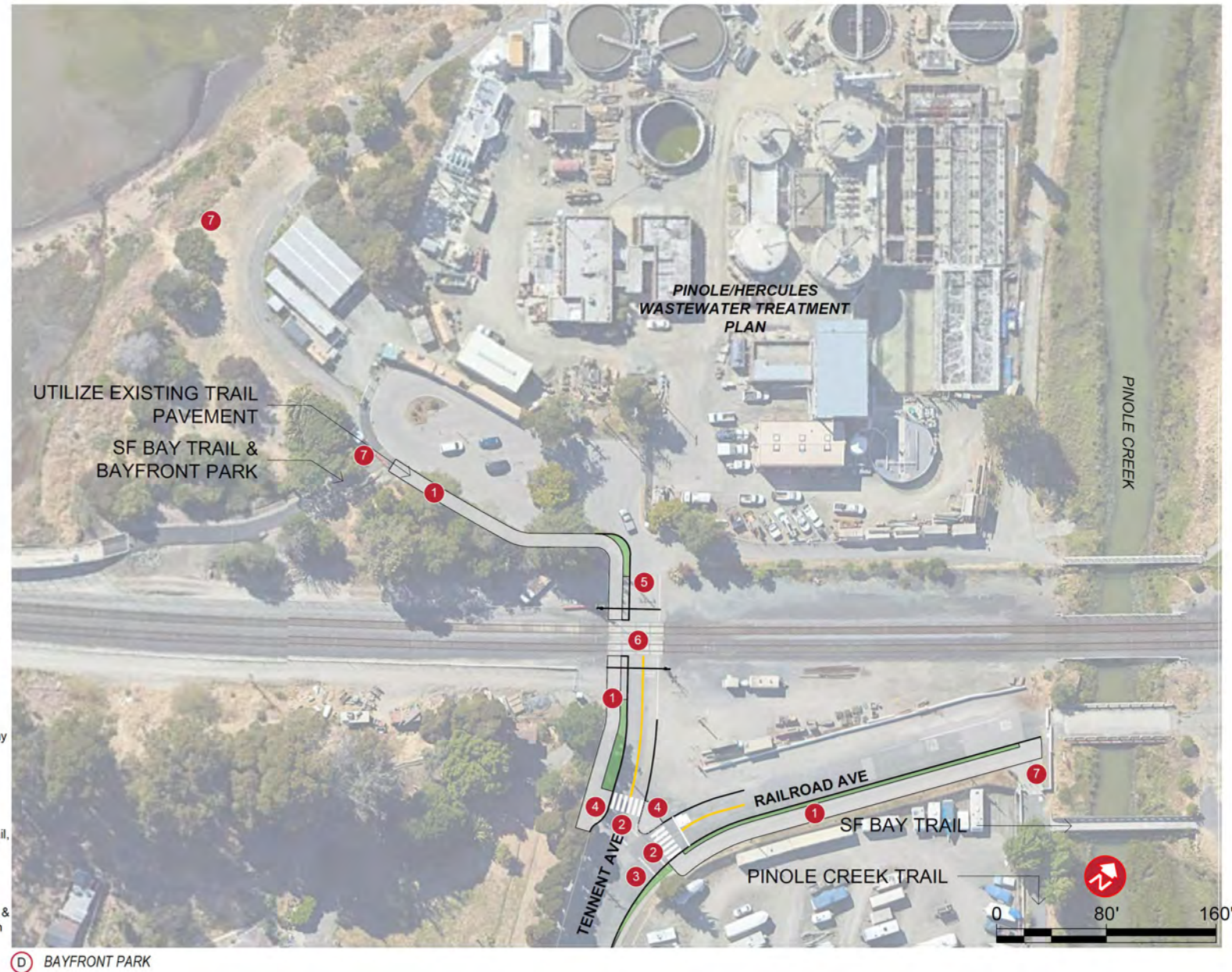




# Bayfront Park

## NOTES

- 1 8'-10' wide Shared Use Path
- 2 High Vis Crossing markings
- 3 Re-orient existing crossing
- 4 Curb Extension
- 5 Maintain 22'-24' wide driveway
- 6 Existing RR tracks and crossing arms
- 7 Signage & Wayfinding Opportunity
  - Connections to SF Bay Trail, Pinole Creek Trail and Old Town Pinole
  - Interpretive signage for Environmental Context, Bayfront Park, Area History & Wastewater Treatment Plan





# Wayfinding



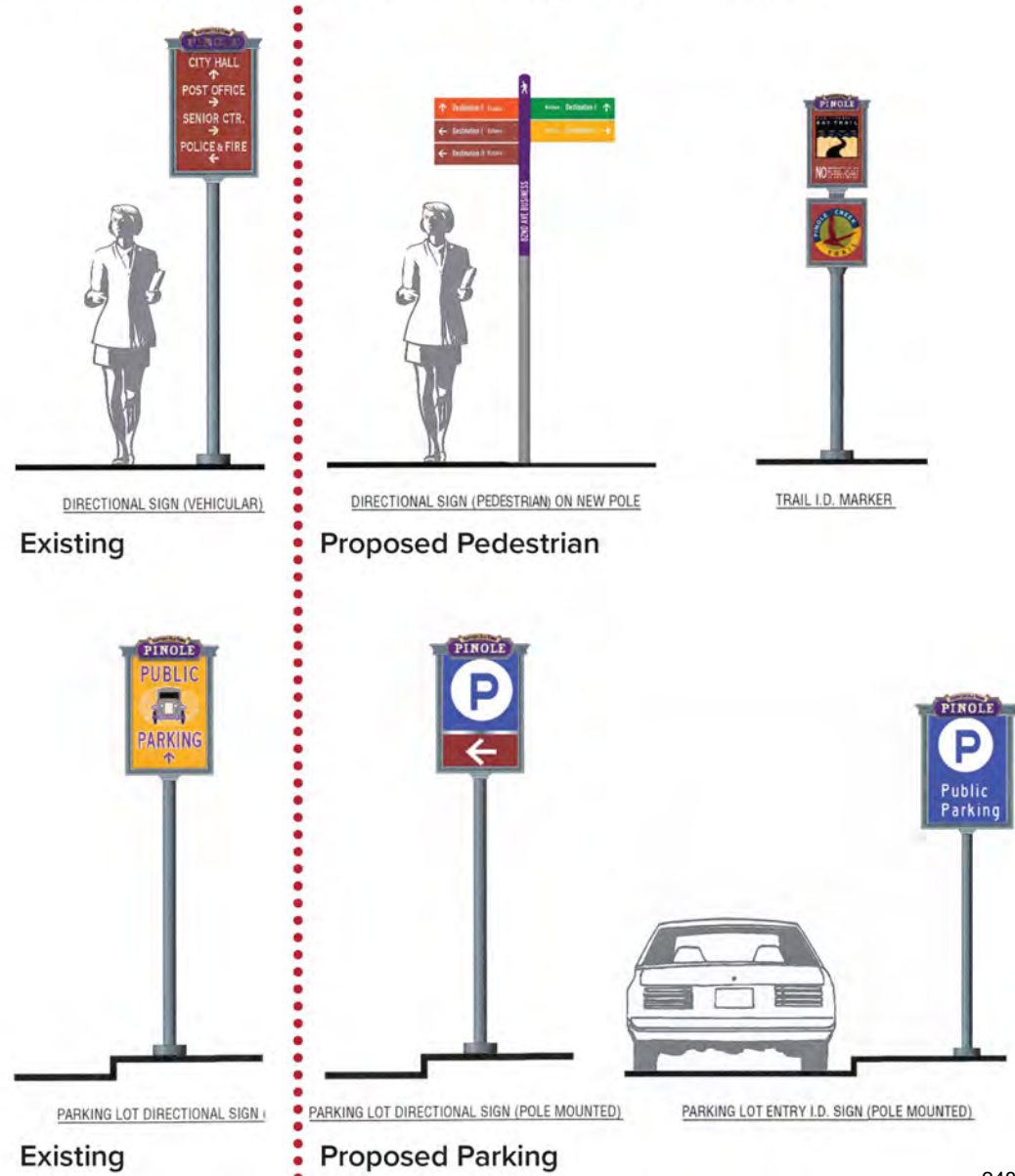
Existing Old Town signage is oriented only for drivers. Unique symbols add character, but make it difficult to identify destinations such as parking



Expand on existing successful signage to connect people to Old Town Pinole, Bayfront Park, and the SF Bay Trail via the Pinole Creek Trail



## Conceptual Wayfinding Upgrades



# Questions?





## **CITY COUNCIL REPORT**

**10B**

**DATE:** SEPTEMBER 15, 2020

**TO:** MAYOR AND COUNCIL MEMBERS

**FROM:** TAMARA MILLER, DIRECTOR OF DEVELOPMENT SERVICES/CITY ENGINEER

**SUBJECT:** APPROVE A POLICY TO PERMIT THE INSTALLATION OF LIGHTS ON CITY TREES IN THE OLD TOWN BUSINESS DISTRICT BY BUSINESS OWNERS

---

### **RECOMMENDATION**

Staff recommends that the City Council approve a policy to permit business owners in the Old Town section of Pinole to install lights on City trees on San Pablo Avenue during the designated holiday season following City guidelines to insure safe operation of the lights.

### **BACKGROUND**

The City of Pinole installs decorations in the Old Town section of the City during the holiday season which have included; a Christmas tree, lighted swags spanning the street in two locations, and light pole banners. The City's decorations go up very close to Thanksgiving and remain up until early January. The Development Services Department has received requests from business owners asking to install lights on the street trees on San Pablo Avenue for the designated holiday season in order to promote a festive atmosphere in the Old Town section of the City. To date the Development Services Department has declined the requests because the City of Pinole has no established policies or procedures to permit private citizens to install lights on City assets.

### **REVIEW & ANALYSIS**

In reviewing the requests to install lights on the trees on San Pablo Avenue within the Old Town District, staff has made the following observations.

1. Installing lights on the trees on San Pablo Avenue is possible due to the placement of electrical outlets in the existing tree wells.

2. The installation of lights on the trees would enhance the festive atmosphere of the Old Town section of the City during the designated holiday season.
3. The businesses in the Old Town section of the City have the opportunity to benefit from the enhanced decorations.
4. A program is needed to outline the safety requirements for installing lights on the trees on San Pablo Avenue. The program, to be prepared by City Staff, would detail hours of use, type, color, and density of lights (i.e. white LED), and duration of installation. The program would include issuance of a no cost encroachment permit.
5. The business owners would need to, or contract to, purchase, install and maintain the lights on the trees during the designated holiday season in a safe and responsible manner as determined by the City. The encroachment permit process includes a requirement liability insurance coverage.
6. The City would need to absorb the electrical cost associated with the light displays during the designated holiday season.

### **FISCAL IMPACT**

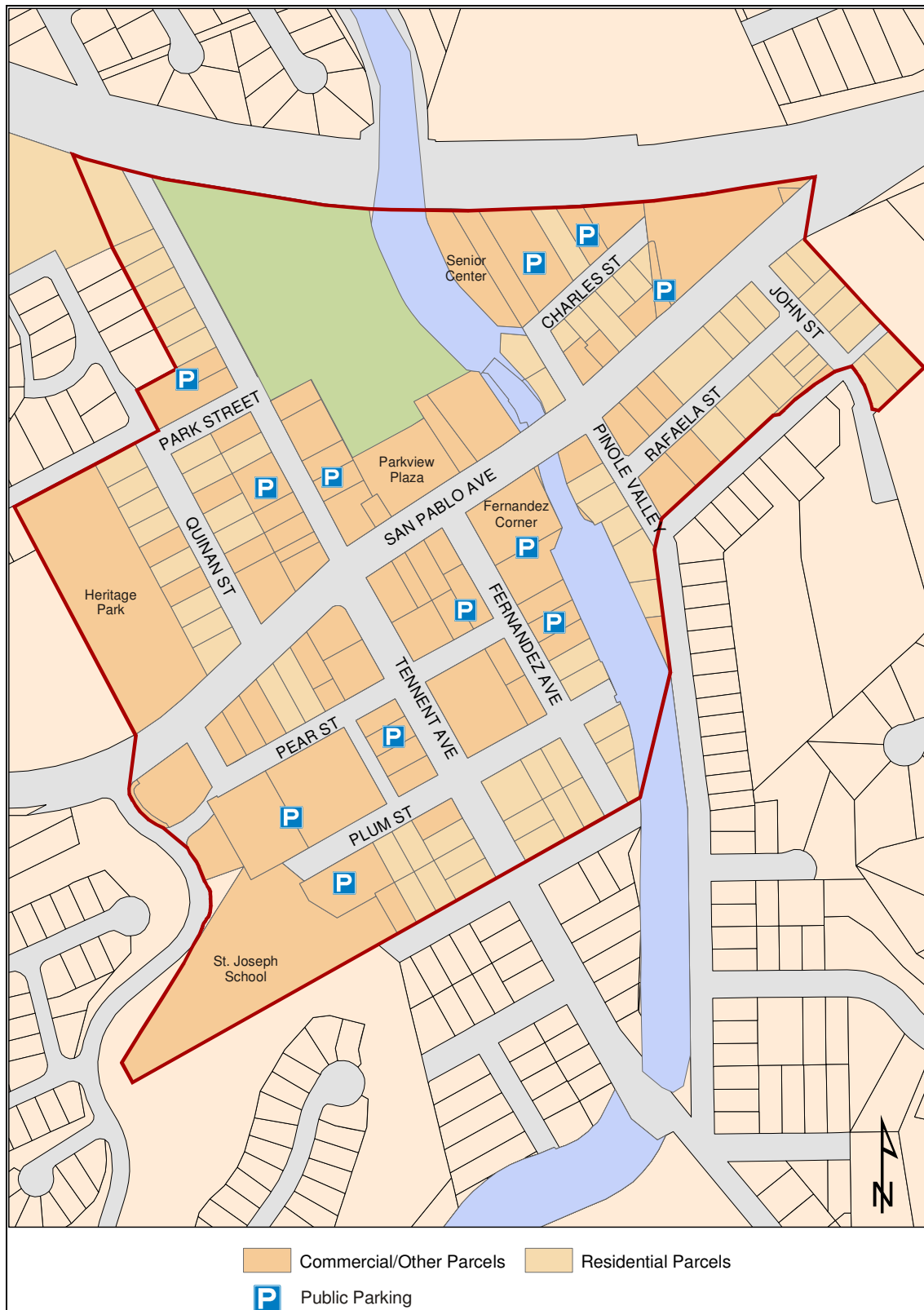
The estimated fiscal impact to the City for providing no cost encroachment permits and electricity to the lights installed on the trees on San Pablo Avenue would be approximately \$5,000 (need to check the number) for the designated holiday season. These are estimates based on average KWH charges and derived from assumed usages.

### **ATTACHMENT**

A. Old Town District limits



**Figure 1: Study Area**





## **CITY COUNCIL REPORT**

**10C**

**DATE: SEPTEMBER 15, 2020**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: ANDREW MURRAY, CITY MANAGER**

**SUBJECT: RECEIVE THE FISCAL YEAR (FY) 2019-20 FOURTH QUARTER  
FINANCIAL REPORT (UNAUDITED) AND ADOPT A RESOLUTION  
APPROVING BUDGET ADJUSTMENTS**

---

### **RECOMMENDATION**

City staff recommends that the City Council receive the Fiscal Year (FY) 2019-20 Fourth Quarter Financial Report (Unaudited) and adopt a resolution approving year-end budget adjustments.

### **BACKGROUND**

The City operates on an annual budget cycle. Through the budget, the City Council approves revenue estimates and authorizes City staff to expend the City's limited financial resources. As one of the many activities that the City undertakes to help ensure its financial soundness, staff provides quarterly financial reports on the City's budget condition. The Fourth Quarter Financial Report provides preliminary year-end results since the final audit has not been completed.

### **REVIEW & ANALYSIS**

The FY 2019-20 budget originally adopted in June 2019 projected that General Fund revenues would exceed expenditures by \$2,832 apart from the use of \$1 million from fund balance for the purchase of a new fire engine for a net deficit of \$997,167. The original budget was subsequently revised by the City Council through mid-year adjustments in February 2020 and June 2020 based on the Second and Third Quarter Financial Reports. The current revised budget, based on the Third Quarter Financial Report, projected a General Fund year-end surplus of \$1,856,711, due primarily to the removal from the budget of the new fire engine, whose delivery was delayed, and anticipated year-end expenditure savings. Based on preliminary year-end results, the actual General Fund surplus was \$310,005.

## **General Fund Analysis**

### **General Fund Revenue**

Pinole, like other communities, has been impacted by the shelter-in-place (SIP) order resulting from COVID-19. Fiscal impacts of the SIP have been identified and noted below.

Overall, General Fund revenue for the fiscal year was \$15,922,167, 102% of the revised revenue budget.

- ***Sales Tax***

For FY 2019-20, sales tax, when including Measure S 2006 and 2014, which are discussed further below, is the City's largest General Fund revenue. Despite the impact of COVID-19, sales tax collections for the fiscal year were \$3,788,080, 110% of the revised budget. (Note that, due to concern regarding the possible impact of COVID-19, staff had recommended, and Council approved, a \$198,981 reduction in the sales tax budget amount for the fiscal year as part of the Third Quarter Financial Report and associated mid-year budget adjustments.)

- ***Property Tax***

Property tax is the City's second largest General Fund revenue stream for FY 2019-20. Actual collections for the fiscal year totaled \$4,514,755, 100% of the revised budget. Property tax revenue includes revenue from the Redevelopment Property Tax Trust Fund (RPTTF). This is revenue that has resulted from the dissolution of the former Pinole Redevelopment Agency and represents the shift from the Agency receiving tax increment revenue to the various taxing entities receiving the tax revenue. The City received \$1.68 million in RPTTF revenue in FY 2019-20. The RPTTF revenue will convert to "normal" property tax revenue when all of the former Agency's outstanding debt is paid off and the Successor Agency is formally dissolved. Dissolution is currently expected to occur sometime after the final debt service payment in FY 2023-24.

- ***All Other General Fund Revenue***

Utility Users Tax (UUT) is the City's third largest General Fund revenue stream. The City received \$1,809,832 in actual revenue, 96% of revised budget. Franchise tax revenue, which is derived from utility service customers, totaled \$750,001, 100% of revised budget.

Other Taxes totaled \$826,359 and includes Transient Occupancy Tax (TOT) which totaled \$444,453, an 8% shortfall relative to the original budget, likely due to COVID-19's impact on travel, and business license tax revenue totaled \$381,906, a 102% relative to the original budget.

Intergovernmental taxes, which include the property tax in-lieu of Motor Vehicle License Fee (VLF) of \$1,922,881 and Homeowner Property Tax Relief of \$29,836, totaled \$1,952,717, 100% of the revised budget. In 2004 the California Legislature approved a property tax swap of VLF as a part of a state/local budget agreement. As a result of the swap, over 90% of the city Motor License Vehicle Fund revenue was swapped for property taxes. Homeowner Tax Relief funds are a backfill for the \$7,000 value exemption (\$70 tax per qualifying taxpayer) granted through the Homeowner Exemption Legislation. The California Constitution provides a \$7,000 reduction in the taxable value for a qualifying owner-occupied home. Public safety charges, including police dispatch services for Hercules and San Pablo, were 100% of revised budget, \$1,220,688.

Other General Fund revenues generally met budget. The City received a \$500,000 loan payment from the Pinole Assisted Living Community (PALC), which has been recorded in the General Fund.

A transfer from the City's Section 115 Pension Trust to the General Fund was budgeted for FY 2019-20 in the amount of \$708,616. However, the transfer was not executed, and the funds remain in the Pension Trust fund balance.

Below is a table showing the original budget, revised budget, and year-end actual amounts for General Fund revenues.

	FY19/20 Original Budget	FY19/20 Revised Budget	FY19/20 Actuals
Property Taxes	\$ 4,033,892	\$ 4,518,655	\$ 4,514,755
Sales and Use Taxes	3,629,286	3,430,305	3,788,080
Utility Users Tax	1,898,000	1,890,580	1,809,832
Franchise Taxes	744,000	753,257	750,002
Other Taxes	858,900	797,793	826,358
Intergovernmental Taxes	1,819,484	1,952,881	1,952,717
Public Safety Charges	1,229,973	1,225,865	1,220,688
Total Other Revenue	568,276	975,999	1,059,735
<b>Revenue Total:</b>	<b>14,781,811</b>	<b>15,545,335</b>	<b>15,922,167</b>
Transfer In from Section 115 Trust	708,616	708,616	
<b>Revenue/Sources Total:</b>	<b>\$ 15,490,427</b>	<b>\$ 16,253,951</b>	<b>\$ 15,922,167</b>

### General Fund Expenditures

The City Council authorized specific expenditure amounts in the FY 2019-20 General Fund budget, including the use of fund balance for the purchase of a new fire engine in the amount of \$1 million.

General Fund actual expenditures for FY 2019-2 totaled \$15,612,162, which was 108% of revised budget, but 5% below the original budget. Staff analyzed budget versus year-end actual expenditures for each expenditure category to determine the source of any over expenditure. Over expenditures in several departments were due to the fact that expenditure budgets were reduced mid-year in association with the Third Quarter Financial Report because it was projected that expenditures were going to end the year lower. In fact, many of the expenditures did not end the year lower. The departmental over expenditures are detailed below.

- City Council department budget deficit of \$38,770 is the result of a budget reduction that was implemented with the Third Quarter Financial Report that anticipated savings and did not account for pending PCTV invoices.
- City Manager department budget deficit of \$2,116 is the result of slightly higher than anticipated vacation payout.
- City Treasurer department budget deficit of \$189 is the result of the budget reduction with the Third Quarter Financial Report.
- City Attorney department budget deficit of \$198,578 is the result of additional legal services due to the SIP order regulations, development project work, labor and employment matters, and cost allocation reductions to various user departments/funds.
- The Police Department budget deficit of \$262,066 is the result of a budget reduction with the Third Quarter Financial Report for anticipated savings that did not account for year-end accruals.
- The Fire Department budget deficit of \$1,248,761 is the result of a budget reduction with the Third Quarter Financial Report in the amount of \$1.5 million. This reduction was made based on the delayed delivery of the fire truck and anticipated savings in operating budget line items. However, per the purchase agreement, the City was required to make installment payments of \$404,563 prior to the delivery of the fire truck and the balance of \$564,971 remains a budget commitment/encumbrance at year end. Also, other anticipated budget savings did not materialize.
- Public Works department budget deficit of \$87,930 is primarily due to increased water utility billings, claims payable, and equipment maintenance costs.
- Community Development department deficit of \$4,270 is primarily the result of the budget reduction with the Third Quarter Financial Report that did not account for year-end accruals.

Below is a table showing the original budget, revised budget, and year-end actual amounts for General Fund expenditures by department.

	FY19/20 Original Budget	FY19/20 Revised Budget	FY19/20 Actuals	FY19/20 Encumbrances	FY19/20 Actuals w/ Encumb
City Council Total:	\$ 161,125	\$ 124,693	\$ 163,463		\$ 163,463
City Manager Total:	171,439	204,449	206,565		206,565
City Clerk Total:	246,659	202,450	183,241		183,241
City Treasurer Total:	11,332	8,403	8,592		8,592
City Attorney Total:	110,919	263,573	462,151		462,151
Finance Department Total:	478,572	485,771	477,516		477,516
Human Resources Total:	471,607	434,500	430,578		430,578
Non-Departmental Total:	1,651,460	1,717,422	1,700,309		1,700,309
Police Department Total:	6,411,500	5,861,637	6,123,703		6,123,703
Fire Department Total:	4,453,035	2,911,680	3,595,470	\$ 564,971	4,160,441
Public Works Total:	861,419	914,561	988,204	14,286	1,002,491
Community Development Total:	280,889	169,423	173,692		173,692
Debt Service	535,000	536,120	536,120		536,120
Transfers Out	642,637	562,558	562,558		562,558
<b>Expenditure Total:</b>	<b>\$ 16,487,594</b>	<b>\$ 14,397,240</b>	<b>\$ 15,612,162</b>	<b>\$ 579,257</b>	<b>\$ 16,191,420</b>

Note that the State allocated a portion of funding it received through the CARES Act to provide payments directly to cities and counties to cover necessary expenditures they incurred as a result of the public health emergency. The payments from the State to cities and counties are based on a per capita calculation. The City of Pinole is scheduled to receive \$240,828 for costs incurred during FY 2019-20. The initial payments were received in July and August 2020 for a total of \$80,276. The City anticipates receiving the remaining payments in FY 2020-21. Per current guidance from the Governmental Accounting Standards Board (GASB), all the revenue will be recognized in FY 2020-21.

The table below summarizes the original General Fund budget, revised budget, year-end actuals, and ending fund balances. (Note that the actual year-end balance of the Pension Trust fund is significantly higher than shown in the original and revised budgets because the transfer from the fund to the General Fund and other Funds that had been budgeted was not executed and because the fund had significant interest earnings net of costs in the amount of \$929,554 during the fiscal year.)

	FY19/20 Original Budget	FY19/20 Revised Budget	FY19/20 Actuals	FY19/20 Recommended Adjustments	FY19/20 Amended Budget
Revenues/Sources	\$ 15,490,427	\$ 16,253,951	\$ 15,922,167	\$ -	\$ 16,253,951
Expenditures	16,487,594	14,397,240	15,612,162	1,842,680	16,239,920
Net surplus/deficit	(997,167)	1,856,711	310,005	1,842,680	14,031
Beginning Fund Balance	5,813,996	5,813,996	5,813,996		5,813,996
Ending Fund Balance	\$ 4,816,829	\$ 7,670,707	\$ 6,124,001		\$ 5,828,027
Pension Trust Fund	\$ 16,728,320	\$ 16,258,320	\$ 18,088,811		\$ 18,088,811
General Reserve Balance	\$ 7,352,102	\$ 7,352,102	\$ 7,457,116		\$ 7,457,116



Staff recommends that the City Council approve General Fund expenditure budget adjustments as described above and detailed in Attachment A such that actual expenditures do not exceed authorized expenditures for the fiscal year.

### **Other Funds Analysis**

#### **Measure S 2006 Fund (Fund 105) and Measure S 2014 Fund (Fund 106)**

Measure S 2006 is a voter-approved general purpose use tax levied at 0.5% on all retail sales. Revenue from Measure S 2006 has historically been allocated by the City Council to fund public safety programs. Measure S 2006 revenues totaled \$1,981,425 in FY 2019-20, 105% of revised budget. Expenditures, including the planned use of fund balance, totaled \$2,499,586, 100% of budget.

Measure S 2014 is a voter-approved general purpose use tax also levied at 0.5% on all retail sales. Revenue from Measure S 2014 has historically been allocated by the City Council to address some of the City's operational and deferred capital improvement needs. Measure S 2014 revenues totaled \$2,016,847 in FY 2019-20, 105% of revised budget. Expenditures, including the planned use of fund balance, totaled \$2,139,735, 74% of budget. Expenditures were significantly below budget due to the delayed timing of capital projects.

#### **Gas Tax Fund (Fund 200)**

The Gas Tax Fund accounts for revenue from State excise taxes on gasoline and diesel fuel sales (referred to as the Highway Users Tax Account (HUTA)) as well as revenue from the Road Repair and Accountability Act of 2017 (SB1) (referred to as the Road Maintenance and Rehabilitation Account (RMRA)). Gas Tax Fund resources are restricted for use in the construction and maintenance of public streets. These funds support both annual operating and capital projects. Gas Tax Fund revenues were \$804,790 in FY 2019-20, 96% of revised budget. Expenditures were \$577,100, 45% of budget. Expenditures were significantly below budget due to the delayed timing of capital projects.

#### **Restricted Real Estate Maintenance Fund (Fund 201)**

One of the many capital improvements made by the former Pinole Redevelopment Agency was to portions of the road, bridge, and parcels adjacent to the intersection of Fitzgerald and Atlas. The former agency's agreement to make improvements required that future owners of the redeveloped parcels make payments to the Redevelopment Agency (now Successor Agency). The Restricted Real Estate Maintenance Fund accounts for the payments that the Successor Agency receives from the property owners and expenditures on the upkeep of the limited number of remaining Successor Agency properties, such as the Bank of Pinole building. Fund revenue totaled \$4,262 in FY 2019-20, 11% of revised budget, due to the delay of the FY 2019-20 payment, while expenditures of \$24,418 are 100% of budget.

### Public Safety Augmentation Fund (Fund 203)

The Public Safety Augmentation Fund (PSAF) accounts for monies allocated by the County Auditor-Controller under Proposition 172 from the statewide one-half cent sales tax based on a share of statewide taxable sales. These funds are used exclusively for public safety. The receipt of these funds is conditioned on Maintenance of Effort using base year FY 1992-93. FY 2019-20 PSAF revenue totaled \$309,697, 100% of revised budget, while expenditures were 108% of revised budget, primarily as a result of a budget reduction with the Third Quarter Financial Report for anticipated salary and benefits savings that did not materialize. Staff recommends a \$13,700 expenditure budget adjustment as detailed in Attachment A.

### Police Grants Fund (Fund 204)

The Police Grants Fund accounts for grants received and used exclusively for public safety. Funding for school resource officers received from West Contra Costa Unified School District and Alcoholic Beverage Control (ABC) grant funding is recorded in this fund. Police Grant revenue was 100% of budget, while expenditures were 102% of budget, primarily as a result of a decrease in budget with the Third Quarter Financial Report for anticipated salary and benefits savings allocations. The end of year surplus was \$5,842.

### Traffic Safety Fund (Fund 205)

The Traffic Safety Fund accounts for fines and forfeitures received by the City under Section 1463 of the Penal Code. These funds are used exclusively for official traffic control devices and the maintenance thereof; equipment and supplies for traffic law enforcement and traffic accident prevention; and for the maintenance, improvement, or construction of public streets, bridges, and culverts within the City. Funds shall not be used to pay the compensation of traffic or other police officers. The fund may be used to pay the compensation of school crossing guards who are not regular full-time members of the Police Department.

Traffic Safety revenue collections were 116% of revised budget, while expenditures were 112% of revised budget primarily due to a decrease in budget with the Third Quarter Financial Report for anticipated salary and benefits savings allocations. The year-end surplus was \$43,404. Staff recommends a \$700 expenditure adjustment as detailed in Attachment A.

### Supplemental Law Enforcement Services Fund (Fund 206)

The Supplemental Law Enforcement Services Fund (SLESF) accounts for funds received from the County under AB 3229, which enacted the Citizens Option for Public Safety (COPS) Program, through which the City receives \$100,000 annually. In addition to the \$100,000 annual payment, the City sometimes receives a Growth Allocation payment. The City received the FY 2018-19 Growth Allocation payment of

\$55,947 in September 2020, which has been recorded as part of FY 2019-20 per accounting rules for grant funding. SLESF revenue collections were 100% of the revised budget at \$159,980, while expenditures were \$60,170 for 106% of revised budget due to a decrease in budget with the Third Quarter Financial Report for an anticipated reduction of indirect cost allocations. The end of year surplus was \$99,810. Staff recommends a SLESF expenditure budget adjustment increase of \$3,400 (Attachment A).

#### NPDES Storm Water Fund (Fund 207)

The NPDES Storm Water Fund accounts for assessments collected by the County via property tax bills pursuant to the National Pollutant Discharge Elimination System (NPDES) regulations, a federally mandated program. Assessments are levied at \$35 per Equivalent Runoff Unit (ERU). Revenue estimates are based on the number of ERU's multiplied by the adopted rate.

NPDES Storm Water revenue collections of \$258,936 were 95% of revised budget, while expenditures were \$289,103, 101% of revised budget.

#### Recreation Department Fund (Fund 209)

The Recreation Department was dramatically impacted by the SIP order, which has required closing recreation programs. The Recreation budget was revised with the Third Quarter Financial Report. The Recreation Department Fund realized 94% of revised budget revenue and 99% of revised budget expenditures. The end of year deficit was \$797.

#### Building & Planning Fund (Fund 212)

The Building & Planning Fund's FY 2019-20 adopted budget projected a net \$88,531 use of fund balance to achieve a balanced budget. Year-end revenue totaled \$746,297 for 107% of revised budget. expenditures totaled \$1,075,857 for 137% of revised budget, for a year-end shortfall of \$292,000 relative to the original budget. Staff recommends a \$292,000 expenditure budget adjustment as detailed in Attachment A.

#### Refuse Management Fund (Fund 213)

The Refuse Management Fund accounts for resources received from the City's franchise waste hauler, Republic Services, from a fee imposed under AB 939 of \$0.83 per can per month on all residential customers in Pinole. These revenues are restricted to programs and activities that promote recycling of solid waste and generate source reduction. Revenue collections totaled \$117,995, 100% of revised budget, and expenditures totaled \$93,143, 101% of revised budget. The end of year surplus was \$24,852. Staff recommends a \$1,220 expenditure budget adjustment as detailed in Attachment A.

#### Solid Waste Fund (Fund 214)

The Solid Waste Fund accounts for funds received from Republic Services, Inc. collected from a portion of the customer rates for solid waste services. These funds are set aside for future solid waste capital projects and for a rate stabilization fund. Revenue collections at the end of the fiscal year were 101% of projections at \$398,533, and there were no budgeted expenditures.

#### Measure J Fund (Fund 215)

The Measure J Fund accounts for special sales tax revenues collected by the Contra Costa Transportation Authority (CCTA) and reapportioned to the cities for local street projects. The City must submit a checklist each year to confirm compliance with a Growth Management Program. Estimates of annual funding are provided by the CCTA, and jurisdiction allocations are based on a formula that considers both population and road mileage.

Year-end revenue totaled \$425,300, 111% of revised budget, and expenditures totaled \$101,471, 29% of revised budget, due to the timing of capital projects. The end of year surplus was \$323,830.

#### Asset Seizure-Adjudicated Fund (Fund 225)

The Asset Seizure-Adjudicated Fund accounts for property seizures pursuant to section 11470 et seq. of the California Health and Safety Code. These resources are to be used only for law enforcement purposes. The City procured a public safety wellness app in FY 2018-19 with an annual cost of \$15,000. The cost of this app was accidentally omitted from the FY 2019-20 budget. Staff would like to continue to fund the wellness app cost with asset seizure funds and is requesting a budget allocation for the expenditure for FY 2019-20. Staff recommends a \$15,000 expenditure budget adjustment as detailed in Attachment A.

#### Housing Administration Fund (Fund 285)

The Housing Administration Fund accounts for activities associated with administering housing programs of the former Pinole Redevelopment Agency, use of Housing Set Aside funds, and the provision of affordable housing within the community. Revenue at the end of the fiscal year totaled \$90,198, 94% of revised budget, while expenditures totaled \$69,688, 110% of revised budget. The end year surplus was \$20,510. Staff recommends a \$6,600 expenditure budget adjustment as detailed in Attachment A.

### Lighting and Landscape District Fund (Fund 310)

The Lighting and Landscape District Fund accounts for assessments to property owners to maintain median lighting and landscaping within the Pinole Valley Road North and South areas. Revenue at the end of the fiscal year totaled \$39,746, 101% of revised budget, while expenditures totaled \$38,172, 97% of revised budget.

### Sewer Enterprise Fund (Fund 500)

The Sewer Enterprise Fund accounts for fees charged to residents and businesses for sewer utilities. Fees are used to operate the Pinole-Hercules Wastewater Treatment Plant, which serves the Pinole and Hercules areas. Year-end revenue totaled \$7,322,517, 102% of revised budget, while expenditures totaled \$5,468,097, 90% of revised budget. The surplus was \$1,854,420. Staff is in the process of recording year-end closing entries for debt service and interest, which will affect final fiscal year balances.

### Cable Access TV Fund (Fund 505)

This Fund accounts for revenue received from cable franchise fees, video production and broadcast charges, and Public, Educational, and Governmental access fees. PEG access fees are designated for equipment purchases. Transfers from the General Fund also help support the operating costs. The original budget was reduced with the Third Quarter Financial Report, resulting in a deficit of \$18,000. Staff recommends a \$18,000 expenditure budget adjustment as detailed in Attachment A.

### Information Systems Fund (Fund 525)

The Information Systems Fund is an internal service fund used to account for activities that provide technology goods or services to other City funds and departments on a cost-reimbursement basis. Expenditures at the end of the fiscal year totaled \$795,641 and those costs were allocated to the user departments.

The FY 2019-20 actual revenue, expenditures, and ending fund balance for each of the funds described above is listed in the table below.

## **FISCAL IMPACT**

In this FY 2019-20 Fourth Quarter Financial Report, staff recommends a number of year-end budget adjustments, summarized below, and detailed in Attachment A.

- General Fund expenditure budget increases totaling \$1,842,680;
- Police Grants Fund expenditure budget increase of \$13,700;
- Traffic Safety Fund expenditure budget increase of \$700;

- Supplemental Law Enforcement Services Fund expenditure budget increase of \$3,400;
- Building & Planning Fund expenditure budget increase of \$292,000;
- Refuse Management Fund expenditure budget increase of \$1,220;
- Asset Seizure-Adjudication Fund expenditure budget increase of \$15,000;
- Housing Fund expenditure budget increase of \$6,600; and
- Cable Access TV Fund expenditure budget increase of \$18,000.

### **ATTACHMENTS**

- A – FY 2019-20 Fourth Quarter Financial Report Detail
- B – Resolution Adjusting Fiscal Year 2019-20 Budget





# City of Pinole Fourth Quarter Financial Report

For FY 2019-20 Period Ending: 06/30/2020

	2019-20 Original Budget	2019-20 Revised Budget	2019-20 Actual	2019-20 Encumbrances	2019-20 Actual with Encumbrances	2019-20 Variance	2019-20 Percent Used	2019-20 Proposed Adjustment	2019-20 Amended
<b>Fund: 100 - General Fund</b>									
<b>Revenue</b>									
311 - Property Taxes	4,033,892	4,518,655	4,514,755		4,514,755	(3,900)	100%		4,518,655
312 - Sales and Use Taxes	3,629,286	3,430,305	3,788,080		3,788,080	357,775	110%		3,430,305
313 - Utility Users Tax	1,898,000	1,890,580	1,809,832		1,809,832	(80,748)	96%		1,890,580
314 - Franchise Taxes	744,000	753,257	750,002		750,002	(3,255)	100%		753,257
315 - Other Taxes	858,900	797,793	826,359		826,359	19,930	102%		797,793
321 - Intergovernmental Taxes	1,819,484	1,952,881	1,952,717		1,952,717	(164)	100%		1,952,881
361 - Public Safety Charges	1,229,973	1,225,865	1,220,688		1,220,688	(5,177)	100%		1,225,865
323-393 - Total Other Revenue	568,276	975,999	1,059,735		1,059,735	83,736	109%		975,999
<b>Revenue Total:</b>	<b>14,781,811</b>	<b>15,545,335</b>	<b>15,922,167</b>	<b>-</b>	<b>15,922,167</b>	<b>368,197</b>	<b>102%</b>	<b>-</b>	<b>15,545,335</b>
399 - Transfer In from Section 115 Trust	708,616	708,616				(708,616)			708,616
<b>Sources Total:</b>	<b>15,490,427</b>	<b>16,253,951</b>	<b>15,922,167</b>	<b>-</b>	<b>15,922,167</b>	<b>(331,783)</b>	<b>98%</b>	<b>-</b>	<b>16,253,951</b>
<b>Expenditures</b>									
Department: 10 - City Council Total:	161,125	124,693	163,463		163,463	(38,770)	131%	38,770	163,463
Department: 11 - City Manager Total:	171,439	204,449	206,565		206,565	(2,116)	101%	2,116	206,565
Department: 12 - City Clerk Total:	246,659	202,450	183,241		183,241	19,209	91%		202,450
Department: 13 - City Treasurer Total:	11,332	8,403	8,592		8,592	(189)	102%	189	8,592
Department: 14 - City Attorney Total:	110,919	263,573	462,151		462,151	(198,578)	175%	198,578	462,151
Department: 15 - Finance Department Total:	478,572	485,771	477,516		477,516	8,255	98%		485,771
Department: 16 - Human Resources Total:	471,607	434,500	430,578		430,578	3,923	99%		434,500
Department: 17 - Non-Departmental Total:	1,651,460	1,717,422	1,700,309		1,700,309	17,113	99%		1,717,422
<b>Total Administrative</b>	<b>3,303,114</b>	<b>3,441,261</b>	<b>3,632,415</b>	<b>-</b>	<b>3,632,415</b>	<b>(191,154)</b>	<b>106%</b>	<b>239,653</b>	<b>3,680,914</b>
Department: 22 - Police Department Total:	6,411,500	5,861,637	6,123,703		6,123,703	(262,066)	104%	262,066	6,123,703
Department: 23 - Fire Department Total:	4,453,035	2,911,680	3,595,470	564,971	4,160,441	(1,248,761)	137%	1,248,761	4,160,441
<b>Total Public Safety</b>	<b>10,864,535</b>	<b>8,773,317</b>	<b>9,719,172</b>	<b>564,971</b>	<b>10,284,143</b>	<b>(1,510,826)</b>	<b>115%</b>	<b>1,510,827</b>	<b>10,284,144</b>
Department: 34 - Public Works Total:	861,419	914,561	988,204	14,286	1,002,491	(87,930)	110%	87,930	1,002,491
Department: 46 - Community Development Total:	280,889	169,423	173,692		173,692	(4,270)	103%	4,270	173,693
<b>Total Development Services</b>	<b>1,142,308</b>	<b>1,083,984</b>	<b>1,161,897</b>	<b>14,286</b>	<b>1,176,183</b>	<b>(92,200)</b>	<b>109%</b>	<b>92,200</b>	<b>1,176,184</b>
481 - Debt Service	535,000	536,120	536,120		536,120	(0)	100%		536,120
499 - Transfers Out	642,637	562,558	562,558		562,558	(0)	100%		562,558
<b>Expenditures Total:</b>	<b>16,487,594</b>	<b>14,397,240</b>	<b>15,612,162</b>	<b>579,257</b>	<b>16,191,420</b>	<b>(1,794,180)</b>	<b>112%</b>	<b>1,842,680</b>	<b>16,239,919</b>
<b>Fund: 100 - General Fund Net Results:</b>	<b>(997,167)</b>	<b>1,856,711</b>	<b>310,005</b>	<b>(579,257)</b>	<b>(269,252)</b>	<b>(2,125,963)</b>	<b>-15%</b>	<b>(1,842,680)</b>	<b>14,031</b>
<b>Fund Balance July 1, 2019</b>	<b>5,813,996</b>	<b>5,813,996</b>	<b>5,813,996</b>						
<b>Estimated Fund Balance June 30, 2020</b>	<b>4,816,829</b>	<b>7,670,707</b>	<b>6,124,001</b>						
<b>Fund: 105 - Measure S -2006</b>									
<b>Revenue</b>									
312 - Sales and Use Taxes	1,960,800	1,853,296	1,951,039		1,951,039	97,743	105%		1,853,296
370 - Interest and Investment Income	20,000	29,000	30,386		30,386	1,386	105%		29,000
<b>Revenue Total:</b>	<b>1,980,800</b>	<b>1,882,296</b>	<b>1,981,425</b>	<b>-</b>	<b>1,981,425</b>	<b>99,129</b>	<b>105%</b>	<b>-</b>	<b>1,882,296</b>
399 - Transfer In from Section 115 Trust	184,117	184,117				(184,117)			184,117
<b>Sources Total:</b>	<b>2,164,917</b>	<b>2,066,413</b>	<b>1,981,425</b>	<b>-</b>	<b>1,981,425</b>	<b>(84,988)</b>	<b>96%</b>	<b>-</b>	<b>2,066,413</b>
<b>Expenditures</b>									
Department: 15 - Finance Department Total:	2,433	1,333	2,246		2,246	(913)	168%		1,333
Department: 22 - Police Department Total:	1,513,954	1,464,417	1,478,642		1,478,642	(14,225)	101%		1,464,417
Department: 23 - Fire Department Total:	786,830	1,034,387	1,018,699		1,018,699	15,689	98%		1,034,387
<b>Expenditures Total:</b>	<b>2,303,217</b>	<b>2,500,137</b>	<b>2,499,586</b>	<b>-</b>	<b>2,499,586</b>	<b>551</b>	<b>100%</b>	<b>-</b>	<b>2,500,137</b>
<b>Fund: 105 - Measure S -2006 Net Results:</b>	<b>(138,300)</b>	<b>(433,724)</b>	<b>(518,161)</b>	<b>-</b>	<b>(518,161)</b>	<b>(84,437)</b>	<b>119%</b>	<b>-</b>	<b>(433,724)</b>
<b>Fund Balance July 1, 2019</b>	<b>2,298,953</b>	<b>2,298,953</b>	<b>2,298,953</b>						
<b>Estimated Fund Balance June 30, 2020</b>	<b>2,160,652</b>	<b>1,865,228</b>	<b>1,780,791</b>						
<b>Fund: 106 - MEASURE S-2014</b>									
<b>Revenue</b>									
312 - Sales and Use Taxes	1,960,800	1,853,296	1,950,798		1,950,798	97,502	105%		1,853,296
370 - Interest and Investment Income	30,000	61,500	66,050		66,050	4,550	107%		61,500
<b>Revenue Total:</b>	<b>1,990,800</b>	<b>1,914,796</b>	<b>2,016,848</b>	<b>-</b>	<b>2,016,848</b>	<b>102,052</b>	<b>105%</b>	<b>-</b>	<b>1,914,796</b>
399 - Transfer In from Section 115 Trust	8,206	8,206				(8,206)			8,206
<b>Sources Total:</b>	<b>1,999,006</b>	<b>1,923,002</b>	<b>2,016,848</b>	<b>-</b>	<b>2,016,848</b>	<b>93,846</b>	<b>105%</b>	<b>-</b>	<b>1,923,002</b>



# City of Pinole Fourth Quarter Financial Report

For FY 2019-20 Period Ending: 06/30/2020

	2019-20 Original Budget	2019-20 Revised Budget	2019-20 Actual	2019-20 Encumbrances	2019-20 Actual with Encumbrances	2019-20 Variance	2019-20 Percent Used	2019-20 Proposed Adjustment	2019-20 Amended
<b>Expenditures</b>									
Department: 10 - City Council Total:	57,200	60,200	46,600		46,600	13,600	77%		60,200
Department: 14 - City Attorney Total:	35,000	35,000	27,318		27,318	7,682	78%		35,000
Department: 15 - Finance Department Total:	2,433	1,333	2,246		2,246	(913)	168%		1,333
Department: 17 - Non-Departmental Total:	692,500	692,500	692,500		692,500	-	100%		692,500
Department: 18 - Information Systems Total:	64,600	7,140	21,748		21,748	(14,608)	305%		7,140
<b>Total Administrative</b>	<b>851,733</b>	<b>796,173</b>	<b>790,411</b>	<b>-</b>	<b>790,411</b>	<b>5,762</b>	<b>99%</b>	<b>-</b>	<b>796,173</b>
Department: 22 - Police Department Total:	333,087	454,261	456,641		456,641	(2,380)	101%		454,261
Department: 23 - Fire Department Total:	306,128	295,412	301,089		301,089	(5,678)	102%		295,412
<b>Total Public Safety</b>	<b>639,215</b>	<b>749,673</b>	<b>757,731</b>	<b>-</b>	<b>757,731</b>	<b>(8,058)</b>	<b>101%</b>	<b>-</b>	<b>749,673</b>
Department: 34 - Public Works Total:	1,099,419	1,317,633	533,540		533,540	784,094	40%		1,317,633
Department: 46 - Community Development Total:	130,000	14,030	43,460		43,460	(29,430)	310%		14,030
Department: 55 - Recreation Total:	30,000	10,018	14,593		14,593	(4,576)	146%		10,018
<b>Expenditures Total:</b>	<b>2,750,367</b>	<b>2,887,527</b>	<b>2,139,735</b>	<b>-</b>	<b>2,139,735</b>	<b>747,792</b>	<b>74%</b>	<b>-</b>	<b>2,887,527</b>
<b>Fund: 106 - MEASURE S-2014 Net Results:</b>	<b>(751,361)</b>	<b>(964,525)</b>	<b>(122,888)</b>	<b>-</b>	<b>(122,888)</b>	<b>841,637</b>	<b>13%</b>	<b>-</b>	<b>(964,525)</b>
<b>Fund Balance July 1, 2019</b>	<b>3,872,007</b>	<b>3,872,007</b>	<b>3,872,007</b>						
<b>Estimated Fund Balance June 30, 2020</b>	<b>3,120,646</b>	<b>2,907,482</b>	<b>3,749,119</b>						
<b>Fund: 150 - General Reserve</b>									
370- Interest and Investment Income Total			319,153		319,153	319,153			-
<b>Revenue Total</b>	<b>-</b>	<b>-</b>	<b>319,153</b>	<b>-</b>	<b>319,153</b>	<b>319,153</b>	<b>0%</b>	<b>-</b>	<b>-</b>
<b>Fund: 150 - General Reserve Total:</b>									
<b>Fund Balance July 1, 2019</b>		<b>7,137,963</b>	<b>7,137,963</b>						
<b>Estimated Fund Balance June 30, 2020</b>		<b>7,137,963</b>	<b>7,457,116</b>						
<b>Fund: 160 - EQUIPMENT RESERVE</b>									
399 - Transfers In Public Works	80,000	80,000	80,000		80,000	-	100%		80,000
399 - Transfers In Community Development	5,000	5,000	5,000		5,000	-	100%		5,000
<b>Revenue Total:</b>	<b>85,000</b>	<b>85,000</b>	<b>85,000</b>	<b>-</b>	<b>85,000</b>	<b>-</b>	<b>100%</b>	<b>-</b>	<b>85,000</b>
Department: 34 - Public Works Total:	80,000	80,000	-		-	80,000	0%		80,000
Department: 46 - Community Development Total:	5,000	5,000	-		-	5,000	0%		5,000
<b>Expenditures Total:</b>	<b>85,000</b>	<b>85,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>85,000</b>	<b>0%</b>	<b>-</b>	<b>85,000</b>
<b>Fund: 160 - EQUIPMENT RESERVE Net Results:</b>	<b>-</b>	<b>-</b>	<b>85,000</b>	<b>-</b>	<b>85,000</b>	<b>85,000</b>	<b>0%</b>	<b>-</b>	<b>85,000</b>
<b>Fund Balance July 1, 2019</b>	<b>29,949</b>	<b>29,949</b>	<b>29,949</b>						
<b>Estimated Fund Balance June 30, 2020</b>	<b>29,949</b>	<b>29,949</b>	<b>114,949</b>						
<b>Fund: 700 - Pension Fund</b>									
<b>Revenue</b>									
370 - Interest and Investment Income	-	-	1,010,988		1,010,988	1,010,988	-		-
<b>Revenue Total:</b>	<b>-</b>	<b>-</b>	<b>1,010,988</b>	<b>-</b>	<b>1,010,988</b>	<b>1,010,988</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Expenditures</b>									
425 - Administrative Expenses	-	-	81,434		81,434	(81,434)	0%		-
499 - Transfers Out	1,072,840	1,072,840			-	1,072,840	0%		-
<b>Expenditures Total:</b>	<b>1,072,840</b>	<b>1,072,840</b>	<b>81,434</b>	<b>-</b>	<b>81,434</b>	<b>991,406</b>	<b>0%</b>	<b>-</b>	<b>1,072,840</b>
<b>Fund: 700 - Pension Fund Net Results:</b>	<b>(1,072,840)</b>	<b>(1,072,840)</b>	<b>929,554</b>	<b>-</b>	<b>929,554</b>	<b>2,002,394</b>	<b>0%</b>	<b>-</b>	<b>(1,072,840)</b>
<b>Fund Balance July 1, 2019</b>	<b>17,159,258</b>	<b>17,159,258</b>	<b>17,159,258</b>						
<b>Estimated Fund Balance June 30, 2020</b>	<b>16,086,418</b>	<b>16,086,418</b>	<b>18,088,811</b>						
<b>Fund: 200 - Gas Tax Fund</b>									
<b>Revenue Total:</b>	<b>832,289</b>	<b>838,245</b>	<b>804,790</b>	<b>-</b>	<b>804,790</b>	<b>(33,455)</b>	<b>96%</b>	<b>-</b>	<b>838,245</b>
<b>Expenditures Total:</b>	<b>502,547</b>	<b>1,276,983</b>	<b>577,100</b>	<b>31,846</b>	<b>608,946</b>	<b>668,037</b>	<b>45%</b>	<b>-</b>	<b>1,276,983</b>
<b>Fund: 200 - Gas Tax Fund Net Results:</b>	<b>329,742</b>	<b>(438,738)</b>	<b>227,690</b>	<b>(31,846)</b>	<b>195,844</b>	<b>634,582</b>	<b>-45%</b>	<b>-</b>	<b>(438,738)</b>
<b>Fund Balance July 1, 2019</b>	<b>696,522</b>	<b>696,522</b>	<b>696,522</b>						
<b>Estimated Fund Balance June 30, 2020</b>	<b>1,026,264</b>	<b>257,784</b>	<b>924,212</b>						
<b>Fund: 201 - Restricted Real Estate Maintenance Fund</b>									
<b>Revenue Total:</b>	<b>37,175</b>	<b>40,362</b>	<b>4,262</b>	<b>-</b>	<b>4,262</b>	<b>(36,100)</b>	<b>11%</b>	<b>-</b>	<b>40,362</b>
<b>Expenditures Total:</b>	<b>37,175</b>	<b>24,476</b>	<b>24,418</b>	<b>-</b>	<b>24,418</b>	<b>58</b>	<b>100%</b>	<b>-</b>	<b>24,476</b>
<b>Restricted Real Estate Maintenance Fund Net Results:</b>	<b>-</b>	<b>15,887</b>	<b>(20,156)</b>	<b>-</b>	<b>(20,156)</b>	<b>(36,042)</b>	<b>-127%</b>	<b>-</b>	<b>15,887</b>
<b>Fund Balance July 1, 2019</b>	<b>186,832</b>	<b>186,832</b>	<b>186,832</b>						
<b>Estimated Fund Balance June 30, 2020</b>	<b>186,832</b>	<b>202,718</b>	<b>166,676</b>						



# City of Pinole Fourth Quarter Financial Report

For FY 2019-20 Period Ending: 06/30/2020

	2019-20 Original Budget	2019-20 Revised Budget	2019-20 Actual	2019-20 Encumbrances	2019-20 Actual with Encumbrances	2019-20 Variance	2019-20 Percent Used	2019-20 Proposed Adjustment	2019-20 Amended
<b>Fund: 203 - Public Safety Augmentation Fund</b>									
Revenue Total:	179,875	176,163	175,531	-	175,531	(632)	100%	-	176,163
Expenditures Total:	177,310	166,119	179,741	-	179,741	(13,622)	108%	13,700	179,819
<b>203 - Public Safety Augmentation Fund Net Results:</b>	<b>2,565</b>	<b>10,044</b>	<b>(4,210)</b>	<b>-</b>	<b>(4,210)</b>	<b>(14,254)</b>	<b>-42%</b>	<b>(13,700)</b>	<b>(3,656)</b>
Fund Balance July 1, 2019	353,158	353,158	353,158						
Estimated Fund Balance June 30, 2020	355,723	363,202	348,948						
<b>Fund: 204 - Police Grants</b>									
Revenue Total:	300,000	309,697	309,697	-	309,697	(0)	100%	-	309,697
399 - Transfer In from Section 115 Trust	44,722	44,722			-	(44,722)			44,722
Expenditures Total:	343,679	297,773	303,855	-	303,855	(6,082)	102%	-	297,773
<b>Fund: 204 - Police Grants Net Results:</b>	<b>1,043</b>	<b>56,646</b>	<b>5,842</b>	<b>-</b>	<b>5,842</b>	<b>(50,804)</b>	<b>49%</b>	<b>-</b>	<b>56,646</b>
							<b>10%</b>		
Fund Balance July 1, 2019	119,824	119,824	119,824						
Estimated Fund Balance June 30, 2020	120,867	176,470	125,666						
<b>Fund: 205 - Traffic Safety Fund</b>									
Revenue Total:	43,830	42,800	49,802	-	49,802	7,002	116%	-	42,800
Expenditures Total:	19,168	5,736	6,399	-	6,399	(663)	112%	700	6,436
<b>Fund: 205 - Traffic Safety Fund Net Results:</b>	<b>24,662</b>	<b>37,064</b>	<b>43,404</b>	<b>-</b>	<b>43,404</b>	<b>6,339</b>	<b>117%</b>	<b>(700)</b>	<b>36,364</b>
Fund Balance July 1, 2019	163,240	163,240	163,240						
Estimated Fund Balance June 30, 2020	187,902	200,305	206,644						
<b>Fund: 206 - Supplemental Law Enforcement Svc Fu</b>									
Revenue Total:	101,600	159,348	159,980	-	159,980	632	100%	-	159,348
Expenditures Total:	129,359	56,796	60,170	-	60,170	(3,374)	106%	3,400	60,196
<b>plemental Law Enforcement Svc Fund Net Results:</b>	<b>(27,759)</b>	<b>102,552</b>	<b>99,810</b>	<b>-</b>	<b>99,810</b>	<b>(2,742)</b>	<b>97%</b>	<b>(3,400)</b>	<b>99,152</b>
Fund Balance July 1, 2019	168,604	168,604	168,604						
Estimated Fund Balance June 30, 2020	140,845	271,156	268,414						
<b>Fund: 207 - NPDES Storm Water Fund</b>									
Revenue Total:	266,620	272,150	258,936	-	258,936	(13,214)	95%	-	272,150
Expenditures Total:	367,444	286,912	289,103	-	289,103	(2,191)	101%	-	286,912
<b>Fund: 207 - NPDES Storm Water Fund Net Results:</b>	<b>(100,824)</b>	<b>(14,762)</b>	<b>(30,167)</b>	<b>-</b>	<b>(30,167)</b>	<b>(15,405)</b>	<b>204%</b>	<b>-</b>	<b>(14,762)</b>
Fund Balance July 1, 2019	46,622	46,622	46,622						
Estimated Fund Balance June 30, 2020	(54,202)	31,860	16,455						
<b>Fund: 209 - Recreation Fund</b>									
Revenue Total:	1,187,171	1,071,650	1,007,582	-	1,007,582	(64,068)	94%	-	1,071,650
399 - Transfer In from Section 115 Trust	6,952	6,952			-	(6,952)	0%		6,952
Expenditures Total:	1,194,123	1,013,879	1,008,380	-	1,008,380	5,499	99%	-	1,013,879
<b>Fund: 209 - Recreation Fund Net Results:</b>	<b>0</b>	<b>64,723</b>	<b>(797)</b>	<b>-</b>	<b>(797)</b>	<b>65,520</b>	<b>-1%</b>	<b>-</b>	<b>64,723</b>
Fund Balance July 1, 2019	63,585	63,585	63,585						
Estimated Fund Balance June 30, 2020	63,586	128,308	62,788						
<b>Fund: 212 - Building &amp; Planning</b>									
Revenue Total:	797,550	695,512	746,297	-	746,297	50,785	107%	-	695,512
399 - Transfer In from Section 115 Trust	58,937	58,937			-	(58,937)	0%		58,937
Expenditures Total:	1,151,772	784,043	1,075,857	-	1,075,857	(291,814)	137%	292,000	1,076,043
<b>Fund: 212 - Building &amp; Planning Net Results:</b>	<b>(295,285)</b>	<b>(29,594)</b>	<b>(329,559)</b>	<b>-</b>	<b>(329,559)</b>	<b>(299,966)</b>	<b>1114%</b>	<b>(292,000)</b>	<b>(321,594)</b>
Fund Balance July 1, 2019	486,839	486,839	486,839						
Estimated Fund Balance June 30, 2020	191,554	457,245	157,280						
<b>Fund: 213 - Refuse Management Fund</b>									
Revenue Total:	66,060	117,549	117,995	-	117,995	446	100%	-	117,549
Expenditures Total:	125,347	91,925	93,143	-	93,143	(1,218)	101%	1,220	93,145
<b>und: 213 - Refuse Management Fund Net Results:</b>	<b>(59,287)</b>	<b>25,624</b>	<b>24,852</b>	<b>-</b>	<b>24,852</b>	<b>(772)</b>	<b>97%</b>	<b>(1,220)</b>	<b>24,404</b>
Fund Balance July 1, 2019	309,195	309,195	309,195						
Estimated Fund Balance June 30, 2020	249,908	334,819	334,047						



# City of Pinole Fourth Quarter Financial Report

For FY 2019-20 Period Ending: 06/30/2020

	2019-20 Original Budget	2019-20 Revised Budget	2019-20 Actual	2019-20 Encumbrances	2019-20 Actual with Encumbrances	2019-20 Variance	2019-20 Percent Used	2019-20 Proposed Adjustment	2019-20 Amended
<b>Fund: 214 - Solid Waste Fund</b>									
Revenue Total:	248,000	394,076	398,533	-	398,533	4,457	101%	-	394,076
Expenditures Total:	42,000	-	-	-	-	-	0%	-	-
Fund: 214 - Solid Waste Fund Net Results:	206,000	394,076	398,533	-	398,533	4,457	101%	-	394,076
Fund Balance July 1, 2019	1,154,755	1,154,755	1,154,755						
Estimated Fund Balance June 30, 2020	1,360,755	1,548,831	1,553,288						
<b>Fund: 215 - Measure C and J Fund</b>									
Revenue Total:	368,000	384,200	425,300	-	425,300	41,100	111%	-	384,200
Expenditures Total:	200,598	354,666	101,471	-	101,471	253,195	29%	-	354,666
Fund: 215 - Measure C and J Fund Net Results:	167,402	29,534	323,830	-	323,830	294,296	1096%	-	29,534
Fund Balance July 1, 2019	1,493,934	1,493,934	1,493,934						
Estimated Fund Balance June 30, 2020	1,661,336	1,523,468	1,817,764						
<b>Fund: 225 - Asset Seizure-Adjudicated Fund</b>									
Revenue Total:	-	-	6,795	-	6,795	6,795	0%	-	-
Expenditures Total:	-	8,079	23,079	-	23,079	(15,000)	286%	15,000	23,079
225 - Asset Seizure-Adjudicated Fund Net Results:	-	(8,079)	(16,284)	-	(16,284)	(8,205)	202%	(15,000)	(23,079)
Fund Balance July 1, 2019	102,502	102,502	102,502						
Estimated Fund Balance June 30, 2020	102,502	94,423	86,218						
<b>Fund: 226 - CASp Certification and Training Fund</b>									
Revenue Total:	-	-	7,282	-	7,282	7,282	0%	-	-
: 226 - CASp Certification and Training Fund Total:	-	-	7,282	-	7,282	7,282	0%	-	-
Fund Balance July 1, 2019	13,467	13,467	13,467						
Estimated Fund Balance June 30, 2020	13,467	13,467	20,749						
<b>Fund: 231 - Littering Fines</b>									
Revenue Total:	-	-	44	-	44	44	0%	-	-
Fund: 231 - Littering Fines Total:	0	0	44	-	44	44	0%	-	-
Fund Balance July 1, 2019	2,102	2,102	2,102						
Estimated Fund Balance June 30, 2020	2,102	2,102	2,146						
<b>Fund: 275 - Parkland Dedication Fund</b>									
Revenue Total:	-	-	27,464	-	27,464	27,464	0%	-	-
Expenditures Total:	15,509	15,509	799	-	799	14,710	5%	-	15,509
Fund: 275 - Parkland Dedication Fund Net Results:	(15,509)	(15,509)	26,666	-	26,666	42,175	-172%	-	(15,509)
Fund Balance July 1, 2019	61,137	61,137	61,137						
Estimated Fund Balance June 30, 2020	45,628	45,628	87,802						
<b>Fund: 276 - Growth Impact Fund</b>									
Revenue Total:	-	-	35,226	-	35,226	35,226	0%	-	-
Expenditures Total:	-	39,500	-	-	-	39,500	0%	-	39,500
Fund: 276 - Growth Impact Fund Net Results:	-	(39,500)	35,226	-	35,226	74,726	-89%	-	(39,500)
Fund Balance July 1, 2019	73,367	73,367	73,367						
Estimated Fund Balance June 30, 2020	73,367	33,867	108,593						
<b>Fund: 277 - Development Services</b>									
Revenue Total:	-	-	1,372	-	1,372	1,372	0%	-	-
Fund: 277 - Development Services Total:	-	-	1,372	-	1,372	1,372	0%	-	-
Fund Balance July 1, 2019	(2,293)	(2,293)	(2,293)						
Estimated Fund Balance June 30, 2020	(2,293)	(2,293)	(920)						
<b>Fund: 285 - Housing Land Held for Resale</b>									
Revenue Total:	262,253	95,550	90,198	-	90,198	(5,352)	94%	-	95,550
Expenditures Total:	211,107	63,176	69,688	-	69,688	(6,512)	110%	6,600	69,776
d: 285 - Housing Land Held for Resale Net Results:	51,146	32,374	20,510	-	20,510	(11,864)	63%	(6,600)	25,774
Fund Balance July 1, 2019	7,776,495	7,776,495	7,776,495						
Estimated Fund Balance June 30, 2020	7,827,641	7,808,869	7,776,495						



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	2019-20 Original Budget	2019-20 Revised Budget	2019-20 Actual	2019-20 Encumbrances	2019-20 Actual with Encumbrances	2019-20 Variance	2019-20 Percent Used	2019-20 Proposed Adjustment	2019-20 Amended
<b>Fund: 310 - Lighting &amp; Landscape Districts</b>									
Revenue Total:	42,780	39,250	39,746	-	39,746	496	101%	-	39,250
Expenditures Total:	42,780	39,465	38,172	-	38,172	1,293	97%	-	39,465
<b>Fund: 310 - Lighting &amp; Landscape Districts Net Results:</b>	-	(215)	1,575	-	1,575	1,790	-732%	-	(215)
Fund Balance July 1, 2019	30,613	30,613	30,613						
Estimated Fund Balance June 30, 2020	30,613	30,398	30,613						
<b>Fund: 316 - Pinole Valley Park</b>									
Revenue Total:	-	-	(11)	-	(11)	(11)	0%	-	-
<b>Fund: 316 - Pinole Valley Park Total:</b>	-	-	(11)	-	(11)	(11)	0%	-	-
Fund Balance July 1, 2019	(608)	(608)	(608)						
Estimated Fund Balance June 30, 2020	(608)	(608)	(619)						
<b>Fund: 317 - Pinole Valley Caretaker Fund</b>									
Revenue Total:	15,000	15,000	15,000	-	15,000	-	100%	-	15,000
Expenditures Total:	14,982	14,982	15,360	-	15,360	(378)	103%	-	14,982
<b>Fund: 317 - Pinole Valley Caretaker Fund Net Results:</b>	18	18	(360)	-	(360)	(378)	-1998%	-	18
Fund Balance July 1, 2019	51	51	51						
Estimated Fund Balance June 30, 2020	69	69	(309)						
<b>Fund: 324 - Public Facilities Fund</b>									
Expenditures									
Expenditures Total:	70,000	70,000	50	-	50	69,950	0%	-	70,000
<b>Fund: 324 - Public Facilities Fund Total:</b>	70,000	70,000	50	-	50	69,950	0%	-	70,000
Fund Balance July 1, 2019	545,055	545,055	545,055						
Estimated Fund Balance June 30, 2020	475,055	475,055	545,005						
<b>Fund: 325 - City Street Improvements</b>									
Revenue Total:	250,000	250,000	250,553	-	250,553	553	100%	-	250,000
Expenditures Total:	1,779,103	1,928,889	45,622	-	45,622	1,883,267	2%	-	1,928,889
<b>Fund: 325 - City Street Improvements Net Results:</b>	(1,529,103)	(1,678,889)	204,930	-	204,930	1,883,819	-12%	-	(1,678,889)
Fund Balance July 1, 2019	1,089,984	1,089,984	1,089,984						
Estimated Fund Balance June 30, 2020	(439,119)	(588,905)	1,294,914						
<b>Fund: 327 - Park Grants (Measure WW)</b>									
Revenue Total:	-	-	447	-	447	447	0%	-	-
Expenditures Total:	24,491	24,491	-	-	-	24,491	0%	-	24,491
<b>Fund: 327 - Park Grants (Measure WW) Net Results:</b>	(24,491)	(24,491)	447	-	447	24,938	-2%	-	(24,491)
Fund Balance July 1, 2019	24,904	24,904	24,904						
Estimated Fund Balance June 30, 2020	413	413	25,352						
<b>Fund: 377 - Arterial Streets Rehabilitation Fund</b>									
Revenue Total:	250,000	250,000	250,000	-	250,000	-	100%	-	250,000
Expenditures Total:	796,000	1,141,019	125,202	219,737	344,939	796,080	30%	-	1,141,019
<b>Fund: 377 - Arterial Streets Rehabilitation Fund Net Results:</b>	(546,000)	(891,019)	124,798	(219,737)	(94,939)	796,080	11%	-	(891,019)
Fund Balance July 1, 2019	649,783	649,783	649,783						
Estimated Fund Balance June 30, 2020	103,783	(241,236)	774,582						
<b>Fund: 500 - Sewer Enterprise Fund</b>									
Revenue Total:	7,062,287	7,177,784	7,322,517	-	7,322,517	144,733	102%	-	7,177,784
399 - Transfer In from Section 115 Trust	30,645	30,645			-	(30,645)			30,645
Expenditures Total:	7,358,264	6,051,876	5,468,097	-	5,468,097	583,779	90%	-	6,051,876
<b>Fund: 500 - Sewer Enterprise Fund Net Results:</b>	(265,332)	1,156,553	1,854,420	-	1,854,420	697,867	160%	-	1,156,553
Fund Balance July 1, 2019	19,254,136	19,254,136	19,254,136						
Estimated Fund Balance June 30, 2020	18,988,804	20,410,689	21,108,556						



# City of Pinole Fourth Quarter Financial Report

For FY 2019-20 Period Ending: 06/30/2020

	2019-20 Original Budget	2019-20 Revised Budget	2019-20 Actual	2019-20 Encumbrances	2019-20 Actual with Encumbrances	2019-20 Variance	2019-20 Percent Used	2019-20 Proposed Adjustment	2019-20 Amended
<b>Fund: 503 - Plant Expansion Fund</b>									
Revenue Total:	7,015,000	7,015,000	3,158,860	-	3,158,860	(3,856,140)	45%	-	7,015,000
Expenditures Total:	3,500	1,253,500	142,751	-	142,751	1,110,749	11%	-	1,253,500
<b>Fund: 503 - Plant Expansion Fund Net Results:</b>	<b>7,011,500</b>	<b>5,761,500</b>	<b>3,016,109</b>	<b>-</b>	<b>3,016,109</b>	<b>(2,745,391)</b>	<b>52%</b>	<b>-</b>	<b>5,761,500</b>
Fund Balance July 1, 2019	3,093,529	3,093,529	3,093,529						
Estimated Fund Balance June 30, 2020	10,105,029	8,855,029	6,109,638						
<b>Fund: 505 - Cable Access TV</b>									
Revenue Total:	450,688	338,538	374,875	-	374,875	36,337	111%	-	338,538
399 - Transfer In from Section 115 Trust	30,645	30,645		-	-	(30,645)			30,645
Expenditures Total:	468,890	356,739	374,875	-	374,875	(18,136)	105%	18,000	374,739
<b>Fund: 505 - Cable Access TV Net Results:</b>	<b>12,443</b>	<b>12,444</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(12,444)</b>	<b>0%</b>	<b>(18,000)</b>	<b>(5,556)</b>
Fund Balance July 1, 2019	(31,535)	(31,535)	(31,535)						
Estimated Fund Balance June 30, 2020	(19,093)	(19,091)	(31,535)						
<b>Fund: 525 - Information Systems</b>									
Expenditures Total:	879,740	762,934	795,641	-	795,641	0	0%	-	762,934
Total Indirect Cost Allocations	(879,740)	(762,934)	(795,641)	-	(795,641)	32,707	104%	-	(762,934)
<b>Fund: 525 - Information Systems Total:</b>	<b>-</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>0%</b>	<b>-</b>	<b>0</b>
Fund Balance July 1, 2019	(196,169)	(196,169)	(196,169)						
Estimated Fund Balance June 30, 2020	(196,169)	(196,169)	(196,169)						
<b>Fund: 704 - Asset Seizure-Unadjudicated</b>									
Revenue Total:	-	-	442	-	442	442	0%	-	-
<b>Fund: 704 - Asset Seizure-Unadjudicated Total:</b>	<b>-</b>	<b>-</b>	<b>442</b>	<b>-</b>	<b>442</b>	<b>442</b>	<b>0%</b>	<b>-</b>	<b>-</b>
Fund Balance July 1, 2019	12,825	12,825	12,825						
Estimated Fund Balance June 30, 2020	12,825	12,825	13,267						
<b>Fund: 716 - Pinole Public School Fund</b>									
Revenue Total:	-	-	31	-	31	31	0%	-	-
<b>Fund: 716 - Pinole Public School Fund Total:</b>	<b>-</b>	<b>-</b>	<b>31</b>	<b>-</b>	<b>31</b>	<b>31</b>	<b>0%</b>	<b>-</b>	<b>-</b>
Fund Balance July 1, 2019	1,702	1,702	1,702						
Estimated Fund Balance June 30, 2020	1,702	1,702	1,702						
<b>Fund: 723 - Police Evidence Trust</b>									
Revenue Total:	-	-	68	-	68	68	0%	-	-
<b>Fund: 723 - Police Evidence Trust Total:</b>	<b>-</b>	<b>-</b>	<b>68</b>	<b>-</b>	<b>68</b>	<b>68</b>	<b>0%</b>	<b>-</b>	<b>-</b>
Fund Balance July 1, 2019	121	121	121						
Estimated Fund Balance June 30, 2020	121	121	189						
<b>Fund: 750 - Recognized Obligation Retirement Fund</b>									
Revenue Total:	250,000	318,914	3,298,976	-	3,298,976	2,980,062	1034%	-	318,914
Expenditures Total:	250,000	250,000	5,779,839	-	5,779,839	(5,529,839)	2312%	-	250,000
<b>cognized Obligation Retirement Fund Net Results:</b>	<b>-</b>	<b>68,914</b>	<b>(2,480,864)</b>	<b>-</b>	<b>(2,480,864)</b>	<b>(2,549,778)</b>	<b>-3600%</b>	<b>-</b>	<b>68,914</b>
Fund Balance July 1, 2019	(1,123,370)	(1,123,370)	(1,123,370)						
Estimated Fund Balance June 30, 2020	(1,123,370)	(1,054,456)	(3,604,233)						



**RESOLUTION NO. 2020-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE  
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA,  
AMENDING THE CITY BUDGET FOR FISCAL YEAR 2019-20**

**WHEREAS**, the City Council did adopt an Operations Budget for City Operations by Resolution number 2019-60 on June 18, 2019; and

**WHEREAS**, the City Council did adopt adjustments to the Operations Budget by Resolution number 2019-107 on November 19, 2019; and

**WHEREAS**, the City Council did adopt adjustments to the Operations Budget by Resolution number 2020-10 on February 18, 2020; and

**WHEREAS**, the City Council did adopt adjustments to the Operations Budget by Resolution number 2020-40 on June 2, 2020; and

**WHEREAS**, the Finance Director has presented proposed recommendations for amendment of the adopted budget for the City of Pinole Operations for Fiscal Year 2019-20 as part of a Quarter Financial Review at the regular City Council Meeting held on September 15, 2020; and

**WHEREAS**, the City Council has considered these recommended changes, as to the matter of the City budget; and

**WHEREAS**, the City Council has solicited public input on the proposed amendments to the 2019-20 City Operations Budget.

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

Amendments to the budget and program of services for the City of Pinole for Fiscal Year 2019-20 commencing July 1, 2019 and ending June 30, 2020 are hereby approved and adopted, as set forth in Exhibit #1 (herein incorporated).

**PASSED AND ADOPTED** this 15<sup>nd</sup> day of September 2020, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

I hereby certify that the foregoing resolution was introduced, passed and adopted on this **15<sup>nd</sup>** day of **September, 2020**.

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Heather Iopu, CMC  
City Clerk

**General Fund**

Expenditures	\$1,842,680
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**Police Grants Fund**

Expenditures	\$13,700
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**Traffic Safety Fund**

Expenditures	\$700
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**Supplemental Law Enforcement Svc Fund**

Expenditures	\$3,400
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**Building & Planning Fund**

Expenditures	\$292,000
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**Asset Seizure-Adjudicated Fund**

Expenditures	\$15,000
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**Refuse Management Fund**

Expenditures	\$1,220
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**Housing Fund**

Expenditures	\$6,600
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**Cable Access TV Fund**

Expenditures	\$18,000
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